

**Mayor:** Cr K Milne

**Councillors:** P Allsop  
R Byrnes (Deputy Mayor)  
C Cherry  
R Cooper  
J Owen  
W Polglase

# Agenda

## **Ordinary Council Meeting Wednesday 13 December 2017**

held at  
**Council Chambers, Murwillumbah Civic & Cultural Centre,  
Tumbulgum Road, Murwillumbah**  
commencing at 5.30pm

# 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.

## Items for Consideration of Council:

ITEM	PRECIS	PAGE
	<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
1	[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 November 2017	7
2	[CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 December 2017	9
	<b>SCHEDULE OF OUTSTANDING RESOLUTIONS</b>	<b>11</b>
3	[SOR-CM] Schedule of Outstanding Resolutions as at 13 December 2017	11
	<b>MAYORAL MINUTE</b>	<b>18</b>
4	[MM-CM] Mayoral Minute for November 2017	18
5	[MM-CM] Trial Tourism Accommodation Levy (Bed Tax)	22
	<b>RECEIPT OF PETITIONS</b>	<b>25</b>
6	[ROP-CM] Receipt of Petitions	25
	<b>ORDERS OF THE DAY</b>	<b>28</b>
7	[NOM] NSW Coastal Council	28
	<b>REPORTS THROUGH THE GENERAL MANAGER</b>	<b>30</b>
	<b>REPORTS FROM THE GENERAL MANAGER</b>	<b>30</b>
8	[GM-CM] Destination Tweed Quarterly Report - July to September 2017	30
9	[GM-CM] Tweed Kenya Mentoring Program - 2017 Annual Report and Draft Operational Plan 2018 - 2020	33
10	[GM-CM] Easy to do Business - Service NSW	38
11	[GM-CM] 2018 BEATS Awards	41
	<b>REPORTS FROM THE DIRECTOR PLANNING AND REGULATION</b>	<b>44</b>
12	[PR-CM] Development Application DA17/0501 for Alterations and Additions to Existing Dwelling Comprising the Addition of a Relocated Dwelling to be Converted to a 2 Bedroom Satellite Building; Kitchen to be Decommissioned and Removed at Lot 2 DP 523579 N o. 67 Wommin Bay Road, Chinderah	46
13	[PR-CM] Development Application DA17/0347 for the Installation of Plant Shelter and the Production and Processing of Edible Flowers in Conjunction with an Existing Rural Industry at Lot 3 DP 1191598 No. 67 Howards Road, Burringbar	77

14	[PR-CM] Development Application DA10/0222.26 for an Amendment to Development Consent DA10/0222 for Casuarina Town Centre Including 56 Lot Subdivision, Road Works, Infrastructure Works and Landscaping (Department of Planning Application MP06_0258) MOD 10 at Lot 15 DP 1198266 and Lot 13 DP 1014470 Casuarina Way, Casuarina	113
15	[PR-CM] Compliance Matters - Site 198 and Site 199 Hacienda Caravan Park	152
16	[PR-CM] Proposal by Polis Plan - Circular Economy Innovation Hubs	161
17	[PR-CM] Rural Landsharing Communities - Advice from Department of Planning and Environment	166
	<b>REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES</b>	<b>172</b>
18	[CNR-CM] Draft Policy - Commercial Recreation Activities on Public Open Space Version 3.0	172
19	[CNR-CM] Policy - Waiving of Disposal Fees - Waste Management Charges	181
20	[CNR-CM] New Charges for Waste Management - 140 litre Household Organic Waste Bin and Asbestos Test Kits	186
21	[CNR-CM] Tennis Terranora Joan Nicholl Tennis Centre	191
22	[CNR-CM] Community Development Officer - Recovery	195
23	[CNR-CM] Surf Life Saving Contract - September - October 2017 Review	200
24	[CNR-CM] Proposed Cabarita Beach/Bogangar Regional Surfing Reserve Nomination	204
25	[CNR-CM] Community Halls Advisory Committee - Terms of Reference	207
26	[CNR-CM] 2017 Volunteering Community and Natural Resources	210
	<b>REPORTS FROM THE DIRECTOR ENGINEERING</b>	<b>214</b>
27	[E-CM] Heavy Vehicle Approvals - B-Double Routes	214
28	[E-CM] RFO2017082 Package 3 - Road Flood Damage Restoration	220
29	[E-CM] Unauthorised Private Encroachment within Public Road Reserve - Charles Street, Tweed Heads	223
30	[E-CM] Plan of Management - Lot 6 DP 872039 - Hastings Road, Bogangar	232
	<b>REPORTS FROM THE DIRECTOR CORPORATE SERVICES</b>	<b>235</b>
31	[CS-CM] Update on Tweed Shire Events Strategy 2016-2020	235

32	[CS-CM] Communications Policy Version 1.0	241
33	[CS-CM] RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre	244
34	[CS-CM] In Kind and Donations - July/August/September 2017	247
35	[CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 November 2017	251
	<b>REPORTS FROM SUB-COMMITTEES/WORKING GROUPS</b>	<b>253</b>
36	[SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017	253
37	[SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017	260
38	[SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017	265
39	[SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017	269
40	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017	276
	<b>CONFIDENTIAL ITEMS FOR CONSIDERATION</b>	<b>291</b>
	<b>REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE</b>	<b>291</b>
	<b>REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE</b>	<b>291</b>
C1	[PR-CM] Development Application DA17/0572 for the Use of the Site (Including Existing and Approved Shed) as Depot and Ancillary Office at Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow	291
	<b>REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE</b>	<b>292</b>
C2	[CNR-CM] Private Memorials in Parks and Natural Areas	292
	<b>REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE</b>	<b>293</b>
C3	[E-CM] 2018 NSW Local Government Property Professionals Conference	293

**THIS PAGE IS BLANK**

## CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 November 2017

SUBMITTED BY: Corporate Governance

mhm

---



Making decisions with you  
*We're in this together*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you  
2.2 Engagement  
2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

---

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 November 2017 are attached for information and adoption by Council.

### RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 November 2017 be adopted as a true and accurate record of proceedings of that meeting.
2. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**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).*

Attachment 1

Minutes of the Ordinary Council Meeting held Thursday 16 November 2017 (ECM 4903767).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 16 November 2017 (ECM 4903514).

---



**2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 December 2017**

**SUBMITTED BY: Corporate Governance**

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

**ROLE:** **Leader**

---

Due to the closeness of the December Council meetings the Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 December 2017 will be tabled as an addendum report at the 14 December 2017 meeting.

**RECOMMENDATION:**

**Refer to addendum report to be tabled at 13 December 2017 Council meeting.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**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.

---

## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR-CM] Schedule of Outstanding Resolutions as at 13 December 2017

mhm



Making decisions with you  
*We're in this together*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

---

#### 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.*

**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.

Unfortunately this investigation has been postponed due the impact of the March flood event.

---

**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 bought back to a future Council meeting which includes the terms and conditions of the future potential lease.

**Current Status:** Council previously entered into a short term licence for the occupation of the Railway Station which has now expired and is now occupied on a month to month basis.

---

**18 MAY 2017**

**ORDERS OF THE DAY**

**37 [NOM] Tweed Shire Housing Opportunities**

**222**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council brings forward a report on options to address the lack of social and affordable housing in Tweed Shire particularly the post flood housing issues and opportunities, including but not limited to requirements for new developments.

This report should include immediate, short term and long term options, and areas where Council can lobby State and Federal Government and arrange high level meetings with government representatives.

---

**Current Status:** A report on an issues paper and a Workshop with Council will take place in February 2018.

---

20 JULY 2017

**REPORTS FROM THE GENERAL MANAGER**

**15 [GM-CM] Development Controls Surrounding the Murwillumbah Airfield**

311

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that:

1. The Planning Proposal for Bob Whittle Murwillumbah Airfield be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act.
2. The Minister for Planning and Environment or his Delegate be advised that Tweed Shire Council is not seeking plan making delegations for this planning proposal.
3. The Minister for Planning and Environment or his Delegate be advised that public exhibition is not required in this instance.
4. On receipt of the Minister's Gateway Determination Notice to proceed, any 'conditional' requirements of the Minister and any other study or work are to be completed, and included within the public exhibition material.
5. Following receipt of the Gateway Determination the planning proposal be publicly exhibited in accordance with the Gateway Determination and a further report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s).

**Current Status:** This project is being progressed by Council's Strategic Planning and Urban Development Unit and will be subject to a further report to February 2018 Council meeting.

---

**21 SEPTEMBER 2017**

**ORDERS OF THE DAY**

**10 [NOM] Rail Trail Community Consultation**

**435**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** that:

1. Notes the full length of the Tweed section of the Rail Trail of 24 km to Crabbes Creek has not benefitted from any specifically targeted Shirewide consultation and therefore cannot adequately demonstrate categorical community support as normally required for successful government grant funding.
2. Notes the potential impact for affected landholders with the public traversing of their land unrestrained without fencing.
3. Brings back a further report to determine an appropriate Shirewide consultation strategy including but not limited to a survey asking whether the community would prefer:
  - a To preserve the rail tracks
  - b To convert the track to a rail trail
  - c To have dual use of the rail corridor to preserve the rail tracks and provide for a rail trail.

**Current Status:** A report to be prepared.

---

**REPORTS FROM THE DIRECTOR ENGINEERING**

**36 [E-CM] Demand Management - Assistance for Non-Residential Water Customers**

**462**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that this item be deferred for a Workshop.

**Current Status:** A Workshop is to be scheduled.

---

26 OCTOBER 2017

**ORDERS OF THE DAY**

**9 [NOM] Private Native Forestry**

**505**

**Cr K Milne  
Cr R Byrnes**

**RESOLVED** that Council:

....

4. Calls on the State Government and makes representations for an urgent moratorium on any further issuing of Private Native Forestry licences for native forests (i.e. not native plantation forests) in the Tweed Shire, until a review of the existing legislation is completed.
5. Holds a workshop on the suitability and safety of the external road network for the Hewittville logging vehicles.
6. Undertakes an urgent review of the ecological values of the Hewittville property at Limpinwood to ascertain if this site warrants a rezoning to better reflect and protect the environmental values of the site and brings back a report to Council to consider this matter.

**Current Status:** Workshop was held and staff are currently considering the implications of resources for Part 6 above.

The Mayor and General Manager have met with the Minister for Environment in Sydney and made representations on Council's behalf.

---

**10 [NOM] Stop Adani Campaign**

**506**

**Cr K Milne  
Cr R Cooper**

**RESOLVED** that Council:

....

3. Writes to the Prime Minister, the Hon. Mr Malcolm Turnbull and Queensland Premier, the Hon. Ms Annastacia Palaszczuk to express in the most respectful terms our extreme concern for the Adani mine.

4. In regard to civil construction tenders Council resolve to include additional selection criteria for disclosure of any involvement in providing services to, or contracting for, the development and operation of Carmichael mine.
5. In order to provide guidance to staff for future procurement Council considers a policy position on trading with entities that provide services to the Carmichael mine, and this be done in a workshop to be held as soon as possible followed by a formal resolution of Council.

**Current Status:** Letters have been drafted for the Mayor's consideration. Amendment to the tendering schedule is currently being development and a Workshop was conducted on Friday 17 November 2017.

---

#### **14 [NOM] Tweed Regional Art Gallery and Margaret Olley Art Centre**

**512**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Council holds a workshop in regard to the Tweed Regional Art Gallery and Margaret Olley Art Centre.

**Current Status:** Workshop to be scheduled in the new calendar year.

---

**16 NOVEMBER 2017**

#### **ORDERS OF THE DAY**

#### **9 [NOM] Support for Australian Research Grant Application - Artificial Surfing Reef**

**579**

**Cr J Owen  
Cr R Cooper**

**RESOLVED** that Council holds a workshop in relation to this item.

**Current Status:** Workshop to be scheduled in the new calendar year.

---

#### **12 [NOM] Power Prices**

**583**

**Cr J Owen  
Cr W Polglase**

---



**RESOLVED** that Tweed Shire Council requests a briefing from the relevant NSW Government agencies to brief Councillors on current policies, programs and assistance available to Council, and the community, to reduce energy consumption and greenhouse gas emissions and to ease the cost of living pressure on households.

**Current Status:** Briefing to be organised.

---

**24 [E-CM] Proposed Disposal of Council Land - 218 Kennedy Drive, Tweed Heads West**

**596**

**Cr R Cooper**  
**Cr K Milne**

**RESOLVED** that

1. This item be deferred to conduct a Council workshop which will include details of alternative uses and constraints of Lot A in DP 407658.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
  - (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.

**Current Status:** Workshop to be scheduled in the new calendar year.

---

## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for November 2017

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

mhm



Making decisions with you  
*We're in this together*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

**ROLE:** **Leader**

---

## Councillors

### COMMITTEE MEETINGS

#### Attended by the Mayor

- 1 November Destination Tweed Board Meeting - Twin Towns Services Club, Wharf Street, Tweed Heads.
  - 3 November NOROC Meeting - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
  - 17 November Richmond Tweed Regional Library Committee - Byron Shire Council, 70-90 Station Street, Mullumbimby.
- 

### INVITATIONS / MAYORAL REPRESENTATION:

#### Attended by the Mayor

- 10 November Uki Refugee Project Fundraiser - Regent Cinema, 5 Brisbane Street, Murwillumbah.
  - 11 November Remembrance Day Service - War Memorial, Tumbulgum Road, Murwillumbah.
  - 11 November National Serviceman's Association of Australia Commemorative Plaque Dedication - War Memorial, Tumbulgum Road, Murwillumbah.
-

- 14 November TAFE Briefing on Connected Learning - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 21 November Growing Youth Employment Through Entrepreneurship - Byron Shire Council, 70-90 Station Street, Mullumbimby.
- 21 November Hastings Point Residents Information Feed-back Regarding Filming - Pottsville Environment Centre, Centennial Drive, Pottsville.
- 22 November Stakeholder Workshop to Develop Protocol on Filming - Tweed Heads Administration Office, Wharf Street, Tweed Heads.
- 23 November Minister Upton Meeting - Parliament House, 6 Macquarie Street, Sydney.

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

- 1 November Tweed River Agricultural Society Show - Murwillumbah Showgrounds, Queensland Road, Murwillumbah. Cr Byrnes attended.
- 10 November Mt St Patrick College Year 12 Formal - Mt St Patrick College, 143 Murwillumbah Street, Murwillumbah. Cr Byrnes attended.
- 14 November Tumbulgum Community Meeting - Riverbank, Riverside Drive, Tumbulgum. Cr Byrnes attended.
- 20 November Twin Towns Friends Association Christmas Function - Tweed Heads Bowls Club, Florence Street, Tweed Heads. Cr Byrnes attended.
- 20 November Life Education Presentation - Murwillumbah Services Club, 10 Wollumbin Street, Murwillumbah. Cr Byrnes attended.
- 28 November Regional Electric Vehicle Strategy Launch - Byron Bay Library Carpark, Lawson Street, Byron Bay. Cr Cherry attended.
- 29 November Richmond Tweed Regional Library Deed of Agreement Signing - Tweed Heads Library, Wharf Street, Tweed Heads. Cr Cherry attended.
- 29 November Access and Inclusion Awards - Twin Towns Services Club, Wharf Street, Tweed Heads. Cr Polglase attended.

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

- 29 November Gold Coast Training College Official Opening Day - Gold Coast Training College, 2/8 Blundell Boulevard, Tweed Heads South. All Councillors were invited but none were available.

---

**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during November 2017.

---

## CONFERENCES:

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

- 8-10 November 26<sup>th</sup> NSW Coastal Conference - Shoal Bay Country Club, 35-45 Shoal Bay Road, Shoal Bay. Crs Cherry and Cooper attended.
- 29 November Coastal Local Land Services Changing Climate Adaptation Forum - representing NOROC - Novotel Pacific Bay, Bay Drive, Coffs Harbour. Cr Milne attended.
- 29 November Rebooting Democracy National Tour Workshop - Australian College of Technology and Business, 100 Brunswick Street, Fortitude Valley QLD. Cr Cooper attended.

### Information on Conferences to be held

- 6-7 February Safer Cities Summit - Pullman King George Square, Corner Ann and Roma Streets, Brisbane QLD.

The two day event will explore strategies for ensuring cities become safer over time, even with rapidly growing populations, through creating and maintaining more resilient urban environments, preventing and mitigating emergencies, and promoting public safety through policing.

One free registration available. Early bird registration \$395, one-two night's accommodation.

[www.psnevents.com.au/ehomesafercities2018/home](http://www.psnevents.com.au/ehomesafercities2018/home)

---

## SIGNING OF DOCUMENTS BY THE MAYOR:

- 3 November Transfer document - Land purchase Lot 4 DP 591604 Quarry Road, South Murwillumbah.
  - 3 November Application for Preparation of Lapsing Notice - Jack Julius Park.
- 

## COUNCIL IMPLICATIONS:

### a. Policy:

Code of Meeting Practice.

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

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

### c. Legal:

Not applicable.

---

**d. Communication/Engagement:**

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

**RECOMMENDATION:**

**That:**

- 1. The Mayoral Minute for the month of November 2017 be received and noted.**
- 2. The attendance of Councillors at nominated Conferences be authorised.**

---

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Correspondence received from Queensland Government Department of Premier and Cabinet relating to Notice of Motion 'Stop Adani Campaign' from Council Meeting of 26 October 2017. (ECM4916588).

---

## 5 [MM-CM] Trial Tourism Accommodation Levy (Bed Tax)

SUBMITTED BY: Cr K Milne, Mayor

mhm



Making decisions with you  
*We're in this together*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

---

### Councillors

A letter has been received from the Mayor of Byron Shire Council, seeking support for the implementation of a tourism accommodation levy in Byron Shire to assist in alleviating the stress placed on the local communities and infrastructure.

A tourism accommodation levy (bed tax) has been used around the world for decades as a way to raise revenue from visitors in order to fund the infrastructure impacts by visitation. This tax/levy has had minimal negative impact on visitation numbers and/or expenditure.

Councillors will also be aware that Tweed Shire put forward the following Motion for debate at the Annual Local Government NSW Conference in Sydney from 4 to 6 December 2017:

#### **"33 Tweed Shire Council Booking tax or tariff for online accommodation brokers**

*That Local Government NSW lobbies the Federal and State/Territory Governments to consider instituting a 'booking tax or tariff' for online accommodation brokers utilising residential zoned and rated land, and that funds raised be distributed by way of formula to councils to fund public infrastructure that supports and underpins tourism.*

#### **Note from Council**

*Unique environmental features of Tweed Shire make it a very popular tourist destination. Tourists holidaying in the Tweed Shire area choose increasingly to stay in short-term rental accommodation. The supply side of this market is responding to a rapid growth of properties advertised online for this type of accommodation and short-term rental stays are often described as an affordable alternative to a hotel or motel, particularly with larger family groups.*

*Short-term rental accommodation brings both challenges and opportunities, particularly in areas, cities and regions recognised as attractive tourist destinations. The challenges include impacts on housing affordability, availability of rental properties and impacts on amenity of residential neighbourhoods. Opportunities include overall increase in tourist visitations which usually translates to greater revenues of local businesses.*

*Recently, the NSW Government published an "Options Paper" seeking to provide a regulatory framework for short-term holiday rental. Tweed Shire Council has been actively involved in this process, advocating for a State-wide approach that would be flexible enough to respond to a variety of scenarios brought about by the growth of short-term holiday rental to metropolitan and regional parts of the State."*

Given that Council has put forward this motion at the Local Government NSW Annual Conference, I will be able to provide the outcome of this motion at the council meeting. Council should also be supportive of Byron Shire Council trialling a Tourist Accommodation Levy and provides a letter in support of this proposed action.

**RECOMMENDATION:**

**That a letter of support be provided to Byron Shire Council for the instigation of an Expression of Interest process through the NSW State Government for a trial for the implementation and management of a Trial Tourism Accommodation Levy (Bed Tax).**

**REPORT:**

As per above.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

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

Additional revenue from such a levy could be applied to infrastructure renewal.

**c. Legal:**

Formalisation of a Tourism Accommodation Levy would require a change of legislation.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Letter from Byron Shire Council requesting support for a trial of a Tourism Accommodation Levy (Bed Tax) (ECM 4934935)

---



## RECEIPT OF PETITIONS

### 6 [ROP-CM] Receipt of Petitions

SUBMITTED BY: Corporate Governance

---



Making decisions with you  
*We're in this together*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.4	Councillors and Civic Business - To make informed decisions in the best interest of the community.

ROLE: Collaborator

---

#### SUMMARY OF REPORT:

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

*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:

- Petition containing 324 signatories requesting:

***"We the undersigned would like to request of Council the possibility of a fenced off dog park in Murwillumbah.***

***A corner of an existing park would be ideal, where dogs can interact with each other off leash, under the supervision of their owners. Socialising is a big part of a happy dog.***

***To include a few activities within the enclosure would be ideal. E.g. a large pipe to run through or over, slalom posts as well as some benches and a shade cover for owners.***

---

*It would be appreciated if Council would consider this as part of their agenda.'*

**REPORT:**

As per Summary

**OPTIONS:**

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

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.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

**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.

---

## ORDERS OF THE DAY

---



Making decisions with you  
*We're in this together*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.4 Councillor and Civic Business - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

---

## 7 [NOM] NSW Coastal Council

### NOTICE OF MOTION:

Councillor C Cherry moves that Council notes:

1. **Tweed Shire Council Unit Coordinator – Natural Resource Management - Jane Lofthouse is one of seven experts appointed to the newly-established NSW Coastal Council under the Coastal Management Act 2016.**
2. **The Panel's role is to provide expert advice to the Minister administering the Act and to local councils in developing coastal management programs and advice to public authorities on coastal management issues. Jane Lofthouse was selected for her expertise in local government and coastal management and has been one of three Local Government NSW representatives on the NSW Coastal Panel since its inception in 2011 and the only representative employed by a local government authority.**
3. **The elected body congratulates Jane Lofthouse on her appointment and recognises the invaluable service she provides to the Tweed Shire Community in her current role.**

### Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

---

**Management Comments:**

Delivery Program:

mhm

---



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.3 Coastal Management - To protect and manage the use and quality of the Tweed's beaches and foreshores.

**ROLE:** **Leader**

---

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

Not applicable.

Policy Implications:

Not applicable.

---

## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 8 [GM-CM] Destination Tweed Quarterly Report - July to September 2017

SUBMITTED BY: Economic Development

mhm



People, places and moving around  
*Who we are and how we live*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.12	Tourism - to market the Tweed as a tourism destination.

ROLE: **Provider**

---

#### SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review.

This report provides Destination Tweed's quarterly reports for the July to September 2017 quarter.

#### RECOMMENDATION:

That Council:

1. **Receives and notes Destination Tweed's Quarterly Report for the July to September 2017 quarter.**
2. **Endorses payment of the quarterly contract instalment in accordance with contract AC2010-073 Provision of Services for Economic Development Tourism Promotion.**
3. **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**REPORT:**

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly report for the July to September 2017 quarter. The quarterly report is an attachment to this Council report.

**OPTIONS:**

This report to Council presents Destination Tweed's quarterly report for the July to September 2017 quarter, which is required as part of their contract. The options available are:

1. Council receives and notes this Quarterly Report – In receiving Destination Tweed's Quarterly Report Council acknowledges the work performed by Destination Tweed and agree to process payment of the contract instalment in accordance with AC2010-073 Provision of Services for Economic Development Tourism Promotion contract; or
2. Council does not receive and note this Quarterly Report - If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

**CONCLUSION:**

It is recommended that Council receives and notes the July to September 2017 quarterly report from Destination Tweed and endorses the quarterly payment.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

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

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Destination Tweed Quarterly Report to Council for July to September 2017 (ECM 4933695)

*(Confidential)* Attachment 2. Destination Tweed Financial Report for July to September 2017 (ECM 4933694)

---



**9 [GM-CM] Tweed Kenya Mentoring Program - 2017 Annual Report and Draft Operational Plan 2018 - 2020**

**SUBMITTED BY: General Manager**

mhm



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

**ROLE: Leader**

---

**SUMMARY OF REPORT:**

This report summarises activities undertaken by the Tweed Kenya Mentoring Program (TKMP) in 2017. It outlines key objectives for the 2018 – 2020 Operational Plan and seeks Council support for ongoing sponsorship of the program.

**RECOMMENDATION:**

**That Council notes and endorses the Tweed Kenya Mentoring Program (TKMP) Operational Plan 2018 – 2020 and determines a funding ratio relative to the annual staff contributions, which currently sit at approximately \$15,000, to be funded from the Catchment Water Quality Budget.**

## REPORT:

The Tweed Kenya Mentoring Program (TKMP) is a voluntary humanitarian project that was initiated by Council staff in 2004, and which now operates four water filtration systems, known as Safewater Projects, in the Siaya district of western Kenya. The project runs as a charity under the governance of the International River Foundation, and uses funds raised in the Tweed Shire to work with Kenyan villages on critical water, sanitation and community health activities. More detailed information on TKMP can be found in the Draft 2018 - 2020 Operational Plan, attached to this report, or by accessing the TKMP page of Council's webpage at <http://tkmp.tweed.nsw.gov.au/>

TKMP is managed in the Tweed by a volunteer committee comprised of staff from a number of divisions. TKMP have engaged a project partner in Kenya, Olita Ogonjo, who is responsible for both the strategic and logistical delivery of the project, as well as technical operation and repair of Safewater facilities. The project partner works closely with community water committees and local government politicians and agencies to ensure that projects are valued, used and maintained.

In summary, TKMP operates and maintains four water purification facilities at small dams, supporting community committees in the ongoing provision of safe water to residents relying on these supplies. A major focus of TKMP operations is building the technical and administrative capacity of communities relying on these facilities, and promoting increased local government responsibility for provision of safe water and sanitation.

Specific tasks undertaken on a regular basis over the past twelve months of TKMP operations have included:

- Providing resource support to ensure the operation and maintenance of four water treatment facilities.
- Preparing quarterly reports in required format to the TKMP Committee.
- Preparing quarterly budget estimates for TKMP Committee.
- Identify and recommending improvements to facility operations and TKMP program.
- Training and supporting facility operators to improve their skills.
- Liaising with the operators and Water User Committees on a regular basis to ensure:
  - Safewater facilities are being maintained and operated at an acceptable standard,
  - All water produced is being recorded,
  - Income is being generated and recorded from the sale of water.

A 2017 highlight for TKMP was the desilting of Tinga Dam. This dam is the location of a water treatment facility established by TKMP in 2007, and serves a population of several thousand people. Soil loss in the dam's catchment resulting from deforestation, over grazing and road construction had contributed to the dam losing most of its storage capacity, which lead to serious water quality problems and impacts on operability of the Safewater Project. The Tinga Dam desilting project was managed by Greg Jones who travelled to Kenya in February to oversee construction. Severe rain following the dam's construction highlighted a number of issues relating to spill way stability which needed

urgent rectification, which resulted in a second visit to Kenya by Nigel Dobson to supervise repairs in March.

Another 2017 highlight was Olita Ogonjo visiting the Tweed in September to engage with TKMP volunteers in the Tweed and speak at the International River Symposium in Brisbane. Olita's visit was sponsored by a TKMP supporter and while here he stayed with a number of Council staff and their families and met with community organisations, staff and Councillors.

For Kenyans and the international community, 2017 will be remembered for its political upheaval and violence.

In Olita's words, "This was one of most difficult periods in a long time for the entire country, and greatly affected operation of SWP activities."

The 2017 Kenyan national elections took place between August and October, and turned violent amid claims of electoral fraud and malpractice. The ruling party, led by Uhuru Kenyatta claimed victory in the first election held in August; however the Supreme Court of Kenya nullified the result and ordered repeat elections to take place on 26<sup>th</sup> Oct 2017. The major opposition party boycotted the second round elections in protest. Following the repeat elections Mr Kenyatta was declared winner and the Supreme Court upheld this decision. The opposition, led by Mr Odinga, refused to recognise the repeat election outcome, and continued to insist on constitutional and electoral reforms. This resulted in an economic boycott of certain goods and services of companies deemed to be patrons of Mr Kenyatta's Jubilee Party. Violence during the election period saw hundreds of people killed, properties damaged and disruption of socio-economic activities. Transport of goods and people became restricted in parts of the country as while roads were blocked by demonstrators. The Nairobi slums, Coast and Western parts of Kenya, specifically Kisumu and Siaya were among the worst affected areas. Despite serious tensions in urbanised areas, the communities served by TKMP remained quiet, and there was no damage or danger to any of the TKMP assets or personnel.

### **Draft 2018 – 2020 Operational Plan**

A new Operation Plan for TKMP activities in the period 2018 – 2020 has been prepared in draft form and is presented as an attachment to this report. TKMP objectives for the next two years of operations are to:

1. Continue operating and maintaining the four existing Safewater Projects (SWP). There will be a focus on assessing the condition of and replacing the Skyjuice Sky Hydrant filters. TKMP will also investigate a new technology called Skyjuice Squirt filters, which are smaller and can be set up at individual homes, potentially allowing decentralisation of the existing water supply and treatment model.
2. Ongoing community capacity building for dam water user associations, with a continuing emphasis on operator training, water fee collection and community banking of revenue raised.
3. Sanitation education and promotion, including investigating/trailing undertaking construction of best practice home and school toilets.

4. Continually include the Kenyan government within TKMP activities, showing how the community uses the safe water projects.
5. Youth, sport and catchment management. In the origins of TKMP sport was used as a way of bringing youth in. Getting kids involved in growing and planting trees would be an achievement and needs to become a long term strategy to achieve catchment restoration, so that the problems at a water cycle level can be addressed.
6. Undertake good quality governance and reporting, including the publishing of four quarterly reports per year, as well as an annual report provided to Tweed Shire Council.

**OPTIONS:**

Council may either:

1. Support the recommendation to continue funding TKMP at a rate equivalent to that raised by voluntary staff contributions.
2. Continue funding TKMP at a rate above that equivalent to that raised by voluntary staff contributions.
3. Continue funding TKMP at a rate below that equivalent to that raised by voluntary staff contributions.
4. Not continue funding TKMP.

**CONCLUSION:**

It is considered that Council's support of TKMP continues to be an invaluable investment. The program provides opportunities for staff to work voluntarily and cooperatively across divisions and work teams, develops skills and unique experience in those developing and delivering projects in Kenya, and heightens the awareness of all who are exposed to the project of the great advantages we enjoy while living in a well governed, affluent and environmentally health community and landscape.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

The program is currently funded through voluntary staff contributions and matched dollar for dollar from the Catchment Water Quality Budget, which is derived from the Water and Wastewater dividends. Funding is also received from external donors who have been integral to the programs continuance. As the exchange rate with the Kenyan Shilling continues to decline and operational and project costs increase, funding for the program is becoming constrained.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Tweed Kenya Mentoring Program (TKMP) DRAFT  
Operational Plan 2018 - 2020 (ECM 4936830)

---

## 10 [GM-CM] Easy to do Business - Service NSW

**SUBMITTED BY:** General Manager

mhm



People, places and moving around  
*Who we are and how we live*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

**ROLE:** Collaborator Advocate

---

### SUMMARY OF REPORT:

Service NSW has released a new Program - 'Easy to do Business'. This Program will assist in reducing the forms and government processes required of new businesses in getting operational.

This report outlines the new Program and recommends that Council become involved in the new Program.

### RECOMMENDATION:

**That Council:**

1. Approves joining the 'Easy to do Business' Program in partnership with Service NSW.
2. Delegates the General Manager to enter into a Service Partnership Agreement with Service NSW in accordance with the requirements under the Service NSW (One-stop Access to Government Services) Act 2013.
3. Approves any necessary documents be executed under the Common Seal of Council.

## REPORT:

On 3 November 2017 Service NSW presented a new Program, 'Easy to do Business'. The Program is a joint initiative between the Department of Premier and Cabinet, the Customer Service Commissioner, the Office of NSW Small Business Commissioner, and Service NSW. This initiative has a direct link to NSW State Priority "Make NSW the easiest state to start a business". The initiative brings agencies, local councils, and industry bodies together to make the process of opening or expanding a small business simpler and faster.

The initiative aims to streamline the processes of opening a new business, which typically require a business owner to deal with 13 agencies, including Council, and to complete 48 forms. This entire process can take up to 18 months. The Program is initially focused on the Café, small bar and restaurants. However, it is planned for the Program to be expanded to other sectors such as clothing retail, print businesses, and road freight etc. in the future.

Service NSW provides a digital platform and upfront information regarding what is required by a potential new business owner from all the approval authorities, including Council. A single digital form replaces the 48 existing forms. A business concierge service, via a single phone number, is also provided to support customers through the process.

The key benefits of the partnership with Service NSW as part of 'Easy to do Business' program include;

- Better quality Development Applications will be submitted as a business concierge team will review the documents before they are submitted to the Council. This will save time for applicants as well as for Council to complete the Development Applications,
- Business concierge team will provide support for residents with new business ideas,
- This should promote an economic activity within the local Government area,
- A single digital form will assist residents to enter information quickly and to avoid the need for repeated entry of the same data,
- This initiative will allow Council to maintain its status as a "Business Friendly Council" with NSW Small Business Commissioner's Office,
- Council will benefit from exploring further future collaboration opportunities with Service NSW because of this partnership.

The initiative has been piloted at the City of Parramatta Council and has demonstrated excellent results. They have claimed that it has reduced the time to open a new business from 18 months to less than 90 days.

In accordance with Service NSW (One-stop access to Government Services) Act 2013, a Council resolution is required to allow Council to enter into a Service Partnership Agreement and to delegate the relevant customer service functions related to the administration of 'Easy to do Business' Program to the Chief Executive Officer, Service NSW. Accordingly, this report seeks Council approval to participate in the program and to extend the program benefits to small businesses within Tweed Local Government area.

The 'Easy to do Business' Program will form part of Small Business Friendly Councils (SBFC) Program run by the Office of the Small Business Commissioner. Council is already a committed member of the SBFC Program. Entering into the 'Easy to do Business' Program will assist in meeting the requirements of the SBFC. Attached to this report is a flyer outline the SBFC Program.

**OPTIONS:**

Council has two options available in respect to the 'Easy to do Business' Program:

1. Enter into a Service Partnership Agreement with Service NSW.
2. No longer pursue involvement in the 'Easy to do Business' Program.

**CONCLUSION:**

This report recommends that Council become involved in the new 'Easy to do Business' Program.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Service NSW has indicated that there will be a service fee of \$10,000 per annum. This figure has not been confirmed as Service NSW is still determining the service fee details.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- |               |   |
|---------------|---|
| Attachment 1. | Service NSW – Easy to do Business Program - Presentation to NOROC 3 November 2017 (ECM 4891379) |
| Attachment 2. | NSW Government - Outdoor Dining Trial (ECM 4895032)   |
| Attachment 3. | Service NSW – Opening and Running a Café, Restaurant or Small Bar just got easier (ECM 4895033) |
| Attachment 4. | Office of the Small Business Commissioner - Small Business Friendly Councils (ECM 4895034)      |
-



## 11 [GM-CM] 2018 BEATS Awards

**SUBMITTED BY:** General Manager

mhm



People, places and moving around  
*Who we are and how we live*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.5 Economic Development - To support the local economy and attract new business and employment to the Tweed.

**ROLE:** Advocate

---

### SUMMARY OF REPORT:

Council has been a sponsor of the Business Excellence Awards Tweed Shire (BEATS) since its inception in 2014. The Murwillumbah District Business Chamber has written to Council on behalf of the BEATS organising committee requesting Gold sponsorship for the 2018 BEATS Awards. The organising Committee is represented by the three business chambers within the Tweed Shire

This report recommends that Council continue its support of the Beats Awards into 2018.

### RECOMMENDATION:

**That Council endorses the \$5,000 (excluding GST) cash Gold level sponsorship for the 2018 BEATS Awards.**

## REPORT:

Last month the Murwillumbah District Business Chamber wrote to Council seeking sponsorship of the 2018 Beats Awards on behalf of the BEATS organising committee. Council has been a sponsor of the BEATS Awards since its inception in 2014.

The request offered a Gold level sponsorship which would cost \$5,000 (excluding GST). This amount is the same as the Gold level sponsorship for the 2017 BEATS Awards. . As a result of Council's policy on in-kind support for events it is recommended that Council not offer any in-kind support. This would mean that any hire fees of Council facilities would be met through the cash component of Council's sponsorship.

The BEATS Gala Night will take place in mid 2018, at this stage the event is being planned on a date yet to be determined. Individual and corporate bookings will be available and a large turnout from businesses from across the Tweed are expected to attend. The night will be professionally formatted with ongoing recognition of all sponsors.

The BEATS Awards 2018 will be a combined business chamber function and are being organised by the BEATS organising committee. This Committee is represented by the Murwillumbah District Business Chamber, the Kingscliff & District Chamber of Commerce and the Tweed Chamber of Commerce and Industry. This unilateral support will mean that the 2018 BEATS Awards will be open to all businesses in the Tweed Shire.

## OPTIONS:

That Council:

1. Supports the Business Excellence Awards Tweed Shire (BEATS) 2018 for \$5,000 (Ex GST).
2. Does not support any sponsorship of the Business Excellence Awards Tweed Shire (BEATS) 2018.

## CONCLUSION:

This report recommends that Council become a Gold Sponsor of the 2018 Business Excellence Awards Tweed Shire (BEATS) and the funds be provided from the Economic Development budget.

## COUNCIL IMPLICATIONS:

### a. Policy:

Corporate Policy Not Applicable

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

This report recommends providing gold sponsorship to the 2018 BEATS Awards. These funds will come from the 2017/18 Economic Development Budget.

### c. Legal:

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Letter from Murwillumbah District Business Chamber (ECM  
4925387)

---

## 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.

**12 [PR-CM] Development Application DA17/0501 for Alterations and Additions to Existing Dwelling Comprising the Addition of a Relocated Dwelling to be Converted to a 2 Bedroom Satellite Building; Kitchen to be Decommissioned and Removed at Lot 2 DP 523579 N o. 67 Wommin Bay Road, Chinderah**

**SUBMITTED BY: Building and Environmental Health**

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:** **Provider**

---

**SUMMARY OF REPORT:**

Council has received an application for alteration and additions to the existing dwelling on the subject property. The proposal comprises the installation of a three bedroom relocatable dwelling to the rear of the property and the conversion of the existing dwelling on the property, to a two bedroom "satellite" building, through the removal of the kitchen and laundry facilities.

The two separate buildings are proposed to be used as a single dwelling house.

The Applicant originally submitted a proposal for a dual occupancy on the property. The proposal was for the installation of a three bedroom relocatable dwelling to the rear of the property behind the existing two bedroom highset weather fibro clad dwelling DA17/0501.

This application for a dual occupancy was subsequently withdrawn as Council's Flood and Stormwater engineer did not support the proposal and it was considered inappropriate development under requirements of Tweed Development Control Plan (DCP) - Section A3 - Development of Flood Liable Land not permitted within flood area.

The applicant subsequently revised their proposal and submitted the subject DA application for alterations and additions to the existing dwelling on the property comprising the addition of a relocated dwelling to the site and the conversion of the existing to a 2 bedroom "satellite" building to the relocated dwelling, by the removal of the kitchen and laundry facilities from the existing dwelling.

The proposed relocatable dwelling is consistent with the design controls and setback requirements outlined in section A1 of Council Development Control Plan.

Both buildings are relatively small in size and have a combined floor area of approximately 186m<sup>2</sup>. The existing building has a floor area of 95m<sup>2</sup> and the floor area of the Relocated Dwelling is 91m<sup>2</sup>.

The applicants' submission details their desire to live as family unit with their daughter and grandchildren, and given the size of the two buildings it's not an unreasonable request to have detached bedroom and living facilities from the main dwelling, but still live as a family unit.

### **RECOMMENDATION:**

**That Development Application DA17/0501 for alterations and additions to existing dwelling comprising the addition of a relocated dwelling to be converted to a 2 bedroom satellite building; kitchen to be decommissioned and removed at Lot 2 DP 523579 No. 67 Wommin Bay Road, Chinderah be approved subject to the following conditions:**

### **GENERAL**

- 1. The development shall be completed in accordance with the plans approved by Council, except where varied by conditions of this consent.**  
[GEN0015]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.**  
[GEN0115]
- 3. 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]
- 4. Bushfire Asset Protection Zones**

**The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:**

- At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.**

[GEN0320]

**5. Bushfire Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- Any new or extension of existing electricity and/or gas service are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

[GEN0325]

**6. Bushfire Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (a) Construction shall comply with Australian Standard AS3959-2009 'Construction of buildings in Bush Fire-prone areas', Bushfire attack Level (BAL) 12.5 for dwelling.

**7. Bushfire Landscaping**

- (a) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

[GEN0340]

**8. The approved development shall not result in the damage or disturbance of local native vegetation without prior approval from the relevant authority**

[GENNS01]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

[PCC0285]

**PRIOR TO COMMENCEMENT OF WORK**

10. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]



11. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - (ii) notified the principal certifying authority of any such appointment, and
    - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
- [PCW0215]
12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.
- [PCW0225]
13. Residential building work:
- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
    - (i) in the case of work for which a principal contractor is required to be appointed:
      - \* in the name and licence number of the principal contractor, and
      - \* the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

- \* the name of the owner-builder, and
- \* if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.

(b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

14. 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]

15. 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]

16. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. Note All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

17. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

#### **DURING CONSTRUCTION**

18. Commencement of work, including the switching on and operation of plant, machinery and 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]

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

[DUR0245]

20. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

21. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

22. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

23. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

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

- Noise, water or air pollution.

- **Dust during filling operations and also from construction vehicles.**
- **Material removed from the site by wind.**

[DUR1005]

**25. The habitable floor area of the building is to be at a level not less than RL 3.6 m AHD.**

[DUR1435]

**26. 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]

**27. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.**

[DUR1945]

**28. 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]

**29. 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]

**30. 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]

**31. 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]

**32. 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]

33. House drainage lines affected by the proposal are to be relocated to Council's satisfaction. Prior to the relocation of any plumbing and drainage lines, a plumbing permit and the relevant plumbing permit fee is to be submitted to Council. Inspection of drainage works prior to covering is required

[DUR2565]

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

34. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

35. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

36. 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]

37. Prior to issue of an occupation certificate the Kitchen and Laundry facilities in the existing dwelling are to be removed in accordance with the approved plan.

[POCNS01]

#### **USE**

38. 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]

39. The two buildings are to be used together as a single dwelling use only.

[USE0505]

40. **The decommissioned existing dwelling used as a detached satellite building, is not to contain any Kitchen or laundry facilities and is to be used in conjunction with the relocated dwelling as part of single dwelling on the property**

[USENS01]

**REPORT:**

**Applicant:** Stephen P McElroy & Associates Pty Ltd  
**Owner:** Mr John R Singh & Mrs Judith E Singh  
**Location:** Lot 2 DP 523579 No. 67 Wommin Bay Road, Chinderah  
**Zoning:** R2 - Low Density Residential  
**Cost:** \$130,000

**Background:**

Council has received an application for alteration and additions to the existing dwelling on the subject property. The proposal comprises the installation of a three bedroom relocatable dwelling to the rear of the property and the conversion of the existing dwelling on the property to a two bedroom satellite building by the removal of the kitchen and laundry facilities.

The two separate buildings are proposed to be used as a single dwelling house.

The Applicant originally submitted a proposal for a dual occupancy on the property. The proposal was for the installation of a three bedroom relocatable dwelling to the rear of the property behind the existing two bedroom highset weather fibro clad dwelling DA17/0501.

This application for a dual occupancy was subsequently withdrawn as Council's Flood and Stormwater Engineer did not support the proposal and it was considered inappropriate development under requirements of Tweed Development Control Plan (DCP) - Section A3 - Development of Flood Liable Land not permitted within flood area.

***A3.4.5 Inappropriate Development Of Flood Liable Land***

The following table lists development considered by Council to be inappropriate to the applicable categories of flood hazard in the Chinderah and Fingal Road localities.

<b>Flood Hazard Category</b>	<b>Inappropriate Development</b>
Floodway & High Hazard Flood Storage Areas	Dual Occupancy and Granny Flat, Movable Dwelling Parks and Caravan Parks making provision for long term residents.

The applicant subsequently revised their proposal and submitted this application for alterations and additions to the existing dwelling on the property comprising the addition of a relocated dwelling to the site and the conversion of the existing to a 2 bedroom satellite building to the relocated dwelling, by the removal of the kitchen and laundry facilities from the existing dwelling.

The applicant has advised that the two separate buildings are proposed to be used as a single dwelling house.

The applicant has provided the following submission to support their proposal:

*"Reasons for the provision of the relocated dwelling:*

- *To enable the daughter of Mr and Mrs Singh to reside with her partner and two children on the same property with her parents, to provide a secure family unit providing emotional and financial support for the family;*
- *To allow to the family to reside in quality accommodation close to family support rather than continuing to pay high rent to a landlord;*
- *To provide a family with a high quality home which is cost effective and to obtain living space remote from the existing building to be used as sleeping accommodation and recreational space for the parents, on an underutilised piece of residential land;*
- *To remove the high cost of land from the dwelling purchase equation;*
- *To allow the daughter and/or her partner to be able to work and be secure in the knowledge that the two children are happy and secure while their parents are at work;*
- *To situate the relocated dwelling far enough away such that the two family units are still able to enjoy some separation and privacy when needed, but close enough so that kitchen and laundry facilities can be shared and used by both families and that the combined building become one single dwelling with separate sleeping and living areas;*
- *To situate the relocated dwelling away from the sewer line which leads from the existing dwelling to the sewer main which bisects the block; and*
- *To situate the relocated dwelling on a patch of slightly elevated land."*

The applicant has also provided a statutory declaration confirming the two buildings will have a single dwelling use:



## STATUTORY DECLARATION

I, **John Rajinder Singh**, the joint owner of **67 Wommin Bay Road, Chinderah** in the state of New South Wales, do solemnly and sincerely declare as follows:

1. I engaged Stephen P McElroy & Associates Pty Ltd to undertake structural engineering and planning consultancy work to enable a relocatable dwelling to be erected on the rear portion of our lot being Lot 2 in DP 523579.
2. The proposed development is for the existing dwelling on the front of the lot and the relocated dwelling on the rear portion of the lot to be one expanded dwelling for the use of an extended family unit, that unit including two parents, daughter, son in-law and two children.
3. It is our intention to decommission the kitchen within the existing residence and use shared kitchen facilities within the relocated dwelling.
4. The relocated dwelling will become the main part of the dwelling with the exiting dwelling becoming sleeping and recreational accommodation only for one part of the family unit but with separate bathroom facilities for use by its occupants.
5. It is confirmed that the existing dwelling will not be used or adapted for use as a secondary dwelling and that the two buildings will form one expanded dwelling.

The intention of this declaration is to provide information that may assist in the successful determination of DA 17/0501 currently being assessed by Tweed Shire Council and to be presented to the Ordinary Meeting of Council in December 2017

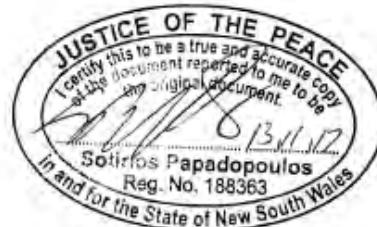
I make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Oaths Act, 1900 (as amended).

