

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 21 June 2018

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.

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CONFIRMATION OF MINUTES

1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 17 May 2018

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you
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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 17 May 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 17 May 2018 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 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 17 May 2018 (ECM5290312).
<i>(Confidential)</i> Attachment 2	Minutes of the Confidential Council Meeting held Thursday 17 May 2018 (ECM5290311).

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 7 June 2018

SUBMITTED BY: Corporate Governance



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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 7 June 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- 1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 7 June 2018 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.

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Attachment 1	Minutes of the Ordinary Council Meeting held Thursday 7 June 2018 (ECM5340166).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 7 June 2018 (ECM5340168).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 21 June 2018

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Making decisions with you
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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.

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station

C 29

That Council:

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

Current Status: 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. TOMRA have entered into a licence for a small portion of the land for reverse vending machines which went live on 11 March 2018.

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: Workshop conducted on 22 February 2018, report to be prepared for consideration by Council for the July Planning Committee meeting.

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: Forwarded for a gateway determination and will be the subject of a further report on receipt of gateway determination from the Department.

The Department of Planning on 28 May 2018 requested further information from Council on the Operational Landing System (OLS). This has subsequently been provided to the Department.

21 SEPTEMBER 2017

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: Workshop held 29 March, report to be prepared for Council consideration.

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: In terms of:

Point 4, following representations made to relevant State agencies and Local Members, the NSW State Government has recently advised that Local Lands Services will be taking over the approval processes with Private Native Forestry.

Point 5 was held on 10 May 2018.

Point 6, legal advice has recently been received, and a further report will be submitted to Council with an update.

16 NOVEMBER 2017

ORDERS OF THE DAY

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 green house gas emissions and to ease the cost of living pressure on households.

Current Status: Interim response provided by Mr Ben Franklin, Parliamentary Secretary for Renewable Energy and Northern Rivers referring the matter to the Minister for Resources, Energy and Utilities and undertaking to get further information back to Council.

Workshop scheduled for Friday 15 June 2018.

15 FEBRUARY 2018

ORDERS OF THE DAY

5 [NOM] Private Native Forestry Hewittville Limpinwood - Rural Zones

10

**Cr K Milne
Cr C Cherry**

RESOLVED that Council seeks legal advice about options in regard to concerns with the Hewittville Private Native Forestry at Limpinwood in the rural zones, including but not limited to whether:

1. Approval under other legislation may be required in the rural zones particularly in relation to threatened species, Aboriginal cultural heritage, impacts on water quality, etc;
2. The matter should be referred to the Federal Government under the Environment Protection Biodiversity Conservation Act; and
3. There is a capacity for Council to act on potential breaches of the State Government licence or to challenge that approval.
4. Council brings forward a report on the environmental values of the Hewitville property.

Current Status: Legal advice being sought and a further report will be prepared for consideration by Council.

1 MARCH 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Unauthorised Forestry and Roadworks Lot 136 DP 755724 Boormans Road, Tyalgum

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

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.
-

C 8

That:

...

2. Council seek further information on previous uses of the site to inform the action in Part 1(b).
3. A further report be brought back for potential offences in regard to the Section 120 of PoEO Act.

...

Current Status: Information currently being collated with reference to previous uses of the site. A further report will be submitted back to Council.

C2 [PR-CM] Unauthorised Works within Crown Road Reserve, Zara Road, Limpinwood

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

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.

C 9

That Council, in respect of the current legal investigations relating to the unauthorised works within the Crown Road at Zara Road Limpinwood:

1.
4. Council seeks further advice in regard to whether it is appropriate to issue a Notice of Intention to cease using the Crown Road Reserve.

Current Status: Advice being sought with reference to the appropriate action to be undertaken. A further report will be submitted back to Council.

C3 [PR-CM] Unauthorised Works at Lot 1 DP783892, No.1110 Urliup Road, Urliup

REASON FOR CONFIDENTIALITY:

This is subject to current legal investigations.

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.

C 10

That Council in respect of the investigations into the alleged Unauthorised Works at Lot 1 DP783892, No.1110 Urliup Road, Urliup, pursue the water pollution offences either in the Local Court or by issuing Penalty Infringement Notices as guided by Council's solicitors. A further report be brought back to Council subsequent to the Solicitors advice.

Current Status: Advice being sought with reference to the appropriate action to be undertaken. A further report will be submitted back to Council.

22 MARCH 2018

ORDERS OF THE DAY

12 [NOM] Policy for Variations to Council's Planning Controls

99

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council brings forward a report on amending the Tweed and Tweed City Local Environmental Plan and Development Control Plan with a view to enhancing sustainability outcomes such as living walls, green roofs, blue green infrastructure, greenhouse gas emissions, waste, composting, community gardens, etc., in accordance with the Paris Agreement targets.

Current Status: Report to be prepared for Council consideration.

18 [NOM] Review of Murwillumbah CBD Street Trees

106

**Cr K Milne
Cr J Owen**

RESOLVED that Council brings forward a report on the state of the street trees in Murwillumbah CBD in regard to their health, any gaps, and options for appropriate species for replanting or replacement if required and where improved shading could be achieved.

Current Status: Report to be prepared for Council consideration.

19 [NOM] Quarry Operations

107

Cr K Milne
Cr R Byrnes

RESOLVED that Council brings forward a report on the current state and any compliance issues at the three quarries off Numinbah Rd/ Harry's Rd, North Arm.

Current Status: Report to be prepared for Council consideration.

19 APRIL 2018

REPORTS FROM DIRECTOR ENGINEERING

23 [E-CM] Heavy Vehicle Approvals - B-Double Routes

173

Cr R Byrnes
Cr K Milne

RESOLVED that this Item be deferred to schedule a Workshop with the Tweed Water Alliance and to seek advice from the applicants regarding their capability to carry 50t versus 55t on their B-double configurations.

Current Status: Workshop completed 31 May 2018 with a report to be submitted to a future Council Meeting.

REPORTS FROM EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

27 [PCG-CM] Community Engagement Strategy

200

Cr R Cooper
Cr K Milne

RESOLVED that Item 27 Community Engagement Strategy be deferred to the Council Meeting of 17 May 2018 for further consideration.

Current Status: Report scheduled for consideration at 19 July 2018 Council Meeting.

REPORTS FROM DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Tweed Water Alliance - Water Extraction - Request for Compliance Action at 477 Urliup Road, Urliup (DA03/0445), 2574 Kyogle Road, Kunghur (DA05/0995 & DA16/0579), 101 Bryens Road, Nobby's Creek (DA06/0603) and 10-20 Edwards Lane & 308 Numinbah Road, Kynnumboon (DA05/1507 & DA06/1023)

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

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.

C 25

That Council in regard to the Tweed Water Alliance – Water Extraction – Request for Compliance Action at No. 477 Urliup Road, Urliup (DA03/0445), No. 2574 Kyogle Road, Kunghur (DA05/0995 & DA16/0579), No.101 Bryens Road, Nobby's Creek (DA06/0603) and Nos. 10-20 Edwards Lane & No. 308 Numinbah Road, Kynnumboon (DA05/1507 & DA06/1023):

....

3. A further report be submitted to Council detailing any response received in respect to Point 2.

Current Status: Correspondence sent to all four proponents seeking a response to alleged breaches of development application consent and a report to be submitted to 19 July 2018 Council meeting.

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Acid Sulfate Soil Contamination Remediation Works and SEPP14 Coastal Wetlands at Lot 1 DP1001025 No. 337 Round Mountain Road, Round Mountain and Lot 2 DP1087664, Christies Creek

REASON FOR CONFIDENTIALITY:

This report contains information that may involve litigation and is subject to legal privilege.

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.

C 26

That Council:

...

3. Notes a further report on the status of the Acid Sulfate Soil project on Lot 1 DP 1001025 be brought back to Council including options for management of Acid Sulfate soil problems.

Current Status: Correspondence sent to land owner seeking a response to alleged unauthorised vegetation clearance. Following receipt of a response a further report will be submitted to Council.

3 MAY 2018

PLANNING COMMITTEE

NOTE: The adoption of the following Planning Committee Recommendations are referenced by Minute No 165 of the Council Meeting of 3 May 2018.

5 [PR-PC] Development Application DA04/0162.03 for an Amendment to Development Consent DA04/0162 for Expansion and Amalgamation of Existing Quarries at Lot 28 DP 1079480 Pollards Road, Dulguigan

P 20

**Cr K Milne
Cr C Cherry**

RECOMMENDED that this report be deferred to allow the community further opportunity to respond to this report.

Current Status: In order to allow the community to respond to this report a Workshop has been scheduled for Friday 15 June 2018.

6 [PR-PC] Compliance - Development Application DA02/1983.17 for an Amendment to Development Consent DA02/1983 for the Use of Property for Filming and Producing a Television Program at Lot 77 DP 755715 Dungay Creek Road, Dungay; Part Lot 74 DP 755715 No. 366 Dungay Creek Road, Dungay; Lot 93 DP 755715 No. 486 Dungay Creek Road, Dungay

P 21

**Cr C Cherry
Cr W Polglase**

RECOMMENDED that this item be deferred for a workshop with the Granada Production Company as requested.

Current Status: Workshop scheduled for 12 July 2018.

8 [PR-PC] Rural Land Strategy for Adoption

P 23

**Cr P Allsop
Cr C Cherry**

RECOMMENDED that this report be deferred for a workshop with the Tweed Combined Rural Industries Association.

Current Status: Workshop scheduled for Friday 15 June 2018.

17 MAY 2018

ORDERS OF THE DAY

12 [NOM] Landscaping - South Tweed

235

**Cr K Milne
Cr C Cherry**

RESOLVED that Council undertakes low key landscaping improvements to Minjungbal Drive and brings forward a report on enhanced landscaping planning controls in the South Tweed locality.

Current Status: Inspection tour to be undertaken by Recreation Services, Engineering and Cr Milne.

13 [NOM] Public Toilets - South Tweed Industrial Area

236

**Cr K Milne
Cr C Cherry**

RESOLVED that Council:

1. Seeks the advice of the Tweed Heads Residents' Association and Tweed Heads Business Chamber, in regard the benefit of a public toilet in the South Tweed Heads industrial area.
2. Brings forward a report on the outcome of this consultation.

Current Status: Letters to be sent to nominated organisations and following responses a further report will be prepared to Council.

15 [NOM] Options for Improved Land Management

238

**Cr K Milne
Cr C Cherry**

RESOLVED that:

1. Council officers bring back a report on options for securing land that would be suitable as offset stewardship sites under the Biodiversity Offset Scheme and how this could be funded and managed.
2. In the interim, the Mayor writes to the Local State Members for Lismore and Tweed Heads seeking State consideration for the acquisition of sites that have high biodiversity values for the addition to the National Park Estate and provide examples of such to the State Member.

Current Status: Discussions currently occurring at a regional level at both the General Manager and Natural Resource Management Officer level to consider a regional approach to offsetting. Report to be prepared to the July Northern Rivers Joint Organisation General Managers' Group meeting.

REPORTS FROM DIRECTOR ENGINEERING

24 [E-CM] B-Double Applications - Meeting held 19 April 2018

250

Cr C Cherry
Cr K Milne

RESOLVED that:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 19 April 2018 be received and noted.

...

3. **19m B-Double (50t-55t) to Dulguigan Quarry - NHVR Consent Request Number 143550r1v1**

The application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulguigan Road, North Tumbulgum, Dulguigan be deferred for feedback from NSW Police representative on the B-Double Routes Agency Advisory Group.

Current Status: Briefings provided by National Heavy Vehicle Regulator at the B-Double Advisory Group Committee Meeting of 24 May 2018. Report planned for 19 July 2018 Council Meeting.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for May 2018

SUBMITTED BY: Cr K Milne, Mayor

mhm



Making decisions with you
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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**

SUMMARY OF REPORT:

The Mayoral Minute report provides information on activities undertaken by the Mayor and Councillors during the month of May 2018.

RECOMMENDATION:

That:

1. The Mayoral Minute for the month of May 2018 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.

REPORT:

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 24 May B Double Routes Agency Advisory Group - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 24 May Local Traffic Committee - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 28 May NOROC Meeting - Byron Shire Council - 70-90 Station Street, Mullumbimby.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 2 May Kingscliff Skate Park Community Conversation - Cudgen Leagues Club, 3 Wommin Bay Road, Kingscliff. Crs Cooper, Owen and Polglase also attended.
 - 4 May S34 Conciliation Conference - 42 North Arm Road, Murwillumbah.
 - 12 May National Aged Care Campaign Launch - Jack Evans Boat Harbour, Wharf Street, Tweed Heads.
 - 16 May Opening of Adrian Smith Mineral Collection - Tweed Regional Museum, 2 Queensland Road, Murwillumbah.
 - 16 May Opening of Chutney, Chooks and Champions: Stories of the Show - Tweed Regional Museum, 2 Queensland Road, Murwillumbah.
 - 22 May Department of Education Director of Educational Leadership for Wollumbin Network meeting - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 23 May Twin Town Friend's Association Volunteers Appreciation Ceremony - Community Hall, Heffron Street, Tweed Heads South.
 - 25 May Bray Park Weir Project Reference Group - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 25 May Citizenship Ceremony - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 28 May Funding Announcement for Koala Holding Facility at Pottsville - Currumbin Wildlife Sanctuary, 27 Miller Drive, Currumbin. Cr Owen also attended.
-

- 28 May Tweed Valley Hospital Council Reference Group - Tweed Valley Hospital Site Office, Wharf Street, Tweed Heads. Crs Cherry, Cooper, Owen and Polglase also attended.
- 28 May Bray Park Weir Project Reference Group - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
- 30 May Community Screening of 'Sweet Country' - Tweed City Cinemas, 54 Minjungbal Drive, Tweed Heads South. Crs Allsop, Cherry, Owen and Polglase also attended.

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

- 18 May Murwillumbah Art Trail Sponsors' Awards - Haven Bar, 13 Wharf Street, Murwillumbah. Cr Allsop attended.

Inability to Attend by or on behalf of the Mayor

- 14 May Centaur Day 75th Anniversary - Point Danger, Marine Parade, Coolangatta. Cr Milne accepted the invitation but was an apology on the day.
- 23 May Volunteer Week Management Workshop - Tweed Heads Administration Office, Wharf Street, Tweed Heads. All Councillors were invited, no one was available.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during May 2018.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 30-31 May Future of Local Government National Summit - The Angliss Conference Centre, 555 LaTrobe Street, Melbourne VIC. Cr Cooper attended.
- 31 May Floodplain Management Conference - Gold Coast Convention and Exhibition Centre, 2684-2690 Gold Coast Highway, Broadbeach QLD. Cr Owen attended.

Information on Conferences to be held

- 16-17 July Liveable Cities Conference - Pullman on the Park, Melbourne VIC.

Now in its 11th year, this conference will continue to explore the liveability of our metropolitan and regional urban centres, with an emphasis on who is leading the renewal, the importance of

collaboration and co-design and what aspects are important to implement strategies that result in sustainable economic, social and environmental successes. The discussion at the 2018 conference will focus on sustainable transport solutions, greening and redesign of cities, renewing regional areas, integrating community decisions, government policy, health and wellbeing and strategies for environmental implementation.

Standard Registration \$1075 (Early bird closed), two flights, two night's accommodation. <https://liveablecities.org.au>

▪ 21-23 Oct

Local Government NSW Annual Conference - Entertainment Centre, 525 Swift Street, Albury NSW.

This Conference is the main policy making event for the local government sector where issues are debated and motions put forward for consideration by delegates. Delegates will be invited to register from mid-July with registration costs to be advised.

To allow printing and distribution of the Business Paper before the conference, members are asked to submit their motions by midnight 26 August 2018. In line with the LGNSW rules, the latest date motions will be accepted for inclusion in the Conference Business paper is midnight Sunday 23 September 2018.

Registration costs to be advised, two flights, three night's accommodation. www.lgnsw.org.au/events-training/local-government-nsw-annual-conference

▪ Various

Australian Institute of Company Directors Company Directors Course - Byron Bay, Brisbane or Sydney.

The Company Directors Course will provide you with the confidence and currency of knowledge to more meaningfully contribute to your board and build your director portfolio. Upon completion you will be able to: Clearly understand the duties and responsibilities of directors and their fiduciary duties and compliance roles, Introduce and apply frameworks for board decision making, Consider issues in contemporary directorship, Outline sound practices in governance and risk management, Identify the board's contribution to organisational performance and strategy development and execution, Develop financial literacy to assess the financial health of an organisation, Introduce and apply tools for use in the boardroom to increase effectiveness. This course is held over five consecutive days.

Byron Bay 22-26 October. Registration \$9842 plus membership fee \$795.

Brisbane dates: 4-10 July, 20-24 August, 3-7 September, 10-14 September, 11-17 October, 22-26 October, 12-16 November, 19-23 November, 3-7 December. Registration \$7235 - \$7995 plus membership fee \$795.

Sydney dates: 27 June-3 July, 4-10 July, 16-20 July, 22-28 Aug, 12-18 September, 24-30 October, 5-9 November, 21-27 November, 3-7 December, 5-11 December. Registration \$7699 - \$7930 plus membership fee \$795.

Byron Bay - car travel

Brisbane - five night's accommodation, car travel.

Sydney - two flights, five night's accommodation, transfers.

<http://aicd.companydirectors.com.au/education/courses-for-the-director/company-directors-course>

SIGNING OF DOCUMENTS BY THE MAYOR:

- 17 May Land Purchase Contract - Industry Central.
-

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP-CM] Receipt of Petitions at 21 June 2018

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 received on 30 May 2018 containing 18 signatures:

"... regarding the Preservation of Iconic Poinciana Trees in Frangela Drive

We the undersigned residents living near the intersection of Frangela Drive and Byangum Road request council to do everything possible to preserve the Poinciana trees, that line the nature strip at the top end of Frangela Drive, as works are carried out to replace the existing mains water line. A water main under the section of the road would be (an) acceptable."

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.

QUESTIONS ON NOTICE

6 [QoN-Cr P Allsop] Crown Land Leases

QUESTION ON NOTICE:

Councillor P Allsop asked:

Could you please provide to Council the ongoing cost to council per annum for Crown Land leases?

Given the vote at the Council Meeting on 17 May 2018 that moved against the Council staff recommendation on Item 29 [PCG-CM] Land Negotiation Program - Crown Lands - vote Not to participate, please advise any projects that may be delayed or resulting in Council having to make acquisitions of land or buildings.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Proclamation of Northern Rivers Joint Organisation

SUBMITTED BY: General Manager

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 make informed decisions in the best interest of the community.

ROLE: **Collaborator** **Provider** **Advocate** **Leader**

SUMMARY OF REPORT:

To provide an update on the proclamation and formation of the Northern Rivers Joint Organisation.

RECOMMENDATION:

That the update on the establishment of the Northern Rivers Joint Organisation, with the first meeting proposed to be held on 22 June 2018, be received and noted.

REPORT:

The Northern Rivers Joint Organisation (NRJO) was proclaimed on Monday 14 May 2018. The following are 'member councils' of the NRJO:

- Tweed Shire Council
- Byron Shire Council
- Ballina Shire Council
- Lismore City Council
- Richmond Valley Council
- Kyogle Council

The following organisations are proposed as non-voting or associate members of the NRJO:

- the NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, currently the Department of Premier and Cabinet, Director North Coast Region
- Rous County Council
- Clarence Valley Council
- Tenterfield Shire Council
- Gold Coast City Council
- Scenic Rim Regional Council
- RDA Northern Rivers

The principal functions of the Northern Rivers Joint Organisation will be to:

- establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities
- provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities
- identify and take up opportunities for inter-governmental cooperation on matters relating to the joint organisation area.

The Office of Local Government (OLG) is working closely with the newly formed Joint Organisations (JOs) to ensure the transition process is as smooth and simple as possible.

The following is the timetable of tasks, as supplied by the OLG, for the formation of JOs.

Period	Requirement
Pre-formation	Appoint Returning Officer for election of Chairperson – Troy Green General Manager Tweed Shire Council appointed
	Select Executive Officer (EO)
	Prepare delegations for EO to be adopted at first meeting
	Prepare draft charter
	Prepare draft expenses and facilities policy

Period	Requirement
	Prepare draft Code of Conduct
	Prepare draft Code of Meeting Practice
First month (starting from the date of proclamation May 11, 2018)	Obtain ABN and TFN
	Obtain insurances and workers compensation coverage
	Establish logo designs
	Reserve domain names for website
	Hold first meeting
First meeting (note the first meeting must be held no later than June 28, 2018)	Elect Chair
	Adopt Charter
	Appoint EO (by resolution)
	Make delegations to EO (by resolution)
	Determine signatories for bank accounts
	Determine JO spokesperson
	Adopt Code of Conduct
	Appoint panel of code of conduct reviewers
	Adopt Code of Meeting Practice
	Adopt Expenses and Facilities Policy
29 June 2018	Return signed funding agreement to OLG
Within 3 months	Adopt Charter and publish to website
	Adopt expenses and facilities policy
	Prepare Communications and Engagement Plan
	Ensure all ROC grants and contracts to be transferred to JO
31 August 2018	Adopt statement of revenue policy for 2018/19, inc budget
28 September 2018	Submit plan to OLG for expenditure of Establishment Fund, noting key milestones to be met
30 December 2018	Adopt a statement of regional strategic priorities
Within 6 months	Adopt logo and other key elements of visual identity
	Deliver website
28 February 2019	Submit 6 monthly progress and expenditure report on Establishment fund
30 July 2019	Adopt statement of revenue policy for 2019/20 including budget
31 August 2019	Submit 6 monthly progress and expenditure report on Establishment fund
31 October 2019	Prepare audited financial report for period ending last day of financial year after the year JO was established
30 November 2019	Prepare annual performance statement

At its Meeting of May 28, 2018 NOROC Resolved;

1. *That the report be noted*
2. *That the Mayors nominate Troy Green the General Manager of Tweed Shire Council to be appointed as the Returning Officer for the first election of the Chairperson of the Northern Rivers Joint Organisation and submit this nomination in writing to the Chief Executive of the Office of Local Government for approval.*

3. *That the date of the first meeting of the Northern Rivers Joint Organisation be set for 22 June 2018 at Lismore City Council, starting at 11am*
4. *That the draft charter be presented to the first meeting on the basis of the preliminary draft attached to this report.*
5. *That the delegations for the Executive Officer be prepared on the basis that the Executive Officer be delegated all the functions of the Joint Organisation with the exception of those identified in Clause 397k of the Local Government (General) Regulation 2005.*
6. *That a draft Expenses and Facilities Policy be prepared based on the model policy published by the OLG as part of the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, with the following guiding principles;*
 - a. *The costs of Mayors attending regular meetings of the Joint Organisation is covered by the individual member Councils*
 - b. *That the cost of meetings and associated facilities and consumables is covered by the JO*
 - c. *That the costs for a nominated representative of the JO attending meetings or functions on behalf of the JO be covered by the JO*
7. *That the draft Code of Conduct be prepared based on the OLG Model Code of Conduct.*
8. *That the draft Code of Meeting Practice be prepared using the mandatory components of the current draft Model Code of Meeting Practice published by the OLG with the following additional provisions applicable to Joint Organisations;*
 - a. *There is no casting vote from the Chair*
 - b. *Remote (electronic) participation in meetings is allowed*
9. *That the RDA Northern Rivers be authorised to submit applications for ABN, TFN and domain names for website for the Northern Rivers Joint Organisation.*
10. *That workers compensation, public liability and personal indemnity insurance coverage be obtained for the Northern Rivers Joint Organisation and paid for from NOROC Resource Sharing budget*
11. *That the Code of Conduct Panel be based on the joint tenders from NOROC established August 2017.*

At the initial meeting of the NRJO set down for 22 June, 2018, a series of draft policies, codes and charter will be presented for adoption as drafts. There will then be an opportunity for consultation with the member councils on these drafts before they are again considered for adoption by the NRJO at their next meeting, likely August 2018. Once the NRJO has adopted the drafts for consultation, a report will be presented to Council to present these draft documents.

There are a number of areas where the nature of the arrangements to be included in the charter for the NRJO may be the subject of further debate, including;

- If there will be voting members on the NRJO for each of the member Councils other than the Mayors
- What the voting model will look like, the minimum requirement is a majority (four out of six), however other models may be considered such a majority of councils and a majority of represented population, a five out of six majority, or a consensus (six of six) vote.
- The way the council contributions to the NRJO will be calculated, the current NOROC model is an even split of 50% of the operating costs, and a proportional split based

on population for the remaining 50%. However there are many other ways this could be done, including equal contributions.

At present, NOROC does not have an Executive Officer, and the Regional Development Australia Northern Rivers (RDA NR) provides secretarial services to NOROC on a month by month basis. The NRJO is required to appoint an Executive Officer (EO). The Office of Local Government have allowed the appointment of an interim EO for up to twelve months, to allow the JOs to be established before a formal recruitment process is undertaken for the EO role. NOROC has requested a proposal from the RDA NR to provide their Chief Executive Officer as an interim EO in addition to the secretarial services for the NRJO

OPTIONS:

That the update on the establishment of the Northern Rivers Joint Organisation be received and noted.

CONCLUSION:

That the update on the establishment of the Northern Rivers Joint Organisation be received and noted.

COUNCIL IMPLICATIONS:

a. Policy:

Appropriate amendments have been made to the Local Government Act 1993 and the Local Government (General) Regulation 2005

b. Budget/Long Term Financial Plan:

Costs associated with the establishment of the Northern Rivers Joint Organisation are being funded by the NSW State Government in an amount of \$300,000.

The current proposal is for the financial arrangements that are used for NOROC to be used initially for the NRJO until such time as a more detailed assessment of cost sharing options has been developed based on the NRJO budget. Council has included an estimate of up to \$36,000 per year for contributions to various Regional Organisations, of which the Joint Organisation is one and it is unclear at this stage what the ongoing contributions will be.

The current year projections for NOROC are that there will be at least \$220,000 remaining in the NOROC bank account at the end of the 2017/18 financial year period. At present, it is proposed that NOROC be wound up and these funds transferred to the NRJO.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

8 [GM-CM] Business Plan for the Murwillumbah Show

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
- 3.1.7 Events - Council seeks to showcase the area's unique natural environment and cultural heritage by assisting organisers to stage festivals and other events in Tweed Shire.

ROLE: Collaborator

SUMMARY OF REPORT:

At the Councillor Workshop held on Thursday 22 June 2017 Council's ongoing support of two local iconic events the Murwillumbah Agricultural Show and Banana Festival was discussed. The long term sustainability of these events in their existing program format was questioned.

Discussion supported that an independent review of these two events be undertaken by an external consultant to be engaged and funded by Council to explore contemporary opportunities for these events that capitalise on the regions strong Agribusiness / Food tourism appeal.

At Council's meeting of 20 July 2017, it was resolved that:

- ".....3. Council endorses the:
 - a. Engagement of a Consultant to work with Council and the event organisers of the Banana Festival and the Murwillumbah Agricultural Show to prepare a Business Plan for these events.
 - b. Allocate funds from the 2017/2018 Events Sponsorship budget to engage the consultant....."

Council engaged:

- Luminair Consulting to assist the Tweed River Agricultural Society Inc. to prepare a business plan for the conduct of the Murwillumbah Show. The Murwillumbah Show 2018-2021 Business Plan is Confidential Attachment 1 to this report.
-

- A NORTEC Business Advisor to assist the Tweed Valley Banana Festival Committee to prepare a business plan for the Tweed Valley Banana Festival and to date Council has received no feedback from the Committee on when the Plan will be ready for review.

RECOMMENDATION:

That:

1. **Council receives and notes the 2018-2021 Business Plan prepared by Luminair Consulting for the Murwillumbah Show.**
2. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret.**

REPORT:

At Council's meeting of 20 July 2017, it was resolved that:

".....3. Council endorses the:

- a. *Engagement of a Consultant to work with Council and the event organisers of the Banana Festival and the Murwillumbah Agricultural Show to prepare a Business Plan for these events.*
- b. *Allocate funds from the 2017/2018 Events Sponsorship budget to engage the consultant....."*

Council engaged Luminair Consulting to assist the Tweed River Agricultural Society Inc. to prepare a business plan for the Murwillumbah Show in recognition of the importance of the event's heritage as one of the longest continuously running agricultural shows in Australia. The partnership goal was to formulate a clear and cohesive business plan to help achieve increased attendance, sustainability and success for the Murwillumbah Show.

The document is presented in a slightly different format to that of a common business plan. It aims to have a reader-centric focus with three core content areas of:

- Investigate: providing a macro and micro overview of the environment in which the Murwillumbah Show (the Show) functions, whilst identifying key industry trends and learnings from successful events around the world.
- Deliberate: presents the resulting analysis of the strengths, weaknesses, opportunities and threats specifically for the Show.
- Recalibrate: Reiterates the core opportunities going forward and the key enablers, which then leads into the Action Plan.

The deliverables of the Action and Implementation Plan are categorised as follows:

1. Event model and event operations excellence;
2. Event growth and financial performance for sustainability;
3. Best-practice sponsorship, smart partnerships and engaged exhibitors;
4. Optimised marketing and promotions; and
5. Reporting and reinvention.

