



**TWEED**  
SHIRE COUNCIL

**Mayor:**

**Councillors:** P Allsop  
R Byrnes  
C Cherry  
R Cooper  
K Milne  
J Owen  
W Polglase

# Agenda

## **Ordinary Council Meeting Thursday 17 November 2016**

held at **Council Chambers, Murwillumbah Civic & Cultural Centre,**  
**Tumbulgum Road, Murwillumbah** commencing at 5.00pm

# Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

### (2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

### (3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

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**Items for Consideration of Council:**

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## CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Adoption of the Recommendations of the Planning Committee Meeting held Thursday 17 November 2016

**SUBMITTED BY:** Corporate Governance

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## Civic Leadership

### 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
- 

### SUMMARY OF REPORT:

The recommendations of the Ordinary Planning Committee Meeting held Thursday 17 November 2016 require their adoption by Council for the resolutions to be acted upon.

### RECOMMENDATION:

**That the recommendations of the Ordinary Planning Committee Meeting held Thursday 17 November 2016 be adopted.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Nil.

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**2 [CONMIN] Confirmation of the Minutes of the Ordinary Council Meeting held Thursday 27 October 2016**

**SUBMITTED BY: Corporate Governance**

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## **Civic Leadership**

### **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
- 

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 27 October 2016 are attached for information and adoption by Council.

### **RECOMMENDATION:**

**That:**

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 27 October 2016 be adopted as a true and accurate record of proceedings of that meeting with the following amendment to the resolution at Minute No 475 being Item 14 [CNR-CM] SALT Surf Life Saving Club from the meeting held Thursday 27 October 2016, as highlighted by underling, to now read:**

***"That Council approves publishing a notice of Council's intention of entering into a lease with SALT Surf Life Saving Club over part of Lot 173 DP 1075495 and part Lot 901 DP 1066477 and an area of road reserve, as clearly identified in an attached diagram, for a term of 10 years and an option, in favour of the lessee, for a further 10 years."***

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 2.5.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 27 October 2016 (ECM 4280433)

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 27 October 2016 (ECM 4280359).

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR] Schedule of Outstanding Resolutions for Consideration at Council Meeting on 17 November 2016

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## Civic Leadership

### 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
- 

### 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.*

**9 SEPTEMBER 2013**

### ORDERS OF THE DAY

#### 4 [NOM-Cr B Longland] Aboriginal Employment Strategy

### NOTICE OF MOTION:

**532**

**Cr B Longland  
Cr K Milne**

**RESOLVED** that an Aboriginal Employment Strategy be developed as part of Council's Equal Employment Opportunity Management Plan which sets appropriate targets for Aboriginal employment participation in the organisation and includes annual reporting against these targets. The Aboriginal Employment Strategy should also be included as an element of the yet to be developed Reconciliation Action Plan.

**Current Status:** Following discussions with the Reconciliation Action Plan Group the Aboriginal Employment Strategy will be provided as a new section in the Workforce Management Plan to be adopted effective 1 July 2017.

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16 JULY 2015

**ORDERS OF THE DAY**

**31 [NOM] Parking Requirements for Small Businesses**

**408**

**Cr K Milne**

**Cr P Youngblutt**

**RESOLVED** that Council brings forward a report on the issue of Council's requirements for parking for development approvals for new small business and intensified use of existing, or change of use, small business approvals, including but not limited to:

- a) Council's current requirements and the justification for these requirements,
- b) The potential for these requirements to act as a disincentive for new or expanding small businesses,
- c) Comparison of Council's requirements with other similar growth Councils requirements,
- d) Options to alleviate the impost on small businesses such as eliminating, reducing or providing deferred payments,
- e) Options to address the implications for Council or the community from the above.

**Current Status:** This requires a comprehensive amount of investigation and work and sits behind current priorities including Tweed Road Development Strategy - Traffic Study, which will inform the Tweed Road Contribution Plan and a revision of Development Control Plan (DCP), Section A5 - Subdivision Manual.

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21 JULY 2016

**REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**16 [CNR-CM] Concept Plans and Estimates - South Murwillumbah**

**337**

**Cr W Polglase**

**Cr P Youngblutt**

**RESOLVED** that:

1. Council receives and notes this report.
  2. Council liaises with the business owners of South Murwillumbah to obtain a better outcome.
-

**Current Status:** Initial meeting and briefing with South Murwillumbah business owners and Councillors was originally scheduled for October 2016 and now will be rescheduled post the election. Investigations to be undertaken and report to be prepared.

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**15 SEPTEMBER 2016**

**REPORTS FROM THE GENERAL MANAGER IN COMMITTEE**

**C1 [GM-CM] Murwillumbah Railway Station**

**C 29**

That Council:

1. Authorises the General Manager to enter into lease negotiations for the Murwillumbah Railway Station.
2. A report be brought back to a future Council meeting which includes the terms and conditions of the future potential lease.

**Current Status:** Negotiations with John Holland Rail have commenced in regards to the possibility of a lease being granted to Council.

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**15 SEPTEMBER 2016**

**aC1 [GM-CM] Murwillumbah Airfield - Lease Negotiations**

That Council:

- a) Bring forward a report investigating all development and leasing options available for the Murwillumbah Airfield; and
- b) Advise the potential lessee that the current lease negotiations for the western side of the Murwillumbah Airfield will be suspended until this report is determined by Council.

**Current Status:** Airport Projects have been appointed to undertake this investigation. They have commenced the background research and conducted a meeting with lessees and users at the Airfield on 7 November 2016. It is anticipated that the final report will be presented to Council by early 2017.

The potential lessee has been notified by letter and invited to participate in the discussions to assist the background research of the report.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for October 2016

**SUBMITTED BY:** Cr K Milne, Mayor

Valid



## Civic Leadership

### 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 |
- 

## Councillors

### COMMITTEE MEETINGS

#### Attended by the Mayor

No committee meetings were attended by the Mayor in October 2016.

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### INVITATIONS / MAYORAL REPRESENTATION:

#### Attended by the Mayor

- 8 October Wildlife Connectivity and Corridors Workshop – Canvas and Kettle, Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah.
  - 11 October Clarrie Hall Dam Landowner Information Session – Doon Doon Hall, Clarrie Hall Dam Road, Doon Doon. Councillors Bagnall, Byrne, Longland and Polglase also attended.
  - 21 October Celebrate Carers in National Carer's Week Event – Embrace Wellness Centre, 24-28 Corporation Circuit, Tweed Heads South.
  - 21 October Caldera Art Exhibition Opening – Caldera Art Gallery, Visitors Centre, Alma Street, Murwillumbah.
  - 25 October NSW Police Force Medals and Awards Ceremony – Tweed Heads Bowls Club, Corner Wharf and Florence Streets, Tweed Heads.
-

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

- 8 October Kingscliff Lions Club 201Q1 District Convention Banquet – Cudgen Leagues Club, Wommin Bay Road, Kingscliff. Crs Byrne and Longland attended.

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

All invitations were accepted by the Mayor or attended by another Councillor on her behalf.

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**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during October 2016.

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**CONFERENCES:**

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

- 16-19 October LG NSW Conference – WIN Entertainment Centre, Corner Crown and Harbour Streets, Wollongong. Cr Milne attended.

**Information on Conferences to be held**

There was no information received on pending conferences during October 2016.

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**SIGNING OF DOCUMENTS BY THE MAYOR:**

- 6 October Request Document – Road Closure – Uriup Road Uriup.
  - 12 October Deposited Plan – Road Closure – Chilcotts Road Crystal Creek.
  - 21 October Transfer – Lot 70 DP 1223561 Road Closure – Uriup Road Uriup.
- 

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

**b. Budget/Long Term Financial Plan:**

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

**c. Legal:**

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Not applicable.

**d. Communication/Engagement:**  
**Inform** - We will keep you informed.

**RECOMMENDATION:**

**That:**

- 1. The Mayoral Minute for the month of October 2016 be received and noted.**
- 

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions

SUBMITTED BY: Corporate Governance

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## Civic Leadership

### 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
- 

### SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.5:

*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:**



**REPORT:**

As per Summary

**OPTIONS:**

That in accordance with Section 1.5.4 of the Code of Meeting Practice Version 2.5:

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 2.5.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.5.

**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.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 6 [GM-CM] Constitutional Referendum held in conjunction with Election on 29 October 2016

**SUBMITTED BY:** General Manager

Validms

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## Civic Leadership

### 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
- 

### SUMMARY OF REPORT:

The Constitutional Referendum question –

*‘Do you support an increase in the number of Tweed Shire councillors from seven (7) to (9)? If there is majority support for the proposal the changes will take effect from the 2020 Local Government election.’*

was asked in conjunction with the election conducted on 29 October 2016.

There were 50,695 votes cast, with the following result:

YES 16,890 (34.5%)  
NO 32,125 (65.5%)  
Informal 1,680

The outcome of the Constitutional Referendum means that the status quo remains with seven (7) councillors to be elected at the next scheduled election to occur in September 2020.

### RECOMMENDATION:

**That the outcome of the Constitutional Referendum of 29 October 2016 that an election for seven (7) councillors be conducted at the next ordinary election of council in September 2020, be received and noted.**

## **REPORT:**

The Constitutional Referendum question –

*‘Do you support an increase in the number of Tweed Shire councillors from seven (7) to (9)? If there is majority support for the proposal the changes will take effect from the 2020 Local Government election.’*

was asked in conjunction with the election conducted on 29 October 2016.

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YES 16,890 (34.5%)

NO 32,125 (65.5%)

Informal 1,680

The outcome of the Constitutional Referendum means that the status quo remains with seven (7) councillors to be elected at the next scheduled election to occur in September 2020.

## **OPTIONS:**

The outcome of the Constitutional Referendum conducted by the NSW Electoral Commission be noted, as there are no further options available with reference to this outcome.

## **CONCLUSION:**

That the outcome of the Constitutional Referendum of 29 October 2016 that an election for seven (7) councillors be conducted at the next ordinary election of council in September 2020, be received and noted.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable

### **b. Budget/Long Term Financial Plan:**

With the revised date of the election and additional costs incurred with the conduct of the Constitutional Referendum the costs of the election has risen to \$555,645 EX GST, which has resulted in a budget adjustment of \$100,000 to cater for the additional expenditure.

### **c. Legal:**

The Constitutional Referendum question was asked in accordance with Section 224 of the Local Government Act 1993.

### **d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. First Preference Votes for Constitutional Referendum  
Question of 29 October 2016 (ECM 4290729)

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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.

7 [PR-CM] Landowners Consent for Development Application DA16/0059 for the Demolition of Existing Building, Erection of Service Station and Ancillary Signage at Lot 5 DP 1123670 Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way,

SUBMITTED BY: Development Assessment and Compliance

Validms



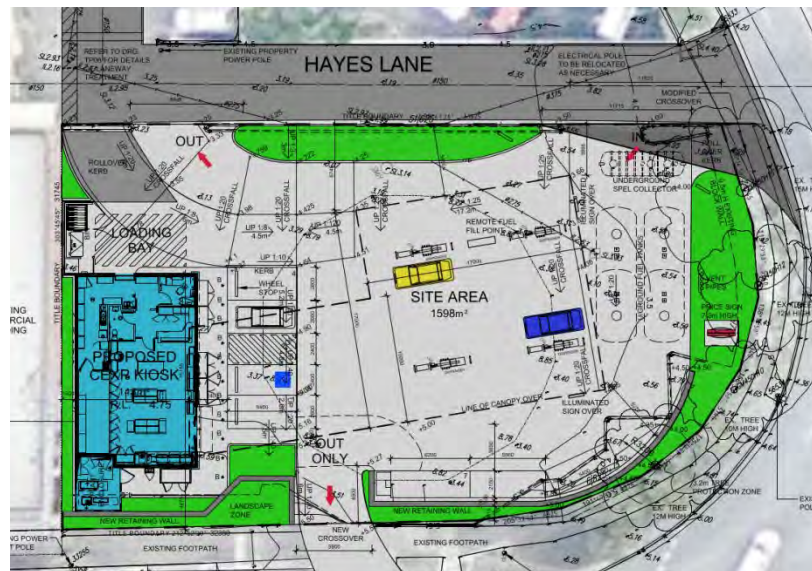
## Civic Leadership

### 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
- 1.1.3 Prepare for climate change through adaptation and mitigation strategies

### SUMMARY OF REPORT:

Council is in receipt of a Development Application for the demolition of an existing building, erection of a service station and ancillary signage at Lot 5 DP 1123670 Tweed Valley Way, South Murwillumbah. The proposed development is provided on the site plan below:



Site Plan

As originally lodged, works were located only on Lot 5 DP 1123670, a 1,597m<sup>2</sup> allotment with frontage to Tweed Valley Way, Alma Street and Hayes Lane. Subsequent to lodgement of the application, it has now been determined that works are also required to these road reserves in order to facilitate safe vehicular access to the site.

As these are Council road reserves, landowners consent is required from Council in order for these works to be undertaken on this land.

In the assessment of the Development Application (to be considered by elected Council as a separate matter), conditional approval of the development is recommended subject to conditions of consent.

During exhibition of the Development Application, approximately 39 submissions were received as well as a petition containing 113 signatories, some of which objected to the development proposal based on the impact the proposal would have on the surrounding road network generally and Hayes Lane in particular.

As such, the application is referred to Council to determine whether to provide landowners consent for works on Council owned land.

**RECOMMENDATION:**

**That Council provides landowners consent for the works proposed as part of Development Application DA16/0059 for the demolition of existing building, erection of service station and ancillary signage to be undertaken within Council road reserves adjacent to Lot 5 DP 1123670 at Hayes Lane, Alma Street and Tweed Valley Way, South Murwillumbah.**



**REPORT:**

When the Development Application was originally lodged, development works were located only on Lot 5 DP 1123670, a 1,597m<sup>2</sup> allotment with frontage to Tweed Valley Way, Alma Street and Hayes Lane. Subsequent to lodgement of the application, it has now been determined that works are also required to these road reserves in order to facilitate safe vehicular access to the site.

Works Proposed  
*Hayes Lane Upgrade*

The applicant has now proposed upgrading Hayes Lane, as identified in the below plan:



**Proposed upgrade to Hayes Lane**

These works include the following:

- Widening of the vehicle crossing at Alma St to 11m in order to facilitate the movement of large vehicles in and out of Hayes Lane.
- Construction of a splay on the west side of the above-mentioned vehicle crossing at the Alma St intersection and the relocation of the existing light pole to assist vehicles to turn from Hayes Lane to the west along Alma Street.
- Reconfiguration of the entry and exit for the development along Hayes Lane (to encourage customers leaving the site to travel directly to Alma Street in preference to travelling along Hayes Lane to the west of the site).
- Construction of 3 x road humps.
- Line marking in Hayes Lane in order to clearly identify the limits of Hayes Lane and to identify the potential for vehicle/pedestrian conflict at property access points.

- Elimination of a single parking space in Alma St to the immediate west of the point at which Hayes Lane intersects with Alma Street to the west.
- Signage in Hayes Lane to encourage motorists leaving the subject site to travel directly back to Alma Street.
- Signage and pavement markings within the subject development to ensure that traffic movements through the subject development are from north to south with all exit movements from the site occurring at the western end of the site to Hayes Lane.

*Alterations to Alma Street & Tweed Valley Way/Alma Street Roundabout*

Furthermore, the applicant has submitted a Traffic Engineering Assessment Peer Review which recommends changes to the operation of the Tweed Valley Way/Alma Street roundabout and the reduction of Alma Street to single laneway to the roundabout exit.

While no layout plans have been provided with respect to the works to Alma Street or the Tweed Valley Way/Alma Street roundabout, the following works are recommended:

- The existing line marking at the Tweed Valley Way/Alma Street Roundabout is amended to a 'spiral' roundabout layout similar to that shown see below:



Source: Google Maps

Figure 3.1: Spiral Roundabout Chevron Linemarking Example – Mudgeeraba, Qld

- The two exit lanes on Alma Street would be reduced to one to ensure that the potential for any weave issue is eliminated from the operation of the roundabout.

In the event of landowners consent being granted and DA16/0059 being approved, it is recommended that a condition be applied to any consent issued requiring that detailed plans demonstrating the works to be done to Council's road reserve at the Alma Street and the Tweed Valley Way/Alma Street roundabout be submitted to Council for officer approval.

The applicant has been advised that Council has no immediate plans for upgrades to Hayes Lane or Alma Street. Therefore, the cost associated with any works proposed in these road reserves by the applicant, to facilitate this development proposal, would be borne by the applicant only.

**OPTIONS:**

That Council:

1. Provide landowners consent for the works proposed as part of Development Application DA16/0059 for the demolition of existing building, erection of service station and ancillary signage to be undertaken within Council road reserves adjacent to Lot 5 DP 1123670 at Hayes Lane, Alma Street and Tweed Valley Way, South Murwillumbah; or
2. Declines to provide landowners consent for the proposed works on these road reserves for specified reasons.

Council officers recommend Option 1.

\*Note: If Council resolves to proceed with Option 2, the concurrent Development Application (DA16/0059) also referred to this Council meeting for determination could not be approved at this time and would need to be either deferred to the next available Council meeting to enable Council officers provide an updated recommendation or refused for stated reasons.

**CONCLUSION:**

Additional works now proposed under DA16/0059 for the demolition of existing building, erection of service station and ancillary signage at Lot 5 DP 1123670 Tweed Valley Way, South Murwillumbah now require Council landowners consent as they are located on Council road reserve. Given many of the public submissions received through the exhibition of the development application object to the proposal based on impacts of the surrounding road network and Hayes Lane in particular, it is considered appropriate that Council make the determination as to whether landowners consent is provided.

**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.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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8 [PR-CM] Development Application DA16/0059 for the Demolition of Existing Building, Erection of Service Station and Ancillary Signage at Lot 5 DP 1123670 Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way, South Murwillumbah

SUBMITTED BY: Development Assessment and Compliance

Validms



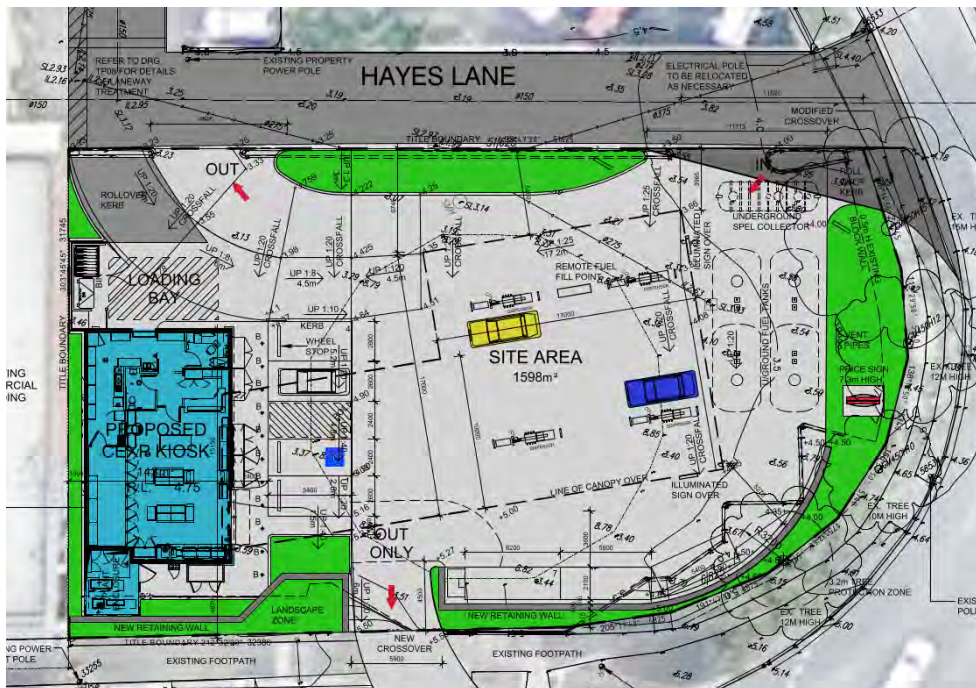
Civic Leadership

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

SUMMARY OF REPORT:

Council is in receipt of a development application for the demolition of existing building (Tavern & bottle shop), erection of service station and ancillary signage at the above location. The proposed development is provided on the site plan below:



Site Plan



The subject application was placed on public exhibition on two occasions for a period of 14 days. Approximately 39 submissions have been received as well as a petition containing 113 signatories. The matters raised in these submissions are detailed elsewhere in this report.

Externally, the proposal was referred to Roads and Maritime Services (RMS) who have provided comment on the application, raising no concerns with the proposal.

The proposal was reviewed by Tweed Shire Council officers in the Building, Environmental Health, Development Engineering, Water & Wastewater and Waste Units. Furthermore, Council's Traffic Engineer and Flooding Engineer have reviewed the application. Approval of the application is recommended by these officers subject to the imposition of conditions on any consent issued. Council's Natural Resource Management Unit and Parks Supervisor from the Recreation Services Unit were also consulted on this application.

This development application was called up for determination by elected Councillors Milne and Byrne.

As originally lodged, works were located only on Lot 5 DP 1123670, a 1,597m<sup>2</sup> allotment with frontage to Tweed Valley Way, Alma Street and Hayes Lane. Through a response to further information prepared by the applicant, it has been determined that works were also required to these road reserves in order to facilitate safe access to the site.

In order to undertake these works on Council road reserve, landowners consent is required from Tweed Shire Council, which has been considered as a separate matter by the elected Council.

## **RECOMMENDATION:**

**That Development Application DA16/0059 for the Demolition of Existing Building, Erection of Service Station and Ancillary Signage at Lot 5 DP 1123670 Tweed Valley Way and Roadworks in Alma Street, Hayes Lane and Tweed Valley Way, South Murwillumbah be approved subject to the following conditions:**

## **GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos:**
  - **Proposed Site Plan (Revision J dated 8 September 2016);**
  - **Proposed Laneway Works Plan (Revision B dated 9 September 2016);**
  - **Proposed Floor Plan (Revision A dated 8 June 2016);**
  - **Proposed Elevations (Preliminary Issue dated 11 November 2015); and**
  - **Proposed Signage (Revision B dated 15 December 2015),**

**all prepared by The Retail Group (TRG) except where varied by the conditions of this consent.**

[GEN0005]

- 2. All signage is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign in order to regulate glare or other like impacts.**

[GEN0075]

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

[GEN0115]

4. 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]

5. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

[GEN0190]

6. Council advises that the land is subject to inundation in a 1 in 100 year event to the design flood level of RL 6.1m AHD.

[GEN0195]

7. 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]

8. An operator controlled boom gate is to be installed on the exit from the proposed service station onto Hayes Lane. This is to limit egress to Hayes Lane to service vehicles associated with the proposed development only. No staff/customer vehicles are to utilise this as an egress from the site. No ingress to the site for any vehicles is permitted at this point.

[GENNS01]

9. All roadworks approved by Council are to be undertaken in accordance with the relevant approval and completed prior to operation of the service station.

[GENNS02]

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

10. The developer shall provide 7 parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. A further parking space/loading bay area is required for MRV parking, as well as three bicycle parking spaces.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for Building/Civil Works.

[PCC0065]

11. Prior to the issue of a Civil Construction Certificate for each stage of the project, a Construction Environmental Management Plan (CEMP) shall be submitted to

and approved by the Principle Certifying Authority. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) Hours of work;
- b) Contact details of site manager;
- c) Traffic and pedestrian management;
- d) Noise and vibration management;
- e) Construction waste management;
- f) Erosion and sediment control; and,
- g) Flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to agreement with the Principle Certifying Authority, stage the submission of the Construction Environmental Management Plan (CEMP) consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

[PCC0125]

12. 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.

Council advises that to obtain a Certificate of Compliance for water and/or sewer works, Council will require payment of Developer Charges in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000.

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

[PCC0265]

13. 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]

14. 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]

15. Prior to the issue of a Construction Certificate, a Detailed *Geotechnical Investigation* shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer, unless considered unjustified by the Geotechnical Engineer and supported in writing and endorsed by Council.

The investigation shall identify any areas of compressible clay materials, loose sands, landslip, subsidence or reactive soil profiles which may impact on construction or building activities. If unsuitable materials are identified the investigation shall provide recommendations such as a preloading or other forms of treatment necessary to achieve surface movement ( $y_s$ ) rates consistent with a site classification M as defined by AS 2870 (current version). All consolidation resulting from preloading shall be monitored by settlement plates or detailed survey to determine consolidation/settlement characteristics.

[PCC0500]

16. 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]

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

- (a) Design flood level of RL 6.1m AHD.
- (b) All building materials used below Council's design flood level must not be susceptible to water damage.
- (c) Subject to the requirements of the local electricity supply authority, all electrical wiring, outlets, switches etc. should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level should to suitably treated to withstand continuous submergence in water and provide appropriate earth leakage devices.
- (d) Define adequate provision for the flood free storage for goods and equipment susceptible to water damage, or of a pollutant nature. Where possible, chemicals are to be stored at the highest elevation (i.e. oil to be packed on the top shelf).

[PCC0705]

18. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works:

- (a) Vehicular access: covering any modification, reconstruction, widening or new vehicular footpath crossing at the Alma Street / Hayes Lane intersection.



**Note: any such work at this location is to be undertaken in heavy duty reinforced concrete and not a bitumen sealed flexible pavement.**

- (b) New vehicular egress to Tweed Valley Way: this is required to be 5.9m wide at the boundary and splaying out to approximately 8.4m at the kerb line. The centerline of this crossing is to be angled to the north to deter motorists using it as an entry point.**

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

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

[PCC0895]

- 19. Permanent stormwater quality treatment shall be provided in accordance with the following:**

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

[PCC1105]

- 20. 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.**

**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.**

[PCC1145]

21. 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]
22. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.
- [PCC1195]
23. In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Councils sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.
- [PCC1255]
24. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein.
- [PCC1265]
25. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.
- [PCC1275]
26. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first. Applications for these works must be submitted on Council's standard Section 68 Application to Alter Councils Water or Sewer Infrastructure application form

accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

[PCC1310]

27. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

[PCC1325]

28. A site specific acid sulfate soil investigation shall be carried out in accordance with the *NSW Acid Sulfate Soils Manual*, ASSMAC 1998. The results shall be submitted to Tweed Shire Council. Where such soils are to be disturbed an acid sulfate soils management plan shall be prepared by a suitably qualified person to the satisfaction of the General Manager or delegate.
29. Certification shall be provided by a suitably qualified person, that the design of any underground petroleum storage system shall be in accordance with the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, AS4897-2008 and demonstrated adoption of industry best practice.
30. Prior to the construction certificate being issued copies of 3 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be submitted to Council's Environmental Health Officers for assessment and approval, on the approved form and accompanied by the adopted fee:
- a. Floor plan
  - b. Layout of kitchens and bar showing all equipment
  - c. All internal finish details including floors, wall, ceiling and lighting
  - d. Hydraulic design in particular method of disposal of trade waste
  - e. Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
  - f. Servery areas including counters etc.

Any premises used for the storage, preparation or sale of food are to comply with the NSW Food Act 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises

[PCCNS01]

31. Proposed internal pavement levels must be amended prior to the issuing of any construction certificate associated with redevelopment of the site.

Commentary: There are 2 x nominated pavement levels in the vicinity of the south-western corner of the canopy (RL 4.68 and RL 4.0 per TRG plan TP.03) that give a resultant crossfall of 12%. While this could be manageable as a

longitudinal grade, it is a crossfall on the nominated B-Double access route through the site and is therefore unacceptable. Pavement levels are to be amended accordingly and must be specifically reviewed by the PCA for acceptability prior to the issuing of any construction certificate associated with the redevelopment of the site.

[PCCNS02]

32. An updated plan demonstrating the following is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate:

- 'No Exit' signage to be erected at the north-western driveway access point off Hayes Lane.
- Proposed egress driveway to Tweed Valley Way is to be clearly signposted as 'Exit Only', with 'No Entry' signage also clearly displayed where this driveway exits to Tweed Valley Way.

[PCCNS03]

33. An updated site plan demonstrating pedestrian access to the site from Tweed Valley Way is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

34. An updated site plan demonstrating the provision of a controller operated boom gate at the site exit to Hayes Lane is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

35. An updated plan demonstrating the following is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate:

- The existing two lanes westbound on Alma Street from the Tweed Valley Way roundabout reduced to one lane and appropriate line marking installed on the roundabout as nominated in the Traffic Engineering Assessment Peer Review, prepared by Bitzios Consulting and dated 12 September 2016 is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate; and,
- 'Yellow no stopping edgeline' to be installed on Alma Street from the west access of Hayes Lane to the existing marked pedestrian crossing.

[PCCNS04]

#### **PRIOR TO COMMENCEMENT OF WORK**

36. 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]

37. An application is to be made to Council to disconnect the existing building from Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

- 38. 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]
- 39. 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]
- 40. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]
- 41. 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]

42. 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]

43. 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]

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

[PCW1135]

## **DURING CONSTRUCTION**

45. 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]

46. All works shall comply with AS2601-2001 Demolition of Structures and the Work Health and Safety Regulation 2011.

[DUR0165]

47. 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]

48. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
- A. Short Term Period - 4 weeks.  
 $L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.  
 $L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
- [DUR0215]
49. Prior to demolition of the structure is commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).
- [DUR0335]
50. 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]
51. 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]
52. 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]
53. 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]

54. 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]

55. 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]

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

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

[DUR0765]

57. All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

The earthworks and filling shall also be undertaken in accordance with the recommendations provided in the *Geotechnical Investigation* (as required by a prior Consent Condition) and monitored by a Registered Geotechnical Testing Consultant.

[DUR0795]

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

[DUR0815]

59. 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]

60. 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]

61. 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]

**62. 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]

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

[DUR1905]

**64. 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 Division to arrange a suitable inspection.**

[DUR1925]

**65. 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]

**66. 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 blown from the site.**

[DUR2185]

**67. A garbage storage area shall be provided in accordance with Council's "Development Control Plan Section A15 - Waste Minimisation and Management".**

[DUR2195]

**68. Regular inspections shall be carried out by the site's Project Manager 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 site's Project Manager 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 Council is satisfied that the site is fully rehabilitated.**

[DUR2375]

**69. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.**

[DUR2425]

**70. 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]

**71. 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]

**72. 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]

**73. 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]

**74. 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]

**75. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. The pre-treatment device service frequency will be approved as part of the Liquid Trade Waste Services Agreement and General Conditions of Approval.**

[DUR2595]

**76. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement**

[DUR2685]

77. Council is to be notified, in writing, of any proposed changes to the wastewater pre-treatment devices.

[DUR2765]

78. Dust and Erosion Management

(a) Completed earthworks areas are to be topsoiled and seeded immediately to protect them from water and wind erosion, unless construction work immediately follows.

(b) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

(c) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s (54 km/h). The applicant shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to Council on request.

[DUR2825]

79. All works shall be carried out in accordance with the approved Acid Sulfate Soil Management Plan, where required.

80. During demolition works and prior to the removal of the building slab pre-demolition soil analysis is required to ascertain the presences of chemical treatment for pesticides applied below and within the vicinity of the slab. Where on-site soil analysis indicates the site is not suitable for the proposed commercial/industrial development a Remediation Action Plan (RAP) shall be prepared by a suitably qualified person to the satisfaction of the General Manager or delegate. Any remediation works shall be undertaken in accordance with the approved RAP

[DURNS01]

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

81. 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]

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

[POC0225]

83. 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 75-100mm 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]

84. 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]

85. 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]

86. 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]

87. Certification shall be provided by a suitably qualified person, that the installation and commissioning of any underground petroleum storage system shall be in accordance with the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, AS4897-2008 and demonstration adoption of industry best practice.

[POCNS01]

88. The existing Easement for Batter (2 of) and Easement for Support that currently encumber the site are to be extinguished, and new Easement(s) for Support created for the new and/or reconstructed retaining walls being erected on or in close proximity to site boundaries, as necessary.

[POCNS02]

## USE

89. 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]

90. 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]

91. 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]

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

[USE0245]

93. All hazardous and/or dangerous goods shall be stored in accordance with requirements of SafeWork NSW.

[USE1035]

94. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

95. Any underground petroleum storage system shall be operated, maintained and monitored in accordance with the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, AS4897-2008 and demonstration adoption of industry best practice.

Groundwater monitoring wells must be maintained to ensure they are sealed to exclude surface water at all times, clearly marked to indicate their presence and properly secured and tested for hydrocarbon contamination at minimum intervals of six months.

The Environment Protection Plan shall include details of loss monitoring and incident management procedures and development and use of loss detection procedures. The Plan must be kept up-to date and amended as necessary.

[USENS01]

96. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the satisfaction of the General Manager or his delegate.

[USENS02]

**REPORT:**

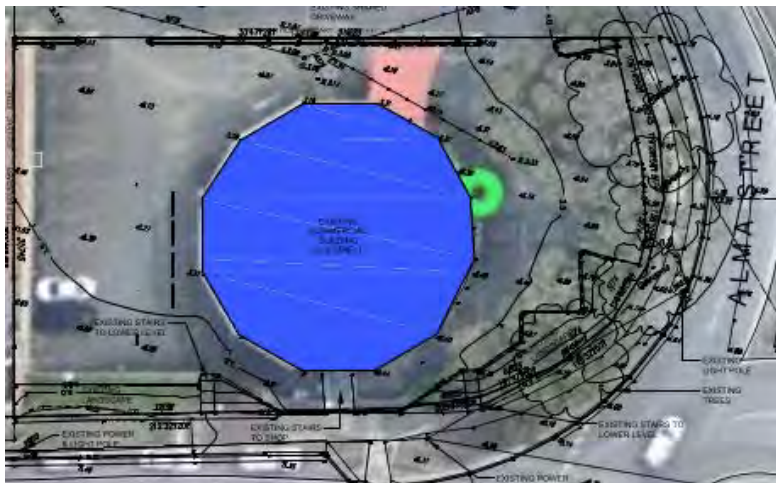
**Applicant:** MPR Properties  
**Owner:** Mr James C Walsh & Mrs Vikki M Walsh  
**Location:** Lot 5 DP 1123670; Tweed Valley Way, South Murwillumbah  
**Zoning:** B5 - Business Development  
**Cost:** \$1,300,000

**Background:**

In detail the proposal includes the following:

Demolition of existing structures

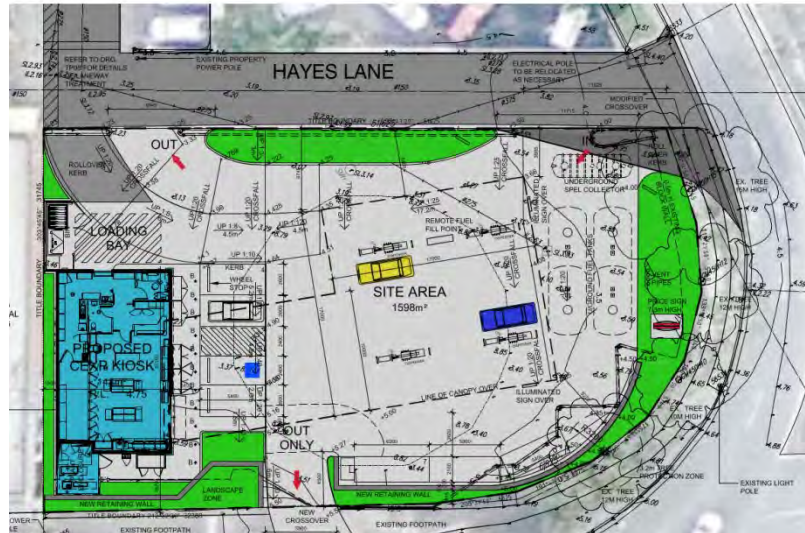
At present the site contains a two storey building which operates as a tavern to the upper level (Roundhouse Tavern) and a bottle shop to the lower level. There are also ancillary developments such as fencing, retaining walls and surfaced parking areas currently on this site. The submitted application includes the demolition of all building and structures on the site.



**Building to be demolished**

Service Station Development

A service station development is to be constructed on site. This is to include a 143m<sup>2</sup> shop, covered canopy area (approx. 430m<sup>2</sup>) with four fuel bowsers. Fuel is to be stored in underground tanks located towards the Alma Street frontage with a total capacity of 160 kilolitres.



Service Station Site Plan



Building Elevations

The service station is proposed to operate 24 hour per day, seven days per week.

Earthworks are proposed as part of this application to raise the site and facilitate vehicular egress to Tweed Valley Way. The proposed fill depth across the site is to vary from approximately 1.5m at Tweed Valley Way to nil at Hayes Lane.

### Site Access

Vehicular access to the site is proposed via three access points, as demonstrated on the above service station site plan. These are:



- 'Entry only' from Alma Street/Hayes Lane road reserve, which is to be upgraded as part of this application;
- 'Exit only' direct to Tweed Valley Way; and
- 'Exit only' onto Hayes Lane.

Council staff have raised concerns with respect to the use of Hayes Lane for vehicles exiting the service station and have therefore recommended that this exit onto Hayes Lane be restricted to service vehicles only (applicant has advised that such vehicles cannot exit via the Tweed Valley Way egress). This would be controlled via an operator controlled boom gate which would be installed on the exit from the proposed service station onto Hayes Lane. A condition is recommended to be applied to any consent issued in this regard.

### Local Road Network

When the Development Application was originally lodged, development works were located only on Lot 5 DP 1123670, a 1,597m<sup>2</sup> allotment with frontage to Tweed Valley Way, Alma Street and Hayes Lane. Through the assessment of this application, it has now been determined that works are also required to these road reserves in order to facilitate safe vehicular access to the site.

As these are located on Council's road reserve, landowners consent is required, which has been reported to Council as a separate matter for consideration.

The proposed works are as follows:

#### *Upgrade of Hayes Lane*

The applicant has proposed upgrading Hayes Lane, as identified in the below plan:



**Proposed upgrade to Hayes Lane**

These works include the following:



- Widening of the vehicle crossing at Alma St to 11m in order to facilitate the movement of large vehicles in and out of Hayes Lane.
- Construction of a splay on the west side of the above-mentioned vehicle crossing at the Alma St intersection and the relocation of the existing light pole to assist vehicles to turn from Hayes Lane to the west along Alma Street.
- Reconfiguration of the entry and exit for the development along Hayes Lane (to encourage customers leaving the site to travel directly to Alma Street in preference to travelling along Hayes Lane to the west of the site).
- Construction of 3 x road humps.
- Line marking in Hayes Lane in order to clearly identify the limits of Hayes Lane and to identify the potential for vehicle/pedestrian conflict at property access points.
- Elimination of a single parking space in Alma St to the immediate west of the point at which Hayes Lane intersects with Alma Street to the west.
- Signage in Hayes Lane to encourage motorists leaving the subject site to travel directly back to Alma Street.
- Signage and pavement markings within the subject development to ensure that traffic movements through the subject development are from north to south with all exit movements from the site occurring at the western end of the site to Hayes Lane.

#### *Alterations to Alma Street & Tweed Valley Way/Alma Street Roundabout*

Furthermore, the applicant has submitted a Traffic Engineering Assessment Peer Review which recommends changes to the operation of the Tweed Valley Way/Alma Street roundabout and the reduction of Alma Street to single laneway to the roundabout exit.

While no layout plans have been provided with respect to the works to Alma Street or the Tweed Valley Way/Alma Street roundabout, the following works are recommended:

- The existing line marking at the Tweed Valley Way/Alma Street Roundabout is amended to a 'spiral' roundabout layout similar to that shown see below:



Source: Google Maps

**Figure 3.1:** Spiral Roundabout Chevron Linemarking Example – Mudgeeraba, Qld

- Furthermore, the two exit lanes on Alma Street would be reduced to one to ensure that the potential for any weave issue is eliminated from the operation of the roundabout.

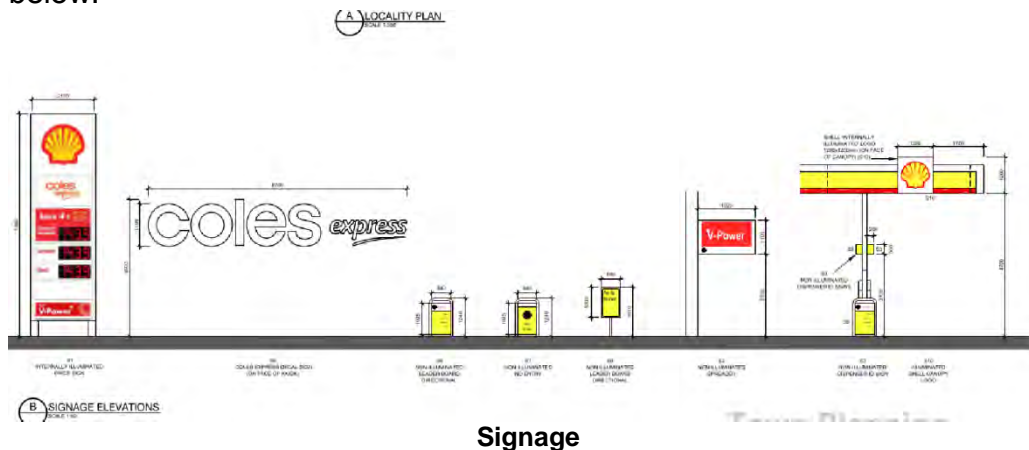
In the event that landowners consent is granted by Council (considered under separate item), a condition would be applied to any consent issued requiring that detailed plans demonstrating the works to be done to Council's road reserve at the Alma Street and the Tweed Valley Way/Alma Street roundabout be submitted to Council for officer approval.

## Signage

The subject application proposes signage as part of this development, including the following:

- Freestanding pylon sign to the Alma Street frontage. This sign has a maximum height of 7.3m and width of 2.1m and is double sided (internally illuminated);
- Canopy signage (Shell) to the perimeter of the service station canopy (internally illuminated logo);
- 'Coles Express' decal to the proposed service station shop building;
- 4 x 'spreader' signs to fuel pumps (non-illuminated).

The signage which forms part of this consent has been demonstrated on the signage elevation below:



Signage

The proposed development is recommended for conditional approval.

## Site Details

As originally lodged, the subject site related to Lot 5 DP 1123670, a 1,597m<sup>2</sup> allotment located within South Murwillumbah. This site is currently developed with a two storey building which contains a tavern (Roundhouse Hotel) to the upper level and a ground level bottle shop. The site also contains ancillary parking and retaining walls/fences. These structures are to be demolished as part of the application.



Subject Site

The site is bordered by road reserve to three elevations, being Tweed Valley Way (east), Alma Street (north) and Hayes Lane (west). At present the site is accessed via Hayes Lane which in turn provides access to Alma Street. To the south, the site is bordered by a commercial building.

Adjoining land use to the west is a car sales yard (Hayes Toyota) while there are a number of commercial developments located in close proximity. Budd Park is located to the north of the site and contains the Murwillumbah Visitor Information Centre.

While the site itself is relatively flat, it is noted that there is presently a significant drop from Tweed Valley Way to the site, with a retaining wall at this location. Earthworks are proposed to the site in this regard in order to facilitate the egress to Tweed Valley Way.

The site itself is mainly cleared of vegetation, however there are four mature *Corymbia torelliana* (Cadaghi) located to the northern site boundary, within Council's road reserve. Further detail is provided with respect to these trees elsewhere in this report.

As outlined elsewhere in this report, subsequent to lodgement the proposal has been modified and now also proposes works to the adjoining Council road reserve, being Hayes Lane, Alma Street and the Tweed Valley Way/Alma Street roundabout. The decision as to whether Tweed Shire Council provides landowners consent for these work is to be considered by elected Council.