SUBSCRIBED AND DECLARED

At Kingscliff this 13<sup>th</sup> day of November 2017

Name: **Mr John Rajinder Singh**

Signature :



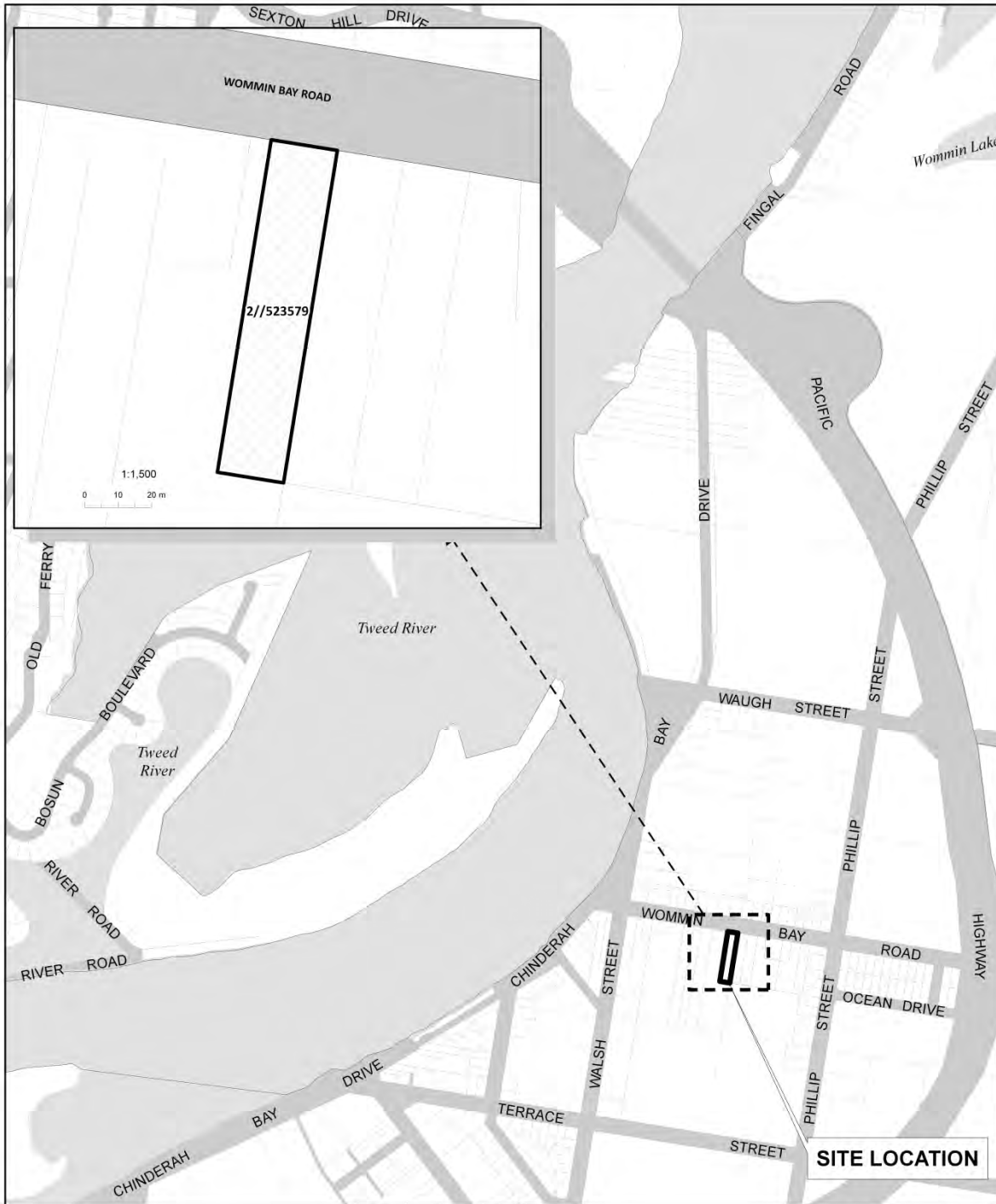
Before me:



Justice of the Peace

In view of the applicants' submission and their desire to live as a family unit, given the size of the two buildings and their separation and the fact that the proposal is not considered to contradict the objectives of the zone or conflict with the objectives of the controls for this site, the application in this instance has been considered on its merits, as being an acceptable form of development for this site.

**SITE DIAGRAM:**



**Site Plan**

Lot 2 DP 523579  
No. 67 Wommin Bay Road CHINDERAH

0 0.1 0.2 Km  
1:10,000



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 disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.



Coordinate System - MGA Zone 56  
Datum - GDA 94

Cadastre: 29/11/2017  
© NSW LPI & Tweed Shire Council

DO NOT SCALE  
COPY ONLY - NOT CERTIFIED

Civic and Cultural Centre  
3 Tumbulgum Road  
Murwillumbah NSW 2484  
PO Box 816  
Murwillumbah NSW 2484

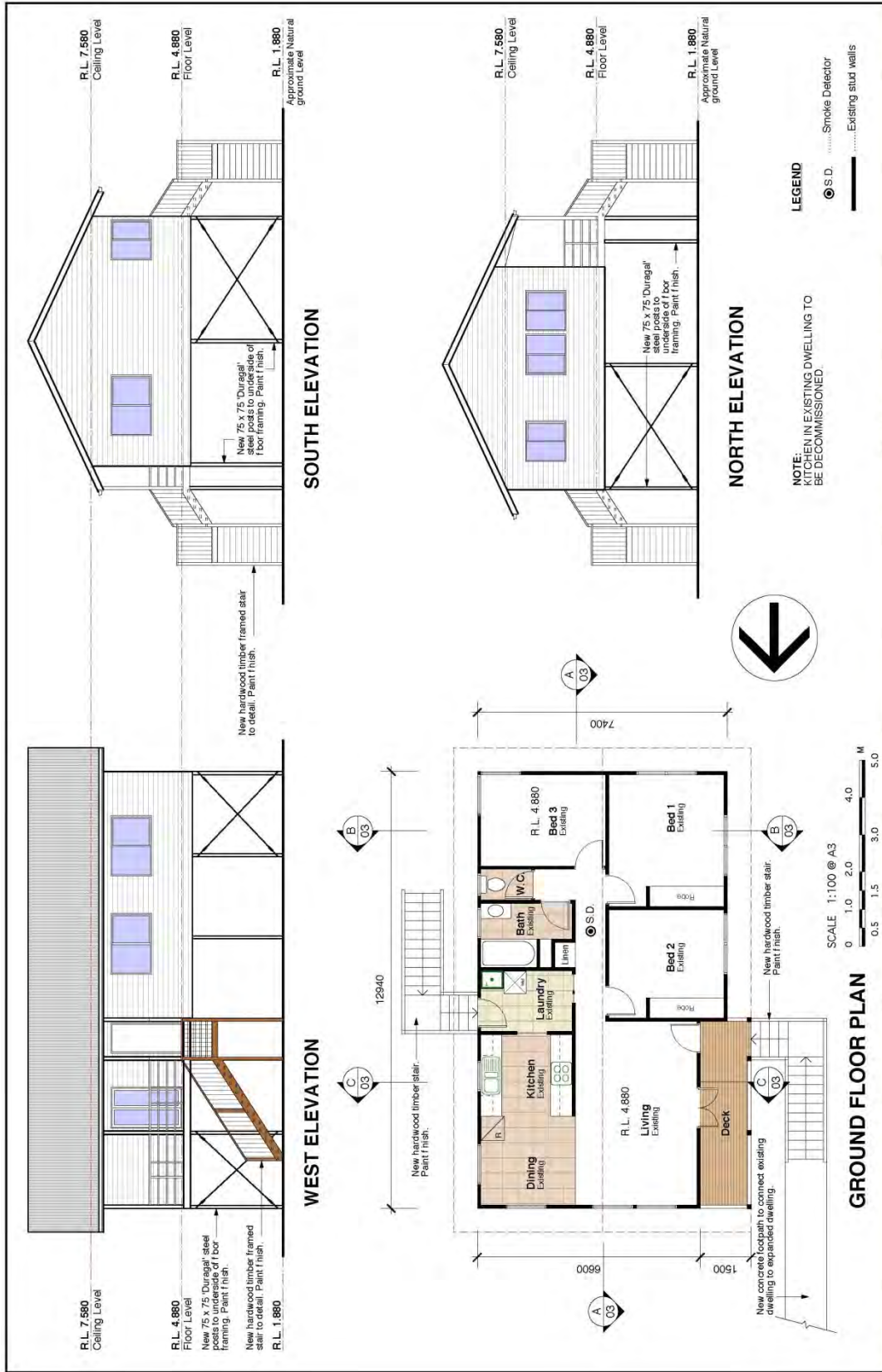
T: (02) 6670 2400 / 1300 292 872  
F: (02) 6670 2483  
W: www.tweed.nsw.gov.au  
E: planningreforms@tweed.nsw.gov.au



**TWEED**  
SHIRE COUNCIL

Date Printed: 29 November, 2017





**LEGEND**

⊙ S.D. ..... Smoke Detector  
 ————— Existing stud walls

**NOTE:**  
 KITCHEN IN EXISTING DWELLING TO BE DECOMMISSIONED.

**GROUND FLOOR PLAN**  
 SCALE 1:100 @ A3  
 0 1.0 2.0 3.0 4.0 5.0 M

Issue	Description	Date	App
1	For D.A. Approval	14.7.17	SPWAC

SCALE	1:100 @ A3
SURVEY	N.C. WHITE
DATUM	AHD

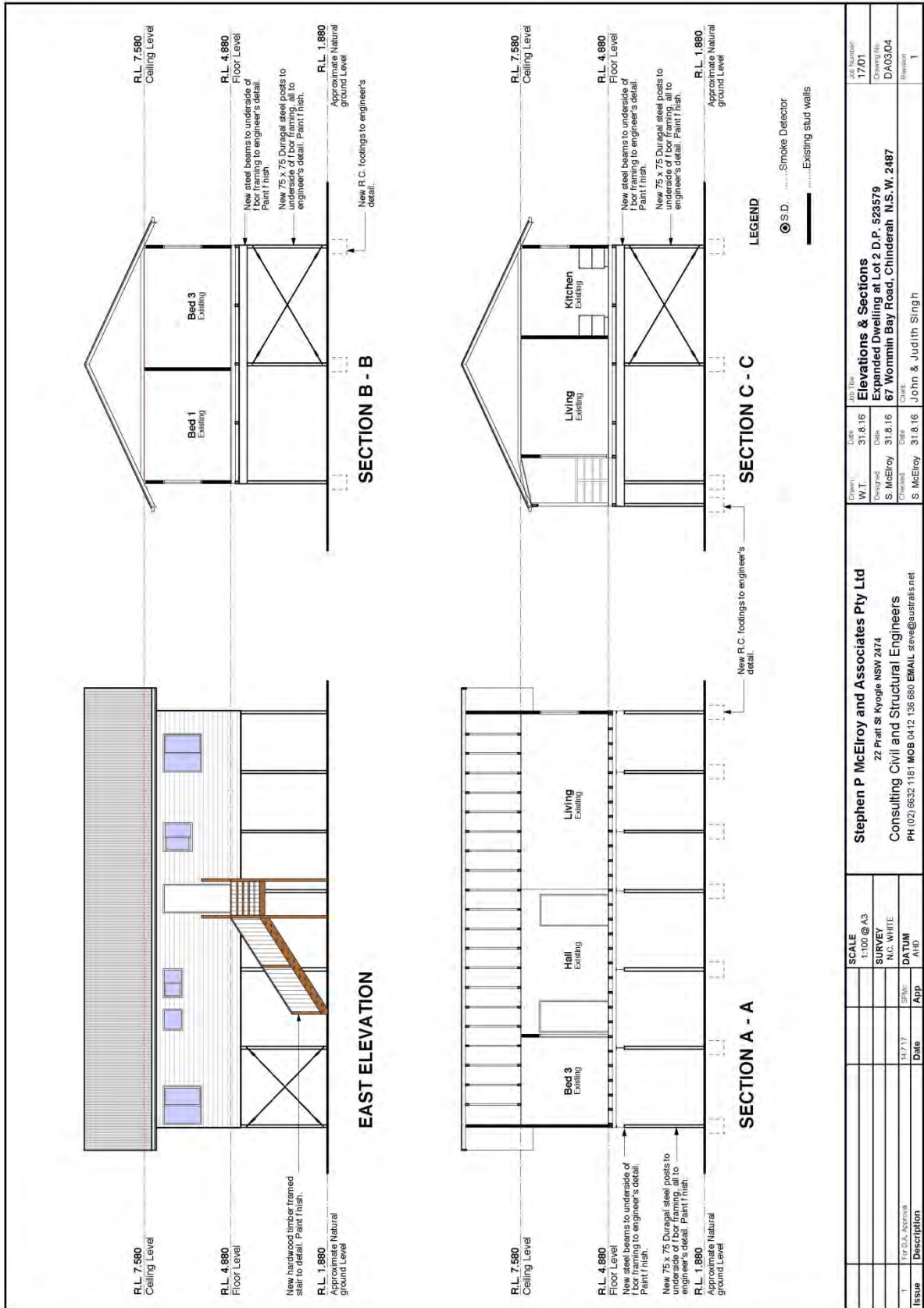
Drawn	W.T.	Date	29.5.16	Job Title	Floor Plan & Elevations
Designed	S. McElroy	Date	29.5.16	Expanded Dwelling at Lot 2 D.P. 523579	
Checked	S. McElroy	Date	29.5.16	67 Wommin Bay Road, Chinderah N.S.W. 2487	

**Stephen P McElroy and Associates Pty Ltd**  
 22 Pratt St Kyogle NSW 2474  
 Consulting Civil and Structural Engineers  
 PH (02) 6532 1161 MOB 0412 138 680 EMAIL steve@saurnz.net

Job Number	17/01
Drawing No	DA02/04
Revision	1

**Client:** John & Judith Singh

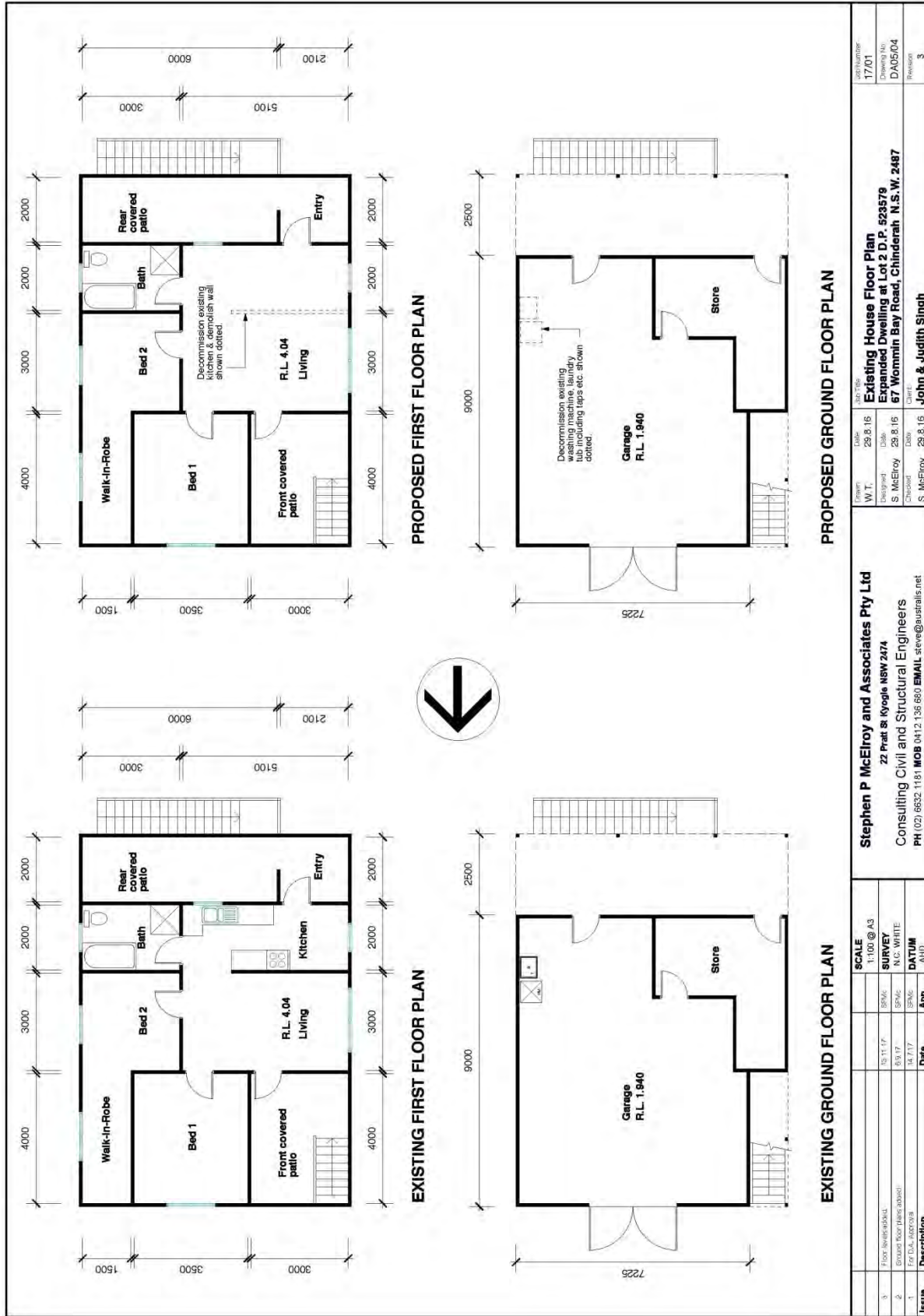




Issue	Description	Date	App
1	For D.L. Approval	12.7.17	SCALE
			App

<b>Stephen P McElroy and Associates Pty Ltd</b> 22 Pratt St Kyogle NSW 2474 Consulting Civil and Structural Engineers PH (02) 6632 1181 MOB 0412 136 680 EMAIL <a href="mailto:steve@australis.net">steve@australis.net</a>		SCALE 1:100 @ A3 SURVEY N.C. WHITE DATUM AHD
Drawn: W.T. Designed: S. McElroy Checked: S. McElroy	Date: 31.8.16 Date: 31.8.16 Date: 31.8.16	Job Title: <b>Elevations &amp; Sections</b> Expanded Dwelling at Lot 2 D.P. 523579 67 Wommin Bay Road, Chinderah N.S.W. 2487 Client: John & Judith Singh
A30 Number: 1701 Drawing No: DA03/04 Revision: 1		



EXISTING GROUND FLOOR PLAN		PROPOSED GROUND FLOOR PLAN	
Scale	1:100 @ A3	Scale	1:100 @ A3
Survey	SURVEY	Survey	W.T.
Date	15/11/17	Date	29.8.16
SPW:	N.C. WHITE	Designed	S. McElroy
SPW:		Checked	S. McElroy
SPW:		Drawn	S. McElroy
SPW:		Client	John & Judith Singh
Date	14/7/17	Project No.	29.8.16
App		Project Name	Existing House Floor Plan
App		Expanded Dwelling at Lot 2 D.P. 523579	
App		67 Mominin Bay Road, Chinderah N.S.W. 2467	
Issue	1	Drawn By	DA06/04
Description		Revision	3

**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**

The aims of this plan as set out under Section 1.2 of this plan are as follows:

- (1) *This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
  - (a) *to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, 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, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
  - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the 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, geological and ecological integrity of the 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 development of alterations and additions to the existing dwelling, comprising the removal of kitchen and laundry facilities to create a 2 bedroom satellite building to a relocated dwelling on the property is consistent with the aims of this plan having regard to its nature and permissibility in the subject zone.

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

The objectives of this R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In this zone, the proposed development is permitted with consent and is considered to be generally in accordance with the above objectives by way of providing for the housing needs of the community.

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

This application does not involve subdivision.

#### Clause 4.3 - Height of Buildings

The proposed development is 7.7m high, which complies with the 9m height limit under this clause.

#### Clause 4.4 – Floor Space Ratio

The property has an area of 2,016m<sup>2</sup> and the combined floor area of both the existing dwelling and relocated dwelling is approximately 187m<sup>2</sup> which provides a FSR of 0.09:1, which is compliant with the maximum floor space ratio of 0.8:1.

#### Clause 4.6 - Exception to development standards

There are no exceptions to the development standards

#### Clause 5.4 - Controls relating to miscellaneous permissible uses

This application does not involve any miscellaneous permissible uses



Clause 5.5 – Development within the Coastal Zone

The site is within the Coastal Zone, however, this site is surrounded by developed residential land, is separated from the coastal foreshore and such it is considered that there will be no impact on the coastal zone

Clause 5.9 – Preservation of Trees or Vegetation

This application does not involve the removal of any trees or vegetation prohibited under the Tree Preservation Order.

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 subject site has not identified the site as being one of heritage significance, therefore this clause is not relevant to this application.

Clause 5.11 - Bush fire hazard reduction

The subject site is listed as being bushfire affected. The application has been assessed against the "Planning for Bushfire Protection 2006' as having a Bushfire Attack Level (BAL) of 12.5 and the application will be appropriately conditioned.

Clause 7.1 – Acid Sulfate Soils

The site has been identified as being affected by Class 3 sulphate soils, as works are not proposed more than 1m below the NGL, an acid sulphate soil management plan for minor works is not required with this application.

Clause 7.2 - Earthworks

The site is basically flat and minimal earthworks works are proposed for the construction of the relocated dwelling. It is considered that the minor nature of the proposed earthworks will not have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or of the subject site or surrounding lands.

Clause 7.3 – Flood Planning

The site is flood prone and issues have been addressed later in this report.

Clause 7.4 - Floodplain risk management

The site is flood prone and issues have been addressed later in this report.

Clause 7.5 - Coastal risk planning

The subject site is not within the coastal risk planning zone

Clause 7.6 - Stormwater Management

It is considered that this proposal will minimise the impacts of urban stormwater on the subject site and adjoining properties, through appropriate conditions which will be imposed on the consent.

Clause 7.8 – Airspace operations

The proposed development is not considered to impact upon the operation of the Gold Coast Airport.

Clause 7.9 - Development in areas subject to aircraft noise

The proposal will not have any adverse impacts on the ongoing, safe and efficient operation of the airport, nor is it considered to require noise attenuation measures.

Clause 7.10 - Essential Services

The subject site is located within an established residential area with all requisite essential services available. The proposal does not negatively impact upon the provisions of this Clause.

Other Specific Clauses

There are no other clauses considered applicable to the subject site.

**State Environmental Planning Policies**

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

SEPP No. 44 - Koala Habitat Protection

The site is within the Tweed Heads Koala Management Area identified in the Tweed Coast Comprehensive Koala Plan of Management (TCKMoP) prepared with respect to the provisions of SEPP 44. Councils Natural Resource Management Unit has reviewed the plans and advised:

“With reference to the *Tweed Coast Comprehensive Koala Plan of Management 2015* (TCKPoM) the site occurs within the Southern Tweed Coast Koala Management Area. In accordance with Part 5 of the TCKPoM the following was established:

- The proposed development is considered 'Minor Development'
- The site plan above identifies native trees onsite consistent with Part 5.6.2.
- Existing tree onsite are not recognised as Preferred Koala Food Trees as scheduled under the TCCKPoM.
- The site does not support mapped or otherwise identified Preferred Koala Habitat.
- No evidence of Koala activity was recorded onsite by NRM officers.
- The proposal is considered to comply with the TCCKPoM."

SEPP 71 – Matters for Consideration

- (a) The aims of this Policy set out in Clause 2:
- (b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved
- (c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability
- (d) The suitability of the development given its type, location and design and its relationship with the surrounding area
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities
- (g) measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats;
- (h) measures to conserve fish (within the meaning of Part 7A of the *Fisheries Management Act 1994*) and marine vegetation (within the meaning of that Act), and their habitats
- (i) existing wildlife corridors and the impact of development on these corridors,
- (j) the likely impact of coastal process and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;
- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities;
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;

- (m) likely impacts of development on the water quality of coastal waterbodies,
- (n) the conservation and preservation of items of heritage, archaeological or historic significance,
- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities;
- (p) only in cases in which a development application in relation to proposed development is determined:
  - (i) the cumulative impacts of the proposed development on the environment; and
  - (ii) measures to ensure that water and energy usage by the proposed development is efficient.

#### SEPP71 - Coastal Protection

The proposed development is consistent with the aims and objectives of SEPP71, will have no detrimental impact on sensitive coastal areas and will not restrict public access to the coast.

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

##### *Draft SEPP (Coastal Management) 2016*

The subject site is mapped within the Coastal Use Area under this SEPP and therefore assessment against Divisions 4 and 5 is required.

#### ***Division 4 Coastal use area***

#### ***15 Development on land within the coastal use area***

*Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:*

- (a) *is satisfied that the proposed development:*
  - (i) *if near a foreshore, beach, headland or rock platform—maintains or where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
  - (ii) *minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
  - (iii) *will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*

- (iv) will not adversely impact on Aboriginal cultural heritage and places, and*
- (v) will not adversely impact on use of the surf zone, and*
- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

The proposed development relates to the installation of a three bedroom relocatable dwelling to the rear of the property and the conversion of the existing dwelling to a two bedroom satellite building to the relocated dwelling by the removal of the kitchen and laundry facilities from the existing dwelling.

It is considered that the proposal is consistent with Division 4 of the draft SEPP, in that it will have no significant impacts in relation to overshadowing, wind funnelling or the loss of views, visual amenity and scenic qualities of the coast, Aboriginal cultural heritage and places, and the surf zone.

#### ***Division 5 General***

##### ***16 Development in coastal zone generally—development not to increase risk of coastal hazards***

- (1) Development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

**Note.** *Clause 13 (2) (b) contains a development control provision that substantially mirrors the effect of this provision.*

- (2) This clause ceases to have effect at the end of 31 December 2021.*

##### ***17 Development in coastal zone generally—coastal management programs to be considered***

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of the following:*

- (a) a coastal management program that applies to the land,*
- (b) a coastal zone management plan (within the meaning of the Coastal Protection Act 1979) that applies to the land that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.*

The proposed development relates to the proposal comprise the installation of a three bedroom relocatable dwelling to the rear of the property and the conversion

---

of the existing dwelling to a two bedroom satellite building to the relocated dwelling by the removal of the kitchen and laundry facilities from the existing dwelling.

It is considered that the proposal will not result in increased risk of coastal hazards on that land or other land. All relevant coastal management programs (NSW Coastal Policy) have been considered in the assessment of the application.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

**Section A1 - Residential and Tourist Development Code**

The proposed development is consistent with the planning controls for residential development within the Tweed Development Control Plan Section A1 - Residential and Tourist Development Code, as per the following assessment against the relevant provisions:

Design Theme: Context (Streetscape, views and vistas)

The proposed development will not impact on any significant views or vistas and will not impede on the views of neighbouring allotments. The building design and scale is considered to be consistent and compatible with the desired streetscape for the locality. The relocated dwelling is set back 60 metres from the front property, behind the existing dwelling and it is envisaged that the relocated dwelling will not be seen from the street.

Design Theme: Site Design (Topography, Cut and Fill)

The site is generally level, therefore only minor earthworks works are proposed, which will not result in any significant deviation from the natural form of the land.

Design Theme: Site Design (Landscape, deep soil plant zones and external living areas)

Proposed landscaped areas comply with the minimum requirements for an allotment of this size. Deep soil zones are located at the rear and front of the lot and both are greater than the minimum dimensions required. Outdoor living space transitions directly to rear landscaped areas, additional landscaping is proposed around the relocated dwelling to minimise its visual impact on adjoining properties.

Design Theme: Building Envelope (Setbacks, heights and site coverage)

The proposal complies with all of the stated setbacks requirements, height requirements and provides acceptable site coverage. The remaining building envelope controls are compliant with the controls requirements. The Relocated dwelling is set back 60 metres from the front property Boundary, 5.0 metres from

the eastern side boundary, 7.0 metres from the western side boundary and 28.0 metres from the rear southern boundary.

Design Theme: Building Design (Solar Access, ventilation, building form, visual and acoustic privacy, overshadowing and garages and car parking)

The proposed development is consistent with the planning principles and controls for building design. The proposed relocated building is a high set 3 bedroom weatherboard clad, colour bond roofed dwelling. The dwelling is 7.4 metres wide, 12.9 metres long and 7.5 metres high to ridge line and has a floor area of 95m<sup>2</sup>. Living areas have been orientated north for solar access and car parking spaces are provide beneath the dwelling.

A2-Site Access and Parking Code

Being a large residential property, the proposal is consistent with the objectives of the Code as ample off street parking is available of the site.

A3-Development of Flood Liable Land

The subject site is mapped as being flood affected. The design flood level is understood to be RL 3.1m AHD, with the minimum habitable floor level at 3.6m AHD. The proposed habitable floor level is RL 4.88m AHD which is compliant.

The area below the relocated dwelling within the flood plain is open in design and therefore consistent with the aims and objectives of this plan for enclosures with the floodplain.

The application was referred to Councils Flooding & Stormwater engineer for comments and while he has advised the proposal is permissible under the requirements of DCP A3 Development of Flood Liable Land, has raised some concerns over the proposal. Comments have been reproduced below for Council's information.

*"The applicant proposes alterations and additions to an existing dwelling comprising the addition of a relocated dwelling and conversion of the existing dwelling to a 2 bedroom satellite building (kitchen to be decommissioned and removed) at the subject site.*

*A Development Application for a detached dual occupancy was originally lodged (DA17/0179) but was withdrawn once the applicant became aware of the flood related controls precluding dual occupancies.*

*The current application is not a detached dual occupancy and is now an extension to an existing dwelling. The proposed dwelling is comprises 2 x separate structures.*

*The proposed addition is above minimum habitable floor level, does not include any enclosure below design flood level, and is certified by a structural engineer. Therefore, the proposal is permissible under DCP-A3 Development of Flood Liable Land.*

*However, whilst the planning definition of the proposal is 'dwelling', the separated nature of the proposal resembles a dual occupancy. This raises some concerns.*

### **Flooding in Chinderah**

#### *Risk to Life*

*Chinderah's population, demographic and absence of flood free, rising road access limits evacuation capability. This is likely to result in many residents remaining in their homes during a flood event which exposes them to significant personal risk*

#### *Risk to Property*

*Properties on the Chinderah floodplain can be at risk of serious structural damage due to high velocities and depths of flood flows. The Chinderah Floodplain is hydraulically sensitive and therefore cannot be filled without negatively affecting other areas of the floodplain. The typical building type is structurally raised single dwelling (similar to South Murwillumbah, Condong and Tumbulgum). The result is a large number of properties exposed to regular flooding representing a significant cumulative risk to property in the locality.*

### **Development Controls**

*The Tweed Valley Floodplain Risk Management Study recommended that:*

*Hydraulic impacts associated with filling of land limits development potential in Chinderah Village. Further, incremental development that leads to substantial cumulative expansion in the population could result in unacceptable risks due to existing evacuation constraints (specifically evacuation route capacities and local drainage issues).*

*No changes to the DCP controls should be made to land within the floodplain, which would have the effect of increasing development potential on an incremental basis;*

*DCP-A3 Development on Flood Liable Land generally prohibits Dual Occupancy and Multi Dwelling Housing in Chinderah. The intent of these controls is to limit future cumulative increases in risk to life and property due to development in Chinderah.*

### **Concerns with the Subject Proposal**

*Whilst the planning definition of the proposal is 'dwelling', the separated nature of the proposal resembles a dual occupancy.*

*Proliferation of this dwelling type, combined with a lack of compliance enforcement may result in conversion to unapproved dual occupancies.*

*This would cause incremental increases in the population of Chinderah, and subsequently the exposure to flood risk that would be unacceptable."*



In view of these concerns specific conditions have been placed on the application regarding the use of the two buildings as a single dwelling.

A11-Public Notification of Development Proposals

The Application was notified to adjoining property owners in accordance with Section A11 with a submission period of 14 days from Monday 13 November 2017 to Monday 27 November 2017. No submissions were received to the proposal.

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

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

The site is covered by the Government Coast Policy (the NSW Coastal Policy 1997). It is considered that the proposal would be consistent with the provisions of the NSW Coastal Policy 1997.

Clause 92(1)(b) Applications for demolition

Not applicable as the application does not propose any demolition, other than the removal of the kitchen and laundry facilities from the existing dwelling on the property.

Clause 93 Fire Safety Considerations

Clause 93 requirements are not applicable to the proposal.

Clause 94 Buildings to be upgraded

Clause 94 requirements are not applicable to the proposal.

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

The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure. Given the location of the development is not on the coastal foreshore and is not located within the Coastal Erosion Hazard zone it is considered that the proposal is consistent with the objectives of the clause.

**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 proposed development is considered not to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology; and, social and economic demand. The Management Plan objectives at Clause 3.1.1 are therefore satisfied.

**Tweed Coast Estuaries Management Plan 2004**

This Management Plan applies to the estuaries of Cudgen, Cudgera and Mooball Creeks. The subject site is not located in close proximity to any of these creeks and as such this management plan does not apply to the subject application.

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

As the subject site is not located within the Cobaki or Terranora Broadwater (within the Tweed Estuary), this Plan is not considered 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**

Context and Setting

The proposed development is not considered to have any significant impact upon the residential amenity of the occupants of adjoining properties. The proposal is considered reasonable and appropriate, given the site is within a residential zone.

The proposed relocated dwelling and use of the existing building as a separate living space in conjunction with the relocated dwelling, does not compromise the existing or desired future character of the area, the combined floor area of the relocated dwelling and satellite building at approximately 190m<sup>2</sup> is similar to what could be reasonably expected for a new dwelling in the locality.

Access, Transport and Traffic

No change is proposed to the existing vehicle access to the site. Any additional traffic generated by the development would be consistent the single dwelling use of the land.

Flora and Fauna

The proposed relocated dwelling is to be located on a cleared portion of the property and no trees are proposed to be removed. The proposal is considered unlikely to impact on flora and fauna in the area.

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

Surrounding Landuses/Development

The development is compatible with surrounding land uses being R2 low density residential.

The subject site is located within an existing residential area. The bulk and form of the proposal is considered acceptable and generally in keeping with surrounding

development and desired future development of the area. It is considered that the proposal would not be out of character with the established residential development in the area.

#### Topography

The site is basically flat with a natural ground level of approximately RL1.8m AHD.

#### Site Orientation

The property is a large residential parcel of land (2,016m<sup>2</sup>) and the proposed relocated dwelling has been orientated so that living areas face north.

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

The Application was notified to adjoining property owners in accordance with Section A11 with a submission period of 14 days from Monday 13 November 2017 to Monday 27 November 2017. No submissions were received to the proposal.

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

It is considered that approval of the application would not raise any implications in relation to the public interest.

#### **OPTIONS:**

1. Approve the application in accordance with the recommendation.
2. Refuse the application.

Council officers recommend Option 1.

#### **CONCLUSION:**

The use of the two separate buildings as a single dwelling house is permissible within the zone and consistent the design requirements of section A1 of Councils development controls plan.

The proposal is also permissible under the requirements of DCPA3 Development of Flood Liable Land and it is therefore recommended the application be approved subject to the recommended conditions.

#### **COUNCIL IMPLICATIONS:**

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

Corporate Policy Not Applicable

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

Not Applicable.

**c. Legal:**

The applicant may appeal Council's determination in the NSW Land and Environment Court should Council decide to refuse the application.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**13 [PR-CM] Development Application DA17/0347 for the Installation of Plant Shelter and the Production and Processing of Edible Flowers in Conjunction with an Existing Rural Industry at Lot 3 DP 1191598 No. 67 Howards Road, Burringbar**

**SUBMITTED BY: Development Assessment and Compliance**

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

2	Making decisions with you
2.1	Built Environment
2.1.2	Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:** **Provider**

---

**SUMMARY OF REPORT:**

Council is in receipt of an application for the installation of a plant shelter and associated activities for the growing and preparation of edible flowers for sale. The plant shelter and its use is an extension of an existing approved rural industry at the subject site.

The site has an approval for a rural industry described as a micro-herbs production facility subject to Development Approval DA13/0712 which comprises of two green houses, water tanks, roof water storage pond and various sheds for the housing of machinery and for associated production activities.

The applicant wishes to extend the current operation to the growing and processing of edible flowers for sale for which an additional open sided plant shelter is required. The applicant has stated that the edible flower production will be relatively minor in scale and represents an extension to the existing approved rural industry. The applicant has confirmed that the activities associated with the edible flower production will not require additional staff and will not result in additional traffic generations. As such is considered that this proposal represents an extension of the approved rural industry rather than an intensification of use of the site.

The applicant has stated that the open sided plant shelter is not to be enclosed and will not contain any fans or other mechanical or noise generating devices other than an irrigation pump. The edible flower production activities associated with the plant shelter will not require additional staff or result in a significant increase in traffic movements from or to the site as the product will be delivered with existing produce.

The current operations at the site are subject to ongoing noise complaints by neighbouring residents. The applicant was requested to prepare a Noise Impact Study (NIS) in accordance with the conditions of consent for DA13/0712. The NIS validated affected residents' concerns and recommended mitigation and management measures to ensure noise emissions do not exceed the adopted criteria. The site is subject to an ongoing monitoring program to ensure compliance with the recommendations of the NIS report.

This application for a plant shelter received 13 submissions objecting to the proposal. All the submissions cited noise associated with the current operations as the primary reason for objecting to the proposal with visual amenity impacts and concerns regarding overdevelopment of the site also being listed as reasons for objection.

The applicant provided additional information in response to Council's request for detailed information of activities associated with the proposed plant shelter and in response to the public submissions. The applicant subsequently provided sufficient information to determine that activities associated with the proposed plant shelter will not significantly increase noise emissions from the site. The applicant has also indicated a willingness to undertake landscaping to screen the plant shelter from neighbouring properties.

The proposal is located 30m from a third order stream and as such the application was referred to NSW Department of Primary Industries - Water who have provided general terms of approval to be imposed as conditions of consent.

The assessment of this application revealed inconsistencies between current operations on site and the approved plans for DA13/0712. These inconsistencies relate primarily to structures on site which do not appear on the approved plans for DA13/0712. This matter is to be remedied by imposing a condition on the approval for the plant shelter that prior to the issue of a construction certificate for the plant shelter, an application (development application or Section 96 modification application) is required to be submitted to Council to seek approval for any unapproved structures that are not exempt development.

The proposed plant shelter and the production of edible flowers represent a diversification of the existing approved rural industry which is consistent with the objectives of the rural zone. The applicant has satisfactorily demonstrated that the operations associated with the proposed plant shelter will not result in a significant increase in noise emissions from the site. The consent will be conditioned to ensure that any potential noise, visual amenity and environmental impacts are minimised and appropriately managed where applicable.

#### **RECOMMENDATION:**

**That Development Application DA17/0347 for the installation of plant shelter and the production and processing of edible flowers in conjunction with an existing rural industry at Lot 3 DP 1191598 No. 67 Howards Road, Burringbar be approved subject to the following conditions:**

#### **GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:**

- Site plan Dwg No. 22196B prepared by B&P Surveys and dated 13 September 2017;
- Footing layout Dwg No. P-02 prepared by Rob Aungle & Associates and dated 16 March 2017;
- Framing plan Dwg No. P-03 prepared by Rob Aungle & Associates and dated 16 March 2017;

except where varied by the conditions of this consent.

[GEN0005]

2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.  
[GEN0115]
3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.  
[GEN0135]
4. 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]
5. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.  
[GENNS01]
6. The following activities are not permitted within the 20m riparian corridor (as detailed in the General Terms of Approval issued by Department of Primary Industries - Water) where associated with this development:
  - a) Clearing, lopping or removal of any native plants;
  - b) Erection of any fixtures or improvements including building or structures (unless required to improve stormwater and/or sediment and erosion control management);
  - c) Depositing of any fill, soil, rock rubbish, ashes, garbage, waste, or other foreign material; and
  - d) Performance of any other acts which may have detrimental impact on the values of the riparian corridor.  
[GENNS02]
7. The attached GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for a Controlled Activity approval after consent has been issued and before the commencement of any work or activity.  
[GENNS03]

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

8. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate which addresses the following:
- a. An appropriate screen planting on the southern boundary adjacent to and as a minimum, for the length of proposed plant shelter.
  - b. Landscaping is to contain no noxious or environmental weed species and a minimum 80% of total plant numbers comprised of local native species. [PCC0585]
9. Prior to the issue of a construction certificate for the plant shelter, an application is required to be submitted to Council to seek approval for the stockpiling bays and any other unapproved structures that are not exempt development and are not shown on the plans for DA13/0712. [PCCNS01]

**PRIOR TO COMMENCEMENT OF WORK**

10. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works. [PCW0005]
11. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - (i) appointed a principal certifying authority for the building work, and
    - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:



- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
- (ii) notified the principal certifying authority of any such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

[PCW0215]

12. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing.

[PCW0225]

13. Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

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

[PCW0995]

#### **DURING CONSTRUCTION**

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

[DUR0005]

16. Commencement of work, including the switching on and operation of plant, machinery and vehicles is limited to the following hours, unless otherwise permitted by Council:

**Monday to Saturday from 7.00am to 6.00pm**

**No work to be carried out on Sundays or Public Holidays**

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

17. 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]

18. 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]

19. 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]

20. 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]

21. 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]

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

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

[POC0005]

23. 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]

24. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

25. All approved landscaping requirements must be completed to the satisfaction of the General Manager or delegate PRIOR to issue of Occupation Certificate.

[POC0475]

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

[POC1055]

## USE

27. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

[USE0125]

28. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

[USE0145]

29. Except as may be expressly provided in a licence approval under the Protection of the Environment Operations Act 1997 (POEO) Act, the licence holder must comply with section 120 of the POEO Act 1997 prohibiting the pollution of waters.

[USE0155]

30. All deliveries to the premises are to occur only within the approved operating hours of 7:00am to 5:00pm Monday to Sunday, unless otherwise approved by Councils General Manager or his delegate. Urgent or medical related deliveries exempted.

[USE0195]

31. 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]

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

[USE0255]

33. The use of mechanical plant is limited to a small electric pump for irrigation. The use of mechanical plant shall not be used outside of the approved hours of operation. 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.

[USE0301]

## GENERAL TERMS OF APPROVAL UNDER s89, 90 OR 91 OF THE WATER MANAGEMENT ACT 2000 (Approval for a Controlled Activity)

---

<b>Condition Number</b>	<b>Details</b>
	<b>Design of works and structures</b>
<b>GT0009-00004</b>	<b>Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.</b>
	<b>Erosion and sediment controls</b>
<b>GT0006-00001</b>	<b>The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.</b>
<b>GT0014-00003</b>	<b>A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.</b>
<b>GT0021-00004</b>	<b>The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.</b>
	<b>Plans, standards and guidelines</b>
<b>GT0002-00045</b>	<b>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 170347 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Murwillumbah Office, must be notified in writing to determine if any variations to the GTA will be required.</b>
<b>GT0005-00012</b>	<b>A. The application for a controlled activity approval must include the following plan(s): - construction plans - showing all excavation for footings and utilities for the structure. B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's guidelines located on the website <a href="http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity">www.water.nsw.gov.au/water-licensing/approvals/controlled-activity</a></b>

---

**GT0008-00005**      **A. Before the proposed activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division. B. The corridor must extend for: i. a width of 20 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the activity.**

**GT0010-00003**      **All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.**

**GT0012-00002**      **Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Crown Lands and Water Division.**

---

**Rehabilitation and maintenance**

**GT0023-00001**      **Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).**

---

**Reporting requirements**

**GT0016-00002**      **The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.**

**SCHEDULE 1**

**The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with DA17/0347 as provided by Council:**

- **Council referral letter**
- **Council DA application**
- **Owners consent**
- **SEE and appendix**

## REPORT:

**Applicant:** Pocket Herbs & Produce Pty Ltd  
**Owner:** Hydrogarden Australia Pty Ltd  
**Location:** Lot 3 DP 1191598; No. 67 Howards Road, Burringbar  
**Zoning:** RU2 - Rural Landscape  
**Cost:** \$4,000

## Background:

### Site details

Council is in receipt of an application for the installation of a plant shelter and associated activities related to the growing and preparing edible flowers for sale. The edible flower production is an extension of an existing approved rural industry at the subject site.

The subject site is 2.27 ha (22,700m<sup>2</sup>) and is roughly rectangular in shape with an 80m frontage to Howards Road. The site is bisected by a perennial stream (Third Order stream) that meanders through the rear portion of the lot. The front portion of the lot is relatively flat and the rear of the lot is elevated approximately 25m above the stream.

The site is currently used for the purposes of a rural industry subject to development consent DA13/0712 for a micro herb production facility including two greenhouses, two pump sheds, potting shed/ office, water tanks, driveway access and associated earthworks granted 1 April 2014. The micro herb production facility will employ approximately 15 staff once fully operational.

A two storey dwelling is approved for the site subject to DA16/0097 granted 4 February 2016. A construction certificate is yet to be issued for the dwelling which is proposed to be located at the rear of the site which is separated from the existing micro herb production facility by the third order stream. An unapproved bridge crossing the stream was washed away in the April 2017 flood event and will require a development application prior to being reinstated.

### Application details

This application relates to the construction of an open sided plant shelter and associated activities related to the growing and preparing of edible flowers for sale. The plant shelter, which may be defined as a farm building, is currently located at a site within Byron Shire and is to be relocated to the subject site. The plant shelter measures 20m x 12.8m x 4.8m high and is proposed to be located approximately 5m from the southern side boundary of the subject site at the rear of an existing shed. The plant shelter will not be visible to the casual user of Howards Road.



The plant shelter is to be used for the growing of edible flowers in conjunction with the existing micro herb production facility. The operations associated with the growing and processing of edible flowers will not require any additional staff or result in additional traffic generation. The applicant has stated that the edible flower production will be relatively minor in scale and represents an extension to the existing approved rural industry.

The following details regarding the edible flower production and the use of the plant shelter have been provided by the applicant:

- The structure will remain open sided;
- The edible flowers are to be grown in raised garden beds measuring 2.1m x 1.1m with a height of 800mm;
- There will be no temperature control plant or machinery or other mechanical devices mounted in the structure;
- Irrigation of the plants will occur via drip irrigation which will be operated by a small pump located next to the adjacent metal shed. Irrigation will be on a timer that would run four to five times per day for approximately 15 minutes;
- Flowers will be cut by hand;
- Pesticide spraying if required would be undertaken using a back pack mister and chemicals safe for use on edible plants;
- No additional equipment will be used for fertilising as nutrients will be administered via the drip fed irrigation system;
- The plant and equipment will not require regular cleaning or maintenance apart from regular servicing of the irrigation pump;
- The edible flowers will be delivered with existing produce and as such there will be no additional traffic generation associated with the edible flower production;
- The edible flower production will require the 'occasional' deliveries of punnets and cartons in conjunction with the current operation of the site;
- The growing media and plants are 'long term' and as such waste generation is not envisaged beyond the disposal of dead or diseased plants. The growing media (soil) for the plants will have a life span of 3-5 years;

- Activities associated with the production of the edible flowers will utilise the existing site infrastructure approved by DA13/0712;
- The edible flower production will not require additional staff as the activity is to be undertaken in conjunction with the existing approval micro-herb production facility.

The site contains existing rural infrastructure relating to the approved rural industry which will support the proposed edible flower production including:

- Pump/storage sheds;
- Potting shed/office;
- Water tanks;
- Toilet facilities;
- Driveway access and parking;
- Roof water detention pond.

The application was referred to the NSW Department of Industry, Crown Lands & Water Division (DPI Water) as the application was identified as Integrated Development with reference the *Water Management Act 2000*. General Terms of Approval were issued by DPI Water to be imposed as conditions of constant and includes the requirement for an application for a controlled activity approval to be submitted to Crown Lands and Water Division prior to the commencement of any works.

The application was advertised with a submission period of thirty days from Wednesday 21 June 2017 to Friday 21 July 2017. During this time 13 submissions were received objecting to the application. All the submissions cited noise as being the primary reason for objection to the application with the additional following matters also being raised as reasons for objection: visual amenity impacts; traffic generation; overdevelopment of site; and environmental impacts. Additional matters were included in the submissions that relate to the existing approval and do not directly relate to this application for a plant shelter and include: *'flawed'* planning process associated with the current approval; current approval not consistent with rural landscape character of the land; impact on property values; suitability of the site for the current approval; misrepresentation by the applicant with regard to the previous application; compliance matters associated with current operations (noise); environmental impacts of current operations; power usage of current operations; and amenity impacts of current operation on rural residential uses of the locality. The submissions are discussed in detail in a later section of this report.

The application was referred internally to the Environmental Health, Building Services, and Natural Resource Management Units who have no objections to the proposal subject to the conditions included within this report.

#### Existing operational issues

This report provides an assessment of the proposed plant shelter for the production of edible flowers as a discrete application. However it is noted that the operation of the site as approved by DA13/0712 is the subject of ongoing noise complaints by surrounding residents relating primarily to the 24 hour operation of fans located within the largest of the greenhouses. In response to these complaints, the applicant was requested to prepare a Noise Impact Study (NIS) in accordance with the conditions of consent for DA13/0712. The NIS validated affected residents' concerns and recommended mitigation and management



measures to ensure noise emissions do not exceed the adopted criteria. Details of the NIS report were reported to Council at the Planning Committee Meeting of 3 August 2017. The site is subject to an ongoing monitoring program to ensure compliance with the recommendations of Council and the NIS report.

A site inspection undertaken as part of the assessment process for the proposed plant shelter and edible flower production revealed a number of inconsistencies with the approved plans for DA13/0712. The site currently contains a number of structures that are not included in the approved plans for the micro-herb production facility approved subject to DA13/0712. It appears that the structures are not exempt and require approval. This consent is to be conditioned to rectify these matters by requiring the lodgement of a development application or a Section 96 modification application to seek approval for any unapproved structures that are not exempt development, prior to the issue of a construction certificate for the proposed plant shelter.