The Murwillumbah Show 2018-2021 Business Plan is Confidential Attachment 1 to this report.

OPTIONS:

That Council receives and notes the 2018-2021 Business Plan prepared by Luminair Consulting for the Murwillumbah Show.

CONCLUSION:

The 2018-2021 Business Plan has been provided to the Tweed River Agricultural Society Ltd without charge and they are now responsible for the implementation of the actions contained within the Plan.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0
Events Sponsorship Policy 3.0

b. Budget/Long Term Financial Plan:

Funds allocated from the 2017/2018 Events Sponsorship budget to engage Consultant, as per Council's resolution of 20 July 2017.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Luminair Consulting was engaged in January 2018 to develop the Business Plan for the Murwillumbah Show. Stefanie Wilson, Director of Luminair Consulting was responsible for developing The Tweed Shire Events Strategy 2016-2020 and given this recent experience was familiar with the past, present and future event opportunities for The Tweed.

The Director of Luminair, Council's Events Officer, and two of the Show's Executive team kicked the project off on 9 March 2018. Since then the project has progressed through an information discovery (and sharing) phase, then onto a drafting, proofing and review phase, with the Draft Confidential Business Plan being presented to a Councillor Workshop on 24 May 2018.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment – Business Plan for the Murwillumbah Show (ECM 5307739)

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 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 Secretary 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, 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.

(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 4.16 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 4.16 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 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(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.

9 [PR-CM] Development Application DA17/0824 for a Dwelling Swimming Pool, Pool Pavilion, Barn, Driveway Access (Stage 1) and Three Lot Subdivision (Stage 2) at Lot 7 DP 233498 No. 9A Terranora Parade, Bilambil Heights

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 relates to a proposed two staged development for a new dwelling and associated ancillary buildings upon an 11.7ha vacant parcel of land, and the excising of two residential size lots from this existing parcel. The site is located in the Bilambil Heights area, above the Terranora Broadwater.

This application seeks approval for subdivision of the subject parcel featuring three different zones applied by both the Tweed Local Environmental Plan 2014 (TLEP 2014) and the Tweed Local Environmental Plan 2000 (TLEP 2000). The two lots to be excised by the three lot subdivision from the parent parcel are located within the R2 (Low Density) Residential zone pursuant to TLEP 2014. The proposed dwelling and substantial outbuildings are located within the 7(d) Scenic Escarpment zone. A southern portion of the land is zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest).

The portion of the land part zoned 7(d) Scenic Escarpment and part zoned 7(a) Wetlands and Littoral rainforest, approximately 11.62ha in area, is situated behind an existing strip of residential dwellings on the southern side of Terranora Parade and Broadwater Esplanade, Bilambil Heights. This parcel of land is below the respective minimum Lot sizes for environmental zones pursuant to Tweed Local Environmental Plan 2000 (TLEP 2000). The application is presented to Council due to the Department of Planning and Environment (DPE) reporting requirements for subdivision minimum lot size variations greater than 10%, pursuant to SEPP 1 provisions. It is noted that the portion of the land zoned under the previous TLEP 2000 is not being fragmented by the proposed subdivision.

The development has been assessed against the relevant provisions of the TLEP 2014 and TLEP 2000 and the relevant provisions of the Tweed Development Control Plan, particularly Section A1 – Residential Accommodation and Section A5 – Subdivision. The proposed development is considered compliant with the relevant provisions and site constraints, despite the dwelling and associated buildings being substantial in size.

The dwelling and associated outbuildings have the following floor areas:

Dwelling Upper Floor and Lower Floor	316m ²
Double Garage	115m ²
Pavilion	85m ²
Barn (Garage)	130m ²
Barn (Upper floor Studio)	130m ²

Total Floor Area (all buildings onsite including garages) 1062m²

The size of the dwelling is offset by the size of the remnant parcel, being greater than 11ha of vacant land. The dwelling will also be well separated from existing dwellings and will not require the removal of any significant vegetation. The development is considered sympathetic to the prevailing Scenic Protection zone, being located below the ridge line, not obstructing view corridors, retaining vegetation and construction with dark and non-reflective materials.

The development was notified for a period of 14 days in December 2017. During this period one submission was received, not raising objection to the development however raising a concern in relation to access. This issue has been addressed in the report.

The NSW Department of Planning and Environment (DPE) have provided advice regarding the proposal, waiving the need for a masterplan for the subdivision and providing concurrence for the SEPP1 variation to the minimum lot size. The Rural Fire Service has provided General Terms of Approval for the application.

Relevant technical officers have assessed the proposal in regard to the subdivision, environmental health and ecology and determined the application is satisfactory subject to conditions.

While there are no matters or issues of major concern with this application, the primary issues that required detailed assessment are as follows:

- The impact of the dwelling on the scenic landscape of the locality;
- The impact of the development upon the sensitive vegetation located onsite; and
- SEPP 1 Variation assessment due to the proposed Lot size.
- Access to the site via an unformed road adjacent to Sierra Vista Boulevard
- Future access to proposed Lot 2 potential impact on No 13 Broadwater Esplanade

The application is being referred to Council for determination solely due to the SEPP 1 variation requested to support the variation to the minimum lot size.

The development is considered acceptable and is considered worthy of support.

RECOMMENDATION:

That:

- A. State Environmental Planning Policy No. 1 objection to Clause 20 of Tweed Local Environmental Plan 2000 regarding minimum lot sizes be supported and the concurrence of the Director-General of the Department of Planning, dated 18 January 2018 be assumed.**
- B. Development Application DA17/0824 for a dwelling, swimming pool, pool pavilion, barn, driveway access (Stage 1) and three lot subdivision (Stage 2) at Lot 7 DP 233498 No. 9A Terranora Parade, Bilambil Heights 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:**

Plan	Plan Number	Dated	Prepared by
Site Plan	GO449 DA-00-003 D	06.2017	Northerly Aspect
Part Site Plan	GO449 DA-00-004 D	06.2017	Northerly Aspect
Lot 1- Site Plan Lot 2 - Site Plan	GO449 DA-00-008 B	06.2017	Northerly Aspect
Upper Floor Plan (Dwelling)	GO449 DA-10-001 B	06.2017	Northerly Aspect
Lower Floor Plan (Dwelling)	GO449 DA-10-002 B	06.2017	Northerly Aspect
Roof Plan (Dwelling)	GO449 DA-10-003 B	06.2017	Northerly Aspect
Upper Floor Plan Roof Plan (Garage)	GO449 DA-10-007 B	05.2018	Northerly Aspect
Pavilion Plan and Pavilion Roof Plan	GO449 DA-10-004 B	06.2017	Northerly Aspect
Barn Floor Plan and Mezzanine Plan	GO449 DA-10-005 D	06.2017	Northerly Aspect
Site Section-AA Site Section-BB Key Plan	GO449 DA-20-001 B	06.2017	Northerly Aspect
Site Section-CC Key Plan	GO449 DA-20-002 A	06.2017	Northerly Aspect
Site Section-AA Site Section-BB (with adjoining dwelling)	GO449 DA-20-001 C	06.2017	Northerly Aspect
Section (Out Bldg Barn) and Section	GO449 DA-20-003 D	06.2017	Northerly Aspect
Elevation 01 (dwelling)	GO449 DA-30-001 B	06.2017	Northerly Aspect

Plan	Plan Number	Dated	Prepared by
Elevation 02 (dwelling)	GO449 DA-30-002 B	06.2017	Northerly Aspect
Elevation 03 (dwelling)	GO449 DA-30-003 A	06.2017	Northerly Aspect
Elevation 04 (dwelling)	GO449 DA-30-004 A	06.2017	Northerly Aspect
Elevation 01, 02, 03, 04 (Pavilion)	GO449 DA-30-005 A	06.2017	Northerly Aspect
Elevation 01, 02, 03, 04 (Barn)	GO449 DA-30-006 D	06.2017	Northerly Aspect
Materials Palette	GO449 DA-30-007 A	06.2017	Northerly Aspect

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. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications. [GEN0125]
4. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property. [GEN0135]
5. Sewer manholes are present on this site. Manholes are not to be covered with soil or other material.

Should adjustments be required to the sewer manhole, then applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. Works will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

[GEN0155]

6. 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]
7. The development shall provide the following infrastructure services:

- A 3 metre wide easement shall be created over the existing Sewerage Main and burdening Lot 7 in DP 233498 and benefiting Tweed Shire Council.
 - Provide a 3-metre wide easement over the existing 450mm stormwater within proposed Lot 2.
 - Proposed Lots 1 and 2 shall connect to the adjacent sewer junctions to the existing 150mm diameter sewer located behind the boundary to the rear of each proposed Lot.
 - Lot 2 shall be provided with a new Water Service.
 - Extend the 100mm Water Main from the intersection of the unformed Road Reserve, Simpson Drive, Sierra Vista Boulevard.
 - Provide a Water Service for proposed Lot 3 from the new Water Main extension.
 - Provide an On Site Waste Water System (OSSM) to service proposed Lot 3.
8. Materials and colours are to be in accordance with the approved Material Palette, unless otherwise approved by Council.
9. Provide an On Site Waste Water System (OSSM) to service proposed Lot 3.
10. Materials and colours are to be in accordance with the approved Material Palette, unless otherwise approved by Council.
11. The approved development shall not result in any clearing of native vegetation for any purpose without prior approval from the relevant authority. Native vegetation shall be appropriately managed during the construction period in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites*.
12. All activities shall comply with the Plan of Management for Land Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforests) dated March 2018 prepared by DAC Planning Pty Ltd and associated Dwg. Sk.5 Issue B Wetland Protection Area plan dated February 2018 prepared by Cozens Regan Group, for the life of the development.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. A general plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate. This plan shall only be required in proximity to the proposed dwelling and outbuildings upon Lot 3 to complement the existing vegetation onsite. The plan shall not compromise any requirements of the conditions applied to this consent pursuant to 100B of the Rural Fires Act, relating to Planning for Bushfire Protection.
14. Any fencing is to be in a form that will not impede overland water flows.

[PCC0585]

[PCC0725]

15. The footings, floor slab and structural elements (stage 1) are to be designed by a practising Structural Engineer in accordance with the recommendations with report by Geotech Investigations Pty Ltd dated 16 November 2017 - Project Ref: G1 3004-B and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

16. Prior to the issue of a Construction Certificate for subdivision works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

(a) copies of compliance certificates relied upon

(b) detailed engineering plans and specifications, *prepared in accordance with Development Design Specification D13 - particularly Section D13.09*. The detailed plans shall include but are not limited to the following:

- Water Supply Works
- Sewerage Works
- Stormwater Drainage
- Driveway Access
- Sedimentation and Erosion Management Plans
- Location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), *as well as details and locations of any significant electrical servicing infrastructure - such as transformers and substations*
- Including submission of Electrical Reticulation and Telecommunication Plans.

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

[PCC0985]

17. Waste material (soil, concrete, timber, masonry, steel and the like) generated by the development shall be disposed of in accordance with the Waste Management Plan prepared by HMC Environmental Ref: HMC 2016.147.1 and dated October 2016.

[PCC1065]

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

(a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.

- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

19. For developments containing less than four attached or detached strata dwellings having a Building Code classification of 1a, each premises must be connected by means of a separate water service pipe, each of which is connected to an individual Council water meter to allow individual metering. Application for the meters shall be made to the supply authority detailing the size in accordance with NSW Code of Practice - Plumbing and Drainage and BCA requirements.

[PCC1175]

20. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a Construction Certificate.

[PCC1195]

21. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

22. Prior to the issue of a Construction Certificate for Subdivision Works, application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e.: the provision of water and sewerage to the development.

Note:

- (a) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.

- (b) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

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

[PCC1335]

23. The proposed water infrastructure on the Civil Works Plan submitted are considered to be preliminary and are subject to change to meet Council requirements. This includes a redesign of the water main proposed in the road reserve to the South of the subject lot so that it meets TSC Development Design Guidelines D11 - Water Supply, which shall be undertaken as part of Section 68 submission requirements.

[PCCNS01]

24. The heights of the proposed buildings exceed the Obstacle Limitation Surface (OLS) for Gold Coast Airport, and therefore represent a "controlled activity" under the Commonwealth Airports Act. Approval will be required under the Airports (Protection of Airspace) Regulations prior to construction, for which an application is to be made to Gold Coast Airport Pty Ltd. Separate approval will also be necessary for use of cranes or other equipment used during construction that would exceed the OLS, with a minimum of 8 weeks' notice.

25. A suitably scaled Tree Protection Plan detailing tree protection measures in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites* shall be submitted and approved by Council's General Manager or delegate prior to issue of Stage 1 construction certificate.

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

26. 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]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]

32. Subdivision work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the subdivision work has been issued in accordance with Councils Development Construction Specification C101 by:
 - (i) the Consent Authority, or
 - (ii) an Accredited Certifier, and
- (b) the person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority,

- (ii) has appointed a Certifying Engineer to certify the compliance of the completed works.

The Certifying Engineer shall be a Professional Engineer (Civil) with National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating currency of the above accreditation, and

- (iii) has notified the Consent Authority and the council (if the council is not the Consent Authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Certifying Engineer is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.

[PCW0815]

33. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

34. Council shall be advised if bulk fill is to be removed from the site. Council shall be advised of the destination of this fill.

[PCWNS01]

DURING CONSTRUCTION

35. 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]

36. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites

Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

37. 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]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

39. 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]

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

- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
- (b) The chute shall be located in a position approved by the Principal Certifying Authority.
- (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.

[DUR0385]

41. **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]
42. **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 6.6 of the Environmental Planning and Assessment Act 1979.**
[DUR0405]
43. **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]
44. **Excavation**
- (a) **All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.**
- (b) **All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.**
[DUR0425]
45. **The finished floor level of the building should finish not less than 225mm above finished ground level.**
[DUR0445]
46. **To ensure that the buildings and associated structures (stage 1) are correctly positioned on the site, a report prepared by a registered surveyor is to be submitted to the principal certifying authority at footings/formwork stage and at the completion of the structures indicating that the buildings and associated structures (stage 1) have been correctly positioned on the site in accordance with the approved development consent plans/consent conditions and has been located clear of any easements/sewer main.**
[DUR0495]
47. **The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.**
[DUR0815]
48. **The development is to be carried out in accordance with the current BASIX certificate and schedule of commitments approved in relation to this development consent.**
[DUR0905]

49. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate. [DUR0985]
50. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material deposited on the roadway by construction vehicles will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate. [DUR0995]
51. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind.
- [DUR1005]
52. 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]
53. 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]
54. **Swimming Pools (Building)**
- (a) The swimming pool is to be installed and access thereto restricted in accordance with Australian Standard AS 1926.1 - 2012 & AS 1926.3 - 2010 & AS 1926.2-2007, the Swimming Pool Act 1992 and the Swimming Pool Regulation 2008.
 - (b) Swimming pools shall have suitable means for the drainage and disposal of overflow water.
 - (c) The pool pump and filter is to be enclosed and located in a position so as not to cause a noise nuisance to adjoining properties.
 - (d) Warning notices are to be provided in accordance with Part 3 of the Swimming Pool Regulations 2008.
 - (e) Once your pool or spa is complete please register it at www.swimmingpoolregister.nsw.gov.au.
- [DUR2075]

55. Backwash from the swimming pool is to be connected to the sewer in accordance with Australian Standard AS 3500.2 Section 10.9.

[DUR2085]

56. The proposed swimming pool is to be sited a minimum distance of 6 metres from any effluent disposal area.

[DUR2105]

57. 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]

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

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

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

[DUR2375]

59. 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]

60. 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]

61. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

62. **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]

63. **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]

64. **The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.**

[DUR2625]

65. **The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for Proposed Lot 3 from the proposed water main in the road reserve to the South of the subject lot. The connections shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.**

[DUR2800]

66. **Swimming pool pumps, air conditioning units, heat pump water systems and the like shall be located, installed and operated so as not to be heard in a habitable room of a residence during restricted hours or where it would create offensive noise as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.**

[DUR2835]

67. **Works in the vicinity of public infrastructure must comply with the following requirements:**

- a) Surface treatment over the sewer pipe shall be limited to soft landscaping, non-interlocking paving, concrete slab with construction joints along the alignment of the sewer easement (or one meter from the sewer if no easement exists) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.**
- b) Any fencing erected across the sewer main shall be designed and constructed with removable panels and footings located at least 1.0 metres horizontally clear of sewer main.**

68. All Stage 1 and Stage 2 works shall be undertaken in accordance with the approved Tree Protection Plan.

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

69. 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]

70. 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 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

71. Prior to the issue of an occupation certificate,

(a) Certification of termite protection methods performed by the person carrying out the works is to be submitted to the PCA; and

(b) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-

(i) the method of protection; and

(ii) the date of installation of the system; and

(iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and

(iv) the need to maintain and inspect the system on a regular basis.

[POC0235]

72. Application is to be made to Tweed Shire Council for a street address number. The number is to be prominently displayed prior to the occupation of the building.

[POC0245]

73. Prior to the issue of an occupation certificate for the use of the swimming pool, the owner is to contact the local Rural Fire Services to arrange and install a static water supply identification plate.

[POC0315]

74. 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]

75. Prior to the issue of a final occupation certificate adequate proof and/or documentation is to be submitted to the Principal Certifying Authority to identify that all commitment on the BASIX "Schedule of Commitments" have been complied with.

[POC0435]

76. All landscaping work is to be completed in accordance with the approved plans prior to the issue of a final occupation certificate for the building.
[POC0475]
77. Upon completion of the pool the builder is to submit to the Principal Certifying Authority a certificate stating that the “Water Recirculation System” has been installed in accordance with AS 1926.3-2010.
[POC0905]
78. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility.
[POC1035]
79. Prior to the occupation of any building and prior to the issue of any occupation certificate approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.
[POC1040]
80. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.
[POC1055]
81. The swimming pool or spa is required to be registered at www.swimmingpoolregister.nsw.gov.au prior to the issue of any occupation certificate for the swimming pool or spa.
[POC1100]

USE

82. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
[USE0125]
83. 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]
84. 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]

85. The Pavilion and Studio within the Barn are not to be used or adapted for separate residential habitation or occupation.

[USE0465]

86. Swimming pool pumps, air conditioning units, heat pump water systems and the like shall not be operated if it can be heard in a habitable room of a residence during restricted hours or at other times should the noise from the article be deemed to be offensive as defined within the NSW Protection of the Environment Operations (Noise Control) Regulation 2008.

[USE1510]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

87. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

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

A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's Certificate of Compliance signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Stage 1:

Water = 1.2 ET @ \$13,632 = \$13,632

Sewer = 0 ET

Stage 2:

Water = 2.0 ET @ \$13,632 = \$27,264.00

Sewer = 2.0 ET @ \$6,549 = \$13,098.00

[PSC0165]

89. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Section 7.11 Plan.

A Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming payment.

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

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- | | |
|--|--------------|
| (a) Tweed Road Contribution Plan:
13 Trips @ \$3048 per Trips
(\$2,836 base rate + \$212 indexation)
S7.11 Plan No. 4
Sector4_4 | \$25,448.29* |
| (b) Open Space (Casual):
2 ET @ \$564 per ET
(\$502 base rate + \$62 indexation)
S7.11 Plan No. 5 | \$733.20* |
| (c) Open Space (Structured):
2 ET @ \$645 per ET
(\$575 base rate + \$70 indexation)
S7.11 Plan No. 5 | \$838.50* |
| (d) Shirewide Library Facilities:
2 ET @ \$869 per ET
(\$792 base rate + \$77 indexation)
S7.11 Plan No. 11 | \$1,129.70* |
| (e) Eviron Cemetery:
2 ET @ \$127 per ET
(\$101 base rate + \$26 indexation)
S7.11 Plan No. 13 | \$165.10* |
| (f) Community Facilities (Tweed Coast - North)
2 ET @ \$1457 per ET
(\$1,305.60 base rate + \$151.40 indexation)
S7.11 Plan No. 15 | \$1,894.10* |
| (g) Extensions to Council Administration Offices
& Technical Support Facilities
2 ET @ \$1935.62 per ET
(\$1,759.90 base rate + \$175.72 indexation)
S7.11 Plan No. 18 | \$2,516.31* |
| (h) Cycleways:
2 ET @ \$490 per ET | \$637* |

**(\$447 base rate + \$43 indexation)
S7.11 Plan No. 22**

- (i) **Regional Open Space (Casual)
2 ET @ \$1132 per ET
(\$1,031 base rate + \$101 indexation)
S7.11 Plan No. 26** **\$1,471.60***
- (j) **Regional Open Space (Structured):
2 ET @ \$3974 per ET
(\$3,619 base rate + \$355 indexation)
S7.11 Plan No. 26** **\$5,166.20***

* **Includes adjustments which effect compliance with the Directions from the Minister for Planning in relation to the maximum contribution payable per dwelling dated 13 January 2009 and 19 July 2009.**

[PSC0175]

90. **Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.**

[PSC0725]

91. **Prior to the issue of a Subdivision Certificate, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.**

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) **all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;**
- (b) **the plans accurately reflect the Work as Executed.**

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

[PSC0735]

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

[PSC0825]

93. **The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:**

Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.

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

[PSC0835]

- 94. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each lot in the new Deposited Plan.**

[PSC0845]

- 95. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.**

[PSC0855]

- 96. Prior to registration of the Plan of Subdivision for each stage of development, a Subdivision Certificate shall be obtained.**

The following information must accompany an application:

- (a) submission of all documentation electronically (in pdf format), plus the original Plan of Subdivision (and original Admin Sheets) prepared by a registered surveyor together with any applicable, original 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.**
- (b) all detail as tabled within Tweed Shire Council's Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.**

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

- 97. In conjunction with the application for a Subdivision Certificate, the applicant must also apply to Council (OR PCA if applicable) for a Compliance Certificate for Subdivision Works. This may require obtaining individual Compliance Certificates for various civil works components such as (but not limited to) the following:**

- (a) Water Reticulation**
- (b) Sewerage Reticulation**
- (c) Drainage**
- (d) Driveway Access**

Note:

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

[PSC0915]

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

[PSC0925]

99. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.

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

[PSC1115]

100. The production of written evidence from the local telecommunications supply authority certifying that the provision of underground telecommunications at the front boundary of the allotment has been completed.

Unless agreed otherwise by Council an acceptable form is Telstra's "*Telstra Network Infrastructure Letter*" or NBN's "*Provisioning of Telecommunication Services - Confirmation of final payment*" letter (for small subdivisions)/ "*Certificate of Practical Completion of NBN network infrastructure*" letter (for large subdivisions) (as applicable to the development).

The NBN letter must reference:

- Over which Lot and Deposited Plan the agreement applies to,
- Identification of the number of lots to be serviced

[PSC1165]

101. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and

- (b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

An acceptable form is Essential Energy's *"Notice of Arrangement"*.

Unless agreed otherwise by Council, the form must reference:

- Over which lot and deposited plan did the arrangement for the provisioning of electricity (and street lighting, as applicable) apply to,
- Identification of the proposed lots to be created that have been serviced, or the development stage to which the arrangement applies.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

102. Prior to the issue of a Subdivision Certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 68 of the Local Government Act 1993.

[PSCNS01]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

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:

1. At the commencement of building works, and in perpetuity, the entire property surrounding the proposed dwelling located on Lot 3 shall be maintained for a distance of 25 metres or to the property boundary, whichever comes first, 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'.
2. At the issue of a subdivision certificate, an asset protection zone (APZ) of 19 metres shall be provided to the southwest from any future dwelling located on proposed Lot 1, of this APZ 8 metres shall be maintained within

the subject lot and the remaining 11 metres within proposed Lot 3. The APZ shall be managed as an inner protection area (IPA) as outlined in 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Where the APZ extends in to proposed Lot 3 a suitably worded instrument(s) pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed on the relevant lots which requires the ongoing provision of the APZs and prohibits the construction of buildings other than class 10b structures within the APZs. The name of authority empowered to release, vary or modify the instrument shall be Tweed Shire Council.

3. At the issue of a subdivision certificate, an asset protection zone (APZ) of 25 metres shall be provided to the southwest from any future dwelling located on proposed Lot 2, of this APZ 8 metres shall be maintained within the subject lot and the remaining 17 metres within proposed Lot 3. The APZ shall be managed as an inner protection area (IPA) as outlined in 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Where the APZ extends in to proposed Lot 3 a suitably worded instrument(s) pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed on the relevant lots which requires the ongoing provision of the APZs and prohibits the construction of buildings other than class 10b structures within the APZs. The name of authority empowered to release, vary or modify the instrument shall be Tweed Shire Council.

4. Where the asset protection zones (APZ) are located on slopes greater than 18 degrees, the APZ shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Councillor the principal certifier with the construction certificate.

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:

5. In recognition that an unreliable water supply exists, a 20,000 litre water supply shall be provided on the site in accordance with 'Planning for Bush Fire Protection 2006' and the following:
 - Aboveground tanks shall be constructed of non-combustible material.
 - A 65mm metal storz fitting and ball or gate valve shall be installed in any tank.
 - The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal rather than plastic.

- **A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be:**
 - (a) fixed in a suitable location so as to be highly visible;**
 - (b) positioned adjacent to most appropriate access for the static water supply;**
 - (c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;**
 - (d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign; and,**
 - (e) fixed with suitable screws or nails.**

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- 6. The property access road shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006' except where modified in Section 7.0 Access of the submitted bush fire report prepared by Bushfire Certifiers (Dated 24 October 2017, Referenced 17/308).**

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:

- 7. Construction of the proposed dwelling shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.**

REPORT:

Applicant: Mr MW Yates
Owner: Mr Mark W Yates
Location: Lot 7 DP 233498 No. 9A Terranora Parade, Bilambil Heights
Zoning: R2 - Low Density Residential- TLEP 2014; 7(d) Environmental Protection (Scenic/Escarpment) 7(a) Environmental Protection (Wetlands & Littoral Rainforests) TLEP 2000
Cost: \$2,000,000

Background:

This report relates to a proposed development for a new dwelling and associated ancillary buildings upon an 11.7 vacant parcel of land and the excising of two residential size lots from this existing parcel in the Bilambil Heights locality.

This application seeks approval for subdivision of the subject parcel featuring three different zones applied by both the TLEP 2014 and the TLEP 2000. The two lots to be excised by the three lot subdivision from the parent parcel are located within the R2 Low Density Residential zone pursuant to TLEP 2014. The proposed dwelling and substantial outbuildings are located within the 7(d) Scenic Escarpment zone. A southern portion of the land is zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest).

The portion of the land part zoned 7(d) Scenic Escarpment and part zoned 7(a) Wetlands and Littoral rainforest, approximately 11.7ha in area, is situated behind the existing strip of residential dwellings on the southern side of Terranora Parade and Broadwater Esplanade. This parcel of land is below the respective minimum Lot sizes for these environmental zones pursuant to TLEP 2000. The application is presented to Council due to the DPE reporting requirements for subdivision minimum lot size variations greater than 10%, pursuant to SEPP 1 provisions. The land zoned under the previous TLEP 2000 is not being further fragmented by the proposed subdivision. The DPE has provided concurrence in support of the proposed SEPP 1 variation to the nominated development standard (Clause 20 of TLEP 2000).

Proposal:

This application seeks development consent for the purposes of a dwelling, swimming pool, pool pavilion, barn, driveway access (Stage 1) and three lot subdivision (Stage 2).

Stage 1 involves the construction of a two storey dwelling and associated outbuildings upon the 11.7ha parcel that is currently vacant land, located at the rear of a residential strip along Terranora Parade.

The dwelling and associated barn, pool pavilion and pool are substantial structures covering approximately 1,500m² of the 11.7ha property. The buildings are a mix of single and two storey and orientated to the east/ southeast away from existing dwellings.

Access to the development from Simpsons Drive/Terranora Parade will be constructed over an unformed road adjacent to Sierra Vista Boulevard. The buildings will be located a minimum of 11m from the northern boundary that is shared with existing residential properties on the southern side of Terranora Parade and Broadwater Esplanade.

Stage Two of the development involves the excision of two lots within the R2 Low density Residential zone, each 749m² in area. Each lot is regular in shape and will have direct street access to Terranora Parade as indicated below. These two parcels will be complimentary to adjoining residential lots also fronting Terranora Parade. A small portion of R2 zoned land will remain part of the larger remnant lot. This area of land approximately 720m² and has frontage to Broadwater Esplanade. This area of land is not required for access to the proposed dwelling as access will be via an unformed road adjacent to Sierra Vista Boulevard.

Site Details:

The site is currently vacant. The site slopes away from Terranora Parade towards the Terranora Broadwater. The site is bordered to the north by a strip of R2 low density residential land featuring 700m allotments with single dwellings.