### **Site History**

Council records do not demonstrate any previous development history over the current allotment, however this allotment was formally created in 2007 through the consolidation of 6 previous land parcels. A search of Council records over the previous land parcels has demonstrated the following development consent application:

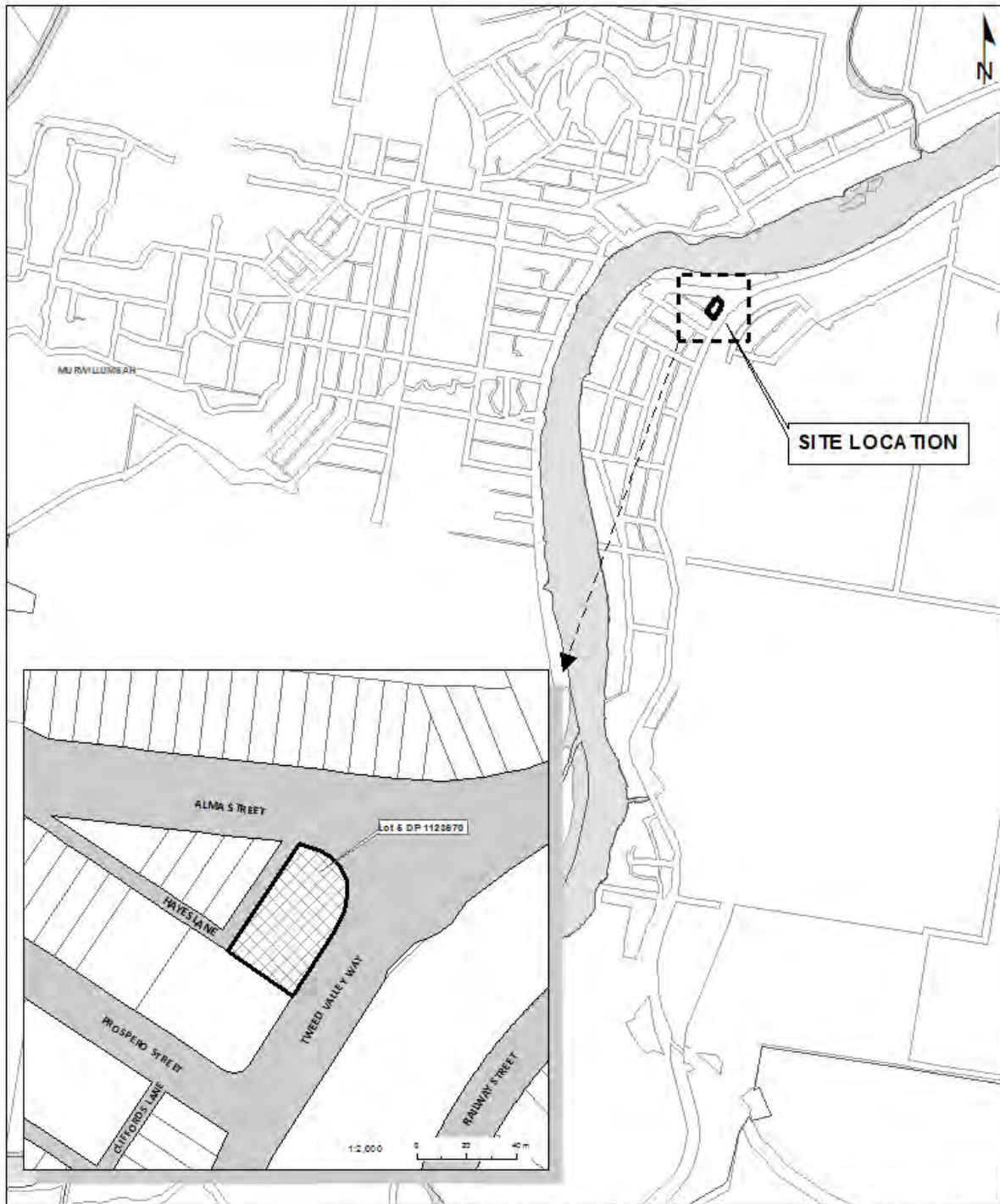
BA353/70: Erection of a Tavern. Approved 1971.

DA03/1850: Alterations & additions to an existing hotel to create a drive-thru bottleshop. Approved 29 June 2004 (as amended).

This drive-thru bottle shop and tavern are currently operational on site with the bottle shop to the ground level and the tavern to the upstairs level of the building.



**SITE DIAGRAM:**



**LOCALITY PLAN**

0 0.15 0.3 Km  
1:15,000

Lot 6 DP 1123670, Tweed Valley Way, South Murwillumbah

Report: 21631/19/10/COUNCIL REPORTS/Lot 6 DP 1123670/MAP 1 - See Plan.mxd

Author: S. Scott - GIS

Date Printed: 05 November 2016

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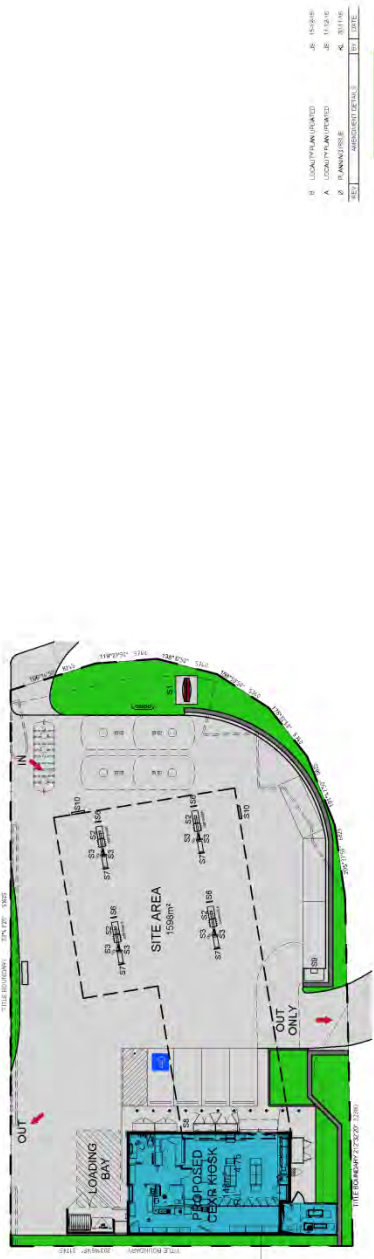
Cadastral: 30 June, 2010  
© Dept. of Lands & Tweed Shire Council  
Geodetic System - MGA Zone 58  
Datum - GDA 94  
© 1971-2014  
COPY ONLY - NOT CERTIFIED

City and Cultural Centre  
3 Tambourine Road  
Murwillumbah NSW 2454  
PO Box 618  
Murwillumbah NSW 2454  
T: (02) 6670 2400 / 1300 292 812  
F: (02) 6670 2452  
W: www.tweed.nsw.gov.au  
E: planning@tweed.nsw.gov.au



**TWEED**  
SHIRE COUNCIL

DEVELOPMENT/ELEVATION PLANS:



A LOCALITY PLAN  
SCALE 1:200



concept +  
design + interiors +  
project management

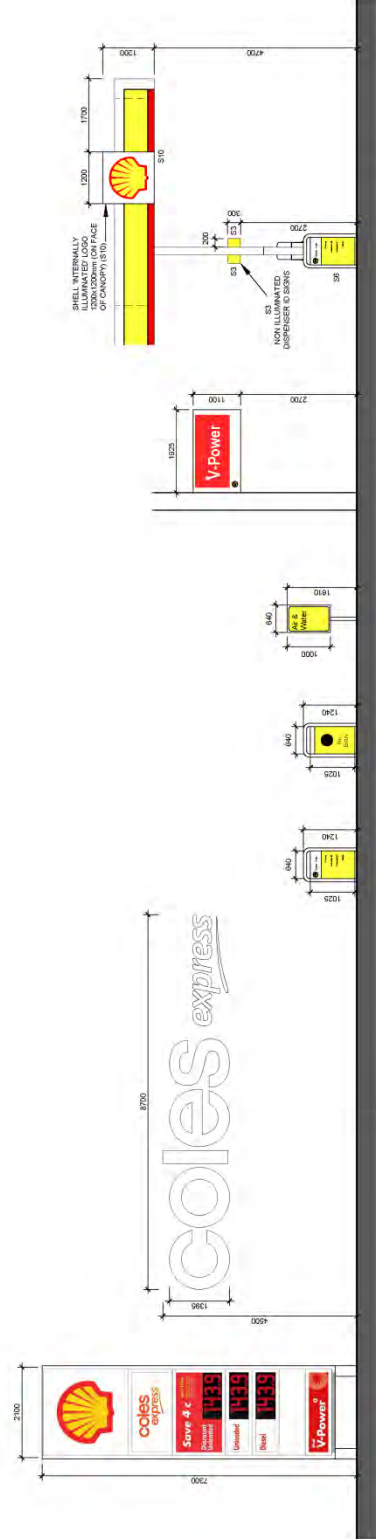
Level 1, 109, Sydney Street  
Sydney NSW 2000  
T: 61 6 9433 3300 F: 61 6 9433 3310  
The Rydges Hotel Sydney, 100, 101, 102  
Ryde NSW 2112

PROPOSED FUEL FILLING STATION

PROPOSED SIGNAGE

279-283 TWEED VALLEY WAY  
STH MURWILLUMBAH  
NSW 2484

MPP PROPERTIES	
DATE	NOV '15 AS SHOW
DRAWN	KL
CHECKED	AB
PROJECT NO.	15174
ISSUED FOR	TP.06
DATE	B
BY	DRG/08



S1 INTERNALLY ILLUMINATED PRICE SIGN  
SCALE 1:50

S2 NON ILLUMINATED LEADER BOARD DIRECTIONAL

S3 NON ILLUMINATED LEADER BOARD DIRECTIONAL

S4 NON ILLUMINATED LEADER BOARD DIRECTIONAL

S5 NON ILLUMINATED NO ENTRY

S6 NON ILLUMINATED LEADER BOARD DIRECTIONAL

S7 NON ILLUMINATED LEADER BOARD DIRECTIONAL

S8 COLES EXPRESS SIGN (ON FACE OF KIOSK)

S9 V-Power

S10 SHELL CANOPY LOAD

S11 SHELL INTERNALLY ILLUMINATED (ON FACE OF CANOPY) (S10)

S12 NON ILLUMINATED DISPENSER (D SIGN)

S13 NON ILLUMINATED DISPENSER (D SIGN)

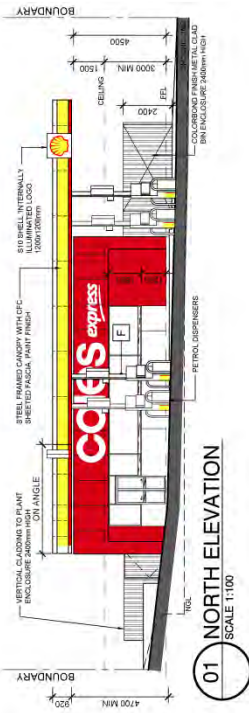
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B SIGNAGE ELEVATIONS  
SCALE 1:50

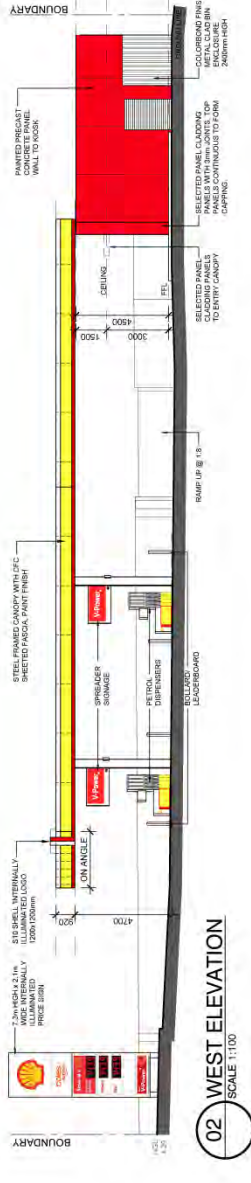
Town Planning  
Not for construction



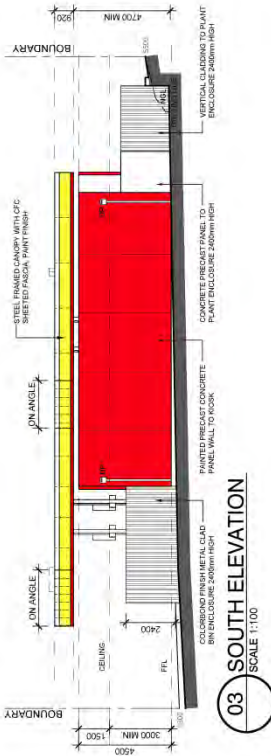
- EXTERNAL COLOUR SCHEDULE**
- PAINT FINISH (BY PAINTS) WHITE WILLOW
  - PAINT FINISH (BY PAINTS) LOW GREEN
  - PAINT FINISH (BY PAINTS) COOLER RED PRIMING
  - PAINT FINISH (BY PAINTS) COOLER RED FINISH
  - PAINT FINISH (BY PAINTS) COOLER RED FINISH (WITH COLOURING STAR) PT/HT
  - SEMI GLOSS
  - PAINT FINISH (BY PAINTS) COLOURING SUPERMIST
  - POWDERCOAT FINISH WINDOWS AND DOOR
  - FRAMES WHITE
  - PAINT FINISH (BY PAINTS) GLOSS PANEL, WHITE



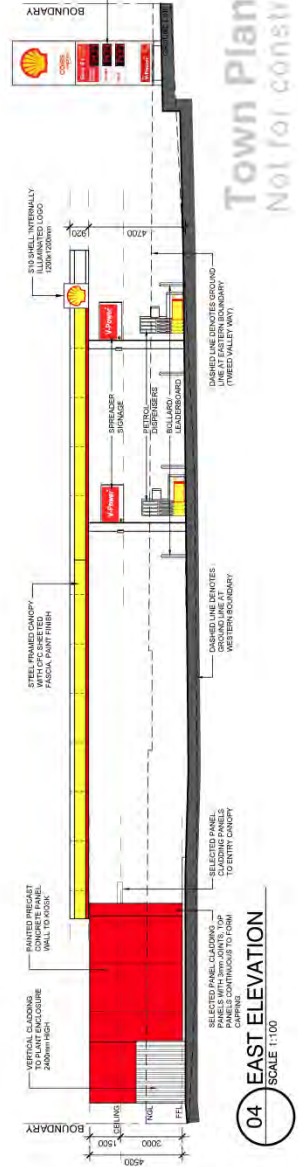
**01 NORTH ELEVATION**  
SCALE 1:100



**02 WEST ELEVATION**  
SCALE 1:100



**03 SOUTH ELEVATION**  
SCALE 1:100



**04 EAST ELEVATION**  
SCALE 1:100

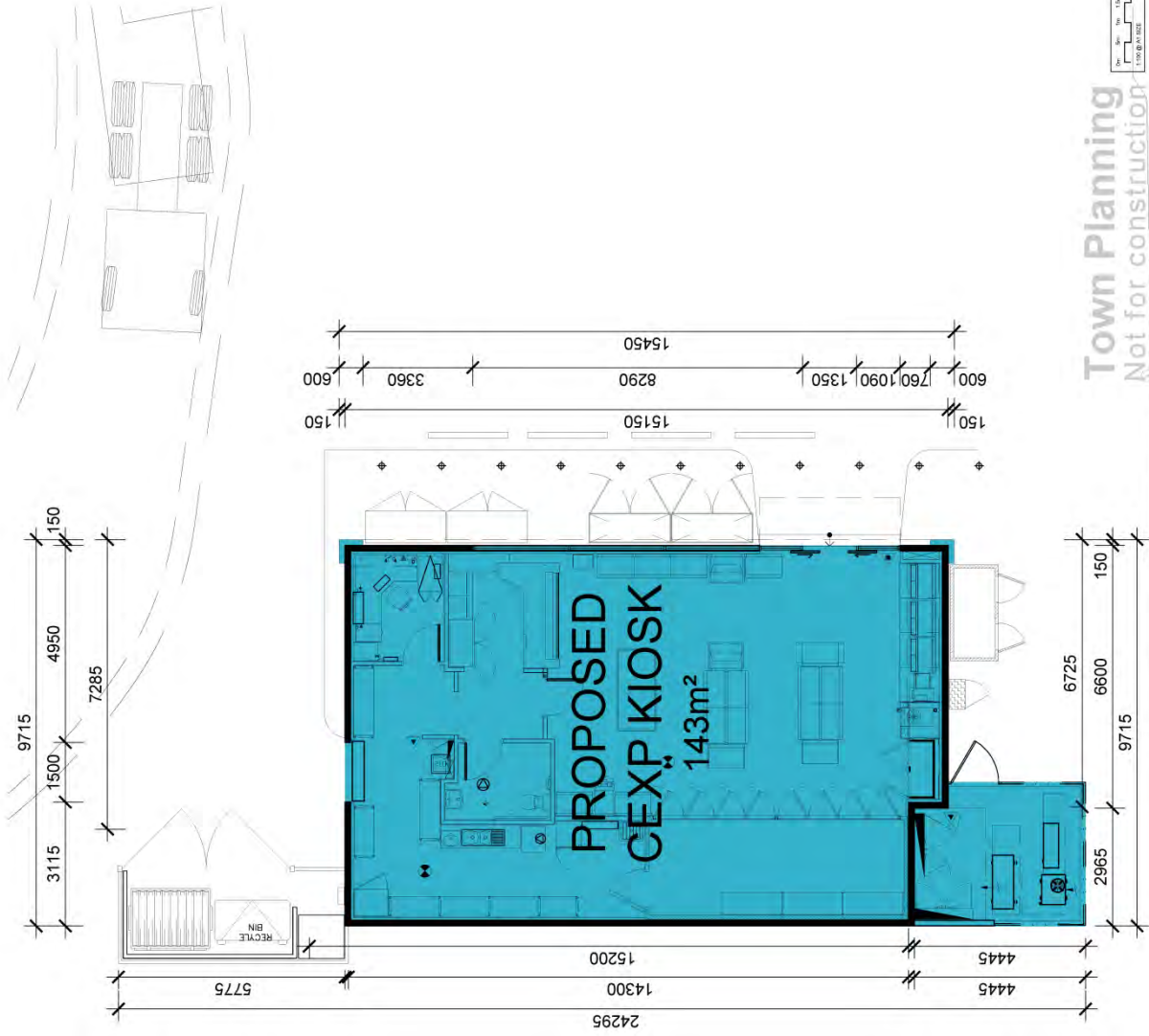
PROJECT: PROPOSED FUEL FILLING STATION  
 CLIENT: MPR PROPERTIES  
 ADDRESS: 276-288 TWEED VALLEY WAY, STH MURWILLUMBAH NSW 2484  
 DRAWING TITLE: PROPOSED ELEVATIONS  
 DRAWING NO: 15174  
 DATE: NOV 15 1:10 @ A  
 SCALE: 1:100  
 PROJECT NO: TP.05  
 DRAWN BY: AB  
 CHECKED BY: AB  
 PROJECT MANAGER: TP.05  
 PROJECT NO: 15174  
 DRAWING NO: 15174-01  
 DATE: 06/09/16

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Town Planning  
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Town Planning  
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A	INTERCOMPARISON	10	26/06/16
B	PLANNING BOARD	16	20/11/16
REV	AMENDMENT DETAILS	REV	DATE



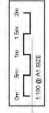
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**PROPOSED FUEL FILLING STATION**  
PROJECT ADDRESS  
279-283 TWEED VALLEY WAY  
STH MURMILLUMBAH  
NSW 2484  
PROPOSED FLOOR PLAN

MFR PROPERTIES

DATE	SCALE	NO.	REVISED	BY	DATE
15/11/16	1:100	1	0	KL	15/11/16
PROJECT TITLE					
PROPOSED FLOOR PLAN					
PROJECT NO.					
15174					
SHEET NO.					
A					







Not for construction

B	LANEWAY HOTEL SITES NORTH	AS	20/06/16
A	REMOVED	AS	01/09/16
A	PROPOSED	AS	01/09/16
NO	AMENDMENT DETAILS	BY	DATE



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**PROPOSED FUEL FILLING STATION**  
 PROJECT  
 279-283 TWEED VALLEY WAY  
 STH MURWILLUMBAH  
 NSW 2484

DATE: AUG '16  
 SCALE: A1  
 DRAWN BY: TC  
 CHECKED BY: AB  
 PROJECT: MPR PROPERTIES

DATE	SCALE	A1	1:200
DRAWN BY	CHECKED BY	TC	AB
PROJECT	CLIENT	MPR PROPERTIES	
15174	TP.08	B	06/11/16



- 1. ALL DRAWINGS TO BE PRINTED ON A4 SIZE
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- 3. ALL DISTANCES TO BE SHOWN UNLESS OTHERWISE SPECIFIED
- 4. ALL DISTANCES TO BE SHOWN UNLESS OTHERWISE SPECIFIED
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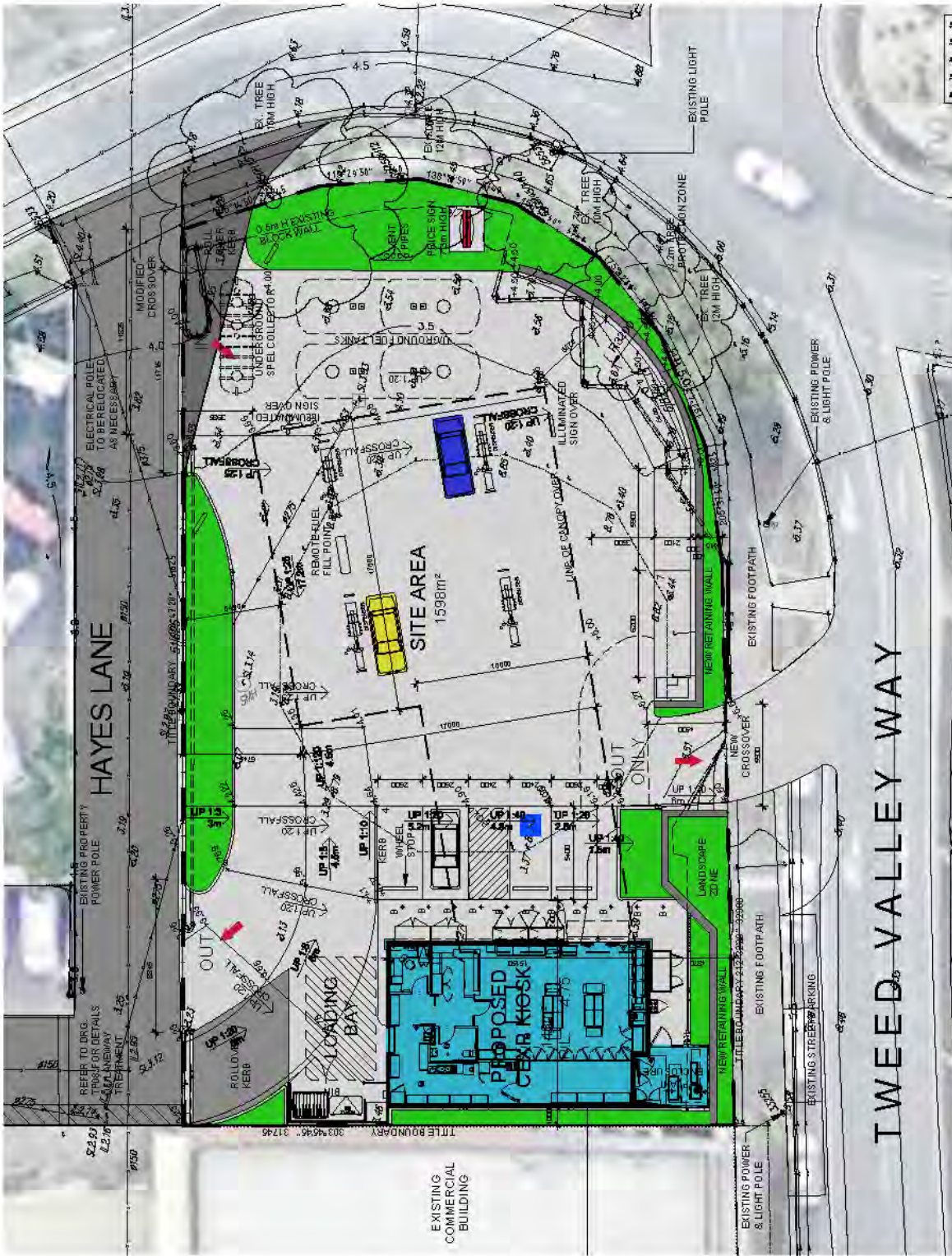
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PROPOSED FUEL FILLING STATION  
219-263 TWEED VALLEY HWY  
STH MURWILLUMBAH  
NSW 2484  
PROPOSED SITE PLAN

PROJECT NO: TP03  
DATE: 11/11/16  
SCALE: 1:100  
DRAWN BY: JG  
CHECKED BY: AB

MFR PROPERTIES  
SITE NO: 1/100  
MFR NO: 1/100  
MFR AB  
MFR PLAN NO: TP03  
MFR DATE: 11/11/16



Not for construction

**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 2014**

**Clause 1.2 – Aims of the Plan**

This Plan aims to make local environmental planning provisions for land in Tweed City Centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

*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, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
- (b) To encourage a sustainable local economy and small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed,*
- (c) To promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage,*
- (d) To promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
- (e) To promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
- (f) To promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
- (g) To conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed,*
- (h) To promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*
- (i) To conserve or enhance areas of defined high ecological value,*

- (j) *To provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposed development relates to a service station development on appropriately zoned land. The proposed development is considered to be generally consistent with the aims of the plan subject to the application of appropriate conditions of consent.

#### Clause 1.4 – Definitions

Under this clause the proposed development would be defined as a service station as follows:

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

This is permissible with consent in the subject zone.

#### Clause 2.1 – Land use zones

The subject development site is zoned B5 Business Development under the provisions of this clause.

#### Clause 2.3 – Zone objectives and Land use table

The objectives of the B5 Business Development zone are:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To provide for retailing activities that are not suited to, or desirable in, other business zones or that serve the needs of other businesses in the zone.*
- *To accommodate a wide range of employment generating uses and associated support facilities including light industrial, transport and storage activities.*

A service station development is permissible with consent in this zone. Furthermore, the proposal is considered to comply with the objectives of the zone, including with respect to enabling a mix of business uses and accommodating a range of employment generating uses and associated support facilities including transport (service station) activities.

The use is considered to be in accordance with the objectives of the zone and the proposal is acceptable in this regard.

Clause 2.7 – Demolition requires development consent

This clause states that *'the demolition of a building or work may be carried out only with development consent'*. The subject application includes the demolition of the existing tavern/bottle shop building on site and therefore the proposal would be in accordance with this control.

Clause 4.1 to 4.2A - Principal Development Standards (Subdivision)

Not applicable. No subdivision is proposed as part of this application.

Clause 4.3 - Height of Buildings

The objectives of this clause include provisions to establish the maximum height for which a building can be designed and ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity. This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance the subject development site is identified as having a maximum building height of 10m (Control K) as identified on the building height map.

The proposed development has a maximum stated height of 7.3m (at proposed sign) with the proposed service station canopy having a maximum height of approximately 5.9m which is in accordance with this control.

The proposal is therefore considered to comply with this control.

Clause 4.4 – Floor Space Ratio

The objectives of this clause are as follows:

- (a) to define the allowable development density of a site and for particular classes of development,
- (b) to enable an alignment of building scale with the size of a site,
- (c) to provide flexibility for high quality and innovative building design,
- (d) to limit the impact of new development on the existing and planned natural and built environment,
- (e) to encourage increased building height and site amalgamation at key locations in Tweed.

This clause goes on to further state that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

In this instance the applicable floor space ratio is 2:1 (Control T). The proposal will result in a floor space ratio of approximately 0.08:1 as only the proposed shop

would provide towards calculable floor space ratio in this development type. The proposed development is considered to be acceptable with respect to this clause.

#### Clause 5.5 – Development within the Coastal Zone

The subject site is not located within the coastal zone.

#### Clause 5.9 – Preservation of Trees or Vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

It is further noted that this clause applies to species or kinds of trees or other vegetation that are prescribed by a development control plan made by the Council.

As outlined under DCP Section A16 – Preservation of Trees or Vegetation assessment elsewhere in this report, the subject application does not result in the removal of any such trees or vegetation. Therefore the proposal is considered to be acceptable with respect to the provisions of this clause.

#### Clause 5.10 - Heritage Conservation

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Tweed,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

A search of the proposed development site has been undertaken on the NSW Government Office of Environment & Heritage website through the Aboriginal Heritage Information Management System (AHIMS) tool which has identified that there are no Aboriginal sites recorded or Aboriginal places declared at or near the proposed development site. In this regard the proposal is not considered to impact negatively on the provisions of this clause.

#### Clause 5.11 - Bush fire hazard reduction

The subject site is not mapped as being bushfire prone.

#### Clause 7.1 – Acid Sulfate Soils

The objective of this clause is *to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage*. The site is mapped as having Class 4 Acid Sulfate Soils.

The application was referred to Council's Environmental Health Unit with respect to this who has advised the following:



*“The site is mapped as Class 4 Acid Sulfate Soils (ASS) indicating the potential presence of ASS greater than 2 metres below natural ground level.*

*The applicant has submitted an ASS MP for Minor Works. A Minor Works plan may be submitted where works will disturb less than 10 tonnes of soil.*

*No site specific investigations have occurred.*

*Excavations works will be required to install UPSS (storage capacity 160kL) and stormwater pre-treatment systems (filter bag insert pit and oil water separator).*

*The site is proposed to be filled - 0m at the north west boundary to 1.5m at the south east boundary.*

*No specific comment has been made to advise of the likely disturbance of soil necessary to install UPSS and pre-treatment systems. It is considered that this would considerably exceed 10 tonnes of soil therefore site specific investigations is required. However it is considered that the management of any ASSs disturbed could be managed therefore the proposal could be conditioned accordingly.”*

The proposed conditions would be applied to any consent issued. Having regard to the above, the proposed development is considered to be acceptable having regard to Acid Sulfate Soils and the development is in accordance with this clause.

#### Clause 7.2 - Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed earthworks have been reviewed by Council's Development Engineering Unit who have advised the following:

*‘Existing site levels vary from RL 3.1m/3.5m AHD @ Hayes Lane frontage to RL 3.5m/4m AHD @ the Tweed Valley Way frontage, where the existing footpath levels are in the range of RL 5.5m AHD.*

*Site filling is proposed to raise the site and facilitate vehicular egress to Tweed Valley Way. The proposed fill depth across the site will vary from approx. 1.5m at Tweed Valley Way to nil at Hayes Lane. Standard conditions will be imposed regarding site filling.*

*New retaining walls will be constructed generally in similar locations to existing, as well as along the southern boundary. The existing easements for support and batter will need to be extinguished and replaced with a new Easement for Support as necessary.’*

It is considered that the proposed earthworks are acceptable subject to the application of standard conditions of consent as outlined above. The proposal is acceptable with respect to the provisions of this clause.

#### Clause 7.3 – Flood Planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

This clause goes on to further state that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The subject site is flood prone with the following flood characteristics:

- Design Flood Level = RL 6.1m Australian Height Datum (AHD)
- Minimum Habitable Floor Level = RL 6.6m AHD - not applicable in this case given the proposal is for a Service Station
- Existing Site Levels - ranges from RL 3.0 at Hayes Lane Frontage to RL 4 in carpark up to RL 5.5m AHD along Tweed Valley Way
- Probable Maximum Flood (PMF) = RL 10.8m AHD
- Property located in a High Flow region

It is noted that the submitted application included a Flood Impact Report prepared by BMT WBM Pty Ltd. The application (and flood report) were referred to Council's Flooding Engineer for comment. The following advice has been provided:

*'The assessment report and associated modelling incorporates filling of the site to accommodate the proposed kiosk building and bowser regions with access to Tweed Valley Way. No filling will be undertaken on Hayes Lane. The proposal transitions from the existing levels of Hayes Lane to the bowser areas. The majority of filling is located in the vicinity of the kiosk and*



*transition to Tweed Valley Way. Based on the existing and proposed levels shown on the TRG Architectural drawings, filling will range from 0m along Hayes Lane frontage then increasing to approximately 1.5m in the vicinity of Tweed Valley Way and the Kiosk.*

*The flood impacts attributed to the proposal included assessment of the difference in peak heights and duration. The assessment concluded "that there is negligible change in the duration of inundation due to the proposed development".*

*In regard to peak heights there was a zonal impact ranging between 10 to 50mm for a distance of 100m on neighbouring properties. This covers the majority of the existing commercial/industrial land use within Hayes Lane/Prospero Street. The zonal impact is highlighted in yellow on Figure 6.1 from the BMT WBM development - refer insert below.*

*Council have floor level data for the region that was utilised to assess the flood impact on these properties within the 100 buffer region. Review of this data indicates all effected properties have ground floor levels well below the adopted Design Flood levels in this region. Ground floor levels range from RL 3.8 up to 5.6m Australian Height Datum (AHD) which is inundated by up to 2m of water in the Design Flood event. On this basis the 10 to 50mm increase in flood level in this vicinity is considered acceptable given those properties existing exposure.*

*In summary from a flood perspective there are no constraints that would prohibit the current proposal. Recommend standard conditions are applied to this proposal that all building materials below the adopted Design Flood Level (RL 6.1m AHD) not be susceptible to water damage. Subject to the requirements of the electrical provider all electrical wiring, power outlets, switches etc be located above the DFL.'*

As outlined above, Council's Flooding Engineer has raised no objection to the proposed development, subject to the application of various conditions of consent.

Subject to the application of these conditions, the development is unlikely to have an unacceptable impact with respect to a flooding hazard or impact on emergency services in the area. As such, it is considered that this development does not contravene the objectives of this clause.

#### Clause 7.6 - Stormwater Management

Stormwater details have been provided as part of this application and reviewed by Council's Development Engineering Unit who have advised of the following in this regard:

##### 'Lawful point of discharge

*The lawful point of discharge is an existing flush-grated pit in the Hayes Lane frontage, central to the site.*

*The existing site's stormwater system falls to a grated pit immediately adjacent to this pit in Hayes Lane.*

*Downstream drainage network*

*Council's GIS indicates the pipe system in the Hayes Lane frontage leads away to the north (against the fall of Hayes Lane) across Alma Street, and discharges to the Tweed River approx. 60m away.*

*Council's GIS is not entirely accurate, as it depicts the street drainage system encroaching into the site - however a site inspection reveals no such encroachment. This is generally reflected by a site survey submitted by the applicant.'*

Stormwater management measures catering for construction phase (erosion and sediment control) and operational phase have also been reviewed with no issues raised in this regard subject to the application of appropriate conditions of consent.

Clause 7.10 - Essential services

This clause states that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) *the supply of water,*

The subject application has been reviewed by Council's Water Unit and Development Engineering Unit with respect to the above, with it being noted that adequate water supply could be provided to service proposal. A 200mm water main, which runs along the east side of Tweed Valley Way is to continue to service the site. The existing service connection line is to be temporarily capped off prior to the demolition of the existing tavern building. This connection will be re-activated to service the new service station.

(b) *the supply of electricity,*

Electricity services are currently provided to the area.

(c) *the disposal and management of sewage,*

The disposal and management of sewage has also been reviewed by Council's Water and Development Engineering Units with it being determined that this can be adequately serviced through infrastructure available to the area. It is advised that a 150mm gravity main traverses Hayes Lane and Alma Street. This main will continue to service the site. The existing service connection line is to be temporarily capped off prior to the demolition of the existing tavern building. This connection will be re-activated to service the new service station.

(d) *stormwater drainage or on-site conservation,*

Stormwater management has been reviewed by Council's Development Engineering Unit with the proposal being considered to be acceptable with respect to stormwater drainage subject to the application of appropriate conditions of consent.

(e) *suitable road access.*

Vehicular access to the development is addressed in further detail elsewhere in this report, with it being considered that suitable road access can be provided to service the proposal in the event of adequate condition being applied to any consent issued. It is noted that an amended driveway crossover layout is to be provided to Alma St, and a new site egress onto Tweed Valley Way.

With respect to the above assessment against the provisions of this clause, it is considered that the proposed development would be acceptable from the perspective of essential services available to the site.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2014.

**State Environmental Planning Policies**

**SEPP No. 33 – Hazardous and Offensive Development**

The subject application has been reviewed with respect to this SEPP by Council's Environmental Health Unit as the subject application includes services for fuel storage and handling. The following comment has been provided with respect to this:

"The development proposal will have four fuel bowsers offering unleaded, premium unleaded and diesel fuel. All fuel will be stored in double walled underground storage tanks orientated towards Alma Street and include the following quantities.

Fuel	Storage Capacity (kL)
Unleaded 91	80
Premium Unleaded Petrol 95	20
Premium Unleaded Petrol 98	20
Automotive Diesel Fuel	40
<b>Total Class 3</b>	<b>160</b>

The proposal is inclusive of a large roofed area (430m<sup>2</sup>) over the fuel bowsers extending to the ancillary shop to provide a covered walkway.

In reviewing the submitted information the guideline *Planning and Development Process for Sites with Underground Petroleum Storage Systems* prepared by NSW DECC&W dated Aug 2009 and *Hazardous and Offensive Development Application Guidelines Applying SEPP 33* prepared by NSW Planning dated January 2011 are referenced.

A Multi -Level Risk Assessment has been prepared by Myros Design Pty Ltd dated 5 December 2015 in accordance with the provisions of SEPP 33. The assessment concluded a Preliminary Hazard Analysis is required and has been appended to the report.

It is noted the Environment Protection Authority is the appropriate regulatory authority for the regulation of underground petroleum storage systems (UPSS). With NSW Safework regulating the storage and handling of dangerous and hazardous goods.”

Recommended conditions of consent have been provided by Council's Environmental Health Unit which would ensure that the design, installation and operation of any underground petroleum storage system would be in accordance with the relevant standards. These would be applied in the event of approval being granted for the proposal.

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

The objectives of SEPP No. 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions.

SEPP No. 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose. In particular it is noted that this SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject application has been reviewed by Council's Environmental Health Unit who has provided the following advice with respect to contamination:

- *Council's GIS shows that there are no dip-sites in the immediate area or within 200 metres of the proposed site.*

- *Council Data records (Murwillumbah Sewerage Sheet No. 14) show that there were bowsers to the north east of the allotment/road reserve prior to the development of the existing roundabout.*

*A Preliminary Site Investigation (HMC2015.150) prepared by HMC Pty Ltd dated January 2016 has been submitted.*

*It is considered the signed report has been prepared by a suitably qualified consultancy.*

*The report indicates preliminary investigations confirmed the information held in historical Council records however were unable to confirm if the UPSS had been decommissioned and removed. Therefore a Soil and analysis Quality Plan was developed. It is noted groundwater was not assessed and no groundwater was intercepted to a depth of 3.5m below existing ground surface during investigations.*

*The report concludes that on-site soil analysis indicates the site is suitable for the proposed commercial/industrial development. However whilst the site is proposed to be filled (0m at the north west boundary to 1.5m at the south east boundary) the report recommends further groundwater sampling be conducted should groundwater be intercepted during installation of the proposed UPSS.*

*Condition to ensure no dewatering permitted without the prior approval of Council.*

*It is also noted that the report indicates the historical underground fuel tank site may now be located within the existing road reserve, due to the realignment of Alma St and the incorporation of the roundabout. Further it could not be confirmed if these tanks were ever removed.*

Having regard to the advice provided, the subject proposal is considered to be acceptable with respect to contaminated land subject to the application of the recommended conditions of consent.

#### SEPP No. 64 – Advertising and Signage

The aims of this policy relate to ensuring that signage and advertising are compatible with the desired amenity and visual character of the subject locality. To comply with the policy, signage should be:

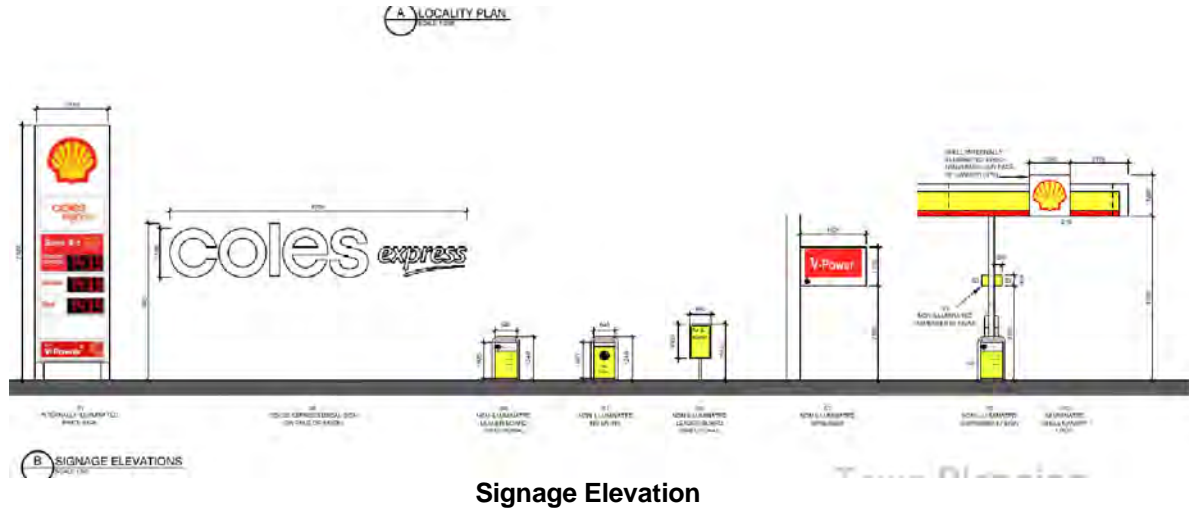
- (i) Compatible with the desired amenity and visual character of the area;
- (ii) Provide effective communication in suitable locations;
- (iii) Signage should be of high quality design and finish.

As outlined elsewhere in this report, the subject application proposes signage as part of this application, including the following:

- Freestanding pylon sign to the Alma Street frontage. This sign has a maximum height of 7.3m and width of 2.1m and is double sided (internally illuminated);

- Canopy signage (Shell) to the perimeter of the service station canopy (internally illuminated logo);
- 'Coles Express' decal to the proposed service station shop building;
- 4 x 'spreader' signs to fuel pumps (non-illuminated).

The signage which forms part of this consent has been demonstrated on the signage elevation below:



Signage Elevation

It is noted that signage at this location has potential to impact upon the visual amenity of the area, in particular to the south-west towards Mt Warning/Wollumbin.

In this regard, the applicant has provided a photomontage of existing conditions and the proposed development, reproduced below:





### Photomontage

From these, it is considered that the location and design of the signage is acceptable in this instance. The service station design as a whole is low-set into the site and does not protrude above existing development at this location. Furthermore the proposed pylon sign has been located on Alma Street, which significantly visual impacts associated with such a development, in particular in terms of conflicting with the views to Mt Warning/Wollumbin, as demonstrated in the above images.

Clause 8 requires Council to assess whether proposed signage is consistent with the objectives of the policy, and compliant with Schedule 1 of the policy.

Schedule 1 provides 8 assessment criteria, as set out below:

1. Character of the area: The proposed signage is considered to be compatible with the proposed character of the area, being associated with a service station development proposed on the site and in this regard is an extension of the proposed development to which this application relates. The proposal is not considered to negatively impact on the character of the area.
2. Special Areas: The proposal is not considered to detract from the amenity or visual quality of any surrounding special areas.
3. Views and vistas: The proposed signage is to be located at various points around the proposed service station including adjacent to the road reserve where the proposed pylon sign is to be located. It is not considered to obscure, compromise or dominate any important views or reduce the quality of vistas as outlined elsewhere in this SEPP 64 assessment. The proposal is considered to respect the viewing rights of other advertisers.
4. Streetscape, setting or landscape: The subject signage is considered to be appropriate in terms of scale, proportion and form having regard to the proposed service station development and associated streetscape and setting. The proposed signage is not considered to contribute to visual clutter or proliferation of signs in the area or set a harmful precedent for similar development in the locality. Furthermore, the

proposal is not considered to screen unsightliness, protrude above buildings or require ongoing vegetation management.