One of the unapproved structures noted above is used for stockpiling of material (soil and the like) associated with the current approved operations and is located adjacent to the third order stream. Advice from DPI Water has confirmed that the deposition of material on land within 40m of the water way constitutes a controlled activity and the applicant has been advised that a Controlled Activity Approval is required under the *Water Management Act 2000*. Any application to seek approval for the unapproved structure used for the stockpiling of material will be defined as integrated development and will require referral to DPI Water.





**SITE DIAGRAM/AERIAL PHOTOGRAPH:**



SOURCE: Aerial imagery taken May 2015 by LPI

**Aerial Photo - taken May 2015**  
Lot 3 DP 1191598

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

Cadastra: 27 October, 2017  
© Land and Property Information (LPI)  
& Tweed Shire Council.  
Boundaries shown should be considered approximate only.

0 10 20 M  
1:1,800 @ A4 Portrait  
DO NOT SCALE  
COPY ONLY - NOT CERTIFIED

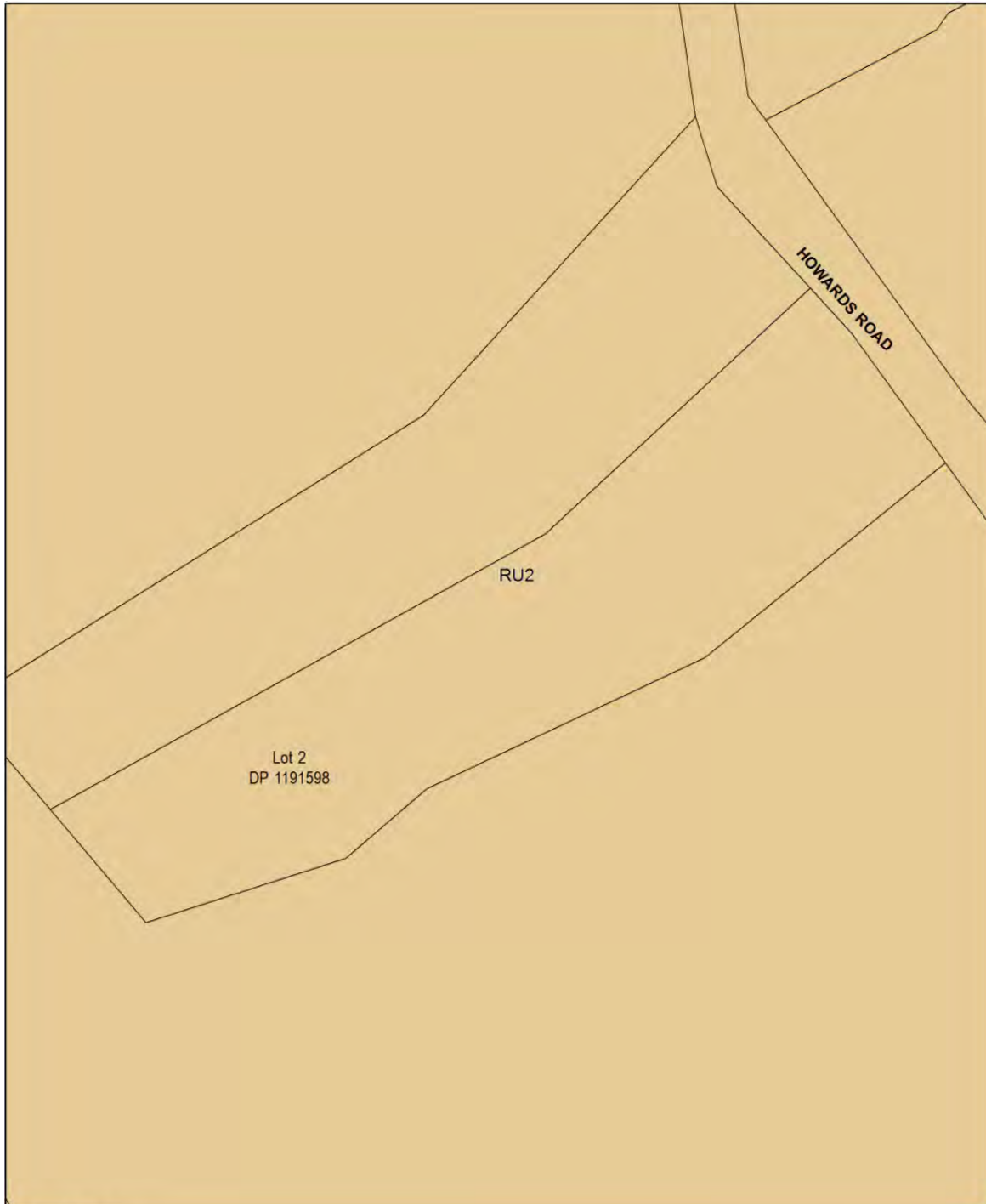
Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geoidetic Datum of Australia 1994  
Grid: Map Grid of Australia, Zone 56

Civic and Cultural Centre  
3 Tumbulgum Road  
Murrumbidgee NSW 2484  
PO Box 816  
Murrumbidgee NSW 2484  
T | (02) 6670 2400 | 1300 292 872  
F | (02) 6670 2429  
W | www.tweed.nsw.gov.au  
E | planning@tweed.nsw.gov.au





**ZONING MAP:**



**Land Zoning**

**RU2** Rural Landscape

1:1,628 @ A4 Portrait  
 0 10 20 30 40 M  
 DO NOT SCALE  
 COPY ONLY - NOT CERTIFIED  
 Map Projection: Universal Transverse Mercator  
 Horizontal Datum: Geodetic Datum of Australia 1994  
 Grid: Map Grid of Australia, Zone 56

**TWEED**  
 CIVIC AND CULTURAL CENTRE  
 3 TAMBULGUM ROAD  
 MURWILLUMBAH NSW 2484  
 PO Box 816  
 Murwillumbah NSW 2484  
 T | (02) 6670 2400 | 1300 292 672  
 F | (02) 6670 2429  
 W | www.tweed.nsw.gov.au  
 E | planningreferrals@tweed.nsw.gov.au

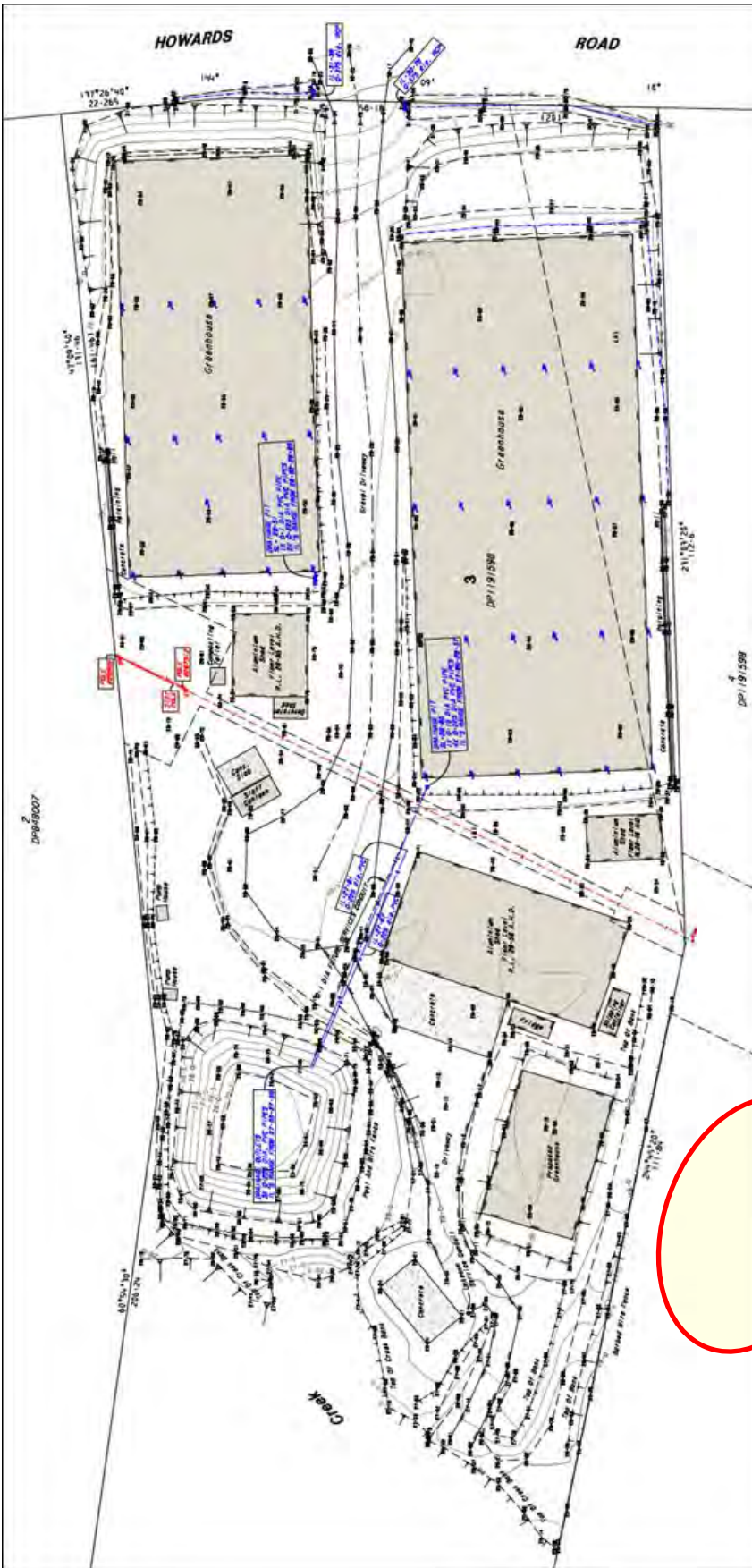
**Tweed Local Environmental Plan 2014  
 Land Zoning**  
 Lot 1 in DP 1185359  
 No. 16 Naru Street,  
 Chinderah

Council File | DA16/0647  
 revised | 03/10/2017

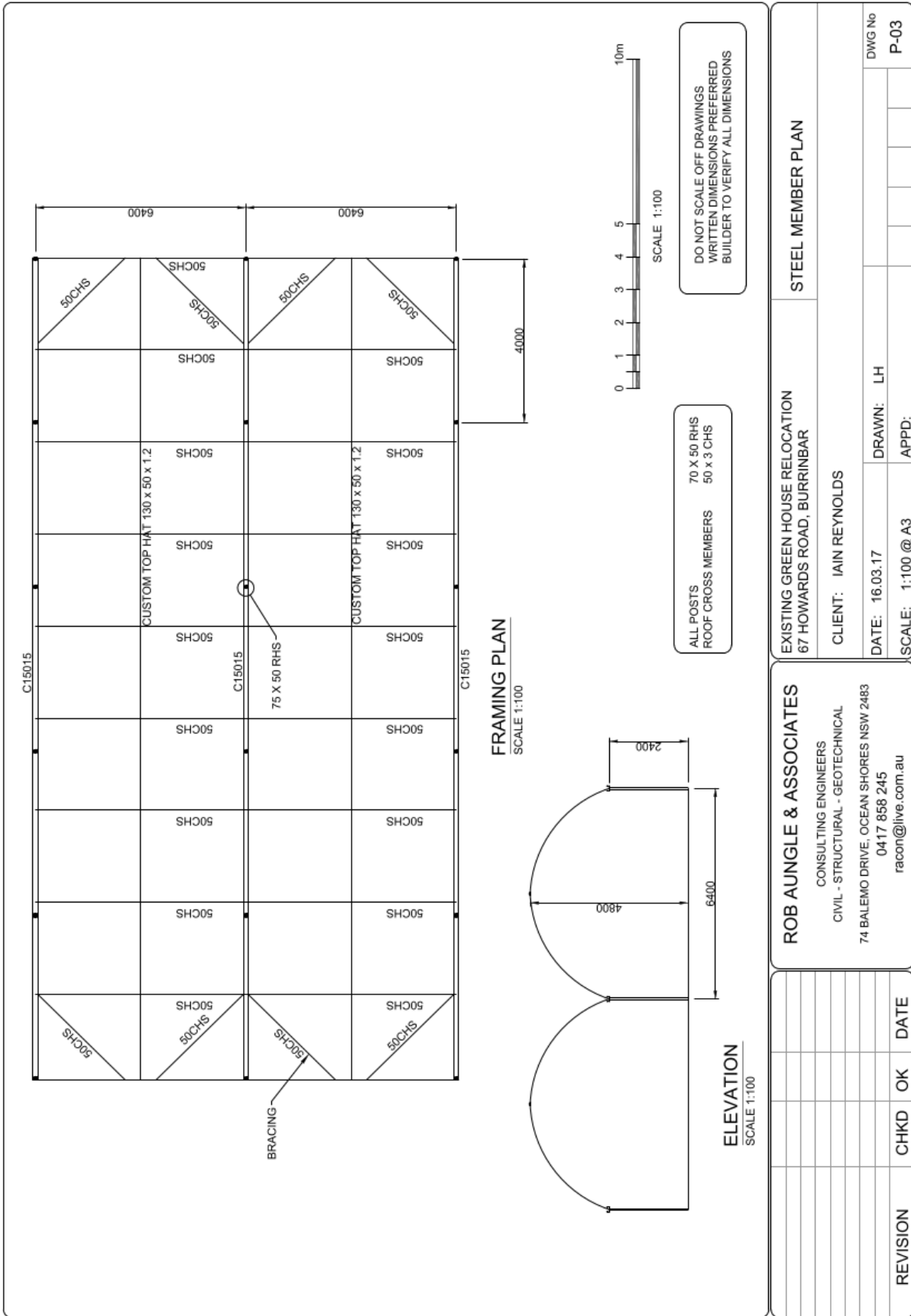
Base Data 04/10/2016  
 © Land and Property Information (LPI)  
 Addendum Data 27/10/2017  
 © Tweed Shire Council  
 Boundaries shown should be  
 considered approximate only.

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

**DEVELOPMENT/ELEVATION PLANS:**



**Site map with location of proposed plant shelter circled**



Development plans

STEEL MEMBER PLAN	
EXISTING GREEN HOUSE RELOCATION 67 HOWARDS ROAD, BURRINBAR	
CLIENT: IAIN REYNOLDS	
DATE: 16.03.17	DRAWN: LH
SCALE: 1:100 @ A3	APPD:
DWG No P-03	

<b>ROB AUNGLE &amp; ASSOCIATES</b> CONSULTING ENGINEERS CIVIL - STRUCTURAL - GEOTECHNICAL 74 BALEMO DRIVE, OCEAN SHORES NSW 2483 0417 858 245 racon@live.com.au	
REVISION	CHKD OK DATE

**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**

The aims of this plan as set out under Section 1.2 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, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
- (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the 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, geological and ecological integrity of the 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 development of a plant shelter in association with an existing approved rural industry is considered to be generally in accordance with the aims of this plan having regard to its nature and permissibility in the subject zone.

Clause 2.3 – Zone objectives and Land use table

The objectives of this RU2 Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land.*

The proposed plant shelter and associated activities related to the growing and preparation of edible flowers for sale is proposed in conjunction with an approved rural industry which is permitted with consent within the zone and is defined as:

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) *agricultural produce industries,*
- (b) *livestock processing industries,*
- (c) *composting facilities and works (including the production of mushroom substrate),*
- (d) *sawmill or log processing works,*
- (e) *stock and sale yards,*
- (f) *the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

The plant shelter may be defined at a farm building which is permitted with consent:

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

The specific use of the plant shelter, being the cultivation of edible flowers, may be defined as intensive plant agriculture which is permissible without consent within the zone, however the associated activities related to the preparation of the edible flowers for sale is defined at a rural industry for which development consent is required.

***intensive plant agriculture*** means any of the following:

- (a) *the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),*
- (b) *horticulture,*
- (c) *turf farming,*
- (d) *viticulture.*

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

Not applicable as no subdivision is proposed.

Clause 4.3 - Height of Buildings

The maximum height of the proposed plant structure is 4.8m which is compliant with the 10m height control for the site.

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.*

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. Gross floor area is the area of a building measured from the internal face of external walls.

The proposed plant shelter has open sides and therefore the floor space ratio calculation is not applicable to the proposal.

Clause 4.6 - Exception to development standards

Not applicable as no exception to development standards are proposed.

Clause 5.4 - Controls relating to miscellaneous permissible uses

Not applicable as the proposed use is not listed within this clause.

Clause 5.5 – Development within the Coastal Zone

The site is not in area to which the NSW Coastal Policy applies.



Clause 5.9 – Preservation of Trees or Vegetation

The development site is clear of significant vegetation and no vegetation is proposed to be removed to facilitate the construction of the plant shelter. The proposal is consistent with the provisions of this clause.

Clause 5.10 - Heritage Conservation

Not applicable as the site is not mapped as being within a heritage conservation area.

Clause 5.11 - Bush fire hazard reduction

The application does not impact the provisions of this clause.

Clause 7.1 – Acid Sulfate Soils

Not applicable as the site is not mapped as being affected by acid sulfate soils.

Clause 7.2 - Earthworks

No earthworks are proposed to facilitate the construction of the plant shelter. The proposed plant shelter will be located on a level area of the site. Minor soil disturbance will be limited to construction of the footings for the plant shelter. The proposal is compliant with the provisions of this clause.

Clause 7.3 – Flood Planning

Not applicable as the site is not mapped as being flood prone.

Clause 7.4 - Floodplain risk management

Not applicable as the site is not mapped as being within an area subject to the floodplain risk management provisions.

Clause 7.5 - Coastal risk planning

Not applicable as the subject site is not mapped as being within coastal risk planning area.

Clause 7.6 - Stormwater Management

It is noted that this clause applies to residential, business and industrial zones only and is therefore not applicable to this application.

The site has a roof water storage pond located adjacent to the northern side boundary of the site. The applicant has stated that stormwater runoff from the roof of the proposed plant shelter will be directed into the existing storage pond and no additional hardstand areas outside of the plant shelter are proposed.

Clause 7.8 – Airspace operations

Not applicable as the subject site is not mapped as being affected by airspace operations.

Clause 7.9 - Development in areas subject to aircraft noise

Not applicable as the subject site is not mapped as being affected by aircraft noise.

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,*

Council's reticulated water supply is not available to the site. The existing approved micro herbs production facility has a roof water storage pond and number of rainwater tanks for the onsite capture and storage of rainwater.

(b) *the supply of electricity,*

Electricity is available to the site and it is noted that Council was notified of a power reticulation upgrade to be undertaken on site in relation to the operation of the existing approved rural industry.

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

The site has approval for an onsite sewerage management system

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

The site has an existing approval for stormwater and drainage works and roof water runoff from the proposed plant shelter will be directed into the existing roof water storage pond.

(e) *suitable vehicular access.*

The site has suitable vehicular access as approved by the consent for the micro herbs production facility.

The applicant has stated that no additional services or upgrading of existing facilities will be required to facilitate the development and operation of the proposed plant shelter.

Other Specific Clauses

No other specific clauses are applicable to this proposal.

## **State Environmental Planning Policies**

### **SEPP No. 44 - Koala Habitat Protection**

The subject site is greater than 1 ha and as such the provisions of this SEPP apply. The development site is within an area approved for use as a rural industry and does not contain any significant vegetation. No native vegetation is proposed to be impacted by the construction and ongoing use of the proposed plant shelter.

The provisions of this SEPP have been satisfied.

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

The potential for contaminated land was considered during the assessment of DA13/0712 for the micro herb production facility in which the risk of land contamination was considered to be low. The use of the site for the purposes of a micro herbs production facility was considered to be acceptable with respect to contaminated land risk.

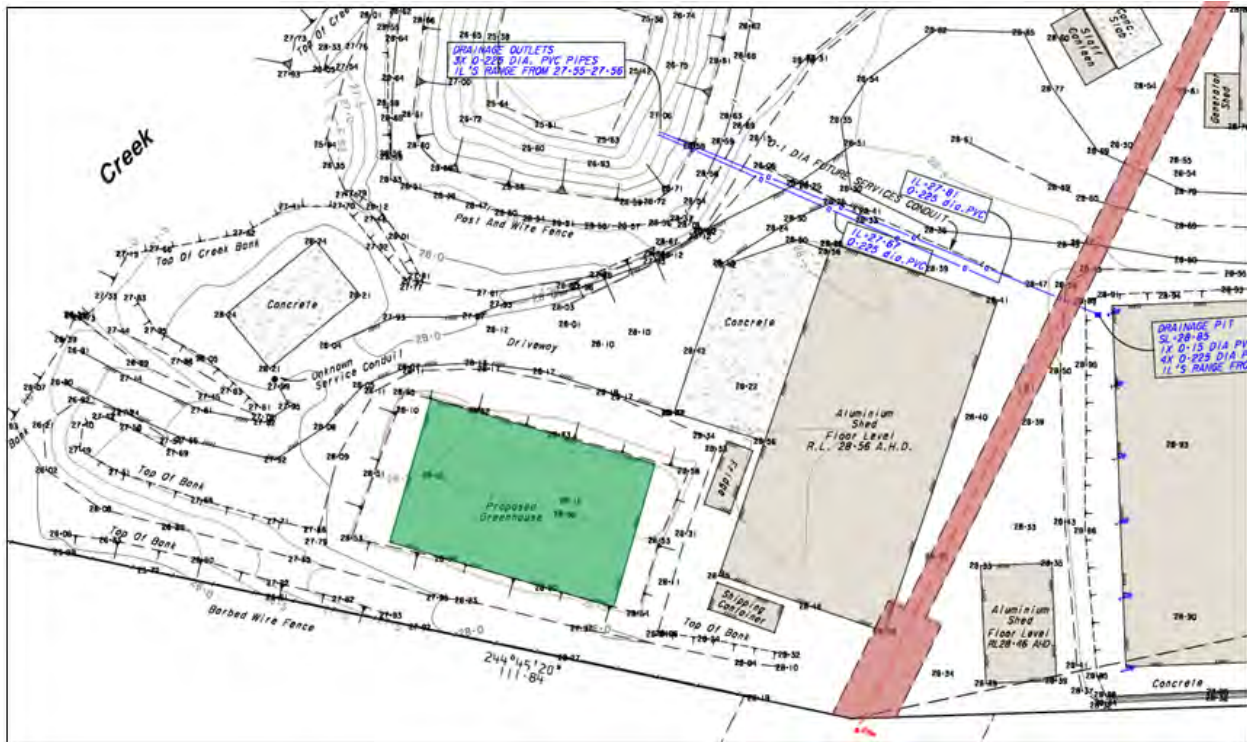
The use of the proposed plant shelter is consistent with existing activities on site and no further assessment with respect to contaminated land is required. The provisions of the SEPP have been satisfied.

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

An easement for electricity supply of variable width transects the site. The proposed plant shelter is located at a minimum distance of approx. 20m from the easement. Clause 45 of the Infrastructure SEPP applies to the following development states that before the determination of a development application, the consent authority must notify the electricity supply authority and consider any response to that notification:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) *development carried out:*
  - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
  - (ii) *immediately adjacent to an electricity substation, or*
  - (iii) *within 5m of an exposed overhead electricity power line.*

Referral to the Essential Energy was not considered to be warranted considering the distance of the proposed structure from the easement and the existence of a number of other structures between the electricity easement and the location of the proposed plant shelter.



**Site plan showing electricity easement in red and proposed plant shelter in green**

It is noted that DA13/0712 for the micro herbs production facility was referred to Essential Energy for comment and the delegated report for that application notes that no response was received.

SEPP (Rural Lands) 2008

The SEPP outlines the following 'Rural Planning Principles':

- *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;*

The existing approved rural industry is consistent with sustainable economic activities within a rural zone. The proposed plant shelter for the growing of edible flowers is consistent with the existing rural industry and does not jeopardise the ongoing agricultural viability of the subject site or the surrounding area.

- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;*

The plant shelter for the growing of edible flowers is an extension of the existing rural industry on site and is an example of the changing nature of agricultural trends and demand. The proposal is considered to be consistent with the above principle.

- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;*

The proposal is an extension of the approved rural use of the subject site and provides social and economic benefits to the local rural community through the employment of local workers and generation of profit for the landholders.

*(d) in planning for rural lands, to balance the social, economic and environmental interests of the community;*

The current operations at the site are the subject of noise complaints from residents of neighbouring properties and this application for a plant shelter has received thirteen objections to the proposed development citing potential additional noise, visual amenity and environmental concerns as reasons for objection. The applicant has provided sufficient information to demonstrate that that the proposed plant shelter and associated activities are unlikely to result in significant additional noise impacts. The consent will be conditioned to ensure potential intensification and cumulative impacts in relation to noise disturbances are prevented and also to provide vegetation screening to reduce the visual impact of the proposal. The consent will also be conditioned to ensure the any potential environmental impacts are minimised.

As such the proposed development is not considered to impact negatively on the social, economic and environmental interests of the broader community.

*(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;*

The proposed plant shelter will not require the removal of any native vegetation and will not impact the biodiversity of the area. The plant shelter is proposed to be located approximately 30m from a water way and is considered not to result in a detrimental impact to the water way. The application was referred to the NSW Department of Primary Industries – Water who have issued General Terms of Approval to be imposed on the consent which includes the requirement of obtaining a Controlled Activity Approval. Additionally the approval is to be conditioned appropriately to limit any potential impact on the waterway or riparian areas.

*(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;*

The proposed development, given its nature and scale is not considered to have any significant impacts on the local community in terms of social and economic welfare, notwithstanding the potential positive impacts outlined under principle (c) above.

*(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*

The proposal is not considered to have any ramifications for rural housing.

- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Consideration of the application with respect the North Coast Regional Plan 2036 is required. The subject site is not mapped as being within an Urban Growth Area or Investigation Area under this Plan. The proposal relates to an additional use in relation to an existing approved rural industry. As such the proposal is consistent with visions and goals of the North Coast Regional Plan 2036.

Based on the above, the proposal is considered to be generally in accordance with SEPP (Rural Lands) 2008.

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

There are no draft environmental planning instruments applicable to the site or the proposed development.

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

*Tweed Development Control Plan*

*A2-Site Access and Parking Code*

The plans for the existing micro herb production facility approved by DA13/0712 indicate 16 approved parking spaces on-site. The delegated report for DA13/0712 noted that Section A2 of the DCP does not contain specific controls applicable to this rural industry and as such the proposal was assessed on its merits with regard to car parking. A site visit confirmed that parking has been provided in accordance with the approved plans.

The SEE submitted with this application for the plant shelter states that no additional staff will be required for operations associated with the new plant shelter and that existing staff will attend to the produce in the new shelter. Furthermore the SEE states that the proposed plant shelter will not result in additional vehicles visiting the site as produce from the site will utilise existing delivery vehicles.

It is considered that the proposal is compliant with DCP A2 as the proposal will not require additional parking for staff and existing access arrangements are adequate as approved by DA13/0712.

*A11-Public Notification of Development Proposals*

The application was advertised in accordance with Section 79A of the Environmental Planning and Assessment Act 1979 with a submission period of 30 days from Wednesday 21 June 2017 to Friday 21 July 2017. During this time 13 submissions were received in relation to this application.

A detailed review and discussion of the submissions is provided in a later section of this report. It is noted that many of the submissions raised objections to the proposal based on dissatisfaction with current operations of the site as approved subject to DA13/0712.

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

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

The subject site is not nominated as Coastal Land and therefore this clause is not applicable.

Clause 92(1)(b) Applications for demolition

Not applicable to the subject application as no demolition is proposed as part of this application.

Clause 93 Fire Safety Considerations

Not applicable as the subject application does relate to a change of use of an existing building.

Clause 94 Buildings to be upgraded

Not applicable as the subject application does not relate to alteration, enlargement or extension of an existing building.

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

**Tweed Shire Coastline Management Plan 2005**

The subject site is not located within the area that is affected by the Tweed Shire Coastline Management Plan 2005.

**Tweed Coast Estuaries Management Plan 2004**

Not applicable as the subject site is not located in the area to which this plan applies.

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

Not applicable as the subject site is not located in the area to which this plan applies.

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

### Context and Setting

The proposal relates to the construction and use of a plant shelter associated with the growing and processing of edible flowers in conjunction with the existing approved micro herbs production facility on site (rural industry). The proposal represents a minor extension to an existing approved rural industry and the applicant has stated that no additional staff are required nor will the proposal result in additional traffic generation. As such it is considered that the proposal does not represent an intensification of use of the site but merely a diversification of operations of an existing approved rural industry.

The plant shelter will be located on a previously cleared and level portion of the site and does not require any vegetation removal. The proposed plant shelter will be located a minimum of 5m from the southern side boundary of the subject site and will be located at a minimum distance of approximately 64m from neighbouring residences. The plant shelter is of a smaller scale than existing greenhouse structures on site and the associated activities are consistent with the current approved rural industry. As such the proposed plant shelter and associated uses is considered to be consistent with the existing use and surrounding rural development on rural zoned land.

### Amenity

This application relates to the construction and use of a plant shelter in association with an existing rural industry as approved by DA13/0712. As previously noted there are existing and ongoing noise complaints associated with the use of the site as approved under DA13/0712 and these are the subject of separate investigation and monitoring by Council.

With respect to the use of the proposed plant shelter and edible flower production the applicant has stated the following:

- The structure will not contain any temperature control plant or machinery;
- There will be no mechanical devices mounted in the structure and mechanical equipment will be limited to an electric irrigation pump to be located next to the adjacent shed;
- Equipment required for the growing of the edible plants is limited to the raised growing beds and drip filter irrigation equipment;
- The raised growing beds ('Plantapods') are maintenance free and do not require regular cleaning. The irrigation pump will require occasional servicing;
- Harvesting will be done by hand;
- The operations associated with the plant shelter will not require additional staff;
- The use of the plant shelter will not result in a significant increase in deliveries to and from the site as produce will be collected with existing produce and the crop is a long term crop (3-5 years) requiring limited deliveries of growing media and the like.

The application has been review by Council's Environment Health Services who have recommended conditions of consent to be applied to the consent to ensure the potential intensification and cumulative impacts in relation to noise



disturbances are prevented. Council is satisfied that the use of the plant shelter will not contribute significantly to the existing noise generation activities on site.

With regard to visual amenity, the proposed plant shelter for edible flower production is of a smaller scale than existing greenhouses on site and will be open sided. To reduce any potential visual amenity impacts, particularly with respect to the adjoining property to the south, the consent will be conditioned to provide screening vegetation along the boundary adjacent to the proposed plant shelter.

#### Access, Transport and Traffic

The existing access arrangements as approved by DA13/0712 are considered to be acceptable. The applicant has stated that the proposal will not result in additional traffic generation to and from the site as the proposal will not require additional staff and delivery of product will be incorporated with existing product delivery arrangements.

#### Farmland of State or Regional significance

The site is within an area mapped as being Regionally Significant Farmland. Previous correspondence from NSW Department of Primary Industries has indicated that the Northern Rivers farmland mapping project (from which the Regionally Significant status derives) was not intended to be used in assessing and determining individual development applications, but rather to manage future growth and the preparation of LEPs. Nevertheless, the site is currently used for agricultural purposes and the subject application is consistent with this use. As such the application is considered to be consistent with the site's status as Regionally Significant Farmland.

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

#### Surrounding Landuses/Development

The site is located in an area typified by rural lots of less than 40ha used predominately for rural residential and primary production purposes. There are approximately three dwellings within 200m of the proposed plant shelter and approx. 10 dwellings within 500m of the proposed plant shelter.

The current operations at the site have been the subject of numerous noise complaints and Council is actively managing and monitoring noise related matters related to the current approval and operations. The proposed plant shelter and associated activities are relatively smaller in scale than the current operations and the applicant has confirmed that no plant, machinery or noise generating devices will be installed in the proposed plant shelter. Potential sources of noise associated with the use of the plant shelter are limited to an irrigation pump that will be located next to the adjacent shed.

### Flora and Fauna

The development footprint of the proposed plant shelter is clear of vegetation and no vegetation is proposed to be removed to facilitate the proposal. The proposed plant shelter will be located approximately 30m from a third order stream which triggered referral to NSW DPI Water who recommended general terms of approval (GTAs) which address (among others) potential issues associated with sediment and erosion control and protection of riparian vegetation (to be addressed through lodgement for a controlled activity approval). The GTAs stipulate the need for the establishment of a 20m riparian corridor where the aim is to maintain or improve the shape, stability and ecological functions of a watercourse.

### Site Drainage

Roof water from the existing greenhouses is directed to an onsite storage pond. The applicant has stated that roof water from the proposed plant shelter will also be directed to the existing storage pond.

No additional hardstand areas are proposed in association with the proposed plant shelter. Stormwater management at the site is subject to an existing Stormwater Drainage Works approval SWD14/0418. It is noted that the stormwater management at the site does not currently comply with approved plans for SWD14/0418 in that an approved treatment device was not installed. Communications with Councils Engineering Unit confirmed that amended stormwater drainage plans may be submitted to remedy this non-compliance and the applicant has stated that they are in the process of preparing amended plans.

### Natural Hazards - Bush fire

The site is mapped as bushfire prone as such consideration against the criteria for infill and commercial and development section of 4.3 Planning for Bushfire Protection 2006 (PBP) is required. Specifically the bushfire safety objectives for the proposal require that: risk to adjoining properties is not increased; a minimum defensible space is required; general PBP objectives in relation to access, water, services and emergency management are met.

The proposed plant shelter is steel framed open sided structure which is a Class 10 structure (non-habitable) for which there is no specific bushfire safety performance requirements and it will not be located within 10m of any habitable structure. The development site is clear of vegetation and the proposed structure is to be located approximately 30m from the fire hazard being Vegetation Category 2.

The structure is proposed in association with an approved rural industry for which bushfire safety issues were addressed during the assessment of DA13/0431. The consent for the rural industry is conditioned to comply with the submitted Bushfire Threat Assessment Report which included recommendations relating to the provision of Asset Protection Zones, fire fighting water supply, protection of services, access and landscaping. This application does not propose any changes to access arrangements, water supply or the provisions of services and

a defensible space consistent with the recommended asset protection zone is able to be provided. As such the proposed additional plant shelter is considered to be consistent with the recommendations of the Bush Fire Threat Assessment Report and the objectives of section 4.3 of PBP.

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

The application was advertised in accordance with Section 79A of the Environmental Planning and Assessment Act 1979 with a submission period of 30 days from Wednesday 21 June 2017 to Friday 21 July 2017. During this time 13 submissions were received in relation to this application.

Many of the submissions note issues related to the current approval (DA13/0712) and operations at the site. Matters raised that are not directly related to this application for a plant shelter include: ‘*flawed*’ planning process associated with the current approval; current approval not consistent with rural landscape character of the land; impact on property values; suitability of the site for the current approval; misrepresentation by the applicant with regard to the previous application; compliance matters associated with current operations (noise); environmental impacts of current operations; power usage of current operations; amenity impacts of current operation on rural residential uses of the locality.

Whilst this report does consider any cumulative impacts resulting from the proposed plant shelter, the purpose of this report is not to review the previous approval or potential compliance issues associated with the current operations on the site. As such the review of the submissions below is limited to matters that specifically relate to the installation of the plant shelter and its associated use.

<b>Summary of matters raised in submissions</b>	<b>Response to submissions</b>
<p><i>Noise</i></p> <p>Each of the 13 submissions mentioned noise as being a primary area of concern. Many of the submissions referenced excessive noise generated by the fans in the existing approved greenhouses as well as noise from other sources such as pressure cleaning. All the submissions objected to the development on the grounds that any further approvals over the site would lead to an increase in the current noise emissions from the site.</p>	<p><u>Applicants response</u></p> <p>The applicant has stated that the additional plant shelter that is the subject of this application is operationally completely different from the existing greenhouses and that the plant shelter <i>is not an enclosed environment containing fans or other plant. The small irrigation pump, which would be occasionally used, is no bigger than a domestic pump used for rainwater tanks...noise impacts are considered to be negligible</i>. Furthermore the applicant has stated that: <i>that high pressure cleaning is not required for the operation of the plant shelter</i>.</p> <p><u>Councils response</u></p> <p>It is acknowledged that noise generated from the site is an ongoing issue for residents and Council is actively managing and monitoring this matter. Primary sources of noise that are</p>

Summary of matters raised in submissions	Response to submissions
	<p>the subject of complaints are from the fans within the existing greenhouses and noise associated with pressure cleaning.</p> <p>With regard to potential noise generation associated with the operation of the proposed plant shelter, the applicant has stated that there will be no fans or temperature control devices mounted in the structure and no other mechanical equipment is operationally required other than an irrigation pump. Harvesting will be undertaken by hand and as this crop is a long-term crop (3-5years) and the growing trays are maintenance free, cleaning or regular maintenance of plant and equipment is not required. Further information provided by the applicant has stated specifically that no high pressure cleaning will be undertaken in association with the plant shelter operations.</p> <p>The application has sufficiently demonstrated that potential noise generation from the operation of the plant shelter is negligible. Any approval would impose conditions stating that the installation of any fans or other mechanical devices in the shelter is not permissible and that the operation of the plant shelter must not cause disruption to the amenity of the local community by way of noise.</p>
<p><i>Visual amenity</i></p> <p>Seven of the submissions objected to the proposed plant shelter on the grounds of visual amenity and include descriptions of the existing greenhouses as: '<i>ugly</i>'; '<i>an eyesore</i>' '<i>unsightly</i>' and '<i>horrible</i>'. Privacy is also a concern of a resident on an adjacent property.</p>	<p><u>Applicants response</u></p> <p>The applicant has stated that the land where the proposed plant shelter is to be located is low lying, not part of a viewing corridor and not visually prominent. The plant shelter is to be located at the rear of the existing development and is screened from casual viewing from Howards Road. The applicant has expressed a willingness to undertake planting to screen the proposed plant shelter from the adjacent property to the east of the site to address the visual impact from the proposed plant shelter.</p> <p><u>Councils response</u></p> <p>The proposed plant shelter is 20m x 12.8m with a maximum height of 4.8m and will be open sided. The proposed plant shelter is off a smaller scale comparable to the existing greenhouses which are a maximum size of</p>

Summary of matters raised in submissions	Response to submissions
	<p>72m x 32m and 5.2m high. The plant shelter is consistent with structures associated with the rural agricultural use of the land and will not be visually obtrusive from Howards Road.</p> <p>The plant shelter will be visible from the neighbouring residence located approximately 65m to the south of the proposed plant shelter. The consent will impose a condition requiring a plan of landscaping that includes planting along the southern side boundary of the site adjacent to the plant shelter to provide screening to reduce the visual impact of the proposal.</p>
<p><i>Traffic generation</i></p> <p>A number of submissions have mentioned the increase in traffic associated with the current approved development and expressed concerns that the proposed new plant shelter will further increase traffic to the subject site.</p>	<p><u>Applicants response</u></p> <p>The applicant has stated: <i>'the amount of traffic associated with in the shelter would be negligible, The growing of edible plants is not as labour intensive as other aspects of the operation... Staff levels for the entire facility when fully operation would be within the maximum advised with DA13/0712'.</i></p> <p>Additionally in response to a request for further information the applicant has stated: <i>'there would also be occasional deliveries of punnets and carton, as presently occurs with the existing operation. Both would be relatively small as this is a small product in terms of volume'.</i></p> <p><u>Councils response</u></p> <p>The application has provided sufficient information to satisfy Council that the activity associated with the proposed plant shelter is of a nature and scale that will not significantly increase traffic volume to and from the site specifically noting that:</p> <ul style="list-style-type: none"> <li>• The proposed activity will be utilising existing staff;</li> <li>• The crop is a longer term crop than the current micro-herb production thereby requiring few deliveries of growing media to the site;</li> <li>• Deliveries of product from the site will be included with current deliveries;</li> </ul>

Summary of matters raised in submissions	Response to submissions
<p><i>Environmental impacts</i></p> <p>Two submissions raise concerns with regard to potential impacts on the adjacent waterway specifically, potential chemical and nutrient contamination of the waterway.</p>	<p><u>Applicants response</u></p> <p>The applicant has stated: <i>'Harmful chemical will not, and cannot be used as the flower are for eating. Only organic registered products are used... there is no additional equipment for fertilising as the water (drip fed) will contain all the nutrients required.'</i></p> <p><u>Councils response</u></p> <p>This application has been reviewed by Council's Environmental Health Unit and Natural Resource Management Unit as well as the NSW Department of Primary Industries – Water (DPI Water). The consent is to be conditioned requiring a Controlled Activity Approval which manages activities adjacent to a waterway.</p> <p>The consent will be conditioned to comply with stormwater management requirements for the site.</p>
<p><i>Overdevelopment of site</i></p> <p>A number of the submissions considered that site was currently overdeveloped and further development will result in additional detrimental impacts including environmental impacts, traffic generation and amenity impacts (visual and noise).</p>	<p><u>Applicants response</u></p> <p>The application has stated the proposal <i>'...makes use of existing site infrastructure (access, parking, water management etc.....and is a minor addition with regard to the existing operation.'</i></p> <p><u>Councils response</u></p> <p>Sufficient information has been provided demonstrating that the proposed plant shelter is compatible with the existing operation at the site and will not result in significant additional traffic generation or additional staffing requirements. Noise generating plant and equipment (other than an irrigation pump) is not required for operations associated with the plant shelter and harvesting will be undertaken by hand. Existing stormwater management approvals for the site is considered adequate for the proposal.</p> <p>As such it is considered that the scale of the proposal is consistent with the current operations of the site and the proposal does not constitute an intensification of the site but rather a diversification of existing activities. Any potential impacts are able to be managed</p>

Summary of matters raised in submissions	Response to submissions
	by appropriated conditions placed on the consent.

**(e) Public interest**

The proposal relates to a rural activity within a rural zone and provides employment opportunities. The proposal has been assessed against the relevant environment planning instruments and is considered: to be suitable to the site; unlikely to cause any significant long term negative impacts to the surrounding built and natural environment; and meets all of Council's applicable requirements within the TLEP and relevant DCPs. The application has been assessed by Council's technical officers with no objections being raised subject to the attached conditions of development consent. The proposed plant and production of edible flowers is therefore considered to warrant approval.

**OPTIONS:**

1. Approve the application for the plant shelter and production of edible flowers subject to the conditions in this report.
2. Refuse the application for reasons specified.

Council officers recommend Option 1.

**CONCLUSION:**

It is considered that the proposed plant shelter and production of edible flowers is compatible with the existing approved rural industry at the site and is consistent with the objectives of the rural zone. The proposal is of a smaller scale than existing operations at the site and the applicant has provided sufficient information to demonstrate that the proposal is unlikely to generate significant additional detrimental impacts, including noise impacts, upon surrounding rural residential development. The proposed plant shelter is considered to be acceptable.

**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.

---



- 14 [PR-CM] Development Application DA10/0222.26 for an Amendment to Development Consent DA10/0222 for Casuarina Town Centre Including 56 Lot Subdivision, Road Works, Infrastructure Works and Landscaping (Department of Planning Application MP06\_0258) MOD 10 a t Lot 15 DP 1198266 and Lot 13 DP 1014470 Casuarina Way, Casuarina

**SUBMITTED BY:** Development Assessment and Compliance

mhm

---



Making decisions with you  
*We're in this together*

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:** **Provider**

---

#### **SUMMARY OF REPORT:**

This report has been prepared to provide Council with technical advice to inform a Council submission in relation to the proposed modifications to the approved Concept Approval and Project Approval for the Casuarina Town Centre development (MP06\_0258).

A modification application (Section 75W) was lodged with NSW Department of Planning & Environment to modify the Concept Plan and Project Approval for MP06\_0258 in early 2016. This was placed on exhibition and a number of issues were raised with the revised proposal by Tweed Shire Council officers and members of the public who provided submissions to NSW Department of Planning & Environment.

Subsequent to this the proponent has worked with Council since April 2016 to address the issues raised with respect to the initial design and have amended elements of the proposal from that previously submitted.

Issues raised with the original MOD 10 application included (but were not limited to); stormwater management, the extent of earthworks & retaining walls and removal of a 20m landscape buffer to north boundary.

The proponent has now formally submitted a Response to Submissions (RtS) to NSW Department of Planning & Environment. The Department placed the Response to Submissions on public exhibition by way of notifying persons who previously made submissions between Friday 17 November 2017 and Friday 1 December 2017. Council

have also been invited to comment on the modification request. The staff comments are being reported to Council for endorsement, which will then to be submitted formally to the Department for consideration.

The application seeks approval to:

- Modify the approved lot layout by replacing medium density lots with single dwellings lots. This would:
  - Increase the total number of lots on the site from 97 to 178;
  - Reduce the total number of dwellings across the site from approximately 663 to 447
- Modify the built form controls to increase the height of buildings permitted along Grand Parade;
- Delete the approved hotel use;
- Revise the drainage concept to facilitate the filling of an existing drainage swale and its conversion to a 'green buffer';
- Change the timing for the provision of additional beach access;
- Change the approved staging plan; and
- Administrative changes to the conditions of approval in response to the above changes.

Key amendments proposed in RtS include:

- Relocation of the local road outside the 20 metre green buffer to the northern boundary; and
- An increase in lots in Stage 1E from 92 lots to 93 lots.

While there are certain elements of the revised proposal which will require further information/clarification through the detailed design phase of development, it is considered that the updated application is worthy of support, subject to amended conditions.

Council staff have recently met with a local resident representative relating to this Modification 10 application, who raised concerns with respect to building height, surf lifesaving storage, open space provision and the Grand Parade (East-west linkage). These are discussed briefly below:

### *Building Height*

The subject application is for subdivision only, with no buildings proposed at this time. However, the amended masterplan would enable the development of 4 storey development on three of the proposed allotments, with the remainder having a maximum 3 storey height. Future Development applications for development on these allotments would be assessed with respect to height/scale and built form. The site is currently subject to the 13.6m Building Height Control, and the proposed concept plan building heights would conform with this control. It should also be noted that a report has been submitted to the Planning Committee meeting of 7 December 2017 which seeks Council determination of amendments to Council's Planning Controls to review heights in various areas of the Shire.

### *Space for Surf Lifesaving Storage*

The provision of surf lifesaving facilities are to be located within the icon building, adjacent to the coastal foreshore. It is noted that existing condition C5 of the Concept Approval states that *'The future application for development of Lot 17 is to include details of the surf lifesaving facilities to be provided in the icon building. The application shall include written agreement to the proposed facilities from Surf Lifesaving Australia.'* This is considered to adequately address this matter.

### *Public Open Space*

Concerns were raised with respect to the amount of public open space provided within the development. In this regard it is noted that this isn't a new subdivision and therefore isn't subject to Council's current controls relating to public open space. From an officer perspective, it is considered that being able to utilise area previously approved for stormwater basins and conveyance (both on the public reserve and to the norther buffer) as useable public open space is a good outcome for the community and this development as a whole.

### *Grand Parade (East-West) Street Design*

Concerns were raised regarding the absence of a Plaza within the Grand Parade alignment and possible wind-tunnelling from the coast arising from this. From Council officer perspective it is noted that the east-west alignment is consistent with that approved under the original Casuarina Town Centre layout and furthermore, the proposed building heights are not considered to result in wind-tunnelling occurring. In any event, there is no provision within Council's subdivision controls to require the provision of plaza's within developments.

### Draft Plan of Management

The proposed modifications to Casuarina Town Centre include works on Council owned Community Land (Lot 13 DP 1014470) to the coastal foreshore. Concurrent to the MOD 10 application with NSW Planning, a Plan of Management for works on Council land is on exhibition for this site, with submissions being accepted until 20 December 2017. This will be the subject of a further report to Council regarding owners consent.