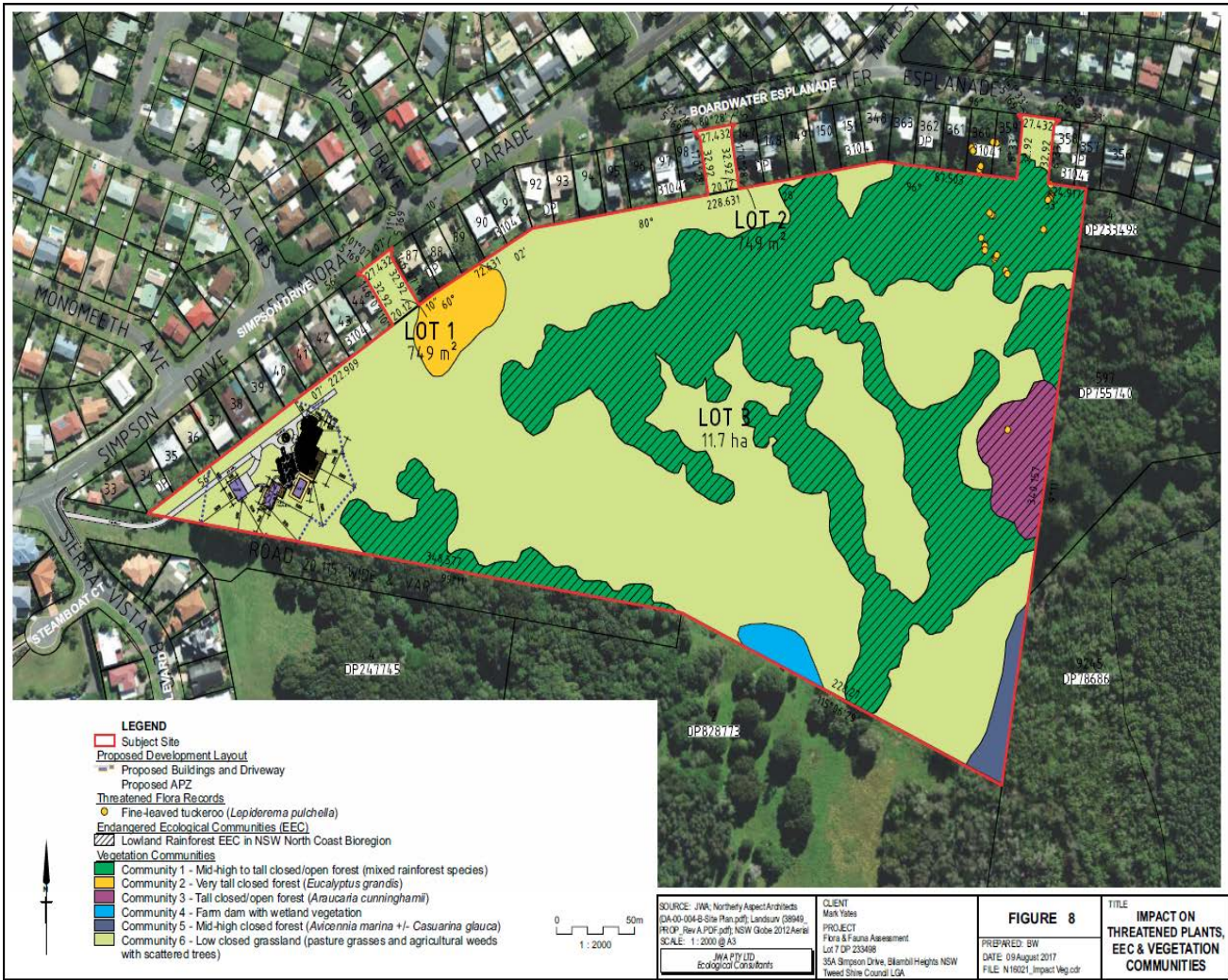
The site has three small areas that protrude into this R2 zone providing a natural line of subdivision for Stage 2 being the excision of two 749m² lots with frontage to Terranora Parade.

The remnant parcel has a dwelling entitlement being a Lot created on the 20 December 1967.

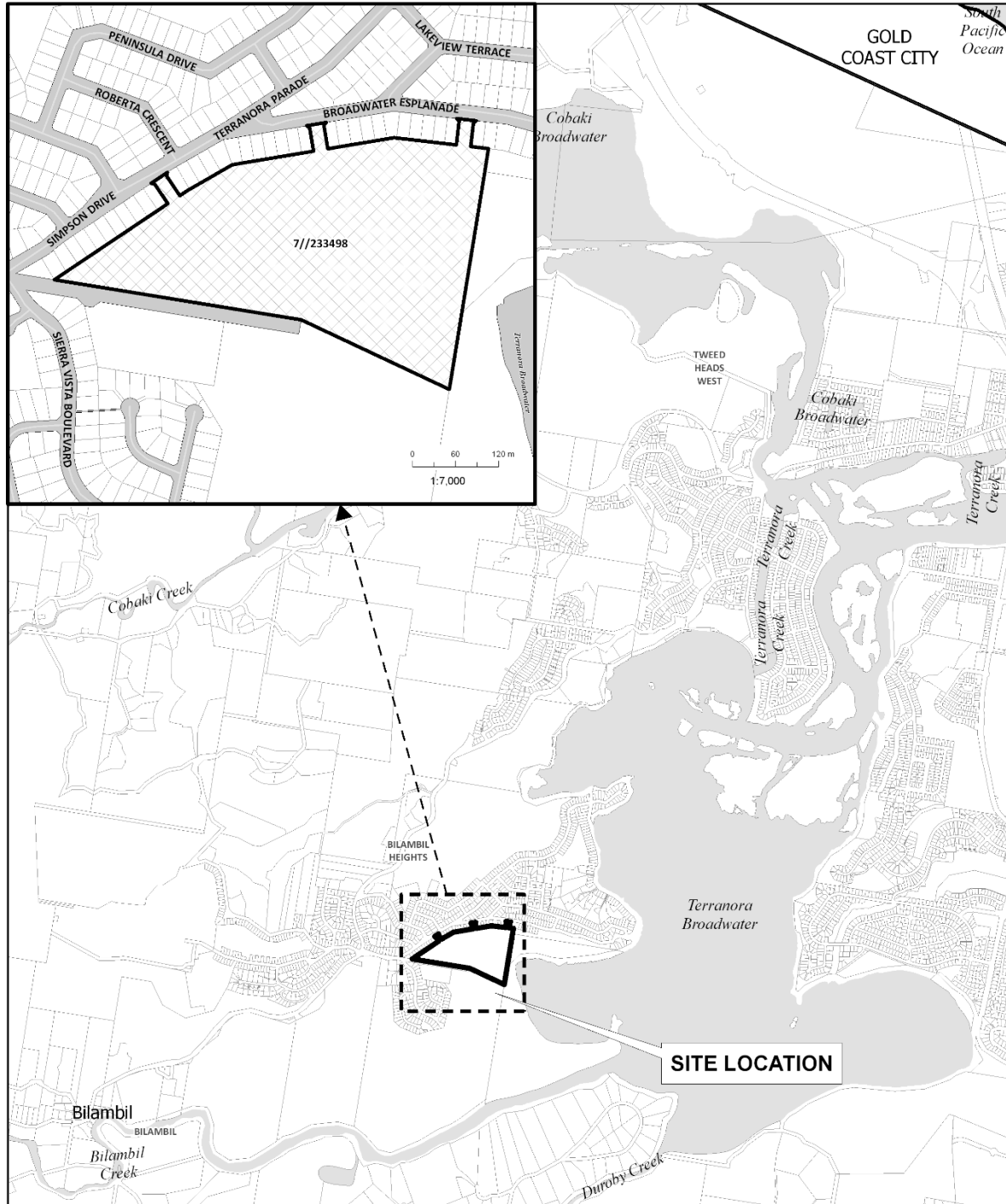
The site does contain pockets of remnant vegetation including lowland, rainforest, wet sclerophyll, swamp sclerophyll and estuarine complex.

All works will be spatially separated from the sensitive lands.



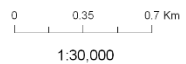


SITE DIAGRAM:



Site Plan

Lot 7 DP 233498
No. 9A Terranora Parade, Bilambil Heights



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GDA  Cadastre: 06/06/2018
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Coordinate System - MGA Zone 56
Datum - GDA 94

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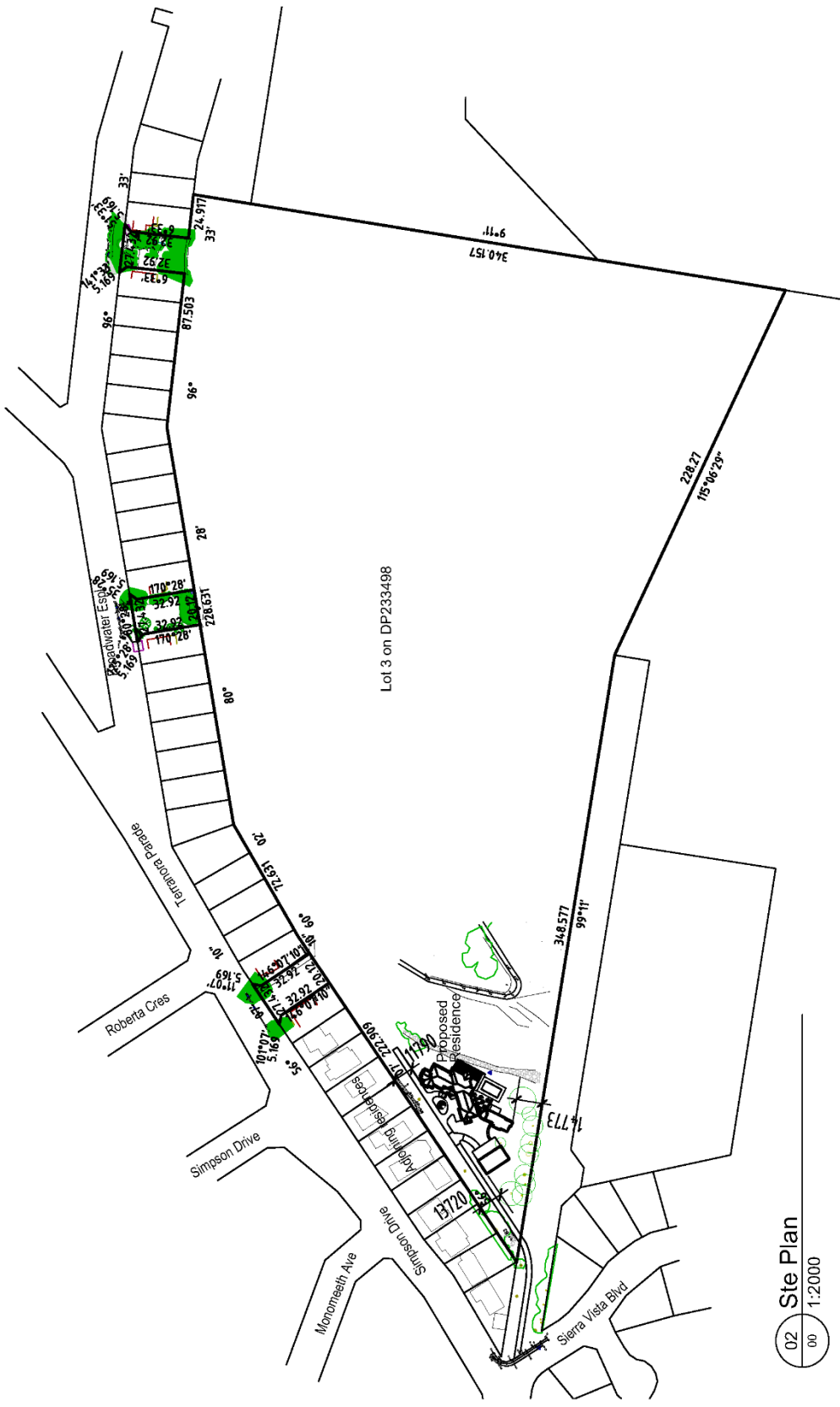
Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484

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

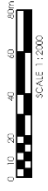


Date Printed: 06 June, 2018

DEVELOPMENT/ELEVATION PLANS:



Lot 3 on DP233498



SCALE 1:2000



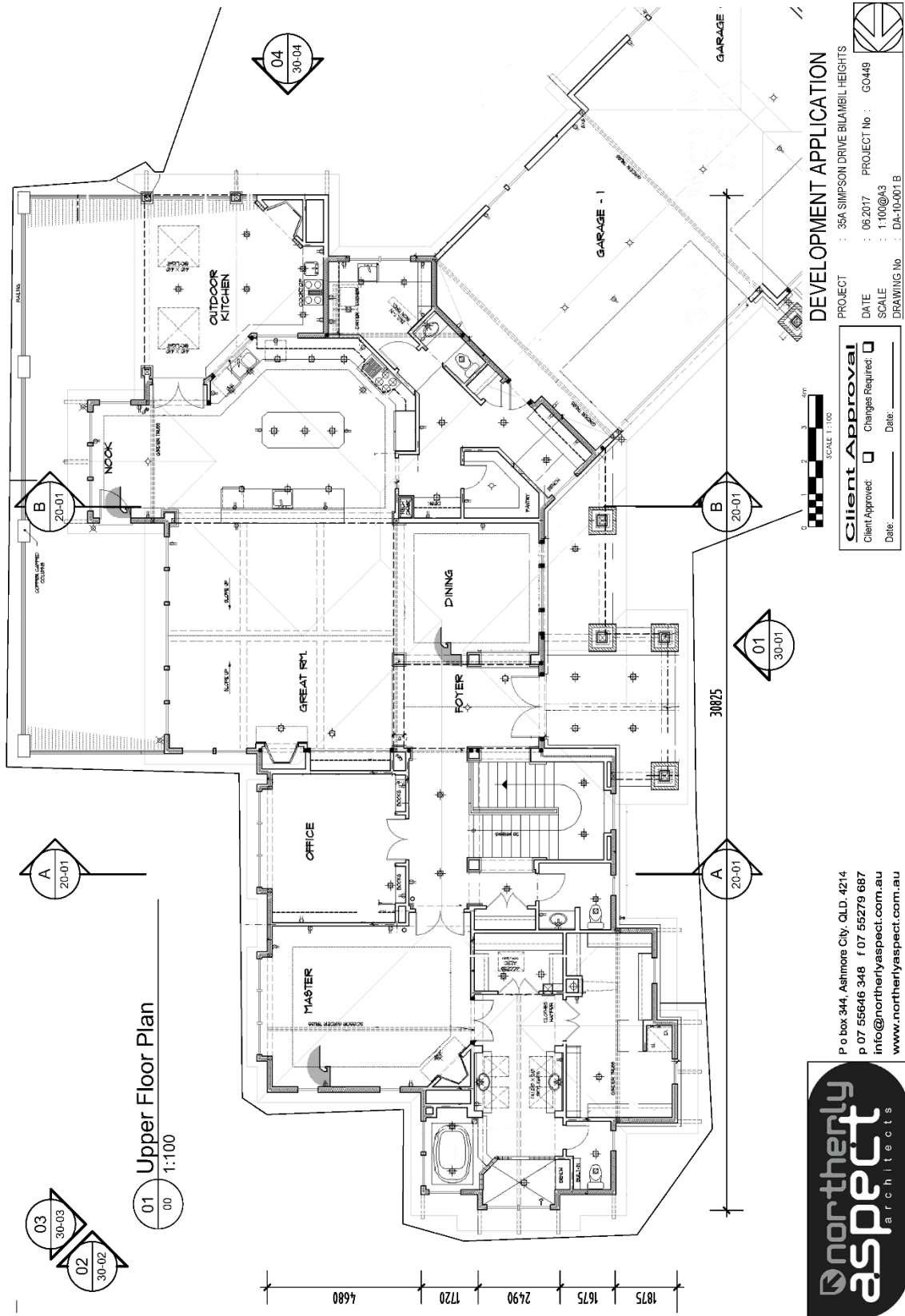
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 DATE : 06/2017 PROJECT No : GC449
 SCALE : 1:2000@A3
 DRAWING No : DA-03-003.D

Client Approval
 Client Approved: Changes Required:
 Date: _____ Date: _____

02 Ste Plan
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01 Upper Floor Plan
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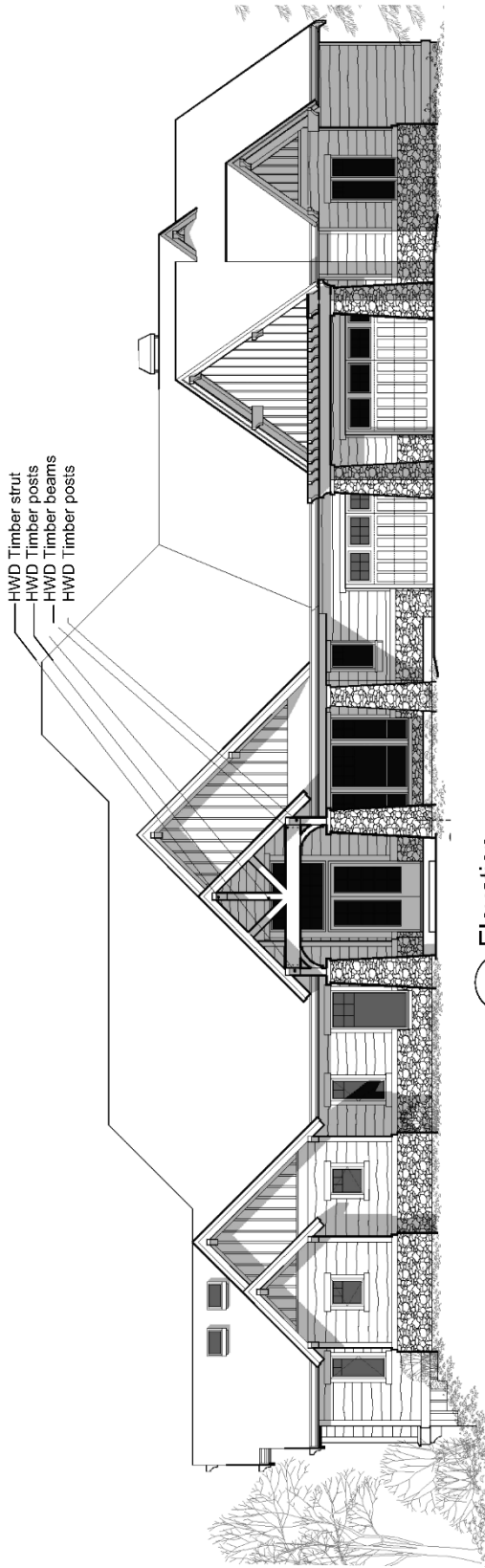
DEVELOPMENT APPLICATION

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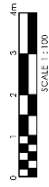
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01 Elevation
10-01 1:100



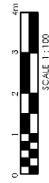
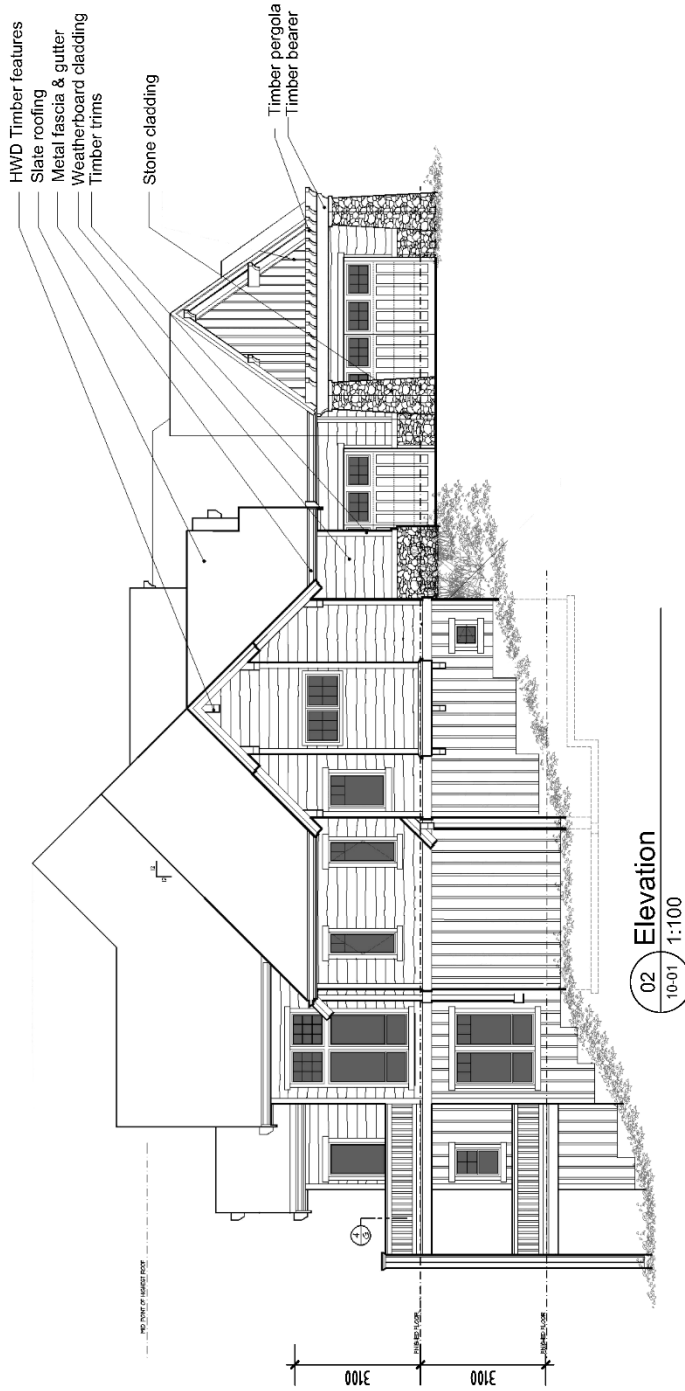
DEVELOPMENT APPLICATION

PROJECT : 35A SIMPSON DRIVE BILAMBIL HEIGHTS
 DATE : 06/2017 PROJECT No : G0449
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Client Approval
 Client Approved: Changes Required:
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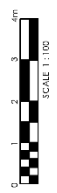
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03 Elevation
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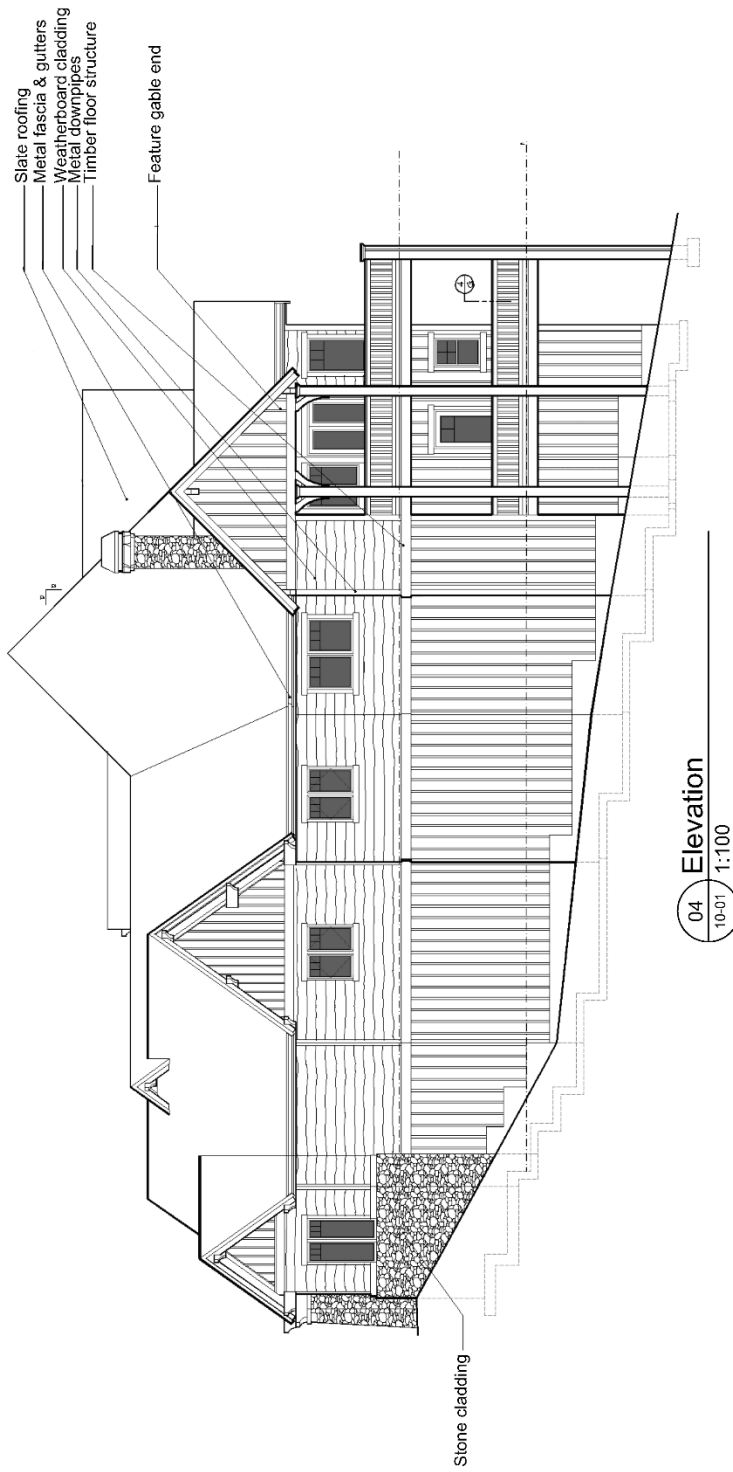
DEVELOPMENT APPLICATION

PROJECT : 35A SIMPSON DRIVE BILAMBIL HEIGHTS
DATE : 06/2017 PROJECT No : G0449
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Client Approval
Client Approved: Changes Required:
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04 Elevation
10-01 1:100



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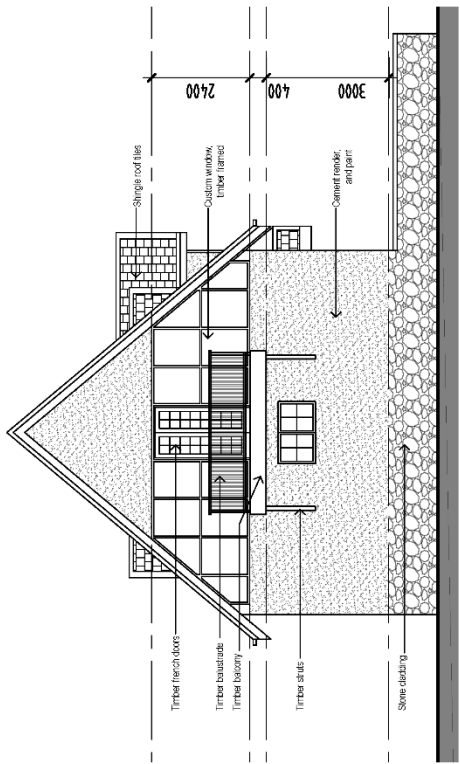
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DEVELOPMENT APPLICATION

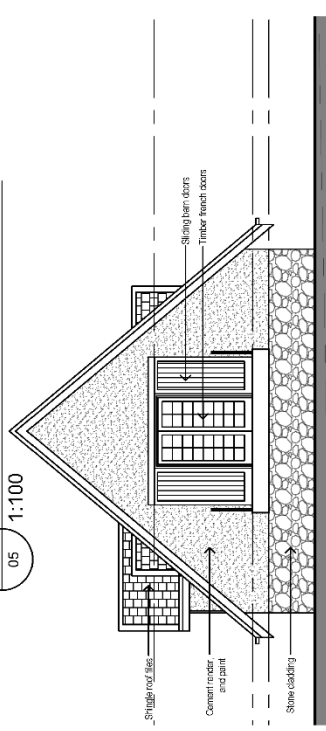
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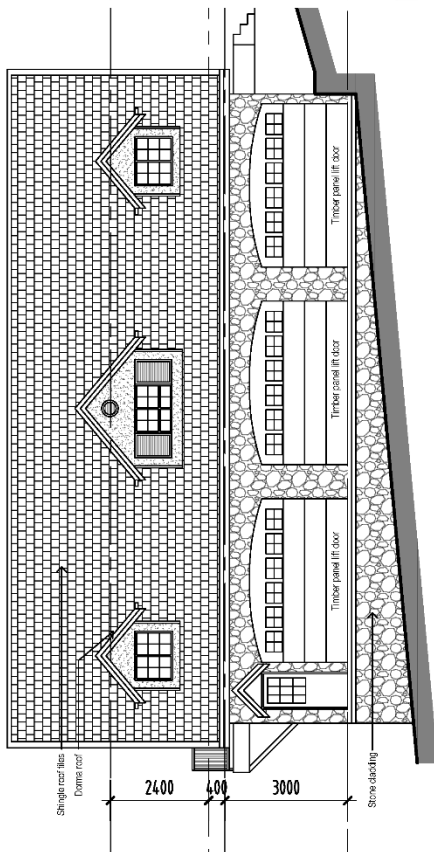




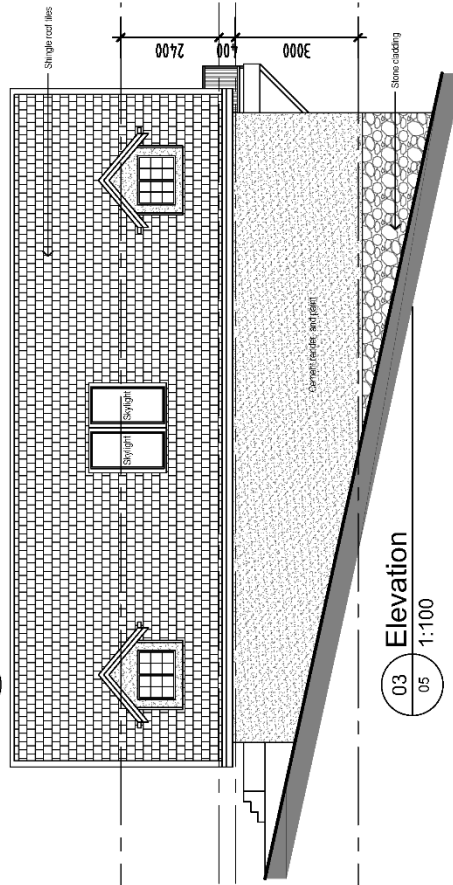
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04 Elevation
05 1:100



01 Elevation
05 1:100



03 Elevation
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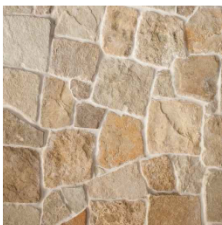
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 DATE : 06/2017 PROJECT No : G0449
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Client Approval
 Client Approved Changes Required
 Date: _____ Date: _____



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Random Stone Walling



Textured render to walls



Slate stone roofing



Natural timber products

07 Materials Palette



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DEVELOPMENT APPLICATION

PROJECT : 35A SIMPSON DRIVE BILAMBIL HEIGHTS
DATE : 06.2017 PROJECT No : 60449
SCALE : 1:100@A3
DRAWING No : DA-30-007 A

Client Approval	<input type="checkbox"/> Changes Required	<input type="checkbox"/>
Client Approved:	Date:	Date:



Considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2000

Clause 4 – Aims of the Plan

Clause 4 illustrates that the aims of the TLEP 2000 are to give effect to the desired outcomes, strategic principles, policies and actions of the Tweed Shire 2000+ Strategic Plan. The vision of the plan is *“the management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced”*.