5. Site and building: The proposed signage appears compatible with the size, scale and proportion of the proposed service station development it is to be associated with, thus the proposal will not impinge on characteristics of the site or buildings. Further, the nature of the proposal does not lend itself to particular innovation; however, it is considered that the proposed signage is consistent with the requirements under Schedule 1 of the clause.
6. Associated devices and logos with advertisements and advertising structures: The content of the signage has been submitted, with the 'Coles Express' and 'Shell' logos being provided as part of this application. The proposed advertisement sign does not contain any safety devices, platforms or lighting devices.
7. Illumination: The proposed pylon sign and canopy logo are to be illuminated. It is considered that in the event of approval of this application appropriate conditions of consent would be applied ensuring that illumination would not result in unacceptable glare or detract from the amenity of any neighbouring or adjacent premises. Furthermore a standard condition of consent would be applied with respect to the ability to adjust illumination intensity.
8. Safety: The proposed sign is not considered to reduce the safety of any public road, pedestrians or cyclists as it does not protrude into the sight lines of the subject site or that of any adjoining lots. The development has been reviewed by Councils Traffic Engineer and the Roads and Maritime Service (RMS) with no issues raised with respect to this aspect of the proposal. The signage is not considered to obscure any sightlines from public areas or encroach onto the footpath or car park of the subject site.

Furthermore, Clause 18 of this SEPP relates to advertisements greater than 20m<sup>2</sup> and within 250 metres of, and visible from, a classified road.

Given the location of the site, adjacent to Tweed Valley Way, and the area of signage proposed, the application requires consideration under this clause.

This clause outlines that the consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of the RTA (now RMS). In deciding whether or not concurrence should be granted, the RTA must take into consideration:

- (a) the impact of the display of the advertisement on traffic safety, and
- (b) the Guidelines.

The application was referred to Roads and Maritime Services (RMS) who have provided the following comment with respect to the proposed development:



*'Roads and Maritime concurs with the proposed service station signage, provided signage meets the Road Safety Assessment Criteria in Section 3 of the Transport Corridor Outdoor Advertising Guidelines.'*

As such, no objection is raised with respect to the proposed signage and while not explicitly stated, the concurrence of RMS is considered to have been provided.

It is considered that the proposal, as submitted is generally consistent with the aims and objectives of SEPP 64 – Advertising and Signage, the requirements of Schedule 1 of the policy as outlined in the above assessment.

It is considered that the proposal, as submitted is consistent with the aims and objectives of SEPP 64 – Advertising and Signage and the requirements of Schedule 1 of the policy.

#### SEPP (Infrastructure) 2007

The subject application is located adjacent to Tweed Valley Road, which is a 'Main Road' classified road. Therefore, the subject application requires consideration under Division 17 Roads and traffic, Subdivision 2, Development in or adjacent to road corridors and road reservations. Assessment is required with respect to Clause 101, Development with frontage to classified road and Clause 104, Traffic-generating development under this subdivision. An assessment is provided below with respect to these:

#### *Clause 101, Development with frontage to classified road*

The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

This clause goes on to further state that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied of the following:

- a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

The proposed development does result in a new vehicular egress to Tweed Valley Way (a classified road). The applicant has advised that the development could not operate without this access. No significant concerns have been raised with respect to this egress point and in this regard the proposal is considered to be in accordance with the above.

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

- (i) *the design of the vehicular access to the land, or*
- (ii) *the emission of smoke or dust from the development, or*
- (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The subject development is not considered to interfere with the safety, efficiency or ongoing operation of Tweed Coast Road in this instance given the proposal has been reviewed by both Council's Traffic Engineer and the Roads & Maritime Service (RMS) with no objections being raised in relation to the egress onto Tweed Valley Way.

- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal is not considered to be sensitive to traffic noise/emissions etc. as per the above. The proposal is for a service station development. In this manner, the proposal is not considered to be of any significant sensitivity to traffic noise/emissions etc.

#### *Clause 104, Traffic-generating development*

Under Schedule 3 of this SEPP, Service station developments of any size or capacity with access to a classified road or to road that connects to classified road require consideration under this clause. As outlined above, the subject application is located adjacent to Tweed Valley Road, which is a 'Main Road' classified road.

This clause outlines that before determining a development application for development to which this clause applies, the consent authority must give written notice of the application to RMS and take into consideration:

- (i) any submission that the RMS provides, and
- (ii) the accessibility of the site concerned, including:
  - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
  - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

In this instance the proposal was forwarded to RMS who with respect to this clause who have provided a written response advising that '*Roads and Maritime has reviewed the information provided and has no objection to the proposed development.*'

Council's Traffic Engineer has also reviewed the subject application and raised no concerns with respect to the proposed development having regard to the

above. Traffic Engineer comments are re-produced in detail elsewhere in this report.

Having regard to the above, the proposal is considered to be acceptable when considered against the requirements of SEPP (Infrastructure).

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

Not applicable to the subject application.

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

Tweed Development Control Plan

Section A2 – Site Access and Parking Code

The proposed development is subject to the provisions of Council's Tweed DCP Section A2 - Site Access and Parking Code with respect to site access and parking. These provisions are detailed below:

Parking

DCP A2 requires the following parking spaces for the development as per the provisions of Table 2, as below:

<b>Development</b>	<b>Required Parking</b>
Service Stations (C30)	3.2/work bay + 2.8/100m <sup>2</sup> convenience or retail store + 1/staff

The development generates a requirement for car parking based on the 143m<sup>2</sup> shop and staff numbers on-site creates a requirement for parking as outlined below:

- 143m<sup>2</sup>\*2.8/100 = 4.004 spaces
- 1 staff member = 1 space

A total of 5 spaces would be required to service the development.

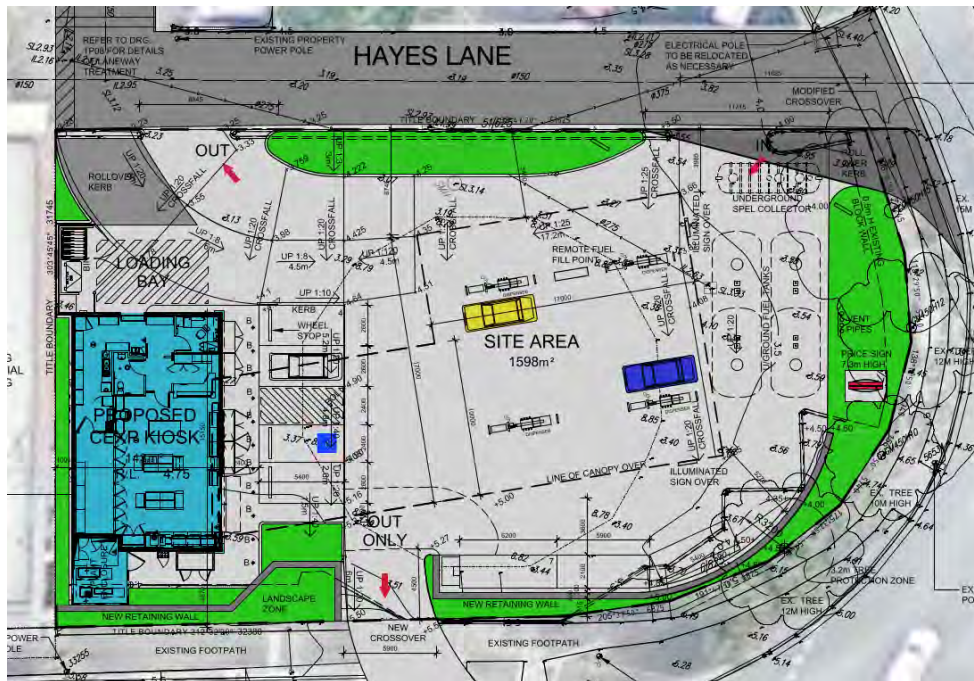
It is noted that 7 parking spaces have been proposed. The proposed development therefore complies with the above controls.

It is noted that the subject application would result in the loss of approximately three on street parking spaces (two on Tweed Valley Way at proposed egress point and one on Alma Street). This has been reviewed by Council's Traffic Engineer who has advised that '*Given the comparatively low on street parking demand in this area this is not seen as a significant concern.*' The proposal is considered to be acceptable with respect to the parking spaces provided.

Access

The subject application has been reviewed by Council's Traffic Engineer with respect to the vehicular access proposed to service the proposed development.

The access proposed to service the development is outlined below:



Site Plan demonstrating access points

In this regard it is noted that a new 'exit only' access point is proposed to Tweed Valley Way with an access point from Hayes Lane/Alma Street.

Furthermore, an egress point is proposed to Hayes Lane, however concerns have been raised by Council staff that this would result in an unacceptable impact on the Hayes Lane road network. In this regard the following has been provided by Council's Traffic Engineer:

*'...it is recommended that egress from the site to Hayes Lane be restricted to service vehicles only, with all other traffic to use the exit onto Tweed Valley Way. This also ensures that any queuing resulting from the Development's operation is contained within the Development itself and not on public roads.'*

*The applicant's response to this Council proposal was that "a restrictive unreasonable boom gate proposed by council, are unwarranted and unreasonable". Further they have put forward "As Hayes Lane is an existing gazetted road and the alignment and operation at this location will remain unchanged in the northern direction." "The treatments (speed bumps, signage and linemarking) proposed for east/west section of Hayes Lane should deter its use by service station traffic, and instead encourage egress out in to Alma Street via the north-south section of Hayes Lane. All development traffic should not be required to egress the site onto Tweed Valley Way, as this will result in increased volumes using the roundabout."*

It is considered that in order to avoid potentially unacceptable traffic/access impacts relating to the proposal, egress from the site via Hayes Lane would be restricted to service vehicles only. This would be controlled via an operator controlled boom gate which would be installed on the exit from the proposed service station onto Hayes Lane. A condition is recommended to be applied to any consent issued in this regard.

Subject to compliance with the above, access to/from Hayes Lane is considered to be acceptable.

Furthermore, the applicant has submitted a Traffic Engineering Assessment Peer Review which recommends changes to the operation of the Tweed Valley Way/Alma Street roundabout and the reduction of Alma Street to single laneway to the roundabout exit.

Why no layout plans have been provided with respect to the works to Alma Street or the Tweed Valley Way/Alma Street roundabout, below is the relevant extract from the applicants the Engineering (Peer Review) report:

*'Notwithstanding this, it is recommended the existing line marking at the Tweed Valley Way/Alma Street Roundabout is amended to a 'spiral' roundabout layout similar to that shown in Figure 3.1 (see below):*



Source: Google Maps

**Figure 3.1:** Spiral Roundabout Chevron Linemarking Example – Mudgeeraba, Qld

*Austrroads' Guide to Road Design Part 4B Roundabouts provides examples of the use of 'spiral' linemarking which is required to help guide vehicles onto single lane exits adjacent to two circulating lanes.*

*In this case, the two exit lanes on Alma Street would be reduced to one to ensure that the potential for the above mentioned weave issue is eliminated from the operation of the roundabout.'*

In the event of landowners consent being granted for these works on Council road reserve, it is recommended that a condition be applied to any consent requiring that detailed plans demonstrating the works to be done to Council's road reserve at the Alma Street and the Tweed Valley Way/Alma Street roundabout be submitted to Council for officer approval.

As outlined above, and having regard to the recommended conditions to be applied to any consent, the proposal is considered to be acceptable with respect to the proposed access provisions. The proposed development is considered to comply with the applicable provisions of DCP Section A2.

#### Section A3-Development of Flood Liable Land

Council's GIS indicates that the subject site is susceptible to flooding, with the 1 in 100 year flood level as well as the Probable Maximum Flood (PMF) level and high flow rates as per Council's GIS system.

The proposed development has been reviewed by Council's Flooding Engineer (See comments under LEP Clause 7.3 assessment) who has raised no concerns with the proposal from a flooding perspective subject to the application of appropriate conditions of consent. It is not considered that the development would result in any unacceptable impacts with respect to flooding. As such the proposed development is considered to be consistent with this section of the DCP.

#### Section A4-Advertising Signs Code

This plan sets out the maximum signage requirements for business premises, including the different types and sizes of acceptable advertising signage. The aims of this DCP are to:

- Promote a high standard of signage quality and prevent excessive advertising and visual clutter by encouraging the rationalisation of existing and proposed signs.
- Ensure that advertising signs do not detract from the scenic beauty and amenity of the Shire.
- Ensure that advertising and advertising structures are compatible and compliment the character of a building site or area.
- Promote adequate and effective advertising and recognise the legitimate need for signs to provide for directions, business identification and promotion.
- Provide appropriate opportunities for advertising signs for the Tourist Industry to give effect to the Tweed Shire Tourism Strategy.
- Ensure that advertising signs do not reduce the safety of any road, pedestrian path or navigable waterway.
- Ensure that advertising signs are constructed and maintained in a safe and tidy condition.
- Ensure that a fair and consistent approach is taken by Council in dealing with advertising sign applications.



The proposed signage is considered to be in keeping with the amenity of the area and generally minimises the visual impact of signs in the area due to the scale of the signage, consistent with the overall development proposal. The proposed development does not contravene the above objectives and would allow for appropriate advertisement of the service station development.

DCP Section A4 specifies that a maximum of five business identification signs shall be permitted per business premise. The proposed signage is compliant with this control, with three of the signs proposed considered to be business identification signs, detailed as follows:

- Double sided pylon sign to the Alma St frontage. This sign has a maximum height of 7.3m and width of 2.1m and is internally illuminated (total area 30m<sup>2</sup>);
- Canopy signage (Shell) to the perimeter of the service station canopy (internally illuminated logo);
- 'Coles Express' decal to the proposed service station shop building (11.3m<sup>2</sup>);
- 4 x 'spreader' signs to fuel pumps (non- illuminated) (2m<sup>2</sup> each). These are not considered to be business identification signs.

Furthermore, it is noted that under A4.2.4 there is a maximum area of signs per business outlined which is calculated by multiplying the first 10 metres of the frontage of the premises by 1 and each metre thereafter by 0.5 and then expressing this figure in square metres. In this instance the proposed service station has a frontage of approximately 130m (10m x 1 & 120m x 0.5) which equates to a maximum area of signs of approximately 85m<sup>2</sup>. As the proposed cumulative signage covers an area of approximately 50m<sup>2</sup> the proposed development is in accordance with this control.

Having regard to the above, the proposal is considered to be generally acceptable having regard to the provisions and objectives of this DCP.

#### A11-Public Notification of Development Proposals

The subject application was placed on public exhibition by way of being advertised on two occasions. Upon lodgement, the development application was advertised for a period of 14 days between Wednesday 10 February 2016 and Wednesday 24 February 2016. During this time 16 submissions were received by Council. Subsequent to the exhibition period, two further submissions and a petition containing 113 signatories was forwarded to Council.

Following the submission of additional information, mainly relating to works proposed to the adjacent road reserve, it was determined by Council officers that the application should be readvertised given significant further information had been submitted.

The proposal was placed on exhibition for a second time for a period of 14 days from Wednesday 19 October 2016 to Wednesday 2 November 2016. During this time a further 21 submissions were received. The matters raised in these submissions are detailed elsewhere in this report.

### Section A15 - Waste Minimisation and Management

Council's DCP Section A15 aims to minimise the generation of construction/demolition waste and facilitate effective ongoing waste management practices consistent with the principles of Ecologically Sustainable Development.

The applicant has provided a Waste Management Plan which includes details relating to both the construction phase and the ongoing operational phase of the proposed development (demolition is addressed under Demolition Plan). This has been reviewed by Council's Waste Management Unit who have advised that the following condition would be appropriate in this instance. *"All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management and to the satisfaction of the General Manager or his delegate."*

This is considered appropriate and the above condition requiring adequate waste management arrangements, is to be attached to any consent in the event of approval. As such, the proposal is considered to be acceptable having regard to waste management and the provisions of this section of the DCP.

### Section A16 – Preservation of Trees or Vegetation

The objectives of this DCP are:

- a) *To ensure the preservation of locally indigenous trees and vegetation which contribute to the biodiversity, social and amenity value of the Tweed Shire;*
- b) *To recognise and conserve very large trees (locally indigenous or otherwise) of amenity, heritage or habitat value;*
- c) *To provide a process for identifying, listing and preserving trees of ecological, heritage, aesthetic and cultural significance through a Significant Vegetation Register;*
- d) *To minimize, and avoid where possible, unnecessary clearing of native trees and vegetation;*
- e) *To provide advice to applicants regarding how to proceed with an application to clear vegetation to which this DCP applies;*
- f) *To provide a process for the submission, assessment and determination of an application to clear vegetation to which this DCP applies; and*
- g) *To specify types of vegetation clearing that is exempt from this DCP.*

This DCP goes on to further state that it applies to the following trees or vegetation (of relevance in this instance):



- c) *Trees (locally indigenous or otherwise) that have a trunk diameter of greater than or equal to 0.8 metres measured at 1.4 metres above the natural ground;*

While the subject development site is generally cleared of vegetation, it is noted that there are four mature *Corymbia torelliana* (Cadaghi) trees located to the northern site boundary. Council's Natural Resource Management Unit have advised that these are a native tree of North Queensland and do not naturally occur in the Tweed Shire and are identified as a potential environmental weed in the Tweed Vegetation Management Strategy 2004.

Furthermore, the applicant has submitted a Tree & Vegetation Management Plan which indicates that the maximum tree trunk diameter is 0.55m (at 1.3m above ground level). Therefore the abovementioned trees do not require consideration under this DCP.

Further assessment is however undertaken under Flora/Fauna considerations elsewhere in this report.

#### Section A17 - Business, Enterprise Corridor & General Industrial Zones

The provisions of DCP Section A17 applies to all land within the following zones as per the Tweed Local Environmental Plans:

- B5- Business Development
- B6- Enterprise Corridor
- B7- Business Park
- IN1- General Industrial

As the subject site is within the B5 zone, this section of the DCP applies to the proposed development.

The aims of this plan are as follows:

- A1. *Contribute to the growth and character of Tweed Shire's business, enterprise and industrial precincts.*
- A2. *Facilitate coordinated business, enterprise and industrial precincts which maximise employment opportunities through site efficiency and amenity.*
- A3. *Facilitate the development of sites that minimises under utilisation or sterilisation of land through poor site planning, design and unsuitable land uses.*
- A4. *Achieve an attractive and sustainable built form which responds to the features of the site and the Tweed's subtropical climate.*

This document outlines the following with respect to the Business Development zone, relevant to this application:

*"The business development zone represents a wide range of business and light industrial land uses including those that typically require large floor areas. Whilst these uses don't necessarily need to be located within local*

*centres, they should be strategically located to enable the support and viability of those local centres including providing local employment opportunities.*

*Within the Tweed context, business development sites are areas zoned to facilitate a broad mix of employment generating uses including, but not limited to, bulky goods development, general industry, hardware and building suppliers, light industry, timber yards, warehouse and distributor centres, wholesaler supplies and the like. Ancillary services such as child care centres, take away food and drink and services stations are also typical uses within this zone.*

*Given the typically large building format of many of these uses, it is important that business development precincts should include a mix of allotment sizes capable of sustaining a range of business types and sizes. This can lead to greater diversity of uses and mutually beneficial relationships between various businesses. However, more directed or dedicated business development sites will largely determine the configuration to best suit the intended use.*

*In terms of the urban structure of business development precincts, an orthogonal or grided street pattern results in a more legible and open traffic movement network as well as resulting in more regular block shapes and sizes. This makes it easier to apply passive design principles to future buildings. Varying lot sizes across a subdivision also results in more diversity and variety of uses and establishes opportunities for symbiotic business relationships between larger and smaller start up businesses.”*

This DCP requires the assessment of the proposed development against the following development controls:

## PART 1 - SHIRE WIDE PROVISIONS

### 3. Site Design 3.1. Site Analysis

A site analysis plan has not been provided with the submitted development application. The proposal is considered to be acceptable in this regard.

### 3.2. Urban Design

The applicant has provided information with respect to this control generally outlining that the proposal is acceptable with respect to access & connectivity, legibility, human scale, quality of edges, adaptability and versatility and environmental sensitivity and sustainability. The submitted information is considered to adequately address the design issues pertaining to the proposal. In this manner it is considered that the development represent an acceptable development at this location in terms of scale and massing.

### 3.3. Topography, Cut and Fill

Filling of the site up to a level of approximately 1.5m at Tweed Valley Way is proposed as part of this application. This complies with the maximum +/- 3m level specified in this clause. Adequate detail has been provided with respect to earthworks proposed and the application is acceptable in this regard.

## 4. Building Envelope

### 4.1. Setbacks

The site specific DCP Section B22 (see assessment elsewhere in this report) provides for a reduced front setback at this location. The site specific DCP is considered to prevail.

### 4.2. Site Coverage and Landscape Area

Under this control, site coverage refers to the percentage of a site that may be built upon in relation to the overall lot size and reflects the footprint a building may occupy. The proposed development includes a shop building while the canopy over the fuel area could also be considered as a 'building'. Therefore these buildings are calculated as covering 570m<sup>2</sup> on the site, which represents less than the 70% allowable under this control.

Furthermore a landscaped area of approximately 240m<sup>2</sup> has been provided on site which exceeds the 10% requirement under this control.

### 4.3. Building Heights

The proposed building is compliant with the maximum building height under the Tweed LEP 2014. Proposal is acceptable in this regard.

## 5. Building Design

### 5.1. Designing for the Tweed Climate

The proposed building is considered to be generally acceptable in terms of being designed for the Tweed climate. The applicant has advised that *'where possible the Service Station will include energy efficient products for refrigeration and heating for convenience times within the ancillary store.'*

It is noted that there would be cross-ventilation through the site given its open nature. The proposed development is considered to be generally compliant with this control.

### 5.2. Building Form and Materials

Not applicable as the proposal does not relate to a business/commercial building as per the definition of the TLEP 2014.

### 5.3. Overshadowing

Shadow diagrams are not considered necessary in this instance.

#### 5.4. Views and Visual Amenity

The controls of this clause outline the following:

- C1. Potential view and overlooking impacts and the design response/s pursued are to be documented within a site analysis.*
- C2. Where business developments interface with residential or open space areas, visual amenity impacts are to be mitigated against through building design and landscaping. For example, an unarticulated concrete tilt up wall interfacing with a residential area is unacceptable.*
- C3. Where located within a recognised view corridor a Visual Impact Statement may be required.*
- C4. The design of roof forms and use of colour is to have regard to and be compatible with the broader landscape character especially when on exposed locations.*

The applicant has submitted photomontage images (demonstrated below) which demonstrate how the proposed service station is to sit within the existing site.



**Photomontage submitted**

Given the design of the proposal, which does not provide for excessive height or bulk when compared to surrounding development, it is considered that the development does not result in any view or overlooking impacts and the roof design is considered to be acceptable having regard to the broader landscape character. The development is considered to be generally acceptable in this regard.

#### 6. Landscaping

Adequate area for landscaping has been provided on the submitted site plan. Further details with respect to landscaping would be provided on site through the application of appropriate conditions of consent, including a requirement for 80% locally native species.

7. Ancillary Buildings, Uses and Structures

7.1. Neighbourhood Shops and Factory Outlets

The associated shop building is considered to form an ancillary component of the service station development. This complies with the controls under this clause.

7.2. Child Care Centres

Not applicable to the subject application.

7.3. Signs and Advertising

Signage has been addressed elsewhere in this report, specifically under the SEPP 64 assessment, DCP Section A4 and site specific DCP Section B22 assessment. The signage proposed is considered to be acceptable in this instance.

7.4. Fences

Not applicable to the subject application as no fencing is proposed.

7.5. Temporary Outdoor Business Activities

Not applicable to the subject application.

7.6. Safety and Security

The proposed development location adjacent to the public road (Tweed Valley Way) is considered to assist with safety and security as there would be passive surveillance of the site by the public on this public road. In this regard the building is considered to be secure. Proposal is acceptable in this regard.

PART 2 - SITE SPECIFIC PROVISIONS

8. Site Specific Development Controls

8.1. Boyds Bay Business Park

Not applicable as site is not located in Boyds Bay Business Park.

Having regard to the above assessment, the proposal is considered to be acceptable having regard to the requirements outlined in DCP Section A17.

Section B22-Murwillumbah Town Centre

The main objectives of the DCP are to:

- Maximise density in the town centre
- Ensure a consistency of street setback and street frontage height in the town centre core; and

- Encourage mixed use development in the locality of the development site.

The subject site is located in the Mixed Use area within the Urban Structure Plan and the Prospero Street precinct.

Matters relating to the Prospero Street precinct have been deferred under his Development Control Plan. With respect to this, the following advice is noted:

*“In December 2007, Council adopted a Flood Risk Management Policy to address safety and evacuation issues arising from habitation of the flood plain. As a result, there is constraint on increasing densities in parts of the study area and therefore carrying elements of the plan forward for adoption.”*

Under Part 4 of this DCP, controls for development are outlined with respect to Floor Space Ratios, Site Coverage, Building height, Street Alignment and Setbacks, Urban Grain, Active Frontages, Corners, Awnings, and Signage and Advertising. An assessment against these controls is outlined below as applicable.

#### 4 Detailed Guidelines & Controls

##### 4.1 Floor Space Ratio

The site is mapped as having a floor space ratio of 1.2:1. The proposed development has a floor space ratio which is compliant with this control.

##### 4.2 Site Coverage & 4.3 Building Height

This DCP refers these controls to the relevant Local Environmental Plan or other Section of the DCP. These controls are addressed where applicable elsewhere in this assessment.

##### 4.5 Building Alignment and Orientation

The subject site, addresses three ‘street’ frontages, being Tweed Valley Way, Alma Street, and Hayes Lane. The controls of this clause outline the following:

- *The external facades of buildings are to be aligned with the streets that they front.*
- *The main “face” and entrance of all buildings is to be oriented toward, and be immediately visible from, the street directly in front.*
- *Where a building is located on an allotment that has more than one street frontage, the main pedestrian entry is to be oriented toward the more significant of the streets*

In this instance, it is considered that the proposed service station development is orientated towards and is visible from the street in front. Pedestrian entry to the development would be available from all public streets subject to the application of recommended conditions of consent. The development is considered to be acceptable with respect to the above.

#### 4.6 Street Alignment & Setbacks

The DCP nominates the subject side as requiring a setback of 2.5 – 4.5m from Tweed Valley Way and Alma Street. The proposal as lodged was not compliant with this setback. Further information was requested from the applicant with respect to this who have advised of the following:

*'Under Section 4.6 Street Setbacks of the DCP 822, a setback of between 2.5m and 4.5m applies to the subject site. The proposed development does not provide this to Alma Street and as such we have sought a variation to this control.*

*In this regard, the subject site has three road frontages, Alma Street, Tweed Valley Way and Hayes Lane. The site only has one adjoining property which is currently improved by a number of commercial premises including a grocer, Roads and Traffic Authority Motor Registry Office and a Cafè. These Shops are built to boundary and considered not to comply with the above setback controls.*

*The proposed development complies with the setback to Tweed Valley Way and as a result is considered to comply with the objectives of the control which aims to provide a consistent definition of the public domain.*

*It is also considered that the variation to the Alma street frontage is also consistent with the domain along Alma Street. Although not an adjoining property, the property opposite Hayes Lane is a parking lot which contains one small carport set in the centre of the property. This site is considered not to be consistent to the surrounding uses in regards to building density, visual appearance.*

*It is also noted that the existing building located on site is significantly setback from Alma Street. By maintaining a greater setback consistent to the existing building, the development maintains the view corridors to Budd Park and the Tweed River from Tweed Valley Way. By allowing additional setbacks from the site boundaries the development will provide clear view corridors from the adjoining streets to Budd Park and the Tweed River.*

*The Information Centre, on the opposite corner of Alma Street and Tweed Valley Way is also considered to be setback further than the prescribed controls. It is therefore considered the setback proposed to Alma Street is consistent with that of the properties in the surrounding vicinity.*

*Additional photomontages have been provided to clearly identify how the development will integrate into the surrounding scene; Council is directed to the attached. These photomontages clearly illustrate the development integrates into the character of the locality whilst maintaining and enhancing the view corridors from Tweed Valley Way.*

*The photomontages also confirm that if a development was to be built to the minimum setbacks and provide a higher site coverage, the view corridors*

would be lost and blocked by the bulkier development. It is considered the development is in keeping with the character and intent of the junction.

BEFORE



PROPOSED VIEW  
TWEED VALLEY WAY  
LOOKING SOUTH WEST TOWARDS SITE

AFTER



PROPOSED VIEW  
TWEED VALLEY WAY  
LOOKING NORTH WEST TOWARDS SITE



**Photomontages submitted**

Having regard to the advice provided, it is considered that the setbacks to Alma Street comply with the above control. A reduced setback of 1.4m is provided to a minor portion of Tweed Valley Way where the 'Plant Enclosure' is proposed. However, this also complies with the control which states that '*Buildings are to be set back consistently along a street*' as the adjoining building to the south has a 0m setback. The proposal is acceptable having regard to this control.

**4.8 Rear Lanes**

The subject site is bordered by Hayes Lane to the eastern boundary, which is identified as a rear lane under this plan. There are no specific controls provided with respect to rear lanes, however guidelines are provided which include that rear lanes are to provide parking and service access to properties, provide a pedestrian entrance to the building, and that developments provide suitable casual surveillance of rear lanes.

In this instance, the proposal is considered to comply with the relevant guidelines, with the rear lane recommended mainly for service vehicle access, although the site entrance would be from a rear lane also (as currently established).

**4.9 Corner Buildings**

The objectives of this clause are as follows:



- Enhance the legibility of the Town Centre.
- Provide a strong address of important junctions.

#### Controls

- Buildings on corner sites are to be designed to emphasise the importance of their location through architectural expression and landscape treatments (such as increased height, reduced building setbacks, entrances location and orientation), and are to display the following characteristics:
  - 3D modelling of corner elements - e.g. truncation, articulated bays
  - A strong design contribution to the shaping of the skyline
  - Landscape and footpath treatment at corners which reinforces the significance of the corner

Under the original assessment, the application was requested to provide additional information with respect to this control as outlined below:

‘The proposed development is not considered to be in accordance with the above controls or objectives. It is noted that the submitted application addresses this control by stating that “*The proposed service station is setback significantly from the corner of Tweed Valley Way and Alma Street.*” This is not considered to adequately address the objectives of controls of this clause.’

A response has been provided in response to this request for further information which outlines the following:

*The proposed development is considered to comply with the objectives under the section 4.9 'Corner Buildings', which state, inter alia:-*

- *Enhance the legibility of the Town Centre.*
- *Provide a strong address of important junctions.*

*The proposed development is considered to undoubtedly add to and provide legibility to not only the town centre but to the intersection of Tweed Valley Way and Alma Street. The function of a service station is for rest and refuel. It is considered that service stations are generic and universal landmarks which assist people in wayfinding and help gain connection to surrounding areas. The service station will only add to the existing landmark of the visitor information centre on the opposite corner of the site assisting in the legibility of the corner and town centre.*

*It is considered that Tweed Valley Way is the main access road from the south. The development with the additional setbacks maintains and enhances the view corridor from the south. It is considered this development will result in a far greater outcome than a development which is 100% in site cover and offers no sightlines or connections to Budd Park and the Tweed River.*

*The proposed building on the site has not been set close to the corner for security and functionality. If the development was set into the corner of the site, it would be considered to have its back to the dominant corner and therefore not activate the street frontage.*

*The development is considered to activate the street frontage through the use of lighting, signage and pedestrian movements. Additional photomontages have been provided which clearly illustrate how the development will fit into the location. This development provides good visual permeability to the site allowing outlooks which add to the importance of the junction. As noted above, if the development was to be built to the boundary and have a higher site coverage, these outlooks to the significant Budd Park and Tweed River would be diminished. Tweed Valley Way is a major access route into Murwillumbah taken by visitors and local residents, this development will enhance the visitors and residents travel by opening up that view corridor and allow a greater visual amenity to the junction.*

*The proposed development is considered to significantly improve the existing buildings and amenity and provide further activation of the corner.*

Having regard to the advice provided, it is not considered that refusal of the application would be warranted in this instance. The development type does not lend itself to a typical street address, however the proposal is not considered to compromise the objectives of this control.

#### 4.11 Signage and Advertising

Signage is proposed as part of this application as detailed under the SEPP 64 assessment report elsewhere in this report. This signage has been assessed as being acceptable and is not considered to contravene the provisions of the site specific DCP. In particular, signage devices do not obstruct the passage of pedestrians or vehicles. They do not impact on traffic safety and do not obstruct sight lines. Furthermore the scale proportion and form of advertising devices are considered to be appropriate to the streetscape or other setting in which they are located. No A-frame display boards are proposed as part of this application.

In conclusion, the proposed development is considered to satisfy the objectives of DCP Section B22.

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

##### Clause 92(1)(a)(ii) Government Coastal Policy

The subject site is not located on land to which the Government Coastal Policy applies.

##### Clause 92(1)(b) Applications for demolition

The existing buildings/structures on site are to be demolished as part of this application. As such, demolition provisions are required to be considered as part of this application. Standard conditions would be applied to any consent requiring

that demolition be undertaken in accordance with the relevant Australian Standard document.

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

**Tweed Shire Coastline Management Plan 2005**

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The subject site is not located on the coastal foreshore and is not affected by coastal hazards.

**Coastal Zone Management Plan for the Tweed Coast Estuaries 2013**

The proposed development is not within Cudgen, Cudgera or Mooball Creeks. This Plan is therefore not relevant to the application.

**Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)**

The subject site is not located within the Cobaki or Terranora Broadwater (within the Tweed Estuary), with this Plan therefore not relevant to the proposed development.

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

**Access, Transport and Traffic**

The subject application has been reviewed by Council's Traffic Engineer with respect to access, transport and traffic concerns. Summarised comments have been provided under the DCP Section A2 assessment relating to access provisions. It is considered appropriate to re-produce these comments detail below;

***'Traffic Generation***

*Existing*

*Surveys undertaken by the applicant indicate that the existing development (Bottle Shop) generates 6 trips (3in, 3out) in the morning peak and 55 trips (28in, 27out) in the afternoon peak.*

*Peak background traffic movements on Alma Street have been determined as occurring between 8am and 9am and 3:30pm and 4:30pm.*

*In the morning peak 496 vph are turning right into Alma Street and 262 vph are turning left into Alma Street from Tweed Valley Way (TVW). In the afternoon peak 587 vph are turning right and 167 vph are turning left.*

*Proposed*

*The traffic consultants' estimate based on similar Coles Express Service Stations that the proposal will generate 70 vph morning trips (35 in/ 35 out) and 84 (42in/42out) afternoon trips*

*It was put forward that these numbers would be commensurate with the existing tavern and bottle shop operating at normal trading peaks.*

*It is estimated that the majority of vehicles entering the site will do so after turning right at the Tweed Valley Way (TVW) roundabout (southbound). A number will turn left into Alma Street from TVW then exit utilising the proposed egress to TVW.*

*The applicant advises that these egress movements are able to be absorbed into the existing background traffic without queuing into Hayes Lane.*

**Comment**

*The applicants provided information that the vast majority of vehicles (87%) exiting the Bottle Shop site continue along Hayes Lane and either enter Prospero Street through the private car park or pass the frontage of the Hayes Toyota onto Alma Street. Whilst some Service Station traffic (27%) will use the proposed egress on to TVW it is expected that a significant number of vehicles will continue using Hayes Lane to avoid the access to Alma Street close to the roundabout.*

*This increase in traffic movements on Hayes Lane fronting Hayes Toyota is addressed in the DA by proposing the installation of 3 speed bumps and a 1.2m wide cross hatched zone on the west side on Hayes Lane. The proposed treatments will impact on the operation of the car yard and was not included in the advertised DA.*

**Access**

*Tweed Valley Way*

*There is currently no vehicular access to TVW for the site. It was proposed to install an exit only onto TVW which would consume at least two on road parking spaces. The proponent has advised that the development could not operate without this access.*

*Alma Street*

*The primary access to the site is via Hayes Lane as per the existing Bottle Shop and Tavern. The applicant is proposing to widen the Lane by 5m at its intersection with Alma Street to enable the large service vehicle access to the site.*

*As discussed above the majority of vehicles entering the site (turning left from Alma Street) will do so after turning right (southbound) on Tweed Valley Way. The vehicles will be in the right lane and would need to cross paths with vehicles using the left lane on Alma Street that are continuing west towards the CBD.*

*The applicants' consultants have put forward removing a lane (currently two) on Alma Street for westbound traffic and adjusting the linemarking on the roundabout would remove this conflict point. The consequence of this lane reduction will result in a reduction in capacity of the roundabout. Northbound drivers approaching the roundabout on TVW can then no longer turn left into their own lane and would need to give way to drivers turning right into Alma Street from the roundabout.*

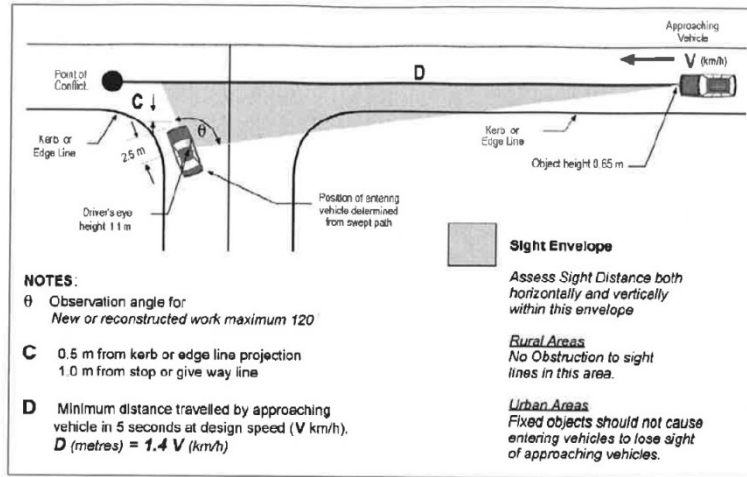
*Currently it has been observed that vehicles are queuing on Alma Street (due to capacity constraints at the Commercial Road/Wollumbin Street roundabout). The proposed lane removal will potentially further impact on the operation of the Alma Street/TVW roundabout.*

*Council is currently reviewing its Tweed Road Development Strategy which informs the future road network and the Section 94 Tweed Roads Contribution Plan. Whilst the current Plan does not propose increasing the capacity of the Wollumbin St/Commercial Rd roundabout and/or duplicating the Main bridge access to town, allowing a potential permanent reduction in the lanes on Alma Street may be pre-emptive without reviewing the completed study.*

#### *Sight distance*

*The Safe Intersection Sight Distance (SISD) is the minimum distance which should be provided on the major road at any intersection and provides sufficient distance for a driver of a vehicle on the major road (Alma Street) to observe in the worst case a vehicle stalling across the traffic lanes when exiting Hayes Lane.*

*Figure 3.6 from Austroads Guide to road Design Part 4a provides that sight distance for a driver exiting the intersection should be a minimum distance travelled by approaching vehicle within five seconds which in this case is 56 metres required to avoid crashes at the conflict point. This distance is not available due to the proximity of the roundabout and the curvature of the road.*



Note: Minimum distance travelled by approaching vehicle of 5 s based on  $t_0$  for left-turn from Table 3.4.  
Source: Based on Austroads (2005).

Figure 3.6: Sight distance to a through vehicle from a vehicle turning left

*It is not accepted that “a sight distance assessment at this location is deemed unnecessary. As the alignment of Hayes Lane at this location will remain unchanged in the northbound direction, the sight distance from a vehicle standing at the Hayes Lane access to vehicles approaching from the roundabout will remain unchanged.”*

*Increasing traffic volumes accessing Tweed Valley Way from Hayes Lane would most likely result in an increased risk of crash occurrences. Limiting egress from the site for cars to Tweed Valley Way only, would in part address this issue.*

### **Crash Risk/Safety**

#### *Hayes Toyota*

*The Lane is currently used as an extension of the existing vehicle retailer/service centre. This practice has been underway for a significant period of time. Whilst Council is responsible for maintaining the Lane any increases in through traffic movements may lead to safety concerns for pedestrians, signage requests (to limit parking) and increased maintenance demands.*

*Should Hayes Lane not operate satisfactorily with the Development traffic there will be an increase in patrons using the private carparking area through to Prospero Street leading to complaints from the landholders responsible for this area (Lot 21 and 22 DP 1097459), due to increased safety risks and maintenance requirements.*

*As a result it is recommended that egress from the site to Hayes Lane be restricted to service vehicles only, with all other traffic to use the exit onto Tweed Valley Way. This also ensures that any queuing resulting from the Development’s operation is contained within the Development itself and not on public roads.*

*The applicant's response to this Council proposal was that "a restrictive unreasonable boom gate proposed by council, are unwarranted and unreasonable". Further they have put forward "As Hayes Lane is an existing gazetted road and the alignment and operation at this location will remain unchanged in the northern direction." "The treatments (speed bumps, signage and linemarking) proposed for east/west section of Hayes Lane should deter its use by service station traffic, and instead encourage egress out in to Alma Street via the north-south section of Hayes Lane. All development traffic should not be required to egress the site onto TVW, as this will result in increased volumes using the roundabout."*

*There was no evidence provided to indicate that the roundabout will be adversely affected by all Service Station traffic being directed back on to the roundabout. Whilst the roundabout does suffer from blockage at peak times, this is the result of queuing from the Commercial Road/Wollumbin Street roundabout 400m to the west.*

### **Commercial/Service access**

*It is proposed that a 19m articulated semi-trailer will access the site from Alma Street into Hayes Lane and then exit the site into Hayes Lane continue west (frontage of Hayes Toyota) turn left onto Alma Street, left into River Street and left into Prospero Street then head north on TVW.*

*To enable this movement Hayes Lane would need to be widened 5m towards the Alma Street/TVW roundabout.*

*"No Stopping" for approximately one vehicle length would also be required on Alma Street at the west access of Hayes Lane to enable the 19m to turn left.*

*Other vehicles such as Medium Rigid Service vehicles can exit the Service Station by turning right into Hayes Lane and turning left into Alma Street near the roundabout.*

### **Recommendations for Council approval**

1. *An operator controlled boom gate is installed on the exit from the proposed service station onto Hayes Lane limiting egress to Hayes Lane to service vehicles only.*

*(Whilst the proponent does not accept this limitation it is considered that the site is unsuitable for a high traffic generating development and increasing traffic use of Hayes Lane cannot be supported.)*

2. *Hayes Lane is to be upgraded as per the submitted plan in the Traffic Engineering Assessment Peer Review, Attachment 1, Development Plans.*

*(This is considered appropriate given that the recommendation in Item 1 above will only restrict egress from the Development and access to*

*the site may result in increased through movements from the west access on the Lane at Tweed Valley Way.)*

3. *Pedestrian access to the site from Tweed Valley Way to be constructed.*
4. *Yellow no stopping edgeline to be installed on Alma Street from the west access of Hayes Lane to the existing marked pedestrian crossing.*
5. *The existing two lanes westbound on Alma Street from the Tweed Valley Way roundabout reduced to one lane and appropriate linemarking installed on the roundabout to facilitate these changes.'*

Having regard to the proposed development is considered that the subject application can be supported subject to the above recommendations being incorporated into appropriate conditions of consent.

#### Flora and Fauna

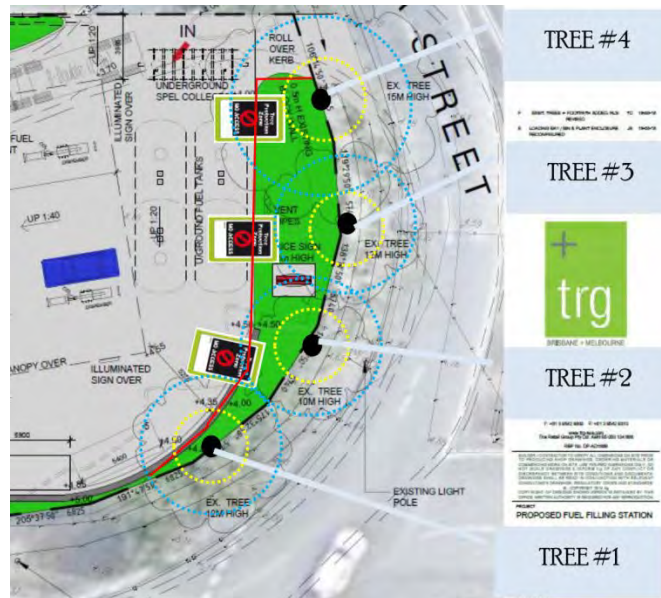
While the development site is predominately cleared of vegetation, it is noted that there are four mature *Corymbia torelliana* (Cadaghi) located to the northern site boundary (mainly within Council's road reserve). The applicant has submitted a Tree & Vegetation Management Plan (arborists report) prepared by Treescience in relation to these trees which advises that '*based on the results of our findings, we conclude that the subject Council controlled trees can be successfully preserved within the context of the proposed development.*'

This has been reviewed by Council's Natural Resource Management (NRM) Unit who also conducted a site inspection and have provided the following advice:

*'All trees the subject of the T&VMP are Corymbia torelliana (Cadaghi) that is a native tree of North Queensland. C. torelliana does not naturally occur in the Tweed Shire and is identified as a potential environmental weed in the Tweed Vegetation Management Strategy 2004'*

As such, there has been no ecological value identified in preserving the trees on site.