### **RECOMMENDATION:**

**That Council endorses that this report forms a basis for a submission to be submitted to NSW Planning & Environment with regard to proposed modifications of the Concept Approval and Project Approval relating to Casuarina Town Centre (MP06\_0258) MOD 10.**





AMENDED DENSITY DIAGRAM DA10/0222.26 (MP 06/0258 MOD 10):







AMENDED LANDSCAPE MASTERPLAN LAYOUT DA10/0222.26 (MP 06/0258 MOD 10):



**LANDSCAPE MASTERPLAN**

- 1 Revegetation to edges of swale to integrate device into existing dune landscape
- 2 Primary street trees in informal groupings to local residential streets provide a relaxed intimate streetscape
- 3 Secondary feature trees located at the end of view lines strength wayfinding, create interest in the streetscape and increase amenity
- 4 Feature pavement to laneways breakup expanse of hardscape and create interest within the streetscape
- 5 Buffer to rear of existing properties includes planted mounds, informal shrub and groundcover planting to achieve privacy for residents
- 6 Feature tree avenue to entrance road strengthens wayfinding, achieves shade to carparking and pedestrian pathways, provides amenity and creates a signature approach to the beach
- 7 Planting to multi-storey residential surrounds to soften the built form and integrate the property fence into the streetscape
- 8 Beachfront park reinforces beach access and frames views of the ocean
- 9 Trees proposed to carpark provide shade, reduce glare and enhance amenity
- 10 Secondary street trees in a formal arrangement along Blue Horizon Drive strengthen road hierarchy within the development while assisting in wayfinding strategy
- 11 Planting to infiltration basin and surrounds to integrated the device into the landscape
- 12 Shared pedestrian/cycle path connecting residents to the Tweed Shire Council shared pedestrian/cycle path

**Applicant:** Clarence Property Corporation Limited  
**Owner:** Clarence Property Corporation Limited & Tweed Shire Council  
**Location:** Lot 15 DP 1198266 Casuarina Way, Casuarina; Lot 13 DP 1014470 Casuarina Way, Casuarina

## Background

Approval was granted on 20 September 2009 by the Minister for Planning to the Concept Plan and Project Application for the Casuarina Town Centre (Major Project 06\_0258).

The Concept Plan approval was granted for:

- The subdivision of land in 61 lots including low and medium density residential, retail, commercial and mixed use lots;
- Construction of a retail centre comprising a supermarket, restaurants and shops;
- Construction of a hotel;
- Construction of the associated road network and car parking;
- Construction of all necessary services; and
- Landscaping and open space.



Figure 1: Approved Casuarina Town Centre Concept Plan (Original)

Separately, Stage 1 Project Approval was granted for:

- The subdivision of land into 61 lots;
- Construction of a retail centre comprising 2500m<sup>2</sup> supermarket, 1160m<sup>2</sup> of retail shops/restaurants, office space and car parking;



- Bulk earthworks and vegetation clearing;
- Construction of all roads;
- Closure of Dianella Drive;
- Provision of infrastructure and services; and
- Landscaping.

Modifications to these approvals have been subsequently approved on a number of occasions (see details in history below).

In early 2016, a Section 75W modification application (MOD 10) was lodged with NSW Department of Planning & Environment to further modify the Concept Plan and Project Approval for MP06\_0258. This included:

- Modification of the approved lot layout and increase in the number of lots permitted on-site from 97 to 177;
- Modification of the built form controls to increase the height of buildings permitted along Grand Parade;
- Deletion of the approved hotel use;
- Revisions to the drainage concept to facilitate the filling of the existing drainage swale and the conversion of the swale to a 'green buffer';
- Changes to the timing for the provision of additional beach access;
- Changes to the approved staging plan; and
- Administrative changes to the conditions of approval in response to the above changes.

The Department placed the modification on public exhibition between Wednesday 24 February 2016 and Tuesday 29 March 2016.

Tweed Shire Council provided a submission (endorsed by elected Council) to this MOD 10 application in April 2016. Concerns were raised with respect to various aspects of the proposal, including stormwater drainage to the north boundary, reduction of 'green buffer' between Casuarina Town Centre and residents to the north, the extent and location of retaining walls proposed, useability of public land, road layout and owners consent for development on Council owned Community land.

Subsequent to Council's submission to NSW Planning extensive consultation has occurred between the proponent and Council over the past 18 months in an attempt to overcome the previously identified areas of concern. The resulting earthworks and stormwater solutions are considered a vast improvement on the previous design.

This enables Council officers to support the exhibition of a Plan of Management which would formalise the works in Council Community Land. This Plan of Management is currently on exhibition. Furthermore, the proponent has submitted updated information by way of a Response to Submissions (RtS) to NSW Planning for consideration.

This RtS has been notified to previous submitters, including Tweed Shire Council for comment. This report is an assessment of the amended proposal and, if endorsed by elected Council, will consist of the Tweed Shire Council submission to NSW Planning on the Casuarina Town Centre MOD 10 application. To this end, NSW Planning have advised the following in notifying the updated application:

*"The Clarence Property Corporation has submitted a response to submissions (RtS) for the modification of the Casuarina Town Centre in the Tweed Shire Local Government Area.*

*The application seeks approval to:*

- *Modify the approved lot layout by replacing medium density lots with single dwellings lots. This would:*
  - *Increase the total number of lots on the site from 97 to 178;*
  - *Reduce the total number of dwellings across the site from approximately 663 to 447*
- *Modify the built form controls to increase the height of buildings permitted along Grand Parade;*
- *Delete the approved hotel use;*
- *Revise the drainage concept to facilitate the filling of an existing drainage swale and its conversion to a 'green buffer';*
- *Change the timing for the provision of additional beach access;*
- *Change the approved staging plan; and*
- *Administrative changes to the conditions of approval in response to the above changes.*

*Key amendments proposed in RtS include:*

- *Relocation of the local road outside the 20 metre green buffer to the northern boundary; and*
- *An increase in lots in Stage 1E from 92 lots to 93 lots.*

The above matters are assessed in this report. The RtS has been reviewed by Council's Development Assessment, Water & Wastewater, Development Engineering, Environmental Health, Natural Resource Management and Recreation Services Units. Furthermore, the proposal has been reviewed by Council's Infrastructure Engineers who have provided comment with respect to stormwater management, and traffic/road layout.

## **Site**

The Casuarina Town Centre development was originally approved over a 26.2ha land area, identified in Figure 1 above. The site is located adjacent to the Casuarina Beach foreshore and has been partially developed since the original Concept and Project Approvals were issued in 2009.

This modification was originally submitted over an 8.93ha portion of the development, located to the north-east corner of the original site. This would correlate with Lot 15 DP 1198266, for which landowners consent has been submitted to the Department of Planning and Environment. However it was noted through assessment of the MOD 10 submitted information that the modified layout (reproduced under figures 2 & 3 below) also includes Lot 13 DP 1014470, a 5.2 ha Tweed Shire Council owned parcel of land located adjacent to the coastal foreshore.

A Plan of Management is currently on exhibition to enable the proposed works within this land.



Figure 2: Area of Proposed Development



Figure 3: Aerial Imagery of Site

## **History**

As outlined elsewhere in this report, Concept Plan and Stage 1 Project Approval was originally granted on 20 September 2009. The Concept Plan approval was granted for:

- The subdivision of land in 61 lots including low and medium density residential, retail, commercial and mixed use lots;
- Construction of a retail centre comprising a supermarket, restaurants and shops;
- Construction of a hotel;
- Construction of the associated road network and car parking;
- Construction of all necessary services; and
- Landscaping and open space.

Stage 1 Project Approval was granted for:

- The subdivision of land into 61 lots;
- Construction of a retail centre comprising 2500m<sup>2</sup> supermarket, 1160m<sup>2</sup> of retail shops/restaurants, office space and car parking;
- Bulk earthworks and vegetation clearing;
- Construction of all roads;
- Closure of Dianella Drive;
- Provision of infrastructure and services; and
- Landscaping.

Subsequent to this, there have been (to date) nine modification applications to these approvals, as detailed below:

Mod 1 (Approved 17 June 2010) - Modifications include filling the existing drainage easement running through the site, and works to include piping of stormwater drainage through the former easement channel. Modifications also include carrying out of stormwater infiltration and landscaping works within Lots 10 and 13, including extensions to the existing cycleway network and upgrades to public open space areas. These modifications were a result of Tweed Shire Council granting the proponent owners consent to undertake stormwater, sewerage and landscape works in Council owned land as it was initially withheld.

Mod 2 (Approved 1 July 2011) – Modifications involve the carrying out of approved Stage 1 throughout two separate stages (Stage 1A and then the balance of Stage 1). The modified staging regime was sought to provide a more logical sequence of services, including road connectivity; drainage and car parking; relocation of the swale; and, the provision of cycleway and pedestrian linkages.

Mod 3 (Approved 7 March 2012)

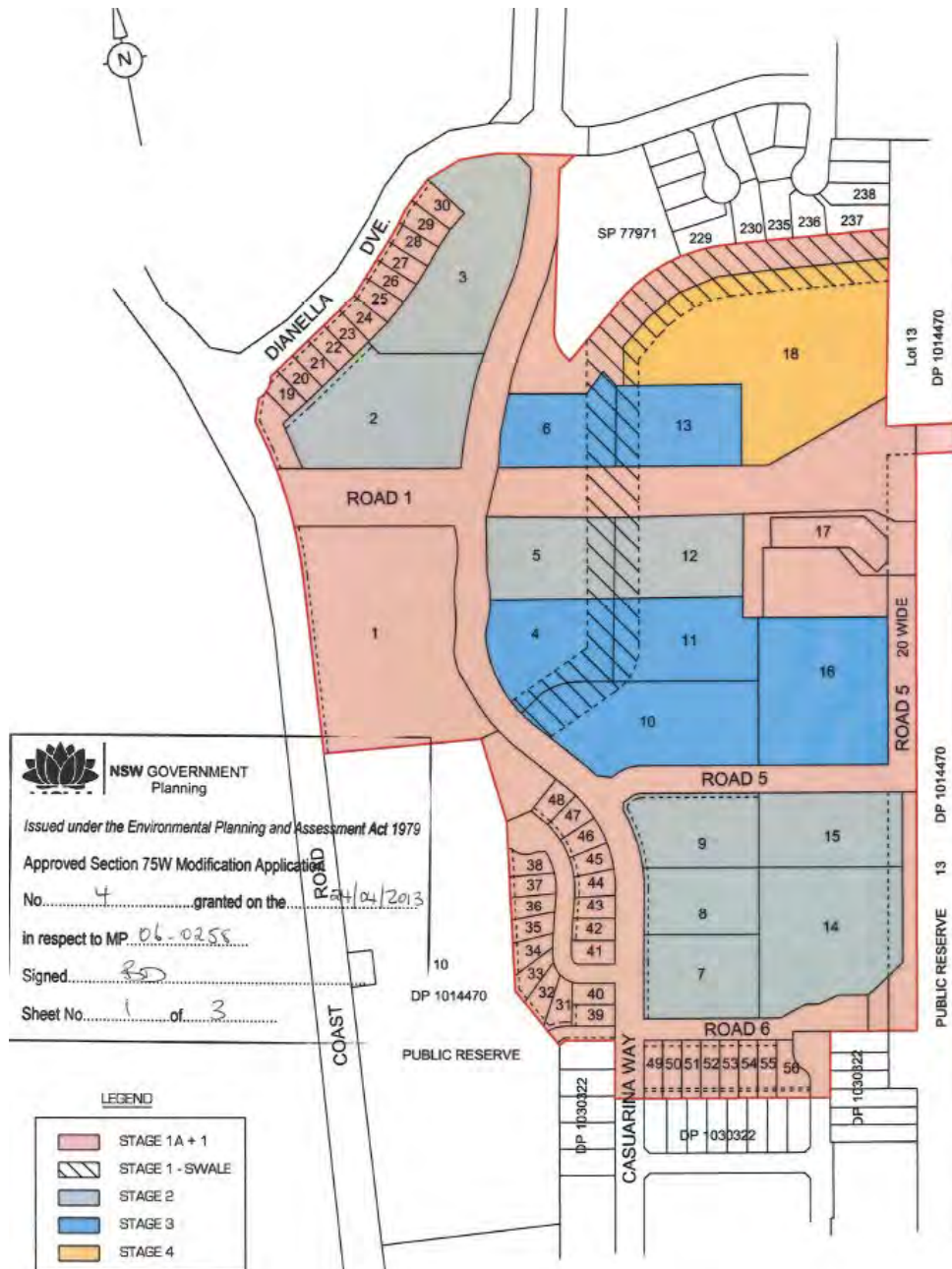
This modification involved the following:

- A reduction in the size of the approved supermarket building and floor space by 200m<sup>2</sup>,
- Reduction of the height and bulk of the supermarket building,

- A total reduction of floor space from 4,301m<sup>2</sup> to 3,705m<sup>2</sup>,
- A relocation of the approved first floor office space,
- Replacement of an approved restaurant tenancy with a retail shop,
- Removal of basement car parking and provision of additional at-grade car parking resulting in an overall reduction of 14 spaces,
- Adjustment of the loading dock, and
- Increased landscaping and signage.

Mod 4 (Approved 24 April 2014)

This application relates to modification to the staging of the subdivision, consolidation of lots 7, 8, 9, 14 & 15 into a development lot, modification of the approval to allow the sequencing for future stages to be varied with the written approval of the Department, modification of the timing to obtain approval for the beach access and an amendment to the timing in which Section 94 and Section 64 Contributions are paid for the shopping centre.



**Figure 4: Mod 4 Concept Staging Plan**

Mod 5 (Approved 24 September 2013)

Modification 5 approved an amendment to the location of a retaining wall on the south east boundary of the Casuarina Town Centre site adjacent to the cul-de-sac of Road 6.

Mod 6 (Approved 16 May 2014)

Modification to the Concept Plan and Stage 1 Project Application for the Casuarina Town Centre involving:

- change of use of Lots 7,8 ,9, 14 &15 from medium density residential to low density residential (single-dwelling use);
- 40 lot Torrens title subdivision of adjoining Lots 7, 8, 9, 14 & 15 with associated civil works;
- the introduction of additional Stages 1B and 1C;
- a two-lot subdivision of commercial Lot 2; and
- a request to allow for small lot housing within the town centre site.

The 40 lot subdivision layout approved under this Mod is located to the south of the area subject to this application and is demonstrated under Figure 4 below:





Figure 5: Mod 6 Approved 40 lot subdivision

Mod 7 (Approved 18 June 2014)

Modification to the retail centre approved as part of the Stage 1 Project Application for the Casuarina Town Centre. The modification involved:

- a 1,000sqm increase in gross floor area of the supermarket;
- a 581sqm increase in gross floor area of specialty retail;
- amended car parking arrangements within the retail centre; and
- amendments to section 94 contributions.

Mod 8 (Approved 21 January 2015)

Modification to Project Approval including design changes to the retail shopping centre comprising an amended roof design and new design and finishes to all facades. A new 12m high pylon sign was also approved to the north-west corner of the shopping centre site.

Mod 9 (Approved 15 June 2015)

Further modification to Project Approval including design changes to the retail shopping centre as a consequence of the detailed design process and tenant requirements.

Mod 11 (Approved 24 April 2017)

Modification to Project Approval hours of operation at Coles Supermarket.

**Previous Council Reports**

This is the third report which has been brought to Council on MOD 10 to MP06\_0258 in regard to the Casuarina Town Centre (Council Reference DA10/0222.26). The first report was from 21 April 2016 in which concerns were raised with various elements of the proposed modifications (see attachment). Since this time the applicant has responded to Council's concerns and has invested a significant amount of time and resources into amending the proposal to address the matters raised.

The second report was brought to Council on 21 September 2017, where Council resolved to place a draft Plan of Management for Lot 13 DP 1014470 on public exhibition (see attachment). This was required to enable the Casuarina Town Centre layout to be consistent with works on adjoining Council land.

**Assessment of Modifications Proposed as Part of this Application**

NSW Planning notification documentation identifies that the following amendments are proposed through the MOD 10 and Response to Submissions:

The application seeks approval to:

- Modify the approved lot layout by replacing medium density lots with single dwellings lots. This would:
  - Increase the total number of lots on the site from 97 to 178;
  - Reduce the total number of dwellings across the site from approximately 663 to 447
- Modify the built form controls to increase the height of buildings permitted along Grand Parade;
- Delete the approved hotel use;
- Revise the drainage concept to facilitate the filling of an existing drainage swale and its conversion to a 'green buffer';
- Change the timing for the provision of additional beach access;
- Change the approved staging plan; and
- Administrative changes to the conditions of approval in response to the above changes.

Key amendments proposed in RtS include:

- Relocation of the local road outside the 20 metre green buffer to the northern boundary; and
- An increase in lots in Stage 1E from 92 lots to 93 lots.



These proposed amendments are reviewed in detail below:

**Modify the approved lot layout by replacing medium density lots with single dwellings lots. This would:**

- **Increase the total number of lots on the site from 97 to 178;**
- **Reduce the total number of dwellings across the site from approximately 663 to 447**

The revised subdivision layout is demonstrated in Figures 6-8 below and is reviewed with respect to earthworks, road layout, public open space and density:

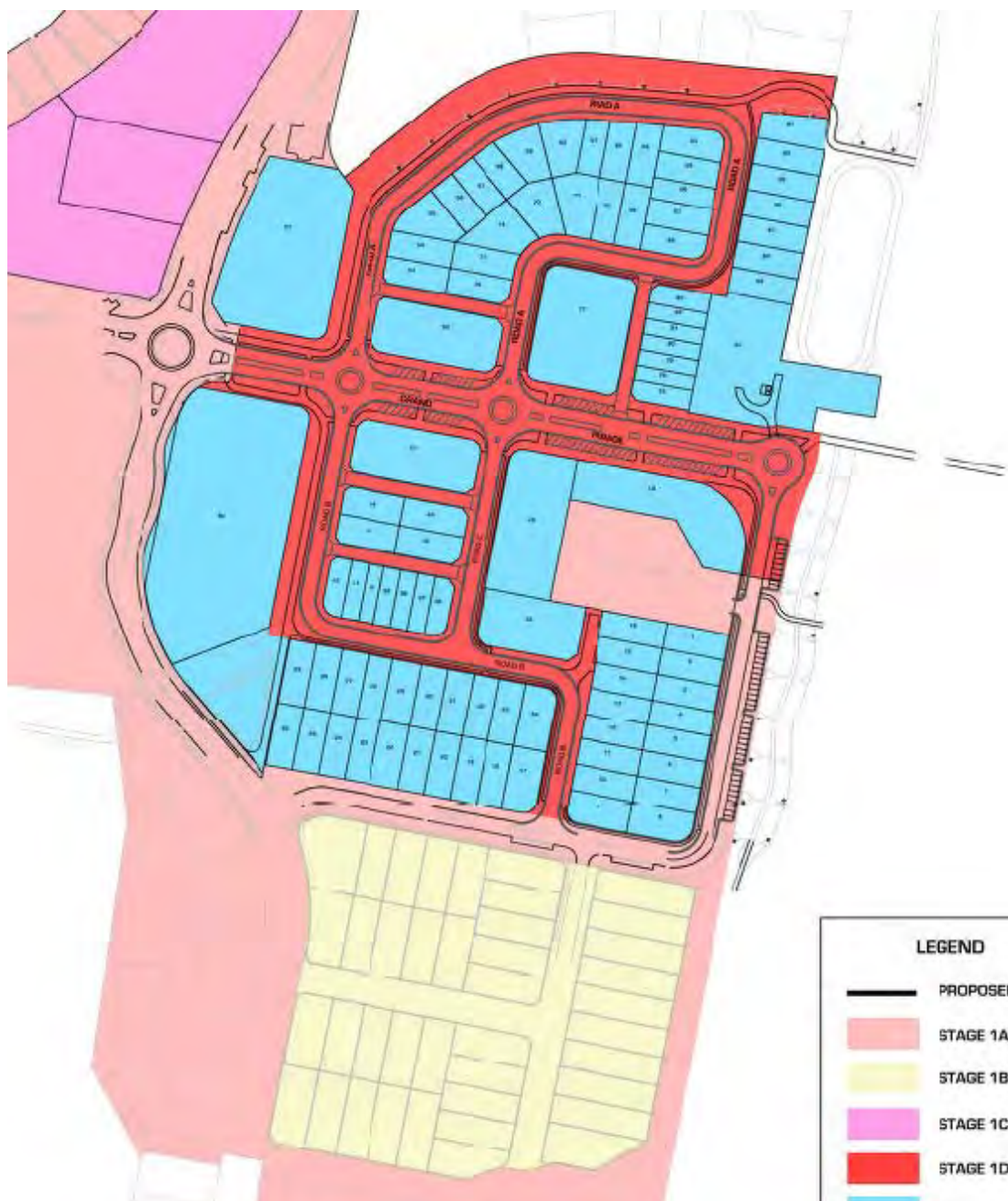




Figure 7: Proposed Layout (North)

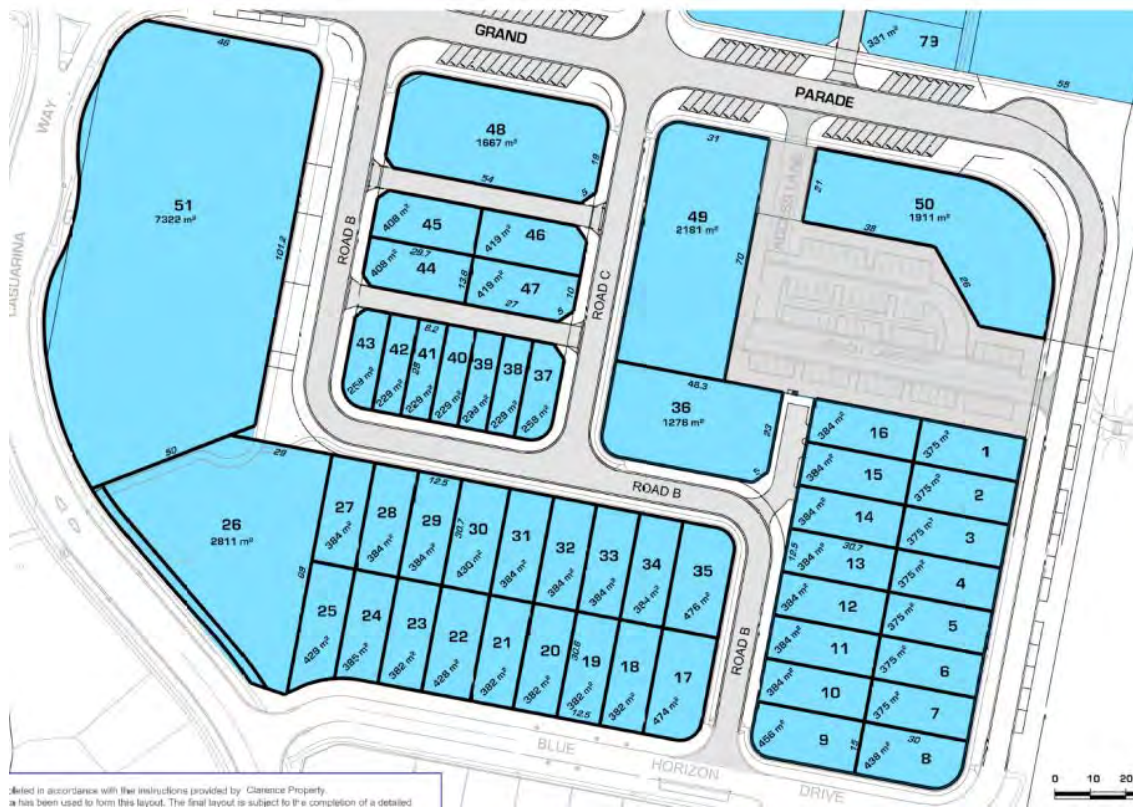


Figure 8: Proposed Layout (South)

Earthworks/Retaining walls

Concerns were previously raised with respect to the extent (height) and number of retaining walls proposed under the previous MOD 10 layout. In particular it was noted that retaining walls up to 4m high were proposed. Concerns were also raised with respect to the use of retaining walls on public road reserves/open space foreshore area on the eastern



boundary. These walls would attract increased Council maintenance issues such as graffiti, re-painting, weed control etc. compared to a gradient batter that is grassed.

The proponent has revised the subdivision design, limiting the overall extent of retaining walls to three over the site and limiting these in height to a maximum of 1m.

Council's Development Engineering Unit has advised the following with respect to this:

*"An updated earthworks / land forming engineering plan has now been provided by BG&G which ultimately reduces the number of retaining walls across the site to a total of three (3). All the proposed retaining walls are proposed to be a maximum of 1m in height; hence the previous retaining wall of 4m has been removed. All proposed retaining walls are now within private property and comply with Tweed Shire Councils Development Design Specification – D6 Site Regrading (TSC-D6) specifies that the maximum permissible combined of retaining walls or batters in residential subdivisions. The proposed earthworks and retaining walls are now accepted."*

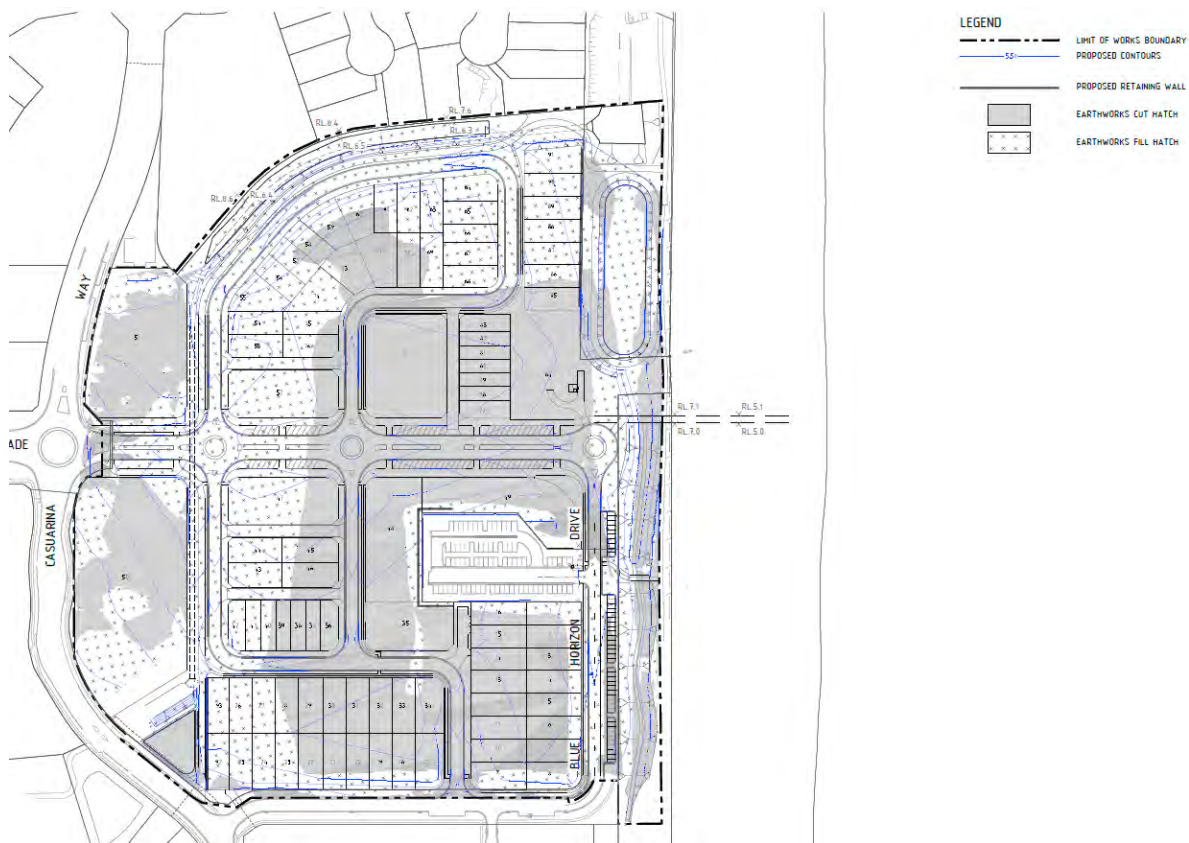


Figure 9: Bulk Earthworks Plan

Further to this, it is noted that there was previous concerns raised in relation to earthworks proposed to the north east of the site, including on Council land in this area, with retaining walls of approximately 2.5m anticipated by Council staff. This raised issue with the maintenance of this area (including access) and also the useability of any of the space.

The amendments to the extent of earthworks proposed has reduced the level changes to this area generally. In reviewing this Council's Manager Roads & Stormwater has advised that "...significant stormwater drainage infrastructure was proposed within the coastal reserve along the eastern frontage of the town centre site. Initially this consumed a large

area, required levels that resulted in unsuitably high retaining structures on public land, and was judged by Council officers to be a poor outcome for the public reserve. Through a process of meetings and emailed correspondence, the applicant's engineering consultants modified the landform and stormwater interface to produce a basin design that is now suitable to Council officers and accepted by the developer.'

A typical cross section of levels in this area is provided below:

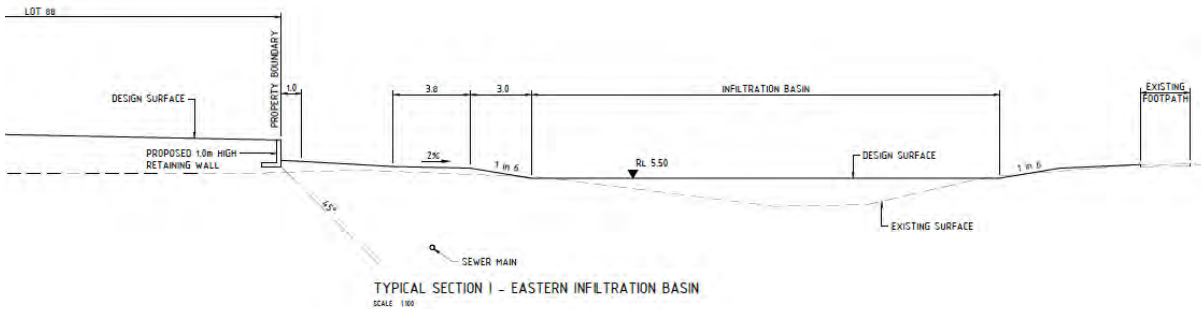


Figure 10: Stormwater Cross-Section Plan



Figure 10A: Stormwater Cross-Section Plan

Earthworks now proposed are considered to be acceptable by Council officers.

### Road Layout

The proposed modification incorporates a new road layout to service the proposed allotments. This has been reviewed by Council's Traffic Engineer and Development Engineering Unit who have provided comment with respect to traffic and public car parking. It is noted that roundabouts have now been provided to the Grand Parade intersections and public parking modified in response to Council's Traffic Engineer comments on MOD 10.

Further comment has been provided with respect to road network and parking by Council's Traffic Engineer and Development Engineering Unit as per the below, which is requested to be taken into account by NSW Planning:

Traffic Engineer Comments

Generally the traffic facilities are considered appropriate. It is noted that the stub road connection between Grand Parade and Road A (See figure 11 below) may result in undesirable movements such as u-turns on Grand Parade to access angled parking bays. Given the close proximity of roundabouts on Grand Parade it is recommended that the centre median be extended on Grand Parade thereby limiting access to the connection to left in and left out only.

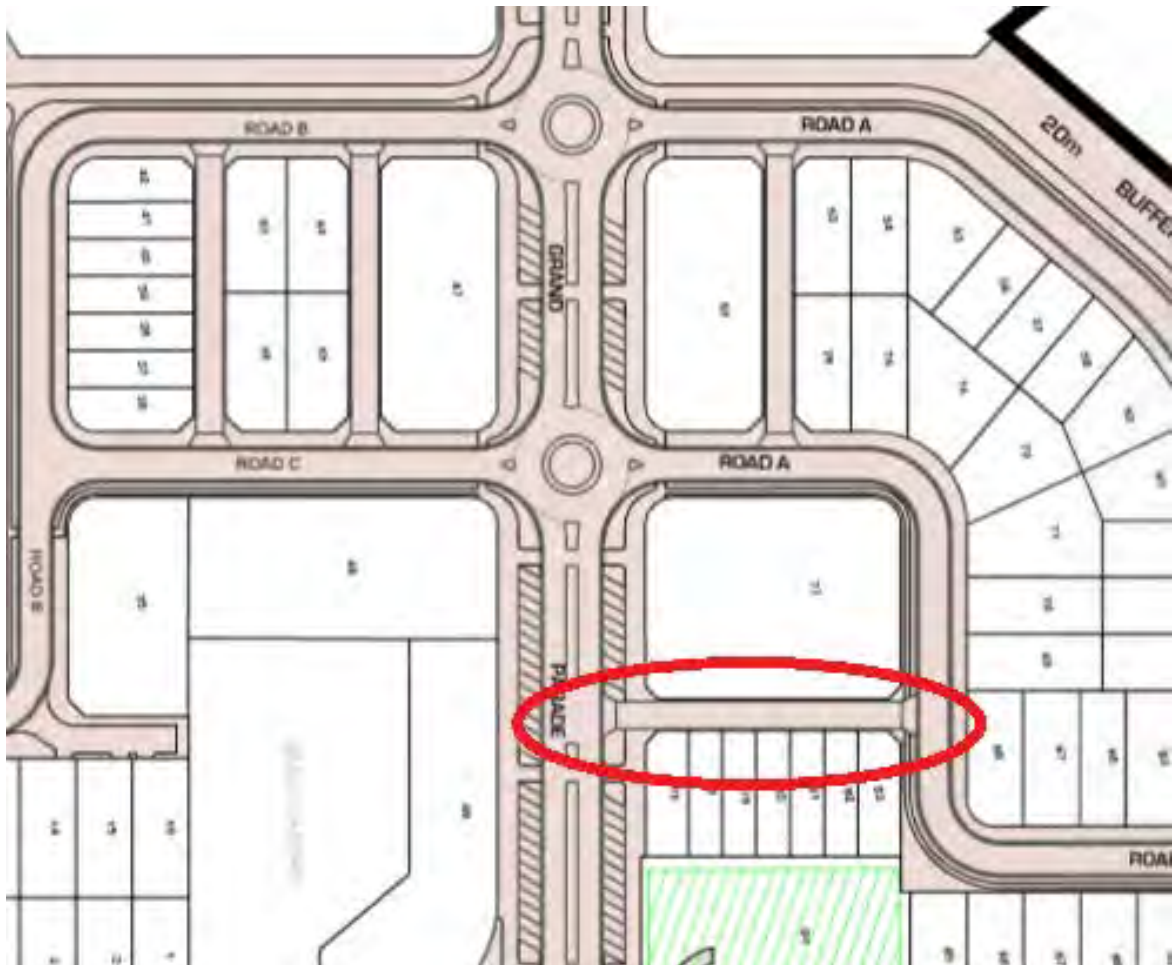


Figure 11: Road connection between Road A & Grand Parade

Development Engineering Unit

Council previously requested further information with respect to the four rear access laneways (which now serve lots 72 & 77– 83, 36-47 and 52, 53 & 76). Specifically it was queried whether these would be privately owned with easements or public roads conforming to Council standards. From the updated plans submitted, it appears that these are to be dedicated to Council as road reserve however for Council to accept these they would need to be demonstrated to Council standards.

Furthermore the access driveway servicing proposed Lots 14, 15 and 16 is indicated as being public road reserve. Again, this is required to be demonstrated to be to Council standards if it is to be dedicated as road reserve, otherwise the application should be modified to demonstrate this as privately owned right of carriageway etc.



## Water/Sewer Infrastructure

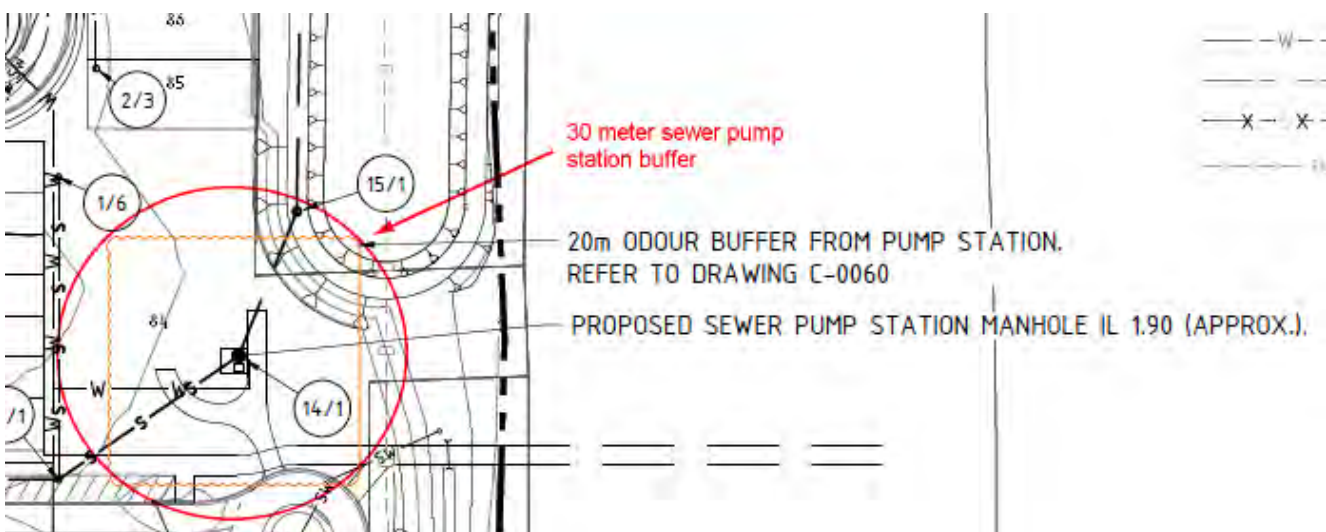
### Background

Extensive consultation has been undertaken between Council and the proponent with respect to the provision of water/sewer services subsequent to MOD 10 being submitted for consideration. Through this, Council have now accepted in principal concept design of a sewer pumping station (SPS) within the proposed park area.

The main areas of concern with the proposed SPS was the buffer zone provided and the depth of the well. Agreement in principal was given to the concept plans provided by the applicant to Council once they met the minimum buffer zone requirement of 30m and the wet well depth requirement of 6 metres.

### Sewer

The Water & Wastewater Engineering plans provided within the RtS provided to the Department of Planning and Environment are dated 09/08/17. These plans include reference to a 20 metre buffer zone from the proposed SPS. However prior to the submission of these plans, agreement was made with the proponent that they would provide a 30 metre buffer. Furthermore, when the plans are scaled, the orange area shown on the plan appears to be a distance of 30 metres (see figure 12 below). Council will require a minimum of 30 metres despite what is indicated on this plan.



Council officers also have concern with the lack of detail provided to date regarding the sewerage pumping station. The design provided shows only a manhole where the wet well will be located at a depth of just under 6 metres. However this design does not take into account any of the SPS design requirements and Council have concerns that the proposed wet well will not meet Council development design specifications outlined in D12.20.5(b) that pump wells shall be a maximum depth of 6.0 m (top slab to pump well floor). Council has indicated it may accept slightly more than 6 metres, however should they not be able to meet this requirement, the design will require amendment to meet the specifications. This may include, a redesign of the upstream incoming sewer invert levels, increasing the upstream pipe size to amend the minimum grade requirements, reducing the design surface

level at the location of the wet well to reduce the depth, or another option nominated by the designer that meets wet well depth requirements.

The proposed SPS for this site was initially discussed as a lift station. However with the exception of the lack of a rising main at this station, this SPS will operate as a pumping station and not a lift station, because in principle, a lift station should be able to operate even when the pumps are not on, by means of filling the well and overflowing to the next catchment. However due to the fill proposed on the Casuarina Town Centre lot, the ground level upstream of the development is significantly lower (by approximately 3 metres or more). Therefore, should the SPS well fill, the overflow would occur upstream of the well. Therefore, for all intensive purposes, this SPS will be known as a pump station (not a lift station). Furthermore, sufficient storage will need to be provided by the developer at the SPS (to 8 x ADWF as outlined in the D12) to ensure that if the pumps are not operational, there is sufficient storage to prevent upstream overflows.

Other details that are yet to be provided and will need to be shown in the detail design of the sewer include:

- Sewers to be located in road reserves where commercial lots are proposed.
- Proposed sewer connection for lot 50 to be confirmed to ensure it meets Councils requirements that maintenance holes should be limited to 5.0m deep.
- Additional manholes required where sewer is at road crossing (ie: from Class 8 to Class 12 under road).
- Sewerage Study to be provided as part of detail design.
- SPS design to be provided as part of detail design.
- MOD 10, if approved would need to be conditioned to ensure that it is clear that any plans provided to date are considered as conceptual only and detail design will be required prior to construction certificate for approval by Council.

Furthermore, during construction of proposed stage 1D, Council will require the existing live sewer within the lot to remain accessible for repairs and maintenance until it is decommissioned. Therefore Council will require that bulk earthworks within a 10 metre proximity to the existing trunk sewer on the lot shall not commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned as part of the initial staged works and approved by Council. Similarly the demolition of the existing trunk sewer cannot commence until the provision of the new sewer pumping station and trunk sewer main has been completed, commissioned and approved by Council.

## Water

To date a water supply layout has been provided by the proponent, with no information regarding the proposed pipe sizes within the development are shown. Therefore, whilst the Water supply design generally appears to meet Council requirements with respect to layout, the proponent is yet to demonstrate that they will be able to meet Council standards within the development. It will be up to the proponent to demonstrate this within their detail design plans via an hydraulic model or another method that demonstrates that these requirements shall be met.

Other details that are yet to be provided and will need to be shown in the detail design of the water include:

- Water Supply Study to be provided as part of detail design.
- MOD 10, if approved shall be conditioned to ensure that it is clear that any plans provided to date are considered as conceptual only and detail design will be required prior to construction certificate for approval by Council.

### Public Open Space

#### Area dedicated to Council

NSW Planning is requested to identify the overall quantity of open space dedicated to Council under the MOD 10 layout as compared to that previously approved. It is noted that the original assessment undertaken combined the total area of dedicated easement and open space and identified the location and size of these areas (See Figure 18 & Table 2 of Director-General's Environmental Assessment Report).

While the amount of casual open space being dedicated is considered to be less than that required under Council's subdivision manual controls based on the population envisaged, it is recognised that this is an application to modify a previous approval and that overall the population is proposed to be reduced through this modification.

#### Cycleways

Consideration should be given to the connections between proposed cycleways and footpaths within the Casuarina Town Centre development. In particular, it should be ensured that a shared path doesn't end suddenly at a footpath but instead, where possible should join another cycleway/shared path that leads to a destination point. The following specific comment is provided:

- The cycle path at the South West corner of the Town Centre has been moved on the submitted landscape plans so it doesn't now go through the open space lot for drainage reserve. Instead, the cyclepath now joins the existing cyclepath at Casuarina Way with a sharp turn. It is noted however that Plan P7 -Dedication & Easement Plan Stages 1D & 1E (prepared by Newton Denny Chapelle) demonstrates a road reserve dedication to this area which generally follows the previous cyclepath (See figure 13 below). NSW Planning are requested to clarify the intended cycleway layout at this location and ensure that any layout approved connects in a safe manner with the Casuarina Way cycleway.





Figure 13: Road reserve (Possible Cycleway)

- At the North East end of the Town Centre there has been a change to where the cyclepath joins Casuarina Way. Previously this was through the north portion of proposed lot 51. NSW Planning is requested to consider whether the deletion of this linkage is appropriate as part of a detailed assessment.
- The cyclepath should be extended to connect to the existing shopping centre.

#### Public Park (Proposed Lot 84)

The following comments are provided with respect to the public park. It is considered that these relate to detailed design within the park and can likely be dealt with via appropriate conditions of approval, but nevertheless outline important considerations for Council which are requested to be taken into account as part of NSW Planning assessment:

- The park is impacted upon by the infiltration basin, sewer pump station and service driveways being located within the site. In this regard, the detailed design of the park must be carefully considered to ensure that the park can function to a high level.
- The service driveway for the sewer pump station appears excessively long, extending approximately 20m past the location of the pump station. Council wishes to ensure that a link is maintained between the playground and the coastal foreshore.
- The landscape plan for this park should maximise use of adjoining public land, as the land parcel (showing an area of 3500m<sup>2</sup>) is an awkward shape for a park.

Density of Casuarina Town Centre Development

The proposed modification results in an amended allotment layout design as outlined under Figures 6-8 above. It is noted that this amended layout will result in a reduction in density of development on site. The Dwelling Density submitted as part of the RtS outlines the following with respect to this:

**Table 1: Dwelling Yield Analysis – Casuarina Town Centre [MP06\_0258]**

Casuarina Town Centre Precinct/Area (m <sup>2</sup> )	Original Approval – No. of Dwellings	Modification 6– No. of Dwellings	Modification 10– No. of Dwellings
A – 27,228m <sup>2</sup>	209	40	40
B – 41,990m <sup>2</sup>	307	307	201
C – 27,442m <sup>2</sup>	211	211	129
D – 8,821m <sup>2</sup>	67	67	29 (see note 1 below)
E – 4,433m <sup>2</sup>	8	8	8
F – 8,351m <sup>2</sup>	18	18	18
G – 5,765m <sup>2</sup>	12	12	12
<b>TOTAL</b>	<b>832</b>	<b>663</b>	<b>437</b>

It is noted that under Modification 6 (Approved 16 May 2014) a reduction in density was previously approved to the Casuarina Town Centre development on land to the south of MOD 10 land, where medium density allotments to provide for 208 units was changed to a 40 Torrens title allotment configuration.

This application would further reduce the density of development to the overall Casuarina Town Centre.

At the time of assessment of Mod 6, Council provided the following comments concerning the reduced density of the development over these allotments:

*“In assessing the merits of the original proposal it was noted that a variety of low and medium density housing options was an element of the overall Casuarina Town Centre development which provided an environmental, social and economic benefit and resulted in the support of the development. Furthermore, it is considered that a town centre site should have a higher residential density in close proximity to services such as the proposed retail area in order to maintain the viability of such services.*

*Therefore, from Councils perspective it is considered necessary that any such amendment be suitably investigated from a holistic perspective regarding potential impacts on the Casuarina Town Centre Development.*

*It is not considered that adequate information has been provided in this regard to determine that the proposed amendment will not have a detrimental impact on the Casuarina Town Centre development as a whole. As such, a detailed assessment of the potential impacts arising from the proposed modification should be provided in order to ascertain the impact of the modification with respect to this.”*

The modification application now submitted seeks to further reduce the density of development over this area by an additional 226 dwellings. Tweed Shire Council would

again request that Department of Planning & Environment assess this as a reduction to the density of the overall Casuarina Town Centre development and consider its suitability from a holistic perspective regarding potential impacts on the Casuarina Town Centre Development.

It is further noted that under Tweed Local Environmental Plan 2014, a large portion of land to which this application relates is zoned B2 Local Centre and R3 Medium Density Residential uses where a greater residential density would ordinarily be provided.

**Modification of the built form to increase the height of buildings permitted along Grand Parade**

The submitted application advises that the concept plan has been designed in order to create a gradual increase in density from the surrounding existing residential uses to the town centre. A concept drawing of this has been reproduced under Figure 14 below:



Figure 14: Concept Imagery

It is further noted that the modified master plan encompasses two four storey apartment sites to the western end of Grand Parade and one to the north of Grand Parade. Grand Parade is stated as being lined with three and four storey mixed use retail (ground floor) and residential units (levels 2 & 3). The submitted application advises that the proposed building height accords with the 13.6m building height limit prescribed within the Tweed Local Environmental Plan 2014.

The Grand Parade sheet contained within the Casuarina Beach Town Centre Vision & Landscape Document prepared by RPS (Page 4 of 9) indicates that there would be Ground Level Mixed Use development such as shop top housing and SOHO type units proposed as part of this modification.

Previously, Council provided comment requesting that the land use definition of any such SOHO units be provided in order to determine whether this would entail a commercial use or a home office area which would be ancillary to a residential unit on site.

Council staff are supportive of the area being utilised for commercial and mixed use type development, consistent with the current zoning over the land under the Tweed Local Environmental Plan 2014 (B2 Local Centre).

The site is currently subject to the 13.6m Building Height Control, and the proposed concept plan building heights would conform with this control. It should also be noted that a report has been submitted to the Planning Committee meeting of 7 December 2017 which seeks Council determination of amendments to Council's Planning Controls to review heights in various areas of the Shire.

With respect to the built form gradual increase in height, please see comments above relating to the density being achieved across the Casuarina Town Centre development.

**Deletion of the approved hotel use**

A tourist hotel was approved as part of the original Casuarina Town Centre development. As part of this S75W modification application, it is proposed to delete this use '*due to the development not being deemed economically feasible having regard to existing tourist development within the immediate locality.*'

Tweed Shire Council does not have any specific comments with respect to the deletion of this use, however the Department of Planning and Environment is requested to determine any impacts associated with same as part of its assessment of the modification.

**Revisions to the drainage concept to facilitate the filling of the existing drainage swale and the conversion of the swale to a 'green buffer'**

**Background**

There is currently a 36m swale located to the north site boundary, approved under the original approval. Modification 1 raised the proposal to pipe the swale and reduce the width of drainage land to accommodate it. Under this Modification the Department issued an approval that set various design criteria around the sizing of the piped system to ensure equivalency of performance in extreme storm events, requirements to offset lost infiltration capacity, and requirement that a 20m wide drainage reserve be created over the drainage infrastructure along the northern boundary, thereby preserving a buffer function and continuity for a cycleway between the sports fields to the coastline cycleway.