The development proposes the erection of a dwelling and associated buildings upon 7(d) Environmental Protection (Scenic/Escarpment) land. The 7(a) land zoned land will not be impacted by the proposed works nor the proposed subdivision.

It is considered that the proposal would be consistent with the above requirements without being of detriment to the surrounding area through site sensitive development that will result in the land being used to its capacity providing opportunity for land management without adverse impacts upon sensitive portions of the land.

Clause 5 – ESD Principles

Clause 5 of the LEP relates to ecologically sustainable development. The TLEP aims to promote development that is consistent with the four principles of ecologically sustainable development, being *the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms*.

The subject site will permit a dwelling and subdivision upon a small portion of the land without fragmenting the sensitive lands and providing improved opportunities in an existing infill site located immediately an established residential area. It is considered that the proposed development is considered to be in keeping with the ESD principles.

Clause 8 – Consent considerations

An assessment of the development has been provided in this report below. It is considered that the development can meet the objectives of the 7(d) zone as the dwelling and outbuildings are not considered contrary to the objectives of this zone.

The objectives of the 7(a) zone will not be compromised as the location of the dwelling is spatially separated from the small area of 7(a) land in the southern corner of the land. The development will be undertaken under strict conditions to ensure the sensitive wetlands are not impacted through erosion and sediment

control provisions. A Plan of Management for this land has also been prepared and approved by Council's Natural Resource Management Unit. The implementation of this Management Plan will be a condition of any consent granted.

All aims and objectives of the TLEP 2000 will be given due consideration during assessment of this application. The development is considered consistent with these aims.

The construction of a dwelling with in the 7(d) land is permissible within consent. This development of the land is considered orderly and responsive to the environmental constraints of the land. The scenic qualities of the land have been assessed and the development has been designed to minimise the impact of the development when viewed from adjoining properties and points of interest such as the Terranora Broadwater.

Clause 11 – Zone objectives

The primary objectives of the 7(d) zone where the dwelling and ancillary outbuildings are located is:

- *to protect and enhance those areas of particular scenic value to the area of Tweed,*
- *minimise soil erosion from escarpment areas, prevent development in geologically hazardous areas, and*
- *maintain the visual amenity of prominent ridgelines and areas.*

The development is for the construction of a substantial dwelling house within the scenic escarpment zone and ancillary outbuildings including a barn, pool pavilion and swimming pool. The works will be undertaken upon a sloping site. Soil testing has been undertaken to ensure the land is suitable for the subject dwelling and associated works. Council's Environmental Health Unit has determined the lands suitable in regards to geology for the purposes of dwelling construction. The dwelling and associated buildings have been staggered down the hill to reflect the natural landform and reduce the visual impact of the development from view corridors or point of interest.

The secondary objectives of the zone do allow development that is compatible with the primary function of the zone. The development of an 11.7ha lot with a dwelling that takes up 12% of the total site area is considered compatible and acceptable.

The site does contain a portion of 7(a) coastal wetland zone. No works including infrastructure will be undertaken within this zone. The dwelling will be located 380m from this land and outside the 100m buffer to this zone. The inclusion of appropriate erosion and sediment controls will ensure the development is not detrimental to these sensitive lands.

Clause 13 – Development of uncoloured land on the zone map

The subject Lot does not contain any uncoloured land on the zone map.

Clause 15 - Essential Services

Essential services other than sewer will be provided to the 7(d) portion of the land to service the subject dwelling. The excised parcels within the R2 zoned land will be serviced by Council's reticulated sewer services.

Stage 1- Water Service

The proposed dwelling will require a water connection through the extension of the existing 100mm DICL water main from Sierra Vista Blvd to the boundary of proposed Lot 3 (a distance of approximately 60 metres) and have a water service connection from the main to service the lot. A condition will be inserted in any consent provided to ensure that the connection is to the 100mm main rather than the 250mm trunk main.

Stage 1-Sewer Service

Council's Development Design Guidelines Sewerage System D12.05.2 – requires that the sewer for a lot must allow a minimum of 90 per cent of the lot to be serviced. Due to the sloping nature of the lot and the location of the sewer at the back of the existing properties along Terranora parade, the connection to proposed Lot 3 cannot service 90% of that lot. Council has agreed to permit an On-site single domestic wastewater management (OSSM) system to service the lot proposed for stage 1. The applicant has proposed details of a proposed system and this has been reviewed by Council's Environmental Health OSSM Unit. The proposed system is deemed acceptable and appropriate conditions will be included within any consent granted.

Stage 2 - Water

The existing subject lot has recently had a water meter installed in the North East corner of the lot between 11 and 9 Terranora Parade. Therefore, this water service connection shall service proposed Lot 1 as per Figure 6.

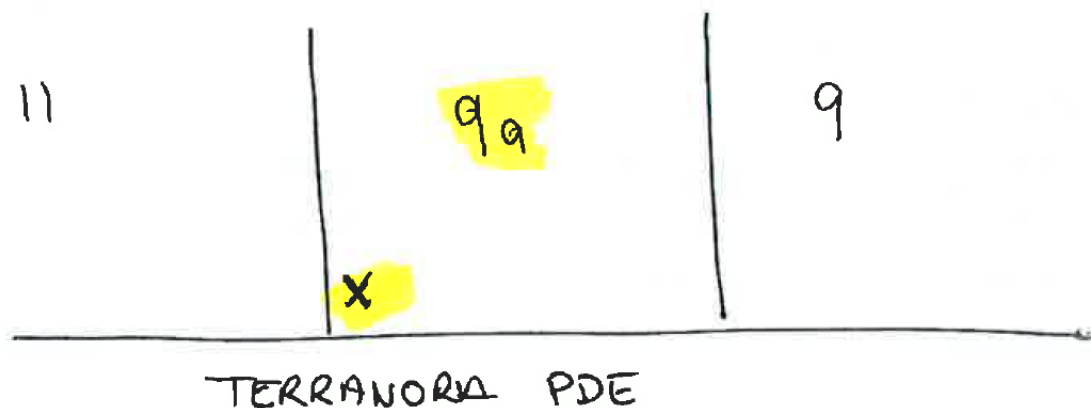


Figure 6 - Existing Water Meter Location

Proposed Lot 2 will be able to apply for a water service connection from the water main in Broadwater Esplanade. Therefore the applicant shall be required to submit an 'Application for Water Meter Connection' for proposed Lot 2.

Stage 2 - Sewer

There is an existing 150mm diameter UPVC sewer pipeline located to the rear of the properties with access from Terranora Parade, which increases to a 225mm diameter UPVC sewer pipeline to the East of sewer manhole DB/7.

Proposed lots 1 & 2 with access from Terranora Parade shall be connected to the sewer line DB, which runs to the South of these lots. Each of these lots has an existing sewer junction to Council's sewer pipeline.

Other services

Electricity services are currently provided to the area via Essential Energy infrastructure. Recommended conditions of consent shall require the applicant to provide services in accordance with the standards of the supply authority.

Telecommunication services are currently provided to the area via Telstra infrastructure. Recommended conditions of consent shall require the applicant to provide services in accordance with the standards of the supply authority.

Clause 16 - Height of Building

This Clause states that consent cannot be granted for development that exceeds the height nominated for the subject lot within this LEP. The land has a nominated height limit of three storeys. Each building proposed within the 7(d) and the subject of this application including the dwelling, barn and pool pavilion comply with this control with building heights of one or two storey. TSC DCP Section A1 provides and overall height limit of 9m, except on slopes greater than 12 degrees where the building may be a maximum of 10m in height.

The site has a slope greater than 12 degrees permitting an overall height of 10m. The primary building does exceed this 10m height from natural ground to the tip of the pitched roof by 300mm. Given the LEP is the statutory instrument, the consideration given to setbacks and orientation, this minor variation for a small area of the pitched roof is considered acceptable.

Clause 17 - Social Impact Assessment

To ensure proper consideration of a development, this clause requires the submission of a social impact assessment. The applicant has been accompanied by a social impact assessment.

This assessment has given due regard to the proposal against economic impacts such as employment and social impacts such as the effect on community networks, the public realm and housing. The impact on community infrastructure such as human service facilities and access has also been given due consideration.

The development for the creation of a single dwelling with ancillary outbuildings will have a positive impact on social parameters by providing additional housing in a location that does not impact places of heritage value or containing public open space. The development is situated in a location that will allow access to social services such as childcare facilities, retail services and health services in Terranora and adjoining Tweed.

The positive impacts on the economy include the need for construction services and increased demand for services following completion of the dwelling.

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

The objectives of this Clause are as follows:

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

The Clause goes on to state that:

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

The land the subject of the development application is currently 11.7ha. The primary portion of the land is 7(d) Environmental Protection (Scenic/ Escarpment). A small portion of the land is 7(a) land and three sections of the land are also zoned R2 under TLEP 2014. The subdivision proposes to excise two lots from the primary land. These two lots are contained within the R2 low density zoned land and will be greater than the minimum lot size for the R2 land pursuant to the TLEP 2014.

The remnant lot will be primarily 7(d) and 7(a) land with a small section facing Terranora Parade being R2 land under the TLEP 2014. This remnant lot will have a site area of 11.7ha. The subdivision will not fragment the 7(a) or 7(d) land. However, as the parent lot is below the 40ha minimum, the size of proposed Lot 3 will also be well below the 40 ha minimum lot area. This variation has triggered the SEPP 1 objection and concurrence from the NSW DPE, Secretary to the Minister.

This concurrence was received on 18 January 2018. The variation was supported for the following reasons:

1. *The proposal does not further fragment rural land (including environmental protection zoned land); and*
2. *There is no public benefit in maintaining the development standard in this instance as to do so would prevent the rationalisation of the lot configuration and may affect the future development of the residential zoned land.*

An assessment of the subdivision of this land contrary to Council's minimum lot size provisions will be further outlined within SEPP 1 objection below. Given the circumstances of the case and the reasons outlined by the DPE above, the variation to the minimum lot size that will not further fragment the 7(d) or 7(a) lands and the lot as existing is undersized, the variation to the development standard is considered acceptable and worthy of support.

Clause 25 - Development in Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land

The subject site is partially zoned 7(a) Environmental Protection (Wetlands) in the southern extremity of the site.

In accordance with the Clause, consent must not be granted to the carrying out of development on land within Zone 7 (a) or on land adjacent to land within Zone 7(a) unless the consent authority has taken into consideration:

- (a) *the likely effects of the development on the flora and fauna found in the wetlands or littoral rainforest, and*

Comment: The proposed dwelling, including outbuildings and associated infrastructure such as the OSSM system will be located in the north western corner of the site. The impacted area of the site is spatially separated from the 7(a) zone and outside the 100m buffer nominated by SEPP 14.

- (b) *the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and*

Comment: The development will result in some disturbance of the land to facilitate the construction of the dwelling and outbuildings and associated services. These works will however be located approximately 400m from the 7(a) land. No works will be required in the vicinity of the 7(a) land that would increase any potential for disturbance of native flora and fauna. The dwelling upon proposed Lot 3 will reduce the potential adverse impacts to these lands through the implementation of a Management Plan as required by this Clause. Council's NRM Unit has assessed the development having regard to these sensitive lands. The proposal is considered satisfactory and will not have any adverse impact on this sensitive vegetation.

- (c) *a plan of management showing how any adverse effects arising from the development can be mitigated, and*

Comment: A Plan of Management for the 7(a) Land has been assessed and is considered satisfactory by Council's NRM Unit.

- (d) *the likely effects of the development on the water table, and*

Comment: the works required to facilitate the new dwelling, outbuildings and services are situated upon the high side of the site and will not impact the water table

- (e) *the effect on the wetlands or littoral rainforest of any proposed clearing, draining, excavating or filling*

Comment: The Plan of Management for the Wetland area proposes various mitigation measure to protect these sensitive lands as follows:

General Management Measures

General mitigation and management measures have been incorporated into the design of the proposed development to address the above issues. These include:

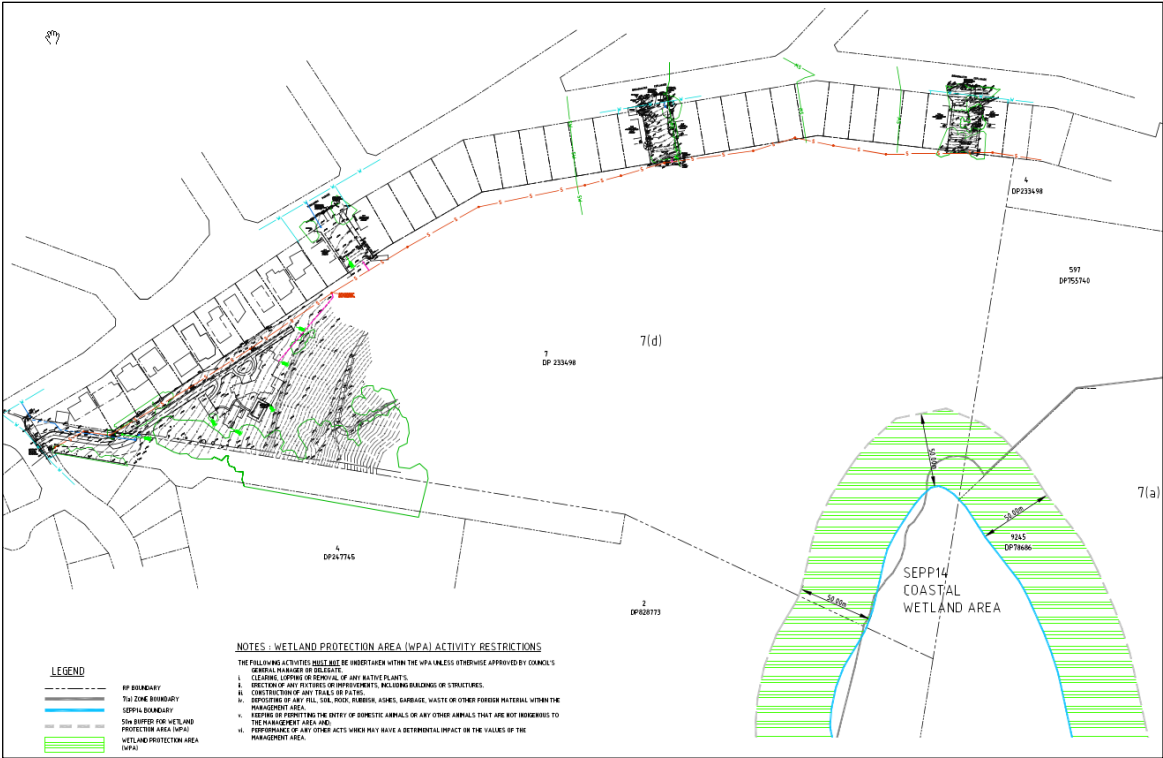
- Implementation of appropriate erosion and sedimentation control measures;
- Substantial compliance with all relevant Council Instruments, Codes and Policies;
- Minimising changes in landform;
- Compliance with Council's normal construction phase requirements in relation to work hours, noise, dust, etc;
- Siting the dwelling house 450m from the 7(a) wetland;
- Appropriate training and induction for all employees working at the site to ensure that entry to the wetland area is avoided.

Environmental Management Measures

More specific measures designed to address the objectives of this Plan are detailed below:

- Maintaining a separation distance between the wetland and the proposed development of 450m minimum;
- Provision of adequate erosion and sedimentation control measures during the construction phase;
- The following activities must not be undertaken within the Wetland Protection Area (WPA) shown on the attached plan prepared by Cozens Regan Group, Reference SK.5, Issue B (See below), dated 02/18 unless otherwise approved by Council's General Manager:
 - i) Clearing, lopping or removal of any native plants;

- ii) Erection of any fixtures or improvements, including buildings or structures;
- iii) Construction of any trails or paths;
- iv) Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign within the management area;
- v) Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the management area; and
- vi) Performance of any other acts which may have detrimental impacts on the values of the management area.



SEPP 14 Wetland



Site Plan Extract



Location of Dwelling with Pink Cross relative to Wetlands

Council’s NRM Unit has assessed the development having regard to these sensitive lands. The proposal is considered satisfactory and will not have any adverse impact on this sensitive vegetation.

No further investigation in regards to the impacts on the SEPP 14 land is considered necessary.

Clause 26 - Development in Zone7(d) Environmental Protection (Scenic/Escarpment)

The objectives of the zone are as follows:

- *to ensure that the development of land within Zone 7 (d) minimises soil erosion and will preserve or enhance the scenic quality of the land and the locality.*

Comment: Appropriate soil erosion prevention measures will be implemented to ensure the development does not result in the loss of top soil during construction and beyond. Retaining walls will provide added protection for the land once modified to accommodate the dwelling and associated buildings. The dwelling incorporates areas of cut and fills to mirror the sites steep topography.

The Clause further states that:

- (2) *Unless it is exempt development, a person must not clear vegetation from, excavate or erect a building on land within Zone 7 (d) except with development consent.*

Comment: Development consent is being sought for a dwelling upon the 7(d) Land

- (3) *Consent must not be granted to the erection of a building on land within Zone 7 (d) unless the consent authority is satisfied that:*

- (a) *the scale, height and location of the building, and*
- (b) *the colour, type and reflectivity of materials to be used,*

will preserve or enhance the scenic quality of the land and the locality.

Comment: the development is compliant with the height restrictions of the subject zone. The buildings associated with the dwelling and dwelling itself have a relatively small site area coverage considering the lot, once subdivided, will be 11.7ha. Landscaping will be required to provide some relief from places of public interest such as the Terranora Creek.

Council's Planning Reforms Unit is currently preparing a scenic landscape policy that would apply to the subject land. The landscape policy examines the impact of development on ridgelines and from places of public interest or view corridors. This policy also looks at the material and colours of any proposed buildings any how any existing vegetation will be impacted by the development. Having regard to these issues, the following comments are a made in regards to the subject development.

- The dwelling and associated structures is located well below the ridgeline.
- The dwelling is similar in floor area to many dwellings in Sunnycrest Drive, however is located on a land area of 11.7ha, rather than 4000m². Therefore, the dwelling is not considered incompatible with larger dwellings approved within the Tweed Shire.
- The existing vegetation upon the land will be retained and landscaping required to reduce the bulk of the building when viewed from the south.

- The dwelling will not interfere with any view corridors or places of interest such as the coastal beaches and headlands or Mount Warning.
- The dwelling will be visible from the Terranora Creek. However, the dwelling will not dominate the landscape, given the extent of residential development that surrounds the dwelling and existing vegetation.
- The colours and materials proposed for the dwelling and associated structures will be dark and non-reflective.

Below are two photos of the site provided by the applicant to assist with the assessment process.



Photo 3: View into Stage 1 Dwelling Site from Crown Road Reserve



Photo 1: Crown Road Reserve – Access to Stage 1 Dwelling Site



The Photo above is from No. 13 Broadwater Esplanade, looking across the proposed Lot 2, with the new dwelling being located further to the south west of this portion of the land.



The photo above is looking over the site from proposed Lot 1. The dwelling will be located below to the right of this dwelling known as No 9 Terranora Parade.

The two images below are provided to indicate the visual impact of the dwelling on the visual landscape. It is considered that existing residential estates and vegetation provide significant relief and will articulate the bulk and scale.





Having regard to this assessment of the proposed dwelling, the proposal is considered satisfactory in regards to scenic amenity.

Clause 31 Development adjoining waterbodies

The objectives of this zone are:

- *to protect and enhance scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors.*
- *to provide adequate public access to waterways.*
- *to minimise the impact on development from known biting midge and mosquito breeding areas.*

Comment: The subject land parcel is located adjacent to the Terranora Broadwater. No opportunities for public access to the water way will be altered as a result of the proposed boundary adjustment. The development will generate works onsite for the construction of the dwelling, associated buildings, access driveway and infrastructure. A condition of consent will be included requiring appropriate implementation of erosion and sediment control measures prior to commencement.

Therefore, the scenic quality, water quality and environmental features of the land and surrounds will not be impacted as a result of this subdivision.

Clause 35 - Acid Sulfate Soils

The majority of the site is mapped as Class 5 Acid Sulphate soils. While the lower portion of the land is mapped as Class 2, the land area where works will be undertaken for the dwelling, ancillary buildings, infrastructure and driveways is spatially separated from his Class 2 land. No acid sulphate soil management plan is considered necessary for the subject proposal.

Clause 39 Remediation of Contaminated Land

The proposal will be assessed in accordance with the provisions of SEPP 55. This matter is discussed below.

Clause 39A Bushfire Protection

The proposal requires a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997. This BSA has been issued by the RFS by correspondence dated 8 May 2018 and will be incorporated into any consent granted.

It should be noted that a separate application will be required for any future dwelling proposal for proposed Lots 1 and 2.

Clause 57 Protection of Existing Dwelling Entitlement

A dwelling entitlement will be retained upon proposed Lot 3 despite the lot area being below the minimum 40ha minimum. This is pursuant to correspondence from Tweed Council dated 27 May 2016 that provides the following advice:

Under TLEP 2000 dwelling houses are permissible with consent on land zoned 7(d) if on an allotment of at least 40 hectares or on an allotment referred to in clause 57.

The subject allotment is considered a Council approved subdivision, created 20 December 1967 and as such meets the 'Protection of existing dwelling entitlement' provisions of Clause 57.

Therefore the subject site benefits from a dwelling entitlement under the abovementioned Local Environmental Plans.

Proposed Lots 1 and 2 will both have dwelling entitlements as both meet the minimum Lot sizes pursuant to TLEP 2014.

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

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

The particular aims of this Plan are as follows:

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

The proposed development is located within an existing large lot residential subdivision and will not impact upon the aims of the plan. The subdivision is considered to be consistent with the aims of the plan by being a sustainable residential development that will not adversely impact upon the surrounding or wider ecology.

Clause 2.3 – Zone objectives and Land use table

The portions of the site to be excised from the parent or remnant lot are within the R2 zone which has objectives pertaining to the provision of a low density residential environment with a range of facilities and services to meet the day to day needs of residents. The proposed subdivision, creating two lots compliant with the minimum lot area, remain consistent with the zone objectives and are

permissible in the zone. It is noted that a portion of the land zoned R2 will remain with the remnant parcel, primarily zoned 7(d) and partially zoned 7(a).

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

The portion of the site zoned R2 and being subdivided to create two small residential lots is consistent with the minimum lot sizes as required by these provisions, both being greater than 450m². Both proposed Lot 1 and 2 will be 749m² in area. The remnant portion of R2 land could potentially be subdivided at a latter stage from the 7(d) land, however does have vegetation that would require assessment for suitability of removal. This portion of R2 land is approximately 900m². Accordingly, future excising of this R2 portion will not require any variations to minimum lot sizes pursuant to TLEP 2014.

Clause 4.3 - Height of Buildings

The Lots to be created within the R2 low density zoned land will not be developed in conjunction with the development application. The height limit for these lots is 10m. Any future residential development on these lots would be subject to a separate application.

Clause 4.4 – Floor Space Ratio

The FSR for the R2 Low density portion of the land is 0.8:1. Proposed Lots 1 and 2 do not propose any development. Any future development would be assessed against this Clause.

Clause 4.6 - Exception to development standards

Flexibility under this clause is not required as the development is permissible in the zone, noting that a SEPP 1 variation is required and has received concurrence from the Department of Planning and Environment for the subdivision of the land excising these lots from the 7(d) land. The two lots zoned R2 pursuant to TLEP 2014 meet the minimum lot size.

Clause 5.4 - Controls relating to miscellaneous permissible uses

This clause is not relevant as the application does not propose any additional permissible uses.

Clause 5.5 – Development within the Coastal Zone

The development will not impact adversely on the coastal zone. It will not impact upon access to any coastal areas or detract from the natural features of any such area.

Clause 5.10 - Heritage Conservation

The site is not mapped as a predictive or known site as prescribed by TSC draft Aboriginal Cultural Heritage mapping.

The development applicable to the TLEP 2014 involves the excision of two residential size lots for fronting Terranora Parade. The creation of these two lots will require minimal disturbance of land that is heavily modified in conjunction with the creation of lots surrounding and the construction of Terranora Parade. Given the minor works proposed, the mapping eliminating the subject lands from a predictive or known site, no further investigations are considered necessary in this regard.

The site is not within a Heritage conservation area, nor does it contain any mapped items of Heritage significance.

Clause 5.11 - Bush fire hazard reduction

No vegetation removal works will be required for bushfire protection.

Clause 7.1 – Acid Sulfate Soils

The majority of the site is mapped as Class 5 Acid Sulphate soils. While the lower portion of the land is mapped as Class 2, the land where works will be undertaken for the dwelling and ancillary buildings and driveways is spatially separated from his Class 2 land. No acid sulphate soil management plan is considered necessary for the subject proposal.

Clause 7.2 - Earthworks

- (1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (3) *Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*
 - (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Comment: Earthworks will be required over the large proposed Lot 3 allotment to cater for the dwelling and ancillary buildings. Soil stability is not deemed an issue on this site. Site drainage will be managed as conditions of consent. It is unlikely due the site area and stormwater requirements that the earthworks will result in any adverse drainage patterns.

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

Comment: Earthworks will allow the site to be developed while ensuring the buildings impact on the escarpment is minimised through site sensitive design.

- (c) *the quality of the fill or the soil to be excavated, or both,*

Comment: the excavation of the site to facilitate construction of the dwelling and provide services to the new Lots will be managed with conditions of consent. It is unlikely that any fill will be introduced to the site.

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

Comment: the earthworks will not impact upon adjoining properties in regard to drainage or stormwater patterns. The excavation of the site will reduce the overall height and bulk of the dwelling and ancillary buildings when viewed from the adjoining properties and viewing points of interest.

- (e) *the source of any fill material and the destination of any excavated material,*

Comment: the destination of the fill material being extracted will be requested prior to construction works commencing if such is proposed to be removed from the site.

- (f) *the likelihood of disturbing relics,*

Comment: The site is not mapped as a predictive or known site as prescribed by TSC draft Aboriginal Cultural Heritage mapping.

The development applicable to the TLEP 2014 involves the excision of two residential size lots for fronting Terranora Parade. The creation of these two Lots will require minimal disturbance of land that is heavily modified in conjunction with the creation of lots surrounding and the construction of Terranora Parade. Given the minor works proposed, the mapping eliminating the subject lands from a predictive or known site, no further investigations are considered necessary in this regard.

The site is not within a Heritage conservation area, nor does it contain any mapped items of Heritage significance.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Comment: The proposal is not within a water catchment area. Appropriate sediment control plans will be a condition of consent ensuring the excavations do not expose loose fill to erosion offsite to surrounding.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

Comment: the impacts of the development will be minimised through appropriate soil and sediment controls, stormwater control and appropriate landscaping.

- (i) *the proximity to, and potential for adverse impacts on, any heritage item, archaeological site, or heritage conservation area*

Comment: the area of land zoned under the TLEP 2014 is not mapped as a predictive or known site as prescribed by TSC draft Aboriginal Cultural Heritage mapping. Minimal disturbance of this land is required for the subdivision works to create two vacant lots. A condition will be applied requiring works to cease if any items of aboriginal heritage are discovered during works.

Clause 7.3 – Flood Planning

The portion of the site the subject of the TLEP 2014 is not mapped as being flood prone.

Clause 7.4 - Floodplain risk management

The portion of the site the subject of TLEP 2014 is not within a floodplain risk management area.