**Tree Constraints Management Plan**

However, Council's NRM Unit have identified that the long term retention of Tree No. 2, 3 and 4 (see Tree Constraints Management Plan above) may be compromised due to pruning to tree nos. 2 & 3 and a kerb and pavement appearing to encroach within the Structural Root Zone of Tree No. 4. This is detailed further below:

- *'Whilst the report acknowledges that canopy modifications to Trees 2 and 3 will be required to enable good visual access to the 7.3m illuminated sign (from Tweed Valley and Alma Street), the degree of pruning/canopy modification in terms of % reduction has not been provided. Given the height of the sign similar to that of the projected canopy and spreading form of the trees this pruning/modification may be substantial and have a negative impact on the structure/form and long term health and viability of the trees*
- *The 'Roll Over Curb' and pavement to allow for the entry of a MRV into the site off Alma Street into Hayes Lane appears to encroach within the Structural Root Zone (2.57 m based on 550 mm basal diameter) of Tree No. 4. The impact of excavation and compaction necessary to construct the crossover/pavement and replacement of the grass verge with impervious pavement treatment has not been adequately addressed in the T&VMP.*

*Based on the review, I have concerns for the long term retention of Tree No. 2, 3 and 4.'*

However, it is noted that due to the species of the trees *Corymbia torelliana* (Cadaghi) not being locally native, Council's NRM Unit do not seek retention of these trees, but have rather provided advice as to the likelihood of the trees surviving.

This element of the application has also been reviewed by Councils Parks Supervisor within the Recreation Services Unit, with the following comment being provided:

*'Happy to have the trees retained if proper control measures are adhered to during construction. In saying this if due to changes and the trees are removed as part of the DA consent it may be an opportunity to factor in more appropriate endemic species as replacements.'*

Taking into account the advice provided (including Tree & Vegetation Management Plan) and the review undertaken by Council staff, it is clear that the proponent has committed to the retention of these trees. In the event that this does not occur, Council staff have not raised any concerns were the trees removed from an ecological perspective.

In terms of any amenity value associated with the retention of the trees, it is considered pertinent that the size of the trees (trunk diameter) excludes them from consideration under DCP Section A16 – Preservation of Trees or Vegetation as non-indigenous trees (see assessment elsewhere in this report).

In any event, it is considered that the submitted application commits to the retention of this vegetation, with the Tree & Vegetation Management Plan (which forms part of the application) containing mitigation measures to reduce any impact on the trees. The proposal is not considered to result in any unacceptable impacts with respect to flora/fauna, given that even if the trees were to require removal, no objection has been raised at officer level.

### Amenity

The subject application has been reviewed with respect to potential amenity impacts by Council's Environment Health Unit who have provided the following advice with respect to this development:

*'Construction noise nuisance impact has not been addressed however in consideration of the location standard conditions are deemed adequate to ensure a construction management plan is submitted prior to issue of any construction certificate.'*

*It is proposed to operate the service station 24 hours a day, 7 days per week. The land is zoned B5 – Business Development and is currently used as a tavern. The nearest sensitive receivers (dwellings) are located greater than 100m to the east. A search of Council records reveals the current site usage has not generated any noise concerns.*

*It is considered the proposed activities will not significantly impact on the amenity of the area.*

*Illuminated signage is proposed for the development.*

*Conditions to be applied to preserve the amenity of the area during construction and operation.*

Having regard to the above, it is considered that the proposal would represent an acceptable development when considering potential amenity impacts.

## Demolition

The current site is developed with a tavern/bottle shop development. This building and all site structures including fencing is to be removed as part of this proposal. A Demolition Plan prepared by Planit Consulting Pty Ltd dated December 2015 has been submitted. This has been reviewed by Council's Environmental Health Unit who have provided the following comment:

*'It is noted the report states a pre-demolition soil contamination investigation has been undertaken and appended however no such report has been included. Further the matter has not been addressed with the Preliminary Site Investigation (HMC2015.150) prepared by HMC Pty Ltd dated January 2016. Consider further investigation of matter may be addressed prior to demolition works commencing.*

### **Condition**

*During demolition works and prior to the removal of the building slab pre-demolition soil analysis is required to ascertain the presences of chemical treatment for pesticides applied below and within the vicinity of the slab. Where on-site soil analysis indicates the site is not suitable for the proposed commercial/industrial development a Remediation Action Plan (RAP) shall be prepared by a suitably qualified person to the satisfaction of the General Manager or delegate. Any remediation works shall be undertaken in accordance with the approved RAP.'*

Having regard to the above advice provided, the demolition proposed is considered to be acceptable, having regard to the recommended condition which is to be applied to any consent issued.

## Food Premises

Council's Environmental Health Unit have also reviewed the application relevant to the ability of the proposed shop building to offer food for retail. The following comment has been provided:

*'Inclusive of the proposal is an ancillary shop (Shell/Coles Express) which will offer for sale convenience items. The shop is to have a total floor area of 143m<sup>2</sup>.*

*No further detail has been provided. Addition of relevant conditions to ensure design and construction is in accordance with the Food Act 2003.*

### **Conditions**

*Prior to the construction certificate being issued copies of 3 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be submitted to Council's Environmental Health Officers for assessment and approval, on the approved form and accompanied by the adopted fee:*

- a. *Floor plan*
- b. *Layout of kitchens and bar showing all equipment*
- c. *All internal finish details including floors, wall, ceiling and lighting*
- d. *Hydraulic design in particular method of disposal of trade waste*
- e. *Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required*
- f. *Servery areas including counters etc.*

*Any premises used for the storage, preparation or sale of food are to comply with the NSW Food Act 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises.'*

The recommended conditions provided above would be applied to any approval in the event of consent being granted. The development is considered to be acceptable in this regard.

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

Pedestrian Access

The submitted application does not include provision for pedestrian access to the site from Alma Street or Tweed Valley Way. Following a request from Council's Traffic Engineer the applicant has accepted that the Plans could be modified to improve access to the site. This would be required through an appropriate condition of consent.

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

The subject application has been placed on public exhibition by way of being advertised on two occasions. Upon lodgement, the development application was advertised for a period of 14 days between Wednesday 10 February 2016 and Wednesday 24 February 2016. During this time 16 submissions were received by Council. Subsequent to the exhibition period, two further submissions and a petition containing 113 signatories was forwarded to Council.

Following the submission of additional information, mainly relating to works proposed to the adjacent road reserve, it was determined by Council officers that the application should be readvertised given significant further information had been submitted.

The proposal was placed on exhibition for a second time for a period of 14 days from Wednesday 19 October 2016 to Wednesday 2 November 2016. During this time a further 21 submissions were received. The matters raised in these submissions are outlined below:

During this period 39 submissions were received, raising the following matters:

### **Quantity of Service Stations in close proximity/Competition**

Many submissions received objected to the proposal on the basis that there is already an oversupply of service stations in the area. These objections are summarised below:

*'There are already too many service stations in Murwillumbah'*

*'There are already five petrol outlets in and around the town which is sufficient'*

*'The current service stations in the town are struggling to survive so the town clearly does not need another service station'*

*'As co-owner of a nearby Service Station, I have a sincere concern for the possible Economic Impact on existing local service station business.'*

*'Before approving this application I ask that Tweed Shire Council please strongly consider the impact & effect on all local businesses, in particular the local Fuel & Liquor outlets.'*

### **Applicants Response**

*We understand the submitters are concerned regarding the increased competition between service stations. Although there are a number of service stations within Murwillumbah, refusal based on increase competition or oversupply of services is not justifiable. There are no specific controls within Council's Development Control Plan or Local Environmental Plan which limit or restrict a number of businesses within a specific centre or area.*

*As noted within the Statement of Environmental Effects, it is considered the proposed development is a logical and well-designed proposal for the B5 zoned land. The development will be integrated into the surrounding area through the use of landscaping and provide additional opportunities for employment from the construction stage and all the way through to operations and maintenance.*

### **Council Officer Assessment**

The number of service stations in a local area or competition concerns are not a substantive planning matter for consideration which would warrant refusal of the application.

### **Road Safety/Traffic Impact/Parking**

A number of the submissions received raised concerns with the proposal due to road safety considerations and its impact on the surrounding road network. These are summarised below:

*'Highly concerned at the amount of extra traffic this will add to this already busy round about.'*

*'There is already frequent traffic congestion at this point which will be exacerbated by the development.'*

*'The positioning of possible entrances to the site would create major traffic conflicts.'*

*I would wonder how fuel tankers would get in and out without causing disruption to traffic.'*

*I am concerned this proposed development will cause further traffic congestion in a busy area.'*

*The DA allows for 8 car parking sites, this will not be enough.'*

*The creation of a rollover kerb to gain access to Hayes Lane and the removal of an electrical pole illustrates the inadequacies of Hayes Lane to cope with an increased volume of traffic. Hayes Lane was created to give rear access to those businesses with frontage to Prospero Street. It was never intended as a through road for service station patrons and is not designed as such.'*

#### Applicants Response

In response to the traffic concerns, it is important for Council to take into account the submitted Traffic Engineering Assessment. As outlined within this report, TPS have confirmed that the service station will generate only minor amounts of additional traffic to the road network. They also confirm no road or intersection capacity issues will be created from this minor increase in traffic and that the roundabout is currently operating at 40-50% capacity during peak hours.

TPS concluded within their report, that the service station is considered to attract 5% of the passing traffic during peak hours which is estimated at around 40 vehicles. It was also noted, that the proposed traffic is not strictly new "traffic generation" as traffic movements into a service station are drawn almost entirely from passing traffic movements rather than attracting traffic which otherwise would not travel past the site.

All vehicle accesses have been designed and will be constructed in accordance with Council's standards and will facilitate the movement of all vehicles to enter and exit in a forward manner. Overall it is considered that the proposed development will have minimal impact on the road network.

#### Council Officer Assessment

The application was reviewed by Council's Traffic Engineer as part of the assessment of this application. It is noted that the traffic management measures of the proposal as originally submitted were not supported and the applicant was required to amend the application in this regard. The measures now provided are supported subject to the application of appropriate conditions of consent.

Fuel tankers only are to enter the site and exit via Hayes Lanes which is considered to be appropriate. Adequate parking has been provided to service the proposal.

**Character/Visual Amenity /Alternative development requested**

A large number of submissions received also objected to the proposal on ground of visual appearance. In general these request a 'Gateway' building with high architectural interest to be located at this site. The objections are summarised below:

*This development at the entrance to the town would be most unattractive and not in keeping visually with the park opposite.*

*Inappropriate at Gateway to Murwillumbah*

*Site presents as the gateway to Murwillumbah and a service station with ancillary signage is not a desirable use for the land.*

*The land should be developed to compliment Budd Park on the northern side of the roundabout.*

*The development would also compromise the visual amenity at the town entrance here and the picturesque backdrop beyond*

*An appropriate art/tourism development at this location could capitalize on the high visitation passing the town entrance*

*It would create an eye-sore of an entry point into Murwillumbah. This is Council's opportunity to do something beautiful and positive with this site - please take it.*

*The M'bah town metre DCP states that" ....this area forms an important gateway to the town centre" and that the potential quality of future development should be considered in this light. I fail to understand how the erection of a Coles service station which will look exactly like hundreds of others will in any way, meet the requirement for an "attractive and memorable southern entrance to the town".*

**Applicants Response**

***Character/Amenity***

*We understand the submitters are concerned about the sustain ability and amenity of the location. It is considered that the proposed use in conjunction with the location of the site will only add to the identity of the location. The proposed use will add to the 'placemaking' of the site which focuses on sociability, uses, linkages and image.*

*It is considered the proposed development adds to the identity of the location though the measures of:*

- *street life and evening use,*
- *transit usage and pedestrian activity,*
- *building conditions and environmental data,*
- *retail sales and land use patterns.*

*It is evident that the site is in the optimum location for a service station. Being opposite the Murwillumbah Visitor Information Centre, any visitors who require fuel will also be inclined to visit the information centre. This will assist in promoting Murwillumbah and the Tweed region overall. It will also act as a landmark for numerous visitors and locals for appropriate wayfinding from South Murwillumbah. Numerous cyclists will also utilise the free air pump facilities to maintain their bicycles to ride though Budd Park.*

*Council is directed to the Statement of Landscaping Intent which outlines the proposed landscaping. The SLI has retained four large gum trees prominent along Alma Street. These gum trees will add to the integration of development and soften the overall appearance of the developments facade. Additional landscaping is proposed in order to complement the large gum trees and further articulate and soften the development. The species proposed for the landscaping is consistent with the species used in Budd Park thus further integrating the site to the surroundings.*

*As noted in the attached 3D modelling the proposed development has a height of 5.82m which is significantly less than the neighbouring development. The site is also subject to a retaining wall along north eastern boundary. It is considered with the limited height and retained landscaping, any obtrusive design of the development will be reduced.*

*The development is also setback from the corner of the site to harness the view corridors to Budd Park and the Tweed River. This enhances the junction and promotes an increased visual amenity to visitors and residents travelling along these roads. It is considered enhancing these view corridors will encourage visitors to stop and soak in the town of Murwillumbah.*

*Overall it is considered the proposed development improves the character and amenity of the surrounding development area. It provides clear linkages to the existing business areas, visitor information centre and Budd Park by opening up the views to visitors from the south along Tweed Valley Way.*

#### Council Officer Assessment

It is noted that a large area of Murwillumbah Town Centre is designated as a Heritage Conservation Area, however this does not extend to the subject site which is zoned for B5- Business Development purposes. The proposed development is permitted with consent in the B5- Business Development zone and has been assessed as being in accordance with the zone objectives.

The site was located within the Prospero Street Precinct under DCP Section B22 Murwillumbah Town Centre which contained provisions in relation to improving the visual amenity of this area. However this component matters relating to the



Prospero Street precinct have been deferred and cannot be taken into account in the assessment of this application.

Alternative building typologies cannot be considered as part of the assessment of this application. Council is required to undertake a merit assessment of the application currently before Council which is for a service station development at this location. Alternative art/tourism uses is not a valid planning consideration as the site has not been specifically identified for such a use.

### **Flooding/Contamination**

*Risk of contamination due to sites location in flood area*

*The proposed service station is within a flood zone and would be a potential environmental risk to surrounding lands and in particular the Tweed River;*

*I am amazed that consideration would be given to the placing of underground tanks and pumping equipment (petrol Bowsers) in an area renowned for flooding and possibly at the lowest part of south Murwillumbah which regularly is inundated By Minor/major flooding of the Tweed River.*

*The flooding issue is a concern as this area of town has always had a problem.*

### **Applicants Response**

*As detailed within the Statement of Environmental Effects, the risk of contamination during a flood event is limited though the implementation of safety and one way valves. These valves ensure that no fuel will be released during an inundation event, therefore restricting potential contamination. All chemicals on site will be stored at a higher level (above flood level) to further reduce any contamination potential.*

*The installation and maintenance of the fuel pumps and storage must and will be conducted in accordance with following Australian Standards:*

- *AS 1940-2004 The storage and handling of flammable and combustible liquids*
- *AS 4897-2008 The design, installation and operation of underground petroleum storage systems*
- *AS 4977-2008 Petroleum products - pipeline, road tanker compartment and underground tank identification*

*The Flood Impact Report outlines the proposed development will be subject to peak flood depths of approximately 1.3m to 1.6m and a peak flood velocity of less than 0.2m/s. It is considered during a flood event, the development site will be evacuated and applicable safety measures will be enforced.*

*All safety measures will be outlined with the operations manual of the development and will comply with all applicable Australian standards.*

### **Council Officer Assessment**

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The subject application has been reviewed with respect to flooding, contamination and hazardous and offensive development with respect to the various site conditions and development proposed as part of this application as outlined elsewhere in this report. The proposal is considered to be acceptable in this regard subject to the application of relevant conditions of consent.

### **Hayes Toyota Submission**

Two submissions were made by Hayes Toyota, who operate from adjacent land (one during each exhibition period). The subject application proposes to utilise Hayes Lane for access/egress purposes. Hayes Toyota is a business operating from a neighbouring property which also utilises this lane. These submissions are summarised below:

#### **Submission No. 1**

*'Concerned about the high traffic increase this will cause by vehicles exiting the service station and travelling west along Hayes Lane which runs between our properties which comprises of the Hayes Toyota Dealership. Apart from that objection I am still in favour of the service station replacing the Tweed Tavern providing there is no vehicle exit into Hayes Lane from the site.*

*Our customers and staff regularly cross the lane way between our showroom and vehicle display areas and would not be expecting to be crossing a busy thoroughfare after it has been in its present form as our main access point for our business for 100 years.'*

#### **Submission No. 2**

*'I wish to stress that I totally object to traffic being allowed to exit the proposed service station and travel west along Hayes Lane which runs between our properties comprising of the Hayes Toyota dealership.'*

#### **Council Officer Assessment**

Council's Traffic Engineer has reviewed the subject application and recommended approval only subject to the development not enabling customer traffic to significantly utilise the portion of Hayes Lane which traverses the Hayes Toyota business. The use of this portion of Hayes Lane would be limited to service vehicles only (stated as being one per week). As such, impacts such as those identified above are considered to be minimised. It is further noted that this stretch of laneway is a Council owned road reserve.

The plan provided to the objector has not formed part of the application submitted to Council for assessment.

#### **Signage**

*'town cannot continue to be a mecca for well lit multinational signage'*

*The erection of a sign 7m high can only contribute to a sense of visual pollution totally inappropriate for the "gateway to the town"*

Council Officer Assessment

The proposed signage has been assessed elsewhere in this report, in particular against the SEPP 64 assessment provisions. The proposed signage is considered to be acceptable in this instance. Refusal of the application is not warranted based on the above.

**MRP Properties is not a business name or is registered with ASIC**

Council Officer Assessment

This is not considered to be a substantive planning matter in the assessment of this application

**Retention of trees on site/ Inadequate deep soil landscape buffer**

*The existing landscape and four mature trees along the Tweed Valley Way/Alma Road frontage as shown on the "Swept Path Assessment Plan" Peer Review will not survive. The proximity of hardstand retaining walls, pylon sign, fuel tanks and rollback kerb will not be responsive to their retention as it will impact on their root zone and they will inevitably die.*

*The inadequate deep soil landscape buffer varying from 1 metre to approximately 3 metres is insufficient for a development of this nature and will not compliment the Tweed Heritage Rainforest Centre opposite.*

Council Officer Assessment

The potential impact of the development on the existing trees on site has been addressed in detail elsewhere in this report (under Flora/Fauna assessment). It is determined that as the trees are not of a locally native species and are not in this way protected. In any event, the applicant has committed to retaining these through the development works.

Adequate landscape area has been provided as outlined in the DCP Section A17 assessment. A landscaped area of approximately 240m<sup>2</sup> has been provided on site which exceeds the 10% requirement. The proposal does not warrant refusal in this regard.

**Permissibility**

*The proposed use is contrary to existing planning controls. The land is zoned 'B5' Business Development. Highway Service stations are a prohibited use within this zoning.*

Council Officer Assessment

The subject development would be defined as a 'service station' rather than a 'highway service station'. A service station is permissible on B5 – Business Development zoned land.

**Application is contrary to the provisions of State Environmental Planning Policy (SEPP) 2007 Infrastructure, Clause 101**

*Clause 101 has an overriding effect on the Tweed Shire LEP. If this DA does not comply with Clause 101 Council must refuse it. Clause 101 has recently been considered in Modern Motels Pty Ltd v Fairfield City Council [2013J NSW LEC 138.*

**Council Officer Assessment**

The subject development has been assessed elsewhere in this report against the provisions of SEPP (Infrastructure). As per that assessment, the proposal is not considered to be contrary to the provisions of Clause 101 and the proposal is accepted in this regard.

**Petition**

Subsequent to the first exhibition period, a petition was received (113 signatories) by Council which raised the following objection to the proposal:

*'We the undersigned respectfully petition the rejection of the request to build another service station at the site of the Round House Pub.*

*The country town character of Murwillumbah is fast being destroyed by the corporate destruction of all the small businesses.*

*Murwillumbah does not need 5 service stations on the same road over a distance of 840 meters.*

*We also believe that this will present a traffic hazard particularly for the towns growing aged population."*

**Council Officer Assessment**

It is noted that a large area of Murwillumbah Town Centre is designated as a Heritage Conservation Area, however this does not extend to the subject site which is zoned for B5- Business Development purposes. The proposed development is permitted with consent in the B5 - Business Development zone and has been assessed as being in accordance with the zone objectives.

As outlined elsewhere in this report, the site was located within the Prospero Street Precinct under DCP Section B22 Murwillumbah Town Centre which contained provisions in relation to improving the visual amenity of this area. However this component matters relating to the Prospero Street precinct have been deferred and cannot be taken into account in the assessment of this application.

The number of service stations in a local area is not a substantive planning matter for consideration which would warrant refusal of the application.

While the traffic hazard of the proposal is not specified in the petition, it is noted that the traffic management measures of the proposal has been amended subsequent to lodgement of this petition by the applicant, with Councils Traffic Engineer no longer raising concerns relating to same subject to these (and additional) measures being implemented.

### **Conclusion**

The content of the submissions received with respect to this development application have been addressed above. The proposal is not considered to warrant refusal based on the issues raised in these submission as outlined in the Council officer assessment.

#### **(e) Public interest**

The proposed development has been assessed against the relevant legislative provisions as outlined in the above assessment and it is considered that subject to the application of the recommended conditions of consent, the proposal would be generally in accordance with the public interest.

#### **OPTIONS:**

1. Approves the development application subject to recommended conditions of consent;  
or
2. Refuses the development application for specified reasons.

Council officers recommend Option 1.

#### **CONCLUSION:**

The proposed development is considered to be generally appropriate for the subject site and is recommended for approval subject to the imposition of recommended conditions of consent.

#### **COUNCIL IMPLICATIONS:**

##### **a. Policy:**

Corporate Policy Not Applicable

##### **b. Budget/Long Term Financial Plan:**

Not Applicable.

##### **c. Legal:**

If the applicant is dissatisfied with the determination of this application, they may appeal the decision to the Land and Environment Court.

##### **d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 9 [CNR-CM] RFO2016-040 - Tenders for the Waste Collection Service

SUBMITTED BY: Waste Management

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
  - 2.3 Provide well serviced neighbourhoods
  - 2.3.4 Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand
- 

### SUMMARY OF REPORT:

A Request for Offer (RFO2016040) for the collection of municipal waste, collection and processing of recyclables, collection of organics, collection of public place bins, and collection of household bulky waste, was advertised to replace the current waste collection contract that is due to expire in July 2017.

At the time of closing one offer was received.

The evaluation of the offer against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1, 2 and 3**. The recommendations of this report are based on those evaluations.

### RECOMMENDATION:

**That in respect to Contract Offer RFO2016040 - Collection of municipal waste, collection and processing of recyclables, collection of organics, collection of public place bins, and collection of household bulky waste:**

1. Council awards the contract to Rico Enterprises Pty Ltd ATF, the Rico Family Trust Trading as Solo Resource Recovery (ACN 110348537 - ABN 62398515816) for the Schedule of rate amounts with an estimated value over three years of \$15,903,000 (exclusive of GST).
  2. Council endorses the provision of the household bulky waste service by way of a dial up service supported by a public education campaign.
-

3. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.**
  
4. **ATTACHMENTS 1, 2 and 3 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:**

### **Offer Background**

Offer RFO2016040 - Collection of municipal waste, collection and processing of recyclables, collection of organics, collection of public place bins, and collection of household bulky waste, was advertised through open tenders in May 2016. RFO2016040 was advertised to allow Council to award a Contract to replace Contract No EC2008-153 for the same, which is due to expire on June 30 2017.

A number of options were included in RFO2016040 to allow Council to consider what configuration of services offered the best value to Council, and to address issues identified in the delivery of the current services, in particular the Kerbside Bulk Waste Collection Service. Tenderers were provided with two options for length of contract being a three year fixed term contract and a seven year term with up to three one year extensions possible with Council's approval. The option of the two separate terms within the one tender was seen as providing Council with an opportunity to consider whether the market had an appetite for a shorter term, and whether either arrangement presented an advantage.

Prior to advertising it was recognised that there was a risk that a dual term tender may raise concerns that the shorter term would be seen as favourable to the incumbent contractor because they have a fleet of trucks and own the bins in service.

Tenderers were required to submit a completed submission including the seven year option to be a conforming bid, however the completion of the three year schedule was optional and not necessary to make a bid a conforming submission.

Tenderers were required to complete schedules to provide either a biannual kerbside bulk waste collection service similar to the service currently provided, or alternatively a dial up service for a kerbside bulky waste collection service in order to be a conforming bid. The tender specification noted that only one of these options would be adopted by Council.

The tender process was seen as an opportunity to bring Council's services in line with best practice and to introduce the organic waste collection service to urban residential properties in order to pursue the targets (70% diversion of household waste from disposal to landfill) set by the State Government in the *Waste Avoidance and Resource Recovery Act 2007*. There was also the opportunity to provide Council with options for the provision of services for the removal of bulk waste from residential rated properties in the shire.

### **Request for Offer Advertising**

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised on 24 May 2016 in the Sydney Morning Herald, and on 21 May 2016 in the Brisbane Courier Mail and Gold Coast Bulletin. The RFO was also advertised in the Tweed Link and on Council's website.

Offer submissions closed at 4.00pm (local time) on 27 July 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

### **Legal advice and tender oversight**

Prior to going to tender legal advice was sought and received on the option to vary the term of the current contract by negotiation and on the proposed new tender configuration including an option for either a three or seven year term.

Council was advised that if it sought to extend the current contracts by longer terms as a variation, this may be seen as entering into a new contract rather than varying the current arrangement and therefore not in compliance with the procurement requirements of the Local Government Act. Acting on this advice Council did not seek to further vary the current arrangement and proceeded to finalise the new tender package that was taken to the market.

Council was advised that legally it could include dual three year and seven year options in the new tender documents provided the advice was clear that Council only intended to enter into one of these terms. This helped to inform the preparation of the tender specification and offer documents.

A legal review was also undertaken of the tender documents prior to taking them to the market.

The tender process has been overseen by probity auditors from the Department of Public Works and was subject to review after tenders closed by a procurement specialist from NSW Public Works when Council only received one submission (Confidential attachment 3).

Public Works concluded that;

- Despite Council receiving only one tender from the incumbent contractor no other prospective tenderers were precluded from making a competitive offer, if they made a commercial decision to do so.
- It is evident that competitive tension was maintained throughout the tender call process resulting in a financially advantageous outcome for Council in accepting the sole offer received.
- There is no evidence of collusive tendering; especially considering that the bid received is lower than Council's current contract costs.

### **Offer Addendums**

There were nine 'Notices to Bidders' issued before the close of Offer. These included:

Addendum No. 1 issued to advise Bidders that the documents would be uploaded in a word format to allow tenderers to complete their submissions electronically.

Addendum No. 2 to advise Bidders that the closing date for submissions had been extended from 29 June to 27 July to accommodate the caretaker period for Council elections and the need to report the results of the tender process to Council within 120 days.

Addendum No. 3 to advise Bidders of additional service frequencies required for public place litter bins on public holidays and during holiday periods, and to provide a list of all public place litter bin locations and service frequencies.

Addendum No. 4 to provide Bidders with additional information on numbers and mapping for the new proposed organics collection service.

Addendum No. 5 to provide Bidders responses to inquiries recorded at the pre-tender meeting, including subsequent inquiries lodged as a result of the meeting.

Addendum No. 6 to respond to a request for further information from Bidders relating to data sets for the various collection services including the new and changed services.

Addendum No. 7 to respond to Bidders on inquiries relating to the interpretation of various clauses within the specification.

Addendum No. 8 to provide information relating to tonnages collected in the various services.

Addendum No. 9 to respond to inquiries relating to the Local Content Schedule.

### Offer Submissions

At the closing time for Tender Submissions, the Tender Box was opened and one (1) Offer was recorded as below:

Bidder	ABN
Rico Enterprises Pty Ltd ATF The Rico Family Trust Trading As Solo Resource Recovery (Solo)	62398515816

A letter was also received from Cleanaway who advised that they were not going to submit an offer as they believed the incumbent contractor owned the bins in the field and that this meant Cleanaway would not be able to submit a competitive price.

### Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive Offers would be received and scored against specific evaluation criteria in order to select the best value Offer.

Given the size and nature of the service, and the associated cost to Council, an independent procurement specialist from NSW Public Works was included on the Tender Evaluation Panel. The panel was made up as follows:

<b>Position</b>
Unit Coordinator Waste Management
NSW Public Works Senior Project Manager
Acting Manager Finance Services

The single offer from Solo was evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Tender Price assessment for the various services and contract lengths proposed	Schedule 2	60%
Compliance with tender and contract requirements		Pass /fail
Proposed methodology for carrying out the contract	Schedule 24	15%

Criterion	Document Reference	Weighting (%)
Management systems (WH&S, Quality and Environmental)	Schedules 23 and 29	7%
Relevant experience and past performance	Schedules 18, 19 and 20	8%
Local Content	Notice to Bidders no 9	10%
	<b>Total</b>	<b>100%</b>

When Council received only one tender submission from the incumbent contractor a decision was made to undertake a further assessment to establish whether Solo's offer represented value for money. This further evaluation involved two separate criteria. Firstly Council itemised the prices submitted in Solo's Offer and undertook a direct comparison with the current service rates, and secondly, Council contacted another local Council in the region who had awarded a similar contract in the last year and was able to get the rates that were submitted by their successful tenderer.

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A:

- (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

The information identifies the Tenderer and their Tender price as well as the evaluation of the services offered by the Tenderer. If disclosed, the information would be likely to prejudice the commercial position of the Bidder 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 Offer.

Solo's bid included pricing for both seven year and three year options as well as a number of non-conforming offers which sought variations to conditions for financial concessions.

The assessment of their non-conforming offers showed that they provided no real advantage to Council and as such they were not considered further. The financial details of all pricing including the seven year, three year and non-conforming options were all evaluated to establish the cost of the service. As Solo is the only offer received this was also considered against the current cost of service as well as the rates for a recently let tender for a comparable service in the region.

The evaluation showed that the proposed seven year offer represented a saving of approximately 22.6% over the current contract rates, and that the three year option represented a further 9.9% saving or a potential 32.5% reduction on the current rates. The evaluation of the rates offered against a similar contract let recently in the region showed that the rates were comparable.

**OPTIONS:**

1. Award the Contract to Rico Enterprises Pty Ltd ATF The Rico Family Trust Trading as Solo Resource Recovery on the basis of their three (3) year conforming tender bid as representing the best value to Council.
2. Decline to accept the recommendation included in this report and either go back out to the market or adopt one of the other options included in the current offer.
3. Accept no offers and negotiate for the provision of the service as per Clause 178 (3e) of the Local Government (General) Regulation 2005.

**CONCLUSION:**

Council went to the market with an open tender for the provision of waste collection services in May 2016, closing on 27 July 2016. At the close Council received only one tender from Rico Enterprises Pty Ltd ATF the Rico Family Trust Trading as Solo Resource Recovery (Solo).

Solo's submission included both conforming and not conforming proposals. During the tender evaluation it was determined that the non-conforming proposals did not offer any real advantage over the conforming bids and they were no longer considered from that point forward.

The conforming bids included the submission of prices for all required elements in the contract for both the three and seven year terms. Both offers represented significant saving over the current service costs with the three year term offering approximately a 32.5% saving and the seven year term offering a 22.6% saving.

The cost to provide either a dial up bulk waste removal service or the biannual collection of bulky waste were similar and comparable in cost to what Council currently pays for this service. The dial up service is favoured over the biannual service as it addresses significant deficiencies in the biannual service relating to WH&S, aesthetics and environmental management whilst increasing customer service flexibility, control and diversion opportunities.

Solo was assessed as capable of performing the work as they are the incumbent and the submission is comprehensive. The submission also provided options to address minor issues with the current contract and would allow Council to continue pursuing the objectives of the Integrated Waste Strategy Adopted by Council in 2014 relating to the introduction of a household organics collection service, and targets of a 70% reduction in waste to landfill in the NSW Waste Avoidance and Resource Recovery Legislation.

A further evaluation was undertaken to determine whether the offer as presented represented value for money. This was particularly important given that Council had only received one submission. The value for money assessment compared the cost of the new services against our current service cost, and also a comparison of the cost of the various elements of the new service against a similar contract awarded in the last 12 months at another northern rivers Council that received three submissions in their procurement process.

The prices received represented a significant saving over those currently paid and were comparable to those offered in the other Local Government Area. This has led the Tender Review Panel to form the opinion that the offer as presented represented a fair statement of the market price and did represent value for money. The Probity report prepared by Public Works NSW also assessed value for money and reached a similar conclusion.

The conforming three year option offers an additional 10% saving over the seven year conforming bid without presenting undue risk. Further elements that were seen as advantageous to Council include:

- the ability to take ownership of the bins at the end of that term for a relatively minor cost thus addressing an issue identified during the current procurement process where ownership of bins was seen as providing an advantage,
- the ability to introduce the new organics collection service and to streamline and integrate this service over the shorter term,
- the ability to go back to the market in three years with an understanding of the issues raised by a dual term offer and to potentially attract more interest in the tenders, and
- the ability to understand and include provisions in a revised tender to address any outcomes of the introduction of the Container Deposit Legislation currently being developed by the EPA and programmed to commence in July 2017.

#### **COUNCIL IMPLICATIONS:**

##### **a. Policy:**

The Tender invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993
- The NSW Local Government (General) Regulation 2005
- Council's Procurement Policy

##### **b. Budget/Long Term Financial Plan:**

The Contract is funded by way of the Domestic Waste Management Charges which are raised under Section 496 of the Local Government Act and levied against the rates. The letting of this contract will lead to reduced waste service costs for residents that already have a third bin and a relatively minor increase for those that do not.

Provision for the Contract is included in the current and future Budget.

The Contract value is based on a schedule of rates amount based on estimated quantities with a projected value of \$15,903,000 (GST Exclusive) for the three year term. This amount will increase through the term of the contract on an annual basis due to CPI and growth.

##### **c. Legal:**

Prior to going to tender legal advice was sought and received on the option to vary the term of the current contract by negotiation and on the proposed new tender configuration including an option for either a three or seven year term.

Council was advised that if it sought to extend the current contracts by longer terms as a variation, this may be seen as entering into a new contract rather than varying the current arrangement and therefore not in compliance with the procurement requirements of the Local Government Act. Acting on this advice Council did not seek to further vary the current

arrangement and proceeded to finalise the new tender package that was taken to the market.

Council was advised that legally it could include dual three year and seven year options in the new tender documents provided the advice was clear that Council only intended to enter into one of these terms. This helped to inform the preparation of the tender specification and offer documents.

A legal review was also undertaken of the tender documents prior to taking them to the market.

The tender process has been overseen by probity auditors from the Department of Public Works.

A procurement specialist from NSW Public Works reviewed the tender process post closure when Council only received one submission (Confidential attachment 3).

**d. Communication/Engagement:**

The new services will require significant behavioural change from the community to separate their household organics and to utilise a dialup bulk waste collection service. A comprehensive communication and education package has been prepared to support the introduction of the new services which will include the provision and distribution of an education package, media coverage using print, social and digital means, and advertising and promotion through Council's web site. Council will also seek and actively respond to feedback.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- (Confidential) Attachment 1. RFO 2016-040 - Offer Evaluation Report (ECM 4287233)
  - (Confidential) Attachment 2. RFO 2016-040 - Offer Evaluation Cost Modelling for tender submission options (ECM 4258413)
  - (Confidential) Attachment 3 RFO 2016-040 Probity Advice Report (Public Works Advisory (ECM 4250324)
-

10 [CNR-CM] Licence for Pottsville Men's Shed at Black Rocks

SUBMITTED BY: Design

Validms



## Supporting Community Life

### 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

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### SUMMARY OF REPORT:

At its meeting held on 15 September 2016 Council resolved to grant a licence to the Pottsville and District Men's Shed Inc. over part of Lot 301 DP 1125090, at the Black Rocks Sports Field.

#### **RESOLVED** that Council:

1. Approves the granting of a five year licence to the Pottsville & District Men's Shed Inc. over part of Lot 301 in DP 1125090 at Pottsville.
2. Executes all necessary documentation under the Common Seal of Council.

Subsequent to that meeting Council officers obtained advice from the Office of Local Government to the effect that it was necessary to seek public submissions in relation to the granting of the licence, pursuant to section 47A of the *Local Government Act, 1993*, prior to finalising the licence.

Notices were published in the Daily News on Saturday 24 September 2016 and in the Tweed Link on Tuesday 27 September 2016. The closing date for submissions was 25 October 2016.

This report details the total number of submissions received and issues raised both for and against the granting of the licence, within those submissions.

### RECOMMENDATION:

#### That:

1. Council accepts the local community support to grant the licence to the Pottsville and District Men's Shed Inc. at the Black Rocks Sports Field, in
-



accordance with Council's resolution of 21 August 2014 and reaffirms its resolution of 15 September 2016.

***"RESOLVED that Council:***

- 1. Approves the granting of a five year licence to the Pottsville & District Men's Shed Inc. over part of Lot 301 in DP 1125090 at Pottsville.***
  - 2. Executes all necessary documentation under the Common Seal of Council."***
- 2. ATTACHMENTS 1 to 8 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:**
- (a) personnel matters concerning particular individuals (other than councillors).**

## REPORT:

At its meeting held on 15 September 2016 Council resolved to grant a licence to the Pottsville and District Men's Shed Inc. over part of Lot 301 DP 1125090, at the Black Rocks Sports Field.

### **RESOLVED** that Council:

1. Approves the granting of a five year licence to the Pottsville & District Men's Shed Inc. over part of Lot 301 in DP 1125090 at Pottsville.
2. Executes all necessary documentation under the Common Seal of Council.

Subsequent to that meeting, Council officers obtained advice from the Office of Local Government to the effect that it was necessary to seek public submissions in relation to the granting of the licence, pursuant to section 47A of the *Local Government Act, 1993*, prior to finalising the licence.

Notices were published in the Daily News on Saturday 24 September 2016 and in the Tweed Link on Tuesday 27 September 2016. The closing date for submissions was 25 October 2016.

This report details the submissions received and the issues raised, both for and against the granting of the licence.

As at close of business on 25 October 2016 there was a total of 409 submissions received, where 234 supported and 175 against the licence at the Black Rocks Sportsfield.

The following is an overview of the submissions:

### Submission Overview

Number of submissions received	In support of licence at Black Rocks	Against the licence at Black Rocks
409	234	175

### Common Issues raised in submissions

Common issues raised against	Common issues raised in support	Response
1. destruction of trees and noise associated with the construction		1. As the sportsfield is a cleared area, there will be no removal of trees for the construction of the shed. Development consent conditions require that plant and construction equipment must be muffled and acoustically baffled, with limitations on noise levels which must not exceed background noise by more than 15-20 decibels. It is to be noted that construction of dwellings are ongoing in adjacent residential areas to the sportsfield.
2. Councillors in breach of 21 Aug 2014 resolution to pursue		2. Alternative sites assessed by Council officers for a P & DMS shed site include: <ul style="list-style-type: none"><li>• Part of Lot 3 Centennial Drive (Rubbish</li></ul>

Common issues raised against	Common issues raised in support	Response
alternative viable sites for Men's Shed		Depot & Sanitation reserve) <ul style="list-style-type: none"> <li>Part of Pottsville North Holiday Park, within Ambrose Brown park</li> <li>Part of Lot 7338 off Coronation Avenue, Pottsville (vacant Crown administered Crown Land)</li> <li>Part of the future Dunloe Park industrial development</li> </ul>
3. Lot 3 at Centennial Drive, Pottsville is a far more suitable site		3. Lot 3 is Crown Land reserved for Rubbish Depot Sanitation Purposes and is known to contain contamination which would require remediation by the Crown prior to any use of the land can be approved. Any lease of part of Lot 3 will have to be granted directly by the Crown.
4. Council has ignored advice from OLG to avoid making contentious decisions before Council election		4. The OLG expressed no concerns relating to the report being determined by the current Council and confirmed that the decision to issue the licence falls outside the s393B caretaker period provisions.
	5. An increase of physical, social and mental wellbeing for older and retired men in the community	
	6. The community support given by P & DMS to other voluntary organisations	

### Other issues raised

#### Tenure

20 of the supporting submissions sought the provision of a second five year term to be added to the licence to be granted to Pottsville and District Men's Shed Inc. group.

#### Alternative sites

Many of the submissions objecting to the Men's Shed at Black Rocks have commented that Council is in breach of its resolution of 21 August 2014 to bring a report about alternative sites, indicating that no assessment of other sites was given. The resolution of 21 August 2014 was:

- "1. That in the event that the Pottsville Men's Shed seeks a licence or lease to operate from the site at the Black Rocks Sports Field that Council consider granting a limited use licence to operate the Men's Shed for a maximum term of 5 years at the site;
2. Requests that the shed construction be of the type that it can be fully dismantled and reassembled at an alternative site;
3. Council officers be requested to continue to pursue alternative sites including future development or appropriately zoned sites that could accommodate the Men's Shed in the longer term on a permanent basis."

Since this resolution was made, each item has been actioned, that is, a resolution to grant the lease, upon request from the Pottsville and District Men's Shed Inc., was made on 15 September 2016.

At its Council meeting dated 16 October 2014 it was resolved that:

*"Council prepares and lodges the Development Application or Part 5 Application (whichever is applicable) for a Men's Shed at Lot 301 DP 1125090 (Black Rocks Sports Field), in accordance with their concept design and the Council resolution of 21 August 2014, whereby the construction is to be of the type that it can be fully dismantled and reassembled at an alternative site."*

Development consent for the shed was issued on 14 December 2015.