In granting owner's consent for works to be carried out in this area, Council agreed to relinquish the 36m wide easement in return for the dedication of the 20m wide drainage reserve. To date these works and dedication have not taken place. The previously approved 20m easement is demonstrated in Figure 15 below:



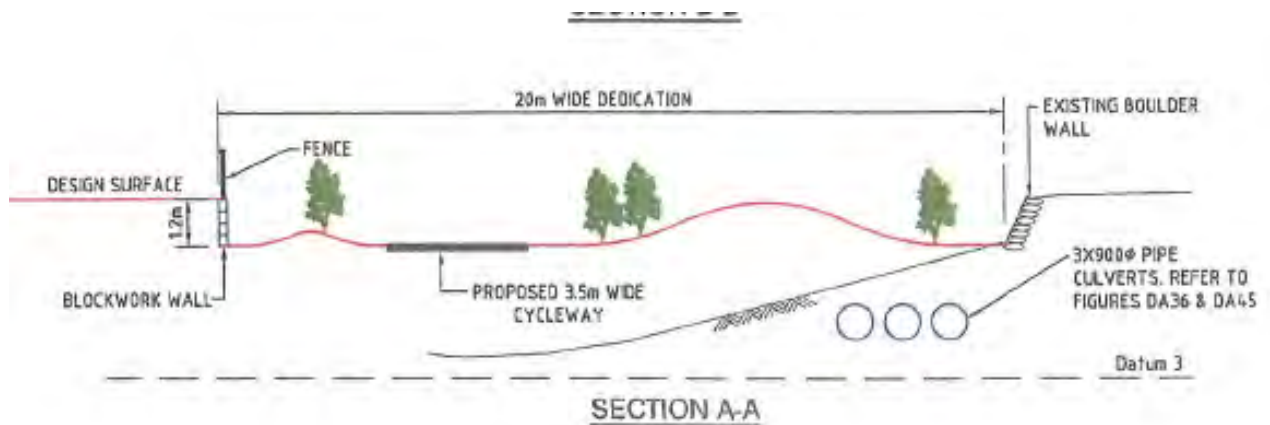


Figure 15: Approved Easement

MOD 10 as Originally Submitted (2016)

The submitted application outlined that the purpose of the swale was twofold, firstly to provide for stormwater management within Casuarina, and secondly to address the proposed land use interface with the adjoining northern residential dwellings.

Beyond this it was also noted that this easement is benefitted to Tweed Shire Council, and as such an application to extinguish same would need to be approved by Council.

It was proposed to locate a road within this 20m dedication, resulting in a reduced 8m wide buffer, as identified in and Figures 16 and 17 below:



Figure 16: North Boundary Treatment with road

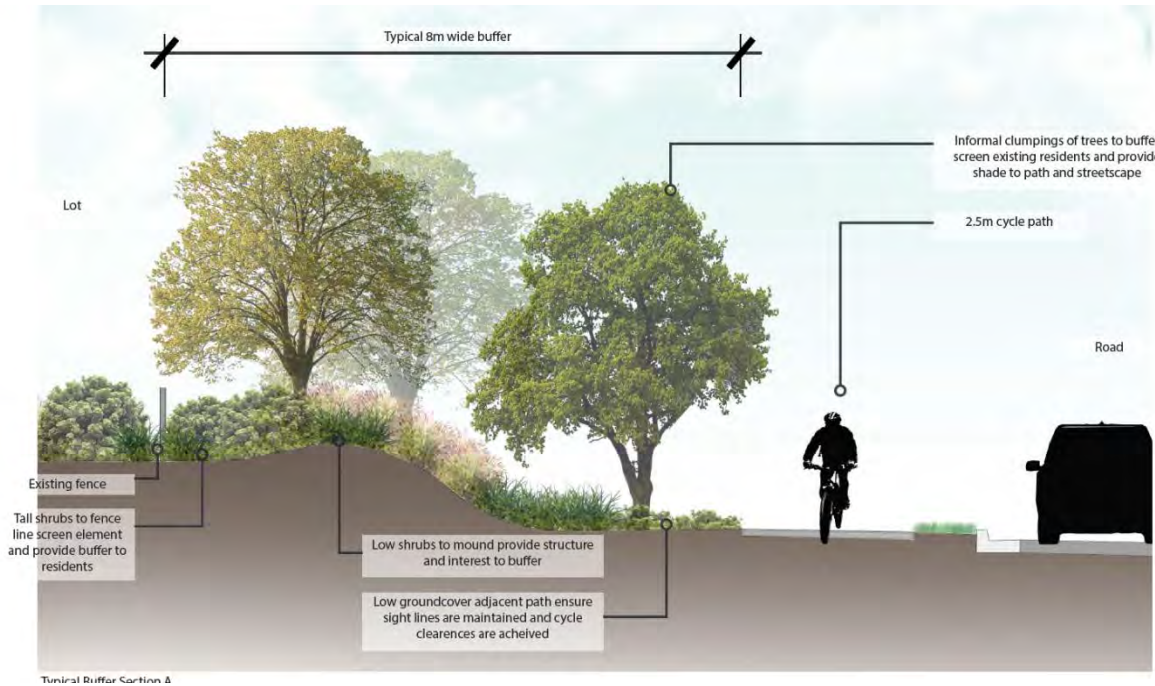


Figure 17: Concept drawing of proposed 8m wide buffer

Objections were raised to this element of MOD 10 by both Council officer and members of the public. Council officer concerns related to insufficient detail being provided to demonstrate that the stormwater measures would be adequate and inadequate justification for the reduction of the green buffer. Of relevance, Council submission to NSW Planning included the following:

*'In conclusion, it is considered that the proponent may be able to achieve the required stormwater/infrastructure provisions within the amended design, however sufficient information has not been provided as part of this application to demonstrate that all services can be located in the proposed area.'*

*It is further considered that adequate justification for the reduction of a buffer area has not been provided as part of this application. This is in particular noted through the submission of correspondence from landowners to the north in opposition to this element of the proposal.'*

*Council would request that the Department of Planning & Environment give consideration to the public submissions received with respect to this element of the modification and it is considered that without sufficient justification for a change to the approved layout, Council would prefer that the existing arrangement remain to this area.'*

#### MOD 10 as Now Proposed under Response to Submissions (2017)

Subsequent to Council comments to NSW Planning the proponent has worked with Council officers to resolve the issues raised with the MOD 10 stormwater and green buffer reduction.

This has resulted in a revised subdivision layout which demonstrates a 20m buffer to the north site boundary area. Furthermore, the stormwater management now proposed is accepted by Council officers. Therefore Council's previous concerns with this element of

the proposal have been addressed satisfactorily. See below for further detailed comment in this regard.

### *Green Buffer Area*

The revised development layout now proposed a 20m green buffer area to the north of the proposed northern road, as per Figure 18 below:



**Figure 18: North Boundary Treatment with road**

This maintains a buffer area consistent with the existing Major Project Approval and is therefore acceptable.

### *Stormwater Management*

Concerns were raised with the initial modification application in that it proposed to significantly reduce the size of the piped trunk drainage system. The outcome was that the applicant's consultant report was reviewed by a third party, which recommended a further change in stormwater design.

The stormwater design now proposed includes a 2.7m x 1.8m stormwater culvert as identified in figure 19 below. This has been reviewed by Council officers and is considered to be acceptable from a stormwater perspective.

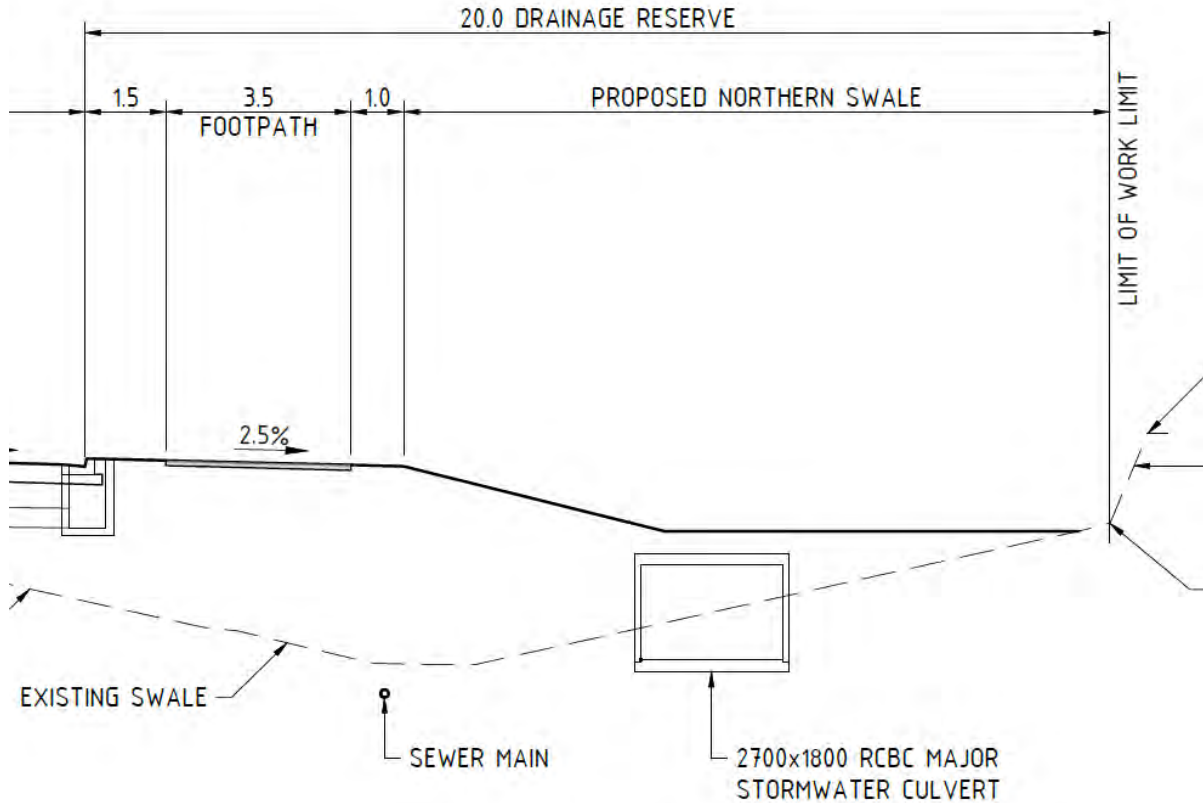


Figure 19: North Boundary Stormwater Treatment

The relevant Council Officer Engineering comments are provided below:

*Manager Roads & Stormwater*

Over the course of almost two years, Council officers have been working to resolve issues with the subject modification application with the proponents and their consultant engineers. With respect to public infrastructure (excluding water and waste water which is assessed by others) the main issue has related to the piping of the stormwater swale through the site. While this was approved in previous modifications, the subject subdivision application sought to further modify the plans for infrastructure and public space within the stormwater easement. This was important for a number of reasons, the main being:

- Demonstration that the proposed piped trunk drainage would have adequate capacity to cater for the 1% AEP storm event (or greater) without causing flooding of existing properties, future allotments, or the coastal reserve and beach areas;
- Provision of adequate alternate stormwater infiltration areas that are lost due to piping of the swale, to ensure downstream impacts of the development on Cudgen Creek are mitigated in accordance with the original master plan approvals for Casuarina;
- Provision of a suitable northern buffer between the town centre and existing residential development to the north, containing green space, walk/cycling paths, infrastructure services, and an overall positive urban design outcome.

Concerns were raised with the initial modification application in that it proposed to significantly reduce the size of the piped trunk drainage system. The outcome was that the applicant's consultant report was reviewed by a third party, which recommended a further



change in stormwater design. This was ultimately acceptable to Council and the applicant, and the modification application adjusted accordingly.

In undertaking these drainage changes and in response to community submissions, the 20m buffer along the northern boundary was also reinstated, to be clear of road infrastructure and private development. Again this is acceptable to Council officers, and amended plans now reflect this.

In order to achieve capacity and infiltration requirements, significant stormwater drainage infrastructure was proposed within the coastal reserve along the eastern frontage of the town centre site. Initially this consumed a large area, required levels that resulted in unsuitably high retaining structures on public land, and was judged by Council officers to be a poor outcome for the public reserve. Through a process of meetings and emailed correspondence, the applicant's engineering consultants modified the landform and stormwater interface to produce a basin design that is now suitable to Council officers and accepted by the developer. The works on this parcel necessitated a review of the plan of management for community land, however it is assumed that this process has been resolved appropriately.

In terms of the modification application's impacts on public infrastructure, I am satisfied with the applicant's response to Council's previous submissions, and the modified / updated plans and drawings.

#### *Development Engineering Unit*

'... an external peer review is required to confirm pipe sizing. On 15 May 2017 a revised stormwater management plan and a peer review work was submitted to Council. Based on the findings it was agreed that a 2700x1800 RCBC was an acceptable solution.

Based on the above agreement of stormwater pipe sizing's the other services (sewer, water, retaining walls, batters, pump station location etc...) was consequently updated and hence have now been accepted as appropriate.

It is now considered that the proposed drainage 2700x1800 RCBC pipe is an accepted drainage solution combined with a northern swale above including a 20m wide drainage reserve.

#### **Changes to the timing for the provision of additional beach access**

Under the current approval, Condition B5 of the Concept Approval requires the proponent to obtain approval from the relevant agencies regarding the provision of a proposed beach access to the east of the icon building. This is currently required prior to the issue of a construction certificate for balance of Stage 1 works. The applicant has requested that the approval be modified to have the access approved in Stage 2 in association with the development of the 'Icon Building' and surf lifesaving facilities.

To this end the applicant has provided an amended condition B5 which states that '*Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of the Construction Certificate for the Icon Building.*'

This has been previously reviewed by Councils Natural Resource Management Unit who have advised that there is 'No objection to the proposed changes to timing for provision of additional beach access.'

Council has no objection to the amended timing for the beach access provision.

**Changes to the approved staging plan**

Amended staging of the development is proposed as part of the MOD 10 application. With respect to this, the information submitted in 2016 application states the following:

*"Stage 1D is proposed to include the construction of the civil infrastructure and its associated dedication as a public asset, whilst Stage 1E will include the release of the remaining 92\* lots (including 2 public reserves). Stage 1D will encompass the development of the balance of the road network (as amended), water, sewer, drainage, electricity and telecommunication infrastructure for the full Casuarina Town Centre. As part of the drainage works, the existing swale will be piped and filled and thereby established as a planted buffer with a shared pedestrian/cycleway path.*

*Stage 1E will then comprise the release of the balance of the subdivision for future residential housing, mixed use, commercial and retail development. The timing for the release of the lots within Stage 1E will occur based on market demand."*

\*Planners Note: Stage 1E will now encompass 93 lots rather than 92 lots.

The amended staging is demonstrated in Figure 20 below:

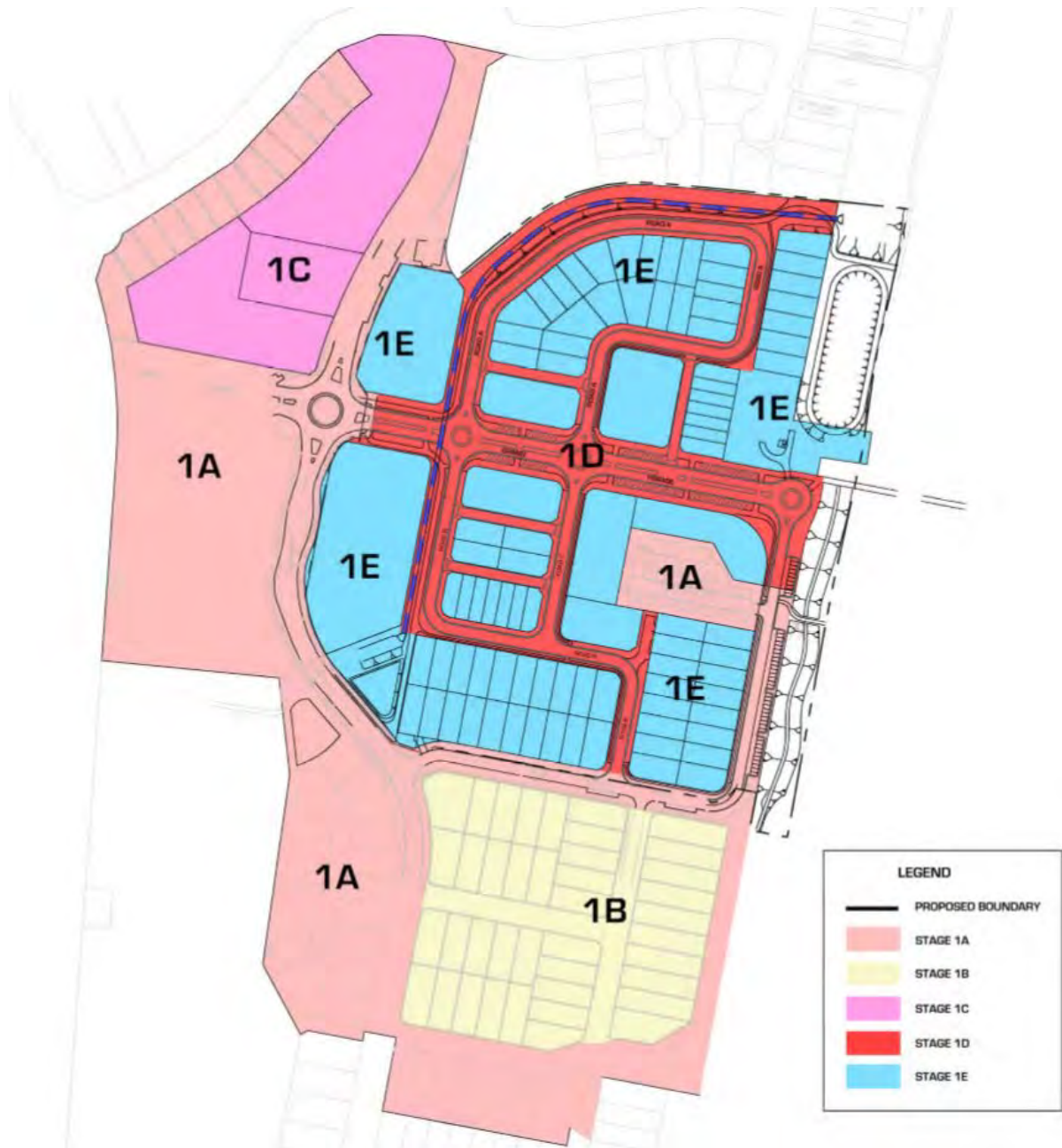


Figure 20: Proposed Staging plan

Council do not have any specific objections to the staging of the development in this manner, provided the provision of infrastructure (Stage 1D) occurs prior to the release of allotments (Stage 1E).

**Administrative changes to the conditions of approval in response to the above changes.**

As outlined in the comments contained elsewhere in this report, it is considered that minor clarification/amendment is required with respect to the proposed modification application. In the event that this is satisfactorily addressed and MOD 10 approved, it is considered likely to necessitate the amendment to the conditions of approval. Tweed Shire Council would welcome an opportunity to comment/review conditions of approval prior to the application being finalised.

**Key amendments proposed in RtS include:**

- **Relocation of the local road outside the 20 metre green buffer to the northern boundary; and**
- **An increase in lots in Stage 1E from 92 lots to 93 lots.**

**Relocation of the local road outside the 20 metre green buffer to the northern boundary**

The background with respect to the 20m green buffer to the northern boundary is detailed elsewhere in this report (under 'revise the drainage concept to facilitate the filling of an existing drainage swale and its conversion to a 'green buffer' heading).

Through the Response to Submissions the proponent has amended the application to reinstate the 20m green buffer where it adjoins residential accommodation to the north, as demonstrated in Figure 21 below:



**Figure 21: North Boundary Treatment with road**

This is supported by Council staff.

**Increase in lots in Stage 1E from 92 lots to 93 lots.**

An additional allotment is now proposed as part of the Casuarina Town Centre to the highlighted area below from the layout submitted under the original MOD 10 application. It is noted that this area is not subject to a minimum lot size under Tweed Local Environmental Plan 2014. Council officers raise no objection to this additional allotment.





Figure 22: Additional allotment

**Miscellaneous**

Owners consent/ Plan of Management for Lot 13 DP 1014470

The proposed modifications to Casuarina Town Centre include works on Council owned Community Land (Lot 13 DP 1014470). See area highlighted and in yellow below:



Figure 23: Lot 13 DP 1014470

In association with the Casuarina Town Centre Concept Plan this land was always intended to be used for some form of park and public infrastructure however the details of this space have now been further confirmed in MOD 10 and outlined in the lodgement of a “Plan of Management” for this area which has resulted from a major amendment to the stormwater drainage system for the site.

At the Council meeting held on 21 September 2017, Council resolved to place a draft Plan of Management for Lot 13 DP 1014470 on public exhibition. The draft Plan of Management will be on public exhibition from 8 November 2017 to 6 December 2017, with submissions being accepted until 20 December 2017.

Prior to finalising the MOD 10 application, NSW Planning are requested to confirm with Council that the Plan of Management has been adopted by Tweed Shire Council to ensure that the works proposed as part of this application are reflected in the Plan of Management for Lot 13 DP 1014470.

**OPTIONS:**

1. Council endorses this report to form the basis for a submission to be submitted to NSW Planning & Environment with regard to Response to Submissions (RtS) on modifications of the Concept Approval and Project Approval relating to Casuarina Town Centre (MP06\_0258) MOD 10; or
2. Council does not endorse the comments in this report to be submitted to NSW Planning & Environment and either provides amended comments or elects to make no submission on this Modification application.

Council officers recommend Option 1.

**CONCLUSION:**

It is considered that additional information and possible design amendments are required in order for the proposed modification to receive the conditional support of Tweed Shire Council, as outlined in the above report. It is recommended that the Department of Planning and Environment be advised of this and requested to take Council comments into account when assessing the modification application.

**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:**

Attachment 1. DA10/0226.26 Council Report - 21 April 2016  
(ECM 4759627)

Attachment 2. DA10/0226.26 Council Report and Resolution – 21  
September 2017 Draft Plan of Management (ECM 4934387)

---

15 [PR-CM] Compliance Matters - Site 198 and Site 199 Hacienda Caravan Park

SUBMITTED BY: Building and Environmental Health

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development assessment - To assist people to understand the development process and assess applications lodged with Council to achieve quality development outcomes and land use decisions.

**ROLE:** Provider

---

**SUMMARY OF REPORT:**

Council has received a complaint regarding unauthorised building works associated with Site 198 and Site 199 at Hacienda Caravan Park. The matter was investigated and in both cases it was evident that unauthorised works had occurred and show cause notices were issued.

Both owners have claimed they were unaware of the need to seek approval, however both were aware of action Council took against the previous owner of site 199 in respect to earlier unauthorised works.

It is considered that the works at sites 198 and 199 do not impact the amenity of adjacent residents.

The unauthorised works identified involve the following:

**Site 198:** The rear section was previously a paved area with a shade cloth cover which does not require approval. More recently a new deck and covered roof area with shade cloth has been constructed in this section. The deck structure is likely to have required approval and would have been approved. The shade cloth has recently been covered with an impervious Alsanyte roof. A roof requires approval under the provisions of the Local Government Act 1993 and it also appears that the works cannot be approved due to the exceedance of the allowable site coverage.

The owner admits the work to install the roof structure was done without approval and would have known that approval was required as they knew of the legal action taken against the previous owner of site 199. This report proposes that the roof should be removed (as it cannot be approved), however that the deck be allowed to remain as it could be approved.



**Site 199:** The rear of the existing caravan has been recently removed by the new owner and the existing veranda has been enclosed to extend the existing bedroom and living area when Council inspected the site. The owner admits that the work has been undertaken without approval and advised they can reinstate the structure but this will cause hardship. The new owners were aware of actions taken against the previous owner.

The works on Site 199 were undertaken by a registered builder who lives within Hacienda Caravan Park. He would be aware of the actions taken against previous owner. It is not clear at this stage who undertook the works on Site 198.

The builder has been advised that the undertaking of works without Council approvals in place is not only the responsibility of the owner but also the persons undertaking the work.

In terms of pursuing the unauthorised works, it is considered that the findings of the Land and Environment Court in the previous matter relating to site 199, as well as the significant time and resources that were experienced in pursuing this matter, make it difficult for Council to justify a similar level of expenditure on the most recent non-compliance matters for site 199.

#### **Options:**

The works undertaken at site 198 and 199 require Council approval under the Local Government Act 1993 but are not be able to be approved. Should Council take legal action, the view of the court in either action is uncertain.

There are three options that are available (each site may be considered differently).

1. Issue fines for one/both owners and the builder and order removal of the illegal structures.
2. Issue fines only and not take legal action due to the uncertain outcome and cost.
3. Take no action.

For the reasons outlined in this report, Option 1 is recommended, involving fines for both sites, but only requiring removal of the illegal roof for Site 198.

#### **RECOMMENDATION:**

**That Council, in respect of the unauthorised building works undertaken on Sites 198 and 199 Hacienda Caravan Park, Lot 2 DP 535174 No. 37 Chinderah Bay Drive, Chinderah endorses:**

1. **The issuing of a Penalty Infringement Notice under section 626 (3) of the LG Act for \$220 to the owner of Site 198, and require the removal of the patio roof within 60 days of this determination as this structure exceeds the percentage site coverage permitted and requires the provision of engineering certificate for the existing deck structure within 60 days of this determination;**

2. **The issuing of a Penalty Infringement Notice under section 626 (3) of the LG Act for \$220 for the owner of Site 199 and determines that the structures be permitted to remain in-situ as this works does not exceed the percentage site coverage and requires the provision of engineering certificate for all works undertaken within 60 days of this determination; and**
3. **The issuing of a Penalty Infringement Notice under section 626 (3) of the LG Act for \$220 to the Builder for undertaking illegal works on Site 199.**

## **REPORT:**

Council has received a complaint regarding alleged unauthorised building works associated with Site 198 and Site 199 at Hacienda Caravan Park.

A summary of the investigation of complaints for each individual site is provided below.

### **Site 199 Hacienda Caravan Park**

- The site has been recently purchased and has been the subject of recent enforcement action by Council Officers relating to unauthorised works that was challenged in the Land and Environment Court.
- A Council inspection undertaken on 14 August 2017 showed that the rear of the caravan had been recently removed by the new owner and the existing veranda was in the process of being enclosed to extend the existing bedroom and living area. The works were then completed following this inspection (again without approval) to avoid any weather damage. Before and after photos are provided below.
- Section 75 of the Local Government (Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 1995 states that associated structures must not be designed or modified so as to be used as a habitable room. The works undertaken have modified the existing verandah (associated structure) by enclosing it to extend the bedroom and living areas (habitable rooms). Therefore an offence has occurred and the work would not be approvable.
- A show cause letter was sent on 1 September 2017.
- The owner of the site immediately contacted Council to seek advice as he was unaware of Councils requirements to get approval.
- The owner was apologetic and advised that he will wait further instruction from Council and would remove the structure if instructed to do so.
- The owner was distressed and advised that any request to remove the structure would lead to financial hardship. Note the back of the van has been totally removed.
- Reinstatement of the works would be difficult and unlikely to be required by the court.

### **Site 198 Hacienda Caravan Park**

- The site was subject to an investigation in November 2016 in response to allegations of unauthorised work. At the time of this investigation including an interview, statutory declarations and an analysis of aerial photography it was determined that works undertaken did not require approval under the provisions of the Local Government Act 1993. Subsequently no further action was taken by Council Officers. Since this investigation there have been further complaints and allegations of unauthorised site works that led to an investigation undertaken on 24 August 2017.
- The existing shade cloth has been covered with an impervious Alsanyte roof.
- This work does require approval under the provisions of the Local Government Act 1993. It also appears that the works may not be able to be approved due to the exceedance of the allowed site coverage.
- A show cause letter was sent on 1 September 2017.
- A response to the show cause notice was received by Council on 10 October 2017. A summary of the response is provided below.

- The cover was installed in April 2017. The owner advised that the roof was installed due to constant rain and wind coming from cyclone Debbie. The deck area was unusable and resulted in a slip and fall.
- The owner advised other residents in the park have similar structures and they did not think approval was required. (They were aware of legal action taken at site 199).

**Before and after photos of Site 199:**



**Photo 1 – Photo provided by owner showing the structure prior to the works.**



**Photo 2 – Photo of the work taken by Council Officers after works were completed.**

The photo shows that the verandah/deck area has been infilled to increase the internal footprint for habitable spaces which is not permitted in the regulations. Council cannot approve a deck being converted into a habitable room and can require it be reinstated, but is not obliged to order the reinstatement.

**Current structure at site 198**





**Photo 3 - Demonstrates that the existing shade cloth has been covered with an impervious Alsanyte roof which has exceeded the allowable site coverage for the site.**

Note: the deck has not been approved, but would generally be approved had they applied.

**Builders Responsibility**

The works on Site 199 were undertaken by a registered builder who lives within Hacienda Caravan Park. The builder has been advised that the undertaking of works with Council approvals in place is not only the responsibility of the owner but also the persons undertaking the work. A show cause notice was sent to the builder on 10 October 2017. It is not clear at this stage who undertook the works on Site 198.

The builder responded on 17 October 2017 and advised the works were largely undertaken to replace old for new and that this was a misunderstanding by the owners and himself.

Council does not support this view and considers the works substantial and new.

**Important Considerations**

The works undertaken at sites 198 and 199 require Council approval and are not able to be approved under the Local Government Act 1993.

198: because the dwelling already exceeds the percentage site coverage.

199: because a deck or carport can't be converted into a habitable room (this was one of the central issues in the action taken previously at site 199).

The works are not considered to impact on the amenity of adjacent residents.

Council undertakes annual inspections of all caravan parks in the Tweed Shire Council to ensure the park is being operated in accordance with their approval to operate.

Individual sites do not get assessed during these inspections and Council only acts on alleged illegal building works when complaints are received.

Taking regulatory action on this site may lead to a precedent and requirement for Council to investigate other potential illegal structures that may exist on the site that have not currently been the subject of complaints to ensure Council is being fair and equitable. This would require significant Council resources.

Previous actions taken by Council in relation to Site 199 with the previous owners did not result in the reinstatement of the premises which creates a precedent in this matter.

**OPTIONS:**

**Option 1:** As per recommendation.

**Option 2:** Council endorse that the unauthorised structures of both Sites 198 and 199 remain in-situ and issue Penalty Infringement Notices under section 626 (3) of the LG Act for \$220.

Option 2 can be substantiated using the precedent provided in the LEC and the failure of that court to require the reinstatement of the premises. Council would be taking a more extreme action than that imposed by the courts and in their power to do so.

**Option 3:** Fines issued to all three parties and both structures be required to be reinstated.

**CONCLUSION:**

The works undertaken at site 198 and 199 require Council approval and are not able to be approved under the Local Government Act 1993 for the following reasons:

198: because the dwelling already exceeds the percentage site coverage.

199: because a deck or carport can't be converted into a habitable room (this was one of the central issues in the action taken previously at site 199).

Council believes that the owners of site 198 and the builder were aware of action taken against the previous owners of site 199 and that the works require Council approval however they have said that they did not realise that these works required approval.

Previous actions taken by Council relating to Site 199 on similar matters have resulted in substantial legal costs and no requirement to reinstate the works.

Based on the information provided during the investigation it is recommended that Council issue Penalty Infringement Notices to the owners of site 198, site 199 and the builder.

However, it is less clear whether the reinstatement of the original structures is the preferred action for Council. While the works were undertaken without approval and indeed cannot be approved, legal costs will be high and the outcome in the court uncertain if the request to remove the structure is court elected. Importantly the Land and Environment Court who had the power to reinstate structures opted not to do so.

The recommendation to allow works at site 199 to remain is based on the fact that a solid roof already existed, so site coverage is not increased, it will be difficult and expensive to reinstate and it is unlikely the courts would require reinstatement if legal action is pursued.

The recommendation to require removal of the solid roof at 198 is based on the fact that the site already exceeds the percentage site coverage, and the roof is relatively easy to remove.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not applicable.

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

Potential legal costs if requests to rectify the unauthorised works is not undertaken and/or penalty infringement notices are court elected requiring legal representation from Council.

**c. Legal:**

Legal advice has not been sought. The decision to issue a penalty infringement notice or order to remove structure may require legal representation if court elected.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---



16 [PR-CM] Proposal by Polis Plan - Circular Economy Innovation Hubs

SUBMITTED BY: Strategic Planning and Urban Design

mhm



Leaving a Legacy  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - Plan for sustainable development which balances economic environmental and social considerations.  
Promote good design in the built environment.

**ROLE:** **Leader**

---

**SUMMARY OF REPORT:**

Over the last several years Council officers have been researching and reporting to Council on the emerging best practice for introducing sustainability performance assessment scoring models for major greenfield development sites. These investigations have also been prominent in the review of Council's current A5 Subdivision DCP and Code. Council has been briefed on a wide variety of such models, such a Green Star and Precinx. As part of these investigations Council staff have conducted site inspections of recently completed developments, and consulted widely with other Councils, State and Federal Government agencies, private sector sustainability specialists, and universities.

Through these actions, Council officers have developed a very positive relationship with the School of Earth and Environmental Sciences of the University of Queensland (UQ), and their specialist research arm, the Global Change Institute (GCI). The School have shown a particular interest in the unique challenges facing the Tweed Shire in the balancing act of accommodating housing and employment growth within one of the nation's most biodiverse regions and world heritage listed hinterland and highly sensitive coastal environs.

This liaison has led to the preparation of the ARC Linkage Research proposal "Sustainable and Resilient Coastal Communities: Identifying and Promoting Best Practice" as a joint UQ/GCI initiative, with project partners, Tweed and Noosa Shire Councils, and NSW and QLD State environment agencies. Tweed Council's commitment to date through its Climate Change Fund is for a sum of \$15,000 per annum over the three year life of the project, as well as the in-kind support required from Council staff for the overall management, working group collaboration, communications and consultation, as well the expertise of our town planning, ecology and engineering technical staff. The proposal is expected to be lodged by mid December, and if successful, is expected to commence by mid 2018.

Concurrent to the UQ project, Council has also consulted with the firm Polis Plan on an innovative rural settlement research proposal, titled "Circular Economy Innovation Hubs – Regenerative Land Development in the Tweed Shire". Polis Plan representatives have made presentations at two recent Councillor Workshops, whereby it was agreed that their proposal would be reported to Council to seek a determination of the level of support for Council to be a partner in an ARC proposal, similar to the UQ proposal. The latest version of the Polis Plan proposal is attached to this report. As identified at the most recent Councillors Workshop held on 23 November 2017, there are a number of interesting forms of sustainable rural settlement within the proposal, but that it currently lacks detail on how such a development could be advanced through the current strategic planning work program, particularly given that Council has already committed both financial and in-kind staff resources to the UQ proposal.

It is therefore recommended that Council receive and note this report on the Polis Plan proposal, and grant support for Council officers to continue to liaise with Polis Plan in developing a more detailed ARC proposal for further Council consideration.

**RECOMMENDATION:**

**That:**

- 1. Council receives and notes the report Proposal by Polis Plan - Circular Economy Innovation Hubs;**
- 2. Council officers continue to liaise and assist Polis Plan with their development of a more detailed ARC application proposal, so far as resources allow; and**
- 3. Prior to any further commitment Polis Plan should undertake community engagement within the key target areas and provide Council with a report on their findings.**

## **REPORT:**

### **Background**

Council staff have had some consultation with a private planning practice, Polis Plan, about their proposal for an innovative rural settlement research proposal, titled "Circular Economy Innovation Hubs – Regenerative Land Development in the Tweed Shire". Polis Plan representatives have made presentations at two recent Councillor Workshops, whereby it was agreed that their proposal would be reported to Council to seek a determination as to Council's level of support for the project and as a partner in an ARC grant funding proposal.

The Polis Plan proposal is of some interest for its potential as an innovative policy response for addressing housing affordability and sustainability in an alternative way to the current mainstream trend of highly regulated planning controls that rely on packaging net public benefit trade-offs with development incentives. This comes at a time when Council officers have been researching and reporting to Council for some time on the emerging best practice approaches for measuring and rating sustainability in the urban context, for example scoring sustainability performance for major greenfield development sites. These investigations have also been prominent in the review of Council's current A5 Subdivision DCP and Code. Council has been briefed on a wide variety of such models, such as Green Star and Precinx. As part of these investigations Council staff have conducted site inspections of recently completed developments, and consulted widely with other Councils, State and Federal Government agencies, private sector sustainability specialists, and universities.

Through these actions, Council officers have developed a very positive relationship with the School of Earth and Environmental Sciences of the University of Queensland (UQ), and their specialist research arm, the Global Change Institute (GCI). The School have shown a particular interest in the unique challenges facing the Tweed Shire in the balancing act of accommodating housing and employment growth within one of the nation's most biodiverse regions and world heritage listed hinterland and highly sensitive coastal environs.

This liaison has led to the preparation of the ARC Linkage Research proposal "Sustainable and Resilient Coastal Communities: Identifying and Promoting Best Practice" as a joint UQ/GCI initiative, with project partners, Tweed and Noosa Shire Councils, and NSW and QLD State environment agencies. Tweed Council's commitment to date through its Climate Change Fund is for a sum of \$15,000 per annum over the three year life of the project, as well as the in-kind support required from Council staff for the overall management, working group collaboration, communications and consultation, as well the expertise of our town planning, ecology and engineering technical staff. This proposal is expected to be lodged by mid December, and if successful, is expected to commence by mid 2018.

The Polis Plan proposal is a little different and does require further work to refine to the scope of a potential ARC application however it similarly provides an opportunity to research and test policy options within a local Tweed context and may add further value to the research work with UQ.

### **OPTIONS:**

1. Provide in-principle support for the Polis Plan research project, subject to resource capability, or

2. Proceed with allocating available resource capacity to the alliance with the University of Queensland and associated ARC research grant application, and that Council staff continue to liaise and assist Polis Plan with their development of a more detailed ARC application proposal, so far as their resources allow.

Option 2 is recommended.

**CONCLUSION:**

The need for greater sustainable development and access to a wide variety of housing forms and costs is unrefuted at every level of government. The challenges that arise nowadays is navigating the information and research that is emerging along with the various 'tools' being development by businesses that purport to 'rate' the sustainability performance of development.

Through their own investigations and reporting Council officers have highlighted weaknesses with off-the-shelf products, in particular their cost, their lack of contextualisation or inability to fit-within the current statutory planning framework, as well as inherent challenges with converting the large volume of available technical and specialised research into a meaningful and relevant local policy.

Drawing on the expertise of Universities and industry experts is the surest way of ensuring there is alignment between the inputs into the research modelling and the outputs into a workable policy response. As such, allocating resources to the alliance with the University of Queensland will ensure that their research work is relevant to Tweed.

At the same time there is opportunity to assist, where possible, Polis Plan with their proposal; the Circular Economy Innovation Hubs – Regenerative Land Development. Although this is different to the proposals Council might traditionally resource, it does provide an opportunity to further interrogate and explore key areas of interest, notably; off the grid technologies for power and water supply, and cooperative housing models that may be more sophisticated and workable than those currently relied on in rural landsharing communities.

In light of this, it is recommended that Council continue to liaise and assist Polis Plan with their development of a more detailed ARC application proposal, so far as their resources allow. This should be supported by Polis Plan undertaking community consultation within the key locations being considered and reporting their findings back to Council for further consideration prior to any commitment being made in respect of an ARC grant application.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Not applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Polis Plan rural settlement research proposal, titled "Circular Economy Innovation Hubs – Regenerative Land Development in the Tweed Shire (ECM 4928670)

---

17 [PR-CM] Rural Landsharing Communities - Advice from Department of Planning and Environment

SUBMITTED BY: Strategic Planning and Urban Design

mhm



Leaving a Legacy  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

**ROLE:** Leader

---

**SUMMARY OF REPORT:**

On 28 November 2017, advice was received from the Department of Planning and Environment (DPE) that the current rural landsharing communities' (RLC) legislation held in Schedule 1 of *State Environmental Planning Policy (Integration and Repeals) 2016* would be repealed in August 2018. This appears contrary to earlier advice that as a default position, for those councils not incorporating a local provision within their Local Environmental Plan (LEP), that the current 'standard' provision would be maintained and located in some other State planning instrument.

Clearly, in light of this most recent advice, those councils that want to retain the permissibility of RLCs must prepare and publically consult on an amendment to their LEP(s).

The Draft Rural Land Strategy now on exhibition proposes an action to address this issue; however, the consequence of the change in the DPE advice will be that regardless of whether work commences now on preparation of a local provision or Council waits until the Rural Land Strategy is finalised in 2018, a gap will occur during which time no provision will exist for enabling the continuation of the permissibility of RLCs.

This report recommends that DPE be advised of the implications arising from the change in their advice and approach and that consideration of advancing any new local provision be undertaken as part of implementing the Rural Land Strategy, which will allow for a more holistic consideration of the issue and suitability of this form of development.

**RECOMMENDATION:**

**That:**

- 1. The correspondence from the Department of Planning and Environment dated 28 November 2017 is received and noted;**
- 2. The Department of Planning and Environment be advised of the implications arising for Tweed Shire Council from the change in their advice and approach, that no local provision for rural landsharing communities (RLC) will be finalised before the Government's repeal of the current RLC provisions in August 2018; and**
- 3. Further consideration of the suitability for maintaining the permissibility of rural landsharing communities is to be deferred pending the adoption of a Tweed Rural Land Strategy, and its incorporation into its implementation plan.**



## REPORT:

On 28 November 2017 Council received notification from the Department of Planning and Environment (DPE) that rural landsharing community provisions currently located in Schedule 1 of *State Environmental Planning Policy (Integration and Repeals) 2016* will no longer exist.

This report provides a response to the advice from DPE and recommends proceeding with actions proposed in the Draft Rural Land Strategy now on public exhibition.

### Background and Advice from DPE

Rural landsharing communities are one form of multiple occupancy development which until recently were created under State Environmental Planning Policy No 15 – Rural Landsharing Communities (SEPP 15).

On 5 August 2016 SEPP 15 was repealed and its provisions included in Schedule 1 of the newly created *State Environmental Planning Policy (Integration and Repeals) 2016*.

DPE Planning Circular PS 16-002 of 20 June 2016 advised that Schedule 1 would be repealed two years after commencement and that during this period councils could include a local provision for rural landsharing communities in their Local Environmental Plans, or, where this has not occurred, for the clause to be transferred to another planning instrument. Whilst the advice was less than clear there was a strong inference that a State-wide level of permissibility would continue, which also indicated that a local provision, if adopted, could be tailored to better suite known locational opportunities and constraints.

On 8 June 2017 in response to a request from Council for clarification of the intent “for the clause to be transferred to another planning instrument”, and implications for Tweed Shire Council, DPE advised in writing that:

*“the intention is to replicate the schedule into another LEP (sic, later clarified to be a SEPP) at the end of the transitional period. Councils are able to request removal from the schedule if they can demonstrate one of the following:*

- 1. Demonstrate there is no more demand for rural land sharing communities in their LGA,*
- 2. The LEP contains a better mechanism or alternative approach based on a rural land strategy adopted by the Department, or*
- 3. The Council has replicated the provisions of the schedule within their LEP.”*

On 17 November 2017 at a Local Development Information Forum convened by DPE verbal advice was received that Schedule 1 of the SEPP would be repealed and not transferred to another SEPP. This advice has now been formalised in the email from the Director Regions (Northern) of DPE dated 28 November 2017 which points out that:

*“During the two-year transitional period, councils have the opportunity to further investigate the need for planning controls for this type of development and to consult with existing rural landsharing communities about the impact of any proposed changes.*

*I am writing to remind you that the two-year period will end in **August 2018**. At that time, Schedule 1 will be repealed and the streamlined clause will no longer apply.*

*If your council would like to continue the intent of the rural landsharing communities provisions currently in the SEPP, council is encouraged to prepare a planning proposal. The planning proposal to amend your local environmental plan to include a local provision for rural landsharing communities will need to be finalised by August 2018."*

## **Status in Rural Tweed**

Of the nearly 7,400 properties in rural Tweed, there are about 13 known lawful multiple occupancies containing at around 107 dwellings. Since 2004 two Development Applications have been approved for rural landsharing communities (RLC); and it is understood that Council's Duty Planners receive occasional enquiries regarding RLCs.

## **Draft Tweed Rural Land Strategy**

Issues relating to the contemporary usefulness, function and structure of multiple occupancy and rural landsharing communities were raised in submissions received during various stages of the Draft Rural Land Strategy (DRLS).

As a result of these submissions, and earlier advice from the DPE, the DRLS now on public exhibition has proposed the following actions:

Action 93:

*Investigate options and if appropriate, prepare guidelines for the conversion of existing legal multiple occupancy and rural landsharing community developments to Community Title, Torrens Title or appropriate alternative that provides legal title to at least part of the property.*

Action 94:

*Amend Tweed LEP 2014 to include a local provision for rural landsharing communities which reflects their desired future in the Tweed, and is consistent with the requirements of the Department of Planning and Environment.*

Pages 117 and 118 of the DRLS provide a discussion of the status of state legislation (as understood at the time of writing) and local multiple occupancies, and addresses issues presented in submissions received during earlier stages in the project.

## **Response to recent advice from DPE**

Notwithstanding changes in the advice received from DPE, the DRLS has proposed a process to allow preparation of a local planning provision relating to rural landsharing communities.

Earlier advice from DPE that the provisions in Schedule 1 of the SEPP (Integration and Repeals) 2016 would be transferred to another SEPP had allowed time for Council to prepare a local provision as identified in Actions 93 and 94 of the DRLS.

However, with DPE's advice of the 28 November 2017 that the schedule will not be transferred to another SEPP, the deadline of August 2018 now becomes more relevant.

Given the effort that will be required to undertake investigations, consultation, prepare guidelines, and any necessary amendments to Tweed's DCP and/or LEP, it will not be possible to complete these tasks before Schedule 1 is repealed.

Should Council resolve to proceed with Actions 93 and 94 as part of the final endorsed Rural Land Strategy in 2018, an implementation plan will be prepared that prioritises work on its actions.

In the meantime and as a consequence of the recent advice of DPE there will be a period of time during which rural landsharing communities will not be permissible in the Tweed Shire.

### **OPTIONS:**

#### Option 1

That:

1. The correspondence from the Department of Planning and Environment date 28 November 2017 is received and noted;
2. The Department of Planning and Environment be advised of the implications arising for Tweed Shire Council from the change in their advice and approach, that no local provision for rural landsharing communities (RLC) will be finalised before the Government's repeal of the current RLC provisions in August 2018; and
3. Further consideration of the suitability for maintaining the permissibility of rural landsharing communities is to be deferred pending the adoption of a Tweed Rural Land Strategy, and its incorporation into its implementation plan.

#### Option 2

Defer consideration of this matter pending provision of further information.

Council Officers' recommend Option 1.

### **CONCLUSION:**

Recent advice received from the DPE regarding the future status of rural landsharing community legislation in Schedule 1 of *State Environmental Planning Policy (Integration and Repeals) 2016* represents a change from previously advice which had been acted upon in the development of actions proposed in the Draft Rural Land Strategy now on public exhibition.

While rural landsharing communities have provided an alternative and lower cost form of housing to a small section of the rural community, for members of some of these communities, a range of social and economic issues have arisen which were expressed in submissions at various times during the preparation of the Draft Rural Land Strategy.

In response to these submissions, the Draft Rural Land Strategy proposes to investigate alternative options to the current framework regulating rural landsharing communities, with the aim of overcoming the negative implications and hardship uncounted by many arising in connection with property rights law and barriers to financing among others.

The Draft Rural Land Strategy is currently on exhibition until 28 February 2018.

It is proposed that DPE's correspondence of 28 November 2017 be acknowledged and that the DPE be advised that due to the change in advice, Council will not be able to meet the August 2018 deadline for preparation of a local provision, but through the Rural Land Strategy will review its options for a local provision.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Not applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 18 [CNR-CM] Draft Policy - Commercial Recreation Activities on Public Open Space Version 3.0

**SUBMITTED BY:** Recreation Services

mhm



People, places and moving around  
*Who we are and how we live*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.2 Places
- 3.2.7 Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

**ROLE:** **Provider**

---

#### SUMMARY OF REPORT:

At its meeting held 17 August 2017 Council resolved to place the Draft Commercial Recreation Activities on Public Open Space Policy on exhibition. The draft policy was on exhibition from 26 September to 23 October 2017, receiving submissions up to 6 November 2017.

At the close of the exhibition period 13 submissions were received as summarised in this report.