Clause 7.5 - Coastal risk planning

Not applicable to the subject site.

Clause 7.6 - Stormwater Management

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

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Comments: The various components of the development have been assessed in regard to stormwater and the following comments are made.

Stormwater during the construction stage of the development will be managed with standard sediment and erosion controls, imposed as part of the development consent conditions.

The applicant has provided a Stormwater Management Plan and has indicated that proposed Lots 1 and 2 will be drained to the Road Reserve fronting the new allotments and Lot 3 will be by a “Cut Off” Drain along the northern boundary and will be protected by Scour Protection to mitigate concentrated flows.

Council’s subdivision engineer has accepted these methods of stormwater management. The development will be conditioned accordingly.

Clause 7.8 – Airspace operations

The site is located within the locality identified as the 'Conical Surface' for airspace operations.

The application was referred to the Gold Coast Airport and the following response was provided due to the finished building heights of the new dwelling and outbuildings.

Buildings are respectively of approximately 120 metres AHD and 126 metres AHD, whereas the OLS for the locality is approximately 85 metres AHD.

The proposed buildings therefore exceed the OLS, and an airspace application will be required under the Airports (Protection of Airspace) Regulations (which could no doubt be anticipated to be approved). In that regard, it is requested that a condition along the lines of the following be attached to any consent for the proposed dwelling:

The heights of the proposed buildings exceed the Obstacle Limitation Surface (OLS) for Gold Coast Airport, and therefore represent a "controlled activity" under the Commonwealth Airports Act. Approval will be required under the Airports (Protection of Airspace) Regulations prior to construction, for which an application is to be made to Gold Coast Airport Pty Ltd. Separate approval will also be necessary for use of cranes or other equipment used during construction that would exceed the OLS, with a minimum of 8 weeks' notice.

GCAPL hereby notifies that, pursuant to Clause 7.8(3)(a) of the Tweed LEP 2014, it raises no objection to the proposed development.

The development is considered satisfactory in this regard. The consent will be conditioned accordingly.

Clause 7.9 - Development in areas subject to aircraft noise

The development is outside the mapped areas of Tweed subject to noise impacts from the Gold Coast airport.

Clause 7.10 - Essential Services

Electricity services are currently provided to the area via Essential Energy infrastructure. Recommended conditions of consent shall require the applicant to provide services in accordance with the standards of the supply authority.

Telecommunication services are currently provided to the area via Telstra infrastructure. Recommended conditions of consent shall require the applicant to provide services in accordance with the standards of the supply authority.

Servicing of the three Lots with water and sewer has been addressed in a separate section of this report.

North Coast Regional Plan 2036 (NCRP)

The Plan resets regional planning priorities to align with NSW Government priorities and provides guidance and direction for local planning decisions. It sets in place strategic, line-of-sight land use planning objectives for the region as a whole as well as for and each local government area, and will guide the NSW Government's planning priorities and decisions to 2036.

The three lot subdivision and dwelling is not considered to be contrary to the priorities and goals of the REP, having regard to the permissibility of the dwelling in the 7(d) zone and the orderly subdivision of the two small lots consistent with the adjoining locality.

State Environmental Planning Policies

SEPP No. 1 - Development Standards

The aims of the SEPP 1 Policy is the provision of flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary.

The applicant has prepared a SEPP 1 objection to support this subject development application that proposes the subdivision of land resulting in lots that do not meet the minimum lot size pursuant to TLEP 2000.

The subject site, identified as Lot 7 DP 233498, 9A Terranora Parade, is zoned part R2 Low Density Residential under TLEP 2014, part 7(a) Environmental Protection (Wetlands and Littoral Rainforests) and part 7(d) Environmental Protection (Scenic/Escarpment) under TLEP 2000.

The site has a total area of 11.7 hectares. The area of land zoned 7(a) is approximately 4,000m², with the area of land zoned 7(d) being approximately 11.30 hectares.

As outlined in the Statement of Environmental Effects, the subdivision of the site, to be carried out as Stage 2 of the development, will result in the creation of a residue lot (proposed Lot 3) of less than 40 hectares (11.7 hectares). Therefore, the objection is lodged by the applicant in relation to the 40 hectare Development Standard in Clause 20(2) of TLEP 2000.

Clause 20(2) of TLEP 2000 is in the following terms:

"Consent may only be granted for the subdivision of land;

- a) Within zone 1 (a), 1 (b2), 7(a), 7(d) or 7(l) if the area of each allotment created is at least 40 hectares."*

Comment; The applicant has submitted that the compliance with the development standard is unreasonable and unnecessary because the objectives of the standard are achieved notwithstanding noncompliance with the standard.

Clause 20(1) of the Local Environmental Plan provides the following objectives in relation to subdivisions in zones 1(a), 1(b), 7(a), 7(d) and 7(l), which are directly associated with development standard in question:

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

Comment: The applicant submits the following reasons why the development will not compromise the above listed objectives.

The proposed subdivision will not result in any fragmentation of the 7(a) or 7(d) zoned land.

The subdivision application essentially proposes the separation of two of the smaller parts of the site, which are zoned R2 Low Density Residential under TLEP2014, from the remaining parcel of land. The 7(a) and 7(d) zoned land will not be altered by this subdivision and will be wholly contained in the residue lot (Lot 3).

The following assessment of the SEPP No. 1 is based on the principles set by Chief Justice Preston (*Wehbe v Pittwater Council [2007] NSW LEC 827*). Chief Justice Preston has noted 5 ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy.

1. The applicant must satisfy the consent authority that "the objection is well founded", and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Comment: The applicant contends that strict compliance with the 40ha is unreasonable in the case of the proposed boundary adjustment as the existing Lot involved is well below the 40ha required to achieve compliance with the controls applicable to the 7(d) and 7(a) zones. The existing allotment configuration does not comply, so it is therefore unreasonable for a new configuration that excises two complaint residential lots to comply.

It is considered that the standard is unreasonable and unnecessary in this instance as the 7(d) and 7(a) land will not be further fragmented by this application.

- 2. The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*;**

Comment: The objectives specified within Section 5(a)(i) and (ii) relate to the promotion and co-ordination of the orderly and economic use and development of land, and the protection, provision and co-ordination of communication and utility services.

The proposal provides for a subdivision that excises two residential Lots that are compliant with the minimum Lot size within the R2 zone from the remnant parcel zoned part R2, part 7(d) and part 7(a). The existing lot has a dwelling entitlement and the topography, vegetation and location does not provide a suitable environment for agriculture. However, the future of the larger remnant parcel and its associated vegetation will not be fragmented by this development. Further, the development consent of a dwelling on the land is likely the full development potential of the land and will provide an avenue for the land to be better managed. This management will be due to the implementation of a Vegetation Management Plan for the 7(a) land that will be a condition of consent. It is therefore considered that the proposal is consistent with the objects specified in 5(a)(i) and (ii).

- 3. It is also important to consider:**
- a. whether non-compliance with the development standard raises any matter of significance for State or regional planning; and**
 - b. the public benefit of maintaining the planning controls adopted by the environmental planning instrument.**

The proposed non-compliance with Clause 20(2)(a) of the TLEP 2000 is not considered to raise any matter of significance for State or Regional planning.

There would be little public benefit in maintaining the development standard in this case as existing Lot 7 does not comply with the 40 hectare minimum lot size. The purpose of the subdivision is to provide a more orderly development of the land by providing the opportunity for two additional residential lots in Terranora Parade while seeking development consent for a dwelling within the 7(d) land that is permissible with consent.

Chief Justice Preston notes that there is a public benefit in maintaining planning controls. However, the proposed non-compliance with the TLEP 2000 is considered to be justified in this instance and is not likely to result in an adverse planning precedent as it is localised. As such, the granting of this application is unlikely to impact upon public benefit.

The Director-General's concurrence is required for variation to the 40ha minimum lot size development standard as the 7(d) and 7(a) land will not be within 10% of the 40ha standard, preventing Council from assuming concurrence.

Concurrence was granted from the NSW Department of Planning and Environment by letter dated 1 May 2018 for the following reasons:

1. *The proposal does not further fragment rural land (including environmental protection zoned land); and*
2. *There is no public benefit in maintaining the development standard in this instance as to do so would prevent the rationalisation of the lot configuration and may affect the future development of the residential zoned land.*

On this basis it is considered that the SEPP 1 objection is reasonable and that the proposed development is satisfactory.

SEPP No. 14 - Coastal Wetlands

The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.

The proposed development does not involve any of the following works:

- (a) *clear that land,*
- (b) *construct a levee on that land,*
- (c) *drain that land, or*
- (d) *fill that land*

The land is partially zoned 7(a) environmental Protection due to the presence of wetlands in the southern extremity of the site. The development upon the 11.7ha site will occur in the northern extremity of the subject land, approximately 400m from the wetland vegetation. Council's NRM Unit has assessed the application against the provisions of this SEPP and the relevant Clause of the TLEP 2000 and has provided the following response:

"An amended Plan of Management for Land Zoned (7(a) Environmental Protection (Wetlands and Littoral Rainforests) dated March 2018 prepared by DAC Planning Pty Ltd and associated Dwg. Sk.5 Issue B Wetland Protection Area plan dated February 2018 prepared by Cozens Regan Group was submitted. The POM and associated drawing satisfactorily addresses those issues raised by Council. Subsequently, the material should be referenced in the conditions of consent and implemented."

SEPP No. 44 - Koala Habitat Protection

The development has been assessed in regard to this SEPP and the Tweed Coast Comprehensive Koala Plan of Management.

Council's Natural Resource Management Unit have provided the following response to the development in this regard:

"A revised Koala Habitat Assessment in accordance with the Tweed Coast Comprehensive Koala Plan of Management 2015 (TCCKPoM) was prepared by JWA Ecological Consultants dated 14 March 2018 and submitted to Council for review. Based on the assessment NRM are satisfied that the applicant has demonstrated that the proposal meets Part 5 of the TCCKPoM. No specific conditions of consent are required."

SEPP No. 55 - Remediation of Land

Council Environmental Health Unit has made the following comments against the provisions of this SEPP:

- *Council's GIS shows that there are no dip-sites in the immediate area or within 200 metres of the proposed dwelling site.*
- *An examination of the topographical map [ref: Bilambil 9541-1-S dated 1971] did not indicate any known contaminating activities.*

A Preliminary Contamination Investigation Report has been submitted with the application prepared by HMC Environmental Ref: HMC 2016.147 dated October 2016. This report concludes that the subject site has not been used for any potentially contaminating activities and that the subject proposed lots are suitable for dwellings.

The Report has also provided copies of historical aerial photography of the site from council's GIS for the years 1930, 1962, 1970, 1987, 1996 and 2004 (google earth).

These photos did not indicate any potentially contaminating activities.

As the Preliminary Contamination Investigation has referenced the site in total. It is considered that there is no need for any 88b restriction in relation to the proposed dwelling site on proposed lot 3.

The dwellings on proposed lots 1 and 2 are situated on essentially residential size allotments consistent with the surrounding lots.

Contamination does not appear to be a constraint for the proposed development and the proposal is considered satisfactory in this regard.

SEPP No 71 – Coastal Protection

The subject site is within the coastal zone (as per the NSW Government Coastal Policy 1997) and as a result is subject to the provisions of State Environmental Planning Policy No.71.

Council is required to consider the matters under Clause 8 and the following comments are made for Council's consideration.

Clause 8 – Matters for consideration

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

Comment: The proposal is generally in accordance with the aims of this policy.

- (b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

It is noted that the subject site is not located in close proximity to any public access to or along the public foreshore.

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

Comment: It is not considered that this application offers any opportunities to provide new public access to the foreshore.

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

Comment: The proposal is considered suitable, having regard to its permissibility in this area.

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

Comment: The proposal will not result in any detrimental impact on the coastal foreshore, given its spatial separation and location of the proposed dwelling. The parcel of land does have frontage to Terranora Broadwater however no works will occur in the vicinity of this waterway. Satisfactory measures will be put in place to protect the Creek from any detrimental impacts such as sediment and soil erosion.

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

Comment: This proposal is not considered to have any negative impact on the scenic qualities of the NSW coast due to the dwelling and ancillary buildings being designed to accommodate the steepness of the topography and the utilisation of dark colours and materials.

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

Comment: The proposal would not impact negatively any animals or their habitats.

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

Comment: The proposal is not considered to have an adverse impact upon marine environments or habitats.

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

Comment: The proposed development is not considered to impact negatively on wildlife corridors.

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

Comment: The proposed development is not considered to have any significant impact of development on coastal processes and coastal hazards.

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

Comment: The proposal is not considered to cause any conflict between land-based and water-based activities.

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

Comment: The subject development is not considered to impact on any traditional Aboriginal cultural values.

- (m) *likely impacts of development on the water quality of coastal water bodies,*

Comment: The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

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

Comment: It is not considered that the proposal impacts upon the conservation or preservation of any of the above items

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

Comment: Not applicable to the subject application.

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

- (i) *the cumulative impacts of the proposed development on the environment, Comment; This development is not considered to have a negative cumulative impact on the environment.*
- (ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

The submitted development application includes Basix Certification (Certificate No. 877568S) which includes provision for NSW Government standards/requirements in relation to sustainability. In this regard, the proposal is considered to be generally acceptable with respect to water and energy usage, such being assessed through the Basix Certificate.

Masterplan Waiver

Clause 18(2) of this SEPP requires a masterplan to be prepared for subdivisions within the Coastal Zone. The Department of Planning issued a waiver for this requirement following a request by the applicant. This waiver was provided to the applicant by letter dated 25 November 2016.

Conclusion

It is considered the proposed development does not compromise the intent or specific provisions of State Environmental Planning Policy No. 71 – Coastal Protection

SEPP (Coastal Management) 2018

The application was lodged prior to the commencement of this SEPP. The former planning provisions apply to the site in accordance with Clause 21(1) of this SEPP.

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

Draft TLEP No. 17 – Short-term rental accommodation. This draft LEP has no bearing on the subject application.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

A detailed DCP A1 assessment is provided on file and summarised below. This assessment is for the new dwelling and associated buildings only. It is noted that the pool pavilion includes an extended dwelling in the configuration of a guest ensuite and bedroom. A condition of consent will be included to ensure this extended dwelling component is not used for separate habitation. The applications seek the departures from the DCP in regards to volumes of cut only. It is considered that the proposal has satisfactorily justified this variation and the development as amended is considered acceptable.

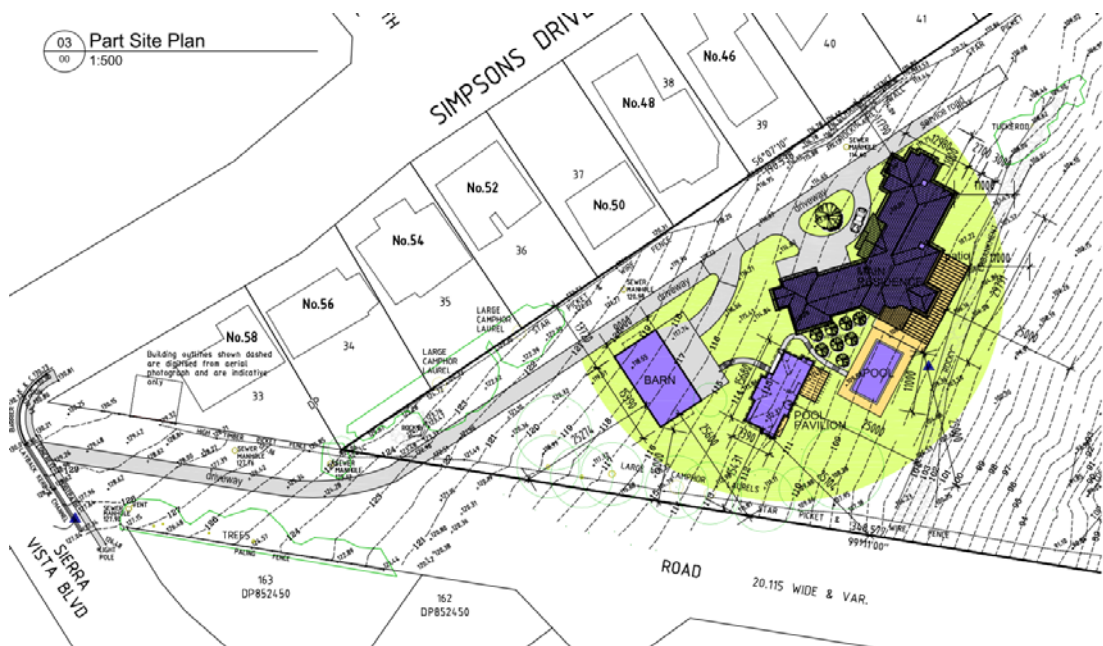
Preliminary Provisions -Section 4 - Context and Site Analysis

It is proposed to undertake a staged development upon the subject site for the purposes of a new dwelling and associated buildings. Stage 2 involves the excising of two Lots from the parent lot.

A site analysis was provided by the applicant. The size of the lot and setbacks provides ample opportunities for a dwelling to have access to natural light and ventilation.

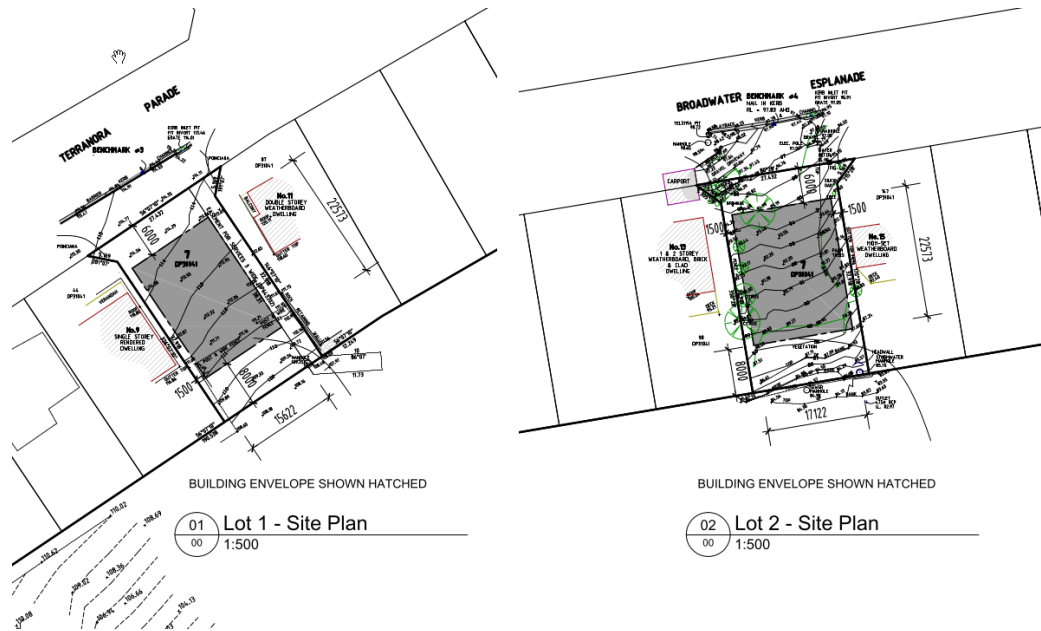
Stage 1

This stage includes a large two storey dwelling, barn, pool pavilion and pool.



Stage 2

This stage involves the excising of two lots from the parent lot. Both these Lots have frontage to Terranora Parade and will be 749m² in area.



4.1 Streetscape

The site does not have a traditional street presence. The lot is a large site 11.7 ha in area. While the two smaller lots will have a street frontage, this larger remnant lot does have frontage to an unformed road however is set well back from this unformed road and Terranora Parade to the north.

The dwelling and associated outbuildings have the following floor areas:

Dwelling Upper Floor and Lower Floor	316m ²
Double Garage	115m ²
Pavilion	85m ²
Barn (Garage)	130m ²
Barn (Upper floor Studio)	130m ²

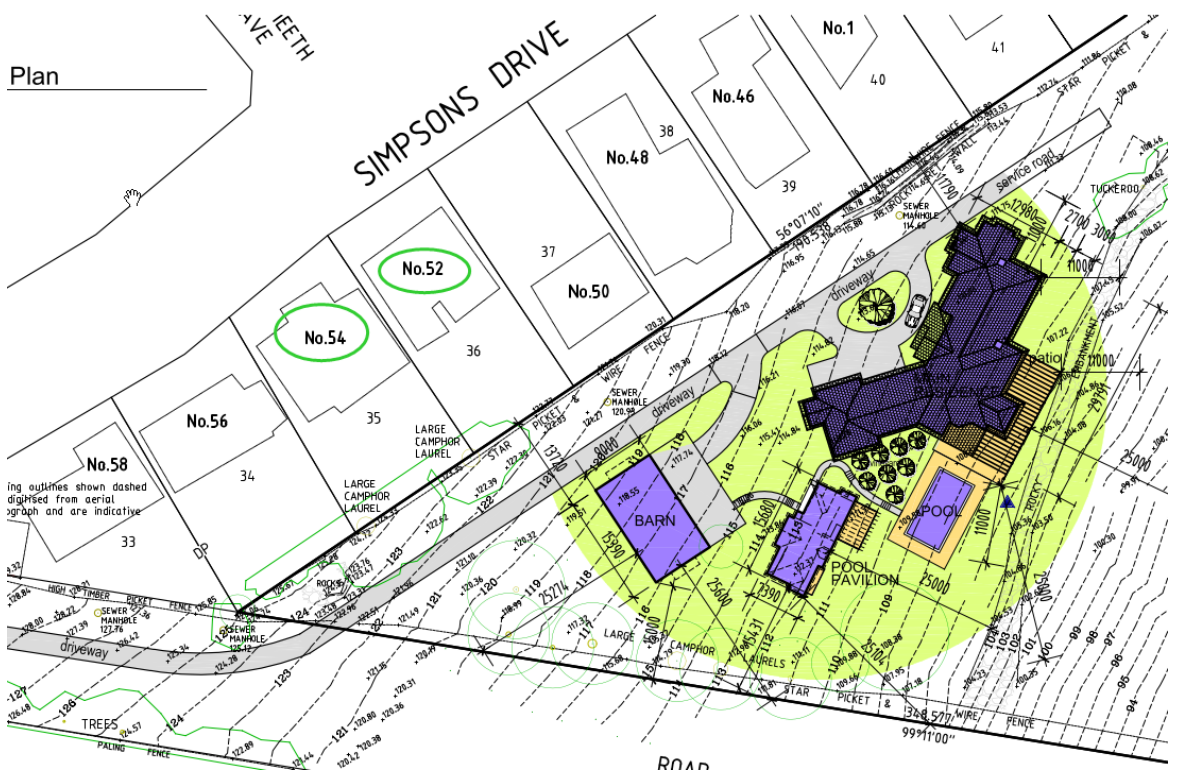
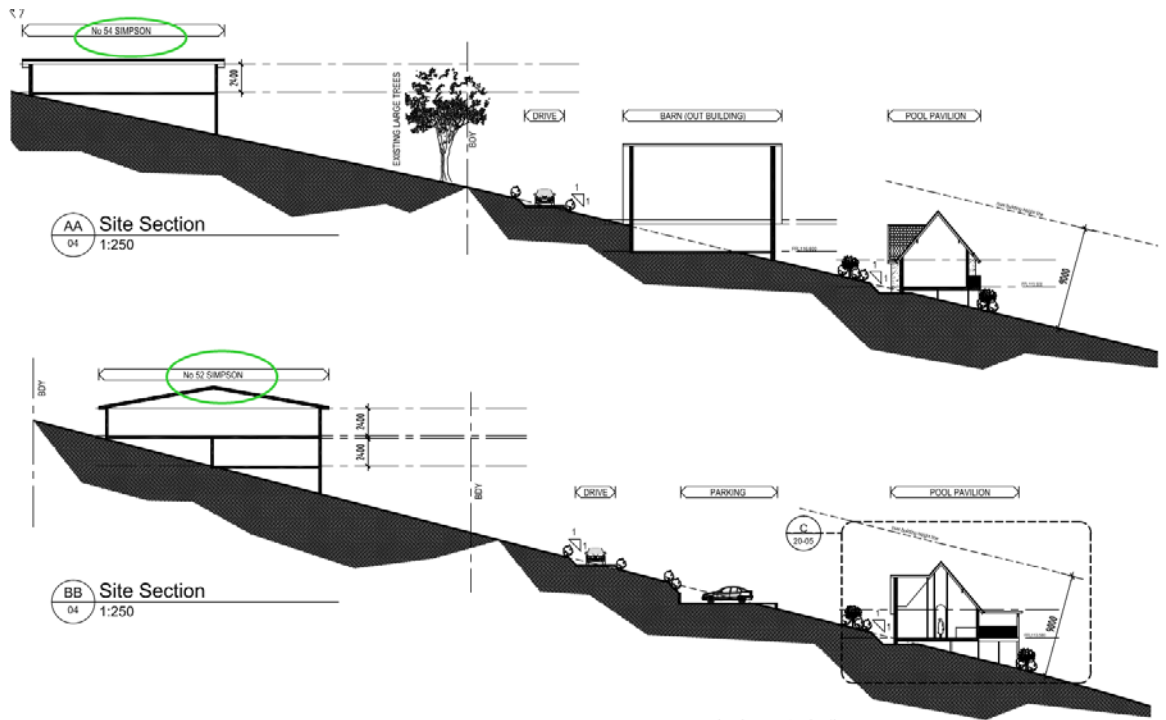
Total Floor Area (all buildings onsite including garages) 1062m²

4.2 Views and Vistas

The site is steeply sloping away from existing houses to the north. The buildings will be cut into the site to minimise the impact of the buildings from these properties.

The buildings including residence, pool pavilion and barn onsite are a maximum height of approximately 120m-126m AHD. Contours demonstrate the natural ground levels at the rear of the adjoining residential properties fronting Terranora Parade is approximately 116-124m AHD.

A cross section provided by the architect indicates that the Dwellings above the subject site will not be adversely impacted by the new structures due to the difference in natural ground levels. This is demonstrated by the cross section provided below correlating No 54 and 52 Simpson Street with the impact the structures will have on these dwellings.



The existing dwellings adjoining the subject site fronting Terranora Parade are at a higher AHD from ground levels at the common boundary and have been provided with building separation of a minimum of 17m to the closest dwelling at No 50 Terranora Parade. The separation between the new and existing dwellings, the changes in ground levels and the separation distances between each new building to permit view sharing will minimise any impact on dwellings on the higher slope. The proposed development has given due consideration to these existing dwellings by exceeding mandatory building line setbacks and is supported.

Section A1 Part A

1. Introduction

The scale of the proposed dwelling and ancillary buildings is significantly larger than the surrounding residential properties. The site is unique given the relative size of the lot while having limited opportunities for further subdivision. The site also has unique features due to the expansive views it offers over the Tweed.

Hence, the land value reflects the upmarket luxury dwelling proposed, usually associated with larger rural style allotments.

Notwithstanding, despite the larger style development, the design does have regard for adjoining dwellings with appropriate setbacks and separation distances to ensure properties will retain views to the south.

The proposed development will have a relatively small footprint given the large land parcel, enabling views to be retained and areas of ecological value to be protected.

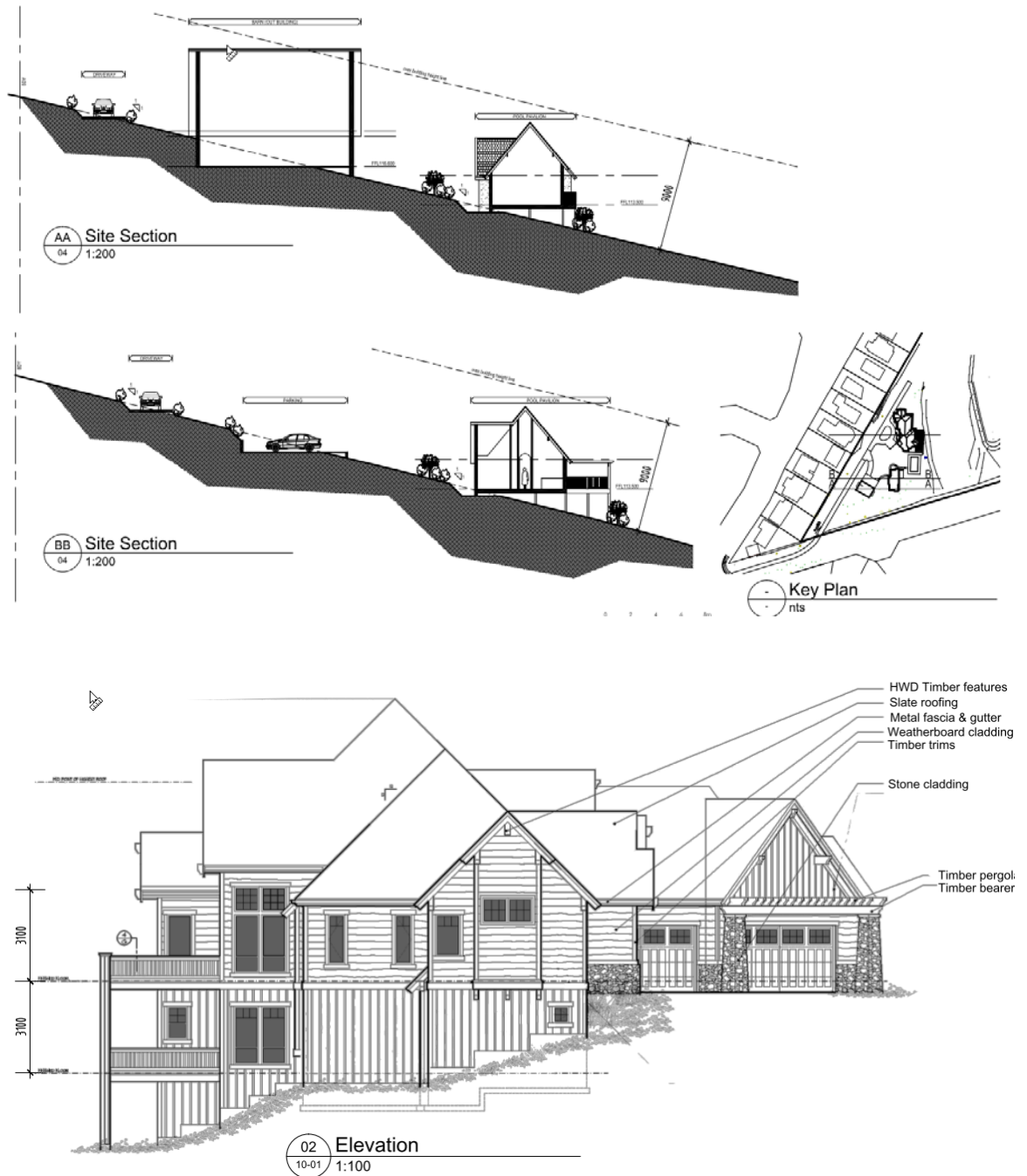
2. Site Design –2.1 Topography, cut and fill

The slope of the site does result in cut and fill for the construction of all the buildings onsite. These areas of cut and fill will be within the building footprint and for driveway access for the barn outside the footprint.