The assessment of alternative sites has remained ongoing and will continue to do so during the tenure of the licence to be granted to the Men's Shed. The granting of this licence will not supersede the resolution of 21 August 2014. A brief overview of alternative sites is set out below:

#### 1. Lot 3 Centennial Drive, Pottsville



This parcel is managed by Council as Trustee of Reserve 74096 for Rubbish Depot and Sanitation Purposes and is known to be contaminated. The parcel is also affected by Tree Preservation Order 2011 (Koala Habitat) and will require the removal of trees for any development, as well as clarity on the contamination and remediation required, which should be undertaken by the Crown prior to any consideration of this parcel for development. Further, any tenure, must be for activities that fall within the reserve purpose, if Council, as

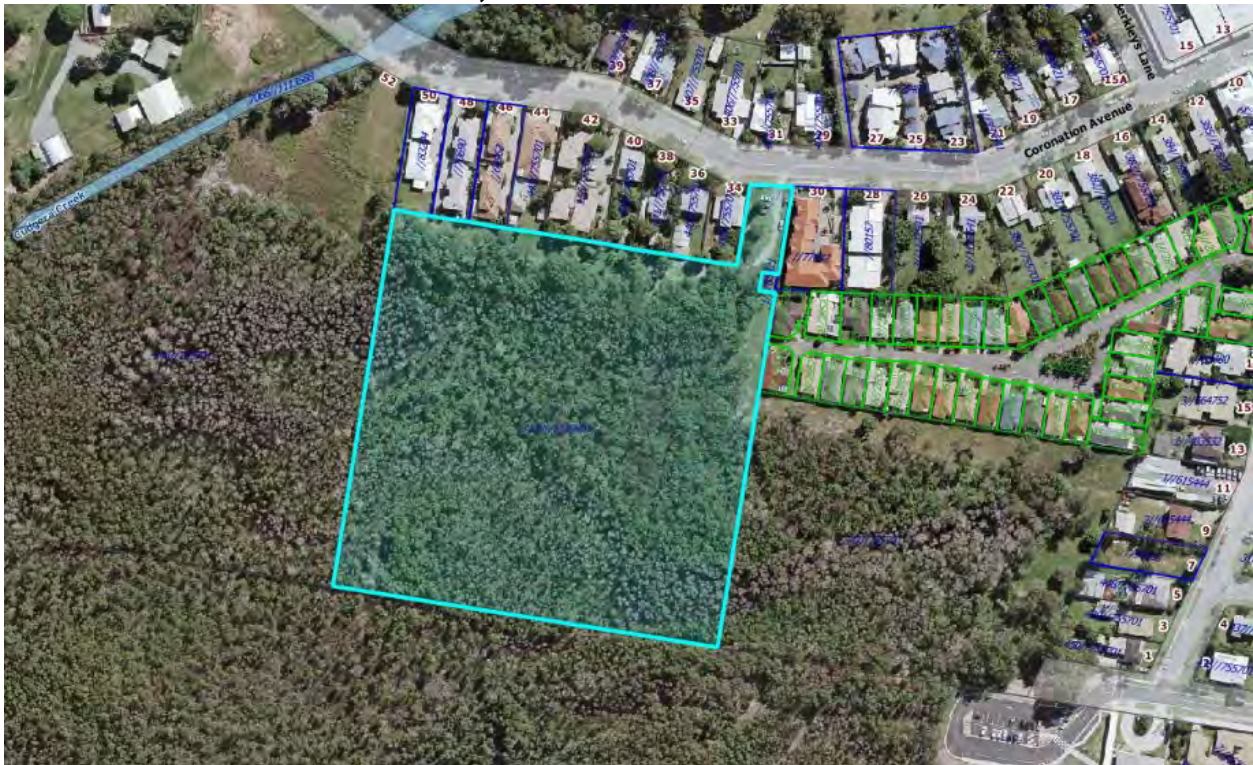


Trustee grants a lease or licence. Any other activity, such as the Men's Shed, will require a direct lease or licence from the Minister, and as the land requires remediation before any tenure can be extended, it is considered unlikely that the Crown will grant such tenure for this site.

## 2. Pottsville North Holiday Park

Pottsville North Holiday Park is situated on Crown Land reserved for the purpose of caravan park and camping, which precludes the Men's Shed from operating within the Holiday Park. Future development of the Holiday Park, adopted in the Tweed Coast Holiday Parks Business Plan by the Trust and endorsed by Crown Lands, further precludes any use of the Holiday Park for a Men's Shed.

## 3. Lot 7338 Coronation Drive, Pottsville



This parcel is Crown Administered Crown Land, which is affected by SEPP 14 - Coastal Wetlands, and is fully vegetated. This parcel is affected further by Tree Preservation Order 2011 (Koala Habitat) which severely impacts on any development within the parcel. As such, this parcel is unsuitable for a Men's Shed.

## 4. Future Dunloe Park Industrial subdivision

Councillors attended a workshop relating to alternative sites with Council staff, and discussed this option. The Statement of Environmental Effects for the development application for the shed at the Black Rocks sportsfield outlined the outcome of the workshop where the elected members did not support the concept of establishing a Men's Shed at a future industrial estate within Dunloe Park based on cost. Further the PDMS did not support this location.

## Pro forma letters

The majority of the submissions, both for and against the licence, were comprised of pro-forma letters, where names, addresses and signatures were given. There were several pro

formas for each argument. There were also individual submissions received for and against the granting of the licence.

In support of the licence at Black Rocks, there were six variations of pro forma letters, four of them are included below, these were the most utilised pro formas for the supporting submissions:

Sent from my iPhone

Begin forwarded message:

**Subject: Support for Pottsville & District Men's Shed**

General Manager  
Tweed Shire Council  
Murwillumbah

Dear Sir,

I refer to the Public Notice in the Tweed Daily News edition 24/9/2016, regarding the proposed Licence for the site for the Pottsville & District Men's Shed on the Black Rocks Sports Field, Pottsville.

I wish to register my strong support for this worthy organisation and urge the Council to grant the necessary Licence, which will provide an option for renewal on the expiry of the initial five years. The importance for men's health issues is my main reason for the support of this Licence and the continued five year renewal option.

Mr Troy Green  
General manager  
Tweed Shire Council

PO Box 816  
Murwillumbah  
NSW 2484

**PUBLIC NOTICE**

**LOCAL GOVERNMENT ACT 1993 – Section 47A**

Tweed Shire Council hereby gives notice of its intention to grant a licence to Pottsville & District Mens Shed Inc. for a term of five (5) years in respect of part of Lot 301 in DP 1125090 comprising a proposed shed for Mens Shed activities located at Overall Drive, Pottsville.

Any person may make submissions to the Tweed Shire Council with respect to the proposed licence. Any such submissions should be made in writing, addressed to the General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW, 2484, within twenty eight (28) days from the date of this notice. A plan identifying the area proposed to be leased is available for inspection during normal business hours at the following places: Murwillumbah Civic Centre, Tumbulgun Road, Murwillumbah and Tweed Civic Centre, Brett Street, Tweed Heads.  
General Manager Tweed Shire Council, 22 September 2016

***Support for the Pottsville and District Men's Shed Licence at Black Rocks, Overall Drive Pottsville.***

Dear Troy,

I strongly support the granting of the licence for the PADMS to construct their shed and operate from the site on the Black Rocks Sports Field.

The Men's shed at Black Rocks will provide a much needed expanded space for the organisation to grow and offer men a wider variety of activities and the opportunity to form friendships whilst chatting or working on projects.

*The Men's Shed movement is now recognised as one of the most powerful tools in addressing the health and wellbeing of men in our community.*

I urge the Tweed Shire Council to show their support for this much needed relocation to Black Rocks Sports Field.

Yours Sincerely,





The General Manager,  
Tweed Shire Council  
Tumbulgum Road,  
Murwillumbah 2484

Dear Sir,

I support the Pottsville and District Men's Shed's location on Black Rocks Sports Field and wish council would proceed and sign the licence so that they can build their shed.

I am a current member and am fully in support of the issuing of the Licence forthwith.

General Manger  
Tweed Shire Council

Dear Sir,

I support the Pottsville & District Men's Shed's location on Black Rocks Sports Field and wish council would get on with it and sign the licence so they can build their shed.

There were 27 variations of pro forma letters against the licence at Black Rocks, of these there were only two or three submissions made for each. The greatest number for one pro forma letter was 16 submissions. As there was a high degree of variation, no pro formas are included in this report. The balance of submissions were individual letters, or emails.

All submissions are confidential attachments to this report.

### **Discussion**

Council has taken all actions in accordance with resolutions previously made regarding the granting of tenure at Black Rocks for the Pottsville and District Men's Shed Inc. The purpose of this report is to report on the submissions made in response to the statutory notice given under section 47A of the Local Government Act, 1993.

There is a large body of the Pottsville community that supports the Men's Shed operating from the Black Rocks Sports field, as the majority supporting submissions was from Pottsville residents.

It is notable that there was a high number of negative submitters which do not live in Pottsville or the Tweed area.

The submissions against the licence for the Men's Shed at Black Rocks were focused largely on the protection of the koalas in the adjacent koala habitat land.

The negative submissions raised issues that have been addressed by Council officers, as part of the assessment of the development application for the shed, as well as the review of alternative sites. The Statement of Environmental Effects for the development application for the shed also discussed those alternative sites that have attracted public attention, and were considered since the August 2014 resolution, and rejected.

The caretaker provisions are not breached by this report being considered immediately prior to a Council election, this was confirmed with a senior officer of the Office of Local Government. The current Council holds the background information and history with this issue, which justifies their consideration of the public submissions relating to the granting of the licence.

#### **OPTIONS:**

1. To accept the broad local community support to grant the licence to the Pottsville and District Men's Shed Inc. at the Black Rocks Sportsfield, and in accordance with Council's resolution of 21 August 2014.
2. To not approve the finalisation of the granting of the licence to the Pottsville and District Men's Shed Inc. at the Black Rocks Sportsfield.

#### **CONCLUSION:**

It is recommended that Council proceeds to finalise the granting of the licence to the Pottsville and District Men's Shed Inc. at the Black Rocks Sportsfield in response to the majority community submissions in support of this location, demonstrated by the submissions received in response to the notice of intention published by Council.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Not applicable.

**b. Budget/Long Term Financial Plan:**

No financial implications arise from this report.

**c. Legal:**

Notice of intention to grant a licence for a term of five years was published in local media on 24 and 27 September, 2016 pursuant to section 47A of the *Local Government Act, 1993*.

**d. Communication/Engagement:**

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

This report provides the results of public consultation regarding the granting of a licence to the Pottsville and District Men's Shed Inc. at Black Rocks Sports fields.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- (Confidential)* Attachment 1. Majority pro forma submissions of support received -Part 1 (ECM 4276887)
  - (Confidential)* Attachment 2. Majority pro forma submissions of support received - Part 2 (ECM 4277001)
  - (Confidential)* Attachment 3. Miscellaneous pro forma submissions received in support (ECM 4277004)
  - (Confidential)* Attachment 4. Individual submissions received in support (ECM 4277005)
  - (Confidential)* Attachment 5: Miscellaneous pro forma submissions received opposing the granting of the licence - Part 1 (ECM 4277006)
  - (Confidential)* Attachment 6. Miscellaneous pro forma submissions received opposing the granting of the licence - Part 2 (ECM 4277019)
  - (Confidential)* Attachment 7. Individual submissions received opposing the granting of the licence (ECM 4277030)
  - (Confidential)* Attachment 8 Copy of submission received opposing the granting of the licence with attachments (ECM 4277034)
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**11 [CNR-CM] Nomination for NSW Representative to the Australian Coastal Councils' Association Committee of Management**

**SUBMITTED BY: Natural Resource Management**

Validms



## **Civic Leadership**

### **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
- 1.1.3 Prepare for climate change through adaptation and mitigation strategies

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### **SUMMARY OF REPORT:**

Council is a current financial member of the Australian Coastal Councils' Association. The Association is calling for nominations for election of a NSW representative to fill a casual vacancy on the Association's Committee of Management for the period 2016-2017.

The Committee meets monthly by teleconference and face to face twice per year at the Annual Conference and Annual General Meeting (AGM). The AGM and the conference are hosted by coastal Councils around Australia. The usual term for a committee member is two years, however this is an interim position to fill a NSW vacancy.

Prior to meetings the agenda, business papers and previous minutes are circulated. Some costs associated with attending the meetings is covered by the Association.

Nominees should have an interest in the advocacy role for coastal councils across relevant issues as listed in the report.

### **RECOMMENDATION:**

**That Council nominates a representative to be considered for a casual vacancy as a NSW Representative to the Australian Coastal Councils' Association Committee of Management for the period 2016-2017.**

## **REPORT:**

Council is a current financial member of the Australian Coastal Councils' Association. The Association is calling for nominations for election of a NSW representative to fill a casual vacancy on the Association's Committee of Management for the period 2016-2017.

Nominations must be lodged at the Association's office (as indicated on the nomination form) by close of business on Monday 21 November 2016. Nominations will only be accepted from representatives of Association member councils that are financial members of the Association for 2016-2017. In the event that more than one nomination is received a ballot of NSW member councils will be held.

The Australian Coastal Councils' Association Inc. is a national body which represents the interests of coastal councils and their communities. The organisation was previously known as the National Sea Change Taskforce.

The role of the Association is to advocate on behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues, including:

- The shortfall in resources to meet increasing demand for infrastructure and services;
- Coastal erosion and the projected impacts of sea level rise;
- The legal risks faced by coastal councils in relation to planning for climate change;
- Proposed changes to arrangements for natural disaster funding, which will shift more of the recovery costs onto the States and local government;
- The impact of tourists and other visitors on coastal communities.
- The continuing impacts of high population growth in peri-urban and regional coastal councils.

The Association is the only body that specifically represents the interests of Australia's coastal councils at a national level in relation to these issues.

## **OPTIONS:**

1. That Council nominate a Councillor representative for election of a NSW representative to fill a casual vacancy on the Association's Committee of Management for the period 2016-2017.
2. That Council does not nominate a Councillor representative for election of a NSW representative to fill a casual vacancy on the Association's Committee of Management for the period 2016-2017.

## **CONCLUSION:**

Council is a financial member of the Australian Coastal Councils' Association and is able to nominate and Councillor representative to the Association's Committee of Management.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

There are some budget implications for expenses for Councillor representatives to attend meetings of the Association.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Nomination form for NSW representative to the Australian Coastal Council's Association 2016-2017 (ECM 4272860)

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## 12 [CNR-CM] Management of Flying-fox Camps

**SUBMITTED BY:** Natural Resource Management

Validms

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**Supporting Community Life**



**Caring for the Environment**

### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
4	Caring for the Environment
4.2	Conserve native flora and fauna and their habitats
4.2.1	Biodiversity Management

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### **SUMMARY OF REPORT:**

This report focuses on the challenges and opportunities faced by Tweed Shire Council and its community for the management of flying-foxes at a Shire-wide level.

There are currently 16 known active flying-fox camps in the Tweed Shire. All camps are seasonally variable in relation to the species present, number of animals present, area occupied and time of the year occupied.

Throughout their range, flying-foxes are known to establish camps in close proximity to human settlements. This results from a combination of factors including correlation of flying-foxes pre-European settlement use of the landscape with current human settlement patterns, loss of natural habitat, availability of suitable camp sites in the urban landscape, reduced predation from natural predators due to human presence and availability of food resources within residential and public lands.

Where camps occur in locations that create nuisance, amenity or other impacts on humans, the availability of management actions that suitably reconcile environmental, economic and social interests are very limited. Attempts to relocate flying-fox camps are expensive, not guaranteed to achieve their intended outcome and can result in perverse outcomes including the establishment of one or more new camps in equally unsuitable locations.

Council currently does not have a policy position on the management of flying-fox camps nor a procedural document that enables staff to effectively respond to community concerns.

The preparation of shire-wide flying-fox camp management plans are supported through the NSW Flying-fox Camp Management Policy and grants program as they enable the landscape scale consideration of issues associated with camp management. Plans provide a framework for management that take into account human health, economic and amenity issues, and the beneficial ecological roles flying-foxes provide. Management plans aim to reduce human/flying-fox conflict and conserve flying-foxes and their habitats.

Shire-wide or regional plans are recommended in preference to reactive, individual camp management actions. This is because they consider the landscape scale movement of individual flying-foxes, seasonal relocation of camps and implications for humans and flying-foxes of management actions in a proactive and holistic manner.

Preparation of a Shire-wide Flying-fox Camp Management Plan for Tweed Shire would provide:

- Site assessment, description of ecological values and risk based analysis of all camps including detailed mapping of sensitive sites near each camp (eg. child care centres, schools, aged care centres and equine facilities)
- Identification and prioritisation of appropriate management options
- Compliance with the NSW Flying-fox Camp Management Policy and subsequent streamlining of certain management actions thereby increasing opportunities to secure grant funding
- Identification of procedures to guide decision making in relation to camp management options
- Literature/best practice analysis of options for identifying potentially suitable sites for flying-fox camps outside of urban areas

The preparation and adoption of such a plan would also provide a policy position in relation to flying-fox camp management in the Tweed Shire. This would also improve transparency, certainty and availability of information for the community, including those affected by flying-fox camps.

The funding required (\$50,000) to prepare the plan is proposed to be met through application to the NSW State Government for the maximum amount available in the relevant funding stream (\$15,000), use of the balance of funds remaining following completion of the Frangela Drive Reserve vegetation management works (\$13,000) and a request for Council to consider allocation of \$22,000 at the January budget review.

## **RECOMMENDATION:**

### **That Council:**

- 1. Applies to the NSW State Government flying-foxes grants program for \$15,000 funding (Stream 2 – preparing flying-fox camp management plans).**
- 2. Considers allocation of \$22,000 in the 31 December 2016 budget review to provide the balance of funding required to engage a suitably qualified consultant to prepare the plan.**
- 3. Prepares a Shire-wide flying-fox camp management plan.**

## REPORT:

### Overview of Current Situation

Council has recently addressed community concerns raised by residents surrounding the Frangela Drive Reserve flying-fox camp in Murwillumbah. These concerns arose in response to a significant increase in the number of flying-foxes using the camp at the Reserve between August 2015 and May 2016.

Council also periodically receives feedback from the community regarding the impacts on local residents of some other flying-fox camps in the Shire including at Bray Park and Tyalgum.

In consideration of the issues relating specifically to Frangela Drive Reserve camp, Council also resolved in April 2016 to receive a report considering options for shire-wide management of flying-fox camps as follows:

1. *A report be brought forward that overviews the challenges and opportunities faced by Tweed Shire Council and its community for the management of flying-foxes within Tweed Shire with regards to the NSW Office of Environment and Heritage Policy 2015, Flying-Fox Camp Management Policy and draft new templates.*
2. *The report to include an overview of the existing camps within the Shire:*
  - *Population numbers;*
  - *Camp locations and activities;*
  - *Potential health risks; and*

*and shall also address:*

- *Identify potentially suitable sites for flying-fox camps outside of urban areas,*
- *Limiting impacts on neighbouring houses,*
- *Appropriate signage,*
- *The option of Council preparing a Flying-Fox Camp Management Plan and a site specific Management Plan for Frangela Reserve.*

Further to, and more specifically, Council considered the issues surrounding the management of flying-foxes at the camp at Frangela Drive Reserve at the Council Meeting of 16 June 2016 and resolved:

*That Council implements the following immediate management actions for the Frangela Drive Reserve, subject to flying-foxes seasonally vacating the camp:*

1. *Applies to the NSW Office of Environment and Heritage for a Section 91 licence under the Threatened Species Conservation Act 1995.*
2. *Undertakes vegetation management actions including:*
  - (a) *Removal of Camphor Laurels in identified zone extending north from the current camp location; and*
  - (b) *Trim and/or remove Camphor Laurels in identified vegetation management zone to create a buffer between the camp and adjacent houses.*

3. Briefs the local community committee on the status of current and proposed actions.
4. Receives a future report to address the outstanding Shire-wide aspects of the resolution made in April 2016.

And again at the Council Meeting of 21 July 2016 so as to address potential night works:

1. Supports the inclusion of night works outside of the breeding season to the immediate management actions for Frangela Drive Reserve flying-fox camp.
2. Votes additional funds of up to \$35,000 in the September Quarterly Budget Review to match any grant funding received.

### Frangela Drive Reserve Vegetation Management Works

Subsequent to these resolutions and the seasonal departure of flying-foxes from the Reserve in early August 2016, Council commenced daytime vegetation management works at the Frangela Drive Reserve on Tuesday 9 August 2016.

The works were undertaken to create a buffer between the flying-fox camp and nearby residences, prevent future expansion of the camp closer to other residences and retain sufficient roost habitat for future use by flying-foxes (Figure 1). A Section 95 certificate under the *Threatened Species Conservation Act 1995* was issued by the NSW Office of Environment and Heritage for the vegetation management works.

Figure 1: Frangela Drive Reserve flying-fox camp vegetation management zones



All vegetation management and rubbish removal works have been completed at a cost of \$22,435. Additional weed management works will be completed to treat environmental weeds present at the site.



In addition to on ground works, Council staff engaged directly with local residents and the community representative committee to discuss management options and progress towards these options. This was undertaken through preparation and delivery of information packs, home visits, correspondence and attendance at committee meetings. Briefings to other Council staff and Councillors were also provided throughout the planning and implementation period.

As of October 2016, flying-foxes have not returned to roost at this site.

### **Management of Flying-fox Camps in Tweed Shire**

This report focuses on the challenges and opportunities faced by Tweed Shire Council and its community for the management of flying-foxes at a Shire-wide level.

#### NSW Flying-fox Camp Management Policy

In 2015 the NSW Office of Environment and Heritage (OEH) released the Flying-fox Camp Management Policy. The Policy provides guidance to land managers to work with their local communities to manage the impacts of flying-fox camps on affected surrounding communities.

The Policy provides the framework within which the OEH will make regulatory decisions but does not have precedence over the regulatory provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* nor the NSW *National Parks and Wildlife Act 1974* and *Threatened Species Conservation Act 1995*.

The approach to developing camp management plans in accordance with the Policy includes:

- Overview: Establishing objectives, purpose and the intent of the plan
- Context: Camp area, history, land classification and identification of stakeholders
- Community considerations and community consultation requirements
- Ecological considerations
- Identifying camp management actions and options
- Assess of impacts
- Implementation

The Policy is a guiding document for land managers and does not have any regulatory authority.

The development of camp management plans in accordance with the policy are underpinned by a strong community engagement process in order to assist councils and other land managers to understand and address impacts on the community while working within a strict regulatory framework that is not regulated by local government.

In 2016, OEH revised and released the expanded camp management plan templates provided with the Policy to better guide councils in developing their plans. These changes aim to streamline plan preparation and processing, reducing the level of resource input required by land managers and time between development and implementation.

### NSW State Government Flying-foxes Grants Program

As of 16 June 2016 a grants program was offered by the NSW Office of Environment and Heritage, and administered by Local Government NSW, to assist NSW councils to manage flying-fox camps consistent with the Flying-fox Camp Management Policy.

Funding is available under three streams:

#### **Stream 1**

- Implementing emergency flying-fox camp management measures where there are significant community impacts
- Maximum grant size \$50,000
- Available from 16 June 2016 to 30 April 2017

#### **Stream 2**

- Preparing flying-fox camp management plans
- Maximum grant size \$15,000
- Available from 16 June 2016 to 30 April 2017

#### **Stream 3**

- Implementing approved actions in flying-fox camp management plans
- Applications have now closed – a second round may be available in the future if funds are available.

Councils are required to commit matching funds or in-kind contributions for all streams on a 1:1 basis. Regional Organisations of Councils can apply for up to \$150,000 across all streams if the grant is for more than one local council area. All Councils within the NOROC area have been consulted regarding a potential regional plan. No other Councils were interested in collaborating to produce a regional plan at this time.

### Flying-fox Camps of the Tweed Shire

There are currently 16 known active flying-fox camps in the Tweed Shire (See map below). All camps are seasonally variable in relation to the species present, number of animals present, area occupied and time of the year occupied. There is a general trend for inland camps to reduce and coastal camps to increase during winter to coincide with the flowering of coastal vegetation species including Banksia and Melaleuca.

Two species of flying-fox generally occur in camps throughout Tweed Shire. The Grey-headed Flying-fox is listed as a vulnerable species under both Commonwealth and State legislation. The Black Flying-fox is protected by NSW wildlife legislation. A third species, the Little Red Flying-fox rarely occurs due to its strict dietary reliance on flowering eucalypts.

Flying-foxes play a critical role in the pollination and dispersal of forests including eucalypts and rainforest. They travel up to 30km per night to feed and much greater distances during seasonal movements and are essential to the maintenance of healthy, productive forests.

Tweed Shire Council participates in the National Flying-fox Monitoring Programme, coordinated by the CSIRO. A standardised method for estimating the number of flying foxes at each camp is applied four times per year and collated with data from throughout eastern Australia.

Most Tweed flying-fox camps are small (less than 1000 animals) and subject to significant seasonal variation. Camp monitoring data and summary information for all known active flying-fox camps are presented in Attachment 1.



- Flying fox camp location
- Tweed Shire Boundary
- National Parks and Nature Reserves
- Surrounding LGAs
- Waterways

**Known active flying-fox camps (as of August 2016) within Tweed Shire**

<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general audience and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavation a "Call before You Dig" enquiry must be made by calling 1310. The information contained on this document remains valid for 30 days only from the date of supply.</p>	<p> Coordinate System MGA Zone 56 Datum - GDA94</p>	<p> Cadastre: 27 October, 2016 © Land and Property Information (LPI) &amp; Tweed Shire Council Boundaries shown should be considered approximate only.</p>	<p>0 1 2 4 Kilometres</p> <p>1:150,000</p> <p>DO NOT SCALE COPY ONLY - NOT CERTIFIED</p>	<p>Civic and Cultural Centre 3 Tarragum Road Murrumbidgee NSW 2484 PO Box 615 Murrumbidgee NSW 2484 T (02) 6670 2400   1300 292 872 F (02) 6670 2429 W www.tweedshire.gov.au E planningreform@tweed.nsw.gov.au</p>	
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There are also a number of sites that are known to have been used as camps in the past but are no longer active, or have not been occupied during the period in which monitoring has been completed. These are:

- *Wollumbin National Park*
- *Stotts Island Nature Reserve*
- *Dallis Park, Murwillumbah*
- *Brooks Road, Nobbys Creek*
- *Dulguigan*
- *Mooball*
- *Elsie Street, Banora Point*
- *Caddy's Island, Tweed Heads*
- *Davies Island, Tweed Heads*

#### Flying-fox Camp Management

Throughout their range, flying-foxes are known to establish camps in close proximity to human settlements. It is considered that this results from a combination of factors including correlation of their pre-European settlement use of the landscape with current human settlement patterns, loss of natural habitat, availability of suitable camp sites in the urban landscape, reduced predation from natural predators due to human presence and availability of food resources within residential and public lands.

Where camps occur in locations that create nuisance, amenity or other impacts on humans, the availability of management actions that suitably reconcile environmental, economic and social interests are very limited. Attempts to relocate flying-fox camps are expensive, not guaranteed to achieve their intended outcome and can result in perverse outcomes including the establishment of one or more new camps in equally unsuitable locations.

Council's engagement in the National Flying-fox Monitoring Programme is highly beneficial in relation to camp management through providing key occupancy data including a detailed understanding of seasonality of use. Most significant incidents of impact to human settlements are related to seasonal food availability or breeding cycles and therefore temporary in nature. Detailed knowledge of the camps throughout the Shire has proven to be highly useful in engaging with affected communities as well as enabling planning for any management actions aimed at ameliorating impacts.

There is also a range of public health issues associated with the presence of flying-fox camps in close proximity to human settlements. Key information in relation to these issues is summarised below (*Sources: NSW Health 2015, Communicable Disease Network Australia 2013, QLD Gov. 2016*):

#### **Australian Bat Lyssavirus (ABLV) Infection**

- A virus that can be transmitted via a bite/scratch of an infected animal including from bats to humans.
- Three recorded cases (1996, 1998 and 2013) of human infection with ABLV since the virus was first identified in 1996. Unfortunately all three cases were fatal.
- Research indicates less than 1% of all free-living flying-foxes are estimated to carry the virus.

- Contact or exposures to flying-fox faeces, urine or blood do not pose a risk of exposure to ABLV, nor do living, playing or walking near roosting areas, as long as the animals are not handled.
- There is no evidence to suggest ABLV could be contracted by eating fruit partially eaten by a flying-fox.
- ABLV cannot be contracted from drinking or using water from a rainwater tank that is contaminated with flying-fox faeces.

### **Hendra Virus**

- The only natural host for the Hendra virus is the flying-fox.
- 20%-50% of the flying-fox population have been found to carry the antibody.
- Horses may be infected by eating food recently contaminated by flying-fox urine, saliva or birth products.
- There is no evidence of human to human, bat to human, bat to dog or dog to human transmission.
- Seven recorded cases of horse to human transmission. All seven persons had a high level of exposure to respiratory secretions and/or other bodily fluids of horses. Unfortunately four of the cases were fatal.

### **Gastroenteritis**

- The risk of gastroenteritis from flying-fox droppings is no greater than any other faecal contamination.

Effective distribution of information regarding public health issues and recommendations for people living near or visiting sites near flying-fox camps is an important and useful management action.

**Amenity issues** (noise/sleep disturbance, odour, impact of droppings on cars/washing etc.). Complaints about flying-foxes usually relate to excessive odour, noise and consequent sleep disturbance, mess from faeces staining walls, driveways, washing and parked cars along with other issues such as damage to domestic fruit trees. Community concerns also include the loss of property values; the impact on the psychological wellbeing of residents exposed to the persistent impacts of living in close proximity to flying-fox roosts and the subsequent deterioration of the amenity of the home.

The extent and severity of these issues is highly variable and challenging to effectively address. This includes the challenge of ensuring that all flying-fox camp management actions are consistent with relevant state and commonwealth legislative provisions.

### Preparation of a Shire-wide Flying-fox Camp Management Plan

Council currently does not have a policy position on the management of flying-fox camps nor a procedural document that enables staff to effectively respond to community concerns.

The preparation of shire-wide flying-fox camp management plans are supported through the NSW policy and funding grants program as they enable the landscape scale consideration of issues associated with camp management. Plans provide a framework for management that take into account human health, economic and amenity issues, and the beneficial ecological roles flying-foxes provide (as pollinators and seed dispersers). Management plans aim to reduce human/flying-fox conflict and conserve flying-foxes and their habitats.

Shire-wide or regional plans are recommended as preferable to individual camp, reactive management actions. This is because they consider the landscape scale movement of individual flying-foxes, seasonal relocation of camps and implications for humans and flying-foxes of management actions in a proactive and holistic manner.

The ability to identify suitable flying-fox camp locations outside of urban areas has been explored minimally to date. This is due to the absence of definitive information on roost characteristic preferences and the inability to ensure that newly identified or created locations are used by flying-foxes.

It is proposed that should Council resolve to prepare a shire-wide management plan that a review of available methods and their efficacy is integrated to the scope of works. This would result in Council having the best available information to consider future work to identify and/or establish suitable sites.

Preparation of a Shire-wide Flying-fox Camp Management Plan for Tweed Shire would provide:

- Site assessment, description of ecological values and risk based analysis of all camps including detailed mapping of sensitive sites near each camp (eg. child care centres, schools, aged care centres and equine facilities)
- Identification and prioritisation of appropriate management options
- Compliance with the NSW Flying-fox Camp Management Policy and subsequent streamlining of certain management actions thereby increasing opportunities to secure grant funding
- Identification of procedures to guide decision making in relation to camp management options
- Literature/best practice analysis of options for identifying potentially suitable sites for flying-fox camps outside of urban areas

The preparation and adoption of such a plan would also provide a policy position in relation to flying-fox camp management in the Tweed Shire. This would also improve transparency, certainty and availability of information for the community, including those affected by flying-fox camps.

#### **OPTIONS:**

1. Identify a budget allocation of \$22,000 to enable the preparation of a shire-wide plan.
2. Note the information herein only and address any future flying-fox camp management issues as they arise.

#### **CONCLUSION:**

The preparation and adoption of a shire-wide flying-fox management plan would provide a policy position and proactive management framework for flying-fox camp management in the Tweed Shire. This would also improve transparency, certainty and availability of information for the community, including those affected by flying-fox camps.

#### **COUNCIL IMPLICATIONS:**

##### **a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

A preliminary cost estimate has been sourced from a suitably qualified and experienced consultant to assist in consideration of the cost benefit of plan preparation. It is estimated that it would cost approximately \$50,000 to prepare a plan that satisfies all legislative and consultative requirements. Council can apply for financial assistance to a maximum value of \$15,000 from the NSW State Government.

Funding of \$13,000 is available from the budget allocation for Frangela Reserve vegetation management as the works were able to be completed under budget due to the flying-foxes seasonally vacating the site. An additional budget allocation of \$22,000 would therefore be required to enable preparation of a shire-wide plan.

It is noted that funding of up to \$150,000 is available for projects where more than one Council is involved. All Councils within the NOROC area have been consulted regarding a potential regional plan. No other Councils were interested in collaborating to produce a regional plan at this time.

**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.

Clear and accurate communication, together with effective, empathetic engagement with members of the community affected by flying-fox camps are essential elements for flying-fox camp management. The development of a plan of management will be informed by consultation with residents and businesses located nearby flying-fox camps, individuals and organisations involved in flying-fox conservation and welfare, land managers including throughout relevant sections of council and other relevant people and groups with expertise and experience in the management of flying-fox camps.

The proposed plan itself will be an important communication mechanism, providing key information for the community, including a council policy position on flying-fox camp management.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.                      Summary of Tweed Shire Flying-fox Camp Monitoring Data  
(ECM 4279804)

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## 13 [CNR-CM] Private Land Conservation Program

**SUBMITTED BY:** Natural Resource Management

Validms



### Caring for the Environment

#### 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
  - 4.3 Maintain and enhance Tweed's waterways and its catchments
  - 4.3.1 Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services
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#### SUMMARY OF REPORT:

This report details the status of works and community engagement for the third quarter of 2016 under Council's integrated private land conservation program.

One hundred and thirty seven landholders are now registered and conserve 2,200 hectares of native habitat.

Two new Biodiversity Grants totalling \$10,474 were allocated in the current quarter and projects across 29 properties continued to rehabilitate approximately 34 hectares of habitat. Additional grants are likely to be allocated in the fourth quarter.

Six new landholders registered for the Land for Wildlife program, conserving an additional seven hectares of native habitat. One hundred and thirty seven landholders are now registered and conserve 2,200 hectares of habitat. No workshops were held for the quarter. Planning continues for the next series of workshops to be delivered over the next two financial years.

Council's River Health Grants program invested \$13,910 into four projects to improve waterway health along 1.3 kilometres of waterway. During this quarter, the Rous River Riparian Restoration project began. This is a three year project that aims to improve the environmental condition of the Rous River by restoring, protecting and managing riparian vegetation. The NSW Environmental Trust has committed \$100,000 in funding which is matched by Council funds through the River Health Grant program.

Council's integrated private land conservation program continues to provide an effective platform for strong community engagement and productive stakeholder networks. Program

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delivery equips land managers with information and many of the skills they need to better manage the Shire's precious natural assets and improve agricultural productivity. Council's integrated private land conservation program continues to provide substantial investment in the local economy through the purchase of contract labour and materials totalling \$133,584 to the end of the quarter.

**RECOMMENDATION:**

**That Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the second quarter of 2016/2017.**

## REPORT:

Council's integrated private land conservation program has attracted a diverse range of landowners from traditional farmers to rural lifestyle property owners. Since its inception in 2006, the program has helped 500 landholders protect 2,261 hectares of habitat and 89 kilometres of waterway.

Since 2009, Biodiversity programs have been used to secure \$5.2M of external funding. Typically from state and federal government, external funding is invested in a diverse range of projects delivering significant biodiversity conservation, water quality, farm productivity, community engagement and capacity-building outcomes for the Shire. During the same period, Biodiversity Grant funding of \$510,000 secured projects valued at \$910,000, including landholder contributions of around 40%. This conservatively represents a return on investment of \$1.80 for every dollar invested. Council's integrated private land conservation program therefore is highly cost effective and makes a significant contribution to the local economy.

The Land for Wildlife (LfW) Program is a voluntary property registration scheme that helps rural landholders manage wildlife habitat on their property. During the quarter, six new landholders registered for the program. One hundred and thirty seven landholders are now registered and conserve 2,200 hectares of native habitat. Work is underway to schedule and deliver six practical workshops over the next two years. In addition, 10 landholders registered for the Backyard Habitat for Wildlife program catering for smaller lots in urban and suburban areas. One hundred and seventy five landowners are now registered.

Council's River Health Grants program invested \$13,910 into four projects to improve waterway health along 1.3 kilometres of waterway. All of these projects were targeting restoration of riparian vegetation through bush regeneration works, and one project included fencing to restrict stock along 360m of waterway in the Pumpenbil Creek catchment.

During this quarter, Council received \$23,500 from the NSW Environment Trust for the year one works of the project titled '2015/SL/0060 - Rous River riparian restoration'. In August, an Expression of Interest was sent to 100 landowners with frontage to the Rous River from Murwillumbah to Chillingham. Thirty four responses were lodged with Council and to date, around half of the properties have been inspected to determine eligibility and assess the environmental condition of the Rous River on target properties.

Two grants were allocated from Council's Biodiversity Grant Program. A grant of \$5,474 was made for preparation of a site action plan and eight person days of weed control in high conservation value habitat at Tyalgum. A grant of \$5,000 was made to Caldera Regional Arts Inc. to assist with the 2016 Caldera Artfest celebrations. This popular annual event is part of Council's Environment Education and Capacity Building program and promotes public awareness and understanding of biodiversity values and environmental conservation within the Shire through a series of arts-based programs and initiatives. A further \$5,000 was allocated to Tweed Landcare Inc. as a financial contribution to the Mid Tweed River and Mt Warning Connections of High Conservation Value (HCV) Vegetation project which aims to restore 60 hectares across five properties. Grants of \$3,000, \$2,000 and \$1,400 were made as in-kind contributions to the Numinbah Nature Links and the Filling the Biodiversity Gaps Connecting Tweed Coast to Border Ranges Stages I and II projects respectively. All projects are ongoing threatened species habitat recovery projects; Tweed Landcare Inc. manages the latter two projects.

Landholder agreements negotiated for each grant specify the contributions, rights and responsibilities of Council and landholders. Landholders make significant contributions to each project, typically up to half the total project value. Contributions are generally in the form of in-kind labour to assist bush regenerators with primary and/or follow-up weed control or site maintenance.

The status of program works, community engagement and detailed finances for the April to June 2016 quarter are described below. Future priorities and opportunities are outlined.

## Private land conservation program implementation July - September 2016

### Landholder engagement and capacity building



- Council hosted its 11<sup>th</sup> annual National Tree Day planting on 31 July 2016 at Cudgenbil Hole on the Tweed River, Uki. Over 100 volunteers dug in to plant around 1,200 rainforest trees. This event was a great opportunity to promote Council's Private Land Conservation Program to the wider community.
- As part of ongoing Biodiversity Grant Program project delivery, 29 landholders received hands-on tuition in weed identification and control techniques. (Tuition in habitat management is a cornerstone of the program.) As a result, landholders are better able to:
  - Identify common weeds and natives
  - Assess weed impacts on native habitat
  - Take steps to restore native habitat.
- Following site assessments, six landholders registered for the LFW program. Registered landholders receive a resource kit, ongoing technical advice on habitat management, invitations to upcoming events and access to the LFW South East Queensland newsletter.

Photos above: Participants at National Tree Day 2016, Tweed River



Uki.

### Waterway Health

Below: River Health Grant, Forsyth property, Mid-Tweed River prior to any on-ground works (July 2016).



Below: After Primary work (September 2016) to promote natural regeneration of native riparian species. Habitat for four threatened species has been improved through grant funded works.



- Four river health projects were instigated during the third quarter:
  - All projects located within the Tweed River drinking water catchment;
  - One project includes 450 m fencing to restrict stock access to 2 ha of waterway in the Pumpenbil Creek catchment. This area was subject to primary habitat restoration works and the landowner received bush regeneration training as part of the grant.
- These projects resulted in:
  - 1.3 kilometres of waterways improved
  - 450 metres of stock exclusion fencing
  - 4.5 hectares of bushland restored.
- Twenty one properties were inspected as part of the Rous River Riparian Restoration project.
  - Riparian Condition Assessments undertaken at each property to score the risk to water quality, habitat, riparian width and connectivity and native vegetation.

### Vegetation Condition



Above: One of 12 photo-monitoring sites for the Numinbah Nature Links threatened species habitat recovery project. This photo depicts baseline (pre-work) conditions at a work site. In conjunction with data collected each year, a photographic record of work sites will be used to describe the response of vegetation to ecological restoration. Consistent project monitoring will help measure project

- 29 active Biodiversity grant projects continued to restore approximately 34 hectares of habitat in the current financial year.
- Council's contribution to the Mid Tweed River and Mt Warning Connections of HCV Vegetation project continues to help rehabilitate 60 hectares of high conservation value habitat on five properties.
- Council's contributions to the Filling the Biodiversity Gaps Connecting Tweed Coast to Border Ranges project stages I and II will deliver restoration action plans to guide weed control over the next three years at ten private properties.
- Under the LfW program, an additional

success.



Above: The same site depicted in the previous photo after one year of weed control. The photo shows that nearly all Lantana at the site has been killed and the stage is set for native regeneration to begin. The site will be photographed again at the end of year two and year three to describe long-term vegetation response to ecological restoration.

seven hectares of native habitat was conserved on six properties.

- The Protecting and Linking High Conservation Habitats from Coast to Burringbar Ridge project was finalised in August 2016. Since its commencement in September 2013, the threatened species habitat recovery project restored 39 hectares of native habitat supporting 12 threatened plant species across eight properties. Community events were well attended and led to increased community knowledge of threatened species management, weed identification skills and weed control techniques.
- During the quarter, year one of the Numinbah Nature Links Project was completed. This threatened species habitat recovery project, funded by the NSW Environmental Trust with additional funding from Council, aims to restore 24 hectares of high conservation value habitat on six properties at Numinbah. The area supports exceptionally high biodiversity; nineteen threatened flora species have so far been recorded on participating properties. The project is on track with primary weed control having been completed on almost 12 hectares of habitat.

## Financial Reporting

### River Health Grants:

- \$13,910 allocated for these projects
- Estimated \$9,280 landowner in kind/cash contribution
  - Approximately 150 in-kind landowner hours
  - Approximately \$5,000 cash contribution towards labour for fencing at Pumpenbil.

### Biodiversity Grants:

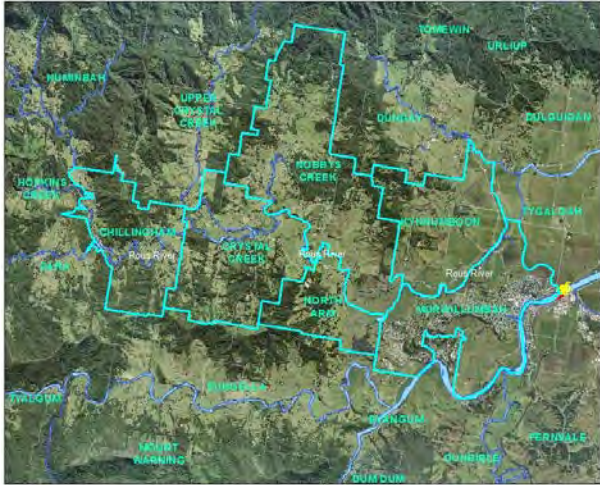
- Two biodiversity grants totalling \$10,474 were allocated during the period. A cash contribution of \$5,000 was made to Caldera Regional Arts Inc. for the 2016 Caldera Artfest celebration. This popular

	<p>annual project is part of Council's Environment Education and Capacity Building program and it seeks to promote public awareness and understanding of biodiversity values and environmental conservation within the Shire through a series of arts-based programs and initiatives. The second grant was for a site action plan and ecological restoration on a high conservation value property at Tyalgum.</p> <ul style="list-style-type: none"><li>• An internal review of the Biodiversity Grants program was conducted to ensure the program continues to deliver high-quality, value for money outcomes. The review concluded that the program does provide a flexible framework for delivering effective on-ground outcomes and building enduring community relationships. Importantly, the program balances the need for landholder accessibility with the equally important need for conserving areas of high conservation value. Moreover, the program provides the financial and administrative flexibility to use modest amounts of program funding to leverage relatively large external grants that enable large areas of habitat to be rehabilitated. The Numinbah Nature Links project is an example.</li><li>• An in-kind contribution of \$5,000 was made to the Mid Tweed River and Mt Warning Connections of HCV Vegetation project.</li><li>• In-kind contributions totalling \$6,400 were made to the Filling the Biodiversity Gaps Connecting Tweed Coast to Border Ranges Stages I and II projects to cover preparation of restoration action plans for ten properties.</li><li>• A cash contribution of \$3,000 was allocated to the Numinbah Nature Links project.</li></ul>
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## Fourth Quarter 2016-17 Priorities and Opportunities

Rous River Riparian Restoration Project Area  
Targeting landowners along the Rous River



Rous River Riparian Restoration is a three year project targeting eligible landowners along the Rous River between Chillingham and Murrumbah.



River bank erosion, Rous River.

### River Health Grants:

- Bank erosion stabilisation works at three sites on the Oxley River at Eungella are planned. Council is awaiting confirmation of supply of hardwood logs and root balls from highway upgrade works near Grafton before contractors can be appointed to undertake works.
- Waterways Project Officer will continue to assess properties for participation in the Rous River Riparian Restoration Project. Approximately twelve riparian/property assessments will be made in this quarter before all projects are scored and offers made to eligible landowners.
- Council is working with Tweed Landcare Inc. to develop weed management plans for two properties in upper Rowlands Creek for funding through North Coast Local Land Services (NCLLS). NCLLS will fund Landcare \$14,000 to deliver these projects and Council will contribute \$4,000 per property to maintain the sites beyond primary weed control. Landowners will also contribute over \$2,500 in-kind towards site maintenance.