#### RECOMMENDATION:

**That Council:**

1. **Adopts the Draft Commercial Recreation Activities on Public Open Space Policy Version 3.0; and**
2. **Defers the implementation of licencing requirements for period licences referred to as "Commercial Park Use Licence Category A" in Council's fees and charges until July 2018.**

## REPORT:

At its meeting held 17 August 2017 Council resolved to place the Draft Commercial Recreation Activities on Public Open Space Policy on exhibition. The draft policy was on exhibition from 26 September to 23 October 2017 receiving submissions up to 6 November 2017.

### Summary of Submissions

At the close of the exhibition period 13 submissions were received as summarised below:

- 3 opposed
- 2 supported
- 7 partial support with minor amendments suggested
- 1 not relevant to the draft policy
  
- 4 submissions from the Jack Evans Boat Harbour locality
- 1 from Tweed District Residents and ratepayers Association
- 2 from personal trainers
- 2 from exercise class participants
- 4 unknown interest

### General comments:

- Appreciate the consultation undertaken in preparing draft (3).
- Commend Council on trying to manage issue, unfortunate that we need such a policy (2).
  - Important to minimise bureaucracy/controls.
  - Restrictions on activity groups is detrimental to community as healthy activity is important and promoted by governments – there are more benefits than problems for community from exercise groups.
- Recognise the need to manage growing population and limited land resource well (1).
- It is important to residents that commercial recreation and other recreation activities do not affect amenity of public open space (3).
- Short term activities are acceptable if well managed and don't interfere with public (1).
- Most exercise group members are local residents/ratepayers so don't be too restrictive (1).
- Most training groups are mindful of others, don't commandeer area and clean up others rubbish (2).
- Don't over react to complaints – often not as many complainers as people who benefit and we don't hear from them (1).
- Keep license fees low (1).
- Against over commercialisation of public open space – needs to be kept to a minimum - minimal kiosk facilities may be acceptable (2).
- Parks are set aside for ordinary citizens to use, relax and engage in past times – don't let it be “destroyed by crass commercial interests” (1).
- Concern in community that commercial use of public open space is increasing. Proposes zoned areas for commercial recreation activity that doesn't affect residents or the environment (1).

Comments Opposed:

- Parks should be for free use of public/ratepayers (2).
- Exercise groups block paths/cause noise/abusive if asked to move – so don't let them do it (1).
- Charging fees for small group leaders an issue – would cause some to stop operating so would lose community benefits (1).
- Parks are not over used, permits not needed (1).

Comments in Support:

- Acknowledge need for policy (3).
- 50m and 100m distances supported (3).
- Well written document (1).
- Commend Council on trying to manage assets/environment (1).
- Strong support for policy (1).
- Supports the allowance for mitigating circumstances where 50m and 100m can be reduced (1).
- Appreciate consultation and amendments made in refining the draft (1).
- Supports this versions' emphasis on minimising impacts on environment and community (1).
- Strongly support that Social and Environmental issues can outweigh commercial benefits (1).
- Guiding Principles are strongly supported (1).

**Table 1: Summary of submissions and response**

	Ref	Submission/comment	Comment and recommended action
1	4803972	Seeking a skate park in Kingscliff. Does not appear relevant to this policy – more relevant to need for skate facilities.	Issue not related to policy <b>No change to draft policy</b>
2	4816017	Strongly opposes commercialisation of public land. Parks must not be sold or leased to commercial operators. Exercise groups block pathways and abuse if asked to move. Noise near houses is a big problem. Distance should not be less than 100m. Short term activities ok if well managed and don't interfere with public.	License conditions and compliance will address concerns <b>No change to draft policy</b>
3	4819428	A personal trainer for mothers group. Strongly opposes fees as exercise is important social benefit and fee would make it too expensive.	Benefits of exercise and use of parks is recognised. Fees are set to help cover cost of licensing and compliance. <b>No change to draft policy</b>

	Ref	Submission/comment	Comment and recommended action
4	4819481 + 4819510	<p>Appreciate consultation during policy development. Acknowledge need for this policy. Need to clarify what 'high impact' means and examples provided. Very concerned with 'temporary water slides' included as example in S-2.4.2 – must not allow large commercial ventures like Aqua Splash. Strongly supports 50 and 100m distances.</p>	<p>The potential impact of activities will vary significantly depending on a number of circumstances, therefore high and low impact difficult to define. Water slides (not inflatable water parks) was simply used as an example, there is no concern if the reference is removed. <b>Recommended amendment:</b></p> <ul style="list-style-type: none"> <li>• <b>Remove reference to water slides – S.2.4.2</b></li> </ul>
5	4832879	<p>Supports policy. Supports controls on amplified music and distances proposed. Supports case by case assessment. Supports ability to hold music events.</p>	<p><b>No change to draft policy</b></p>
6	4833887	<p>Participates in exercise classes It's unfortunate we need this policy but agree it's needed – 'a sign of the times' – 'nanny state' reference. Avoid prescriptive control whenever possible. Emphasises that most of exercise class participants are local ratepayers who should have some entitlement to use the park. Don't over react to complaints – often there aren't as many as those who are benefiting by/using the park for exercise. S-1.3.1 and S-2.4.6 – 50 and 100m distances - 'Mitigating circumstances' when these could be reduced is very good', must be used, not just a line of rhetoric. If there's a noise complaint against an operator, give them a chance to modify the activity to 'annul' the complaint S-1.3.2 – hours of operation are important when considering impact. S-1.3.3 – why can't ratepayers who are in exercise class use park assets to train on – they pay rates to purchase the assets. Also exercise classes collect rubbish left by general users.</p>	<p>Policy allows for consideration before 7am where impact not significant.</p> <p>Park furniture is not designed for this type of use and may prevent use of the facilities for its intended purpose.</p> <p>Over five participants are considered to have an impact requiring management.</p> <p>Licence fees are minimal and determined with affordability in mind.</p> <p><b>No change to draft</b></p>



	Ref	Submission/comment	Comment and recommended action
		S-2.2 – emphasise the social/health benefits of personal trainer classes.	<b>policy</b>
		<p>S-2.4.4 – raise the minimum no of participants from 5 to 10 or 12 as impact still minimal at this size.</p> <p>S-2.4.6 Ten metre distance from playground.</p> <p>Understands need for this but shouldn't need this when groups operating at very early or late hours.</p> <p>S-2.6 Keep license fees down – most personal trainers don't make much money. High fees mean will increase costs to participants meaning less may do it meaning less health benefits.</p> <p>Standard conditions (j), (l) to (v) should be able to be varied – why ban use of public equipment? Better to 'restrict use to activities that don't impede use by general public' eg. ok to use if out of hours or not destructive to equipment.</p> <p>(u) hours or operation – most personal trainer groups start before 7.00am</p> <p>Believes most training groups are mindful of needs of others, don't hog areas, clean up areas, keep noise to minimum and just want to stay healthy (keep out of hospital system) .</p>	
7	4848532	<p>Appreciates consultation undertaken.</p> <p>Generally supports the policy.</p> <p>Supports 50 and 100m rule but we must define 'high impact'</p> <p>Suggest amend 1.3.1 to add "residents or the environment"</p> <p>Suggest amend 2.2 to add "Examples of these types of activities are described in S 1.3.1 of the policy".</p> <p>Suggest amend Appendix first dot point to "use land with 50m (low impact) or 100m (high impact) of residential.</p> <p>Concerned with 2.2 references to water slides – should be removed.</p>	<p>The potential impact of activities will vary significantly depending on a number of circumstances, therefore high and low impact difficult to define. This condition is about negotiating acceptable distances</p> <p><b>Recommended amendment:</b> Amend S1.3.1 first dot point to read "Large scale commercial recreation activities with higher impact on residents, other park users or the environment.</p>
8	4848898	<p>Parks are not over used, permits not required.</p> <p>Tweeds open spaces should be free to be enjoyed.</p>	<p>Comment is not consistent with Councils experience and consultation</p>

	Ref	Submission/comment	Comment and recommended action
			undertaken / submissions received <b>No change to draft policy.</b>
9	4858583	<p>Endorses the 'Save the JEBH Committee' submission.</p> <p>Supports draft policy regarding the 50m and 100m distances.</p> <p>Suggest amend 1.3.1 to add "residents or the environment".</p> <p>Suggest amend 2.2 to add "Examples of these types of activities are described in S 1.3.1 of the policy".</p> <p>Concerned with 2.4.2 reference to water slides – should be removed.</p> <p>Concern in community that commercial use of public open space is increasing.</p> <p>Proposes zoned areas for commercial recreation activity that doesn't affect residents or the environment.</p> <p>Important to residents that commercial recreation and other recreation activities not affect amenity of public open space.</p>	Same recommended amendments as for submission 4 and 7.
10	4860903	<p>Participates in small group activities for years with no impact on residents or environment.</p> <p>Commend Council on trying to manage assets/environment.</p> <p>Concerned could be to detriment of community because healthy activity is important and promoted by government – more positives than problems for community.</p> <p>Keep resolution quick and simple</p> <p>Distance not as important for disruption as the way activity is run/respecting others and environment.</p> <p>S1.3.2.</p> <p>Allow activity to start earlier than 7am as would cause more crowding (5am more reasonable). Also less skin sun damage.</p> <p>Exercise groups or similar are ratepayers so should be able to use public assets. They often clean up rubbish where they exercise.</p> <p>Trainers must be registered, meaning they have insurance.</p> <p>Should only let Tweed ratepayers/residents commercial operator.</p> <p>Fitness Australia has guidelines for a Council Outdoor Training Policy.</p>	<p>Similar comments as from submission 6</p> <p>Concerns with noise and disruption are already addressed in policy</p> <p>Fitness Australia guidelines have been followed, other than certification requirements</p> <p><b>No change to draft policy</b></p>

	Ref	Submission/comment	Comment and recommended action
11	4875561	Supports policy, commends Council for introducing it. Need to manage growing population and limited land resource well. Concerns with new Crown Lands Act and possible future sale/commercialisation of Crown Land.	Supports policy  <b>No change to draft policy</b>
12	4876123	Supports current version's emphasis on environmental standards and community ambience. S1.3.4: supports that issues may arise that outweigh economic benefits. S2.1: Objectives - sustainable use and protect natural and physical assets must be the priority ones. S2.2: Guiding principles are strongly supported S2.3: Strongly against commercialisation of open space, especially along riverbanks. Minimal 'kiosk' facilities may be possible.	<b>No change to draft policy</b>
13	4877149	Keep commercial use of public land to a minimum – Parks are set aside for ordinary citizens to use, relax and engage in past times – don't let this be "destroyed by crass commercial interests".	<b>No change to draft</b>

### Summary of recommended changes to the draft policy

The majority of submissions were supportive of the policy's intentions, while also emphasising commercial recreation activities should be managed so as not to inhibit participation in healthy outdoor activities.

There were two key matters raised in these submissions.

- Importance of minimising the impact of commercial activities on residents, other park users and the environment.
- The importance of physical exercise, the benefits that come from using parks, and Council's role in encouraging participation in healthy activities.

It is considered that the policy sufficiently accommodates the majority of the issues raised while providing a policy framework that is manageable for Council officers. From the comments received, two amendments have been recommended:

1. Amend S1.3.1 first dot point to include reference to residents, other park users or the environment and become *Large scale commercial recreation activities with higher impact on residents, other park users or the environment.*
2. Remove reference to water slides from S.2.4.2.

### Implementation

The development of processes to implement the policy could not be finalised until the final policy is adopted and the framework confirmed. While arrangements for applying, assessing and licencing single events is established, a similar process for licences for a period of up to 12 months as with personal trainers is new and has not been fully developed.

In order to ensure a robust process is developed and communicated with impacted operators, it is recommended the policy be adopted, but implementation of the period licences be deferred until July 2018.

**OPTIONS:**

1. Adopt the Draft Commercial Recreation Activities on Public Open Space Policy V3 and defer the implementation of licencing requirements for period licences referred to as commercial park use licence Category A in Council's fees and charges until July 2018.
2. Make further amendments to the Draft Commercial Recreation Activities on Public Open Space Policy V3 prior to adoption and defer the implementation of licencing requirements for period licences referred to as commercial park use licence Category A in Council's fees and charges until July 2018.
3. Take no action.

**CONCLUSION:**

The Draft Commercial Recreation Activities on Public Open Space Policy was developed to address emerging conflicts with the increasing use of Council open space areas for commercial activities. While many of these activities are considered beneficial to the community, the increasing numbers of activities and corresponding increased conflict with casual park users and residents require a response.

At the close of the submission period 13 submissions were received with the majority of submissions supportive of the policy's intentions, while also emphasising commercial recreation activities should be managed so as not to inhibit participation in healthy outdoor activities.

There were two key matters raised in these submissions.

- Importance of minimising the impact of commercial activities on residents, other park users and the environment.
- The importance of physical exercise, the benefits that come from using parks and Council's role in encouraging participation in healthy activities.

It is considered that the policy sufficiently accommodates the majority of the issues raised while providing a policy framework that is manageable for Council officers. It is also recognised that the policy applies regulation to previously unregulated activities, and the total impact of this is uncertain. There will be the opportunity to monitor, review and assess the policy over time and amend as required.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Draft Policy Commercial Recreation Activities on Public Open Space

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

The following new fees were adopted by Council for 2017/2018.

<b>Commercial Park Use Licence</b>	<b>2016-17</b>	<b>2017-18</b>
Application fee	\$0.00	\$88.00
Category A - Annual licence for commercial recreation activity (over 5 participants) e.g. personal trainer or yoga instructor		
Level 1 - High frequency - over three days or 10 hrs per week. Annual fee.	\$0.00	\$520.00
Level 2 - Low frequency - three days or less per week or 10 hours or less per week. Annual fee.	\$0.00	\$260.00
Level 3 - Short term limited period. Weekly fee.	\$0.00	\$64.00
Category B - commercial recreation activities using restricted public open space eg. surf schools, or primarily tourism activities eg. camel/ horse rides. Weekly fee.	\$61.00	\$64.00

The adopted fees represent a balance between full cost recovery and affordability for the providers, however the actual costs to implement in terms of expectations for compliance is difficult to determine. As the fees and charges are reviewed annually, the impact and effectiveness can be measured and reviewed after a year and amended as required.

The commercial park use licence Category A are the licences it is proposed to defer until July 2018

**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.

An extensive engagement process was undertaken to develop the draft policy including specific stakeholder meetings. The exhibition period allowed further opportunity for formal submissions.

Council officers will communicate directly with those impacted by the introduction of period licences such as personal trainers, to inform of the process, fees and when they will come into effect.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Commercial Recreation Activities on Public Open Space Policy Version 3.0 (ECM 4923219).

(Confidential) Attachment 2. Copies of submissions received (ECM 4934820)

## 19 [CNR-CM] Policy - Waiving of Disposal Fees - Waste Management Charges

**SUBMITTED BY:** Waste Management

mhm



Leaving a Legacy  
*Looking out for future generations*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

**ROLE:** Collaborator Provider

---

### SUMMARY OF REPORT:

This report presents the amended policy for the "Waiving of Disposal Fees - Waste Management Charges" and a summary of submissions following a period of twenty eight days on public exhibition.

This policy outlines how Council provides financial assistance to local not for profit community groups and organisations that run second hand goods stores, and residents in particular circumstances involving hardship, by way of fee relief for waste disposal charges, and the framework necessary to determine eligibility.

Council received only one submission during the Public Exhibition period on the Draft Policy, from the Pottsville and District Men's Shed (P&DMS). That submission sought that a general exemption from tip fees be granted to Men's Shed operations on the basis that they receive donations of items that cannot be restored and reused.

This requested exemption is outside the purposes of the current policy and would require modification to the criteria in the current policy to allow it to occur. Therefore this request is not recommended.

### RECOMMENDATION:

**That Council:**

1. Adopts the policy for the Waiving of Disposal Fees – Waste Management Version 2.0.

2. Refers the Pottsville and District Men's Shed to the Community Sponsorship Policy application process for future funding requests.

## REPORT:

Council adopted a Policy 'Waiving of Disposal Fees – Waste Management 1.0' on 15 June 2000 which outlined the requirements that needed to be met before an external organisation could seek to have waste disposal charges waived. It is a requirement that all policies are reviewed within the first 12 months of the declaration of a new Council and adopted otherwise the policy will be revoked.

At the September 2017 meeting of Council the following resolution was passed:

*"That Council places on public exhibition the Draft Policy - Waiving of Disposal Fees - Waste Management (Version 2.0) for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993."*

The exhibition period was advertised in the Tweed Link and on Council's website through the 'What's On Exhibition' page.

The Public Exhibition has now expired and Council received one submission during the period from Pottsville and District Men's Shed. That submission is summarised below:

- As with Op Shops, Men's Sheds often receive donations of items (tools, equipment and materials etc.) which they are unable to make use of and consequently must arrange for disposal; and
- Accordingly the revised Policy on Waiving of Disposal Fees' ultimately adopted by Council should specify that Men's Sheds within the Shire also be exempt from tipping charges.

The request from the Men's Shed is not, however, in line with the original intent of the Waiving of Disposal Fees – Waste Management Policy in that the current policy provides relief for organisations that operate second hand shops for those items that the charitable organisation cannot sell or dispose of. The basis has been that second hand goods stores and opportunity shops divert reusable items from disposal to landfill. The Men's Shed is not set up for this purpose and is seeking fee relief for goods received and waste disposal of normal waste generated as a result of their activities.

No other organisation has been granted this type of general exemption under the current Policy and this would not be allowed under the existing criteria.

The Draft Policy for the Waiving of Disposal Fees - Waste Management, includes provision for the discretionary waiving of disposal fees for organisations or individuals in special circumstances with a recommendation that the approval to do so be delegated to the General Manager. The Men's Shed request does not fall into this category either as the discretionary waiving of fees has been proposed to allow the General Manager the ability to deal with situations where there is hardship in an emergency, and is meant to be used as a one off option of last resort.

The waiving of fees is to be reported back to Council on an annual basis, or more regularly when and if requested by Council.



**OPTIONS:**

1. That Council
  - a) Adopts the *Policy for the Waiving of Disposal Fees - Waste Management*.
  - b) Refers Pottsville and District Men's Shed to the Community Sponsorship Policy application process for future funding requests to be effective from the 2018/2019 budget. They would need to satisfy the criteria contained in the Community Sponsorship Policy.
2. That Council does not adopt the *Policy for the Waiving of Disposal Fees - Waste Management* and seeks further information.
3. That Council does not refer Pottsville and District Men's Shed to the Community Sponsorship Policy application process

**CONCLUSION:**

Council has placed on Public Exhibition the Draft *Policy for the Waiving of Disposal Fees - Waste Management*, and that exhibition has now concluded. Council received one submission during the exhibition period from the Pottsville and District Men's Shed requesting that the policy be expanded to provide a general exemption from waste charges to cover their activities.

The Men's Shed request falls outside the current criterion for consideration and would not be granted under the conditions of the current policy. To include their circumstances the Policy would require a major revamp and any amendment to suit their request would likely mean a number of other organisations would also qualify for inclusion which would have budget consequences.

This report recommends the adoption of the Policy as proposed with no amendments.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Waiving of Disposal Fees - Waste Management

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

The waiving of disposal charges has an impact on the Council Budget by relieving not for profit organisations that run second hand and opportunity shops from disposal charges for donated items that cannot be sold. The level of donation is reported on a regular basis to Council.

In 2016/2017 Council donated \$32,000 in exemptions for disposal charges to charities.

The discretionary waiving of waste disposal fees based on hardship would also cost Council, however, it is anticipated that this would be rarely used with any instances monitored and reported back to Council.

This Waiving of Disposal Fees - Waste Management Policy provides a framework to control the use of this option to accommodate those organisations whose operations have a direct impact on the reduction of waste to landfill, and for hardship cases.

**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:**

Attachment 1: Draft Policy – Waiving of Disposal Fees – Waste Management Charges Version 2.0 (ECM 4676551)

---

**20 [CNR-CM] New Charges for Waste Management - 140 litre Household Organic Waste Bin and Asbestos Test Kits**

**SUBMITTED BY: Waste Management**

mhm



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

**ROLE: Provider**

---

**SUMMARY OF REPORT:**

Council introduced the new waste collection services on 1 July 2017 including a household organics collection incorporating household food waste. Following the introduction a number of inquiries were received requesting that Council provide a smaller 140 litre organics bin for residents at smaller properties that generated small quantities of organics. The ability to provide this under the contract was successfully negotiated between the contractors and Council and this report proposes a new annual fee of \$75 for Council's consideration for the supply and servicing of the 140 litre organic (green lid) waste collection service. The current charge for the 240 litre (green lid) organics bin service is \$80 per annum.

The Waste Team is also proposing to supply asbestos test kits at a cost of \$45 per kit to allow residents to send off samples of materials from their property for testing to identify if the product is an Asbestos Containing Material (ACM). This information would help to inform residents prior to undertaking any demolition works. When introduced the demand for this testing in other areas of the Northern Rivers has far outstripped the supply of kits and this report recommends the establishment of a fee (\$45) that would reflect cost recovery on the asbestos test kits which will allow Council to maintain a stock of test kits for residents use. An awareness campaign targeting households outlining how to manage and dispose of ACM responsibly will be rolled out in 2018.

If endorsed the new charges would be placed on Public Exhibition with a further report to be put back to Council after the required period for their consideration.

**RECOMMENDATION:**

**That:**

- 1. Council endorses the placement of a proposed charge for the 140 litre organics bin of \$75 per annum on public exhibition for 28 days as required in the Fees and Charges Policy.**
- 2. Council endorses the placement of a proposed charge for asbestos test kits of \$45 on public exhibition for 28 days as required in the Fees and Charges Policy.**
- 3. A further report is brought back to Council including any feedback received during the public exhibition period for consideration when determining whether to adopt the new fees in February 2018.**

**REPORT:**

***140 litre organics (green lid) collection service charge***

On 1 July 2017 Council implemented a new waste collection services contract (RFO2016040) with Solo Resource Recovery which included the collection of household recycling (yellow lid bins), waste (red lid bins) and organics (green lid bins) and the kerbside collection of bulky waste through a dial up service.

The organics collection service is provided in a 240 litre mobile garbage bin (green lid). Since the introduction of the service Council has received a number of requests for a smaller 140 litre organics bin from people who are generating small quantities of organic waste or who have difficulty handling the larger 240 litre bin.

Council has successfully negotiated with the contractors for the provision of a weekly 140 litre organics waste collection service and this report proposes a new annual charge that will be included in the fees and charges for that service. The new waste charge will be \$75 per annum, (on a cost recovery basis) which is \$5 per annum cheaper than the current charge for the 240 litre bin.

This fee will need to be placed on public exhibition for a period of 28 days once Council has endorsed the charge, and any comments received during the public exhibition period a report will be put back to Council for consideration and adoption of the new fee.

***Asbestos management and testing fee***

Council has been preparing an education awareness program that takes into consideration the management of Asbestos Containing Material (ACM) from the point of generation to disposal into landfill. Whilst the Waste Management team is responsible for the disposal of ACM once it is presented at the landfill, the condition it is presented in has a significant impact on whether or not it can be accepted. There is also an issue in identifying material that may or may not be ACM, as there is a significantly higher cost to Council to manage the material if it is ACM.

In order to assist residents in the identification of ACM, Council is participating in a scheme with other North East Waste Councils for the supply of a limited number of asbestos test kits. Council will initially be supplied with 80 asbestos test kits under this program.

These kits include a number of sealable sample bags in which the resident can place material that they think may be ACM. These samples are then taken via Courier to a NATA accredited laboratory where they are tested to determine whether the material is in fact ACM, and the results are forwarded back to both the Council and the resident.

The resident will then be able to make an informed decision when undertaking any renovation or repairs, and in the responsible management of this material.

Whilst Council will initially be provided with 80 asbestos test kits under a sponsored North East Waste program, it is anticipated that these will only last at best for about three months. The Waste Unit is therefore proposing that Council will charge the replacement cost of the kits such that there can always be a supply of these in stock. The replacement cost of a test kit which would allow for the testing of two samples would be approximately \$45. Council will maintain a stock of sample kits purchased out of the proceeds.

Alternatively Council may wish to allocate an amount in the waste budget per annum for the supply of kits and provide these free of charge to residents.

This report proposes the establishment of a charge of \$45 per asbestos testing kit. This fee will need to be placed on public exhibition in line with the Fees and Charges Policy for a period of 28 days and any feedback on that public exhibition period will be presented back to Council for consideration and adoption of the fees.

**OPTIONS:**

1. Council has the option to resolve to advertise the attached fees and to place them on public exhibition for a period of 28 days, and any feedback provided during the public exhibition period will be addressed and provided in a report back to Council for consideration and adoption of the new fees.
2. Council has the option to not support the proposed new services and to not place the charges on public exhibition.

**CONCLUSION:**

Council officers have successfully negotiated with the Waste Collection Services Contractor for the provision of a smaller 140 litre organic waste collection (green lid) service to be available to residents who wish to downsize their current green bin, and this report proposes a new fee for that service. This fee needs to be placed on public exhibition for a period of 28 days and a report brought back to Council for consideration and adoption of the fees.

Council officers have also proposed the introduction of an asbestos test kit to allow residents to get materials at their property tested by an accredited laboratory to determine whether it is Asbestos Containing Material. This report recommends a charge for the asbestos test kit which recovers the cost to Council. This report seeks Council's endorsement to place the new fee on public exhibition for a period of 28 days as required in the Fees and Charges Policy. Following this the fee and any feedback would be provided in a further report to Council for consideration and adoption of the new fees.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

The bins would be provided for out of the Domestic Waste Management Charge levied against the rates and the provision of this service would have no impact on the budget. The fee is cost recovery only under Domestic Waste Management.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

If endorsed at Council the fee will be placed on Public Exhibition with a further report to be bought back to Council for consideration and adoption of the proposed new fee.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

## 21 [CNR-CM] Tennis Terranora Joan Nicholl Tennis Centre

**SUBMITTED BY:** Recreation Services

mhm



People, places and moving around  
*Who we are and how we live*

### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.3 Community Services - To build stronger, more inclusive communities by assisting people to participate in social and economic life.

**ROLE:** **Leader**

---

### **SUMMARY OF REPORT:**

At a meeting held on 20 August 2015, Council approved an interest free loan to Tennis Terranora to address a shortfall of funds to complete the construction of the new tennis facility, including the clubhouse, for the Joan Nicholl Tennis Centre at Henry Lawson Drive, Terranora.

To date, the Club has paid all instalments as required under a Deed of Grant setting out the requirements for repayment of the loan.

On 3 November, 2017, the clubhouse was burnt to the ground in an act of arson, and the President of Tennis Terranora has advised Council that due to the unfortunate circumstances and reduced income as a result of the fire, he has requested that the loan repayments be deferred for 12 months to allow the Club to rebuild the clubhouse. The Club have appropriate insurance for the building, as required under the lease from Council.

It is recommended that Council approve the deferral of payments for 12 months under the Deed of Grant.

### **RECOMMENDATION:**

**That:**

1. **Council approves the deferral of payments as set out in the Deed of Grant between Tennis Terranora Inc and Tweed Shire Council for a period of 12 months from December 2017 to December 2018 and an option for a further six month extension of this deferral subject to satisfactory written notice is received from Tennis Terranora before the expiry of the 12 month deferral period, setting out:**



- (a) the status of the reconstruction of the clubhouse;**
  - (b) indications that all efforts have been made to re-build the clubhouse in a timely manner; and**
  - (c) that Tennis Terranora will be in a position to recommence payments at the expiry of the 6 month period;**
- 2. All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

At a meeting held on 20 August 2015, Council approved an interest free loan to Tennis Terranora to address a shortfall of funds to complete the construction of the clubhouse for the Club's Joan Nicholl Tennis Centre at Henry Lawson Drive, Terranora.

Council and Tennis Terranora Inc entered into a Deed of Grant shortly thereafter which set out the requirements of the loan and the repayment schedule.

To date, the Club has paid all instalments as required under the Deed of Grant.

On 3 November, 2017, the clubhouse was burnt to the ground in an act of arson, and when the President of Tennis Terranora advised Council of the fire, he requested that the loan repayments be deferred for 12 months to allow the Club to rebuild the clubhouse.

The Deed of Grant did not include any provisions for such an event, so it is necessary for Council to resolve to suspend the operation of the Deed, by a deferral of payments for 12 months. As there is no certainty that Tennis Terranora will be in a position to recommence payments at the expiry of that 12 months, it is also recommended that Council resolves to grant a further six month extension of the deferral period in the event that satisfactory written notice is received from Tennis Terranora before the expiry of the 12 month deferral period, setting out:

1. The status of the reconstruction of the clubhouse;
2. Indications that all efforts have been made to re-build the clubhouse in a timely manner; and
3. That Tennis Terranora will be in a position to recommence payments at the expiry of the six month period.

It is recommended that Council approve the deferral of payments under the Deed of Grant to enable the clubhouse to be reconstructed.

**OPTIONS:**

1. That Council approves the deferral of payments under the Deed of Grant for a period of 12 months and an option for a further 6 month deferral; or
2. That Council approves the deferral of payments under the Deed of Grant for a period of 12 months only; or
3. That Council does not approve any deferral of payments under the Deed of Grant.

**CONCLUSION:**

As Tennis Terranora rely on the income generated by the clubhouse to repay the loan, and that income will be severely impacted by the fire, it is recommended that Council approves the deferral of payments for 12 months to allow the club to rebuild the clubhouse during that period, and that in the event that a further period is required to complete the clubhouse, approve a further six month deferral period.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

The loan was allocated in the 2015/2016 budget, so a deferral of 12 months' payments will generate an unplanned shortfall in the 2017/2018 budget, and possibly 2018/2019 budget in the event a further six months is required.

**c. Legal:**

The Deed of Grant between Council and Tennis Terranora does not provide for the deferral of payments in the circumstances that have occurred, so a resolution of Council is required to effect the deferral as an agreement between the parties.

**d. Communication/Engagement:**

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

This report relates to a commercial arrangement which does not attract community engagement requirements.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

## 22 [CNR-CM] Community Development Officer - Recovery

**SUBMITTED BY:** Community and Cultural Services

mhm



People, places and moving around  
*Who we are and how we live*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.1	People
3.1.2	Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

**ROLE:** Collaborator Advocate

---

### SUMMARY OF REPORT:

A \$2.1 million Community Recovery Fund (CRF) has been made available under the Commonwealth State Natural Disaster Relief and Recovery Arrangements (NDRAA) to help affected individuals, communities, small businesses, primary producers and local councils with their recovery.

The CRF has been allocated to a number of key projects including the recruitment of two Community Development Officers – Recovery. One of the positions has been recruited by Tweed Shire Council to work with Tweed, Byron and Ballina Shires for the duration of the funding contract commencing from 31 October 2017. The funding provided is for a 12 month period.

### RECOMMENDATION:

#### That Council:

1. **Receives and notes this report on the establishment of the position of Community Development Officer - Recovery.**
2. **Votes the receipt and expenditure of funding in the amount of \$122,541 from the Department of Justice for the position Community Development Officer – Recovery.**

**REPORT:**

On 22 August 2017 the Minister for Justice and New South Wales Minister for Emergency Services announced the activation of a \$2.1 million Community Recovery Fund to further support communities affected by the North Coast Floods that occurred from 28 March 2017. The assistance is being provided through the jointly funded Commonwealth-State Natural Disaster Relief and Recovery Arrangements (NDRRA). The \$2.1 million Community Recovery Fund is in addition to the range of assistance that has been made available under the NDRRA to help affected individuals, communities, small businesses, primary producers and local councils with their recovery.

The Community Recovery Fund has been allocated to a number of key projects including the recruitment of two Community Development Officers – Recovery. One of the positions is to be recruited by Tweed Shire Council to work with Tweed, Byron and Ballina Shires.

**Community Recovery Fund**

The Community Recovery Fund is jointly funded by the Commonwealth-NSW Government under the NDRRA and is designed to provide ongoing and practical support to Northern Rivers communities affected by the floods of March 2017. This includes Ballina Shire Council, Byron Shire Council, Kyogle Council, Lismore City Council, Richmond Valley Council and Tweed Shire Council. The fund will be delivered over 12 months across the six impacted LGAs to strengthen the social and economic recovery of individuals, businesses and community organisations. The six program components include community development activities, mental health training and support, disaster resilience capacity building and regional marketing and tourism promotion. In collaboration with the council, the community and the recovery committees, projects will evolve and adapt according to priorities identified by these groups. Establishing cooperative networks across the region will assist community recovery and develop local infrastructure that will endure beyond the term of the grant.

Project	Organisation	Total Funds
Employment of 2 Community Development Officers. Community Development Officers will be engaged to provide vital support to local councils and the wider community impacted by the floods. They will work with Recovery Committees, local councils and interagency partners to prioritise needs and develop strategies to assist the community. Areas of focus will include economic development, health and wellbeing and community connectedness as identified in the Community Recovery Action Plan.	1 CDO based in Lismore City Council (covering Lismore, Richmond Valley, Kyogle) 1 CDO based in Tweed Shire Council (covering Tweed, Ballina, Byron)	<b>\$245,082</b>
Mental health awareness training for government and community agencies. Delivery of training courses for community workers and government employees who are in contact with flood affected distressed persons in their workplace. To be delivered by reinforcing an existing program run by the Rural Adversity Mental Health Program (RAMHP).	Rural Adversity Mental Health Program (RAMHP) (Northern NSW Local Health District)	<b>\$40,000</b>
Mental health awareness workshops for the community. Train the trainer courses to develop skills and facilitate a group program of sessions targeting flood affected individuals, business owners and their staff, people who have lost employment as a result of the flood, and people whose relationships have been affected as a result of the flood.	Strategy developed by the University Centre for Rural Health (UCRH) Delivered in partnership with Lifeline.	<b>\$60,000</b>

Project	Organisation	Total Funds
Disaster preparedness workshops for Community Service Organisations Workshops will increase understanding of emergency management arrangements and assist Community Service Organisations to better prepare for, respond and recover from emergencies. This includes supporting community organisations to undertake business continuity planning to ensure they can continue to provide their services to the community following disaster event.	Australian Red Cross.	\$10,000
Community Engagement Flood Resilience Building Programs This program will harness local knowledge from stakeholders and community networks to enhance community resilience. Program aims include the establishment of community reference groups, action plans and capability training to enable greater self-sufficiency and resilience in future disasters.	NSW SES	\$390,082
Northern NSW Regeneration Tourism Campaign "Open for Business" This program will support local business and tourism with a Northern Rivers 'open for business' campaign. This will include integrated regional and national media and promotional activity to showcase the variety of the Northern Rivers and boost visitor numbers from Spring 2017 onwards.	Destination NSW	\$300,000
Regional Marketing & Promotion Campaign This program will support local communities through funding local government and business organisations, to enhance the Northern Rivers "open for business" marketing and tourism campaign. Grants for local organisations are available from \$25,000-\$150,000 per project. Applicants need to go through an initial eligibility assessment process with a Department Business Development Manager and Destination North Coast Board member. Following an eligibility assessment, they are provided with an application form to be completed in consultation with a Department Business Development Manager. <i>For further information contact Craig Jenkins Office of Regional Development 6627 3200.</i>	NSW Department of Industry	\$1,000,000
Evaluation of the Fund A rigorous evaluation of the package will be undertaken in accordance with the National Monitoring and Evaluation Framework for Disaster Recovery Programs. The evaluation of the Community Recovery Fund will be established and coordinated by the OEM in conjunction with stakeholders in this application.	.	\$70,000
<b>Total</b>		<b>\$2,115,164</b>

### Community Development Officer Recovery

The Community Development Officer Recovery will be based in Murwillumbah reporting to the Manager Community and Cultural Services and will be responsible to a project working group comprising a representative from each of Tweed, Byron and Ballina Shires for project outcomes.

The Community Development Officer will:

- Support 3 local councils (Tweed, Ballina and Byron) to engage with local interagency committees/networks to deliver ongoing community engagement strategies in accordance with the Recovery Action plan and the Health and Wellbeing Sub-committee Needs Assessment Focus Group.
- Provide coordination between the recovery programs and drive the implementation of the broader longer term Recovery Action Plan.

- Be the key liaison between the recovery governance bodies and the Community and across the four recovery sub committees to ensure consistency and coordination of recovery activities.
- Identify and monitor emerging recovery issues such as homelessness issues, mental health issues and work with the Recovery Committee to prioritise needs and develop strategies to address the issues.
- Report on outcomes to Recovery Committee.
- Coordinate and liaise with key partners and stakeholders through the provision of support to the Recovery Committee and its associated subcommittees.
- Identify emerging community recovery needs and proactively seek appropriate partnerships and funding opportunities to address those needs.
- Work with local councils to establish and coordinate community events.

The funding received from the Department of Justice, will provide for a full time equivalent position and vehicle lease for a period of 12 months from the commencement date of 31 October 2017.

**OPTIONS:**

1. That Council receives and notes this report and the receipt of funding from the Department of Justice to establish the position Community Development Officer – Recovery.
2. That Council requests further information.

**CONCLUSION:**

The impact of the floods in March 2017 continues to affect local community services, businesses and individuals and the employment of a Community Development Officer to assist with advocacy, coordination and recovery will be of local assistance during the next year. This position will also provide support to prepare for future community recovery plans.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Funded by NSW Department of Justice for a Community Development Officer - Recovery position including motor vehicle costings in an amount of \$122,541.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---



23 [CNR-CM] Surf Life Saving Contract - September - October 2017 Review

SUBMITTED BY: Recreation Services

mhm



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.8 Lifeguard Services - To reduce the human risk to beach users on the Tweed Coast through surf lifeguard services and education.

**ROLE:** Provider

---

**SUMMARY OF REPORT:**

The Australian Lifeguard Service (ALS) is contracted by Council to undertake the Shire's beach lifeguard services.

The ALS have provided the September - October 2017 report. The main season statistics are summarised in this report with the full report provided as an attachment

**RECOMMENDATION:**

**That this report dealing with the Surf Life Saving Contract September - October 2017 Review be received and noted.**

## REPORT:

The Australian Lifeguard Service (ALS) is contracted by Council to undertake the Shire's beach lifeguard services.

ALS has submitted the September-October report 2017. The following extract provides the main patrol season statistics and the full report is provided as an attachment to this report.

### Service Summary

A blast of warm air towards the end of September set many temperature records for both hottest day and warmest night leading into October as the warmer days continued but several rain events towards the end of the month finally brought some wet days to the area leading into what was one of the wettest months with one and a half times the average rainfall.

Despite the mixed conditions during the spring holiday period, beach attendance was well up from 37,301 in spring 2016 to 44,962 in spring 2017. This can be attributed to the increase service at Kingscliff which has been the busiest beach across the shire with 11,223 visitors followed by Duranbah (7,046).

Despite the increase in attendance the Lifeguards were only required to undertake two rescues which can be attributed to the 3,666 preventative actions that lifeguards made over the September- October period which was over 1,000 more than the same time last year.

This increase demonstrates that the lifeguards were undertaking proactive patrolling and providing the public with helpful information and advice whilst also helping Council with their regulatory function. The low number of rescues compared to the same period last year can also be attributed to lifeguards proactive patrolling which ensured a successful start to the season for the Tweed Shire.

### Spring Highlights

Beach Visitation: 44,962 people were recorded visiting Tweed Shire Council patrolled beaches. The highest number was recorded at Kingscliff Beach (11,223).

Prevention: 3,666 preventative actions

Significant Rescues: 2 significant rescues performed

First Aid: 17 first aid treatments

Law Enforcement: 92 law enforcement actions

Public Relations: 4,791 cases of providing information and advice to the public

## Service Statics

A full list of statistics for the September – October period 2017 are included below:

Beach	Rescues	Preventative Actions	First Aid Treatments	Law Enforcement	Public Relations
Cabarita	0	188	2	1	333
Casuarina	0	433	0	17	610
Flagstaff (Duranbah)	0	412	2	32	535
Fingal	1	291	10	20	289
Hastings Point	0	417	0	12	540
Kingscliff/Cudgen	1	785	1	0	1,151
Pottsville (North)	0	386	0	3	456
Pottsville (South) (Mooball)	0	471	1	7	451
Salt	0	283	1	0	426
<b>TOTAL</b>	<b>2</b>	<b>3,683</b>	<b>17</b>	<b>92</b>	<b>4,833</b>

## Beach Visitations

Lifeguards are required to capture an aggregate beach attendance figure over the course of the day in the daily logs. Below is an overall summary of the beach visitations during September and October.

Beach	Attendance
Cabarita	3,681
Casuarina	4,379
Flagstaff (Duranbah)	7,046
Fingal	3,407
Hastings Point	5,345
Kingscliff/Cudgen	11,223
Pottsville (North)	3,270
Pottsville (South) (Mooball)	2,828
Salt	3,783
<b>Total</b>	<b>44,962</b>

## OPTIONS:

1. That this report be received and noted.
2. That Council determines an alternate response.

**CONCLUSION:**

The Australian Lifeguard Service have been providing contract lifeguard services to Tweed Shire Council for over 25 years and continue to provide a professional, community based service to residents and visitors.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Funding of the life guard service is provided in 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.

Australian Lifeguard Service September-October 2017  
Report ECM 4885438

---

**24 [CNR-CM] Proposed Cabarita Beach/Bogangar Regional Surfing Reserve Nomination**

**SUBMITTED BY: Natural Resource Management**

mhm



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.3 Coastal Management - To protect and manage the use and quality of the Tweed's beaches and foreshores.

**ROLE: Collaborator**

---

**SUMMARY OF REPORT:**

A request has been forwarded by the Cabarita Beach/Bogangar Surfing Reserve Steering Committee for a letter of support from Tweed Shire Council toward its nomination of a Regional Surfing Reserve.

Regional Surfing Reserves are 'iconic' places of intrinsic environmental, heritage, sporting and cultural value to a region. Reserves embrace all peoples to enjoy, understand and protect special coastal environments of universal value to the surfing world. A Surfing Reserve does not attempt to exclude any user group.

**RECOMMENDATION:**

**That Council provides a letter of in-principle support to the Cabarita Beach/Bogangar Surfing Reserve Steering Committee toward its nomination of a Regional Surfing Reserve.**

## **REPORT:**

A request has been forwarded by the Cabarita Beach/Bogangar Surfing Reserve Steering Committee for a letter of support from Tweed Shire Council toward their nomination of a Regional Surfing Reserve. There are three levels of reserves being World Surfing Reserve, National Surfing Reserve and Regional Surfing Reserve.

An extract from the National Surfing Reserves website is reproduced below and the nomination is provided as Attachment 1.

National Surfing Reserves (NSR) are 'iconic' places of intrinsic environmental, heritage, sporting and cultural value to a nation. NSR embrace all peoples to enjoy, understand and protect special coastal environments of universal value to the surfing world. A Surfing Reserve does not attempt to exclude any user group.

### **REGIONAL SURFING RESERVE ESSENTIAL CRITERIA**

1. Reasonable quality of the waves (ie. a regional-class surfing break) (most Sydney surf beaches).
2. A place considered special by the local surfing community (all beaches with local boardriders club).
3. Long term usage of the beach and wave environment by local surfing community, e.g. long term SLSC and/or boardriders club with significant history.

Using these criteria there could potentially be more than 100+ RSR's in Australia, though they would only be dedicated if there were strong community support. One RSR is presently under consideration in South Australia.

## **OPTIONS:**

1. Provide a letter of support for the nomination of the Cabarita Beach / Bogangar Regional Surfing Reserve.
2. Do not provide a letter of support for the nomination of the Cabarita Beach / Bogangar Regional Surfing Reserve.

## **CONCLUSION:**

There are potential economic and social benefits to the successful nomination of part of Tweed Shire's coastline as a Regional Surfing Reserve. The NSW Department of Industry – Crown Lands and Water are supportive of these nominations.

Signage and promotion activities would be undertaken by the community-based steering group and would require fundraising and grant applications by this group. Any signage would require permission from Council.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable

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

There are minimal budget implications to providing a letter of support for the creation of a regional surfing reserve.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

This project is not led by Tweed Shire Council however, should the application receive further support, Council may be involved in assisting with promotion of the reserve.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Cabarita Beach/Bogangar Regional Surfing Reserve  
Nomination (ECM 4926917)

---

25 [CNR-CM] Community Halls Advisory Committee - Terms of Reference

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

**ROLE:** Collaborator

---

**SUMMARY OF REPORT:**

This report has been prepared to consider changes to the Community Halls Advisory Committee Terms of Reference.

The Community Halls Advisory Committee at its meeting held on 8 November 2017 recommended changes to the Terms of Reference.

**RECOMMENDATION:**

**That Council endorses the proposed changes to the Community Halls Advisory Committee Terms of Reference Version 1.1.**



## REPORT:

The Community Halls Advisory Committee was formed in 2015 and the Terms of Reference were adopted by Council on 16 April 2015.

At the Community Halls Advisory Committee meeting held on 2 August 2017, the Committee recommended to alter the wording of the Terms of Reference to include a clause regarding non-attendance by Committee members at the meetings.

At its meeting held on 8 November 2017, the Community Halls Advisory Committee recommended that the following changes be made to the Terms of Reference regarding non-attendance of Committee members and achieving a quorum:

### **"2. Membership and Composition**

2.1 *Members shall be nominated by the relevant Community Hall management committee. Membership of the Committee shall consist of a maximum 10 members including:*

- One (1) Representative from Chillingham Community Hall Committee*
- One (1) Representative from Crabbes Creek Community Hall Committee*
- One (1) Representative from Crystal Creek Community Hall Committee*
- One (1) Representative from Doon Doon Community Hall Committee*
- One (1) Representative from Fernvale Community Hall Committee*
- One (1) Representative from Limpinwood Community Hall Committee*
- One (1) Representative from Piggabeen Community Hall Committee*
- One (1) Representative from Pottsville Beach Community Hall Committee*
- One (1) Representative from Tumbulgum Community Hall Committee*
- One (1) Representative from elected Council*

*Each hall committee will nominate up to a maximum of two alternate delegates.*

### **3. Termination of Membership**

3.1 *Should voting representatives of a participating Community Hall Committee be absent from three consecutive meetings without a reason or apologies, that Community Hall Committee will be removed from membership of the Community Halls Advisory Committee. Members will be required to attend a minimum of 50 per cent of ordinary meetings during each calendar year.*

### **5. Meetings**

5.3 *A quorum at any meeting of the Committee shall comprise half of the committee members plus one (1). Discussions are to continue when a quorum is not achieved and 'Notes of Meeting' are to be presented for consideration, discussion and endorsement at the next available meeting."*

## OPTIONS:

1. That Council endorses the proposed changes to the Community Halls Advisory Committee Terms of Reference.

2. That Council does not endorse the proposed changes to the Community Halls Advisory Committee Terms of Reference and requests further information.

**CONCLUSION:**

The changes to the Community Halls Advisory Committee Terms of Reference are recommended to reflect the composition of the Committee including non-attendance at Committee meetings and the process that will be followed if a quorum is not achieved for a Committee meeting.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Community Halls v1.1.

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

Not Applicable.

**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.

The Terms of Reference amendments were discussed at the Community Halls Advisory Committee meetings on 2 August 2017 and 8 November 2017.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Draft Community Halls Advisory Committee Terms of Reference v1.1 (ECM 4934120)

---

26 [CNR-CM] 2017 Volunteering Community and Natural Resources

SUBMITTED BY: Community and Cultural Services

mhm



Leaving a Legacy  
*Looking out for future generations*



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

1	Leaving a Legacy
1.1	Natural Resource Management
1.1.1	Biodiversity Management
3	People, places and moving around
3.1	People
3.1.2	Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

**ROLE:** Collaborator

---

**SUMMARY OF REPORT:**

The International Volunteer Day mandated by the United Nations General Assembly, is held on 5 December each year. It is an important opportunity for Council to acknowledge the contribution of volunteers to community life. A number of Council's teams will be celebrating and thanking their volunteers during December, and this report provides Council with information about the extent of engagement with local people through volunteer activity in the Division of Community and Natural Resources (CNR).

CNR has collated data on the number of volunteers across a range of projects, advisory committees, and service areas. There are over 485 volunteers in the Community and Cultural Services team alone and over 200 in the Natural Resources team. The Community and Cultural Services volunteers provide an estimated average of 450 hours per week of service and over 400 hours per week in Natural Resources Management.

The role of volunteers with Council is both a contribution from local people towards the delivery of services, programs and activities, and is a significant commitment on the part of Council to resource the duty of care, training, support and coordination of volunteers. Volunteering represents one of the effective mechanisms for the engagement of local people in Council activities and programs.