The site has a 30% gradient, therefore cuts of up to 3m are permissible. The plans indicate cuts will be up to 2.3m. The dwelling will be stepped down the hill however will maintain a level through from the highest point.

These cuts will not adversely impact natural overland flows given the area of property that will remain undeveloped.

Outbuildings will require excavation during the construction phase to site the building into the steep slope.



2.2 Landscaping, deep soil zones and external living areas

Landscaping will be reflective of the extensive coverage of native vegetation onsite. The site is also bushfire prone and despite the larger lot size, any landscaping will need to ensure the correct APZ are maintained for the life of the dwelling and outbuildings. A landscaping plan has not been submitted however a general plan will be a condition of consent to ensure the dwellings scenic impact will be articulated with existing and new vegetation.

3. BUILDING ENVELOPE CONTROLS

- Setbacks- Street Building Line

The lot is greater than 1500m² in area and the residence is greater than 4.5m in height. The barn will be the closest building to the unformed road reserve. This building is located a minimum of 15m from this road reserve. This is compliant with the DCP.

The residence and pool pavilion are located a greater distance from this road than the Barn. The development is compliant in this regard.

- Side Setbacks

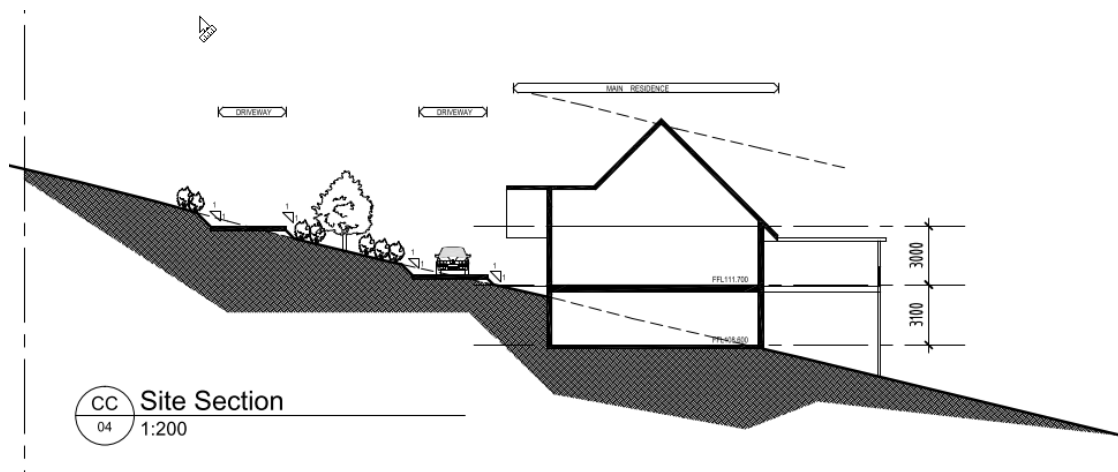
The residence is 11.7m at the closest point from the northern side boundary that adjoins dwellings fronting Terranora Parade. The Barn or garage is 13.7m from this boundary. The development is compliant with this control.

- Building Height

Tweed LEP 2000 provides a height restriction upon the land of 3 storeys. Each building is compliant with this control.

The site has a slope greater than 12 degrees permitting an overall height of 10m pursuant to the DCP. The primary building does exceed this 10m height from natural ground to the tip of the pitched roof by 300mm. Given the TLEP 2000 is the statutory instrument and the due consideration given to the design, setbacks and orientation, this minor variation for a small area of the pitched roof is considered acceptable.

Height Variation shown by dotted line though roof



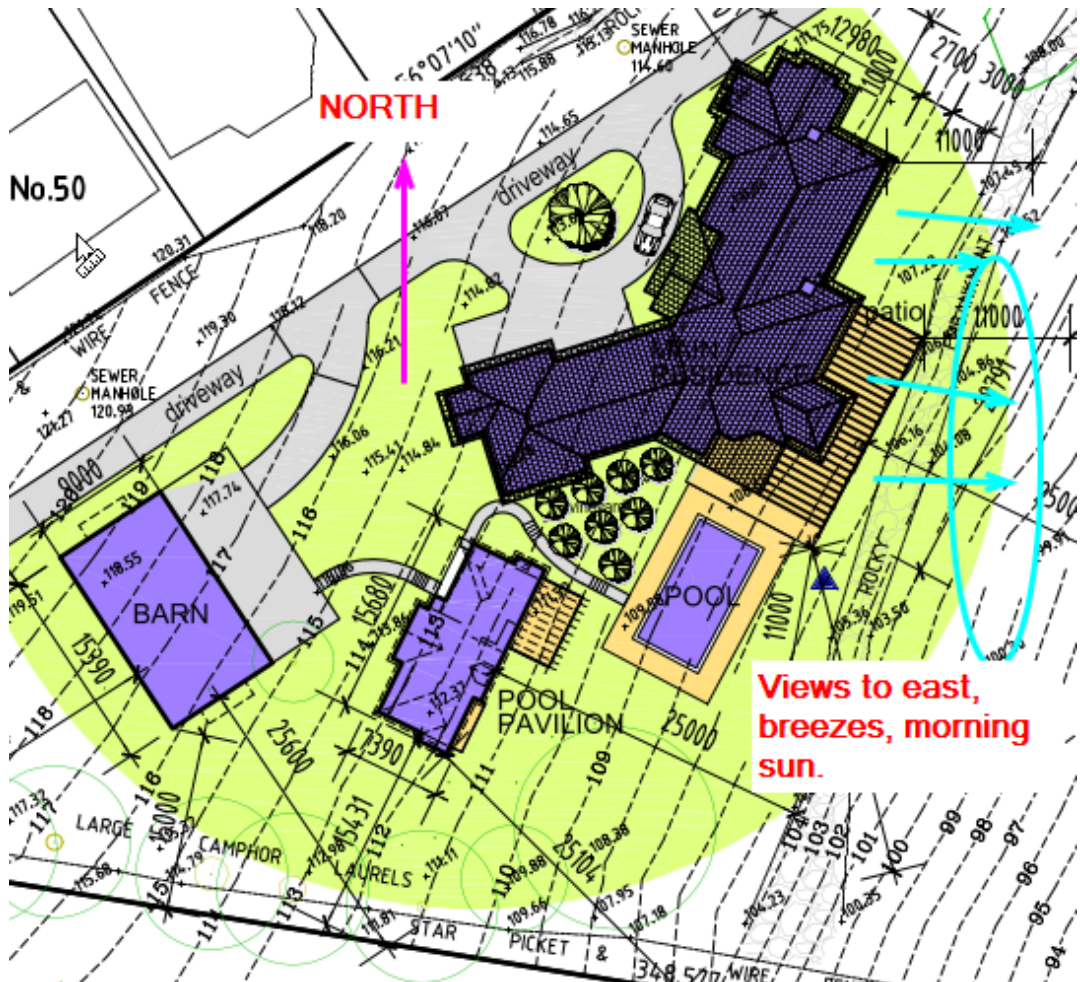
- Site Coverage

Site coverage is minimal given the site area of 11.7ha. Site coverage for this size lot is a maximum of 30%, pursuant to the DCP.

Site coverage will remain compliant despite the small excising of two 749m² lot given the site coverage of 1500m² over a 11.7ha site (1%).

- Passive Design

The dwelling will have excellent access to natural light and shading. The dwelling is orientated to the east providing prevailing breezes and cross ventilation.



- Solar Access and Natural Ventilation

Overshadow diagrams have been provided. Given the location of the building proposed onsite relative to the adjoining dwellings to the north, no overshadowing will occur.

The residence will enjoy excellent access to natural light. The development is compliant in this regard.

- Building Form

The main residence is substantial in size and area. The subject lot is however of a significant size and enables substantial setbacks to avoid visual intrusion of adjoining properties.

The buildings have good articulation alongside walls and the use of different building materials will add interest to the substantial development.



- Visual Privacy

Terraces and balconies are orientated away from Terranora Parade and adjoining residential properties. Significant setbacks and proposed landscaping provide an adequate level of privacy for the residents of this development and existing residential properties in the locality.

- Roofs, Dormers, Attics and Skylights

Eaves will be provided. Roof materials will be dark and non-reflective. Compliant.

Floor to ceiling heights will be greater than 2.7m for the main residence. Compliant.

- Garages, Driveways and Car Parking

A large barn proposed for carparking. This barn can accommodate 5 vehicles. A large four car garage is also proposed to be incorporated into the primary residence to accommodate vehicles.

- Outbuildings

The development includes two outbuildings. The barn has a mezzanine level with a studio while the pool pavilion is a single storey building for entertaining and guests.

These two buildings are compatible in design with the proposed main residence.

The provisions relating to size limitations, heights and storeys do not apply to the subject site due to its rural or large lot characteristics.

- Fencing and Walls

No detail of new fencing has been provided. The existing star pickets and wires fence along the northern boundary appears to be proposed as being retained.

The SEE states that any new fencing will not impede the flow of overland surface water and will comply with any imposed APZ's.

- Swimming Pools

The application does include a large swimming pool to the south of the pool pavilion. The pool is well separated from any side boundaries and will not be visible from the adjoining residential properties.

Associated pool filters and pumps will not pose an amenity issue to adjoining properties given the site separation.

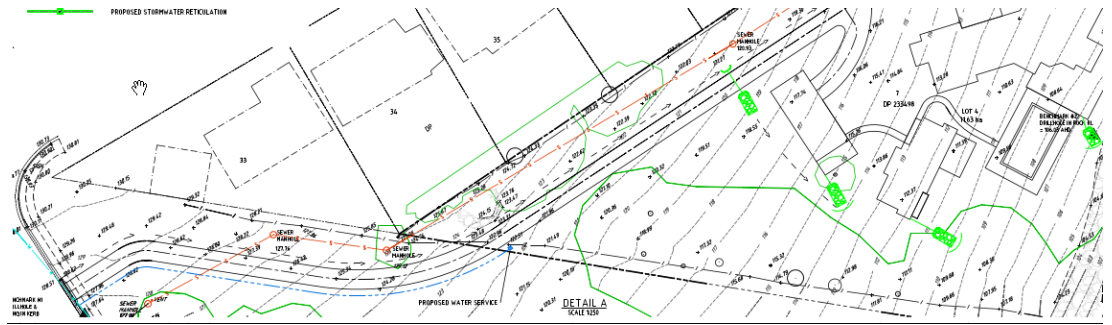


A2-Site Access and Parking Code

Proposed Lots 1 and 2 will be accessed by a Council 'Standard Driveway Crossover' and will not be constructed under this application. Access to these Lots via Terranora Parade and Broadwater Esplanade is able to be achieved.

In regard to access to the proposed Lot 3 for the dwelling, Council's Subdivision Engineer has provided the following advice:

"Lot 3 is proposed to be accessed from the unformed Road Reserve at the intersection of Simpson Drive and Sierra Vista Boulevard. The applicant has indicated that they have received approval to access the proposed Building Envelope via the unformed Road Reserve from Council's Roads and Stormwater Unit (see below)



Driveway Access width will be required to be 4.5-metres and provided with a passing bay.

The access to proposed Lot 3 will be subject to approval and ensuring compliance with Council’s Access to Property Guidelines.

The dwelling upon proposed Lot 3 includes a barn for the storage of machinery 139m² in area featuring 3 garage doors. The dwelling also has a garage for the parking of 4 vehicles via two double garage doors. There is ample room on site for vehicles due to the length of the internal driveway and land area of proposed Lot 3.

The development is considered satisfactory in regard to parking, given the DCP only requires 1 parking space and one stacked space for a dwelling.

A5-Subdivision Manual

The proposed subdivision of one lot into three is summarised as follows:

Lot	Area	Street Frontage	Dimensions
1	749 m ²	27.432m	27.432m x 32.92m
2	749 m ²	27.432m	27.432m x 32.92m
3	11.7ha	27.432 from Broadwater esplanade and 348m to unformed road	Irregular Shaped triangular Lot 582m x 340m x 1294m

The two smaller lots 1 and 2 are congruent with residential lots on either side of this length of residential development fronting Terranora Parade. These two small lots have frontage to Terranora Parade or Broadwater Esplanade and slope gently away from the street.

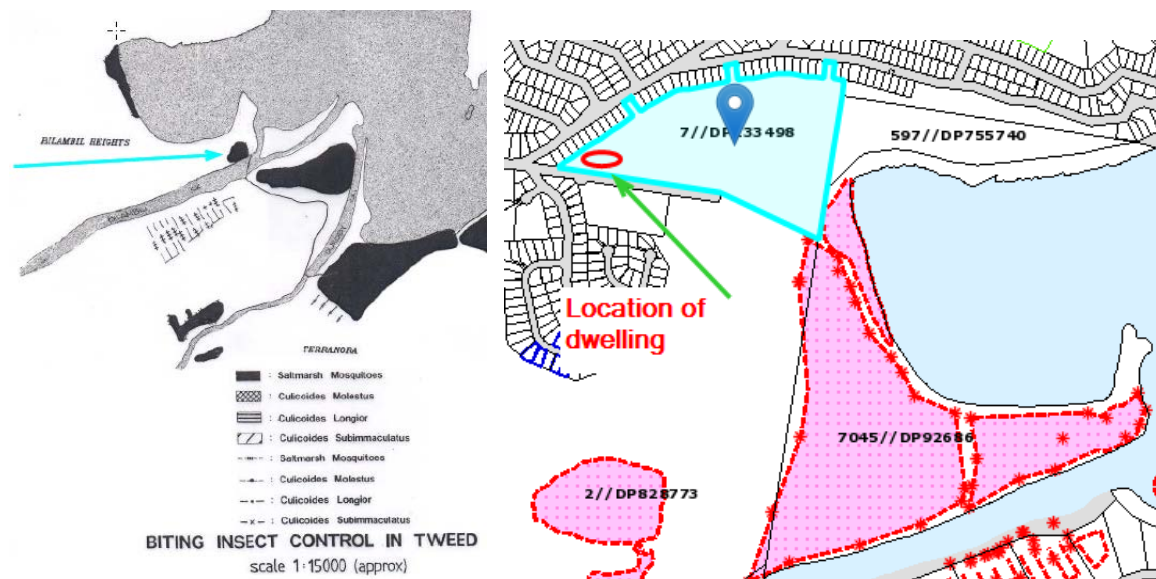
The larger proposed Lot 3 can easily accommodate the proposed dwelling despite its size and associated outbuildings. The location of the dwelling is such that the slope of the land is manageable and existing vegetation can be retained. The use of an onsite sewer disposal system is considered satisfactory given the site area and the limited potential for further development on the subject 7(d) land.

The proposal is considered compliant with the residential specifications outlined within this DCP.

A6-Biting Midge and Mosquito Control

The two maps above identify mosquito breeding areas in the vicinity of the subject site. The pink area above is the saltmarsh mosquito breeding area.

Council's Natural Resource Management Unit- Pest Management- Entomologist has reviewed the subject development application. It has been advised that the saltmarsh mosquito breeding area indicated in pink in the mapping below is treated as necessary by Council's aerial abatement measures. NRM have advised that the proposed location of the new dwelling is a satisfactory distance from these breeding areas.



DCP Section A9 – Energy Smart Homes Policy

DCP Section A9 aims to ensure residential development utilises energy efficient design principles. The applicant has provided a BASIX Certificate (No 877568S). The proposed development is considered to be consistent with the provisions of this section of the DCP.

A11-Public Notification of Development Proposals

In accordance with the above document, the proposed development was notified for 14 days from the 6 December 2017 and 20 December 2017. During this time, one submission was received. This submission has been addressed in a latter section of the report.

A15-Waste Minimisation and Management

A Waste Management Plan has been provided in relation to the proposed construction of the dwelling on proposed lot 3. Ref: HMC Environmental Ref: HMC 2016.147.1 dated October 2016. This plan is for the onsite sewer system proposed for the new dwelling and outbuildings.

The proposed dwelling and any future dwellings will be serviced by Council's waste resource management services.

(a) (iii) Any planning agreement or any draft planning agreement under section 7.4

None applicable

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

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

The subject site is nominated as Coastal Land and therefore this clause applies. The proposal is not inconsistent with the Coastal Policy as previously detailed within this report as it comprises a residential development on an appropriately zoned site. The development will not restrict access to any foreshore areas is considered acceptable in this regard.

Clause 92(1)(b) Applications for demolition

Not applicable

Clause 93 Fire Safety Considerations

Not applicable

Clause 94 Buildings to be upgraded

Not applicable

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

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The subject site is not located on the coastal foreshore and is not affected by coastal hazards. As such, the proposed subdivision does not negate the objectives of the plan.

Tweed Coast Estuaries Management Plan 2004

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

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

The aim of the Coastal Zone Management Plan (CZMP) is to provide a sequence of recommended activities to achieve the estuary management objectives.

The subject development is relatively minor in regards to the potential impact it may have on the Broadwater. This plan relates to physical harm and not visual impacts.

The subdivision has little potential for harm to the estuary for the following reasons:

- Minimal earthworks will be necessary to create the three lots,
- The Lots to be excised are over 500m from the estuary,
- Measures to prevent sediment and soil erosion downslope will be required prior to any works commencing,
- The existing vegetation and natural environment adjoining, and in the immediate vicinity of the Broadwater will not be impacted by the development,
- The two small Lots will be connected to all services to avoid any potential contamination of the Broadwater.

The dwelling will not impact the Broadwater or compromise the completion of the management objectives for the following reasons:

- The dwelling is located approximately 500m from the Broadwater,
- The construction of the dwelling will not commence until adequate soil and sediment controls are implemented,
- The onsite sewer disposal system for the dwelling is spatially separated from the Broadwater to protect sensitive lands and provide a generous buffer,
- No vegetation will require removal to neither facilitate the construction of the dwelling nor provide adequate APZ's.

(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, as amended is considered reasonable and appropriate, given the site is a vacant lot within a zone that permits certain residential development. The proposed dwelling and ancillary buildings do not compromise the existing or desired future character of the area and are consistent with developments of a similar nature within the locality.

Access, Transport and Traffic

This report has provided sufficient details to ensure the dwelling and three lots are adequately provided with access from the road transport network. More than adequate parking will be provided upon proposed Lot 3 and the future development of proposed Lot 1 and 2 shall be subject to future applications.

Notwithstanding, these lots have suitable access to Terranora Parade and Broadwater Esplanade.

Construction

The construction of the proposed development will be subject to standard conditions being included on any consent issued. It is noted that Council's Building Unit have reviewed the application and had no objection to its development subject to conditions of consent. The development phase of the proposal may present some interruption to the ambience of the surrounding area but this is temporary in nature and it is considered that potential amenity impacts can be adequately ameliorated through appropriate conditions of consent.

(c) Suitability of the site for the development

Surrounding Landuses/Development

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. It is considered that the two storey residence and associated buildings would not be out of character with the established residential development in the area.

Flora and Fauna

Below is an extract of the assessment of the development by Council's Natural resource Unit.

- *The subject 11.85 hectare site is described as Lot 7 in DP 233498 being No.9A Terranora Parade Bilambil Heights. A section of the southern boundary adjoins an unformed Road Reserve whilst the eastern boundary adjoins Council administered Crown Land (Lots 597 DP755740 and 7045 DP92686) fronting the Terranora Broadwater. The subject Lot is configured providing multiple battle-axe points to Terranora Parade and Broadwater Esplanade*
- *The land remains unimproved (built form/structures - with the exception of a farm dam and fencing) supporting a mosaic of remnant vegetation (lowland, rainforest, wet sclerophyll, swamp sclerophyll and estuarine complex) interspersed by areas of open paddock. The estuarine complex extending within the south east of the site is identified as forming part of a SEPP 14 Coastal Wetland*
- *Topography grades to the south-east from approximately 125 m AHD along the northern boundary to 1 m AHD in the south-east. The site features steep slopes (greater than 18 degrees) centrally and offered more undulating terrain further to the east. Several steeply incised gully lines occur within the eastern quadrant of the site (not identified as ordered drainage lines)*
- *An Ecological Assessment (EA) Lot 7 DP233498 dated November 2017 prepared by JWA Ecological Consultants was submitted with the application.*
- *The site supports extensive narrow yet contiguous areas of lowland rainforest vegetation (approximately 4.53ha) described as Community 1 –*

Mid-high tall closed /open forest (mixed rainforest) and Community 3 - Tall closed/open forest (Araucaria cunninghamii). Both communities are representative of a candidate Endangered Ecological Community (EEC) - Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions.

- *Approximately 30 stems of the threatened plant Lepiderema pulchella (Fine-leaved Tuckeroo) (comprising mature, sub mature and juvenile specimens) were recorded to the north-east of the site within the lowland rainforest community*

The applicant was requested to provide additional information in regards to certain ecological aspects of the development. This information was provided and NRM are now satisfied that the development can proceed subject to the implementation of a Plan of Management for the 7(a) land located at the base of the subject site. Comments from the Unit are as follows:

"An amended Plan of Management for Land Zoned (7(a) Environmental Protection (Wetlands and Littoral Rainforests) dated March 2018 prepared by DAC Planning Pty Ltd and associated Dwg. Sk.5 Issue B Wetland Protection Area plan dated February 2018 prepared by Cozens Regan Group was submitted. The POM and associated drawing satisfactorily addresses those issues raised by Council. Subsequently, the material should be referenced in the conditions of consent and implemented."

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

Notification was undertaken for this development in accordance with DCP No. 11 provisions between the 6 December 2017 and 20 December 2017. During this period, one submission was received.

This submission did not raise objection to the proposal but wished to ensure that an existing access for 13 Broadwater Esplanade, Bilambil Heights was not compromised by this development.

Comment

Council's Engineering Unit has provided advice on this submission, specifically the existing access arrangements for No 13 Broadwater Esplanade that adjoins proposed Lot 2.

Due to the sloping nature of Lots to the south of Broadwater Esplanade, access to individual properties from the road reserve is also on a steep slope. The subject 13 Broadwater Esplanade is lower than the road pavement and laybacks. A carpark has been provided directly in front of the subject No 13 (see photo).

Due to the sloping nature of the site and this carpark, access to No 13 is shared via two laybacks to the east and west of the subject lot. The existing garage for No 13 is accessed via a layback forward of 11 Broadwater Esplanade to the immediate west of the subject land.

It also appears that the current or previous landowner of No 13 Broadwater Esplanade has constructed a carport and retaining wall within the road reserve

between the private land and the road pavement for private use. These structures can be seen on the aerial and street view below. Access to the carport is via the layback that has been provided for the vacant proposed Lot 2 to the east the subject of this DA (proposed Lot 2).

Council does not approve structures on the road reserve for private purposes. No evidence is provided that consent has been issued for the carport and the retaining wall. Any future construction of a dwelling on proposed Lot 2 may include a driveway that does not correlate with the present location of the layback to the detriment of No 13. However, access to No 13 will remain available from the layback at No 11. As the carport forward of No 13 is on council road reserve and is not approved, the retention of this shared access over the road reserve cannot be guaranteed. Contrary to the submission, this access is not an easement rather an informal arrangement that the landowner has created. Any future shared driveway will be between the landowner of proposed Lot 2 and the landowner of No 13 Broadwater Boulevard.





Rural Fire Service

The application required referral to the Rural Fire Service due to its siting within a bushfire protection area.

A response from the RFS was received on the 8 May 2018 issuing a bushfire safety authority for the subject proposal pursuant to Section 100B of the Rural Fires Act 1997. This will be incorporated into the determination.

Vegetation removal for Asset Protection Zones

Council's NRM Unit raised concerns with respect to the removal of sensitive vegetation to facilitate Asset Protection Zones. The applicant was requested to provide additional information to provide adequate assurances that APZ's would not have an adverse impact on native vegetation. The following comments were made following the submission of this information.

"Concerns regarding impact of vegetation with proposed Asset Protection Zone's (APZ) were addressed in the letter dated 27 February 2018 prepared by Bushfire Certifiers. The letter specifically indicates that there will be no need to remove canopy vegetation to establish APZ's. This letter provides Council confidence that a condition may be imposed restricting the removal of native vegetation for asset protection purposes whilst still enabling compliance with the NSW RFS Standards for Asset Protection Zones."

(e) Public interest

The proposed development has been assessed against all relevant policies and legislation. The proposed development is permissible with consent and is considered not to create a significant impact on the natural or built environments subject to recommended conditions. The proposed development is considered not to negate public interest.

OPTIONS:

1. Approve the Development Application subject to conditions.
2. Refuse the application providing reasons.

Option 1 is recommended.

CONCLUSION:

The subject application has been subject to a thorough assessment against the provisions of the Environmental Planning and Assessment Act, the Tweed Local Environmental Plan 2014 and the relevant State and local provisions. Submitters concerns have been given due consideration and the application has been assessed against the provisions of SEPP 1 and received concurrence from the Department of Planning and Environment. The application is considered worthy of support and approval is recommended.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

The applicant has a right to appeal to the Land and Environment in respect of any Council determination.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

10 [PR-CM] Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy

SUBMITTED BY: Development Assessment and Compliance

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
3.1.4	Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: **Leader**

SUMMARY OF REPORT:

Illegal dumping is a problem throughout the Shire and it results in numerous complaints being lodged to Council given it's highly visibility. Illegal dumping in the Shire generally consists of:

- Domestic waste (e.g. furniture, clothing, whitegoods, garden waste);
- Construction and demolition waste (e.g. timber, concrete, bricks and metal);
- Commercial and industrial waste (e.g. general waste, garden, oil and grease, tyres); and
- Hazardous waste (e.g. gas bottles, oil, car batteries, syringes, pain, chemicals, asbestos containing material and paints)

Illegal dumping is carried out by all types of people in all parts of the community. The Environment Protection Authority research has identified the following reasons that motivate illegal dumpers, these being:

- Convenience;
- An unwillingness to pay; and
- An uncaring attitude.

The Draft Surveillance Device Use for Compliance and Law Enforcement Activities policy and associated procedures have been developed to assist with the lawful investigation and evidence gathering in respect of any person or company responsible for any illegal waste dumping and littering.

The Draft policy and associated procedures ensure compliance with all relevant legislation and policy guidelines pertaining to the use of surveillance devices. The procedures will also ensure correct management of records to protect the privacy and confidential nature of the personal information collected.

RECOMMENDATION:

That:

- 1. Council endorses the public exhibition of the Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy for a period of 28 days allowing 42 days for submissions; and**
- 2. A further report be brought back to Council following the exhibition of the draft policy.**

REPORT:

Illegal dumping is a problem throughout the Shire and it results in numerous complaints being lodged to Council given it's highly visibility. The following statistics are a snapshot of complaints Council's Compliance Section has received in relation to illegal dumping.

Illegal Dumping Statistics by Financial Year	
Year	Total No.
1 July 2016 – 30 June 2017	179
1 July 2017 – 18 May 2018	499

The significant spike in illegal waste dumping complaints has occurred as a result of the introduction of the new On-call Household Clean Up Collection. The impacts of illegal waste dumping can be generally categorised as follows:

Environmental

- Adverse impact on bushland, reduction in biodiversity as the dumped material can interfere with revegetation;
- Contamination of soil and water sources such as creeks and dams as a result runoff from dump sites;
- Increased fire risk as the dumped material can be a fuel source; and
- Loss of recyclable resources as the material once collected may not be recycled.