### Biodiversity Grants:

- Around 20 active projects are expected to continue into the fourth quarter resulting in restoration of an additional 30 hectares of habitat.
- Biodiversity grant applications for the current financial year are currently being assessed. A number of grants are expected to be awarded during the fourth quarter.
- In-kind contributions to the Mid Tweed River and Mt Warning connections of HCV project and the Filling the Biodiversity Gaps connecting Tweed Coast to Border Ranges stages I and II projects will continue to contribute to at least 60 hectares of habitat restoration.
- Further work will be done on the NRM database. The database and associated



	<p>mapping is an inventory of on-ground works carried out under Council's private land conservation program. When finalised it will be an important planning and reporting tool.</p> <p>Land for Wildlife:</p> <ul style="list-style-type: none"><li>• The second series of workshops in the LfW workshops series will commence in early 2017. The series of six workshops is designed to help landholders manage the natural assets of their land more effectively.</li></ul> <p>Backyard Habitat for Wildlife:</p> <ul style="list-style-type: none"><li>• Ongoing engagement and provision of information through the Backyard Habitat for Wildlife online platform.</li><li>• The program will continue to be promoted at events such as Council's Sustainability Home Expo.</li></ul>
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**OPTIONS:**

1. That Council receives and notes the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the third quarter of 2016 and supports third quarter priorities and opportunities detailed in this report.
2. That Council requests further information on the outcomes of the River Health Grants, Biodiversity Grants and Land for Wildlife programs for the third quarter of 2016 and priorities/opportunities for the third quarter.

**CONCLUSION:**

During the reporting period, Council's integrated private land conservation program delivered the following economic, environmental and community benefits:

- Improved waterway health and water quality;
- Weed control and improved biodiversity values in project areas;
- Mitigation of threats to threatened flora and fauna;
- Increased area of actively conserved habit;
- Direct assistance for landholders;
- Education and engagement with the wider community;
- Ongoing collaboration with key government and other stakeholders such as Office of Environment and Heritage, Far North Coast Weeds, National Parks and Wildlife Service, Local Land Services and Tweed Landcare Inc.,
- Increased farm productivity for primary producers; and
- Significant funds investment in the local economy.

Council's integrated private land conservation program continues to make a significant strategic contribution to management of the Shire's outstanding biodiversity values. Strong relationships with landholders based on trust, robust technical advice and tailored program delivery enables Council to build community capacity to manage precious natural assets. Cross-agency collaboration helps mobilise resources, aids project planning and provides opportunities to overcome natural resource management challenges. Outcome trends outlined in this report are expected to continue during the next quarter.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

River Health Grants v1.0

Tweed Vegetation Management Strategy 2004

**b. Budget/Long Term Financial Plan:**

The source of funding for the River Health Grants program is the Water Unit dividend for water and wastewater in accordance with the River Health Grants policy.

The River Health Grants program receives approximately \$200,000 per annum for works to enhance the environmental condition of Tweed Shire's waterways. As the source of funding is a rates dividend, the total budget varies annually.

The Biodiversity Grants and Land for Wildlife Programs are funded through the Tweed Vegetation Management Strategy. A total of around \$100,000 is allocated to the programs each year. The Backyard Habitat for Wildlife program is allocated \$2,500 per annum.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

Council's integrated private land conservation program engages a wide range of landowners. Engagement methods for programs, projects and specific events include:

- Media releases, articles in the Tweed Link and local print media;
- Information provided on the Environment section of Council's website;
- Face-to-face promotion at annual community events such as the Tweed River Festival, Catchment Catch-up, Home Expo, World Environment Day celebrations, Murwillumbah Agricultural Show and National Tree Day planting activities;
- Coordination, promotion and delivery of Land for Wildlife and other workshops; and
- Promotion via local networks.

Program delivery requires property inspections to assess landholder eligibility, to provide technical advice and to ensure projects are delivered to a high standard within set timeframes and budgets. This engagement method builds strong relationships with landholders and often leads to engagement and participation of neighbours.

Workshops are another powerful capacity-building and engagement tool. Responding directly to the needs of landholders, workshops build landholder skills and knowledge to enable them to more effectively manage the natural assets on their land. Workshops provide opportunities for landholders to network and share experiences. Participant feedback provides an important conduit of information that informs program delivery.

The Natural Resource Management Unit has enlisted assistance from Council's Environmental Education Officer to develop a post-implementation follow-up strategy to report on the extent to which workshops and other events deliver sustained behavioural change.

Communication and engagement methods are regularly assessed to determine their effectiveness.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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14 [CNR-CM] Loan to SALT Surf Life Saving Club

SUBMITTED BY: Design

Validms



## Civic Leadership

### 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
- 

### SUMMARY OF REPORT:

SALT Surf Life Saving Club Inc. is a not for profit organisation that leases Council operational and community land located at Bells Boulevard, Kingscliff to provide a valuable surf lifesaving service.

The club has received formal notification from the Federal Government that a \$1,000,000 pre-election pledge will be available on completion of a request for information, followed by a deed of agreement, to partial fund Stage 2B of their new combined clubhouse/training facilities.

To fund the estimated total construction costs for completion of Stage 2B of the new facilities, the club has requested Council consideration for a loan similar to that granted to Tennis Terranora Inc (i.e. interest free with repayments over 10 years) up to a maximum of \$200,000.

It is recommended that Council approve the execution of a Deed under the Common Seal of Council.

### RECOMMENDATION:

That Council approves:

1. Entering into a Deed with SALT Surf Life Saving Club Inc. for a \$200,000 interest free loan with a repayment term of ten years; and
2. The execution of all necessary documentation under the Common Seal of Council.

## **REPORT:**

SALT Surf Life Saving Club Inc. (the Club) is a not for profit organisation that leases Council operational and community land located at Bells Boulevard, Kingscliff to provide a valuable surf lifesaving service.

SALT Surf Life Saving Club was formed in 2005 and now has 242 members comprising:

- 95 members available for patrol
- 19 in training for bronze medallion.
- 86 young nippers.
- 42 associate members (mostly nipper parents).

The approximate annual visitor & beach numbers are:

- 220,000 guest numbers at local resorts Mantra & Peppers last year (not including children).
- 10,000 beach visitations during patrol season.

## **Background information**

The club initially had use of a storage area and first aid room within the Council owned building located on Lot 173 DP 1075497 which was leased to Salt Developments Pty Ltd, and a clubroom and training area situated under the Salt Bar. However, in 2010 the owners of this area indicated that they wish to reclaim the space to augment their commercial operation.

The loss of the area under the Salt Bar and the population growth factors on that part of the coast threatened to severely impact on the ability of the club to service the community and its members. To respond to these challenges the club proposed to expand east upon the existing building located at Lot 173 into Lot 901 DP 1066477 (Figure 1). Lot 901 is Council owned community land.

To enable the club to lease an area of community land and build the proposed clubhouse, a plan of management under the Local Government Act 1993 was required with express authorisation for both the building and the lease.

In September 2010 Council adopted a plan of management enabling the construction of the club building and the leasing of the site. In September 2013 Council issued consent to the SALT Surf Life Saving Club for the partial demolition of an existing storage and first aid facility with public toilets, adjacent to SALT Central Park, and extensions for new facilities at Kingscliff.

Stage 1 of the building consisting of the ground floor elements of mainly storage and a first aid room was completed in 2016.

In October 2016 Council resolved to advertise the intention to lease the area encompassing the building to the club for a term of ten years, with an option for a further ten years to ensure ongoing surf lifesaving services are provided for the adjacent beach.

Figure 1 shows the location of the original surf lifesaving facility within Lot 173, the hatched area is Lot 901, where the recent and proposed works extend into.

### **Request for funding assistance to construct stage 2**

The club has received formal notification from the Federal Government that a \$1,000,000 pre-election pledge will be available on completion of a request for information, followed by a deed of agreement, to partial fund Stage 2B of their new combined clubhouse/training facilities.

To fund the estimated total construction costs for completion of Stage 2B of the new facilities, the club has requested Council consideration for a loan of up to a maximum of \$200,000.

The request is similar to the interest free loan previously granted to Tennis Terranora Inc. by entering into formal loan agreements that document the loan amount and repayment terms.

It is proposed that the loan be repaid via monthly amounts over a period of ten years, and that the documentation provides that full repayment and interest will be required in certain circumstances. These circumstances include, but are not limited to when the leased premises are no longer being used as a surf life saving facility, or where the club conducts activities which are not usually or appropriately conducted by a surf life saving club, or if the club is in breach of their lease and such breach results in the termination of the lease.

It is recommended that Council approve the execution of a Deed of Grant under the Common Seal of Council.

### **Community benefits in providing assistance to the club**

The Club has provided the following information on the benefits of supporting the club to construct stage 2:

*"How will the project increase the usage and/or participant numbers in Surf Life Saving?"*

*Salt SLSC is the newest surf club in NSW. We know that the lack of a clubhouse is restricting our ability to retain existing members and attract new ones, particularly when adjacent surf clubs have dedicated and substantial clubhouses and are an attractive alternative to what Salt Surf Club can currently provide. To attract new members and retain existing members we need a central facility that we can manage ourselves. The complete development for our clubhouse includes a function room, large deck area, kitchen, and gym that members will be able to utilise for recreation purposes. These areas will be an attractive drawcard and in particular will attract younger members to the club which is critical for the long-term interests of not only our club, but also lifesaving in general. One area that we, like other surf clubs, need to work on is how to retain members in the 15-18 year age group after they leave nippers and when they can become active patrolling members. A clubhouse will be a focal area for young members in a safe and healthy environment. A clubhouse will also assist us in fundraising, and monies raised can be put forward to hosting events for members, improving the gym, as well as purchasing lifesaving equipment. The dedicated training room will allow us to increase the number of awards that members hold and improve our ability to train new members. An improved First Aid Area will enhance the service provided to patients.*

*How will the project increase the use of the Surf Life Saving facilities by community groups and/or the general public?"*

*We support a number of community events and activities, including local triathlons, bike races, corporate challenges, and Carols by Candlelight. The club participated in the Homestay cultural exchange program for overseas students. The training and function room can also be offered for surf awareness training by other groups, such as schools and local board rider clubs. A clubhouse will enable us to improve our support of these community events by offering specific areas for use, such as the function room, kitchen, training room, and large deck area. The training and function rooms would be a useful meeting facility for various local organisations and other volunteer*

groups. A clubhouse would enable us to more fully support these types of events and offer facilities to enhance the public's participation. The proposed kiosk will be a meeting area for the public and lifesavers. We anticipate that this will increase the public profile of our club, beach, and lifesaving. This will be particularly important with the anticipated growth in population and tourism for our region. Importantly, we are currently raising funds to fully equip our first aid room so that it is available not only for use by surf lifesavers and emergency services, but also by first aid responders at local community events. We have installed a keypad entry system and can provide any community group with access if required.

*What is the longer term benefit of the project to the community?*

*The principal longer term benefits of our clubhouse development will be increased safety at our beach, faster emergency response times in our local area, increased membership numbers, and greater community engagement. A clubhouse will provide a central focus for these outcomes. The Tweed Shire is one of the fastest growing communities in Australia. The current population is approximately 90,000 and anticipated to grow to 130,000 by 2031. Within the Shire, the area that our club would principally service (Salt, Casuarina, Seaside) is growing rapidly with a number of new developments underway or proposed, including the large Kings Forest Development. Along with residents, visitors to our area will benefit from this development. For the Tweed Shire, overall visitor numbers have risen by an estimated 10%. There were approximately 570,000 overnight visitors spending close to 2.5 million nights in the area. A recent survey of visitors to the Kingscliff area found that 75% will go to the beach. There are several resorts in the immediate vicinity of Salt Surf Lifesaving Club containing 600 tourism rooms. The number of people coming to our beach will continue to grow and a strong and vibrant surf club will enhance the safety and experience for all. Maintaining a strong membership base is critical for a healthy and effective surf club. A clubhouse will help retain existing members and attract new members. We have identified increasing our youth numbers as a priority area. A clubhouse will provide a healthy and safe area for our younger members to meet. In addition it will provide a proper area for training new members and improving the skills of existing members. Finally, our club provides support for a number of community activities and events, and a clubhouse will enhance our capacity to engage with and support our local community.*

*Lifesaving statistics:*

*Each patrol season we perform numerous rescues, attend to numerous first aid incidents, and respond to a number of emergency call-outs. The statistic we are most proud of are our preventative actions. A preventative action could be anything from telling a swimmer to move back into the flagged area and away from a rip, to advising a member of the public to be aware of snakes as one crossed the beach access path earlier in the day. While the great majority of these situations would not have resulted in an incident there would be no doubt that some of our actions have prevented people getting hurt, or worse. Each year we perform around 500 preventative actions during patrol season.*

*Indirect benefits of our project:*



*In 2011 Price Waterhouse Coopers released a report on the economic benefit of surf lifesaving to Australia. The total value of surf lifesaving to Australia was estimated at \$3.6 billion per year. This benefit was comprised of the value of lives saved, permanent incapacitations prevented, and sundry first aid and minor injury treatments.*

*Obviously, we can't put a value on any individual surf club but we note that over the years of patrols at Salt SLSC we have performed many rescues, conducted many first aid treatments, and initiated countless preventative actions. Most importantly, it's arguable whether Salt SLSC could survive long-term without a proper clubhouse."*

**OPTIONS:**

1. To approve the execution of the Deed of Grant to formalise the approved loan; or
2. To not approve the execution of the Deed of Grant to formalise the approved loan.

**CONCLUSION:**

It is to the benefit of Council and the community to have strong, sustainable Surf Life Saving Clubs operating within the Shire. Council's partnership with surf life saving clubs in the Tweed Shire has been to provide support to develop the clubs to a level where they are sustainable, and then coordinate the volunteer services with Council's contract lifeguard services to optimise the level of service provided to the community with available resources.

Cudgen Headland Surf Life Saving Club and Cabarita Beach Surf Life Saving Club demonstrate that when a club has access to adequate facilities, they are able to provide a long term sustainable service to the community. In the sixteen years since its genesis, SALT Surf Life Saving Club has proven to be resourceful and committed and provide a valued service to a growing population.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

The proposed loan amount is not included in the 2016/2017 budget.

The Community Facilities Reserve, whilst still awaiting finalisation of the Building Asset Management Plan to prioritise works, is an appropriate source of funds for this purpose. The reserve has a balance as at 30 June 2016 of \$5,748,606.

**c. Legal:**

Adequate safeguards will need to be included in the Deed of Grant to ensure the full satisfaction of this loan.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Letter dated 2 November 2016 from Salt Surf Life Saving Club  
(ECM4286268).

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 15 [E-CM] Palmvale Road, Palmvale - Acquisition of Land for Road Purposes

SUBMITTED BY: Design

Validms



## Civic Leadership

### 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

### SUMMARY OF REPORT:

Council has allocated funds to proceed with the upgrade of the causeway along Palmvale Road, Palmvale. Due to the new location of the causeway (next to the existing) and consequent realignment of the road, the proposed table drain and batter from the edge of the drain will encroach onto the adjacent property.

It will be necessary for Council to acquire an area of 42m<sup>2</sup> from Lot 1 in DP 1171303 to allow the placement of the drain and batter within the road reserve and in doing so provide enough space from the top of the batter to avoid undermining the property owners fence.

The plan of land proposed to be acquired for Road under the *Roads Act* 1993 has been registered as DP 1224379 showing Lot 1 (Land in 1/1171303) as the land to be acquired as public road. Lot 2 is public road proposed to be closed and transferred as compensation to the affected landowner.

In lieu of monetary compensation the landowner has agreed to accept the transfer of the road closure parcel being Lot 2 in DP 1224379. The compensation payable in this instance falls within Section 64 of the *Land Acquisition (Just Terms Compensation) Act*, 1991.

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 Office of Local Government for approval to the acquisition.

### RECOMMENDATION:

That:

1. **Council approves the acquisition of Lots 1 and 2 in DP 1224379 for public road and compensation purposes and the transfer of the road closure parcel being**

**Lot 2 in DP 1224379 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.**

- 2. Lot 1 in DP 1224379 be dedicated as road following gazettal of the acquisition.**
- 3. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Council has allocated funds and commenced the upgrade of the causeway along Palmvale Road, Palmvale. Due to the new location of the causeway (next to the existing) and consequent realignment of the road, the proposed table drain and batter from the edge of the drain will encroach onto the adjacent property. An aerial view of the existing causeway is shown as Diagram 1.

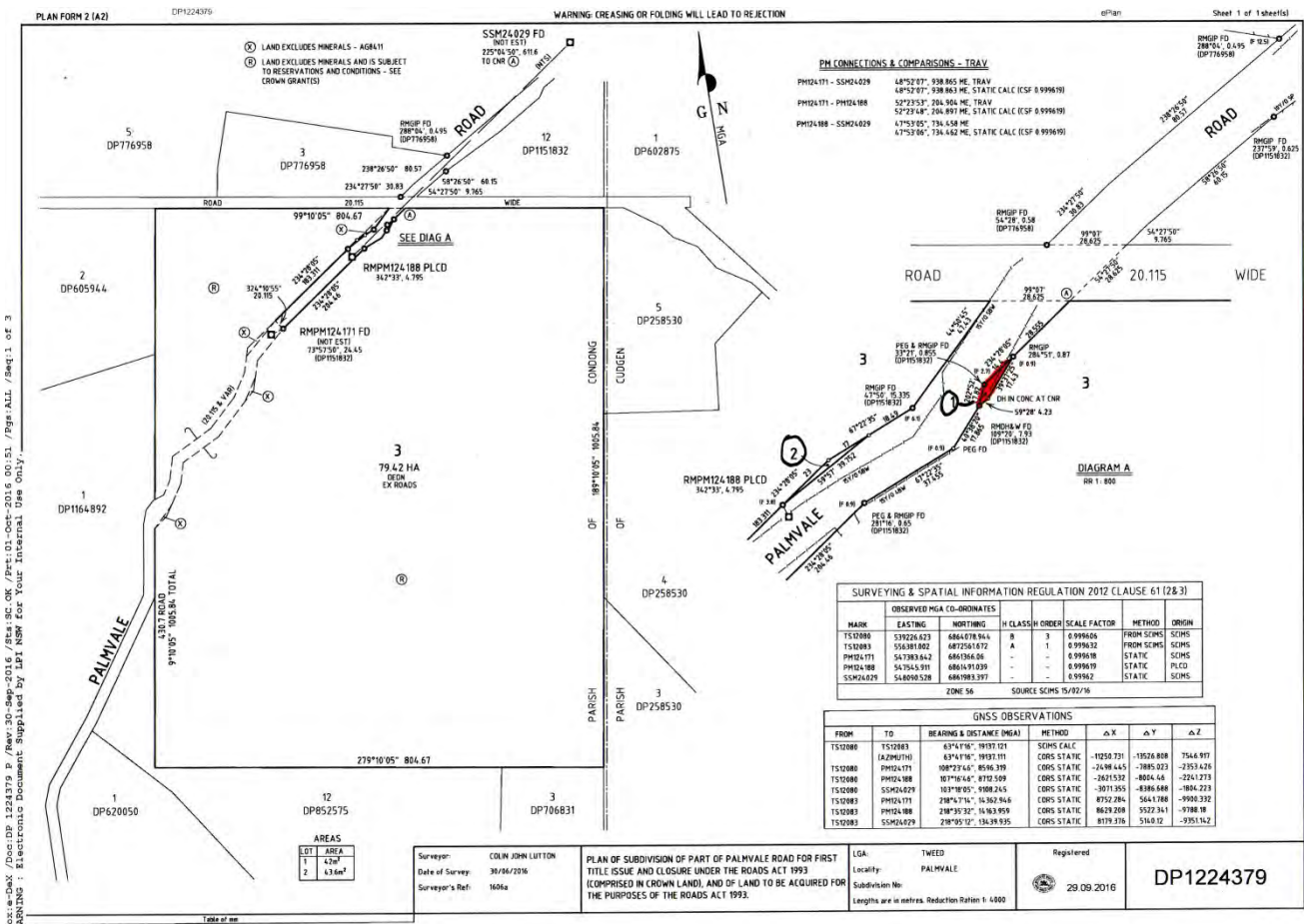
**Diagram 1** – Aerial view of the existing causeway to be upgraded.



It will be necessary for Council to acquire an area of 42m<sup>2</sup> from Lot 1 in DP 1171303 to allow the placement of the drain and batter within the road reserve and in doing so provide enough space from the top of the batter to avoid undermining the property owners fence.

The plan of land proposed to be acquired for Road under the *Roads Act* 1993 has been registered as DP 1224379 (Refer to Diagram 2) showing Lot 1 (Land in 1/1171303) as the land to be acquired as public road. Lot 2 is public road proposed to be closed and transferred as compensation to the affected landowner.

**Diagram 2 – DP 1224379 showing Lot 1 to be acquired as public road and Lot 2 road to be closed and transferred as compensation.**



In lieu of monetary compensation the landowner has agreed to accept the transfer of the road closure parcel being Lot 2 in DP 1224379. The compensation payable in this instance falls within Section 64 of the *Land Acquisition (Just Terms Compensation) Act, 1991*.

**OPTIONS:**

1. Council approves the acquisition of Lots 1 and 2 in DP 1224379 for public road and 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.
2. Council does not approve the acquisition of Lots 1 and 2 in DP 1224379 for public road and compensation purposes 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:**

To enable the upgrade of the existing causeway it is necessary for Council to acquire land for the associated table drain and batter from the adjacent land owner.

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 Office of Local Government for approval to the acquisition.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.  
Land Acquisition (Just Terms Compensation) Act 1993.

**b. Budget/Long Term Financial Plan:**

There are minimal direct costs associated with this acquisition.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

Owners consent and agreement to compensation have been received.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

(Confidential) Attachment 1. Owners Consent and Agreement to Compensation (ECM 3927558).

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16 [E-CM] RFO2016083 Rehabilitation of Gravity Sewerage Reticulation Mains

SUBMITTED BY: Water and Wastewater

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.3	Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand

---

### SUMMARY OF REPORT:

This Request for Offer has been prepared for the purpose of engaging a suitably qualified and experienced provider to provide structure rehabilitation for 150mm to 225mm size gravity sewer mains within Tweed Shire Council using non-evasive technology.

At the time of closing 6 Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1, 2 and 3**. The recommendations are based on the evaluation.

### RECOMMENDATION:

That in respect to Contract RFO2016083 Rehabilitation of Gravity Sewerage Reticulation Mains:

1. Council awards the contract to Reline Solutions Pty Ltd ABN 53 119 222 267 for the amount of \$828,842.80 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. ATTACHMENTS 1, 2 and 3 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:****Offer Background**

This Request for Offer has been prepared for the purpose of engaging a suitably qualified and experienced provider to provide structure rehabilitation for 150mm to 225mm size gravity sewer mains within Tweed Shire Council using non-evasive technology.

The package of work is for a number of lines and total length will be in the vicinity of 6.4km.

**Offer Advertising/Distribution**

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government.

The Offer was officially advertised on Tuesday 23 August 2016 in The Sydney Morning Herald and also on 20 August 2016 in the Gold Coast Bulletin and the Brisbane Courier Mail.

**Offer Submissions**

Offer submissions closed at 4.00pm (local time) on 14 September 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

At the closing time for Offer submissions, the Tender Box was opened and 6 Offers were recorded as below:

<b>Bidder</b>	<b>ABN</b>
Abergeldie Watertech	90 601 658 066
Insituform Pacific Pty Ltd	43 123 427 305
ITS Pipetech Pty Ltd	49 115 228 527
JHC Infrastructure Pty Ltd	20 609 016 122
Machos Pty Ltd (trading as Nu-Jet)	26 122 088 368
Reline Solutions Pty Ltd	53 119 222 267

**Offer Evaluation Panel**

Council's Offer Evaluation Panel was made up as follows:

<b>Position</b>
Engineer Contracts (Chairperson)
Senior Technical Officer - Trade Waste & Connections
Senior Engineer - Operations & Maintenance

## Evaluation Criteria

Offers were evaluated as per the Offer Evaluation Plan dated 14 September 2016.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price) (Mandatory but Chairperson sets weighting)	Schedule 2 & 3	40
Price Compared with TSC Estimate	Schedule 2 & 3	Yes/No Item
Financial Details and Capacity	Schedule 4	Yes/No Item
Previous and Current Works (Experience & Key Personnel)	Schedule 4&5	10
Methodology and Work Program (Time)	Schedule 6	10
WHS and Risk Management	Schedule 7	5
Environmental Management	Schedule 7	5
Quality Management	Schedule 7	20
Proposed Subcontractors (Experience)	Schedule 8	Yes/No Item
Company Insurances	Schedule 9	Yes/No Item
Sustainable Procurement	Schedule 10	Yes/No Item
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	Schedule 11	10
Innovation	All Schedules	Yes/No Item
Maintenance and Running costs	All Schedules	Yes/No Item
Life of Proposed materials and equipment	All Schedules	Yes/No Item
Warranty Periods Offered	All Schedules	Yes/No Item
Council's Contract Administration Costs	Schedule 6	Yes/No Item
	Total	100

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A:

- (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

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder 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 Offer.

### OPTIONS:

That Council:

1. Awards the contract RFO2016083 Rehabilitation of Gravity Sewerage Reticulation Mains to Reline Solutions Pty Ltd ABN 53 119 222 267 for the amount of \$828,842.80 (exclusive of GST).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

**CONCLUSION:**

Reline Solutions Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

It is recommended that the Offer from Reline Solutions Pty Ltd ABN 53 119 222 267 be accepted to the value of \$828,842.80 (exclusive of GST).

**COUNCIL IMPLICATIONS:**

**a. Policy:**

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 & NSW Local Government (General) Regulation 2005
- Council's Procurement Policy v1.6

**b. Budget/Long Term Financial Plan:**

Provision for funding RFO2016083 Rehabilitation of Gravity Sewerage Reticulation Mains is included in the 2016/2017 Wastewater Services Budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. RFO2016083 - Offer Evaluation Report (ECM 4288505).

*(Confidential)* Attachment 2. RFO2016083 - Offer Evaluation Scoring Sheet (ECM 4288510).

*(Confidential)* Attachment 3. RFO2016083 - Technical Evaluation (ECM 4288512).

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**17 [E-CM] RFO2016132 Supply of 1 x Backhoe Loader Complete with Attachments**

**SUBMITTED BY: Infrastructure Delivery**

**FILE REFERENCE: RFO2016132**

Validms



## **Civic Leadership**

### **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
  - 1.3 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
- 

### **SUMMARY OF REPORT:**

Request for Offer RFO2016132 Supply of 1 x Backhoe Loader Complete with Attachments was called. The existing unit had experienced extensive mechanical failures outside of the warranty period and the least cost option is to replace it.

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 21 September 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Recommendations have been formulated based on the Selection Criteria which is contained in the Offer Evaluation Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. A summary of the Selection criteria is also included in the body of this report

### **RECOMMENDATION:**

**That, in respect to Contract RFO2016132 for the Supply of 1 x Backhoe Loader Complete with Attachments:**

- 1. Council awards the Contract RFO2016132 Supply of 1 x Backhoe Loader Complete with Attachments to Komatsu Australia Pty Ltd (ABN 71143476626, ACN 143476626) for the price of \$168,787.27 (Exclusive of GST).**
  - 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
-

3. **ATTACHMENTS 1 and 2 are 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:

### Offer Background

Offer RFO2016132 for the supply of 1 x Backhoe Loader Complete with Attachments was called to supply Council operations with a replacement unit. The unit replacement is being brought forward by two years due to continuous high cost mechanical failures on current machine, resulting in significant operational downtime.

### Offer Advertising

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Council's Procurement Protocol Version 1.8, offers were officially advertised for RFO2016132 on 23 August 2016 in the Sydney Morning Herald.

The offer document was also advertised on Council's 'Offers' website

### Offer Addendums

There was One (1) notice to bidders issued before close of offer:

Page 33 Section 5.8 – Schedule of Conformity

- Dipper Arm Reach – 5.5M>6M

Page 46 Section 6.10 – Offered Unit Specifications

- Dipper Arm Reach – 5.5M>6M

### Offer Submissions

At the closing time for Offer submissions, the Tender Box was opened and Eight (8) Offers were recorded at the Tender Box opening for the supply of 1 x Backhoe Loader Complete with Attachments.

Offers were recorded as below:

Bidder	ABN
Komatsu Australia Pty Ltd	71 143 476 626
GCM Agencies	75 639 005 382
JCB Construction Equipment Australia (3 x Submissions)	81 008 777 348
Hitachi Construction Machinery Australia Ltd	62 000 080 179
Westrac Pty Ltd	63 009 342 572
Earth Moving Equipment Australia	91 146 265 983

### Offer Evaluation

An Offer Assessment Plan was developed based on the premise that competitive Offers were to be received and scored against specific selection criteria in order to select the best value Offer.

The Offer Evaluation Panel was made up as follows:

<b>Position</b>
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Equipment Operators x 2

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

<b>Criterion</b>	<b>Document Reference</b>	<b>Weighting (%)</b>
Value for Money - WOL Costs	Section 2.7.4	40
Operational Evaluation	Section 2.7.4	30
Maintenance Evaluation	Section 2.7.4	10
Operator Evaluation	Section 2.7.4	10
Local Content	Section 2.7.4	10

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheets. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheets are included in ATTACHMENT 1, 2 and 3 which are CONFIDENTIAL in accordance with Section 10A:

- (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.*

**OPTIONS:**

1. Council accepts the recommendation to award the contract to Komatsu Australia Pty Ltd for the supply of the 1 x Backhoe Loader Complete with Attachments, or
2. Council awards the contract to another supplier, however this action may not comply with Council's procurement policy, or
3. Council does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

**CONCLUSION:**

The offer submitted for the supply of 1 x Backhoe Loader Complete with Attachments, by Komatsu Australia Pty Ltd represents the best value to Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

The Offer invitation and evaluation has been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.
- Council's Procurement Policy.

**b. Budget/Long Term Financial Plan:**

The purchase can be fully met within Council's Fleet Budget 2016/17.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. RFO2016132 - Offer Evaluation Report (ECM 4288052).

*(Confidential)* Attachment 2. RFO2016132 - Offer Evaluation Scoresheet Separable Portion No 1 and No 2 (ECM 4288088).

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**18 [E-CM] RFO2016102 Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units**

**SUBMITTED BY: Infrastructure Delivery**

**FILE REFERENCE: RFO2016102**

Validms



## **Civic Leadership**

### **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
1.3	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

### **SUMMARY OF REPORT:**

Request for Offer RFO2016102 was called to supply Council operations with the following:

- Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Offer submissions closed at 4.00pm (local time) on 28 September 2016 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Recommendations have been formulated based on the Selection Criteria which is contained in the Offer Evaluation Plan Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. A summary of the Selection criteria is also included in the body of this report.

### **RECOMMENDATION:**

**That, in respect to Contract RFO2016102 for the Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units:**

- 1. Council awards the Contract RFO2016102 Supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units to Ausroad Systems Pty Ltd (ABN 61 097 151 445, ACN 097 151 445) - Option No1 - for the price of \$766,170 (Exclusive of GST).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

3. **ATTACHMENTS 1 and 2 are 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.*
  - (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:****Offer Background**

Offer RFO2016102 for the supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units was called to supply Council operations with replacement units as per Councils 10 year asset replacement strategy.

**Offer Advertising**

In accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005, and as per Council's Procurement Protocol Version 1.8, offers were officially advertised for RFO2016102 on 23 August 2016 in the Sydney Morning Herald.

The offer document was also advertised on Council's 'Offers' website

**Offer Addendums**

There were no offer addendums.

**Offer Submissions**

At the closing time for Offer submissions, the Tender Box was opened and Four (4) Offers were recorded at the Tender Box opening for supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units.

Offers were recorded as below:

<b>Bidder</b>	<b>ABN</b>
Ausroad Systems Pty Ltd (2 x Submissions – Option No1 and Option No2)	61 097151445
Paveline International Pty Ltd (2 x Submissions) – Option No1 and Option No2)	48 098409333

**Offer Evaluation**

An Offer Assessment Plan was developed based on the premise that competitive Offers were to be received and scored against specific selection criteria in order to select the best value Offer.

Offer Evaluation fell into the 'Class 2 Contract' of the procurement policy (a \$500,000 ≤ value < \$5,000,000) – *'Minimum of three Council Officers, one of the members must be a Council Officer independent of the unit managing the Request for Offer Process'*

The Offer Evaluation Panel was made up of the following appointed people:

<b>Position</b>
Operations Coordinator Plant and Materials
Fleet Plant Maintenance Technician
Council Equipment Operators x 2
Council Officer (Independent of Unit) – Internal Auditor

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering. Weighting used was *plant based* and not *truck based* due to

the main cost and operational aspects being that of an item of 'Plant' – the 'Sprayed Emulsion Road Maintenance Unit' mounted onto a truck chassis.

Criterion	Document Reference	Weighting (%)
Value for Money - WOL Costs	Section 2.7.4	40
Operational Evaluation	Section 2.7.4	30
Maintenance Evaluation	Section 2.7.4	10
Operator Evaluation	Section 2.7.4	10
Local Content	Section 2.7.4	10

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheets. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheets are included in ATTACHMENTS 1, 2 and 3 which are CONFIDENTIAL in accordance with Section 10A:

- (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.*

**OPTIONS:**

1. Council accepts the recommendation to award the contract RFO2016102 to Ausroad Systems Pty Ltd for the supply of the 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units – Option No1 or
2. Council awards the contract to another supplier, or
3. Council does not proceed with the contract and advises the suppliers of the reasons for not proceeding.

**CONCLUSION:**

The offer submitted for the supply of 2 x Truck Mounted Sprayed Emulsion Road Maintenance Units by Ausroad Systems Pty Ltd – Option No1 presents the best value to Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.
- Council's Procurement Policy.

**b. Budget/Long Term Financial Plan:**

The purchase is in accordance with Council's Fleet Budget 2016/17.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. RFO2016102 - Offer Evaluation Report (ECM 4287722).

*(Confidential)* Attachment 2. RFO2016102 - Offer Evaluation Scoresheet Separable Portion No 1 and No 2 (ECM 4287848).

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

19 [CS-CM] Code of Conduct Complaints - 1 September 2015 to 31 August 2016

SUBMITTED BY: Corporate Governance

Validms



### Civic Leadership

#### 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
- 

#### SUMMARY OF REPORT:

The Office of Local Government and the Administration of the Model Code of Conduct Procedure requires annual reporting of Code of Conduct Complaints made about the councillors and the general manager. The report covers the period from 1 September 2015 to 31 August 2016 and as well as being reported to council, must also be provided to the Office of Local Government by 30 November 2016.

#### RECOMMENDATION:

**That the Code of Conduct Complaints for the period 1 September 2015 to 31 August 2016 be received and noted and the return be submitted to the Office of Local Government.**

**REPORT:**

The Office of Local Government and the Administration of the Model Code of Conduct Procedure requires annual reporting of Code of Conduct Complaints made about the councillors and the general manager. The report covers the period from 1 September 2015 to 31 August 2016 and as well as being reported to council, must also be provided to the Office of Local Government by 30 November 2016.

The following information forms the statistical return required to be submitted to the Office of Local Government.

Model Code of Conduct Complaints Statistics Tweed Shire Council		
<b>Number of Complaints</b>		
1 a	The total number of complaints <b>received</b> in the period about councillors and the General Manager (GM) under the code of conduct	7
b	The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct	6
<b>Overview of Complaints and Cost</b>		
2 a	The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	2
b	The number of complaints <b>referred to the Office of Local Government</b> under a special complaints management arrangement	0
c	The number of code of conduct complaints <b>referred to a conduct reviewer</b>	5
d	The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	1
e	The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	4
g	The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>	0
h	The number of finalised complaints investigated where there was found to be <b>no breach</b>	6
i	The number of finalised complaints investigated where there was found to be a <b>breach</b>	0
j	The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, the Office or the Police	1
k	The number of complaints being investigated that are <b>not yet finalised</b>	1
l	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	31,000
<b>Preliminary Assessment Statistics</b>		
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action	1
b	To resolve the complaint by alternative and appropriate strategies	3
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	1
e	To investigate the matter	
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	

Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text"/>
b	That a person or persons undertake training or other education <input type="text" value="1"/>
5	The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text"/>
c	That the subject person be counselled for their conduct <input type="text"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text"/>
e	That findings of inappropriate conduct be made public <input type="text"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="1"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text"/>
Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) <input type="text" value="1"/>
b	Conflict of interest (Part 4) <input type="text"/>
c	Personal benefit (Part 5) <input type="text"/>
d	Relationship between council officials (Part 6) <input type="text"/>
e	Access to information and resources (Part 7) <input type="text"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office <input type="text" value="0"/>

For the previous reporting period of 1 September 2014 to 31 August 2015 there were 8 Code of Conduct Complaints received.

**OPTIONS:**

This reporting and the submission of the collection form is a mandatory requirement and there are no other options available.



**CONCLUSION:**

That the Code of Conduct Complaints for the period 1 September 2015 to 31 August 2016 be received and noted and the return be submitted to the Office of Local Government.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Conduct (Model) v2.0

Code of Conduct Administration (Procedure) v1.0

**b. Budget/Long Term Financial Plan:**

Allowance is made within the budget for expenditure incurred on Code of Conduct Complaint investigations.

**c. Legal:**

The Code of Conduct and the Administration of the Model Code of Conduct Procedure contains confidentiality conditions that preclude the details of the Code of Conduct Complaints being released.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

This is a statutory requirement of reporting to council the Code of Conduct Complaints for the period 1 September 2015 to 31 August 2016 that have been lodged against councillors or the general manager.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**20 [CS-CM] Corporate Quarterly Performance Report 1 July to 30 September 2016**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

### **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
- 

### **SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 July to 30 September 2016 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2016/2017 Operational Plan activities up to 30 September 2016.

### **RECOMMENDATION:**

**That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2016.**

## REPORT:

At the Council meeting held 16 June 2016 the Operational Plan 2016/2017 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



**Civic Leadership** - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



**Supporting Community Life** - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



**Strengthening the Economy**- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



**Caring for the Environment** - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

Not Applicable.

## CONCLUSION:

An undertaking given through the overarching Community Strategic Plan was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the first quarterly report on the progress of the 2016/2017 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

## COUNCIL IMPLICATIONS:

### a. Policy:

Being reported in accordance with requirements associated with Integrated Planning and Reporting Framework.

### b. Budget/Long Term Financial Plan:

Not Applicable.

### c. Legal:

In line with the impacts of the adopted Operational Plan.

### d. Communication/Engagement:

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Corporate Quarterly Performance Report for the period 1 July to 30 September 2016 (ECM 4290336)

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## 21 [CS-CM] Quarterly Budget Review - September 2016

SUBMITTED BY: Financial Services

Validms



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service

### SUMMARY OF REPORT:

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2016/2017 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, clauses 202 and 203. Council will have a balanced budget as at 30 June 2017 in all Funds.

### RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 30 September 2016 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2017.

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	274,450	0
Materials & Contracts	0	1,609,538
Interest	0	0
Other Operating costs	0	0
Capital	24,586,089	0
Loan Repayments	0	0
Transfers to Reserves	18,700	0

	24,879,239	1,609,538
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	0	0
Operating Grants & Conts	0	488,758
Capital Grants & Conts	0	10,810,600
User Charges & Fees	0	125,036
Other Operating Revenue	0	138,055
Loan Funds	0	180,000
Recoupments	0	2,929,665
Transfers from Reserves	0	8,597,587
Asset Sales	0	0
	0	23,269,701

Net Surplus/(Deficit) 0

	Deficit	Surplus
<b>Sewer Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	2,133,387	0
Loan Repayments	0	0
Transfers to Reserves	222,630	0
	2,356,017	0

<b><u>Income</u></b>	0	0
Rates and Annual Charges	0	0
Interest revenue	0	423,186
Operating Grants & Conts	0	0
Capital Grants & Conts	0	513,376
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	0	1,071,698
Transfers from Reserves	0	347,757
Asset Sales	0	0
	0	2,356,017

Net Surplus/(Deficit) 0

<b>Water Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	0	0
Materials & Contracts	0	0
Interest	0	0
Other Operating costs	0	0
Capital	283,500	0
Loan Repayments	0	0
Transfers to Reserves	0	128,335
	283,500	128,335

<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	0	309,000
Operating Grants & Conts	0	0
Capital Grants & Conts	0	0
User Charges & Fees	0	95,985
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	52,500	0
Transfers from Reserves	197,320	0
Asset Sales	0	0
	<hr/>	<hr/>
	249,820	404,985
Net Surplus/(Deficit)		<hr/>
		0

## **REPORT:**

### **Budget Review 30 September 2016 (Quarterly Budget Review)**

In accordance with section 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

### **Report by Responsible Accounting Officer – Quarterly Budget Review Statements**

The Quarterly Budget Review Reports are prepared to provide Council and the community with information in relation to Council's financial performance and proposed amendments to its budget and forward estimates. The reports are prepared under accrual accounting principles in accordance with the requirements of the Local Government Act 1993.

New South Wales councils are required to prepare a Quarterly Budget Review Statement, which includes the following information:

- The original budget
- Approved changes to the original budget
- Recommendations by Council officers regarding changes to the revised budget
- A projected year end result
- Actual year to date figures
- Key Performance Indicators
- New contracts entered into during the quarter
- Consultancy and legal expenses

This information is presented in the following reports:

- List of changes which will impact on revenue, i.e. will affect the Operational Plan (budget) or Long Term Financial Plan
- Detailed list of recommended changes, including those recommended by officers and those adopted by Council
- Income and Expenses Statement, consolidated and by fund
- Funding Statement, consolidated and by fund, which gives the total budget result
- Capital Budget Review Statement
- Cash & Investments Budget Review Statement
- Budget Review Key Performance Indicators Statement
- Budget Review Contracts (part A) and Other Expenses (part B)



## Impacts on the Operational Plan and/or Long Term Financial Plan

Some recommended changes will have no net effect on the Operational Plan (1 year budget). Others will have long term effects and will need to be reflected in the next revision of the Long Term Financial Plan. The changes which will have such an effect are listed below:

Description	\$	\$
	<b>Net Effect on 2016/2017 Budget</b>	<b>Net Effect on LTFP</b>
<b>General Fund</b>		
Emergency Services Contributions	8,777	8,777
Flying Foxes	35,000	0
Financial Assistance Grant	-432,773	0
Software Maintenance	13,200	13,200
Statecover WHS performance rebate	-125,000	0
Building Control/Swimming Pool compliance	174,000	174,000
Kingscliff Foreshore Management Plan	199,796	0
Heritage projects	7,000	7,000
Election expenses	100,000	
The Anchorage Boardwalk	20,000	
	<b>0</b>	<b>202,977</b>

## Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
<b>1. Proposed Variations</b>						
<b>General</b>						
Ex	1	Ex-OpEmp	Development Engineering technical officer		<b>86,150</b>	Increased demand for water & sewer inspections
Ex	1	Ex-Op	Development Engineering vehicle expenses		<b>15,240</b>	Additional vehicle associated with above
In	1	In-Operating	Inspection fees	-54,357	<b>-50,000</b>	Additional fees associated with above
Ex	1	Ex-Op	Internal charges to Water & Sewer	-474,985	<b>-51,390</b>	Funding for above
Ex	2	Ex-Op	Fire and Rescue NSW Contribution	394,962	<b>-13,360</b>	Contribution advice received
Ex	2	Ex-Op	Rural Fire Services Contribution	238,642	<b>-1,265</b>	Contribution advice received
Ex	2	Ex-Op	State Emergency Services Contribution	143,754	<b>23,402</b>	Contribution advice received
Ex	3	Ex-Op	Flying foxes	0	<b>35,000</b>	Council resolution 21 July 2016
				6,840,24		
In	4	In-OG&C	FAG - General	5	<b>-432,773</b>	Grant advice received.
				-		
				2,643,80		
In	4	In-OG&C	FAG - Roads	0	<b>-12,685</b>	Grant advice received.
				2,643,80		
Ex	4	Ex-Op	FAG grant maintenance	0	12,685	Allocation of above
				-		
				1,977,83		
In	5	In-OG&C	Regional roads block grant	6	76,836	Grant advice received.