**RECOMMENDATION:**

**That Council receives and notes the 2017 Volunteering Community and Natural Resources Report.**

## **REPORT:**

The International Volunteer Day mandated by the United Nations General Assembly, is held on 5 December each year. It is an important opportunity for Council to acknowledge the contribution of volunteers to community life. A number of Council's teams will be celebrating and thanking their volunteers during December, and this report provides Council with information about the extent of engagement with local people through volunteer activity in the Division of Community and Natural Resources (CNR).

CNR has collated data on the number of volunteers across a range of projects, advisory committees, and service areas. There are over 485 volunteers in the Community and Cultural Services team alone and over 200 in the Natural Resources team as well. The Community and Cultural Services volunteers provide an estimated average of 450 hours per week of service and over 400 hours in Natural Resource Management. Volunteering with Tweed Shire Council is what is termed "formal volunteering" where there are corporate policies and procedures, and organised or specific tasks that volunteers assist with. Formal volunteering is time willingly given for the common good and without financial gain, taking place within organisations in a structured way (Volunteering Australia, 2016). This differs from "informal volunteering" that occurs within the community, such as the good will and commitment to assist each other during the 2017 floods in the region.

Volunteers may be individuals working in specific support roles at Council facilities, or they may be volunteer community organisations that collaborate with Council to manage buildings, provide services, or conserve or protect the environment. Volunteers also support the Council community advisory committees to provide citizen and local expert advice on a range of issues including (but not limited to) the Aboriginal Advisory Committee, Equal Access Advisory Committee, Community Halls Advisory Committee, Tweed Regional Gallery Advisory Committee, Museum Advisory Committee, Youth Council. It is important to note that the coordination, supervision, and duty of care for volunteers is a significant time and resource commitment for Council. Managing volunteers is not without cost. It is however, a very effective way to engage local people in areas of Council business that they care about and learn from. Volunteers are important community ambassadors and can build strong relationships and links with Council and the community.

The preparation of the attached Volunteering 2017 Snapshot report has included a survey that was conducted over a two week period with CNR volunteers to ask them about their motivation and experience of volunteering for Council. The responses have generally been very positive and indicate a high level of appreciation. The report includes highlights of the 2017 year including the celebration of 20 years of Landcare, 30 years of CoastCare, a highly commended award for the Disability Access Inclusion category in the 2017 National Local Government Awards, and a range of events that have been made successful through the participation of local volunteers.

## **OPTIONS:**

1. That Council receives and notes the 2017 Volunteering Community and Natural Resources Report.
2. That Council requests further information on volunteering in the Division of Community and Natural Resources.

**CONCLUSION:**

The role of volunteering with Council is both a contribution from local people towards the delivery of services, programs and activities and a significant commitment on the part of Council to resource the duty of care, training, support and coordination of volunteers. Volunteering represents an effective mechanism for the engagement of local people in Council activities and programs.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Volunteers v2.1.

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

While volunteers provide their time 'free of charge' it is acknowledged that this resource would otherwise have to be provided and funded by Council to maintain the levels of service in many of our community facilities. The estimated number of volunteer hours multiplied by an hourly rate of \$32.46 is the equivalent of \$709,800 each year. There is an additional cost to Council that has not been estimated in this report that offsets this estimate, as there is also staff time required to supervise and coordinate volunteers that needs to be factored in.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

This report includes the interim results of the Volunteer survey that was conducted in November 2017. The survey will be reviewed by the various Council teams and will provide important feedback about what volunteers are saying about their experiences with Council. This will inform continuous improvement in volunteer management for Council. The range of volunteer roles that Council supports are significant as engagement avenues for local people in areas service and programs that they are interested in and supportive of.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Volunteering 2017 Snapshot Report (ECM 4934660)

---

## REPORTS FROM THE DIRECTOR ENGINEERING

### 27 [E-CM] Heavy Vehicle Approvals - B-Double Routes

**SUBMITTED BY:** Roads and Stormwater

mhm



People, places and moving around

*Who we are and how we live*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

**ROLE:** Advocate

---

#### SUMMARY OF REPORT:

The National Heavy Vehicle Regulator manages the permits required under the Heavy Vehicle National Law.

Council can approve a route or an individual operator's use of Class 1, 2 or 3 heavy vehicles.

The majority of applications for overmass/oversize vehicles (Class 1) are assessed and approved by the roads' manager for the Local Government Authority (LGA) and for Tweed Shire Council. This function has been undertaken by the Manager Roads and Stormwater.

Historically, B-double applications (Class 2) were discussed during the Local Traffic Committee meeting (LTC) as a separate item as the members represent affected stakeholders, being police, RMS, state representatives and council.

Whilst the LTC does not have an approval role for approval of B-Double routes, it is proposed that the LTC committee members also form a B-Double Routes Consultative Group and that this group be utilised when appropriate to provide comment on route approvals to Council. This report is the first such report presented to Council on this basis.

The B-Double Routes Consultative Group minutes from meeting held 28 November 2017 are shown in the body of this report for resolution by Council.

**RECOMMENDATION:**

**That Council supports the:**

- 1. Application from Black Mount Pty Ltd to extend the existing 19 metre B-Double route for a 12 month period. Route starts from 2538 Kyogle Road Kunghur through Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road, Murwillumbah, Kyogle Road, Bray Park, Riverview Street, Murwillumbah, Wollumbin Street, Murwillumbah and South Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah.**
  
- 2. Establishment of the B-Double Routes Consultative Group as proposed in this report to provide advice to Council and officers regarding B-Double route applications.**



**REPORT:**

The Minutes of the B-Double Routes Consultative Group meeting held 28 November 2017 are reproduced below for the information of Councillors.

# Minutes



<b>B-Double Routes Consultative Group Minutes</b>
Tuesday 28 November 2017
Mt Warning Meeting Room
File: ECM 3222752; 4812783; Traffic - Weight of Vehicles (B Doubles); 2538 Kyogle Road Kunghur, Riverview Street Murwillumbah, Wollumbin Street, Murwillumbah, Alma Street, South Murwillumbah, Kyogle Road Kunghur, Kyogle Road, Terragon, Kyogle Road Uki, Kyogle Road Dum Dum, Kyogle Road Byangum, Kyogle Road Murwillumbah, Kyogle Road, Bray Park, Wollumbin Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah

<b>Present:</b>	<b>Group Members:</b> Cr James Owen Snr Constable Chris Davis (NSW Police), Mr Col Brooks on behalf of Mr Thomas George MP (Member for Lismore), Mr Rod Bates on behalf of Mr Geoff Provest MP, (Member for Tweed), Mr Alan Eichhmann (Roads and Maritime Services of NSW Representative).  <b>Informal:</b> Mr Ray Clark (Chairperson), Ms Alana Brooks, Mr Nick Tzannes, Ms Judith Finch (Minutes).
<b>Apologies:</b>	Nil.
<b>Confirmation of minutes:</b>	Meeting held 19 October 2017
<b>Business arising:</b>	N/A
<b>Agenda items:</b>	1. Road Manager Request No 119533 2538 Kyogle Road Kunghur, Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road, Murwillumbah, Kyogle Road, Bray Park, Riverview Street, Murwillumbah, Wollumbin Street, Murwillumbah and Sth Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah  2. Road Manager Request No. 76329r1v1
<b>General business:</b>	Nil.

**REPORT**

- 1. Road Manager Request No 119533 ECM 4785037; 2538 Kyogle Road Kunghur, Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road, Murwillumbah, Kyogle Road, Bray Park, Riverview Street, Murwillumbah, Wollumbin Street, Murwillumbah and Sth Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah**

At the meeting held 19 October 2017 the following was resolved.

# Minutes



*"That the application to extend the existing 19 metre B-Double route from 2538 Kyogle Road Kunghur through Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road, Murwillumbah, Kyogle Road, Bray Park, Riverview Street, Murwillumbah, Wollumbin Street, Murwillumbah and South Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah be deferred for further information, including a review of the consent conditions applying to the water extraction site. The applicant may be required to attend the LTC B-Double Route Meeting scheduled for Thursday 16 November 2017 to further answer any questions arising."*

Under the approval for 2538 Kyogle Road there is no restriction on the size of the truck but there is a restriction on the number of trips and the amount of water that can be extracted.

At this water extraction site, daily truck movements are limited to a maximum of 6 pick up trips per weekday and 4 pick up trips per day on Saturday, Sunday or public holidays. The volume of groundwater extracted must not exceed 50 Megalitres in any 12 month period.

The application is for a 19m B-Double with a full capacity of 55.5 tonne. 19m B-Doubles can currently operate on this route provided their GVM is under 50 tonne.

The Group noted that limiting any approval to outside school zone times may not be a viable option. The proposed vehicle, 19m B-Double can already travel this route, albeit without the additional weight.

## **RECOMMENDATION TO GROUP:**

**For discussion.**

## **RECOMMENDATION:**

**That the B-Double Routes Consultative Group supports the application from Black Mount Pty Ltd to extend the existing 19 metre B-Double route for a 12 month period. Route starts from 2538 Kyogle Road Kunghur through Kyogle Road, Terragon, Kyogle Road, Uki, Kyogle Road Dum Dum, Kyogle Road, Byangum, Kyogle Road, Murwillumbah, Kyogle Road, Bray Park, Riverview Street, Murwillumbah, Wollumbin Street, Murwillumbah and South Murwillumbah, Alma Street, South Murwillumbah, Tweed Valley Way, South Murwillumbah.**

**FOR VOTE – Unanimous**

---

## **2. Road Manager Request No 76329r1v1 ECM 4897165; 24 Bryens Road, Nobbys Creek; 243 Cane Road, Tyalgah; Cane Road, Condong**

A second Road Manager Consent Request has been received for the applicant to operate a 19m B-Double (up to 55 tonne) on the following roads:

# Minutes



**Route Summary:**

**Start:** 24 Bryens Road, Nobbys Creek, Bryens Road, Nobbys Creek, Nobbys Creek Road, Nobbys Creek, Numinbah Road (Nobbys Creek to Kynnumboon), Queensland Road (Kynnumboon to Murwillumbah).

**End:** Cane Road, Condong

[https://www.service.nhvr.gov.au/#page=partner/secureToken/manageCase&secure\\_token=8e6013d26d4677b890d9bdc36eef9df4d3d90be9&permitApplicationId=76329](https://www.service.nhvr.gov.au/#page=partner/secureToken/manageCase&secure_token=8e6013d26d4677b890d9bdc36eef9df4d3d90be9&permitApplicationId=76329)

Further information relating to this request will be provided at the meeting.

The Chairperson advised that this application is being withdrawn and no further action is required.

**RECOMMENDATION TO GROUP:**

**Not applicable.**

---

**OPTIONS:**

**That:**

1. Council approves the proposed B-Double route; or
2. Council requests further information be made available to further assess the application.

**CONCLUSION:**

Not applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not applicable.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

The Applicant was requested to be on standby for a telephone conference if the meeting had any further queries regarding the application.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

28 [E-CM] RFO2017082 Package 3 - Road Flood Damage Restoration

SUBMITTED BY: Infrastructure Delivery

Valid



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

3	People, places and moving around
3.3	Moving around
3.3.4	Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

**ROLE:** Provider

---

**SUMMARY OF REPORT:**

At its meeting of 20 July 2017, Council resolved to accept under RFO2017082 a shortlist panel of suitably qualified providers to carry out flood restoration works.

The third package of works Request for Offer RFO2017082 Package 3 has now been called to engage a suitably qualified and experienced contractor from the previously established panel of providers for the restoration of selected flood damages to roads, bridge and stormwater assets damaged during the March 2017 flood event.

Works include:

- Abutment damage of bridge including scoured rock armouring, loss of timber sheeting, scouring around piles
- Causeway buried under soil or debris
- Causeway support scoured or undermined
- Causeway surface damage including concrete surface cracked / broken sections
- Culvert blocked by silts, vegetation or other washed debris
- Culvert pipe or headwall damaged
- Culvert washout or displacement within road
- Debris washed against bridge in watercourse or on deck/barriers/kerbs
- Embankment or formation damage including bottom side slips
- Bridge embankment damage including scoured wingwall batters
- Traffic guardrail damaged requiring replacement or repairs
- Guide posts or delineator markers damaged or lost
- Kerb and gutter damaged including washed away, displaced, or broken
- Scour damage to infill area between K&G and road cutting or verge

- Land slip / rock fall in roadside corridor (but not onto road or drainage - refer Land Slip on Roadway for this)
- Land slip / rock fall onto road or in table drain area, including top side slips & fallen rocks
- Pavement failure of sealed road as a result of saturation by inundation
- Damage to formation & pavement of sealed road including scouring & washouts of sections (excludes slips or surface damages or pavement failures)
- Silt, shingle and other deposits on roadway (excludes top side slip removals)
- Damage to wearing surface seal including delaminations, cracking, erosion
- Shoulder failures including scouring, washouts, subsidence outside travel lanes
- Table drain scour or other damage requiring restoration
- Table drain silted up or blocked by debris
- Trees on roadway
- Damage to formation of unsealed road including washouts of sections (excludes slips or surface damages)

The offer was uploaded on Tweed Shire Council's Tender site to selected Panel of Providers as per the requirements of the Local Government Regulation 2005 and was scheduled to close at 4:00pm NSW Local Time on 29 November 2017.

Once offers have been received on 29 November 2017, Council officers will undertake an assessment and provide a Late Report to Council to be included in the Agenda for the Council Meeting of 13 December 2017.

**RECOMMENDATION:**

**That Council considers an Addendum report for RFO2017082 Package 3 - Road Flood Damage Restoration.**

**REPORT:**

As per summary.

**OPTIONS:**

Not applicable.

**CONCLUSION:**

Not applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.6

**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.

---

**29 [E-CM] Unauthorised Private Encroachment within Public Road Reserve - Charles Street, Tweed Heads**

**SUBMITTED BY:** Design

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.3 Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

**ROLE:** **Leader**

---

**SUMMARY OF REPORT:**

Council provided consent under DA13/0505.01 to the owners of Lot 14 Section 5 DP 8568 for the construction of a dwelling and swimming pool. A condition of consent to the Development Application was included which related to the reconstruction of the existing rock retaining wall at the front of, and contained within the property.

During the reconstruction of the rock retaining wall the owner encountered issues with extremely hard rock which did not allow for the footings to be contained within the property. To establish structural integrity to the existing dwelling and garage on the neighbouring property, it was necessary to construct a block retaining wall and footings within the Council road reserve. The new retaining wall was fully constructed prior to the applicant obtaining appropriate approvals for the structure and without Council approval to construct the same within the public road reserve.

The work has been completed and it is now necessary for the property owner, pursuant to Council's Policy on Unauthorised Private Encroachments on Public Roads, to rectify the situation in so far as the structure exists within the public road reserve. The options available to the applicant are to either create an easement for support within the public road reserve or alternatively close and purchase a section of the road to rectify the encroachment. As noted, the structure was constructed without the approval of Council and as such it is recommended that the applicant be instructed to proceed with the closure and purchase of the area of road reserve within which the encroachment occurs.



**RECOMMENDATION:**

**That:**

- 1. Council instructs the owner of Lot 14 Section 5 DP 8568 to proceed with the closure and purchase of the area of road reserve immediately adjacent to the property within which the encroachment occurs.**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer.**
- 3. The title of the closed road be consolidated with the adjacent land.**
- 4. Easements be created over public authority reticulation services, if any.**
- 5. All documentation be executed under the Common Seal of Council.**

**REPORT:**

Council provided consent under DA13/0505.01 to the owners of Lot 14 Section 5 DP 8568 for the construction of a dwelling and swimming pool. A condition of consent to the Development Application was included which related to the reconstruction of the existing rock retaining wall at the front of, and contained within the property. The condition was as follows;

*“64. Prior to the commencement of work on the demolition and reconstruction of the existing rock retaining wall at the front of the property application shall be made and approval received from Council under the provisions of part 138 of the Roads Act 1993 to carry out work on Council's road reserve.*

*This application shall also seek approval for the retention of the battered bank in front of No. 41 Charles Street which may be affected by the removal of the rock retaining wall on the subject lot.”*

A Section 138 application was submitted by the applicant and pending more information when a site inspection was conducted. It was at that point that Council staff discovered that the retaining wall was already under construction with part of the wall and footings encroaching into the road reserve.

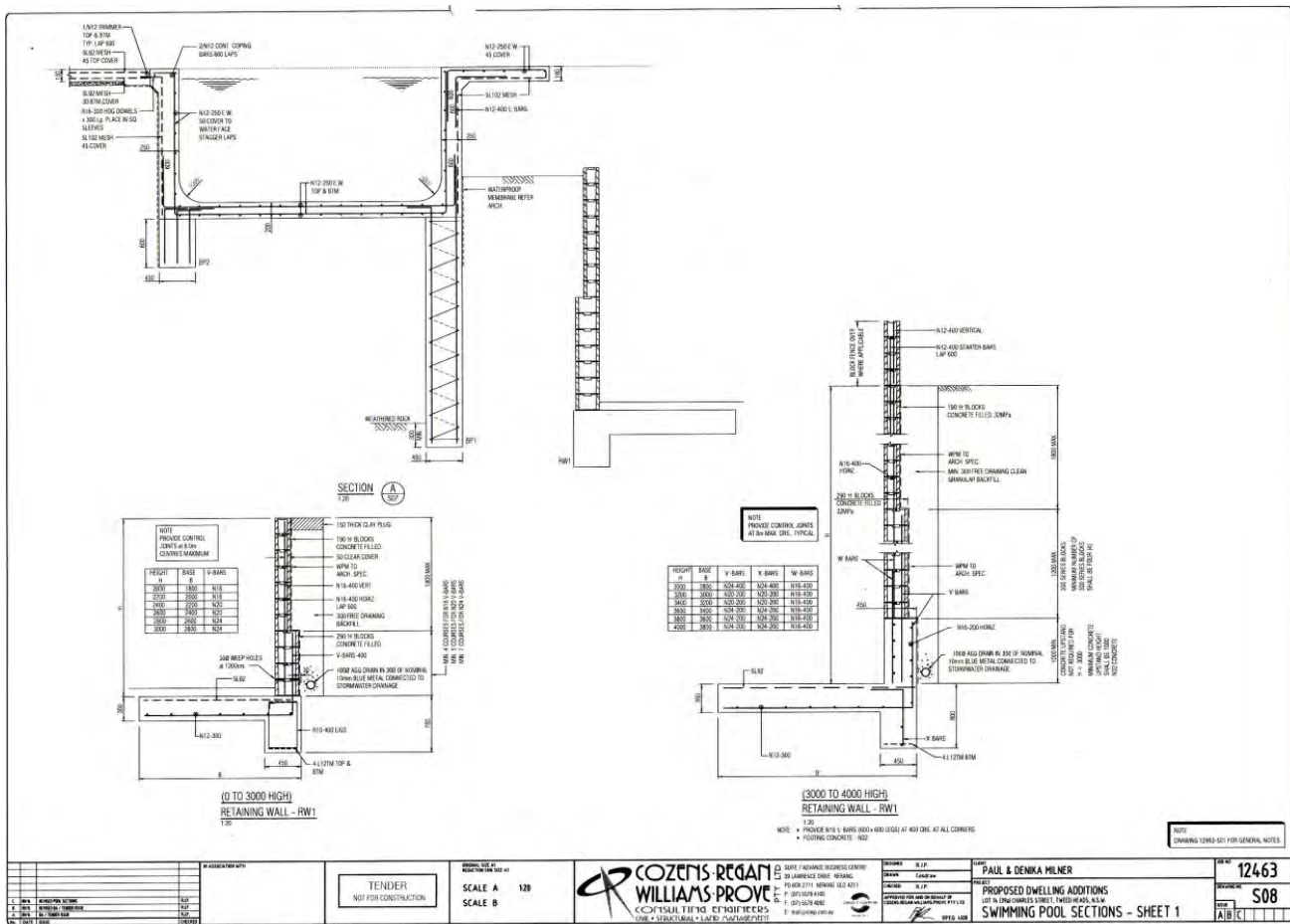
During the reconstruction of the rock retaining wall the owner encountered issues with extremely hard rock which did not allow for the footings to be contained within the property. Attempts to remove the rock to allow the footing to be contained within the property were made by using a large rock breaker. Refer to Diagram 1.

**Diagram 1** - Attempts to break through the hard rock.



This resulted in vibration being sent through the property and cracking interior plaster board within the dwelling and caused serious concerns to the neighbouring property. To establish structural integrity to the existing dwelling and garage on the neighbouring property, it was necessary for the applicant to prepare alternate engineering designs and construct a block retaining wall and footings within the Council road reserve. The new retaining wall was fully constructed prior to the applicant obtaining appropriate approvals for the structure and without Council approval to construct the same within the public road reserve. See Diagrams 2 – 4 below.

**Diagram 2 - Engineering design of the swimming pool and associated block retaining wall.**

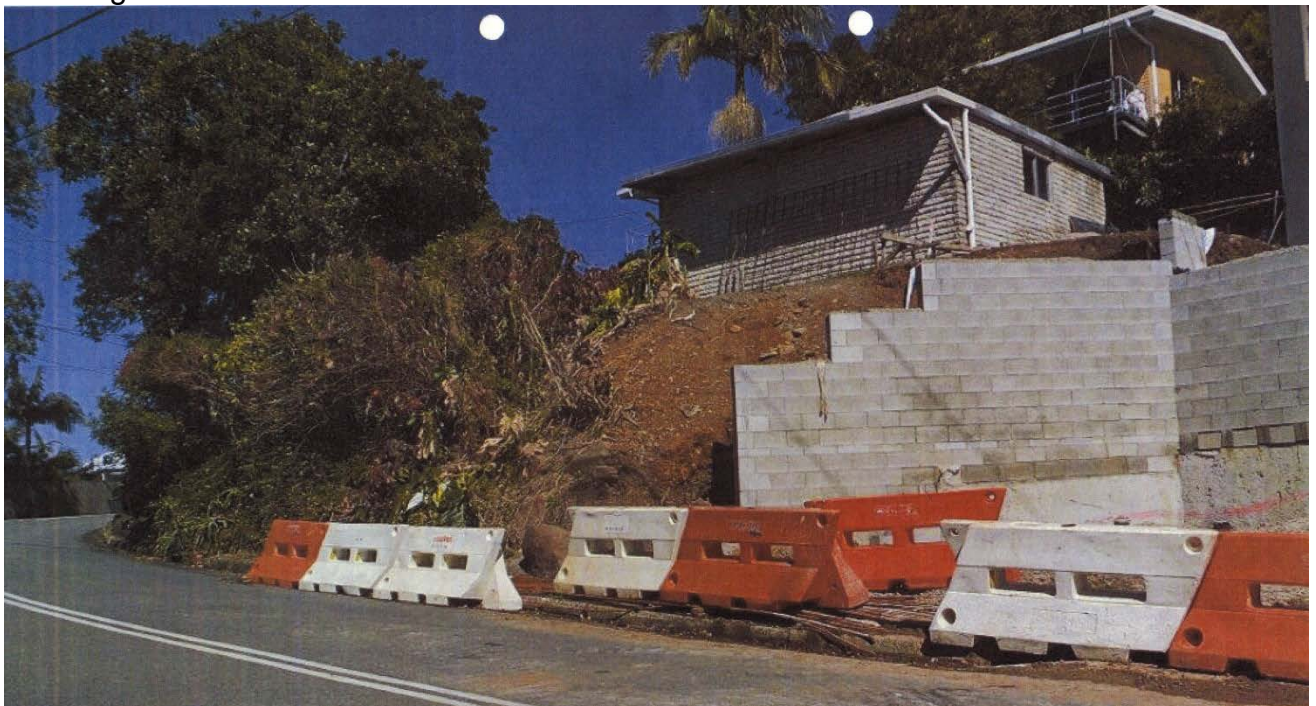




**Diagram 3** – Showing the constructed block retaining wall and driveway access. This was the first inspection of the retaining wall and driveway by Council staff.



**Diagram 4** - Showing the location of the neighbouring garage in relation to the block retaining wall.



An assessment of the constructed works was completed by an external engineer and reported as compliant with Australian Standards.

As noted all works were commenced and completed prior to the applicant obtaining appropriate approvals and were outside the terms of the consent condition in so far as the structure encroached into the public road reserve.



Diagrams 5 and 6 below show the fully completed retaining wall and driveway.





## **OPTIONS:**

Council's Policy on Unauthorised Private Encroachments on Public Roads provides that the options in this instance are:

1. Road closure and purchase.
2. Creation of an easement.

The preferred option in this instance would be the closure and purchase by the applicant to rectify the unauthorised encroachment. Creation of an easement may be seen to set a precedent for future unauthorised works.

## **CONCLUSION:**

The work has been completed and it is now necessary for the property owner to close and purchase a section of the road to rectify the situation in accordance with Council's Policy. The applicant has requested that Council considers an easement without monetary compensation rather than road closure due to the consent condition relating to the retaining wall however this is not supported in this instance as it would create a precedent.

The proposed area of road closure is on a steep part of Charles Street and as such cannot be used for future road widening or a footpath, so its closure and purchase would not have a negative impact on the community.

It is recommended that the applicant be instructed to proceed with the closure and purchase of the area of road reserve within which the encroachment occurs and pay compensation as assessed by an independent Valuer to Council.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Unauthorised Private Encroachments on Public Roads v1.0.

Road Closure and Private Purchase v1.2.

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

Compensation for the closure and private purchase of the road reserve is to be determined by an independent registered Valuer.

### **c. Legal:**

Partial road closure and sale.

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

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

Notification of the proposed road closure will be advertised in the Tweed Link allowing a period of 28 days within which members of the public may comment.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---



30 [E-CM] Plan of Management - Lot 6 DP 872039 - Hastings Road, Bogangar

SUBMITTED BY: Design

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.2 Communications - To inform, educate and engage the public about Council and community activities.

**ROLE:** Leader

---

**SUMMARY OF REPORT:**

At its meeting held on 21 September 2017, Council resolved to place a Plan of Management for Lot 6 in DP 872039 on public exhibition and to hold a public meeting during the submission period.

The Plan of Management was placed on public exhibition from 17 October 2017 to 14 November 2017, with a concurrent submission period which ended on 28 November 2017.

There were no objections received during the submission period, nor at the public meeting, it is recommended that Council adopt the Plan of Management.

**RECOMMENDATION:**

**That pursuant to Section 40 of the Local Government Act 1993, Council adopts the Plan of Management for Lot 6 in DP 872039, located at Hastings Road, Bogangar.**

**REPORT:**

At its meeting held on 21 September 2017, Council resolved to place a Plan of Management for Lot 6 in DP 872039 on public exhibition and to hold a public meeting during the submission period.

The Plan of Management was placed on public exhibition from 17 October 2017 to 14 November 2017, with a concurrent submission period which ended on 28 November 2017.

A notice relating to the public exhibition of the Plan of Management (the Plan) was published on 17 October 2017, the Plan was also uploaded to Council's website at its "What's on Exhibition" portal. Copies of the Plan were placed at Murwillumbah Civic Centre, Tweed Heads Civic Centre and Kingscliff Library.

A notice relating to the public meeting for the Plan was published in the Tweed Link on 24 October 2017, and the public meeting took place on 31 October 2017 at the Cabarita Beach Sports Centre at 7.00pm.

The meeting was chaired by a planning consultant engaged for the purpose, and those who attended were residents of Hastings Road. A report from the consultant is an attachment to this report.

There were no objections received during the submission period, nor at the public meeting, it is recommended that Council adopt the Plan of Management

**OPTIONS:**

As there were no objections to the Plan of Management received during the public submission period or at the public meeting, it is recommended that Council consider:

1. To adopt the Plan of Management for Lot 6 in DP 872039.
2. To not adopt the Plan of Management.

**CONCLUSION:**

It is recommended that Council adopts the Plan of Management in accordance with Section 40 of the Local Government Act 1993.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

No financial implications arise from this report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

The Plan of Management was publicly exhibited for a period of 28 days, with a public meeting held during that period, and a further two weeks following the meeting for submissions to be made. No submissions have been received throughout the consultation period.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.                                      Report from Planners North (ECM 4929000).

---

## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

### 31 [CS-CM] Update on Tweed Shire Events Strategy 2016-2020

SUBMITTED BY: Director

mhm



People, places and moving around  
*Who we are and how we live*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: **Provider**

---

#### SUMMARY OF REPORT:

At Council's meeting of 18 February 2016, it was resolved that the:

- "1. Council adopts the Tweed Shire Events Strategy 2016-2020;*
- 2. Actions within the adopted Strategy be referred to the relevant areas of responsibility within Council to be programed for implementation; and*
- 3. Director Corporate Services provides an annual update on the implementation of the adopted Strategy."*

#### RECOMMENDATION:

**That Council notes the update on the Tweed Shire Events Strategy 2016-2020.**

**REPORT:**

**Background**

The Draft Tweed Shire Events Strategy 2016-2020 was prepared by Luminair Consulting (Luminair) in collaboration with Council Officers and was developed in accordance with Direction 37 of the Tweed Shire Economic Development Strategy, it included to:

*“Undertake a review of the existing events strategy in order to make recommendations relating to existing operations, further opportunities and resources required to deliver events.”*

The Strategy was adopted by Council on 18 February 2016 and provides a four year framework to support, develop and attract events that are fitting to the character and aspirations of The Tweed region. It also seeks to increase the benefits of events on the quadruple bottom line with impacts cutting across economic, social, cultural and environmental markers.

**Implementation of the Strategy**

Implementation of the Strategy is based on the Action Plan contained within the document.

Since the adoption of the Strategy, some of the priorities and resources regarding the implementation of actions has changed with the appointment of a full-time Events Officer (July 2016), the current state of play, demand for events, supply of events, and the events landscape within the Shire.

<b>Action</b>	<b>Comment</b>
<i>Priority 1: Support</i>	<ul style="list-style-type: none"> <li>• A project brief has been developed for a phased approach to implementing a streamlined event process:               <ul style="list-style-type: none"> <li>Phase One/Stage One (<i>underway</i>)                   <ul style="list-style-type: none"> <li>• Casual Park Hire for Wedding Ceremonies Form</li> <li>• Guidelines to Wedding Applications</li> <li>• Designated Wedding Locations</li> <li>• Wedding Permit</li> </ul> </li> <li>Phase Two/Stage One (<i>delayed – awaiting outcome of Hastings Point Headland Film Protocol</i>)                   <ul style="list-style-type: none"> <li>• Online Filming Application Form</li> <li>• Designated Film Locations</li> <li>• Temporary Film Licence Agreement</li> </ul> </li> <li>Phase Three/Stage One (<i>currently hard copy working draft</i>)                   <ul style="list-style-type: none"> <li>• Universal Event Application Form</li> </ul> </li> <li>Phase Four/Stage One (<i>to commence following implementation of event application form</i>)                   <ul style="list-style-type: none"> <li>• Online Events Sponsorship Application Form</li> </ul> </li> </ul> </li> <li>• An Event Management Plan Proforma has been developed to</li> </ul>

Action	Comment
	<p>walk event organisers through each step involved in organising an event. The proforma is a guide only and is available from Council's website.</p> <ul style="list-style-type: none"> <li>• Council's current resource (formerly in-kind) support is under review. A Councillor Workshop is scheduled for early 2018.</li> <li>• Events Sponsorship Policy created to provide the framework for Council to offer financial assistance to event organisers. The Events Sponsorship Guidelines were developed as a quick reference guide. The Policy will continue to be reviewed and updated as required.</li> <li>• Application fees have been introduced and are detailed in Council's adopted Fees and Charges.</li> <li>• To assist event organisers with event timing, work has commenced to review Council's "What's On" Calendar taking into consideration Council's new social media platforms.</li> <li>• Reviewing the Event Toolkits available through industry sources, eg. Department of Premier and Cabinet to determine if they could be integrated into Council's online information.</li> </ul>
<i>Priority 2: Develop</i>	<ul style="list-style-type: none"> <li>• The Events Sponsorship Policy provides the opportunity for event organisers to develop and grow their specific event, with a measured return on investments through KPIs.</li> <li>• Event Workshops – two event workshops have been held to provide information on event eligibility for events sponsorship and for attendees to gain a better understanding of the application process. Next year the workshops will be held quarterly and the focus will shift from an informing process to an educational one.</li> <li>• Events that leverage off the 2018 Commonwealth Games.</li> </ul>
<i>Priority 3: Attract</i>	<ul style="list-style-type: none"> <li>• The Tweed hosted the NSW 2017 State of Origin training camp at the Cudgen Leagues Club at Kingscliff.</li> <li>• Following the launch of the NSW Regional Conference Strategy and Action Plan 2017-2021 investigations have commenced an internal working group has been established to investigate the opportunities and funding available to Council to attract more conference, meetings, and business events to the Shire.</li> <li>• Ongoing review of contemporary events market trends to attract events that align with key themes identified in the Strategy that complement the region.</li> </ul>
<i>Priority 4: Refine</i>	<ul style="list-style-type: none"> <li>• Markets Policy adopted 18 February 2016, reviewed in March 2017 and updated version adopted in May 2017.</li> <li>• Ongoing review of Fees and Charges in keeping with the budget review process relevant.</li> <li>• Creation of designated event areas under review as Aboriginal Cultural Heritage is a consideration.</li> <li>• Continue to establish and develop stakeholder relationships.</li> <li>• Report annually to the December Council meeting each year – the subject of this report.</li> </ul>

## Appendices

There are 13 Appendices to the Strategy which are considered 'operational' and a current status is provided for Councillors information:

1. Informing Strategies (Internal)  
**Status:** *Updated within the Strategy document to reflect adopted documents since public exhibition. Other Internal Informing Strategies since adoption include:*
  - *Draft Tweed Shire Council Cultural Plan 2017-2021*
  - *Draft Rural Land Strategy: the future of rural land in Tweed Shire*
  - *Draft Aboriginal Cultural Heritage Management Plan (ACHMP)*
2. Assessment Criteria and Event Priorities  
**Status:** *Under review*
3. Event Application Process  
**Status:** *A project brief has been developed for a phased approach to implementing a streamlined event process.*
4. Potential Sources of Funding and Event Support  
**Status:** *Events Sponsorship Policy created to provide the framework for Council to offer financial assistance to event organisers. Council's current resource (formerly in-kind) support is under review.*
5. Internal Process and Structure  
**Status:** *A project brief has been developed for a phased approach to implementing a streamlined event process.*
6. Event Facilities Audit (Sporting)  
**Status:** *In progress – with reference to the Tweed Shire Regional Sports and Facilities Plan and Open Space Strategy (yet to be implemented)*
7. Potential Event Opportunities (incl. GC2018 leverage)  
**Status:** *Identification of opportunities continue.*
8. Current Events Portfolio (Council Supported Events)  
**Status:** *In accordance with Council's Events Sponsorship Policy.*
9. Event Application Form  
**Status:** *A project brief has been developed for a phased approach to implementing a streamlined event process.*
10. Markets Policy  
**Status:** *Adopted.*
11. Event Maximisation Checklist  
**Status:** *In progress – introduced an Event Management Plan Pro forma introduced to assist event organisers with each step involved in organising an event. A checklist to be developed to guide event organisers through the Council process.*

12. Event Related Fees and Charges

**Status:** *Ongoing – event related fees and charges incorporated into the Fees and Charges.*

13. Event Glossary and Terminology

**Status:** *In progress.*

**OPTIONS:**

Not applicable.

**CONCLUSION:**

The Strategy was developed to meet Direction 37 of the Tweed Shire Council Economic Development Strategy and to provide a four year framework to support, develop and attract events that are fitting to the character and aspirations of The Tweed region.

Actions within the Strategy will continue to be progressed by Council staff in collaboration with identified internal and external stakeholders.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Tweed Shire Events Strategy 2016-2020

Events Sponsorship v3.0

Markets v2.0

Community Sponsorship v1.1

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

Council allocated funds in the 2017/2018 Budget for Event Sponsorship funding and has a budget allocation for Event Attraction.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

Extensive engagement was undertaken in the development of the Tweed Shire Events Strategy 2016-2020 and this is detailed under the Background heading of this report.

Engagement with key internal and external stakeholders in implementing the actions identified in the Strategy is ongoing.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Extract from Tweed Shire Events Strategy 2016-2020 (Action Plan and Appendices) (ECM 4942705).

---

## 32 [CS-CM] Communications Policy Version 1.0

**SUBMITTED BY:** Communication and Marketing

mhm



Making decisions with you  
*We're in this together*

### **LINKAGE INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

2	Making decisions with you
2.2	Engagement
2.2.2	Communications - To inform, educate and engage the public about Council and community activities.

**ROLE:** Collaborator

---

### **SUMMARY OF REPORT:**

The Communications Unit has reviewed several existing operational Policies with the intention of streamlining them into one easy reference Draft Communication Policy V1.0.

The Draft Communications Policy strengthens, updates and replaces the previous Policies:

- Media Policy Version 2.0
- Online and Social Policy Version 1.0
- Tweed Link Policy Version 2.0

Key inclusions and updates for the Draft Communications Policy include:

- General update to content and information
- Strengthened Policy in relation to social media management and conduct
- Removal of external advertising accepted in the Tweed Link
- Inclusion of Branding and Logo information

### **RECOMMENDATION:**

**That Council publicly exhibits the Draft Communications Policy Version 1.0 for a period of 28 days, inviting public submission over 42 day period.**

## REPORT:

Further explanation to support the updates in the Draft Communications Policy Version 1.0:

**1. General update to content and information:**

The general context of the information has not changed from the previous policies, however a review of the presentation, structure and updated information occurred.

**2. Strengthened management in relation to social media management:**

Council is now well established on social media and requires a strengthened Policy to support it. Its existing Online and Social Policy Version 1.0 was inadequate and it has been significantly strengthened to include more detail for account management and conduct (community, employee and councillors). This was also requested following a Notice of Motion resolved by Council to establish a Social Media Policy.

**3. Removal of external advertising accepted in the Tweed Link:**

As part of the Tweed Link 2.0 business model adopted by Council at the September meeting, the Tweed Link Policy needed review. The existing Tweed Link Policy says Council accepts advertising in the Tweed Link from an eligible list of third parties. This third party advertising takes a significant amount of staff time (a minimum of half a day a week) to manage and respond to and is not cost recovered. Council has never intended to compete for external advertising with other newspapers servicing the Tweed community. The revised Policy states that Council no longer actively takes external advertising. Acknowledging that on occasion relevant government organisations and stakeholders may need to advertise and that staff will manage those enquiries on an as need basis. There are no changes proposed to the in-kind weekly Resident and Ratepayer Groups ads which will continue unchanged.

**4. Inclusion of Branding and Logo information:**

It was identified as a risk that Council has no reference to its brand management in a Council Policy, the inclusion of this simply identifies that Council takes its brand management seriously and has processes in place in how to manage its permission for use.

## OPTIONS:

Option 1: Proceed with exhibiting the Draft Communications Policy V1.0,

Option 2: Don't proceed with exhibiting the Draft Communications Policy V1.0.

## CONCLUSION:

It is recommended to proceed with the exhibition of the Draft Communications Policy V1.0 with a final report for adoption anticipated for the November Council meeting.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Once adopted, the Communications Policy V1.0 will replace the following:

1. Media Policy Version 2.0
2. Online and Social Policy Version 1.0
3. Tweed Link Policy Version 2.0

Keywords to be added to the Policy list for easy customer reference include: Media, Social Media, Websites, Tweed Link, Brandings, Logos.

This Policy is supported by an operational Protocol - Employee Use of Social Media.

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

Nil.

**c. Legal:**

Nil.

**d. Communication/Engagement:**

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

Eligible advertisers and those that have advertised with Council in the past 12 months will be informed about the Policy amendments.

A workshop on the item was held on Thursday 30 November 2017 with Councillors.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Communications Policy Version 1.0 (ECM 4912878).

---

**33 [CS-CM] RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre**

**SUBMITTED BY: Corporate Governance**

mhm



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

**ROLE:** **Provider** **Leader**

---

**SUMMARY OF REPORT:**

The current contract for the Management of the Stotts Creek Resource Recovery Centre is due to conclude on 31 December 2017 and this report sets out the request for a further extension of this contract.

**RECOMMENDATION:**

**That RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre be negotiated with the current contractor for a further extension to 31 May 2018, to enable the completion of the procurement process for a new contract.**

## REPORT:

A previous report was considered by Council on 15 June 2017, where the following was resolved:

- "1. Council cancels the current procurement process for the management of the Stotts Creek Resource Recovery Centre, being RFO2016129.*
- 2. Council undertakes a new procurement process for the management of the Stotts Creek Resource Recovery Centre with an amended specification that makes specific provision to deal with the likelihood of legislative change*
- 3. Council receives a further report for Council's consideration on the subsequent procurement process.*
- 4. Council negotiates an extension of the current contract term, until such time as necessary to put a new arrangement in place, for a maximum of six months to 31 December 2017 to allow the procurement process to occur.*
- 5. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege."*

In taking this resolution forward a process has been put in place for an external independent review, through the appointment of a consultant, of the Request for Offer document. This has arisen as council will likely be a submitter to the Request for Offer and to maintain probity, transparency and accountability in the process, the need for an external independent reviewer has been identified.

In establishing this process, it has been further identified that the Request for Offer and ultimate evaluation will take a longer timeframe than council had considered at the June 2017 meeting, therefore a further extension to the existing contract to 31 May 2018 is being requested.

Following the Request for Offer being advertised and submissions received, the external independent consultant will also undertake the evaluation of the submissions and provide their final evaluation to enable a report to be submitted to council to award the contract.

Subsequent legal advice has also been sought with reference to a further extension to the current contract, with the advice that this is permitted within the bounds of the existing contract. Therefore a further extension of the existing contract is sought which will enable the finalisation of the new Management Contract of Stotts Creek Resource Recovery Centre to be completed.

## OPTIONS:

Extend the current management contract for Stotts Creek Resource Recovery Centre to enable the finalisation of the procurement process.

**CONCLUSION:**

That RFO2016129 for the Management of the Stotts Creek Resource Recovery Centre be negotiated with the current contractor for a further extension to 31 May 2018, to enable the completion of the procurement process for a new contract.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Adequate expenditure is allowed within the annual budget for the management of the resource recovery centre, which includes domestic and non-domestic waste.

**c. Legal:**

Yes, legal advice has been received.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**34 [CS-CM] In Kind and Donations - July/August/September 2017**

**SUBMITTED BY: Financial Services**

mhm



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.3 Community Services - To build stronger, more inclusive communities by assisting people to participate in social and economic life.

**ROLE: Collaborator**

---

**SUMMARY OF REPORT:**

Details of in kind and real donations for the period July/August/September 2017 are reproduced in this report for Council's information.

**RECOMMENDATION:**

**That Council notes the total donations of \$76,669.91 for the period July/August/September 2017.**



**REPORT:**

Council maintains a register of in kind and real donations. Details of these donations for the period July/August/September 2017 are reproduced as follows:

**In Kind and Real Donations - July to September 2017**

Amount	Recipient	Donated Item	Date
<b>Financial Assistance</b>			
\$5,000.00	Beachside Communicare	Budget Allocation - Community Sponsorship 2017	05/07/2017
\$5,000.00	Creative Caldera	Budget Allocation - Community Sponsorship 2017	05/07/2017
\$2,000.00	Mary Blaine Outridge	Budget Allocation - Murwillumbah Town Centre Heritage Conservation Project - Look Up	05/07/2017
\$1,881.00	Murwillumbah Rugby League Football Club Pty Ltd	Budget Donation - Promote Active & Healthy Lifestyle	09/08/2017
\$12,500.00	Pottsville Cricket Club	Budget Donation - Promote Active & Healthy Lifestyle	09/08/2017
\$2,000.00	Safer Communities Alliance	Budget Allocation - Community Sponsorship 2017	30/08/2017
\$4,061.00	Cabarita Beach Surf Lifesaving Club	Community Services - Contribution	27/09/2017
<b>\$32,442.00</b>			
<b>Goods, Services and/or Materials</b>			
\$400.00	Various Charities	4 x 10 Visits Fitness pass	July/Aug/Sept
\$222.00	Various Charities	12 x Family Entry Pass	July/Aug/Sept
\$44.40	Tweed Heads Community Men's Shed Inc	Charity Waste - Dumping Fees	July/Aug/Sept
\$2,504.90	On Track Community Programs Inc	Charity Waste - Dumping Fees	July/Aug/Sept
\$2,068.30	RSPCA Animal Shelter	Charity Waste - Dumping Fees	July/Aug/Sept
\$1,443.00	Salvation Army	Charity Waste - Dumping Fees	July/Aug/Sept
\$266.40	Tweed Coast Community Baptist Church	Charity Waste - Dumping Fees	July/Aug/Sept
\$3,888.70	St Vincent De Paul	Charity Waste - Dumping Fees	July/Aug/Sept
\$2,863.80	Tweed Palliative Care	Charity Waste - Dumping Fees	July/Aug/Sept
\$2,197.80	Tweed Valley Op Shop	Charity Waste - Dumping Fees	July/Aug/Sept
\$529.10	You have a Friend	Charity Waste - Dumping Fees	July/Aug/Sept
\$60.00	Murwillumbah High School	18 Shrub Tubes	24/07/2017
\$0.60	Tyalgum Community Consultation	Printing & Copying	11/08/2017
\$4.00	South Tweed over 50's Friendship	Printing & Copying	27/08/2017
<b>\$16,493.00</b>			

Amount	Recipient	Donated Item	Date
<b>Rates</b>			
\$387.82	Twin Towns Police and Community Youth Club	Water Usage	12/07/2017
\$150.34	Twin Towns Police and Community Youth Club	Sewer Usage	12/07/2017
\$1,746.00	Bilambil Literary Society	Council Rates 2017/2018	20/07/2017
\$2,418.85	Tyalgum Community Hall Association Inc	Council Rates 2017/2018	20/07/2017
\$1,416.00	Trustees of Kunghur Public Hall	Council Rates 2017/2018	20/07/2017
\$2,321.35	Uki Hall Reserve Trust	Council Rates 2017/2018	20/07/2017
\$2,597.05	Trustees Burringbar School of Arts Hall Association	Council Rates 2017/2018	20/07/2017
\$1,540.70	Stokers Siding Memorial Hall	Council Rates 2017/2018	20/07/2017
\$1,022.90	Murwillumbah Autumn Club Inc	Council Rates 2017/2018	20/07/2017
\$2,518.55	Twin Towns Police & Community Youth Club	Council Rates 2017/2018	20/07/2017
\$3,894.85	Tweed Coast Community Centre	Council Rates 2017/2018	20/07/2017
\$1,501.20	Crabbes Creek Hall Pty Ltd	Council Rates 2017/2018	20/07/2017
\$820.25	Pottsville Beach Tennis Club	Council Rates - Sewer - 2017/2018	20/07/2017
\$4,094.00	Legacy Club of Coolangatta/Tweed Heads	Council Rates 2017/2018	20/07/2017
<b>\$26,429.86</b>			
<b>Tweed Link Advertising</b>			
\$193.05	Murwillumbah Mustangs Charity Day - Mayors Flood Appeal	Advertising	04/07/2017
<b>\$193.05</b>			
<b>Room Hire</b>			
\$262.00	Twin Towns Friends Association	Room and Hall Hire	July/Aug/Sept
\$268.00	Australian Red Cross	Room and Hall Hire	July/Aug/Sept
\$291.00	Tweed Hospital Auxiliary	Room and Hall Hire	July/Aug/Sept
\$291.00	South Sea Islanders Community	Room and Hall Hire	July/Aug/Sept
<b>\$1,112.00</b>			
<b>\$76,669.91</b>	<b>Total Donations 1st Quarter (July, August, September 2017)</b>		

**OPTIONS:**

Not applicable.

**CONCLUSION:**

For Councillor's Information and inclusion in the Annual Report.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Donations and Subsidies Version 1.2.

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

As per Budget estimates.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**35 [CS-CM] Monthly Investment and Section 94 Development Contribution Report for Period ending 30 November 2017**

**SUBMITTED BY: Financial Services**

mhm



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

**ROLE:** **Leader**

---

**SUMMARY OF REPORT:**

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least five working days following the end of the month to provide the statistics for this report. Due to this time constraint and the Council requirement to receive reports 10 days prior to the Council meeting, there will be an addendum report provided to Council for consideration at its meeting on 13 December 2017.

**RECOMMENDATION:**

**Refer to addendum report.**

**REPORT:**

As per summary.

**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.

---

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017

SUBMITTED BY: Roads and Stormwater

mhm

---



Leaving a Legacy  
*Looking out for future generations*

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: **Leader**

---

### SUMMARY OF REPORT:

The Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:
  1. Murwillumbah CBD Flood Study - presentation by David Tetley from Catchment Simulation Solutions

***That Council officers prepare a report to the Floodplain Management Committee and Council with responses to the recommendations of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017 as they pertain to Tweed Shire.***

**REPORT:**

The Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2017 are reproduced as follows for the information of Councillors.