Social

- Adverse visual amenity impacts;
- Increased physical and chemical hazards;
- Increased in vermin and rodents;
- Additional dumping from copy-cat offenders; and
- Decreased community pride and potential increased anti-social behaviour.

Financial

- Enforcement costs;
- Collection, transport and disposal cost of dumped items; and
- Education costs.

Governance

- Consistent approach to enforcement on both public and private land.

The Draft Surveillance Device Use for Compliance and Law Enforcement Activities policy and associated procedures will assist with the lawful investigation and evidence gathering in respect of any person or company responsible for any illegal waste dumping and littering. The procedures will also ensure correct management of records to protect the privacy and confidential nature of the personal information collected.

The new policy will also be an integral element of a new Illegal Dumping Strategy, which is currently being advanced through an inter-Divisional Working Group.

It is therefore recommended that Council endorse the public exhibition of the draft Policy.

OPTIONS:

1. Council endorses the public exhibition of the Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy, or
2. Council does not endorse the public exhibition of the Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy.

Option 1 is recommended.

CONCLUSION:

The Draft Surveillance Device Use for Compliance and Law Enforcement Activities policy and associated procedures will assist with the lawful investigation and evidence gathering in respect of any person or company responsible for any illegal waste dumping and littering. The procedures will also ensure correct management of records to protect the privacy and confidential nature of the personal information collected.

COUNCIL IMPLICATIONS:

a. Policy:

Information and Privacy Commission – Code of Conduct
Workplace Surveillance – HR Protocol

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

- Privacy and Personal Information Protection (PPIP) Act 1998
- Government Information (Public Access) (GIPA) Act 2009
- Local Government (LG) Act 1993
- Protection of the Environment Operations (POEO) Act 1997
- Workplace Surveillance (WS) Act 2005
- Surveillance Devices (SD) Act 2007
- Road Rules (RR) 2008
- Environmental Planning and Assessment (EP&A) Act 1979
- Evidence Act 1990 (EA)

d. Communication/Engagement:

Inform - We will keep you informed.

- Upload policy to Council's webpage
- Notification in the Tweed Link.
- Copies of policy to be displayed at Council's customer service centres - Murwillumbah and Tweed Heads
- Upon request, a Council representative be available to attend community groups/progress associations meetings to brief them on the new draft Compliance Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Surveillance Device Use for Compliance and Law Enforcement Activities Policy (ECM 5324333)

11 [PR-CM] Preparing a Scenic Landscape Strategy with Community and Stakeholders, Related Draft Council Policy and DCP Amendment

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: Collaborator

SUMMARY OF REPORT:

The purpose of this report is to seek Council's endorsement to progress several key related land-use policies relating to the protection of the Shire's scenic landscape and visual quality, in consultation with community and engagement with stakeholders. The suite of draft policy consists of:

1. Scenic Landscape Strategy (evaluation toolbox).
2. Council Policy Statement.
3. Targeted amendment of *Tweed Development Control Plan 2008*.

The latter two policies respond specifically to the Council resolution of 7 December 2017. The Strategy on the other hand has been in preparation for some time and when finalised will be Council's leading policy document for guiding the evaluation of visual impact, whether arising from a specific development proposal or a need to appraise broader land-use policy dealing with any aspect of the built and natural environment.

The Tweed's Strategy may be differentiated from other scenic protection strategies in that it provides a toolkit that can be effectively applied at any point in time, rather than providing a static snap-shot of what exists at its time of adoption. It is dynamic and will evolve over time as lessons are learnt from its application by a wide range of users. Further, the inventory of landscapes and associated spatial data will be updated as new assessments are undertaken. This has and continues to present drafting challenges surrounding its ease of use and accessibility.

The Strategy has reached a point where the main elements are now well understood and documented however to enable its progression it must now be worked through with community and key stakeholders then further adapted and refined to ensure that it is fit for purpose.

It is recommended that all three policies be concurrently exhibited with the Strategy exhibition supplemented with community and stakeholder engagement.

RECOMMENDATION:

That Council endorse:

- 1. The Draft Scenic Landscape Strategy be publicly exhibited for a period not less than 60 days during which community and stakeholder engagement is to be conducted to assist staff with the trial and testing of the Strategy;**
- 2. The Scenic Landscape Policy is to be concurrently exhibited with the Strategy for a period not less than 60 days; and,**
- 3. The proposed amendment of *Tweed Development Control Plan 2008* shall be publicly exhibited so as to comply with Clause 18 of the *Environmental Planning and Assessment Regulation 2000* but for a period not less than 60 days.**
- 4. A further report be submitted to Council detailing the findings of the public exhibition and engagement for these three policies and any amendments considered appropriate.**

REPORT:

Background

At the core of community aspiration and their expectation of regulatory authorities is the protection of the natural environment and the preservation of unique and outstanding scenic landscapes. This occurs at every scale be it locally, regionally or at national or international level and is evidenced in the broadest sense through such agreements as the 1972 UNESCO *Convention Concerning the Protection of the World Cultural and Natural Heritage*, which concerned the protection of world cultural and natural heritage of outstanding universal value. The Gondwana Rainforests of Australia, located in the Tweed, are recognized through World Heritage listing as an outstanding example of major stages in the Earth's evolutionary history, ongoing ecological and geological processes and exceptional biodiversity.

Preserving and protecting these environments at all scales requires a robust suite of policy measures that are not only driven by the broad policy and underpinned by regulation, but importantly are accessible, legible and capable of educating users and the public at large as well as having the capability to adapt over time.

The quality of scenery or a scenic landscape is grounded in human perception and as such is not capable of being accurately fixed or attributed to a given scale – recognising that perception itself is often guided by an individual's unique ideology, values and beliefs among other human phenomena such as expectation, desire, ethics or morality.

The way in which people experience scenic landscapes is therefore also impacted and shaped by the nature of development, its design and finishing materials, as well as environmental change. Management of scenic landscapes and their associated visual quality is therefore an important consideration in land-use and land management decisions, as it is often viewed by the community as having a close correlation with quality of life – being the amenity and experiences that enrich the lives of those who encounter or are deprived of it. Policy must therefore have a very clear line of sight between the expectation and how that is to be delivered.

It is for these reasons Council has an important role to play in the protection and conservation of the Shire's visual and landscape assets. As a land-use manager and principal regulatory authority it aims to meet this obligation through a broad array of land-use policy, including local environmental plans, development control plans and other strategic planning, as well as ongoing community education through the development and implementation of these.

Preparing the Scenic Landscape Strategy aims to supplement the Council's existing policy with an umbrella policy that sits above all others and articulates the future management and protection of these important environments; it will provide the direction and tools for informed decision making. This can only be achieved through transparency and consistency; this has provided both the reason and foundation for taking on an ambitious approach that seeks to provide the tools which make-up the decision-kit about how we evaluate and assess and what management response is appropriate in unique, individual circumstances. This recognises that no two circumstances are ever identical; the scene will be different, the impacting proposal will be different and consequently it must follow that the management response must also be different. This cannot be consistently and

transparently achieved with the traditional 'static' approach to visual quality or scenic landscape management.

The Scenic Landscape Strategy

This report has discussed the need and purpose for a comprehensive and responsive scenic landscape strategy ("the SLS") and to-date the development of Tweed's new policy has included the following:

- Research and policy analysis of existing legislative and policy mechanisms that provide for protection of management of landscapes, and growth and change pressures threatening these resources;
- Review of the existing body of work aimed specifically at protecting the scenic value and qualities of the Tweed;
- Research and analysis of best practise visual impact assessment methods leading to development of a methodology tailored to the Tweed;
- Consultation with stakeholders and community on important viewing locations and prioritisation of these based on accessibility, sensitivity and community preference;
- Identifying and mapping the Tweed's diverse landscapes into distinct units and developing written descriptive narratives for each;
- Detailed spatial analyses and mapping of viewsheds from priority viewing locations and a visibility scale for the Tweed; and
- Preparation of the draft SLS policy - the subject of this report.

The key methodology and framework aspects, including the definition of 'landscape character units', 'viewshed' and 'visibility' mapping is complete and is ready to be reviewed through specific engagement with the community and key stakeholders, such as; local tourism, nature-based and environmental associations as well as the development industry.

The mapping and methodology are two critical components of the Strategy, they are the 'mechanics' of how the policy implementation runs, and that are guided by overarching strategy objectives. Collectively, they are the tools the end user needs to understand and comprehend in order for the 'process' and 'outcome' to be workable and meaningful.

How is the Strategy Structured?

There are four key parts supported by a range of appendices and a suite of digital maps. The written parts are:

1. Introduction, Strategic Context and Scope
2. Landscape Character Assessment and Mapping
3. Scenic Management Principles
4. Visual Impact Assessment Toolkit

The key components of each part are outlined in the following sections.

Part 1 Introduction, Strategic Context and Scope

This part explores how scenic landscapes and qualities have been defined and managed historically in the Tweed. It touches on the range of international, national and local ordinances or directives for protecting and managing recognised important landscapes, key threatening processes and visual landscape resources and their role within the land-use planning frameworks.

Policy application and effects are also introduced in this section, including the premise that whilst the SLS applies Shire-wide and to all land use and development that requires consent from Council, it focusses on development that occurs in key publicly accessible and highly trafficked viewsheds recognised as important by the community.

While natural landscapes are highly valued and warrant protection, the SLS is not intended to be a strategy to exclusively protect vegetation or wilderness areas; nor are its purposes or processes designed to prevent the use of land or its development. Rather, it is a tool to achieve better land use and development outcomes within the existing planning framework and mechanisms available to Council for assessing both development and land-use policy.

Part 2 Landscape Character Assessment and Mapping Methodology

This part presents the findings of a shire-wide landscape character assessment and brings landscape character information into the digital environment through mapping of key spatial components within the landscape, called Landscape Character Units (LCUs). Also presented are written narrative descriptions of the distinctive visual elements of each LCU and associated broad public values. Guiding scenic management objectives to protect against or manage the anticipated development and environmental pressures, based on the physical and social concerns for each LCU, are also presented. These objectives form the basis for measuring performance of Visual Impact Assessment mitigation measures.

LCU are defined and supported by a series of mapped views sheds from 51 key viewing locations identified as being significant or sensitive in the Tweed. These were selected based on community recognition and preference captured through targeted consultation, discussions with local and regional community members, field observations and by reference to cultural and tourism data and resources.

The approach to LCU mapping was influenced by the large scale at which the exercise needed to be undertaken and the volume and complexity of available data on which to base the analysis. Emphasis was placed on characterising the whole shire in a simple, understandable and transparent approach whilst still providing enough detail to capture the variation in landscapes that occur.

Part 3 Scenic Management Principles

The Scenic Management Principles (SMPs) describe the desired visual outcomes for scenic landscapes of the Tweed Shire and their application underpins the selection of management strategies and options.

The SMPs are presented as standards and goals for protecting and managing the character, condition and quality of scenic landscape attributes and experiences of the viewing public. They are used as part of the Visual Impact Assessment process, providing a basis for

evaluating appropriate management approaches and associated mitigation or enhancement measures and efforts in response to the visual impacts identified from a proposed development or land use activity.

They should be considered not in isolation, but rather as a whole, and reflecting the overall objectives of the Scenic Landscape Strategy to preserve important scenic vistas and viewsheds as vital to maintain overall ambiance of Tweed Shire within Australia's Green Cauldron.

The SMPs are:

- Protect, restore and create views from public places
- Protect scenic landscape integrity
- Complement existing valued landscape character attributes
- Retain and restore unique landforms in their natural state
- Manage vegetation
- Avoid key feature disruption

Whilst the VIA process, Scenic Management Principles and options for impact management provide a comprehensive baseline for determining effective and relevant impact mitigation measures, it is considered impractical and ineffective for the SLS to prescribe specific additional design-quality controls or construction measures to those currently in-force and provided by local and state policies and plans, for every possible landscape unit, viewshed and land-use activity or development type across the Shire.

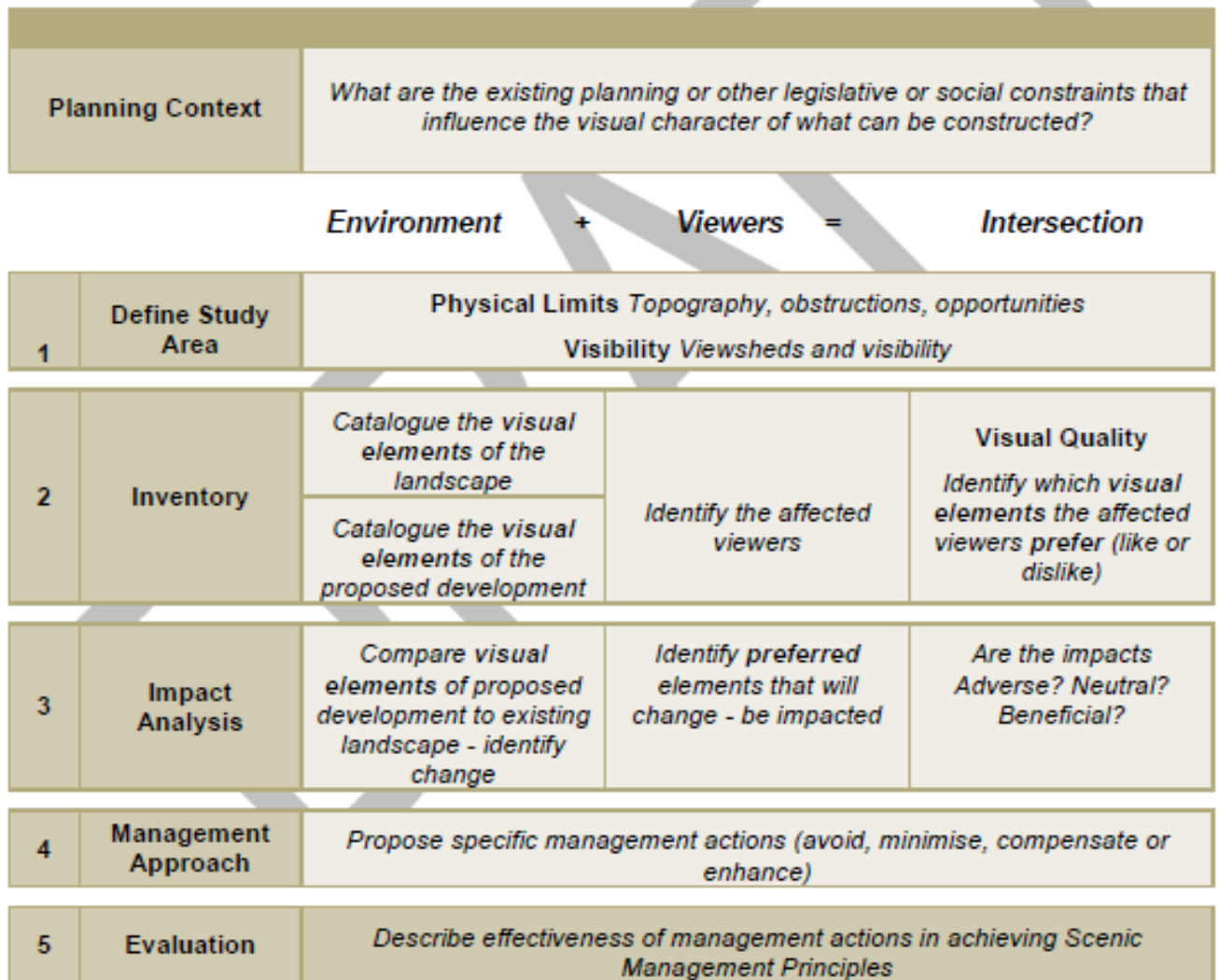
Further there is a risk that prescriptive measures may duplicate or not be consistent with existing controls in State policies, Tweed LEPs, DCP or other policies, and risk resulting in poor visual outcomes. In many cases the design solution will not of itself be one prescribed in a plan but will be a bespoke architectural or building construction response determined by a VIA assessment process. Notwithstanding, over time VIA outputs will be catalogued and build an evidence-base of effective measures and best practice resources relevant to planning of land use activities and development assessment, which will further inform the design and assessment of future proposals.

Part 4 Visual Impact Assessment (VIA) Toolkit

The purpose of the VIA toolkit is to provide a framework for inquiry to assist development proponents when carrying out related investigations, and Council when considering the visual impact of a proposed development or land-use policy. The VIA toolkit is used when conducting an assessment of visual impact for planning proposals (re-zoning) and other land use or works activities.

Using the VIA, determining which mitigation measures are most appropriate for a particular development or land use activity should be a transparent and repeatable process which can be applied to a broad range and scale of development types by using a consistent landscape character and visual impact assessment process. It is also an iterative process, meaning that the proposed use or development can be modified and assessed multiple (repeated) times using an identical process with the objective of moving closing to an acceptable proposal with each repetition.

The overview below illustrates the general tasks of each stage of the VIA process.



Current Status of the SLS

The latest version of the draft SLS is attached to this report and is the culmination of significant work aimed at understanding existing best practice technical approaches to visual impact assessment and developing a methodology tailored to the needs of the Tweed. Development of the strategy has been a complex process, particularly given the technical intricacies involved in mapping, defining and assessing visual quality and scenic amenity.

Whilst it is now considered appropriate to exhibit the SLS, it must be noted that several considerations and challenges have informed the scope of this document in order to develop effective solutions to protect scenic landscapes and values in the context of development and land-use activities, including:

- the extent and diversity of landscape character types and visual resources that are visible from many elevated and accessible viewing locations across the Tweed;
- the subjective nature of defining scenic values or measuring scenic quality;
- the increasing tourism demand to preserve and enhance these landscapes and deliver high quality visitor experiences;

- increasing population and changing economic pressures placing demands for urban expansion and land-use conflicts with scenic landscapes; and
- existing, and in some cases, competing land use planning and development policies and regulations across a range of jurisdictions. An ever increasing range of development types are permitted under state policies which turn off all local competing development controls.

Given the complex nature of the process undertaken to date, public exhibition and targeted consultation of the SLS will now provide opportunity for review of the technical application of the Visual Impact Assessment Methodology, as well as providing an opportunity to confirm the visual elements and scenic values within the landscape that are most important to the community.

Response to Resolution of 7 December 2017

In support of the SLS and in response to the Council resolution of 7 December 2017, a Council Policy Statement has been prepared and is recommended for public exhibition, it is provided as Attachment 3.

This Policy Statement clearly articulates, at a governance level, Council's position with respect to the preservation of the Shire's scenic values and to ensure that the beauty of the Tweed's scenic landscapes is considered at all levels of decision making concerning the use, modification or development of land, whether carried on by the private or public sector.

The Policy Statement states:

Any regulatory or strategic decision concerning the use, modification or development of land or any of its existing improvements is to take into account the following:

- *Deliver the Tweed community's aspirations, priorities and values to preserve and enhance the unique landscape and scenic amenity, as central to the identity of the Tweed and sense of place, for the benefit of current and future generations.*
- *Respect and maintain the integrity of national and international recognition of the Tweed's outstanding environmental significance, in accordance with relevant arrangements and conventions.*
- *Lead by promoting and demonstrating best practice sustainable development and ongoing management of the built and natural environment.*
- *Set principles for visual impact analysis for decisions under consideration relating to potential or perceived impacts of the use, modification or development of land or any of its existing improvements*

Response to Resolution: Amendment to Tweed Development Control Plan 2008 Section A1 Residential and Tourist Development Code (DCP A1)

In response to Council's resolution of 7 December 2018 to "amend the Council's housing code to include design objectives and is appropriate controls that require consideration of scenic impact at the development application stage", appropriate amendments have been developed as are outline below.

The DCP A1 amendment presented in Attachment 3 to this report seeks to address impacts of residential development on the availability and quality of views from publicly accessible

spaces, to introduce the principles of view sharing into DCP A1 and to incorporate consideration for the broader impact of development on the surrounding landscape character and quality during the development assessment process by linking DCP A1 to the Tweed Scenic Landscape Strategy.

The amendment replaces the existing introductory *Section A1 Part A Preliminaries: Context and Site Analysis 4.2 Views and Vistas* with new parts *4.2 Views and Vistas* and *4.3 Landscape Quality*.

The existing 4.2 Views and Vistas part contains broad provisions and controls relating to the protection of public views and vistas containing significant landscape features, and seeks to ensure private development respects view sharing. The proposed amendment provides a clearer distinction between these two concepts by dividing the previous part into two parts, each with clearer objectives and better articulated principles to underpin the control measures.

The proposed part 4.2 Views and Vistas seeks consideration of the impact of new development in the context of:

1. Avoiding or minimising obstruction of public views and vistas, particularly those from highly trafficked viewing locations and those containing significant landmarks;
2. Encouraging equitable view sharing between new and existing developments on private land by calling on the established view sharing principles established by the NSW Land and Environment Court.

The new part 4.3 Landscape Quality seeks to achieve residential development that avoids or minimises adverse impacts on the broader visual environment within which it occurs, by requiring consideration of the siting and design of residential buildings and land use at development application stage, in terms of visual integration with the surrounding landscape character and having regard to the SLS and Council's Scenic Landscape Policy Statement.

Minor amendments to the Site Analysis checklist in Appendix 7 of DCP A1 may also be necessary to ensure the more refined requirements of the new sections are captured within those checklists, to inform development proponents of the level of detail required to be included within a development application.

Consultation

Various community consultation approaches were undertaken during the preparation of the SLS in order to gain a sense of the particular visual elements within the Tweed's landscapes that are of significance to the community in terms of scenic value, so that these elements could be of priority when developing management options. Consultation included:

- 'Whats My Scene' Community Conversation drop in sessions held at Tumbulgum, Tweed Heads, Murwillumbah, Pottsville, Uki and Tyalgum;
- 'Whats My Scene' online digital storybook; and,
- Scenic Mappiness map pinning exercises at numerous local community events including Tweed River Festival 2016 and Sustainable Home Expo 2016 and 2017.

Councillor workshops were held on 12 May 2016 and 5 May 2017 to provide Councillors with status updates and opportunities to understand the process of strategy development and provide input.

A range of information fact sheets are currently being prepared to explain the draft SLS and what this will mean for land owners, developers and the broader community.

The Strategic Planning and Urban Design Unit staff have favoured open style community drop in or conversation sessions during exhibition of recent key documents however, this approach to community consultation has sometimes proved less effective so, as part of the exhibition and community consultation of the Draft SLS it is proposed that a targeted approach be undertaken to encourage attendance and create the best possible opportunity for gaining useful feedback from the community groups / associations who would be more likely use or have a particular interest in the SLS and the VIA toolkit.

It is proposed to:

- Hold open community information sessions at Murwillumbah and Tweed Heads;
- Hold at least one if not more targeted sessions with visual impact assessment consultants and other industry professionals to workshop the practicalities of the proposed VIA process and understand their views on its implementation;
- Advertise in the Tweed Link;
- Advertise on the Your Say Tweed website including targeted questions at certain sections of the Draft SLS where further community input is required.
- Revive the What's My Scene Digital Storybook campaign with a new approach requesting specific feedback on the detail contained within the SLS Landscape Character Unit narratives.

OPTIONS:

The following options are put to Council:

1. Proceed with the recommendations provided within this report.
2. Proceed with one or more of the policies discussed within the report.
3. Defer consideration of this item and seek clarification or a workshop with staff.

Council staff recommend proceeding with Option 1.

CONCLUSION:

A significant amount of resourcing has gone in to the research and development of the Scenic Landscape Strategy and it is ambitious to embark on a 'toolkit' approach, however the staff are convinced this approach would be better suited to managing the Tweed's scenic landscapes.

In combination with the Council Policy Statement and the proposed amendments to the Tweed DCP 2008 this body of work signals the start of a much more robust and comprehensive approach to managing the Shire's built and natural landscapes through informed, transparent and reliable decision making, which is made possible by having a

clear line of sight from purpose to outcome, underpinned by a framework that is repeatable and adaptable.

It is recommended that this suite of policy be advanced to public exhibition and engagement.

COUNCIL IMPLICATIONS:

a. Policy:

Endorsement to release the Draft Scenic Landscape Strategy for public consultation is being sought. Once approved, the SLS will establish a new policy for Council as a consistent and comprehensive mechanism for regulating land use and development assessment to protect scenic landscapes.

There are far-reaching implications for Council's other policies, programmes and practices including:

- Local planning provisions and development controls in currently in-force LEP and DCPs, may require amendment
- Telecommunications facilities on Community land
- Cultural heritage policies
- Tourism and economic development policies and programs
- Works programs (e.g. roadside vegetation management, public open space)
- Engineering works.

b. Budget/Long Term Financial Plan:

The Draft Scenic Landscape Strategy, Draft DCP A1 amendments and Draft Scenic Landscape Policy have been prepared within current budget allocation. There is no foreseeable impact on the long-term financial plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Involve/Collaborate-

We will and have worked with the community to understand the concerns or issues and taken their ideas and feedback into consideration.

This report provides feedback to Council of the process and proposed reply.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Draft Scenic Landscape Strategy (ECM 5336389)
- Attachment 2. Draft Scenic Landscape Strategy Appendix Landscape Character Unit Narratives (ECM 5336392)
- Attachment 3. Draft Scenic Landscapes Policy (ECM 5336394)
- Attachment 4. Draft Amendment to the Tweed Development Control Plan Section A1 Residential and Tourist Development Code (ECM 5336415)
-

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

12 [CNR-CM] RFO2018048 Project Management Services - Waste Infrastructure

SUBMITTED BY: Waste Management

Valid



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.2	Support Services
4.2.4	Procurement Services - To support Council to purchase goods, services and assets that are fit for purpose, sustainable and provide best value.

ROLE: **Provider**

SUMMARY OF REPORT:

A Request for Offer has been called to engage a suitably qualified and experienced project management provider to assist Council in the delivery of the waste and recycling infrastructure program of work.

At the time of closing five (5) Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2018048 Project Management Services, Waste Infrastructure:

- 1. Council awards the offer to Upright Management, ABN 93156175969, to provide project management services for three (3) years, commencing at the date of award, for the value of \$475,200.00 (exclusive of GST).**
 - 2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**
-

3. **ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Offer Background

A Request for Offer was called to engage a suitably qualified and experienced project management provider to assist Council in the delivery of a program of waste and recycling infrastructure work over a three (3) year period.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised in The Sydney Morning Herald on Tuesday 24 April 2018 and also in Brisbane Courier Mail on 21 April 2018 and on Council's website.

Offer submissions closed at 4.00pm (local time) on 16 May 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were two Offer Addendums (Notice to Bidders) issued before close of Offer.

Notice to Bidders No.01 and Notice to Bidders No. 02 were issued to advise Bidders that references in the documentation to a previous commission were not correct and corresponding numbers needed to be altered to suit.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and five (5) Offers were recorded as below:

Bidder	ABN
Masterminder	60265479371
Queensland Project Management and Development Services	27 155915183
RPS	97117883173
Upright Management	93156175969
Public Works Advisory	81913830179

Offer Evaluation

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

Council's Offer Evaluation Panel was made up as follows:

Position
Director Community and Natural Resources
Coordinator Waste Management
Coordinator Contracts

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Weighting (%)
Value for Money	30
Project Management qualifications and degree of project management proficiency	20
Direct experience in the project management of waste, recycling and landfilling infrastructure	30
Experience in implementing local government waste programs	10
Local Content	10
Sustainable Procurement	Yes/No Item
	100

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

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Offer.

OPTIONS:

That Council:

1. Council awards the offer to Upright Management, ABN 93156175969, for the value of \$475,200.00 (exclusive of GST).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

Upright Management achieved the highest overall assessment score of 100 and was deemed as the most advantageous option for Council.

COUNCIL IMPLICATIONS:

a. Policy:

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

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

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Provision for the RFO2018048 Project Management Services, Waste Infrastructure is included pro-rata over the relevant financial year budgets.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2019048 Project Management, Waste Infrastructure - Offer Evaluation Report (ECM5325157).

(Confidential) Attachment 2. RFO2018048 Project Management, Waste Infrastructure - Offer Evaluation Score Sheet (ECM 5325363).

13 [CNR-CM] Tweed Regional Gallery Deductible Gift Recipient (DGR) Policy and Collection Accession and De-Accession Policy

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:

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.3 Development Engineering and Subdivision Assessment - To assess and certify development that creates new lots and public infrastructure that meets relevant standards.

ROLE: **Leader**

SUMMARY OF REPORT:

The Tweed Regional Gallery has been endorsed by the Australian Taxation Office as a Deductible Gift Recipient (DGR) institution operated by Tweed Shire Council. On 23 January 2014, Council adopted the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy (Version 1). This Policy requires updating due to minor changes to correctly reflect the titles of the Gallery and the Advisory Committee.

The DGR Policy references processes for maintenance and administration of the Gift Fund via a separate document titled the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Procedures. Procedures have been drafted for implementation following the approval of the updated DGR Policy.

The DGR Policy also refers to the existing Tweed Regional Gallery Collection Accession and De-Accession Protocol. This document requires updating to become a Policy, as well as some corrections to the titles of complementary documents such as the Tweed Regional Gallery Business and Strategic Plan. The draft Tweed Regional Gallery Collection Accession and De-Accession Policy requires adoption by Council following public exhibition of the policy as required under Section 160 of the Local Government Act, 1993.