In/E x	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
				1,977,836		
Ex	5	Ex-Op	Regional roads maintenance		-76,836	Reduce expenditure to match above
Ex	6	Ex-Capital	Fraser Drive Cycleway		440,000	Vintage Lakes Drive to Dry Dock Road
In	6	In-CG&C	RMS grant		-220,000	Funding for above
In	6	In-Recoup	Contribution Plan 22 - Cycleways		-220,000	Funding for above
				1,109,073		
Ex	7	Ex-Op	Software maintenance		13,200	Scout e-recruitment
Ex	8	Ex-Op	Tweed Road Development Strategy		180,000	Update strategy
In	8	In-Recoup	Contribution Plan 4 - Roads		-180,000	Funding for above
Ex	9	Ex-Capital	Depot improvements Murwillumbah Transfer from Plant Operations Reserve		80,000	Solar power installation
In	9	In-TFR			-80,000	Funding for above
Ex	10	Ex-Op	Rous River Riparian Restoration		201,550	Environmental Trust project
In	10	In-OG&C	Environmental Trust grant		-100,000	Funding for above
Ex	10	In-TFR	Catchment Water Quality Reserve		-101,550	Funding for above
Ex	11	Ex-Capital	Condong Boat Ramp & Toilet		357,000	NSW Boating Now Program
Ex	11	Ex-Capital	Byangum Canoe Launch Facility		55,000	NSW Boating Now Program
Ex	11	Ex-Capital	Budd Park Pontoon		50,000	NSW Boating Now Program
Ex	11	Ex-Capital	Commercial Road Boat Ramp		80,000	NSW Boating Now Program
Ex	11	Ex-Capital	Fingal Boat Harbour Pontoon		50,000	NSW Boating Now Program
Ex	11	Ex-Capital	Kennedy Drive Boat Ramp Carpark		71,500	NSW Boating Now Program
Ex	11	Ex-Capital	Chinderah Boat Ramp		60,500	NSW Boating Now Program
Ex	11	Ex-Capital	Tumbulgum Pontoon Construction		70,000	NSW Boating Now Program
In	11	In-CG&C	Transport NSW grant		-659,000	Funding for above
Ex	11	Ex-Op	Lower Tweed Management Plan	346,165	-135,000	Funding for above
Ex	12	Ex-Op	Art Gallery expenses	594,771	13,055	Building maintenance
In	12	In-OpOther	Art & Culture miscellaneous funding		-13,055	Funding for above
In	13	In-OpOther	Statecover		-125,000	Mutual Performance Rebate Distribution
Ex	14	Ex-Capital	Land purchase		280,000	341 Tweed Valley Way
In	14	In-Loan	Unexpended loans		-180,000	Funding for above
In	14	In-TFR	Asset Management Reserve		-100,000	Funding for above
Ex	15	Ex-Capital	Knox Park		100,000	Public toilet
Ex	15	Ex-Capital	Public Toilets capital		-100,000	Funding for above
				1,414,331		
Ex	16	Ex-OpEmp	Building Control Salaries		23,000	Correction of original budget
Ex	16	Ex-OpEmp	Swimming Pool Compliance salaries		151,000	Omitted from original budget
Ex	17	Ex-Capital	Korns Bridge Crystal Creek		115,000	Bridge replacement initial works
In	17	In-CG&C	RMS grant		-115,000	Funding for above
Ex	18	Ex-Capital	s94 Broadwater Parkway		1,100,000	Purchase of land & building
In	18	In-Recoup	Contribution Plan 4 - Roads		-1,100,000	Funding for above
Ex	19	Ex-Capital	Pottsville Tennis Court		27,000	Lighting & switchboard upgrade
Ex	19	Ex-Op	Active Recreation asset maintenance program	319,416	-10,000	Funding for above
In	19	In-Recoup	Contribution Plan 5 - Open Space		-17,000	Funding for above
Ex	20	Ex-OpEmp	Waste salaries	442,893	14,300	Re-allocation
				1,136,694		
Ex	20	Ex-TTR	Waste reserves and funding		-14,300	Funding for above
Ex	21	Ex-Op	Tweed Coastal Zone Management	52,539	-18,000	Reallocate funding to project below
Ex	21	Ex-Op	Protect Threatened Fauna on Fingal Peninsular Kingscliff Foreshore Management Plan		18,000	Funding for above
Ex	22	Ex-Capital	Coastal Management Plan implementation		8,818,100	Foreshore protection
Ex	22	Ex-Op			-1,774,567	Funding for above
In	22	In-TFR	Seven Year Plan reserve		-265,837	Funding for above
In	22	In-CG&C	Grant		-6,577,900	Funding for above

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Ex	23	Ex-Capital	Kingscliff Foreshore Management Plan		<b>204,300</b>	Cycleway
In	23	In-TFR	Seven Year Plan reserve Kingscliff Foreshore Management Plan		<b>-204,300</b>	Funding for above
Ex	24	Ex-Capital	Kingscliff Foreshore Management Plan		<b>4,150,700</b>	Kingscliff Central Park
In	24	In-CG&C	Grant		<b>-3,150,700</b>	Funding for above
In	24	In-Recoup	Contribution Plan 26 - Shirewide Open Space Kingscliff Foreshore Management Plan		<b>-1,000,000</b>	Funding for above
Ex	25	Ex-Capital	Kingscliff Foreshore Management Plan		<b>203,900</b>	Kingscliff car parking
In	25	In-Recoup	Contribution Plan 23 - Carparking Kingscliff Foreshore Management Plan		<b>-203,900</b>	Funding for above
Ex	26	Ex-Capital	Kingscliff Foreshore Management Plan		<b>212,500</b>	Kingscliff amenities hall upgrade
In	26	In-CG&C	Grant		<b>-88,000</b>	Funding for above
Ex	26	Ex-Op	Amenities Hall Kingscliff Kingscliff Foreshore Management Plan	206,314	<b>-124,500</b>	Funding for above
Ex	27	Ex-Capital	Kingscliff Foreshore Management Plan		<b>93,000</b>	Lions park Furniture Upgrade
Ex	27	Ex-Op	Passive Recreation Asset Maintenance Program	79,620	<b>-79,620</b>	Funding for above
Ex	27	Ex-Op	Amenities Hall Kingscliff Kingscliff Foreshore Management Plan	206,314	<b>-13,380</b>	
Ex	28	Ex-Capital	Kingscliff Foreshore Management Plan		<b>7,525,900</b>	Kingscliff holiday park upgrade
In	28	In-TFR	Tweed Coast Holiday Parks		<b>-7,525,900</b>	Funding for above
Ex	31	Ex-Capital	Library upgrade		<b>528,765</b>	Council resolution 21 July 2016
In	31	In-Recoup	S94 CP 11 Libraries		<b>-208,765</b>	Funding for above
In	31	In-TFR	Community Facilities Reserve		<b>-320,000</b>	Funding for above
Ex	32	Ex-Op	Rowing club building	4,398	<b>-4,398</b>	Not required
Ex	32	Ex-Op	Sportsfield asset management	385,294	<b>4,398</b>	Transfer from above
Ex	33	Ex-Op	Pottsville Environment Park Building	63,239	<b>-33,770</b>	Rationalise budget
Ex	34	Ex-Op	Pottsville Environment Park maintenance		<b>33,770</b>	Rationalise budget
Ex	35	Ex-Op	Election expenses	475,000	<b>100,000</b>	Increased costs due to Constitutional Referendum and rescheduled election
Ex	36	Ex-OpOther	Life Education	6,365	<b>-6,365</b>	Transfer to Community Sponsorship
Ex	36	Ex-OpOther	Community Sponsorship	32,382	<b>6,365</b>	Transfer from Life Education
Ex	37	Ex-Op	Communications	28,644	<b>-28,644</b>	Transfer to Community Engagement
Ex	37	Ex-Op	Community Engagement	0	<b>28,644</b>	Transfer from Communications
Ex	38	Ex-Op	Anchorage Boardwalk	0	<b>20,000</b>	Investigation
Ex	39	Ex-Op	Community Buildings Maintenance	108,318	<b>-33,000</b>	Transfer to sinking fund
Ex	39	Ex-TTR	Community Buildings Funding		<b>33,000</b>	Transfer from Community Buildings Maintenance
In	43	In-Operating	Artist in Residence Fees		<b>-3,000</b>	Income received
Ex	43	Ex-Op	Artist in Residence Exhibitions/Programs	3,104	<b>3,000</b>	Exhibitions
Ex	44	Ex-Op	Aboriginal Network Conference		<b>58,500</b>	Expenditure
In	44	In-Operating	Aboriginal Network Conference		<b>-58,500</b>	Income
Ex	45	Ex-Op	Noxious Weeds	181,452	<b>10,000</b>	Bitou Bush program
In	45	In-OG&C	NSW DPI Bitou Bush control		<b>-10,000</b>	DPI Grant Received
Ex	46	Ex-Op	Food Forum	12,000	<b>17,172</b>	Expenditure
In	46	In-OG&C	Food Forum		<b>-3,636</b>	Contributions
In	46	In-Operating	Food Forum		<b>-13,536</b>	Registration Fees
					<b>-7,000</b>	
			<b>Sewer Fund</b>			
In	47	Ex-Op	Operations			
Ex	47	Ex-Dep	Depreciation		<b>-294,255</b>	Revised estimates
Ex	47	Ex-Deprev	Depreciation reversal		<b>294,255</b>	Adjustment for non-cash items

In/E x	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
Ex	47	Ex-Capital	Various Capital Works		<b>2,133,387</b>	New and carried forward projects
In	47	In-CG&C	Developer Contributions		<b>-513,376</b>	Revised estimates
Ex	47	Ex-TTR	Developer Contributions reversal		<b>513,376</b>	Transfer to restricted assets
In	47	In-Interest	Interest		<b>-423,186</b>	Revised estimates
Ex	47	Ex-TTR	Transfers to Asset Replacement Res. Transfers from Capital Contributions		<b>-290,746</b>	Funding adjustment
In	47	In-Recoup	Res.		<b>-1,071,698</b>	Funding adjustment
In	47	In-TFR	Transfers from Asset Replacement Res.		<b>-347,757</b>	Funding adjustment
					<b>0</b>	
			<b>Water Fund</b>			
In	48	Ex-Op	Operations			
Ex	48	Ex-Dep	Depreciation		<b>-187,150</b>	Revised estimates
Ex	48	Ex-Deprev	Depreciation reversal		<b>187,150</b>	Adjustment for non-cash items
Ex	48	Ex-Capital	Various Capital Works		<b>283,500</b>	New and carried forward projects
In	48	In-Interest	Interest		<b>-309,000</b>	Revised estimates
In	48	In-Operating	Water sales		<b>-95,985</b>	Revised estimates water sales
Ex	48	Ex-TTR	Transfers to Asset Replacement Res. Transfers from Capital Contributions		<b>-128,335</b>	Funding adjustment
In	48	In-Recoup	Res.		<b>52,500</b>	Funding adjustment
In	48	In-TFR	Transfers from Asset Replacement Res.		<b>197,320</b>	Funding adjustment
					<b>0</b>	
			<b>2. Variations Arising from Council Resolutions</b>			
Ex	49	Ex-Op	Heritage Advisor		<b>11,000</b>	Council commitment to Heritage programs
Ex	49	Ex-Op	Heritage Fund		<b>-7,000</b>	Grant funding for above
Ex	50	Ex-Op	Heritage Establishment Fund		<b>9,500</b>	Additional funding above grant funding below
In	50	In-OG&C	Grant funding		<b>-6,500</b>	Grant funding for above
Ex	51	Ex-Op	Community Safety	12,924	<b>-12,924</b>	Council meeting 21 April 2016
Ex	51	Ex-Capital	Les Burger Field Informal Youth Space		<b>12,924</b>	Council meeting 21 April 2016
Ex	52	Ex-Capital	Rail Trail Stage 1	207,898	<b>-207,898</b>	Council meeting 18 August 2016
Ex	52	Ex-Capital	Rail Trail Project Development		<b>207,898</b>	Council meeting 18 August 2016
Ex	53	Ex-Op	Art Gallery Marketing	35,273	<b>4,620</b>	Council meeting 21 July 2016
Ex	53	Ex-Op	Festivals Policy Funding	68,647	<b>-4,620</b>	Council meeting 21 July 2016
					<b>7,000</b>	
			<b>Summary of Votes by Type</b>			
			2016/17 Variations		<b>-7,000</b>	
			Council Resolutions		<b>7,000</b>	
					<b>0</b>	
			<b>Key to Category codes</b>			
			Ex-OpEmp	Employee costs		
			Ex-Op	Materials & contracts		
			Ex-Interest	Interest on loans		
			Ex-OpOther	Other operating expenses		
			Ex-Capital	Capital works		
			Ex-Loan			
			Reps	Repayment on principal on loans		
			Ex-TTR	Transfers to reserves		
			Ex-Dep	Depreciation		
			Ex-Deprev	Depreciation reversal		

In/E x	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
		In-Rates	Rates & annual charges			
		In-Interest	Interest income			
		In-OG&C	Operating grants & contributions			
		In-CG&C	Capital grants & contributions			
		In-Operating	User charges & fees			
		In-OpOther	Other operating income			
		In-Loan	Loan funds			
		In-Recoup	Recoupment from s64 & s94 funds			
		In-TFR	Transfers from reserves			
		In-Sales	Proceeds from sale of assets			
			<u>Expenses</u>			
			Employee costs		274,450	
			Materials & Contracts		-1,609,538	
			Interest		0	
			Other Operating costs		0	
					27,002,97	
			Capital		6	
			Loan Repayments		0	
			Transfers to Reserves		112,995	
					<u>25,780,88</u>	
					3	
			<u>Income</u>			
			Rates and Annual Charges		0	
			Interest revenue		-732,186	
			Operating Grants & Conts		-488,758	
					-	
					11,323,97	
			Capital Grants & Conts		6	
			User Charges & Fees		-221,021	
			Other Operating Revenue		-138,055	
			Loan Funds		-180,000	
			Recoupments		-3,948,863	
			Transfers from Reserves		-8,748,024	
			Asset Sales		0	
					<u>-</u>	
					25,780,88	
					3	
			Net		<u>0</u>	
			<b>Summary of Votes - by Division</b>			
			Corporate Services		-449,193	
			Planning & Regulation		224,777	
			Community & Natural Resources		224,416	
			Engineering		0	
			General Manager		0	
					<u>0</u>	

**Results by fund:**

**General Fund**

The General Fund is expected to remain as a “balanced budget”.

**Water Fund**

The Water Fund is expected to remain as a “balanced budget”.

**Sewer Fund**

The Sewer Fund is expected to remain as a “balanced budget”.

## Quarterly Budget Review Statements

### Income and Expense - Consolidated Budget Review Statement for the quarter ended 30 September 2016

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			

#### Income

Rates and Annual Charges	103,615	-	-	103,615	-	103,615	26,358
User Charges and Fees	44,047	-	-	44,047	221	44,268	11,596
Interest and Investment Revenue	9,922	-	-	9,922	732	10,654	3,242
Other Revenues	1,986	-	-	1,986	138	2,124	675
Grants & Contributions - Operating	20,358	-	-	20,358	489	20,847	4,450
Grants and Contributions - Capital	3,759	-	-	3,759	10,811	14,570	1,549
- Contributions (S94)	11,609	-	-	11,609	513	12,122	3,178
Net gain from the disposal of assets	-	-	-	-	-	-	-
<b>Total Income</b>	<b>195,296</b>	<b>-</b>	<b>-</b>	<b>195,296</b>	<b>12,904</b>	<b>208,200</b>	<b>51,048</b>

#### Expense

Employee costs	57,662	446	-	58,108	274	58,382	13,207
Borrowing Costs	12,550	-	-	12,550	-	12,550	3,138
Materials & Contracts	47,497	15,703	-	63,200	(1,608)	61,592	8,853
Depreciation	43,227	-	-	43,227	-	43,227	10,807
Legal Costs	460	-	-	460	-	460	116
Consultants	568	-	-	568	-	568	65
Other Expenses	15,611	-	-	15,611	-	15,611	3,051
Net Loss from Disposal of Assets	-	-	-	-	-	-	-
<b>Total Expenses</b>	<b>177,575</b>	<b>16,149</b>	<b>-</b>	<b>193,724</b>	<b>(1,334)</b>	<b>192,390</b>	<b>39,237</b>

#### Net Operating Result

	17,721	(16,149)	-	1,572	14,238	15,810	11,811
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#### Net Operating Result before capital items

	2,353	(16,149)	-	(13,796)	2,914	(10,882)	7,084
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### Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	17,721	(16,149)	-	1,572	14,238	15,810
<b>Add Back non-funded items:</b>						

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			
Depreciation	43,227	-	-	43,227	-	43,227	
		-	-	-	-	-	
<b>Add non-operating funding sources</b>		-	-	-	-	-	
Transfers from Externally Restricted Cash	18,103	1,181	-	19,284	11,475	30,759	
Transfers from Internally Restricted Cash	9,257	24,739	-	33,996	1,223	35,219	
Proceeds from sale of assets	1,457	-	-	1,457	-	1,457	
Loan Funds Utilised	1,976	6,321	-	8,297	180	8,477	
Repayments from Deferred Debtors	-	-	-	-	-	-	
<b>Funds Available</b>	<b>91,741</b>	<b>16,092</b>	<b>-</b>	<b>107,833</b>	<b>27,116</b>	<b>134,949</b>	
<b>Funds were applied to:</b>							
Purchase and construction of assets	40,875	16,092	-	56,967	27,002	83,969	
Repayment of principal on loans	8,047	-	-	8,047	-	8,047	
Transfers to Externally Restricted Cash	12,386	-	-	12,386	-	12,386	
Transfers to Internally Restricted Cash	30,433	-	-	30,433	114	30,547	
<b>Funds Used</b>	<b>91,741</b>	<b>16,092</b>	<b>-</b>	<b>107,833</b>	<b>27,116</b>	<b>134,949</b>	
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

\* Includes Carried Forward Works revotes

**Income and Expense- General Fund Budget Review Statement for the quarter ended 30 September 2016**

	Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)
		Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)		
<b>Income</b>						
Rates and Annual Charges	69,860			69,860		69,860
User Charges and Fees	20,042			20,042	125	20,167
Interest and Investment Revenue	4,178			4,178	-	4,178
Other Revenues	1,693			1,693	138	1,831
Grants & Contributions - Operating	19,506			19,506	489	19,995
Grants and Contributions - Capital	3,759			3,759	10,811	14,570



- Contributions (S64/S94)	1,792			1,792		1,792
Net gain from the disposal of assets				-		-
<b>Total Income</b>	120,830	-	-	120,830	11,563	132,393

**Expense**

Employee costs	42,172	446		42,618	274	42,892
Borrowing Costs	5,894			5,894	-	5,894
Materials & Contracts	30,216	15,703		45,919	(1,608)	44,311
Depreciation	25,629			25,629		25,629
Legal Costs	460			460		460
Consultants	268			268		268
Other Expenses	11,663			11,663	-	11,663
Net Loss from Disposal of Assets				-		-
<b>Total Expenses</b>	116,302	16,149	-	132,451	(1,334)	131,117

<b>Net Operating Result</b>	4,528	(16,149)	-	(11,621)	12,897	1,276
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<b>Net Operating Result before capital items</b>	(1,023)	(16,149)	-	(17,172)	2,086	(15,086)
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**Funding Statement - General Fund - Source & Application of Funds**

Operating Result (Income Statement)	4,528	(16,149)	-	(11,621)	12,897	1,276
<b>Add Back non-funded items:</b>						
Depreciation	25,629			25,629	-	25,629
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	2,819	1,181		4,000	10,456	14,456
Transfers from Internally Restricted Cash	375	24,739		25,114	1,072	26,186
Proceeds from sale of assets	1,457			1,457	-	1,457
Loan Funds Utilised	1,976	6,321		8,297	180	8,477
Internal charges				-		-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	36,784	16,092	-	52,876	24,605	77,481
<b>Funds were applied to:</b>						
Purchase and construction of assets	24,797	16,092		40,889	24,586	65,475
Repayment of principal on loans	4,012			4,012	-	4,012
Transfers to Externally Restricted Cash	2,569			2,569		2,569
Transfers to Internally Restricted Cash	5,406			5,406	19	5,425

<b>Funds Used</b>	36,784	16,092	-	52,876	24,605	77,481
<b>Increase/(Decrease) in Available Working Capital</b>	-	-	-	-	-	-

\* Includes Carried Forward Works  
revotes

**Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 30 September 2016**

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)		

**Income**

Rates and Annual Charges	28,437			28,437	-	28,437
User Charges and Fees	1,387			1,387	-	1,387
Interest and Investment Revenue	3,510			3,510	423	3,933
Other Revenues	16			16	-	16
Grants & Contributions - Operating	463			463	-	463
Grants and Contributions - Capital	-			-	-	-
- Contributions (S64/S94)	2,869			2,869	513	3,382
Net gain from the disposal of assets				-		-
<b>Total Income</b>	<b>36,682</b>	<b>-</b>	<b>-</b>	<b>36,682</b>	<b>936</b>	<b>37,618</b>

**Expense**

Employee costs	9,101			9,101	-	9,101
Borrowing Costs	2,211			2,211	-	2,211
Materials & Contracts	7,619			7,619	-	7,619
Depreciation	10,183			10,183	-	10,183
Legal Costs	-			-	-	-
Consultants	150			150	-	150
Other Expenses	2,586			2,586	-	2,586
Net Loss from Disposal of Assets				-		-
<b>Total Expenses</b>	<b>31,850</b>	<b>-</b>	<b>-</b>	<b>31,850</b>	<b>-</b>	<b>31,850</b>

**Net Operating Result**

	4,832	-	-	4,832	936	5,768
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**Net Operating Result before capital items**

	1,963	-	-	1,963	423	2,386
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**Funding Statement - Sewer Fund - Source & Application of Funds**

Operating Result (Income Statement)	4,832	-	-	4,832	936	5,768
<b>Add Back non-funded items:</b>						
Depreciation	10,183	-	-	10,183	-	10,183
<b>Add non-operating funding sources</b>						

Transfers from Externally Restricted Cash	4,765			4,765	1,072	5,837
Transfers from Internally Restricted Cash	5,125			5,125	348	5,473
Proceeds from sale of assets				-	-	-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-	-	-
<b>Funds Available</b>	<b>24,905</b>	<b>-</b>	<b>-</b>	<b>24,905</b>	<b>2,356</b>	<b>27,261</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	6,950			6,950	2,133	9,083
Repayment of principal on loans	2,686			2,686	-	2,686
Transfers to Externally Restricted Cash	2,869			2,869	-	2,869
Transfers to Internally Restricted Cash	12,400			12,400	223	12,623
Internal charges				-		-
<b>Funds Used</b>	<b>24,905</b>	<b>-</b>	<b>-</b>	<b>24,905</b>	<b>2,356</b>	<b>27,261</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Income and Expense- Water Fund Budget Review Statement for the quarter ended 30 September 2016**

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

**Income**

Rates and Annual Charges	5,318			5,318	-	5,318	1,363
User Charges and Fees	22,618			22,618	96	22,714	5,450
Interest and Investment Revenue	2,234			2,234	309	2,543	749
Other Revenues	277			277	-	277	120
Grants & Contributions - Operating	389			389	-	389	
Grants and Contributions - Capital	-			-		-	1,549
- Contributions (S64/S94)	6,948			6,948	-	6,948	
Net gain from the disposal of assets				-		-	
<b>Total Income</b>	<b>37,784</b>	<b>-</b>	<b>-</b>	<b>37,784</b>	<b>405</b>	<b>38,189</b>	<b>9,231</b>

**Expense**

Employee costs	6,389			6,389	-	6,389	1,200
Borrowing Costs	4,445			4,445	-	4,445	1,111
Materials & Contracts	9,662			9,662	-	9,662	1,023
Depreciation	7,415			7,415	-	7,415	1,854
Legal Costs	-			-	-	-	-
Consultants					-		

	150			150		150	1
Other Expenses	1,362			1,362	-	1,362	190
Net Loss from Disposal of Assets				-		-	
<b>Total Expenses</b>	<b>29,423</b>	<b>-</b>	<b>-</b>	<b>29,423</b>	<b>-</b>	<b>29,423</b>	<b>5,379</b>

<b>Net Operating Result</b>	<b>8,361</b>	<b>-</b>	<b>-</b>	<b>8,361</b>	<b>405</b>	<b>8,766</b>	<b>3,852</b>
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<b>Net Operating Result before capital items</b>	<b>1,413</b>	<b>-</b>	<b>-</b>	<b>1,413</b>	<b>405</b>	<b>1,818</b>	<b>2,303</b>
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### Funding Statement - Water Fund - Source & Application of Funds

Operating Result (Income Statement)	8,361	-	-	8,361	405	8,766
<b>Add Back non-funded items:</b>						
Depreciation	7,415	-	-	7,415	-	7,415
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	10,519			10,519	(53)	10,466
Transfers from Internally Restricted Cash	3,757			3,757	(197)	3,560
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	<b>30,052</b>	<b>-</b>	<b>-</b>	<b>30,052</b>	<b>155</b>	<b>30,207</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	9,128			9,128	283	9,411
Repayment of principal on loans	1,349			1,349	-	1,349
Transfers to Externally Restricted Cash	6,948			6,948	-	6,948
Transfers to Internally Restricted Cash	12,627			12,627	(128)	12,499
Internal charges				-		-
<b>Funds Used</b>	<b>30,052</b>	<b>-</b>	<b>-</b>	<b>30,052</b>	<b>155</b>	<b>30,207</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2016 and should be read in conjunction with other documents in the QBRS.

Capital Budget Review Statement - Consolidated - for the quarter ended 30 September 2016

Original Budget (000's)				Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's) *	Dec Review (000's)	Revised Budget (000's)			

**Capital Funding \*\***

Rates and other untied funding	21,316			21,316	3,174	24,490	3,114
Capital Grants & Contributions	8,368	6,355		14,723	11,324	26,047	3,312
Internal Restrictions (Reserves)		5,698		5,698	850	6,548	833
External Restrictions	5,678			5,678	7,526	13,204	1,679
- s64 & s94 funds	10,127	417		10,544	3,949	14,493	1,843
Other Capital Funding Sources							
- loans	1,976	3,622		5,598	180	5,778	735
Income from sale of assets							
- plant and equipment	1,457			1,457		1,457	185
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>48,922</b>	<b>16,092</b>		<b>65,014</b>	<b>27,003</b>	<b>92,017</b>	<b>11,701</b>

**Capital Expenditure**

New Assets

- Plant and Equipment	4			4		4	6
- Land,Buildings,Furniture,Fittings	2,142	2,702		4,844	1,460	6,304	499
- Roads, Bridges, Footpaths		592		592	644	1,236	435
- Drainage							
- Water & Sewer Infrastructure	6,377			6,377	1,827	8,204	527
- Other		694		694	9,612	10,306	42
<u>Renewals (Replacement)</u>							
- Plant and Equipment	4,578			4,578		4,578	934
- Land,Buildings,Furniture,Fittings	2,022	384		2,406		2,406	308
- Roads, Bridges, Footpaths	11,400	5,043		16,443	115	16,558	2,425
- Drainage	450			450		450	
- Water & Sewer Infrastructure	2,499			2,499	1,158	3,657	686
- Other							196
<u>Upgrades</u>							
- Plant and Equipment							
- Land,Buildings,Furniture,Fittings					754	754	36
- Roads, Bridges, Footpaths	5,693	5,506		11,199	204	11,403	2,449
- Drainage	650	1,171		1,821		1,821	635
- Water & Sewer Infrastructure	5,060			5,060	(568)	4,492	273
- Other					11,797	11,797	20
Loan Repayments (principal)	8,047			8,047		8,047	2,231
<b>Total Capital Expenditure</b>	<b>48,922</b>	<b>16,092</b>		<b>65,014</b>	<b>27,003</b>	<b>92,017</b>	<b>11,702</b>

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2016 and should be read in conjunction with other documents in the QBRs.

\* Note: includes carried forward works revotes

\* \*Note: figures in the Actual YTD column of capital funding are estimates only. Detailed calculations of funding results are performed annually.

**Cash and Investments Budget Review Statement for the quarter ended 30 September 2016**

	Original Budget			Recommended changes for Council Resolution	Projected year end result	Actual * YTD
	Sep Review	Dec Review	Revised Budget			
	(000's)	(000's)	(000's)	(000's)	(000's)	(000's)
<b>Unrestricted</b>	5,974		5,974		5,974	9,451
<b>Externally restricted</b>						
RTA Contributions	0		0		0	0
Developer contributions	31,046		31,046		31,046	34,140
Domestic waste management	14,912		14,912		14,912	14,912
Special Rates	214		214		214	214
Special purpose grants	4,846		4,846		4,846	4,846
Water Supplies	43,616		43,616		43,616	48,480
Sewerage Services	69,816		69,816		69,816	77,616
Other	22,039		22,039		22,039	10,000
<b>Total Externally restricted</b>	186,489	0	186,489	0	186,489	190,208
<b>Internally restricted</b>						
Employee Leave entitlements	11,622		11,622		11,622	12,703
Unexpended loans	0		0		0	7,445
Unexpended grants	0		0		0	3,344
7 Year Plan	4,873		4,873		4,873	4,828
Works Carried Forward	0		0		0	11,397
Replacement of Plant and Vehicles	3,786		3,786		3,786	6,028
Tip improvements	9,172		9,172		9,172	9,345
Asset renewals	1,938		1,938		1,938	4,808
Other			0		0	12,350
<b>Total Internally restricted</b>	31,391	0	31,391	0	31,391	72,248
<b>Total Restricted</b>	217,880	0	217,880	0	217,880	262,456
<b>Total cash and investments</b>	223,854	0	223,854	0	223,854	271,907
<b>Available cash</b>	5,974	0	5,974	0	5,974	9,451

\* Note: figures in the Actual YTD are estimates only. Detailed calculations of funding results and cash restrictions are performed annually.

The available cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations. Internal restrictions are funds that council has determined will be used for a specific purpose.

### Statement of compliance with investment policy:

Council's investments have been made in accordance with Council's investment policies.

### Reconciliation of restricted funds with current investment report:

	<b>(000's)</b>
Total restricted funds	262,456
Total invested funds as per September Investment Report	271,002
Note, some restricted funds are held as cash as they will be utilised in the current period.	

### Statement of bank reconciliation:

Cash has been reconciled with the bank statement. The last bank reconciliation was completed to 11 February 2016.

### Reconciliation of cash and investments:

	<b>(000's)</b>
Cash and investments as per above	271,907
<b>Cash on hand and at bank</b>	905
<b>Investments</b>	<u>271,002</u>
	271,907

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2016 and should be read in conjunction with other documents in the QBRS.

### Key Performance Indicators Budget Review Statement for the quarter ended 30 September 2016

Note that KPIs will be distorted by the short reporting period (3 months), and by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

	<b>Amounts</b>	<b>Indicator</b>
<b>1. Unrestricted Current Ratio</b>		
	<b>(000's)</b>	
<u>Current assets less all external restrictions</u>	<u>132,691</u>	3.1:1



Current liabilities	43,080
Target:	2:1

**Purpose:**

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

	Amounts	Indicator
<b>2. Debt Service Ratio</b>		
	(000's)	
Debt Service Cost	5,369	12.11%
Selected operating income	44,353	
Target:		15%

**Purpose:**

To assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2016 and should be read in conjunction with other documents in the QBRS.

**Budget Review Contracts and Other Expenses for the quarter ended 30 September 2016**

PART A-Contracts Listing		Contract value	Award date	Duration of contract	Budgeted (Y/N)
Contractor	Contract detail & purpose	\$			
Hydrosphere Consulting Pty Ltd (ATF Howland Family Trust)	Tweed River Estuary Management Plan 2018-2028 Preparation	\$165,629.00	21/07/2016	N/A	Y
JCB Construction Equipment Australia	Supply of Two (2) Wheel Loaders Operating Capacity 4,000Kg > 5,000Kg CCF Class 4 Complete with Attachments	\$689,436.00	21/07/2016	N/A	Y
Computer Systems (Australia) Pty Limited	Supply of Desktop Computers and LCD Monitors	\$292,420.45	18/08/2016	N/A	Y
KC Farm Equipment	Supply of Three (3) Wide Area Mowers	\$334,050.00	18/08/2016	N/A	Y
Toxfree Australia Pty Ltd	Hire of Vacuum Excavation Truck (Fulltime Basis)	\$133,573.00	18/08/2016	N/A	Y

PART B - Consultancy and Legal expenses		Expenditure	Budgeted
Expense		YTD \$	(Y/N)
Consultancies		69,819	Y
Legal expenses		114,699	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2016 and should be read in conjunction with other documents in the QBRs.

**Statutory Statement – Local Government (General) Regulations 2005  
(Sections 202 & 203) by “Responsible Accounting Officer”**

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

- (a) *establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and*
- (b) *if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

**203 Budget review statements and revision of estimates**

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
  - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

**Statutory Statement**

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 30 September 2016 indicates that Council's projected financial position at 30 June 2017 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton 31/10/2016  
“Responsible Accounting Officer”  
Manager Financial Services  
Tweed Shire Council

**OPTIONS:**

Not Applicable

**CONCLUSION:**

Refer to Statutory Statement above

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable

**b. Budget/Long Term Financial Plan:**

As detailed within the report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 22 [CS-CM] Tweed Shire Council Financial Statements

**SUBMITTED BY:** Financial Services

Validms



### Civic Leadership

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
- 

#### SUMMARY OF REPORT:

Council's Statutory General Purpose and Special Purpose Financial Reports for the financial year ended 30 June 2016, have been completed and audited in accordance with Section 413 of the Local Government Act, 1993. The Reports, including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2015/2016.

The financial result for the year reveals that Council's finances are in a strong position and that the internal financial management practices are sound.

The Financial Reports for 2015/2016 are now presented to Council for adoption and a representative of the external auditors, Thomas Noble Russell, will provide an overview at the Council meeting with respect to their report and Council's financial position.

#### RECOMMENDATION:

**That Council adopts the 2015/2016 Statutory General Purpose and Special Purpose Financial Reports.**

## **REPORT:**

### **Background**

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2016 have now been completed and the auditor's report received.

These reports were completed by Council and audited by Council's auditors, Thomas Noble and Russell.

### **Legislation Requirements:**

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that:

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
  - (a) a general purpose financial report;
  - (b) any other matter prescribed by the regulations; and
  - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
  - (b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report within 7 days of the reports being presented to the public.
7. Section 428(4)(a) – The audited financial reports must be included in the Council's annual report.
8. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.

9. It is a requirement of the Office of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Chief Executive by 31 October of each year. (Note: This requirement has been met with Council submitting the Statements on 31 October 2016).

### **Council's responsibility**

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Manager Financial Services, Mr Michael Chorlton, has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2016.

Update No. 24 to the Local Government Code of Accounting Practice and Financial Reporting was issued in June of this year and is relevant to accounting periods ending 30 June 2016.

### **Purpose of Annual Financial Reporting**

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

### **Annual Financial Reporting System**

#### ***General Purpose Financial Reports***

Under the requirements of Australian Accounting Standards, Council is required to prepare the following reports for each financial year.

#### ***Income Statement***

This shows the operating result and change in net assets from operations for the year.

#### ***Statement of Comprehensive Income***

Components of other comprehensive income are items of income and expense (including reclassification adjustments) that are specifically required or permitted by other Australian Accounting Standards to be included in other comprehensive income and are not

recognised in profit or loss such as changes in the revaluation surplus relating to property, plant and equipment.

***Statement of Financial Position***

This discloses the assets, liabilities and equity of Council.

***Statement of Changes in Equity***

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

***Statement of Cash Flow***

This shows information about cash flows associated with Council's operating, financing and investing activities.

***Notes to the Financial Statements***

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Statement in accordance with Section 413(2)(c) of the Act.

***Special Purpose Financial Reports***

The National Competition Policy requires Local Government to complete Special Purpose Financial Reports for all Council's declared business activities:- Tweed Water, Tweed Sewerage, Tweed Coast Holiday Parks and Commercial Waste.

***Special Schedules***

The Office of Local Government, the Local Government Grants Commission and the NSW Office of Water require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

***Audit Mandate***

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2016 under Section 417 of the Local Government Act 1993.

Council's auditor must prepare two reports to Council (Section 417 (1)):

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Office of Local Government.

## Management Responsibility - Audit

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council. Council has strong internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

## Performance Indicators

The key financial performance ratios and their purpose, as shown in the financial reports, are listed in the following table.

Performance Indicators	2015/16	2014/15	2013/14
Operating Performance Ratio	9.26%	1.63%	-10.92%
Own Source Operating Revenue Ratio	78.03%	69.41%	69.82%
Unrestricted Current Ratio	3.75:1	3.59:1	3.26:1
Debt Service Cover Ratio	3.26	2.94	1.93
Rates and Annual Charges Outstanding	4.58%	5.05%	5.76%
Cash Expense Cover Ratio	17.59 mths	16.12 mths	12.49 mths

- Operating Performance Ratio - This ratio measures Council's achievement of containing operating expenditure within operating revenue. (*Benchmark: >= 0%*)
- Own Source Operating Revenue Ratio - This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. (*Benchmark: >60%*)
- Unrestricted Current Ratio - This liquidity ratio is used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. (*Benchmark: >1.50:1*)
- Debt Service Cover Ratio - This ratio measures the ability of operating cash to service debt including interest, principal and lease payments. (*Benchmark: >2.0*)
- Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage - This ratio is used to assess the impact of uncollected rates, annual charges, interest and extra charges on Council's liquidity and the adequacy of recovery efforts. (*Benchmark: <10%*)
- Cash Expense Cover Ratio - This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. (*Benchmark: >3 mths*)

On a consolidated funds basis Council has achieved all the key financial performance indicator benchmarks for 2015/2016.



**OPTIONS:**

Not Applicable.

**CONCLUSION:**

The financial reports for 2015/2016 are now presented to Council for adoption.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

The 2015/2016 Financial Reports will inform the Long Term Financial Plan.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Statutory General Purpose and Special Purpose  
Financial Statements and Special Schedules for the year  
2015/2016 (ECM 4287484).