Venue:

Mt Warning Room

Time:

9.00am

Present:

Cr James Owen, David Oxenham (left meeting at 10.00am), Danny Rose, Leon McLean, Stuart Russell, Doreen Harwood (from 9.35am) and Brenda Hannigan (Tweed Shire Council), Martin Rose (Office of Environment and Heritage), Peter Mair (NSW State Emergency Service), Felicia Cecil, Robert Quirk, Max Boyd, Samuel Dawson, Dion Andrews, Mike Allen

Guest for Agenda Item 1: David Tetley (Catchment Simulation Solutions)

Apologies: Nil

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Samuel Dawson

RESOLVED that the Minutes of the Floodplain Management Committee meeting held Friday 28 April 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising from Meeting held Friday 24 June 2016:

2. ABC Coverage

The following recommendation was made at the Meeting held Friday 24 June 2016:

*"RECOMMENDATION that Council formally invites management of ABC North Coast radio to receive a briefing on the flood situation in Tweed Shire, with the aim of improving coverage of flood events by the station. This briefing should include the SES Regional Controller."*

Current Status: Initial contact has been made with ABC North Coast management through post flood debriefs. Meeting to be scheduled.

Ex-Council Communications Officer has also recently commenced working for ABC Gold Coast.

Max Boyd noted the favourable coverage of Murwillumbah's post-flood housing issues on ABC TV, and urged a closer relationship with the emergency broadcaster.

Welcome to New Committee Members

Dion Andrews was welcomed to the Committee, being an apology for the previous meeting.

Leon McLean attended the meeting as Council's Acting Flooding and Stormwater Engineer, following the resignation of Steve Twohill in August.

---

Agenda Items:

1. Murwillumbah CBD Flood Study - presentation by David Tetley from Catchment Simulation Solutions

David Tetley from Catchment Simulation Solutions, Council's appointed consultant for the Murwillumbah CBD Flood Study, made a PowerPoint presentation (Attachment 1) to the Committee.

The presentation detailed the scope of the study, flood model calibration, including extensive data from the March 17 flood, design flood simulation including climate change scenarios, flood hazard classification, and emergency response classification.

A range of flood maps and a simulation video was shown. It highlighted the dramatic effect that a levee overtopping event would have on the CBD of Murwillumbah, such as in a 1:500 ARI event.

The Committee noted the difference in levee overtopping seen in the March flood and confirmed by this study, compared to the previous Tweed Valley studies (2005, 2009) which predicted overtopping near the bridge, rather than at the upstream end of the earth levee. Based on observations of the March flood, the previous modelling over-estimated the volume of water in the main river channel and underestimated the volume that broke out through South Murwillumbah, which likely changed the flood gradient through town.

A number of flood mitigation options have been identified for modelling to quantify costs and benefits to the leveed areas of Murwillumbah. The Committee was invited to contribute to options development. The Committee suggested options such as installation of flood cams, cleaning out the "duck pond" at Knox Park, alternate designs for the levee gates to reduce the time of inundation behind the levee, and use of subsoil drainage. These will be considered by the consultants in the next phase of the study.

The draft study report will be tabled for the Committee for endorsement to go to Council and public exhibition.

---



2. Community Engagement and Flood Education Workshop

Danny Rose tabled a preliminary list of community engagement / education ideas, which were developed by Council officers and Janet Petit from SES prior to the Committee Meeting (refer Attachment 2).

Key to building future flood resilience in the Tweed and Coastal Creek valleys is the idea of Community Action Teams (CATs). Cats would be modelled on successful pilot groups in Tumbulgum and Uki, where local champions and people of influence in their local communities would provide a two-way conduit for flood intelligence during and after events, as well as a way of disseminating message of preparedness and warnings. The SES are holding the next round of Post-Flood briefings and will use these forums to begin the CATs process. Any interested Committee members are welcome to attend these forums. Attachment 3 was provided to the Committee to explain the aims and expected outcomes of the CATs program.

The Committee suggested that Chillingham, Tyalgum, Piggabeen, Bilambil and Banora Point should be added to the CATs list.

Danny gave a demonstration on the availability of forecast weather, warnings, rainfall and flood data on the Bureau of Meteorology website. It was important that individuals knew how to find and interpret that data, and understand what it means for their own property. Local knowledge and advice from long term residents helps to interpret and apply this data.

The Committee discussed issues with the emergency text messages that were issued in the March 17 flood, and the confusion they caused many community members. It is understood that these are under review, including recommendations from the Independent Review of the SES (refer Agenda Item 3).

Other suggestions from the Committee included provision of free magnets with important information, and colour coding of rates notices to coincide with flood risk "zones", that could then be communicated to residents.

Council's first initiative will be a special edition of the Tweed Link.

---

3. Post Flood Reviews: Independent Review of the NSW State Emergency Service Operational Response; North Coast Flood Summary

The subject reports were provided to the Committee for their information.

The SES report attracted a great deal of discussion, due to concerns about the lack of resources provided by levels of government to the SES, when they do such important work during extreme events.

Issues of accommodation, equipment storage, communication and the SES role in the assessment of development were discussed.

---

Moved: Max Boyd  
Seconded: Robert Quirk  
RECOMMENDATION:

That Council supports Recommendation 36 of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017.

Recommendation 36 states:

**Land Use Planning**

It is recommended that the NSW SES has greater involvement in floodplain development with Local Councils and that their input is mandatory before any consent by council is given in flood planning areas.

This would ensure that there is management of the risk to life in rarer events along with more robust evacuation controls. Consideration should be given to examining the role that the NSW RFS in regard to Land Use and Building Consent in bush fire prone areas for development of a similar process by the NSW SES.

**Recommendation 36**

That the NSW SES becomes a recognised authority for land use planning purposes, having greater involvement in floodplain development with Local Councils and that their input is mandatory before any consent by council is given in flood planning areas.

Moved: James Owen  
Seconded: Mike Allen  
AMENDMENT 1:

That Council officers prepare a report to the Floodplain Management Committee and Council with responses to the recommendations of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017 as they pertain to Tweed Shire.

FOR VOTE - 5  
AGAINST VOTE - 2

AMENDMENT 1 *became the Motion.*

Moved: James Owen  
Seconded: Mike Allen  
RECOMMENDATION:

That Council officers prepare a report to the Floodplain Management Committee and Council with responses to the recommendations of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017 as they pertain to Tweed Shire.

FOR VOTE - 6  
AGAINST VOTE - 1

---

General Business:

4. Request for Floodplain Committee Membership – Tumbulgum Community Association

A report has been prepared for the September 17 Council meeting, recommending that Council accepts a late nomination for representation from the Tumbulgum Community Association on the Committee. The Committee supported an additional community representative.

---

5. Condong Creek Floodgate

Robert Quirk expressed concern that the large set of floodgates on Condong Creek has cracked under the recent flood. Council officers will arrange a meeting with Robert to inspect the structure.

---

6. SES Headquarters

James Owen explained to the Committee that options for alternate accommodation for the Murwillumbah SES were still in process.

---

7. Dredging

Dion Andrews asked what programs were in place for dredging of the Tweed River. Danny Rose explained that there was no scheduled dredging for flood mitigation purposes, other than minor works around drainage outlets as required. The river channel makes up a very small proportion of the floodplain volume, so dredging has little or no impact in most cases, is costly, and any benefits are only temporary. Commercial operations still occur in the Lower Tweed, while the State Government is becoming less involved in dredging of navigation channels.

---

8. Debrief and Discussion on March 2017 Flood

Felicia Cecil congratulated Council on the rapid response to repairing Chinderah Road following the flood.

---

Next Meeting:

The next meeting of the Floodplain Management Committee will be held prior to the end of 2017.

The meeting closed at 12.10pm.

---

**EXECUTIVE LEADERSHIP TEAM'S COMMENTS:**

1. *Murwillumbah CBD Flood Study - presentation by David Tetley from Catchment Simulation Solutions*

Nil.

**EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:**

1. *Murwillumbah CBD Flood Study - presentation by David Tetley from Catchment Simulation Solutions*

*That Council officers prepare a report to the Floodplain Management Committee and Council with responses to the recommendations of the Independent Review of the NSW State Emergency Service Operational Response Northern Rivers Floods March 2017 as they pertain to Tweed Shire.*

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Reviewed by Council 21 August 2013.

**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.

---

**37 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017**

**SUBMITTED BY: Recreation Services**

mhm



People, places and moving around

*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.2 Places
- 3.2.9 Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

**ROLE:** **Leader**

---

**SUMMARY OF REPORT:**

The Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That the Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017 be received and noted.**

**REPORT:**

The Minutes of the Sports Advisory Committee Meeting held Monday 9 October 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Hall

Time:

5.30pm

Present:

Cr Warren Polglase, Cr Pryce Allsop, Matt McCann, Merve Edwards, Rob Nienhuis, Helen Rigney, Linton Alford, Bruce Campbell, Dion Andrews

Apologies:

Gillian Austin

Minutes of Previous Meeting:

Moved: Dion Andrews

Seconded: Rob Nienhuis

RESOLVED that the Minutes of the Sports Advisory Committee meeting held 14 August 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

1. Assets Reserves Trust Fund

Murwillumbah Cricket Club

Matt will contact the Murwillumbah Cricket Club to request more information be provided to progress the application.

Tweed United Football Club

Matt will contact the Tweed United Football Club to request more information be provided to progress the application.

Agenda Items:

1. Role of Council in Children's Sport - Email from David Buckland

The Committee members discussed David's letter in great detail and were content with how Council were supporting children's sport. The Committee recognises Council's Aquatic Centres is a business operation which provides and promotes a range of swimming programs for community members.

---

2. Bilambil Sports Field - Email from Andrew Illingworth

The committee was informed that enquiries had been made in relation to utilising the Bilambil West Sports Complex as a facility to support Tweed's homeless community. Regrettably this is not a viable option because this facility is used by licenced sporting holders seven days a week all year round. It is also being used by the newly created Bilambil/Terranora Residents Association who are investigating private funding opportunities to restore the building and opening it for community use/activities.

The committee resolved not to support the request to facilitate the homeless community at the Bilambil West Sports Complex.

---

### 3. Commonwealth Games and the overflow effect on Tweed

During the 2018 Commonwealth Games all Gold Coast sporting venues will be unavailable to regular local training and sports competition. As a result Council and Tweed sporting clubs have received requests from the Gold Coast sporting community to share our fields during this period. Most of our facilities are presently at full capacity with the Tweed community utilising them, however consideration will be given if the Tweed clubs are happy to accept a shared arrangement. The Committee recommends that consideration will be given for shared arrangements through engagement and consultation with existing sports field licence holders.

---

### 4. Proposed Fun Day for Black Rocks

The Committee was informed that Dion Andrews and Matt McCann attended a Pottsville Community Association meeting held on Tuesday 26 September 2017 to discuss the proposed 'Fun Day' for Black Rocks Sports Field. Approximately 40 people were in attendance at the meeting and there was resounding support for the 'Fun Day'. The discussion from a broad range of Pottsville residents was extremely positive and the day would be designed to cater for all the community, not just the sporting community.

The Sports Advisory Committee has suggested a sub-committee be formed to organise and implement the day with representatives from all stakeholders.

---

### 5. Good Sports Presentation for December

The Committee resolved that a presentation is not required from Good Sports. A lot of the sporting community are participants in this program therefore have all the relevant information at hand regarding this program.

---

General Business:

### 6. Regular school use at Arkinstall Park Netball and Soccer

---

Dion Andrews received an email from the Principal of Pottsville Primary School requesting to attend the next Sports Advisory Committee meeting to discuss the regular booking and use of Arkinstall Park by a Gold Coast Private school. The committee recommended that the Pottsville Principal be given an invitation to attend the next meeting where Councils Sports Field booking system would be tabled and discussed.

7. Lights at Merve Edwards Sports Field

Cr Warren Polglase has requested a quote be provided for a lighting upgrade at Merve Edwards Field as the existing lighting infrastructure does not meet relevant standards.

Next Meeting:

The next meeting of the Sports Advisory Committee will be held Monday 11 December 2017.

The meeting closed at 6.35pm.

**EXECUTIVE LEADERSHIP TEAM'S COMMENTS:**

Nil.

**EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - adopted 21 August 2012 (ECM2846627).

**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.

---

**38 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017**

**SUBMITTED BY: Natural Resource Management**

nhm

---



**Leaving a Legacy**  
*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.3 Coastal Management - To protect and manage the use and quality of the Tweed's beaches and foreshores.

**ROLE: Collaborator**

---

**SUMMARY OF REPORT:**

The Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That:**

- 1. The Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017 be received and noted; and**
- 2. The Executive Leadership Team's recommendations be adopted as follows:**

***A3. Hastings Point Rocky Foreshore***

***That Council writes to the relevant Ministers (Environment and Primary Industries) to seek advice on the information required and process for the Government to consider declaration of Hastings Point rocky shore as an aquatic reserve.***

**REPORT:**

The Minutes of the Tweed Coast and Waterways Committee Meeting Committee Meeting held Wednesday 11 October 2017 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Cr Chris Cherry, Bill Fenelon, Ben Fitzgibbon, Bill Hoskins, David Cranwell, Sam Dawson, Marama Hopkins, Lindy Smith, Robert Quirk, Carl Cormack, Tracey Stinson, , Rhonda James (Chair), Hamish Brace, Bruce Peate, Jane Lofthouse, Tom Alletson

Informal: Sonia McKay, Lynda Hourigan

Apologies:

Cr Katie Milne, Peter Comerford, Scott Peterson

Minutes of Previous Meeting:

Moved: Ben Fitzgibbon

Seconded: Lindy Smith

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee Meeting Committee meeting held Saturday 9 September 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Tom reported that discussions have commenced with Local Land Services regarding a tour of Tweed River riparian rehabilitation sites. Rhonda James and Robert Quirk will be kept advised on timing in order to represent TCWC if possible.

---

Agenda Items:

A1. Briefing of committee members on code of conduct:  
Held over until December meeting.

A2. RMS Tweed boating plan update

Sonia McKay provided an update on the progress of the RMS Tweed River boating plan. It is expected that a draft plan presenting options for future management will be exhibited before the end of this year. RMS will engage with both TCWC and Tweed Councillors on the draft plan.

Tom Alletson provided the committee with an update on the draft recreation strategy being prepared as part of the Tweed Estuary Coastal Management Program. It was advised that the draft recreation strategy submitted to Council contained recommendations for restrictions on vessels that exceeded the recommendations made by TCWC to RMS in a

previous submission to the Tweed Boating Plan Review. The vessel restrictions proposed by the consultants were discussed in detail, and it was determined by the committee that feedback would be provided to the consultant confirming that the extent of river character zones previously recommend to RMS would be maintained in the Tweed Estuary Recreational Strategy. Previously agree character zones were considered to be achievable and justifiable.

#### A3. Hastings Point Rocky Foreshore

Tom provided information on the process and considerations involved in nominating Hastings Point rocky shore as an Aquatic Reserve. This included an overview of the Marine Estate Management Strategy currently being developed by NSW Government. Given that there is no formal process or guidance available on the steps and information required, or criteria for assessment relating to the declaration of an Aquatic Reserve, it was determined that the best step to take would be to write to the relevant ministers, and the local state member of parliament Geoff Provest, asking for official guidance. Upon receipt and consideration of this, TCWC can advise whether or not it thinks Council or other parties should proceed with a nomination, or any other course of action.

A briefing on the Marine Estate management process will be provided at the next meeting.

Moved: Sam Dawson

Seconded: Lindy Smith

#### RECOMMENDATION:

That Council writes to the relevant Ministers (Environment and Primary Industries) to seek advice on the information required and process for the Government to consider declaration of Hastings Point rocky shore as an aquatic reserve.

#### A4. Tweed River Management Plan Draft Ecological Report

Tom provided an update on matters covered and findings of the ecological study. The draft will be presented to the committee at or prior to the December meeting.

#### A5. Oxley river bank stabilisation project

Matt Bloor provided an update to the committee on this project. Construction is commencing in mid-October.

---

#### General Business:

##### GB1.Coastal Creek Catchment Management Plan

Tom will provide an overview of the Coastal Creek Catchment Management Plan to the next TCWC meeting.

A number of matters relating to waterways facility management were raised including:

- A sign to advise cars to turn headlights off while using Fingal boat ramp in the dark
- Fix the light at Kingscliff boat ramp
- Unpermitted vehicles observed on the beach
- Trees require trimming at Fingal Boat Ramp

It was advised by staff that matters of this nature should be reported directly to Council for immediate action as opposed to being held for a TCWC meeting.

---

Next Meeting:

The next meeting of the Tweed Coast and Waterways Committee Meeting Committee will be held 13 December 2017.

The meeting closed at 12.35pm.

**EXECUTIVE LEADERSHIP TEAM'S COMMENTS:**

**A3. Hastings Point Rocky Foreshore**

Nil.

**EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:**

**A3. Hastings Point Rocky Foreshore**

That Council writes to the relevant Ministers (Environment and Primary Industries) to seek advice on the information required and process for the Government to consider declaration of Hastings Point rocky shore as an aquatic reserve.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted by Council at its meeting on 17 November 2016 Minute No: 517 (ECM4316118).

**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.

---

**39 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017**

**SUBMITTED BY: Community and Cultural Services**

mhm



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

**ROLE: Advocate**

---

**SUMMARY OF REPORT:**

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017 be received and noted.**

**REPORT:**

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 18 October 2017 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Centre

Time:

10am

Present:

Wendy Gilbertt (Chair), Una Cowdroy, Nathan Quinell, Prospero Aplet, Beverley Kelso (Community Representatives); Karen Collins, Chantelle Howse, Alana Brooks, Gabby Arthur (Tweed Shire Council) (Minutes)

Apologies:

Milena Morrow, Suzanne Hudson (Community Representatives), Chris Vannucci (Alzheimer's NSW)

Minutes of Previous Meeting:

Moved: Bev Kelso

Seconded: Nathan Quinell

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Wednesday 16 August 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Outstanding Matters Report

OM1. Terms of Reference

The Minutes of 16 August 2017 and Terms of Reference were adopted by Council on 21 September 2017. The EAAC agreed that it would be best that any further changes to the Terms of Reference be made annually.

The EAAC agreed that they would prefer the annual election of the Committee Chair be deferred for discussion at the February 2018 meeting when all members are present.

OM2. Future Recruitment Strategy for EAAC Members

Karen confirmed that she has received biographical information from four or five members and that it is not essential that all members provide the information but additional submissions can still be submitted. A group photo of the EAAC will be taken at the December 2017 meeting and uploaded onto Council's website together with the biographies.

Action Item: *Group photograph of EAAC to be taken at December 2017 meeting.*

Responsibility: Karen Collins

OM3. Addressing Attacks on Guide Dogs by Other Dogs

Following the attendance of Team Leader Compliance, Nick Tzannes at the last meeting, the EAAC discussed ways in which educational information can be distributed to the community. Karen noted that monthly articles are now being included in the Tweed Link. Other suggestions included:

- Leaflet in with the next Rates Notice.
- Photograph of Nate and a Ranger together with an article in the Tweed Link.
- Small television advertisements to get a greater audience.
- Radio interview.
- Flyers displayed in cafés.
- Joint initiative with Gold Coast City.
- Information at/with veterinaries, pet shops, doggy bag dispensers, dog registration, expos, community festivals where Council has a stall.

Karen advised that she will meet with Communications Unit and bring a Communications Plan to the December 2017 meeting for further discussion. An evaluation of the community education campaign can be carried out at the conclusion to gauge its effectiveness.

This item will be an ongoing action through the next three years of the Access and Inclusion Plan.

Action Item: *Communications Plan to be prepared and discussed at next EAAC meeting.*  
Responsibility: Karen Collins

OM4. Producing Council documents in accessible formats

This recommendation was adopted by Council at its meeting held on 21 September 2017. Karen is working with Council staff to increase their awareness and assist in understanding their audience and everything must be accessible.

OM5. Companion Card and Twin Towns Services Club - Letter from Ability Incorporated  
Karen advised that a reply has been received from Twin Towns Services Club, which has been distributed to the EAAC. The EAAC agreed that a follow-up letter should be sent to ClubsNSW as no response has been received to date.

Action Item: *Further research to be undertaken regarding how the Companion Card is managed at other facilities such as Jupiters.*  
Responsibility: Karen Collins

Agenda items:

A1. NDIS roll out

Karen advised that an invitation was extended to both Council's Coordinator-Community Services, Joanne Watters and Senior Practitioner, Fiona Holland but they were unable to attend today's meeting. Joanne to be invited to attend the December 2017 meeting.

Karen advised she is working with the Community Services Unit to produce an Easy English pamphlet promoting its services. Community Services is looking at transferring all of its forms to Plain or Easy English over a period of time.



A2. Evaluation of the Access and Inclusion Plan 2014-2018

Karen advised that she is undertaking consultation with Council staff to look at the outcomes of the current Plan, the new Plan, challenges arising for staff and how these challenges can be addressed in the new Plan. Karen will also be presenting to the Executive Leadership Team prior to community consultation. The new Plan is a high priority for Council. Karen advised that she will provide the presentation to the EAAC's next meeting.

A3. Tweed Link – Access All Areas

As discussed at OM3 above, the current theme for the Tweed Link is *Addressing Attacks on Guide Dogs by Other Dogs*.

A4. Access and inclusion Awards

Karen provided an update regarding the film night for *Defiant Lives* and advised that she doesn't have the capacity to organise the film this year as she is already heavily involved in organising the Belonging Festival and Awards. The film will be globally released and may come to a local cinema.

Karen passed on her thanks to Wendy and Prospero for being involved in judging the Access and Inclusion Awards along with Allan Reeves (Council Design Engineer) and Phil Barron (Community Transport). A good range of applications were received. Bookings have already been received for 45 people to attend the Awards.

The *Festival of Belonging - celebrating social inclusion week* will be held on 23 November 2017 from 10am to 2pm at Jack Evans Boat Harbour. The festival is based on the seven senses. Karen tabled the flyer and advised that she will email copies to the EAAC.

A5. Access Funds

Access Funds balances:

Following conclusion of the Awards, \$50,000 will remain in the general budget.

There is an annual recurring budget of \$37,000.

There is currently between \$50,000 and \$60,000 remaining in the Accessible Toilets budget.

Karen advised that the toilets at the Murwillumbah Showgrounds were missed during the toilet audit and she is making arrangements to carry out an inspection of them.

Action Item: *Audit to be undertaken of public toilets at Murwillumbah Showgrounds.*

Responsibility: Karen Collins

General Business:

GB1. Accessible parking bay Berkleys Lane, Pottsville

Alana advised that a request has been received from the Pottsville Community Association regarding the Accessible Parking Bay in Berkleys Lane, Pottsville. Any requests regarding Accessible Parking Bays are usually referred to the Local Traffic Committee.

The request received from the Pottsville Community Association is for an additional Accessible Parking Bay near the shops. A car park space would be lost to add the Accessible Parking Bay. Karen read the request from Pottsville Community Association to EAAC which states there is the need for two parking bays in Berkleys Lane to be situated near Ambrose Park and near Coronation Avenue. The EAAC requested Karen and Alana to carry out a site inspection at Pottsville and report back to the next meeting.

Action Item: *Site audit of possible additional Accessible Parking Bay in Pottsville.*

Responsibility: Karen Collins and Alana Brooks

Karen advised that many of the Accessible Parking Bays across the Tweed Shire do not meet current standards and that an audit focussing on the business sector is required, however this is a huge undertaking. An item in the updated Access and Inclusion Plan will be to choose an area and have a qualified officer audit a business district, map the current locations and map where they could be better placed to meet standards. The EAAC agreed that Murwillumbah would be a good location for the case study.

GB2. Access ramp to Mooball Creek from boardwalk at Ambrose Brown Park, Pottsville  
Pottsville Community Association has advised there is no mobility access to any sand, beach or water from Ambrose Brown Park and has made some suggestions re access to the creek. The cheapest option to rectify this issue would be to add a ramp to the end of the boardwalk (as an alternative to using the steps). This was identified as a high priority in the foreshore review. The cost to erect the ramp would be approximately \$8000.

The EAAC endorses the erection of a ramp at the end of the walkway at Ambrose Brown Park, Pottsville to enable access to the creek.

GB3. SCU Commonwealth Games forum presentation

Karen advised she has become aware of the disruptions that will occur in Tweed Heads over a number of weeks due to the Commonwealth Games ('the Games'). The Games will be held from 4 to 15 April 2018. Southern Cross University is running a series of forums on the social dimensions of the Games on the community. The focus of the forum on Thursday 9 November 2017 from 4pm to 7pm at its campus in Tugun is on Representations of Ability and Disability in Sport and inclusion and exclusion. The concern is that the Games organisers have not fully considered the impact on residents with disabilities particularly in NSW. Karen will be the first speaker at the forum and invited members of the EAAC to attend to provide their experiences. Nate, Una, Wendy and Bev advised that they will attend the forum. Karen to also invite Susi to attend.

Karen advised that she has prepared a presentation for the forum and will email a copy to the EAAC.

GB4. Accessible change rooms at Murwillumbah Aquatic Centre - air conditioning

Wendy advised she has received a letter from a mother with an adult son who needs adult changing facilities. With no air-conditioning in the accessible change rooms at the aquatic centre in Murwillumbah the conditions are uncomfortably hot in summer and cold in winter for the person with a disability and their carer. They have requested Council address this issue. Karen has forwarded the letter to Glenn Nott and will follow up to have this item dealt with urgently.

Action Item: *Liaise with Glenn Nott at Murwillumbah Aquatic Centre re the air conditioning in the accessible change rooms.* Responsibility: Karen Collins

GB5. Designated Accessible Parking Bays in Murwillumbah

Alana sought advice from the EAAC as to whether to leave the Designated Accessible Parking Bay on the hill outside of the TAFE in Murwillumbah until the case study is completed or whether to remove it. The EAAC agreed that the Designated Accessible Parking Bay should remain until the study has been undertaken and an alternate site is identified.

Wendy has passed on an email to Council which she received from a carer who drops off someone at the Murwillumbah Aquatic Centre regarding people parking in the 'Drop Off' zone. Alana advised that she will monitor parking in the drop off zone and report back to the next meeting.

Action Item: *Monitoring of parking in the drop off zone out the front of the Murwillumbah Aquatic Centre to be undertaken.*

Responsibility: Alana Brooks

GB6. Living Well in Later Life

Karen advised that she has received a copy of the *Living Well in Later Life* guide which addresses issues affecting people in later life. Karen advised that she only has one copy of the guide however provided postcards to the EAAC so that they can obtain copies if they wish.

GB7. Change December committee meeting date

The EAAC agreed that the next meeting be held on 6 December 2017.

GB8. White Cane Education Campaign

Bev noted that a large number of people don't seem aware that a white cane represents that a person is vision impaired. The EAAC agreed that this item should be reviewed as an educational matter along with the attacks on guide dogs. Bev stressed that she doesn't want this item to distract from the attacks on guide dogs item.

Next Meeting:

The next meeting of the Equal Access Advisory Committee will be held 6 December 2017.

The meeting closed at 11.50am.

**EXECUTIVE LEADERSHIP TEAM'S COMMENTS:**

**Nil.**

**EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:**

**Nil.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Equal Access Advisory Committee adopted 12 December 2013  
(ECM2847116)

**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.

---

**40 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017**

**SUBMITTED BY: Roads and Stormwater**

mhm



People, places and moving around  
*Who we are and how we live*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

**ROLE:** Advocate

---

**SUMMARY OF REPORT:**

The Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017 are reproduced in the body of this report for the information of Councillors.

**RECOMMENDATION:**

**That:**

1. The Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH**

**A1 [LTC] Prospero Street, West of River Street, South Murwillumbah**

*That signage '2P 9pm to 6am' be installed on Prospero Street west of River Street and also in the public car park that is accessed from this section.*

**A2 [LTC] Temporary Road Closure - Coolman Street, Tyalgum**

*That the proposed temporary road closure for the Tyalgum Community Dinner event on Friday 22 December 2017 be supported, subject to:*

1. ***NSW Police approval being obtained.***
2. ***Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.***
3. ***Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.***
4. ***Adequate public liability insurance being held by the event organiser.***
5. ***All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.***
6. ***Consultation with emergency services and any identified issues addressed.***
7. ***Arrangements made for private property access and egress affected by the event.***
8. ***That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.***
9. ***The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.***

#### **DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS**

##### **A3 [LTC] Cypress Crescent, Cabarita Beach**

***That a yellow 'No Stopping' line be installed on the inside of the curve from tangent point to tangent point, opposite Halycon House on Cypress Avenue.***

**REPORT:**

The Minutes of the Local Traffic Committee Meeting held Tuesday 28 November 2017 are reproduced as follows for the information of Councillors.

**VENUE:**

Mt Warning Meeting Room

**TIME:**

Commencing at 9.30am

**PRESENT:**

Committee Members: Cr James Owen, Mr Alan Eichmann, Roads and Maritime Services of NSW, Snr Constable David Brigg, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Miss Alana Brooks, Mr Nick Tzannes, Ms Judith Finch (Minutes).

**APOLOGIES:**

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

MIN1 [LTC] Confirmation of Previous Minutes Meeting held 19 October 2017

**ORIGIN:**

Roads & Stormwater

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 19 October 2017 be adopted as a true and accurate record of proceedings of that meeting.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions 16 November 2017

From Meeting held 20 July 2017

[LTC] Boyd Street, Tweed Heads (Item A6)

**ORIGIN:**

Roads & Stormwater

FILE NO: ECM 4406755; Traffic - Committee; Pedestrian Safety; Local Area Traffic Management; Boyd Street, Tweed Heads

SUMMARY OF REPORT:

At the Local Traffic Committee Meeting on 8 September 2016 the Committee supported upgrading the existing kerb extensions on Boyd Street to a refuge, to allow pedestrians to cross in two stages. This proposed upgrade would create a slow point in the traffic to assist pedestrians but will reduce on street parking. Approximately six spaces would need to be removed to allow sufficient sight distance at the crossing point.

RECOMMENDATION TO COUNCIL:

That the installation of a refuge and slow point on Boyd Street, near the Tweed Day Surgery be deferred subject to community consultation with adjacent residents and business operators.

RMS Comments - Meeting held 17 August 2017:

Consideration to be given to allow cyclists safe passage in travel lanes with the proposed refuge. Has cyclists been given thought? Width?

Current Status: *That Item A6 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 17 August 2017 remain on the list of Outstanding Resolutions.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 16 February 2017 (Item A6).*

---

From Meeting held 20 July 2017

[LTC] Berkleys Lane, Pottsville

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4616799; Traffic - Committee; Traffic - Parking Zones; Disability/Accessibility Issues; Berkleys Lane

SUMMARY OF REPORT:

Request received for a designated disabled car parking space outside the ATM on Berkleys Lane, Pottsville.

Currently an accessible parking space is provided in the car park close to Coronation Avenue and this request is to remove that space and install it adjacent to the newsagency.

RECOMMENDATION TO COUNCIL:

That:

---



1. The installation of an accessible car space in the Berkleys Lane carpark, adjacent to the newsagency is supported, subject to funding and support of the adjacent businesses.
2. The existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue be removed, subject to Item 1 above.

At the Council meeting held 17 August 2017 an amendment was made and carried to Item 2 of the Recommendation which became:

2. Consultation be held with Council's Access and Inclusion Committee and Pottsville Community Association to seek their concurrence for the removal of the existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue.

Since then a further email (dated 7 September 2017) has been received from the Pottsville Community Association advising that:

*"I am to understand Council has approved the addition of a parking spot on the shop side of Berkley's lane. Previously we had identified out the front of the newsagency as a suitable location, however at our August meeting the membership clarified it would be better suited for ease of access and less congestion to be at the parking bay area closest to Coronation Avenue, on the Berkley's Lane shop side.*

*Unfortunately it appears our previous committee incorrectly advised this additional disabled parking space was to replace the current parking space on the Ambrose Brown Oval side of Berkley's Lane. The membership discussed this error in our August meeting and agreed the Association write to you to clarify that our intention was to maintain the Ambrose Brown Oval side disabled parking bay AND request an additional disabled parking space as per details above. So in effect there would be two disabled parking bay spaces in Berkley Lane due to the need, and lack of suitable spaces nearby.*

*I apologise for this miscommunication and await your advice on the basis of this email."*

From meeting held 19 October 2017:

The Road Safety Officer advised that this item and the similar request to reallocate the accessible parking bay in Murwillumbah Street was discussed at the Equal Access Advisory Committee meeting held on 18 October 2017. The members advised that a review of all CBD accessible parking should be carried out and that individual spaces should remain in place until the review has been completed.

Current Status: *That Item A4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 19 October 2017 remain on the list of Outstanding Resolutions.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 21 September 2017 (Item A4).*

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Prospero Street, West of River Street, South Murwillumbah

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4874177; Traffic - Committee; Parking Zones; Car Parks - Murwillumbah; Prospero Street; River Street, South Murwillumbah

SUMMARY OF REPORT:

To assist parking regulation of the area it is requested that timed parking signage be installed on the section of Prospero Street west of River Street and also in the public car park that is accessed from this section.

It is suggested that the proposed signage would state "2P 9pm to 6am" as this would still enable legitimate use of the road and car park during the day.

RECOMMENDATION TO COUNCIL:

That signage '2P 9pm to 6am' be installed on Prospero Street west of River Street and also in the public car park that is accessed from this section.

*FOR VOTE - Cr James Owen, Mr Alan Eichmann, RMS, Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Snr Constable Chris Davis, NSW Police*

A2 [LTC] Temporary Road Closure - Coolman Street, Tyalgum

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4873012; 4897535; Traffic - Committee; Road Closure - Temporary; Events/Festivals - Other; Coolman Street, Tyalgum

SUMMARY OF REPORT:

Application received for a temporary road closure of Coolman Street Tyalgum from Balluna Street to Cudgrigan Street to facilitate a community dinner in Coolman Street on Friday 22 December 2017 from 5.00pm - 10.30pm. The applicant has advised that the temporary road closure will only affect 1 resident and 2 businesses and that all relevant parties have indicated their support for the event.

RECOMMENDATION TO COUNCIL:

That the proposed temporary road closure for the Tyalgum Community Dinner event on Friday 22 December 2017 be supported, subject to:

1. NSW Police approval being obtained.
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
3. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.
4. Adequate public liability insurance being held by the event organiser.
5. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
6. Consultation with emergency services and any identified issues addressed.
7. Arrangements made for private property access and egress affected by the event.
8. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
9. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

*FOR VOTE - Cr James Owen, Mr Alan Eichmann, RMS, Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Snr Constable Chris Davis, NSW Police*

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A3 [LTC] Cypress Crescent, Cabarita Beach

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4005149; 4866994; Traffic - Committee; Traffic - Linemarking; Traffic - Parking Zones; Cypress Crescent, Cabarita

SUMMARY OF REPORT:

This item was addressed at the Local Traffic Committee meeting held 14 April 2016 and is reproduced below:

*"It is reported that the street is congested with parked vehicles and that cars are being parked around the entire sharp bend in the road on both sides, narrowing access in both directions and obstructing views when driving.*

*The Committee discussed that high parking demand is irregular and the road width enables unrestricted passage of one direction traffic flow and that drivers need to travel to the conditions when the road has many parked vehicles.*

*COMMITTEE ADVICE:*

*That prohibitive signage for Cypress Crescent, Cabarita is not supported at this stage, however the site will continue to be monitored by Council."*

The applicant has now requested that "No Stopping lines" be installed on the inside of Cypress Crescent to prevent parking associated with the Halcyon House.

Council, through the Planning and Regulation Division is pursuing compliance issues associated with the Halcyon House development.

The road width is approximately 8m, through traffic volumes are very low and speeds are low.

The frequency of vehicles, or the driver's reason for parking in this area should not determine whether the Committee supports the request.

The Chairperson requested that this item be moved to the A section of the Minutes.

The Committee requested that the Team Leader - Compliance report back to the Committee at a later stage, after completion of the works and monitoring has been performed, within a period of approximately 3 months.

**RECOMMENDATION TO COUNCIL:**

That a yellow 'No Stopping' line be installed on the inside of the curve from tangent point to tangent point, opposite Halycon House on Cypress Avenue.

*FOR VOTE - Cr James Owen, Mr Alan Eichmann, RMS, Mr Rod Bates on behalf of Mr Geoff Provest, Member for Tweed, Snr Constable Chris Davis, NSW Police*

**B. INFORMAL ITEMS SECTION**

**GENERAL TRAFFIC ADVICE - MURWILLUMBAH**

**B1 [LTC] Tweed Regional Aquatic Centre**

**ORIGIN:**

Roads & Stormwater

**FILE NO:** ECM 4876556; Traffic - Committee; Parking Zones; TRAC; Car Parks - Murwillumbah

**SUMMARY OF REPORT:**

Request received from the Tweed Regional Aquatic Centre (TRAC) for a change in sign designation at the entrance to TRAC from a "No Parking" "Drop off and pick up only" sign to a 'Loading Zone', due to the regular use of this area for buses and deliveries.

The current signs permit drivers to park for a maximum of two minutes and drivers dropping off a person with a disability are able to park for four minutes.

This zone is a popular drop off for people with a disability. The existing accessible spaces in the multi-storey ground floor car park are non-compliant and are too small to suit their purpose, with the drop off zone being the only suitable access for many people with a disability. Two compliant accessible parking spaces have been scheduled to be installed in the carpark on the pool side. This will provide better access to the pool for people with disabilities.

Encouraging increased use of this area for delivery vehicles is not considered to be consistent with the design intent or desirable. Many drivers will not recognise that they can still utilise a Loading Zone for drop off purposes.

COMMITTEE ADVICE:

That operation of the "Drop off" and "pick up only zone" at TRAC continue as currently sign posted for further monitoring following relocation of the accessible parking spaces in the ground floor of the multi-storey car park.

B2 [LTC] Dulguigan Road, North Tumbulgum, Dulguigan and Urliup

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4731633; Traffic - Committee; Traffic - Safety; Dulguigan Road, North Tumbulgum, Dulguigan and Urliup; DA04/0162

SUMMARY OF REPORT:

The Tumbulgum Community Assoc. has contacted council with their concerns in relation to heavy vehicle use of Dulguigan Road.

Primarily, the trucks are associated with a quarry which operates approximately 5kms from Terranora Road.

The majority of trucks enter and leave the site from the Terranora Road end. There is a 60km/h truck speed limit currently in place between Terranora Road and the quarry.

Recently (25 August 2017) a quarry truck rolled over near Palm Road.

The issues that the Association has raised include:

- A narrower road than is desirable which requires some passing movements to use the unsealed road shoulder.
- Truck speeds and volumes.
- Alternate routes should be utilised.

Recent speed and volumes surveys and crash history will be provided at the meeting for review by the Committee.

Council is investigating the installation of a permanent traffic counter on Dulguigan Road to monitor heavy vehicle movements and speed.

Council's Traffic Engineer has assessed Dulguigan Road between the quarry and Terranora Road and due to limited sight distance and curve alignments it would appear to warrant additional delineation and signage to assist all road users to remain in their travel lane.

COMMITTEE ADVICE:

That:

1. Council's Road Safety Officer continues to work with Police to address speeding concerns.
2. Delineation and signage on Dulguigan Road be improved.

B3 [LTC] Smiths Creek Road, Uki

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4790355; Traffic - Committee; Traffic - Safety; Speed Zones; Linemarking; Smiths Creek Road, Uki, Smiths Creek Road, Stokers Siding

SUMMARY OF REPORT:

The customer has concerns with the current 100km/h speed limit on Smiths Creek Road and requests a formal review with their recommendation of 80km/h. This request has been forwarded to the Roads & Maritime Services (RMS), being the appropriate authority.

Centre line marking has recently been installed on some sections of the road and the customer has requested that this be extended for the entire road.

Increased roadside maintenance has been requested.

More frequent concealed driveway signage has been requested.

The meeting noted that the Road Safety Officer and RMS representative will conduct a site inspection of Smiths Creek Road today including curve advisory signage and double centre lines.

COMMITTEE ADVICE:

That:

1. Signage and linemarking on Smiths Creek Road Uki to Stokers Siding be reviewed and improvements implemented as soon as practicable.
2. The increased roadside maintenance request will be forwarded to Council's maintenance engineer for consideration within budgetary constraints.

B4 [LTC] 2018 Meeting Schedule

**ORIGIN:**

Roads & Stormwater

**FILE NO:** Traffic - Committee

**SUMMARY OF REPORT:**

The following meeting dates are proposed for Local Traffic Committee meetings in 2018 with each meeting scheduled for the 4<sup>th</sup> Thursday of every month, except for the months of January, April and October. If an urgent item is received in January a conference call can be established to discuss if warranted. The 4<sup>th</sup> Thursday in April falls on 26 April, being a Public Holiday on the day before. A decision has therefore been made to move it to the week before, 19 April. The 25 October meeting falls on a proposed Council meeting date. A decision has therefore been made to move it to 18 October.

It should be noted that at this stage Council has confirmed Council meeting dates to be held on 15 February 2018, 15 March 2018, 19 April 2018, 17 May 2018 and 21 June 2018. Based on this cycle the following LTC meeting dates are proposed.

22 February  
22 March  
19 April\*\* (3<sup>rd</sup> Thursday)  
24 May  
28 June  
26 July  
23 August  
27 September  
18 October (3<sup>rd</sup> Thursday)  
22 November  
20 December (3<sup>rd</sup> Thursday)

**COMMITTEE ADVICE:**

That the following meeting schedule be endorsed for Local Traffic Committee meetings in 2018:

22 February  
22 March  
19 April\*\* (3<sup>rd</sup> Thursday)  
24 May  
28 June  
26 July  
23 August  
27 September  
18 October (3<sup>rd</sup> Thursday)  
22 November  
20 December (3<sup>rd</sup> Thursday)

**GENERAL TRAFFIC ADVICE - TWEED HEADS**

**B5 [LTC] Cypress Crescent, Cabarita Beach**

This item was moved to Section A3 at the request of the Chairperson.

B6 [LTC] Wharf Street and Brett Street, Tweed Heads

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 4875402; Traffic - Committee; Traffic - Lights; Traffic - Safety; Wharf Street, Brett Street, Tweed Heads

SUMMARY OF REPORT:

Request received in relation to the intersection of Brett and Wharf Street, Tweed Heads when a pedestrian was observed walking down Wharf Street and attempting to cross Brett Street, when stepping out from behind a van, a car turning right from Wharf Street into Brett Street got a break in the traffic and travelled fast into Brett Street as the pedestrian stepped out from behind the van, which did not lead to an accident. The footpath down Wharf Street leads pedestrians to go behind traffic turning from Brett Street into Wharf Street.

This issue was identified in the Pedestrian Access and Mobility Plan with a suggested treatment to install a pedestrian centre refuge. Unfortunately there is insufficient width to install a compliant refuge under the current alignment of the footpath. While this project is not included in this year's PAMPS Program it can be prioritised for 2018/2019. This would include a variation to the existing footpath alignment to allow space for a refuge.

COMMITTEE ADVICE:

That the PAMPs Project for the intersection of Brett and Wharf Streets Tweed Heads be prioritised for 2018/2019.

B7 [LTC] Florence and Powell Street, Tweed Heads

ORIGIN:  
Roads & Stormwater

FILE NO: ECM 4848866; Traffic - Committee; Parking Zones; Loading Zones; Florence Street, Powell Street, Tweed Heads

SUMMARY OF REPORT:

Requests received for Local Traffic Committee review and advice regarding the corner of Florence and Powell Streets with the Serene Luxury Retirement Living driveway exiting eastbound on to Florence Street with the implementation of parking restrictions with a loading zone to the east of the driveway for any service vehicles or short term pick up and drop offs only to ensure clear line of sight and safe passage on the main road.

It is reported that vehicles are parking too close to the driveway (at times across the driveway) creating a major obstruction that completely inhibits the view of exiting vehicles. It is also reported that there is no view of oncoming traffic at all and residents fear a serious accident may eventuate.



It is reported that "No Parking" signs were previously erected in this location but have been removed.

Pedestrian Access and Mobility Plan (PAMP) improvements are planned for 2017/2018 for the Florence Street and Powell Street roundabout approaches. These works will likely prevent parking east of the driveway. Linemarking and parking restrictions can be addressed as part of the project and brought back to the Committee if required.

A "Loading Zone" to service a private residential development is not supported on public land.

**COMMITTEE ADVICE:**

That:

1. Linemarking and parking restrictions at the intersection of Florence and Powell Street on the roundabout approaches will be addressed as part of works planned under the 2017/2018 PAMP Program and brought back to the Committee if required.
2. A "Loading Zone" to service a private residential development is not supported on Florence Street.

**B8 [LTC] Leisure Drive and Winders Place, Banora Point**

**ORIGIN:**

Roads & Stormwater

**FILE NO:** ECM 4875402; Traffic - Committee; Traffic Lights; Safety; Leisure Drive; Winders Place, Banora Point

**SUMMARY OF REPORT:**

Request received for the installation of a red light camera at the intersection of Leisure Drive and Winders Place, Banora Point.

It is reported that a local resident who walks every day has noticed people running the red light, as well as having personal experience of this when driving, as well as receiving reports from other people.

A review of the crash data from the past five years has found one reported injury crash and two non-injury crashes at this intersection.

Council officers have been advised by the Roads & Maritime Services (RMS) who are the authority for red light cameras in NSW that they are generally not installed outside the Sydney and metropolitan areas.

**COMMITTEE ADVICE:**

That the intersection of Leisure Drive and Winders Place Banora Point was brought to the attention of the NSW Police for enforcement.

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held Thursday 14 December 2017 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 11.33am.

**EXECUTIVE LEADERSHIP TEAM COMMENTS:**

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH**

**A1 [LTC] Prospero Street, West of River Street, South Murwillumbah**

Nil.

**A2 [LTC] Temporary Road Closure - Coolman Street, Tyalgum**

Nil.

**DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS**

**A3 [LTC] Cypress Crescent, Cabarita Beach**

Nil.

**EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:**

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH**

**A1 [LTC] Prospero Street, West of River Street, South Murwillumbah**

That signage '2P 9pm to 6am' be installed on Prospero Street west of River Street and also in the public car park that is accessed from this section.

**A2 [LTC] Temporary Road Closure - Coolman Street, Tyalgum**

That the proposed temporary road closure for the Tyalgum Community Dinner event on Friday 22 December 2017 be supported, subject to:

1. NSW Police approval being obtained.
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
3. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.

4. Adequate public liability insurance being held by the event organiser.
5. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
6. Consultation with emergency services and any identified issues addressed.
7. Arrangements made for private property access and egress affected by the event.
8. That the applicant organise for the event to be listed on Council's Calendar of Events web page. Go to [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
9. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

#### **DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS**

##### **A3 [LTC] Cypress Crescent, Cabarita Beach**

That a yellow 'No Stopping' line be installed on the inside of the curve from tangent point to tangent point, opposite Halycon House on Cypress Avenue.

#### **COUNCIL IMPLICATIONS:**

- a. **Policy:**  
Code of Meeting Practice.
- 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.

---

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE**

**C1 [PR-CM] Development Application DA17/0572 for the Use of the Site (Including Existing and Approved Shed) as Depot and Ancillary Office at Lot 41 DP 870680 No. 606 Pottsville Road, Sleepy Hollow**

**REASON FOR CONFIDENTIALITY:**

This report concerns legal matters that could influence the appeal process.

**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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

mhm

---



Making decisions with you  
*We're in this together*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:** **Provider**

---

---

## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

### C2 [CNR-CM] Private Memorials in Parks and Natural Areas

#### 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: -

- (a) personal matters concerning particular individuals (other than councillors).

mhm

---



Leaving a Legacy  
*Looking out for future generations*



People, places and moving around  
*Who we are and how we live*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.3 Coastal Management - To protect and manage the use and quality of the Tweed's beaches and foreshores.
- 3 People, places and moving around
- 3.2 Places
- 3.2.7 Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

ROLE: **Provider**

---

---

## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C3 [E-CM] 2018 NSW Local Government Property Professionals Conference

#### REASON FOR CONFIDENTIALITY:

Commercial dealings with private companies

#### Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

mhm

---



Leaving a Legacy  
*Looking out for future generations*

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Behind the scenes
- 4.1 Assurance
- 4.1.3 Legal Services - To support and advise staff on organisational legal issues and property management of Council controlled assets

ROLE: **Leader**

---

---

**THIS PAGE IS BLANK**