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**23 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 31 October 2016**

**SUBMITTED BY: Financial Services**

Valid



## Civic Leadership

### 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
- 

### 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 **\$265,868,431** invested as at **31 October 2016** and the accrued net return on these funds was **\$671,068** or **3.03%** 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 October 2016 totalling \$265,868,431 be received and noted.**

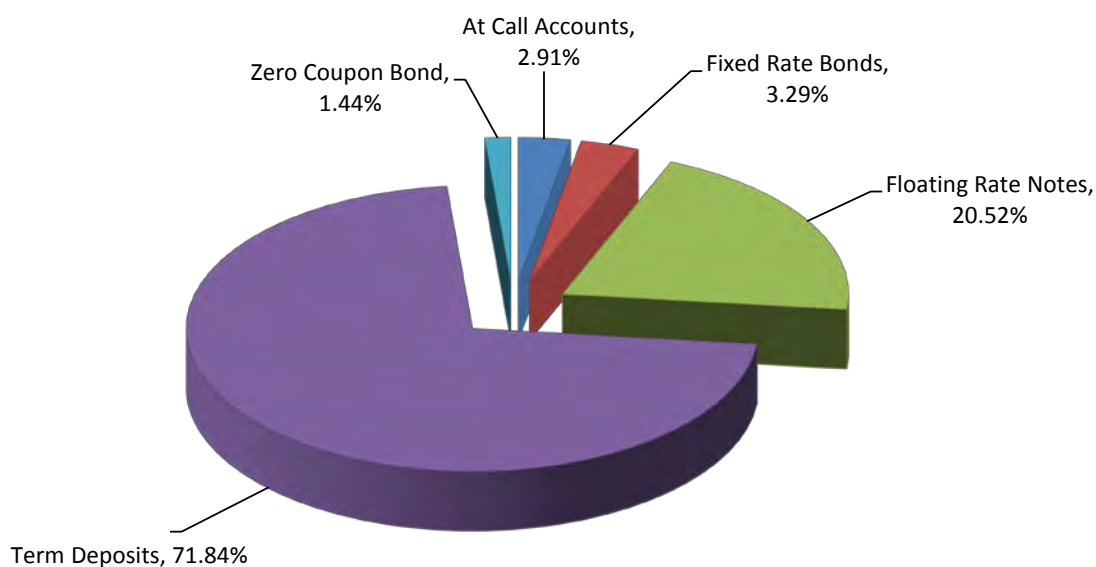
**REPORT:**

**1. Restricted Funds as at 1 September 2016**

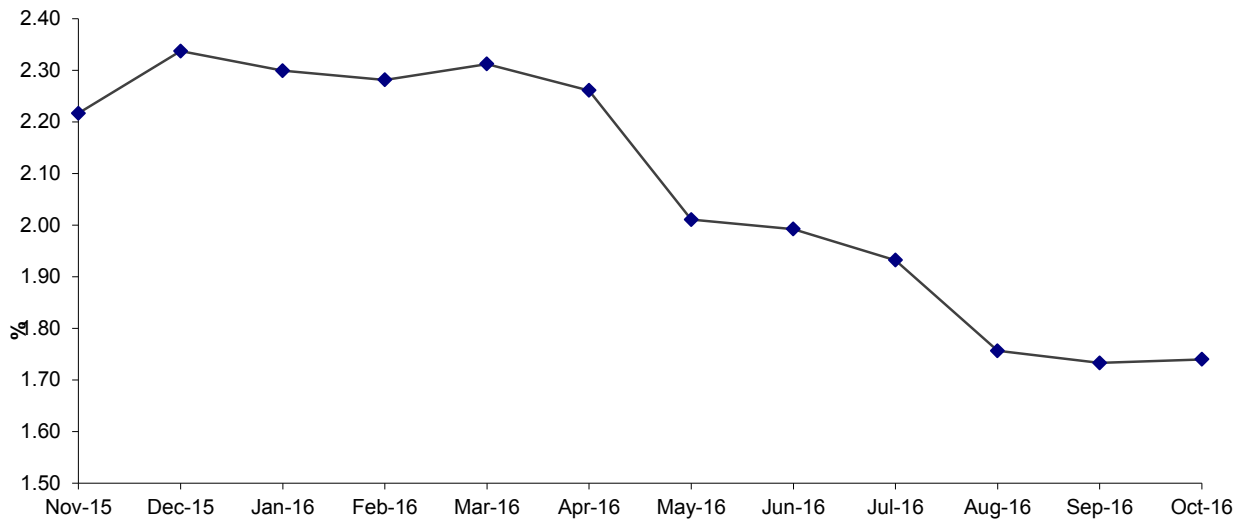
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
<b>Externally Restricted (Other)</b>	4,620	41,915	69,816	<b>116,351</b>
Crown Caravan Parks	19,035			<b>19,035</b>
Developer Contributions	31,046	1,701		<b>32,747</b>
Domestic Waste Management	14,912			<b>14,912</b>
Grants	4,846			<b>4,846</b>
<b>Internally Restricted (Other)</b>	48,756			<b>48,756</b>
Employee Leave Entitlements	12,703			<b>12,703</b>
Grants	3,344			<b>3,344</b>
Unexpended Loans	7,445			<b>7,445</b>
<b>Total</b>	<b>146,707</b>	<b>43,616</b>	<b>69,816</b>	<b>260,139</b>

*Note: Restricted Funds Summary updated September 2016, corresponding with the Annual Financial Statements as at 30 June 2016*

**2. Investment Portfolio by Category**



### 3. Investment Rates - 90 Day Bank Bill Rate



### 4. Bond and Floating Rate Note Securities

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
*	Westpac (07/20)	2,000,000.00	2,001,880.00	2.65	FRN	28-Jul-20
*	Westpac (WBC) (10/20)	1,000,000.00	1,007,010.00	2.83	FRN	28-Oct-20
*	Heritage (Morgans) (05/18)	2,000,000.00	2,008,560.00	2.94	FRN	07-May-18
*	Heritage (Westpac) (05/18)	1,000,000.00	1,004,280.00	2.94	FRN	07-May-18
*	Suncorp (11/19)	1,000,000.00	1,000,760.00	2.49	FRN	05-Nov-19
	Rabo (Morgans) (02/20)	2,000,000.00	2,015,660.00	2.81	FRN	11-Feb-20
*	Bendigo (RBS) (11/18)	1,000,000.00	1,013,960.00	3.03	FRN	14-Nov-18
*	ME Bank (ANZ) (11/17)	2,000,000.00	2,012,280.00	2.76	FRN	17-Nov-17
*	Bendigo (Westpac) (08/20)	1,000,000.00	1,007,260.00	2.85	FRN	18-Aug-20
*	Suncorp (CBA) (08/19)	1,000,000.00	1,004,370.00	2.67	FRN	20-Aug-19
*	NPBS (Morgans) (02/18)	1,000,000.00	1,004,310.00	2.83	FRN	27-Feb-18

	Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
	Macquarie (RIMSEC) (03/20)	2,000,000.00	2,010,680.00	2.82	FRN	03-Mar-20
*	ANZ Green Bond (06/20)	2,000,000.00	2,059,280.00	3.25	Fixed Rate Bond	03-Jun-20
	Rabo (ANZ) (03/21)	2,000,000.00	2,039,080.00	3.22	FRN	04-Mar-21
*	Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,043,480.00	4.75	Fixed Rate Bond	06-Dec-16
	AMP (Morgans) (6/18)	1,000,000.00	1,004,740.00	2.59	FRN	06-Jun-18
*	BOQ (06/18)	1,000,000.00	1,036,380.00	4.00	Fixed Rate Bond	12-Jun-18
*	BOQ (06/18)	1,000,000.00	1,004,680.00	2.73	FRN	12-Jun-18
*	CUA (03/17)	1,000,000.00	1,004,610.00	3.04	FRN	20-Mar-17
*	CUA (03/17) (CBA)	1,000,000.00	1,004,610.00	3.04	FRN	20-Mar-17
*	Heritage (RBS/RIMSEC) (06/17)	2,500,000.00	2,572,500.00	7.25	Fixed Rate Bond	20-Jun-17
*	CUA (12/17) ANZ	1,000,000.00	1,004,300.00	2.94	FRN	22-Dec-17
*	Suncorp Metway (Covered Bond) (06/21)	2,000,000.00	2,002,720.00	2.84	FRN	22-Jun-21
*	CUA (04/19)	1,900,000.00	1,911,742.00	3.33	FRN	01-Apr-19
*	CUA (04/19)	2,000,000.00	2,012,360.00	3.33	FRN	01-Apr-19
*	NPBS (Westpac) (04/20)	2,000,000.00	1,994,320.00	3.08	FRN	07-Apr-20
*	Suncorp (04/21)	2,000,000.00	2,024,800.00	3.13	FRN	12-Apr-21
*	ME Bank (04/18)	1,000,000.00	1,003,480.00	3.05	FRN	17-Apr-18
	ANZ (04/20)	1,600,000.00	1,599,520.00	2.57	FRN	17-Apr-20
	CBA (07/20)	2,000,000.00	2,002,780.00	2.65	FRN	17-Jul-20
*	ME Bank (ANZ) (07/19)	1,000,000.00	1,003,240.00	3.20	FRN	18-Jul-19
	CBA (10/19)	2,000,000.00	2,005,320.00	2.60	FRN	18-Oct-19
	CBA (01/21)	1,000,000.00	1,009,340.00	2.90	FRN	18-Jan-21
*	Bendigo Bank (04/21)	3,000,000.00	3,035,280.00	3.21	FRN	20-Apr-21
	CBA (04/19)	1,000,000.00	1,004,350.00	2.63	FRN	24-Apr-19
*	BOQ (10/20)	2,500,000.00	2,502,850.00	2.91	FRN	20-Oct-20
	Macquarie (ANZ) (10/18)	1,000,000.00	1,003,270.00	2.79	FRN	26-Oct-18

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
TMB (NAB) (10/19)	<b>1,250,000.00</b>	1,250,700.00	3.15	FRN	28-Oct-19
CBA Bond (04/19)	<b>1,000,000.00</b>	1,041,780.00	4.25	Fixed Rate Bond	24-Apr-19
CBA/Merrill Lynch Zero Coupon Bond (01/18)	<b>4,000,000.00</b>	3,820,800.00	7.17	Fixed Rate Bond	22-Jan-18
* Suncorp (NAB) (08/20)	<b>3,000,000.00</b>	3,025,110.00	3.00	FRN	20-Oct-20
	<b>66,750,000.00</b>	<b>67,118,432.00</b>	<b>3.22</b>		
<b>LEGEND</b>					
Investment Type		ABS = Asset Backed Security			
		Bond = Fixed Rate Bond			
		FRN = Floating Rate Note			
<b>Counterparty</b>		Bendigo = Bendigo & Adelaide Bank		NPBS - Newcastle Permanent Building Society	
AMP = AMP Bank		Heritage = Heritage Bank		ME = Members Equity Bank	
ANZ = ANZ Bank		ING = ING Bank		RaboDirect = Rabo Bank	
BOQ = Bank of Queensland		Investec = Investec Bank		Rural = Rural Bank (previously Elders Bank)	
CBA = Commonwealth Bank		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank	
CUA = Credit Union Australia		NAB = National Australia Bank		WBC = WBC Banking Corporation	

## 5. Term Deposits

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
Defence Bank (Curve) (Oct 2017)	27-Oct-15	26-Oct-16	24-Oct-17	<b>1,000,000.00</b>	3.00
RaboDirect (Curve) (Jul 2021)	27-Jul-16	27-Oct-16	27-Jul-21	<b>1,000,000.00</b>	3.30
NAB (Feb 2020)	03-Aug-16	03-Nov-16	03-Feb-20	<b>1,000,000.00</b>	2.82
* IMB (Nov 2017)	05-Aug-16	05-Nov-16	06-Nov-17	<b>1,000,000.00</b>	2.64
* Bankwest (Nov 2016)	01-Sep-16	08-Nov-16	08-Nov-16	<b>3,000,000.00</b>	2.55
Gateway CU (RIMSEC) (June 2016)	07-Jun-16	08-Nov-16	08-Nov-16	<b>2,000,000.00</b>	3.00
ING (RIMSEC) (Feb 2020)	11-Aug-16	11-Nov-16	11-Feb-20	<b>1,000,000.00</b>	2.71
NAB (Feb 2020) annual interest	12-Aug-16	14-Nov-16	12-Feb-20	<b>2,000,000.00</b>	2.90
CBA (Feb 2020)	15-Aug-16	14-Nov-16	13-Feb-20	<b>1,000,000.00</b>	2.66
* Westpac (Feb 2021)	18-Aug-16	18-Nov-16	18-Feb-21	<b>2,000,000.00</b>	3.00
CBA (May 2020)	19-Aug-16	21-Nov-16	19-May-20	<b>1,000,000.00</b>	2.61

Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
CBA (May 2020)	19-Aug-16	21-Nov-16	19-May-20	<b>2,000,000.00</b>	2.46
NAB (Nov 2016)	24-May-16	22-Nov-16	22-Nov-16	<b>2,000,000.00</b>	3.00
RaboDirect (Curve) (Nov 2016) annual interest	11-Nov-15	22-Nov-16	22-Nov-16	<b>1,000,000.00</b>	6.30
* Westpac (Aug 2020)	24-Aug-16	25-Nov-16	25-Aug-20	<b>2,000,000.00</b>	2.46
Rabo (Curve) (Jul 2018)	26-Nov-15	26-Nov-16	03-Jul-18	<b>3,000,000.00</b>	3.10
* Auswide Bank Bank (Dec 2016)	08-Dec-15	13-Dec-16	13-Dec-16	<b>3,000,000.00</b>	3.76
* Bendigo Bank (Dec 2017)	15-Dec-15	18-Dec-16	18-Dec-17	<b>2,000,000.00</b>	3.15
* St George (Dec 2016)	17-May-16	19-Dec-16	19-Dec-16	<b>3,000,000.00</b>	3.10
NAB (Dec 2019)	19-Sep-16	19-Dec-16	17-Dec-19	<b>2,000,000.00</b>	2.78
* IMB (Mar 2020)	19-Sep-16	19-Dec-16	17-Mar-20	<b>2,000,000.00</b>	2.78
* IMB (Jan 2020)	06-Oct-16	06-Jan-17	06-Jan-20	<b>1,000,000.00</b>	2.74
Westpac (Apr 2021) quarterly interest	07-Oct-16	09-Jan-17	07-Apr-21	<b>1,000,000.00</b>	3.03
* Westpac (Jan 2021)	11-Oct-16	11-Jan-17	12-Jan-21	<b>6,000,000.00</b>	2.84
RaboDirect (Curve) (Jan 2019)	13-Jan-16	15-Jan-17	15-Jan-19	<b>1,000,000.00</b>	4.00
NAB (Jan 2020)	17-Oct-16	16-Jan-17	21-Jan-20	<b>2,000,000.00</b>	3.75
Big Sky BS (Curve) (Jan 2017)	19-Jan-16	17-Jan-17	17-Jan-17	<b>2,000,000.00</b>	3.10
* BOQ (Jan 2017)	12-Jul-16	17-Jan-17	17-Jan-17	<b>2,000,000.00</b>	3.00
* Bankwest (Sept 2016)	20-Sep-16	24-Jan-17	24-Jan-17	<b>2,000,000.00</b>	2.50
ING (RIMSEC) (Jan 2019)	31-Oct-16	30-Jan-17	29-Jan-19	<b>2,000,000.00</b>	2.60
* Suncorp (May 2015)	31-May-16	31-Jan-17	31-Jan-17	<b>3,000,000.00</b>	3.00
* Auswide Bank (Curve) (Feb 2017)	03-Feb-16	07-Feb-17	07-Feb-17	<b>1,000,000.00</b>	3.50
* Bendigo (Curve) (Feb 2017)	11-Aug-16	14-Feb-17	14-Feb-17	<b>2,000,000.00</b>	2.95

	Counterparty	Lodged or Rolled	Interest Due	Maturity Date	Principal	% Yield
*	CUA (Curve) (Feb 2017)	17-Feb-16	14-Feb-17	14-Feb-17	<b>2,000,000.00</b>	3.05
	RaboDirect (Curve) (Feb 2017) annual interest	10-Feb-16	14-Feb-17	14-Feb-17	<b>1,000,000.00</b>	3.40
	Rural (Curve) (Feb 2017)	28-Jun-16	14-Feb-17	14-Feb-17	<b>2,000,000.00</b>	3.00
*	Bendigo Bank (Feb 2018)	16-Feb-16	16-Feb-17	13-Feb-18	<b>3,000,000.00</b>	3.10
	BCU (Curve) (Feb 2017)	21-Feb-16	21-Feb-17	21-Feb-17	<b>1,000,000.00</b>	3.20
*	BOQ (Aug 2016)	23-Aug-16	21-Feb-17	21-Feb-17	<b>4,000,000.00</b>	2.80
	ING (Curve) (Feb 2017)	25-Feb-16	21-Feb-17	21-Feb-17	<b>1,000,000.00</b>	3.10
	Auswide Bank (RIMSEC) (Feb 2017)	23-Aug-16	28-Feb-17	28-Feb-17	<b>4,000,000.00</b>	2.70
*	BOQ (Feb 2017)	30-Aug-16	28-Feb-17	28-Feb-17	<b>1,000,000.00</b>	2.75
*	ME Bank (Curve) (Mar 2018)	01-Mar-16	06-Mar-17	06-Mar-18	<b>2,000,000.00</b>	3.13
	BCU (Curve) (Mar 2017)	30-Aug-16	07-Mar-17	07-Mar-17	<b>1,000,000.00</b>	2.85
	NAB (Mar 2017)	07-Sep-16	07-Mar-17	07-Mar-17	<b>4,000,000.00</b>	2.63
	Rabo Bank (Mar 2017) (RIMSEC)	04-Mar-14	07-Mar-17	07-Mar-17	<b>2,000,000.00</b>	4.15
	Rural Bank (Curve) (Mar 2017)	08-Mar-16	07-Mar-17	07-Mar-17	<b>1,000,000.00</b>	3.05
*	Bendigo Bank (March 2017)	08-Sep-16	14-Mar-17	14-Mar-17	<b>1,000,000.00</b>	2.80
*	Heritage (Mar 2017)	16-Mar-16	14-Mar-17	14-Mar-17	<b>4,000,000.00</b>	3.25
	ING (Curve) (Sept 2017)	07-Sep-16	14-Mar-17	14-Mar-17	<b>3,000,000.00</b>	2.69
*	Suncorp (Sept 2017)	20-Sep-16	21-Mar-17	21-Mar-17	<b>4,000,000.00</b>	2.60
	BOQ (Sept 2017) quarterly interest	20-Sep-16	28-Mar-17	28-Mar-17	<b>2,000,000.00</b>	2.70
*	Suncorp (March 2017)	30-Aug-16	28-Mar-17	28-Mar-17	<b>2,000,000.00</b>	2.65
*	Suncorp (Oct 2017)	25-Oct-16	02-May-17	02-May-17	<b>2,000,000.00</b>	2.70



*	Suncorp (Oct 2017) AMP (RIMSEC) (May 2017)	25-Oct-16	02-May-17	02-May-17	<b>2,000,000.00</b>	2.70
	Rabo Bank (Curve) (May 2020)	20-May-16	19-May-17	19-May-20	<b>2,000,000.00</b>	3.20
*	Bendigo Bank (Curve) (May 2018)	17-May-16	22-May-17	22-May-18	<b>2,000,000.00</b>	3.05
	QLD PCU (Curve) May 2018)	17-May-16	22-May-17	22-May-18	<b>2,000,000.00</b>	3.15
	Defence Bank (Curve) (May 2018)	25-May-16	28-May-17	28-May-18	<b>1,000,000.00</b>	3.05
*	Bendigo Bank (Curve) (June 2019)	01-Jun-16	01-Jun-17	04-Jun-19	<b>2,000,000.00</b>	3.15
	Defence Bank (Curve) (June 2018)	31-May-16	05-Jun-17	05-Jun-18	<b>1,000,000.00</b>	3.05
	MyState (July 2017)	01-Sep-16	04-Jul-17	04-Jul-17	<b>2,000,000.00</b>	2.70
	Australian Military Bank (Curve) (July 2017)	05-Jul-16	11-Jul-17	11-Jul-17	<b>1,000,000.00</b>	3.15
	RaboDirect (Curve) (Aug 2019)	07-Aug-16	07-Aug-17	13-Aug-19	<b>2,000,000.00</b>	4.30
	AMP (Curve) (Aug 2017)	03-Aug-16	08-Aug-17	08-Aug-17	<b>2,000,000.00</b>	2.80
*	BOQ (Aug 2017)	06-Aug-17	08-Aug-17	08-Aug-17	<b>1,000,000.00</b>	3.00
*	BOQ (Aug 2017)	06-Aug-17	08-Aug-17	08-Aug-17	<b>2,000,000.00</b>	3.00
*	BOQ (Aug 2017)	06-Aug-16	08-Aug-17	08-Aug-17	<b>3,000,000.00</b>	3.00
*	CUA (Aug 2017)	09-Aug-16	08-Aug-17	08-Aug-17	<b>2,000,000.00</b>	2.70
*	BOQ (Aug 2020)	09-Aug-16	09-Aug-17	11-Aug-20	<b>5,000,000.00</b>	3.20
	MMBS (Curve) (Aug 2018)	15-Aug-16	16-Aug-17	21-Aug-18	<b>2,000,000.00</b>	3.00
	Rabo (RIMSEC) (Feb 2018)	19-Aug-16	21-Aug-17	20-Feb-18	<b>3,000,000.00</b>	3.00
	Rabo Bank (Curve) (Aug 2018)	21-Aug-16	21-Aug-17	21-Aug-18	<b>2,000,000.00</b>	4.10
*	Bendigo Bank (Aug 2019)	23-Aug-16	23-Aug-17	27-Aug-19	<b>5,000,000.00</b>	2.90
	CBA (Oct	23-Aug-16	23-Aug-17	23-Oct-19	<b>1,999,999.00</b>	3.20

	2019)					
	Rabo (Curve) (Aug 2018)	26-Aug-16	26-Aug-17	28-Aug-18	<b>3,000,000.00</b>	3.00
*	Bendigo Bank (Curve) (Mar 2018)	31-Aug-16	31-Aug-17	06-Mar-18	<b>2,000,000.00</b>	2.70
	CBA (Aug 2021)	31-Aug-16	31-Aug-17	31-Aug-21	<b>6,000,000.00</b>	3.40
	Rabo Bank (Curve) (Sept 2019)	01-Sep-16	01-Sep-17	03-Sep-19	<b>1,000,000.00</b>	4.05
*	Bendigo Bank (Sept 2019)	03-Sep-16	03-Sep-17	03-Sep-19	<b>1,000,000.00</b>	4.15
	QLD PCU (RIMSEC) (Sept 2018)	05-Sep-16	04-Sep-17	04-Sep-18	<b>1,000,000.00</b>	3.05
	NAB (Sept 2017)	13-Sep-16	12-Sep-17	12-Sep-17	<b>3,000,000.00</b>	2.69
	P&N Bank (RIMSEC) (Sept 2017)	21-Sep-16	21-Sep-17	21-Sep-17	<b>1,000,000.00</b>	4.00
	NAB (Oct 2017)	04-Oct-16	03-Oct-17	03-Oct-17	<b>2,000,000.00</b>	2.77
*	Bendigo Bank (Curve) (April 2017)	13-Oct-16	13-Oct-17	18-Apr-17	<b>2,000,000.00</b>	3.00
*	Bendigo (Oct 2017)	19-Oct-16	17-Oct-17	17-Oct-17	<b>4,000,000.00</b>	2.85
	NAB (Oct 2017)	18-Oct-16	17-Oct-17	17-Oct-17	<b>2,000,000.00</b>	2.80
	NAB (Oct 2017)	18-Oct-16	17-Oct-17	17-Oct-17	<b>4,000,000.00</b>	2.80
<b>Total</b>					<b>190,999,999.00</b>	<b>3.07</b>

LEGEND

Counterparties

AMP = AMP Bank	Macquarie = Macquarie Bank	WBC = Westpac Bank
ANZ = ANZ Bank	NAB = National Australia Bank	
Auswide = Auswide Bank	ME = Members Equity Bank	
BOQ = Bank of Queensland	NPBS = Newcastle Permanent Building Society	
CBA = Commonwealth Bank	P&N = P&N Bank	
Heritage = Heritage Bank	RaboDirect = Rabo Bank	
ING = ING Bank	Rural = Rural Bank	
Investec = Investec Bank	Suncorp = Suncorp Metway Bank	

## 6. Ethical Investments

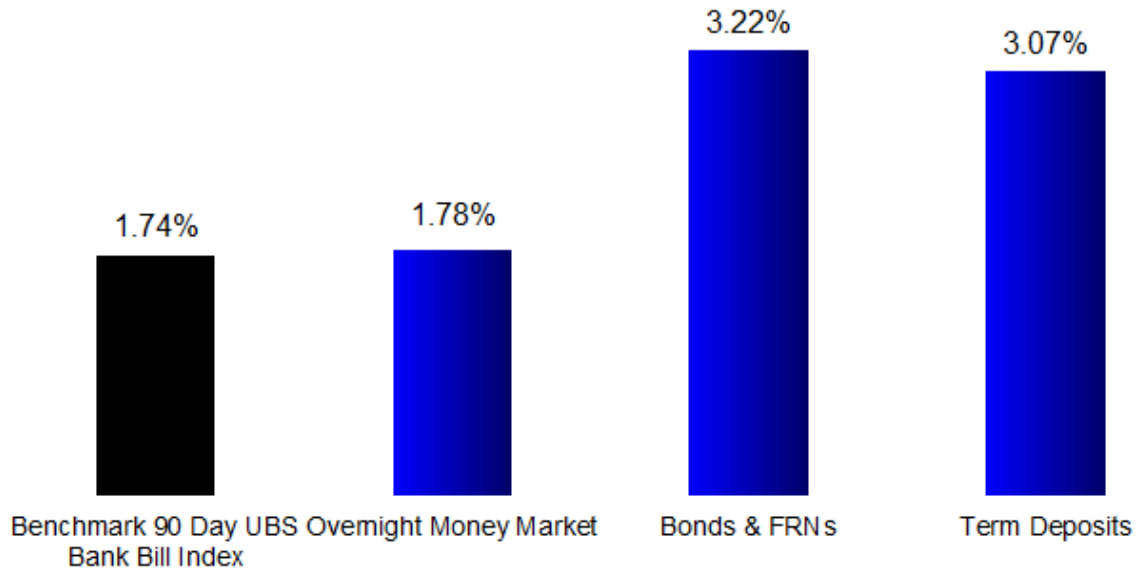
\* Ethical Financial Institutions highlighted  
**\$147,066,151** which represents **55.32%** of the total portfolio  
 Source: Australian Ethical - [www.australianethical.com.au](http://www.australianethical.com.au)

## 7. Performance by Category

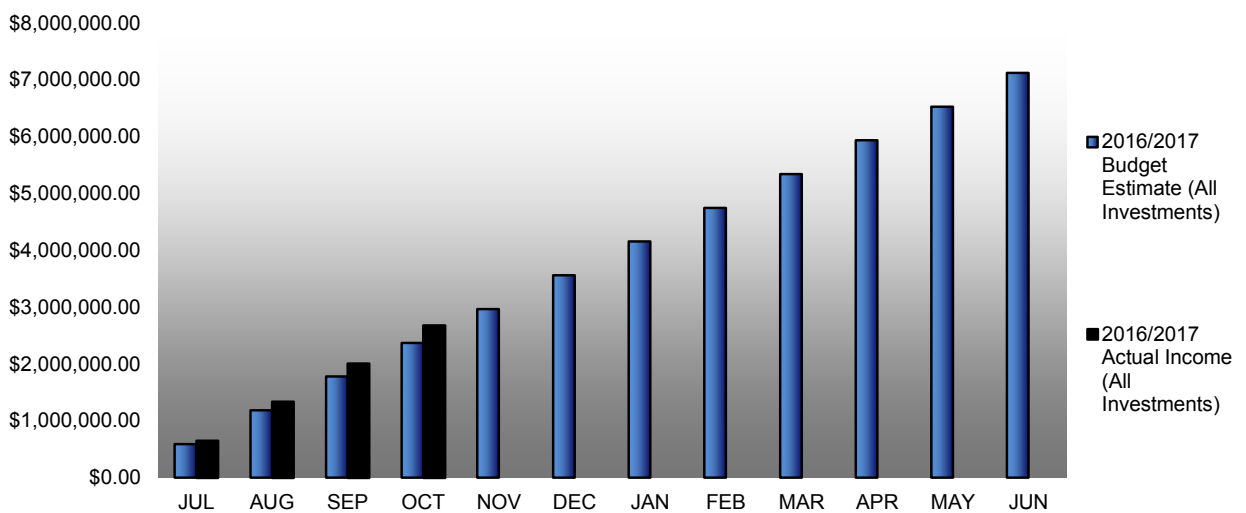
Category	Face Value	Market Value	Weighted Average Return by Investment Category	Above or (Below) 90 day BBSW Benchmark

Benchmark 90 Day UBS Bank Bill Index			1.74%	
Overnight Money Market	7,750,000.00	<b>7,750,000.00</b>	1.78%	0.04%
Bonds & FRNs	66,750,000.00	<b>67,118,432.00</b>	3.22%	1.48%
Term Deposits	190,999,999.00	<b>190,999,999.00</b>	3.07%	1.33%
		<b>0</b>		
			Weighted Average Total Portfolio	
	265,499,999.00	<b>265,868,431.00</b>	3.07%	1.33%

**Performance by Category Compared with Benchmark**



**8. Total Portfolio Income v Budget**



**9. 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%	1.52%	A-1+	100%	16.82%
AA Category	100%	13.00%	A-1	100%	14.67%
A Category	60%	10.43%	A-2	60%	31.22%
BBB Category	20%	7.82%	A-3	0%	0.00%
Unrated	10%	1.13%	Unrated	10%	3.39%

Market Value by Security Rating Group (Long Term)



Market Value by Security Rating Group (Short Term)



**10. Term to Maturity**

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	44.90%	Minimum 40%
More than 365 days and less than 3	27.89%	Maximum 60%
3 years and less than 5 years	27.21%	Maximum 35%
Total	100.00%	

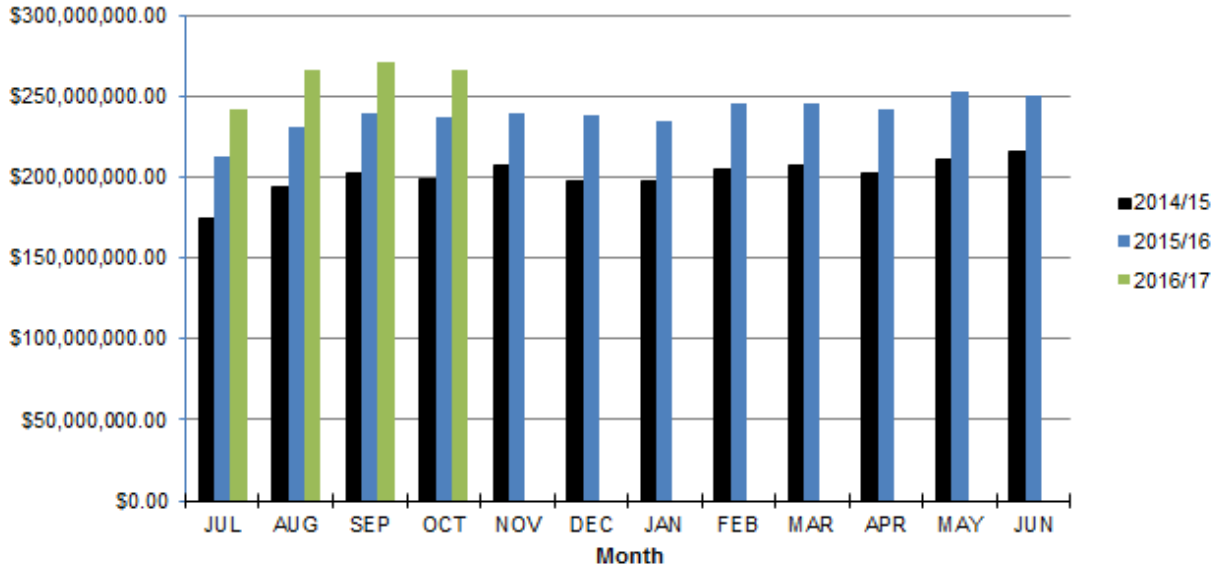
Market Value by Term Remaining



## 11. 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 if 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	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

**12. Monthly Comparison of Total Funds Invested**



**13. Section 94 Developer Contributions - Monthly Balances & Receipts**

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
1	DCP3 Open Space	4,474,652	
2	Western Drainage	632,862	
3	DCP3 Community Facilities	1,713	
4	TRCP Road Contributions	14,551,490	298,690
5	Open Space	468,378	3,119
6	Street Trees	199,015	
7	West Kingscliff	879,611	865
10	Cobaki Lakes	-1,417	
11	Libraries	2,277,579	31,176
12	Bus Shelters	111,973	2,419
13	Cemeteries	106,493	4,543
14	Mebbin Springs	94,722	
15	Community Facilities	1,507,536	51,692
16	Surf Lifesaving	96,139	
18	Council Administration/Technical Support	1,387,731	69,193
19	Kings Beach	847,206	
20	Seabreeze Estate	790	
21	Terranora Village	34,087	

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
22	Cycleways Shirewide	389,941	1,265
23	Carparking Shirewide	1,429,749	
25	SALT	1,119,133	
26	Open Space Shire wide	1,992,109	183,102
27	Tweed Heads Masterplan	303,882	
28	Seaside City	456,147	147,050
91	DCP14	113,357	
92	Public Reserve Contributions	142,106	
95	Bilambil Heights	554,325	
	<b>Total</b>	<b>34,171,311</b>	<b>793,114</b>

#### 14. Australian and World Economy and Cash Rate

At its 1 November, 2016 meeting, the Reserve Bank of Australia (RBA) decided to leave the cash rate unchanged at 1.50 per cent.

The global economy is continuing to grow, at a lower than average pace. Labour market conditions in the advanced economies have improved over the past year, but growth in global industrial production and trade remains subdued. Economic conditions in China have steadied recently, supported by growth in infrastructure and property construction, although medium-term risks to growth remain. Inflation remains below most central banks' targets.

Commodity prices have risen over recent months, following the very substantial declines over the past few years. The higher commodity prices have supported a rise in Australia's terms of trade, although they remain much lower than they have been in recent years.

Financial markets are functioning effectively. Funding costs for high-quality borrowers remain low and, globally, monetary policy remains remarkably accommodative. Government bond yields have risen, but are still low by historical standards.

In Australia, the economy is growing at a moderate rate. The large decline in mining investment is being offset by growth in other areas, including residential construction, public demand and exports. Household consumption has been growing at a reasonable pace, but appears to have slowed a little recently. Measures of household and business sentiment remain above average.

Labour market indicators continue to be somewhat mixed. The unemployment rate has declined this year, although there is considerable variation in employment growth across the country. Part-time employment has been growing strongly, but employment growth overall has slowed. The forward-looking indicators point to continued expansion in employment in the near term.

Inflation remains quite low. The September quarter inflation data were broadly as expected, with underlying inflation continuing to run at around 1½ per cent. Subdued growth in labour costs and very low cost pressures elsewhere in the world mean that inflation is expected to remain low for some time.

Low interest rates have been supporting domestic demand and the lower exchange rate since 2013 has been helping the traded sector. Financial institutions are in a position to lend for worthwhile purposes. These factors are assisting the economy to make the necessary adjustments, though an appreciating exchange rate could complicate this.

The Bank's forecasts for output growth and inflation are little changed from those of three months ago. Over the next year, the economy is forecast to grow at close to its potential rate, before gradually strengthening. Inflation is expected to pick up gradually over the next two years.

In the housing market, supervisory measures have strengthened lending standards and some lenders are taking a more cautious attitude to lending in certain segments. Turnover in the housing market and growth in lending for housing have slowed over the past year. The rate of increase in housing prices is also lower than it was a year ago, although prices in some markets have been rising briskly over the past few months. Considerable supply of apartments is scheduled to come on stream over the next couple of years, particularly in the eastern capital cities. Growth in rents is the slowest for some decades.

Taking account of the available information, and having eased monetary policy at its May and August meetings, the Board judged that holding the stance of policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time.

### **Council's Investment Portfolio**

Council's investment portfolio is conservatively structured in accordance with Office of Local Government guidelines with approximately 74.75% of the portfolio held in cash and term deposits. Term deposits, cash "at call" and bonds are paying average margins over the 90 day bank bill rate.

Bank demand for longer dated term deposit funds has increased due to diminished availability of wholesale funding, increased cost of wholesale funding and new banking capital requirements. This demand for long term funds is highlighted by the lowering of many "at call" rates to less than the RBA cash rate and increased margins above the 90 day bank bill benchmark for term deposits.

The historic low cash rate is still translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from some higher yielding bonds and term deposits purchased before interest rate margins began contracting. Overall, the investment portfolio has returned a weighted average 1.33% pa above the 90 day UBS bank bill index for the last month

*Source: RBA Monetary Policy Decision*

## **15. Investment Summary**

<b>GENERAL FUND</b>			
	CORPORATE FIXED RATE BONDS	12,574,220.00	
	FLOATING RATE NOTES	54,544,212.00	
	ASSET BACKED SECURITIES	0.00	
	FUND MANAGERS	0.00	
	TERM DEPOSITS	61,999,999.00	
	CALL ACCOUNT	7,750,000.00	<b>136,868,431.00</b>

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<b>WATER FUND</b>	TERM DEPOSITS	63,000,000.00	
	FUND MANAGERS	0.00	<b>63,000,000.00</b>
		<hr/>	
<b>SEWERAGE FUND</b>	TERM DEPOSITS	66,000,000.00	
	FUND MANAGERS	0.00	<b>66,000,000.00</b>
		<hr/>	
		<b>TOTAL INVESTMENTS</b>	<b>265,868,431.00</b>
		<hr/>	

It should be noted that the General Fund investments of \$136 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  
 Tweed Shire Council

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

*"(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.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

24 [SUB-TRC] Minutes of the Tweed River Committee Meeting Held Wednesday 12 October 2016

SUBMITTED BY: Natural Resource Management



### Caring for the Environment

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.3	Maintain and enhance Tweed's waterways and its catchments
4.3.1	Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services

---

#### SUMMARY OF REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 12 October 2016 are reproduced in the body of this report for the information of Councillors.

#### RECOMMENDATION:

That:

1. The Minutes of the Tweed River Committee Meeting held 12 October 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
  - A2. Terms of Reference
    1. *Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.*
    2. *The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees and that the Tweed River and Tweed Coastal Committees be disbanded.*
    3. *Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.*

**REPORT:**

The Minutes of the Tweed River Committee Meeting held Wednesday 12 October 2016 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Rhonda James (Restoration Industry); (Chair); Ben Fitzgibbon (Office of Environment and Heritage); Pat Dwyer (Department of Primary Industries - Fisheries NSW); Carl Cormack (Roads and Maritime Services); Robert Quirk (NSW Cane Growers' Association); Claire Masters (Tweed Landcare Inc.); Eddie Norris (Community Representative); Max Boyd (Community Representative); Lindy Smith (Community Representative); Sam Dawson (Caldera Environment Centre); Jane Lofthouse, Tom Alletson (Tweed Shire Council).

Informal:

Jonathan Yantsch (Department of Primary Industries - Fisheries NSW); Cathey Philip (Minutes Secretary).

Apologies:

Cr Katie Milne; Cr Gary Bagnall; Tracey Stinson; Scott Hetherington; Eli Szandala (Tweed Shire Council); Scott Petersen (Tweed River Charter Operators); Bob Modystack (Community Representative).

Minutes of Previous Meeting:

Moved: Robert Quirk

Seconded: Claire Masters

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 10 August 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. PFC Contamination - Gold Coast Airport

Tom advised the Committee that the letter to the NSW Environment Protection Authority (EPA) requesting that testing of seafood from Cobaki and Terranora Broadwater, and the Tweed Estuary, regarding PFAS/PFOS contaminants derived from Gold Coast Airport had not been sent as yet but that he had spoken to an EPA officer by phone and would have a letter sent in the week following the Tweed River Committee meeting.

Robert requested that the letter be forwarded as soon as possible and noted that Council and the Tweed River Committee have a duty of care to pursue the issue and to try to increase involvement by NSW EPA and NSW Health.

There was general discussion on the ongoing monitoring of PFAS/PFOS.

*Jane left the meeting at 9.30am*

Suspension of Standing Orders:

Standing orders were suspended and Rhonda introduced Jonathan Yantsch to the Committee. Pat advised that Jonathan would be attending future meetings to represent the Department of Primary Industries as Pat is not always able to attend. Jonathan gave a brief rundown of his experience.

Resumption of Standing Orders:

Standing orders were resumed.

BA2. Nominations for Committees

Rhonda advised that the deadline for nominations to Council committees had been extended to Friday 11 November due to election being delayed.

---

Agenda Items:

A1. Tweed River Estuary Management Plan

Tom provided an update on the progress of the Plan and advised that Hydrosphere Consulting has been making good progress with most tasks at this time focusing on consultation and the literature review.

There was a general discussion on the process and what will happen in the future.

A2. Terms of Reference

Tom advised of a proposal to amalgamate the Tweed River Committee with the Tweed Coastal Committee and listed the various advantages. The new committee will be titled Tweed Coast & Waterways Committee (TCWC).

There was a lengthy discussion on the advantages/disadvantages with the main points for the updated Terms of Reference being:

- There should be a new call for nominations based on the new Terms of Reference for the TCWC.
- The need to look at coastal risk in terms of the selection criteria.
- The Expression of Interest process is very important to identify community and sector representatives who bring subject knowledge and an ability to liaise effectively with their organisations.
- Need to re-advertise for nominations:
  - Specify key issues to be addressed by the new Committee
  - Ask for details of knowledge
  - Remove "villages" from the coast description
- Be clear on issues that expertise is required in, however do not be overly specific in the skills that representatives must have
- The list of representative organisations tabled in the draft TCWC terms was endorsed
- The Chair be elected at the first meeting and remain in position for the term of the committee (4 years).

Action Item:

Tom is to approach the Department of Lands regarding a representative attending meetings.

---

RECOMMENDATION:

Moved: Robert Quirk

Seconded: Max Boyd

That:

1. Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.
2. The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees.
3. Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.

It was recommended that staff prepare a Council report to accompany the minutes of the meeting with rationale on this decision.

A Councillor workshop on subcommittees will be held on Thursday 10 November and a recommendation on the formation of the TCWC will be submitted to the Council meeting of 17 November.

Existing nominees will be given the opportunity to leave their current nominations unchanged, or to amend or withdraw as they so desire.

*Eddie left the meeting at 11am*

A3. Progress on Erosion Stabilisation of Browns Land, Murwillumbah

Tom provided a photo presentation of the areas of concern and the procedures in place to solve some of the erosion problems.

Members thanked Tom and the consultants involved for a job well done and expressed their gratitude with the innovations taking place.

There was a general discussion on "reef balls" and the other processes in place to prevent future erosion.

A4. Coast Adapt - Climate Change and Sea Level Rise - Modelling and Communication Tool

Ben provided information on what is happening regarding Coast Adapt. This is a web tool developed by the National Centre for Climate Change Adaption. The site provides information on impacts of sea level rise and weather changes, and allows people to view maps and gain an idea of what the tides and associated inundation areas may look like in 50 years. Tom showed a map of the Tweed Flood Plain with predicted inundation areas in 2050.

There was a general discussion on Coast Adapt and what the future may bring regarding climate change and sea level rise.

*Jane returned at 12pm*

Suspension of Standing Orders:

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Standing orders were suspended so that Jane could provide an update on the overview of the new committee and the process involved. Jane is to prepare a report for the workshop to be held 17 November.

Resumption of Standing Orders:  
Standing orders were resumed.

**A5. Tree Planting Day 2017**

Tom proposed to the Committee that the National Tree Day planting in 2017 be undertaken in Pat Smith Park which is located on Dungay Creek, Dulguigan Road. The site is in the Rous Catchment, is well suited to a community riparian planting and will tie in well with the Rous River rehabilitation project currently being implemented by Matt Bloor.

---

**General Business:**

**GB1. New Fish Breed**

Max asked Pat for an update on Mangrove Jack stocking in the Clarrie Hall Dam. Pat advised he has no new information.

There was a general discussion on the carp in the Tweed River and the fact that there are no practical measures that Council or DPI Fisheries can take to eliminate them at this time and with methods currently available.

---

**Next Meeting:**

The first meeting of the Tweed Coast & Waterways Committee is tentatively scheduled for 8 February 2017 (to be confirmed).

The meeting closed at 12.20pm

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

***A2. Terms of Reference***

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

***A2. Terms of Reference***

**That:**

- 1. Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.**
  - 2. The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees and that the Tweed River and Tweed Coastal Committees be disbanded.**
-

3. **Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted by Council 24 January 2013 (ECM2939677)

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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25 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting Held Wednesday 12 October 2016

SUBMITTED BY: Natural Resource Management

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## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.4	Manage the Tweed coastline to ensure a balance between utilisation and conservation
4.4.1	Recognise and accommodate natural processes and climate change

---

### SUMMARY OF REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 October 2016 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 October 2016 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
  - A2. Terms of Reference
    1. *Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.*
    2. *The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees and that the Tweed River and Tweed Coastal Committees be disbanded.*
    3. *Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.*

**REPORT:**

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 October 2016 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

1.10pm

Present:

Cr Barry Longland (Chair); Ben Fitzgibbon (Office of Environment and Heritage); John Harbison (Mooball); Jason Pearson (Kingscliff); Jane Lofthouse, Stewart Brawley (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Katie Milne; Suzi Bourke (Cabarita Beach-Bogangar); Tom Alletson, Marama Hopkins (Tweed Shire Council); Pat Dwyer (Department of Primary Industries - Fisheries NSW); Rhonda James (Restoration Industry); David Cranwell (Pottsville); Roger Graf (Fingal Head); Michael Munday (Bogangar); Peter Sloan (Hastings Point); Tim Jack Adams (Kingscliff).

Minutes of Previous Meeting:

Moved: Jason Pearson

Seconded: Stewart Brawley

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 10 August 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. The Fragile Edge

Jane advised members that the launch of the book will be 29 October 2016. An invitation has been emailed to Committee members.

BA2. Tweed Bait Bags

Not progressed.

BA3. Memorial Plaques

Discussion on the proliferation of memorial plaques being installed by people in public areas such as on headlands and in parks. Council to review the extent of the plaques and consider a process for removal of same. Families to be advised of the alternatives such as planting a tree (without a plaque attached) or use of Council's cemeteries. This may require development of a policy to ensure that there is consistency in the approach across Council.

Agenda Items:

A1. Kingscliff Coastal Zone Management Plan

Stewart provided an update on the park upgrade including the wall and the holiday park. Community feedback appears positive on the whole about future plans and progress.

Work on the holiday park should commence in March 2017.

Jane provided an update on the feedback from Office of Environment and Heritage that periodic sand nourishment needs to be included in the Coastal Zone Management Plan with a commitment from Council to undertake same.

A2. Terms of Reference

Jane updated members on the proposal to merge the Tweed River Committee and the Tweed Coastal Committee to create one committee - Tweed Coast & Waterways Committee.

Members were advised that Tweed River Committee members resolved at their meeting to recommend to Council that the new committee be formed.

Jane advised that the minutes of this meeting will go to Council on 17 November 2017.

RECOMMENDATION:

Moved: Cr Barry Longland

Seconded: John Harbison

That:

1. Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed Coastal Committee meeting held 12 October 2016.
2. The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees.
3. Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.

A3. Tweed River Festival

Jane reminded members that the 2016 Tweed River Festival be held at Tumbulgum on Saturday 12 November 2016, in conjunction with that village's celebration of its sesquicentenary.

Jane also reminded members to make their submissions on the Tweed River Estuary survey.

A4. Minutes of the Tweed DuneCare Coordinating Committee

There were no issues arising from the minutes of the meeting held 29 September 2016.

Jane advised that under the new format, the Tweed DuneCare Coordinating Committee will meet four times per year and recommendations will come to the Tweed Coast & Waterways Committee for discussion and then be forwarded to Council if endorsed.

---

General Business:

GB1. Kingscliff Bridge Abutments

Jason raised concerns that the abutments of the new Kingscliff Bridge extended further into the waterway than the pedestrian bridge abutments, further restricting flow. The observation was that large rocks were protruding further than the adjacent abutments. Jane to discuss with Nigel Dobson of Council's Engineering Division and provide a response directly to Jason.

---

Next Meeting:

Jane advised that due to the calling of new nominations for the Tweed Coast & Waterways Committee in late November, the next meeting of the merged committee will not be until 8 February 2017 (to be confirmed).

The meeting closed at 2.35pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**A2. Terms of Reference**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**A2. Terms of Reference**

**That:**

- 1. Council forms a Tweed Coast & Waterways Committee in accordance with the draft Terms of Reference presented at the Tweed River Committee meeting held 12 October 2016.**
- 2. The Tweed Coast & Waterways Committee replaces the Tweed River and the Tweed Coastal Committees and that the Tweed River and Tweed Coastal Committees be disbanded.**
- 3. Nominations for the Tweed Coast & Waterways Committee be re-called based on the proposed new Terms of Reference for the Tweed Coast & Waterways Committee.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012 (ECM2947539)

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**CONFIDENTIAL ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE GENERAL MANAGER IN COMMITTEE**

**C1 [GM-CM] Henna Coffee - Business Investment Policy**

**REASON FOR CONFIDENTIALITY:**

**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.

Validms

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**Strengthening the Economy**

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
-

## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C2 [E-CM] Tumbulgum Road - Acquisition of Easements

#### REASON FOR CONFIDENTIALITY:

This report details the history of negotiations with landowners and the disclosure of such negotiations could negatively impact the outcome of those negotiations and breach commercial in confidence obligations.

#### 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: -

- (a) personnel matters concerning particular individuals (other than councillors).

Validms

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## Civic Leadership

#### 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
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