The creation and updating of these documents and the procedures they contain all form part of the recommended actions resulting from the internal audit of the Gallery's operations conducted in August 2016.

RECOMMENDATION:

That Council:

- 1. Adopts the updated Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy (Version 1.1).**
- 2. Exhibits the draft Tweed Regional Gallery Collection and De-Accession Policy (Version 1.0) 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.**

REPORT:

The Tweed Regional Gallery is recognised by the Australian Taxation Office (ATO) as a public gallery under item 12.1.4 of Section 30-100 and also under item 12.1.4 of Section 30-100 of the Income Tax Assessment Act 1997.

The Tweed Regional Gallery is endorsed as a deductible gift recipient (DGR) institution operated by Tweed Shire Council. Deductible Gift Recipient endorsement by the ATO enables the Tweed Regional Gallery to receive income tax deductible gifts and contributions, provided that such gifts and donations are made to an appropriately administered Gift Fund.

To ensure ongoing compliance with Australian Taxation Office requirements, the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy was developed. The Policy outlines the basis for ATO recognition and endorsement of the Gallery and compliance and governance requirements relevant to Fund administration.

As flagged in the Gallery's DGR Policy, an associated Tweed Regional Gallery Deductible Gift Recipient Fund Procedure has been developed to meet ATO requirements.

On 23 January 2014, Council adopted the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy (Version 1). This Policy requires updating due to minor changes to correctly reflect the titles of the Gallery and the Advisory Committee.

The DGR Policy references processes for maintenance and administration of the Gift Fund via a separate document titled the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Procedures. Procedures have been drafted for implementation following the approval of the updated DGR Policy.

The DGR Policy also refers to the existing Tweed Regional Gallery Collection Accession and De-Accession Protocol. This document requires updating to become a Policy, as well as some corrections to the titles of complementary documents such as the Tweed Regional Gallery Business and Strategic Plan.

The draft Tweed Regional Gallery Collection Accession and De-Accession Policy requires endorsement by Council to be placed on public exhibition for 28 days with submissions for 40 days as required under Section 160 of the Local Government Act, 1993. The rationale for changing the existing Protocol to a Policy document addresses the fact that the Gallery's collection has grown in size, significance and value, and as a result has attracted more complex procedures. The processes and decisions which affect the acquisition and de-accession procedures for review and ratification by the Tweed Regional Gallery Advisory Committee, in consultation with the Gallery Director, warrant the upgrade of the existing Protocol to Policy status. The adoption of the new Policy document will also align the documentation associated with the Gallery's collection to that of the Tweed Regional Museum, which also supports a Collection Policy document.

In addition, the creation and updating of these documents and the procedures they contain all form part of the recommended actions resulting from the internal audit of the Gallery's operations conducted in August 2016. The adoption of these documents will finalise the actions associated with this area of the audit.

OPTIONS:

1. That Council adopts the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy (Version 1.1).
2. That Council exhibits the draft Tweed Regional Gallery Collection and De-Accession Policy (Version 1.0) 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.
3. That Council does not adopt the Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy (Version 1.1) and requests further information.
4. That Council does not endorse the draft Tweed Regional Gallery Collection and De-Accession Policy (Version 1.0) for exhibition for a period of 28 days as per Section 160 of the Local Government Act 1993, and requests further information.

CONCLUSION:

Council's approval and adoption of the documents relating to the Gallery's Deductible Gift Recipient status will ensure ongoing compliance with the Australian Taxation Office requirements and transparent administration of the Gift funds. Council's adoption of the new Collection Accession and De-Accession Policy will acknowledge the importance of the processes involved with the Gallery's collection as a significant asset of Council that requires more complex documentation and status. These documents will complete the required actions of the internal audit of the Gallery in August 2016. Adoption of all documents will also align the Gallery with those of the Tweed Regional Museum in relation to these areas of operation.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Income Tax Assessment Act 1997.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Tweed Regional Gallery Deductible Gift Recipient (DGR) Fund Policy Version 1.1 (ECM 5333846)

Attachment 2. Draft Tweed Regional Gallery Collection Accession and De-Accession Policy Version 1.0 (ECM 5333850)

14 [CNR-CM] Sustainable Agriculture Small Grants Program

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
1.1.5	Sustainable Agriculture - To promote the viability of agricultural land through biodiversity, education, water quality and sustainability initiatives

ROLE: Collaborator Leader

SUMMARY OF REPORT:

This report presents an outline for a proposed Sustainable Agriculture Small Grants Program for rural landholders actively farming throughout the Tweed. The program aims to promote and encourage the adoption of innovative, sustainable agricultural practices for the benefit of the environment and the community and to improve the viability of farming in the Tweed Shire. A budget of \$21,000 is available from the Sustainable Agriculture Program to deliver a one-year pilot in 2018/2019 with funding in future years potentially available subject to the outcomes of the pilot.

RECOMMENDATION:

That Council:

- 1. Endorses the implementation of a Sustainable Agriculture Small Grants Program for a one-year pilot and votes the expenditure of up to \$21,000 from the Sustainable Agriculture Program subject to the adoption of the 2018/2019 budget.**
- 2. Receives a report at the completion of the one-year pilot detailing the outcomes and achievements of the Grant Program and the feasibility of extending the Program.**

REPORT:

Background

Council adopted the Tweed Sustainable Agriculture Strategy in June 2016. The strategy provides a framework for a sustainable agriculture future based around effective resource management, community involvement and local food economies. The strategy is an aspirational plan to help producer's address a range of environmental, economic and social challenges and capitalise on opportunities in the agricultural sector.

Council provides an important leadership role promoting the benefits of best practice agriculture and delivers the Program by working in collaboration with technical experts in Council, state government agencies, research organisations, industry and the wider community.

Assisting farmers to make the right land use choices and management decisions is a key aspect of the Sustainable Agriculture Program. The Tweed Sustainable Agriculture Strategy includes an action to '*Develop and implement an incentive program for farmers who protect and enhance environmental assets and farm with minimal environmental impact*'.

Proposed grant program

Staff have reviewed a range of support programs and incentives used throughout Australia and information in the literature in order to identify the most effective change management program for the Tweed. As a result, the proposed Sustainable Agriculture Small Grants Program was identified to be the most appropriate program to achieve long-term beneficial outcomes with the available resources.

The objectives of the proposed Sustainable Agriculture Small Grants Program are to:

- Support and promote the implementation of best management practice in agricultural systems.
- Build landholder capacity in natural resource management and sustainable agriculture.

The anticipated outcomes of the Program include:

- Increased biodiversity, improved water quality and soil health on farms;
- Reduced reliance on synthetic fertilisers and pesticides; and
- Improved networking, knowledge exchange and cooperation between rural landholders.

Grants will be open to individual landholders, groups of landholders, industry and farm groups that are actively farming rural zoned land (RU1, RU2 or RU5) in the Tweed Local Government Area. Applicants must be current rate payers of the parcel of land where the activity takes place. The grants will also be open to schools who deliver sustainable agriculture electives as part of their curriculum.

Council will call for expressions of interest in the first quarter of 2018/2019. Successful applicants will be selected in the first quarter of 2018/2019 to allow for project commencement this calendar year with activities to be completed by the end of the 2018/2019 financial year. Applications will be assessed by a panel of Council officers with grants approved by the Unit Coordinator Natural Resource Management of Director Community and Natural Resources. Selection criteria will include:

- The likelihood of natural resource management improvements as a result of the project;
- Extent to which the project promotes wider adoption of sustainable farming practices;
- Demonstrated capacity to deliver the grant activities in the specified timeframe; and
- Value for money (including the amount of applicant cash contribution).

Council staff will run workshops during the Expression of Interest period to provide details of the Program and assist potential applicants to develop proposals that are consistent with the Program objectives. When the Expression of Interest Period closes, applicants will be selected according to a pre-determined and documented set of selection criteria detailed in Program Guidelines to be published on Council's website. A grant agreement will be negotiated with successful applicants prior to allocation of funds. A maximum of \$4,000 will be allocated per grant with most grants likely to be offered at \$1,000 to \$2,000.

The onus will be on the applicant to develop innovative, best practice solutions to the environmental issues affecting their farm operations but will be encouraged to contact Council to discuss their ideas and ensure they meet the Program objectives before applying. Activities must provide a benefit for the Tweed Shire community and the environment and are likely to include, but not be limited to:

- Support for installation of fencing which reduces land degradation and improves water quality, livestock health and biodiversity such as internal fencing to reduce land degradation (ie. support rotational grazing practices), fencing of high biodiversity value areas, fencing of water bodies (in those areas not currently eligible through Council's River Health Grants Program);
- Revegetation (using local native species) of agricultural drains, paddocks (for windbreaks and paddock trees), constructed wetlands and farm dams;
- Support to utilise farm waste and other local waste products to produce and use on-farm environmentally friendly soil amendments such as compost and biochar;
- Release of beneficial organisms such as dung beetles or predatory insects in combination with cessation or reduced reliance on chemical controls;
- Installation of nest boxes for beneficial predators where appropriate ie. nest boxes for rodent predators in tree crops and orchards;
- Limited earthworks in combination with revegetation to address soil erosion and runoff issues with the costs of such activities to be largely borne by the landholder; and
- Workshops or training activities that build natural resource management capacity for a group of farmers.

Successful applicants will be required to provide a cash and/or in-kind contribution toward the project and may be required to host an open day to showcase the project outcomes to the wider community. The Program will not fund the costs of items such as farm chemicals and fertilisers, planting material or livestock for production purposes, purchase of machinery and other equipment or any other activity where there is limited land, water or biodiversity benefits.

OPTIONS:

1. That Council endorses the implementation of a Sustainable Agriculture Small Grants Program for a one-year pilot.

2. That Council does not endorse the Sustainable Agriculture Small Grants Program.

CONCLUSION:

The one-year Sustainable Agriculture Small Grants Program pilot will assist farmers to implement better land management practices for the benefit of the community and natural environment. The Program will provide an opportunity to showcase best practice, sustainable and regenerative agriculture leading to wider adoption amongst the farming community. Monitoring and evaluation will enable Council to determine the effectiveness of the Program and opportunities for continuation of the Program beyond 2018/2019.

COUNCIL IMPLICATIONS:

a. Policy:

Community Sponsorship Policy; River Health Grants Policy.

These policies are not fully applicable but will form the basis for development of a Sustainable Agriculture Grants Policy following the one-year trial.

b. Budget/Long Term Financial Plan:

A budget of \$21,000 is available in the Sustainable Agriculture Program for the 2018/2019 financial year.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The following individuals, associations and government organisations have been consulted and provide in-principle support for the Program. Suggestions and comments have been considered and where practical incorporated into the Program design:

- Tweed Brunswick Banana Growers Association
- Tweed Fruit and Vegetable Growers Association
- Sunshine Sugar
- Northern Cooperative Meat Company
- Local dairy representatives and organic farmers
- North Coast Local Land Services
- NSW Department of Primary Industries
- Tweed Landcare Inc.
- SoilCare Inc.
- Tweed Shire Council – Natural Resource Management, and Community and Cultural Services

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

15 [CNR-CM] Draft Aboriginal Statement of Commitment Policy

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: **Leader**

SUMMARY OF REPORT:

Council adopted the first Aboriginal Statement Policy in 2007 in consultation with the Aboriginal Advisory Committee (AAC). At the time the Committee had been requesting an acknowledgement of the first people of the Shire to be read at the start of Council meetings as a sign of respect and in the spirit of reconciliation.

The policy contains an 'Aboriginal Statement' which is read at Council meetings and on significant occasions. In addition, the policy also provided a 'Reconciliation Statement'. This reconciliation statement provides guidance for staff when engaging in written and verbal communication with the Aboriginal and Torres Strait Islander communities.

The Policy has been reviewed and updated in consultation with the AAC to reflect the subsequent development of a number of policies and plans since 2007 and now provides overarching guidance in the following areas:

- Aboriginal Cultural Heritage;
- Significant Events – Celebrating Culture; and
- Social Inclusion/Justice and economic development.

The original statement read at meetings and the commitment to reconciliation has not been changed, however, guidance in the following areas has been added:

- Council's commitment to reconciliation through the Reconciliation Action Plan (RAP);
- Council's commitment to managing and protecting Aboriginal Cultural Heritage;
- Council's commitment to celebrating culture and addressing social justice and economic development issues.

The updated policy will be renamed from the Aboriginal Statement to the Aboriginal Statement of Commitment Policy to reflect its greater scope.

RECOMMENDATION:

That Council endorses the Draft Aboriginal Statement of Commitment Policy for public exhibition for a period of 28 days, allowing 42 days for submissions.

REPORT:

Background

Council adopted the first Aboriginal Statement Policy in 2007 in consultation with the AAC. At the time the Committee had been advocating for an acknowledgement of the first people of the Shire to be read at the start of Council meetings as a sign of respect and in the spirit of reconciliation.

As a result the 'Aboriginal Statement' is read before each Council meeting and on significant occasions such as State, National, and International functions/events.

In addition to the statement read at Council meetings, the policy also provided a 'Reconciliation Statement' which provides guidance for staff in written and verbal communication with the Aboriginal and Torres Strait Islander communities.

The existing acknowledgement and reconciliation statement are as follows:

Acknowledgement

'We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands.'

Current Reconciliation Statement

- Tweed Shire Council acknowledges that the Aboriginal and Torres Strait Islander peoples were the first peoples of this land and have survived 200 years of sometime violent dispossession of their land.
- Tweed Shire Council recognises that colonisation initiated massive changes to the land and its people.
- As a vital step towards building a just, common future, Tweed Shire Council recognises the loss and grief held by Aboriginal and Torres Strait Islander peoples. Council acknowledges that this loss and grief has been caused by alienation from their traditional lands, the loss of their lives and their freedom and the forced removal of their children.
- Tweed Shire Council supports the right of Aboriginal and Torres Strait Islander peoples to live according to their own values and culture within the laws of Australia.
- Tweed Shire Council recognises the vital importance of the Aboriginal and Torres Strait Islander peoples' contribution to strengthening and enriching our region and our community.

Why the policy has been updated

Working with the Aboriginal and Torres Strait Islander Communities, Council has developed and adopted a number of policies and plans since 2007. It is important the new policies and plans align with an overarching policy. Therefore, this policy has been updated to reflect a broader scope and align the following:

- Reconciliation Action Plan (RAP)
- Tweed Shire Cultural Plan
- Tweed Shire Community Strategic Plan
- North Coast Regional Plan 2036.

Additionally, the Tweed Shire Cultural Heritage Mapping and Plan of Management (ACHMP) which is currently in development will align with this policy, should it be adopted.

Changes made to the policy

To align the new policies and plans and in consultation with the AAC, this overarching policy has been broadened to provide guidance for staff in the following areas:

- Council's acknowledgement of Aboriginal and Torres Strait Islander peoples in written and verbal communication with the community.
- Council's commitment to reconciliation and Council's RAP.
- Council's commitment to managing and protecting Aboriginal Cultural Heritage in the Shire.
- Council's commitment to celebrating culture, working with the Aboriginal and Torres Strait Islander communities and bringing about social justice and economic development outcomes.

OPTIONS:

1. That Council endorses the Draft Aboriginal Statement of Commitment Policy for a minimum of 28 days, allowing 42 days for submissions.
2. That Council does not endorse the Draft Aboriginal Statement of Commitment Policy and seeks further information.

CONCLUSION:

The intention of the updated Aboriginal Statement of Commitment is for it to become the overarching policy for Council's engagement with the Aboriginal and Torres Strait Islander communities. The draft amendments have not changed the existing Aboriginal Statement and the Reconciliation Statement, however, the policy now articulates Council's commitment to the key themes, and deliverables contained in the RAP.

COUNCIL IMPLICATIONS:

a. Policy:

Aboriginal Statement v1.3

b. Budget/Long Term Financial Plan:

N/A

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The AAC has continually been involved and updated during the drafting of the updated policy and the development of the RAP which is reflected in the AAC minutes.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Aboriginal Statement of Commitment Policy (ECM
5322308)

16 [CNR-CM] Continuity of Support (CoS) Programme Funding 2018-2019

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
- 3.1.3 Community Services - To build stronger, more inclusive communities by assisting people to participate in social and economic life.

ROLE: **Provider**

SUMMARY OF REPORT:

Council is in receipt of correspondence from Australian Government Department of Health offering funding for two Tweed residents under the Continuity of Support (CoS) Programme totalling \$34,096 up to 30 June 2019. These two persons have been receiving support through council's state block funded disability programs that cease at 30 June 2018 and have both been deemed ineligible for the new National Disability Insurance Scheme (NDIS).

This funding will allow Council to continue to provide the same level of service to the individuals up to 30 June 2019.

RECOMMENDATION:

That Council:

1. **Accepts the funding offer for the two clients under the Continuity of Support (CoS) Programme.**
2. **Includes the funding in its Budget to reflect the acceptance of the grant and associated expenditure.**
3. **ATTACHMENTS 1-4 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (a) **personnel matters concerning particular individuals (other than councillors).**

REPORT:

Council is in receipt of correspondence from Australian Government Department of Health offering funding for two Tweed residents under the Continuity of Support (CoS) Programme totalling \$34,096 up to 30 June 2019. These two persons have been receiving support through council's state block funded disability programs that cease at 30 June 2018 and have both been deemed ineligible for the new National Disability Insurance Scheme (NDIS).

CoS has been established to meet the Council of Australian Governments' (COAG) commitment that older people with disability who are currently receiving state-administered specialist disability services, but who are ineligible for the NDIS, will be provided with continuity of support.

The Commonwealth CoS Programme is an ongoing, grandfathering programme for older people with disability accessing state-administered services only. Once the NDIS completes its rollout in a region, there will be no new entrants to the CoS Programme and once all existing clients transition out, the programme will cease.

Under the 2011 National Health Reform Agreement between the Commonwealth and States and Territories, the Commonwealth has held funding responsibility for this group of older people. Updated aged care and disability funding arrangements agreed to in the context of introducing the NDIS signal the Commonwealth's new administrative responsibility for these services and this cohort.

OPTIONS:

1. That Council accepts the funding offer and continues services for the two individual residents up to 30 June 2019.
2. That Council declines the funding and discontinue services immediately.

CONCLUSION:

Continuity of Support Programme funding allows council to continue to provide funded services to two eligible residents, currently receiving services, under the transitional arrangements of the Continuity of Supports Programme funding.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Grant funding to 30 June 2019

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential)* Attachment 1. Letter of Offer 1 May 2018 (ECM 5343625)
 - (Confidential)* Attachment 2. Funding Agreement Schedule 1 May 2018 (ECM 5343625)
 - (Confidential)* Attachment 3. Activity Work Plan 1 May 2018 (ECM 5343625)
 - (Confidential)* Attachment 4. Appendix 1 - Quality and Safeguards Working Arrangements - Requirements (ECM 5343625)
-

17 [CNR-CM] Commonwealth Home Support Program Funding Extension 2018 - 2020

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
- 3.1.3 Community Services - To build stronger, more inclusive communities by assisting people to participate in social and economic life.

ROLE: Provider

SUMMARY OF REPORT:

Council is in receipt of correspondence from the Australian Government Department of Health offering a funding extension for the Commonwealth Home Support Program (CHSP) for the period 1 July 2018 to 30 June 2020 for the amount of \$417,936 over the two year period.

Council is a registered provider of My Aged Care services which is the starting point for individuals to access funded services through CHSP.

The proposed services Council would deliver through the My Aged Care and the CHSP funding extension remain unchanged and include: Social Support - Individual, Meals, Home Modifications, Goods Equipment and Assistive Technology, Flexible Respite, Domestic Assistance, Transport, Personal Care, Allied Health and Therapy Services and Sector Support and Development.

RECOMMENDATION:

That Council:

1. **Accepts the funding extension for the Commonwealth Home Support Program to 30 June 2020.**
2. **Amends its Budget and Long Term Financial Plan to reflect the acceptance of the grant variation and associated expenditure.**

3. **ATTACHMENTS 1-7 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret.**

REPORT:

Council is in receipt of correspondence from the Australian Government Department of Health offering a funding extension for the Commonwealth Home Support Program (CHSP) for the period 1 July 2018 to 30 June 2020 for the amount of \$417,936 over the two year period.

Council is a registered provider of My Aged Care services which is the starting point for individuals to access funded services through CHSP.

The objectives of the CHSP program are to:

- Provide high quality support services to eligible frail older people (65 years and over or 50 years and over for Aboriginal and Torres Strait Islander people) to maximise their independence at home and in the community.
- Support frail older people or prematurely aged people (50 years and over or 45 years and over for Aboriginal and Torres Strait Islander people) who are on a low income and who are homeless or at risk of homelessness through linking to appropriate and sustainable housing, community care and other support services.
- Support frail older people through the delivery of planned respite activities which allow carers to take a break from their usual caring responsibilities.
- Support the development of the home support aged care service system that meets the aims of the Commonwealth Home Support Programme and broader aged care system.

The proposed services Council would deliver through the My Aged Care and the CHSP funding extension remain unchanged and include Social Support - Individual, Meals, Home Modifications, Goods Equipment and Assistive Technology, Flexible Respite, Domestic Assistance, Transport, Personal Care, Allied Health and Therapy Services and Sector Support and Development.

OPTIONS:

1. That Council accepts the funding extension and continues services currently being provided to 30 June 2020.
2. That Council declines the funding and discontinue this support from 30 June 2018.

CONCLUSION:

That Council continues to provide funded services to eligible residents, 65 years and over or 50 years and over for Aboriginal and Torres Strait Islander people, through My Aged Care and the CHSP.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Funding by grant extension over two years.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential)* Attachment 1. Supplementary Terms from the Clause Bank (ECM 5342117)
 - (Confidential)* Attachment 2. Schedule 1: Commonwealth Standard Grant Conditions (ECM 5342117)
 - (Confidential)* Attachment 3. Commonwealth Home Support Programme (CHSP) (ECM 5342117)
 - (Confidential)* Attachment 4. Letter of Offer (ECM 5342117)
 - (Confidential)* Attachment 5. Commonwealth Standard Grant Agreement (ECM 5342117)
 - (Confidential)* Attachment 6. Sector Support and Development - Activity Work Plan (ECM 5342117)
 - (Confidential)* Attachment 7. Activity Work Plan (ECM 5342117)
-

REPORTS FROM THE DIRECTOR ENGINEERING

18 [E-CM] Blackspot Funding Offer 2018/2019

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: Collaborator

SUMMARY OF REPORT:

Council was offered funding for five road safety projects, to the total of \$1,305,798 nominated under the Federal Government Blackspot Funding Programme for the 2018/2019 financial year. These projects aim to reduce crash risk and severity at locations that have a poor crash history. To meet the 4 May 2018 deadline, the Acting General Manager has accepted the offer. The projects must be completed by 30 June 2019.

Council has applied for and been offered 100% funding for the following projects:

- \$552,000- Kyogle Road, intersection upgrade at Byrrell Creek Road, Terragon.
- \$349,760- Kyogle Road, road reconstruction to improve safety on the eastbound approach to the Byangum Bridge, Byangum.
- \$214,036- Kyogle Road, upgrade to skid resistant seal, audible centrelines and improved delineation between Clarrie Hall Dam Road and Palmers Road, Terragon.
- \$102,950- Numinbah Road, the installation of a vehicle activated speed sign and relocating obstructions on Kyogle Road, just east of Upper Crystal Creek Road.
- \$87,052- Clothiers Creek Road, 400m to 700m north of Condor Place, Clothiers Creek. The installation of guardrail with motorcyclist protection and a vehicle activated speed sign.

RECOMMENDATION:

That:

- 1. Council endorses the Acting General Manager's acceptance of grant funding offers under the Federal Government's Blackspot Funding Programme for 2018/2019.**
- 2. The Federal Government's Blackspot Funding Programme total of \$1,305,798 be voted and included in the September quarterly budget review for the 2018/2019 budget.**

REPORT:

The Australian Government's Blackspot Programme targets road locations where crashes are occurring by funding projects that will reduce the risk and severity of crashes. Council has successfully received 100% funding for five projects, totalling \$1,305,798. These sites were identified after a review of crash clusters and feedback provided by the community. An overview of the five projects funded in Tweed Shire is provided below.

Kyogle Road, 720m south to 180m north of Byrrill Creek Road (Figure 1)

Grant Offer: \$552,000



Figure1. Kyogle Road at Byrrill Creek Road, project extent.

Crash history

From July 2011 to June 2016 there were seven reported injury crashes. The predominant crash types were run-off road, head-on and U-turn crashes.

Site issues

- Unprotected hazards in the clear zone (steep drop offs, trees, culverts etc.).
- Poor sight distance associated with the intersection being located on a curve. Residents have raised concerns with Council on a number of occasions, regarding safety of this intersection and reported a number of near misses.

Treatment

- Reconstruct and widen road at the intersection to improve sight distance and provide a turning and through lane.
- New painted median at intersection to separate traffic.

- Installation of guardrail to protect from hazards.
- Upgrade signage and delineation to the current standard.

Kyogle Road, 120m north to 180m south of Bakers Road, Byangum (Figure 2)

Grant offer: \$349,760

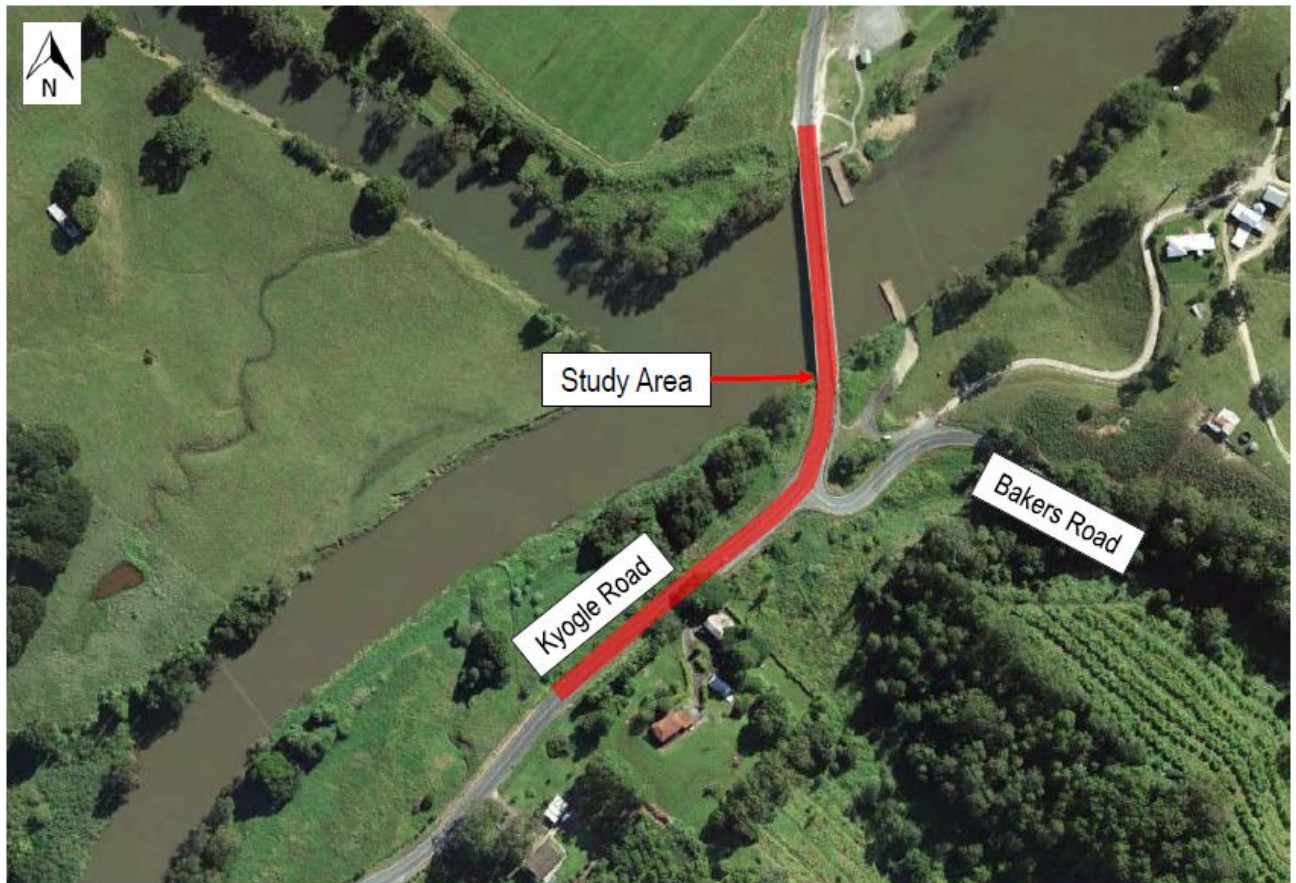


Figure 2: Kyogle Road at Bakers Road, project extent.

Crash History

From July 2011 to June 2016 there were three reported injury crashes, two were head-ons crashes and one off-road. Crashes involved excessive speed and wet roads.

Site Issues

- Poor sight distance through the curve approaching the bridge.
- Northbound vehicles taking the curve at excessive speeds and crossing the centreline on the approach to the bridge.

Treatments

- Full road reconstruction and widening with improved superelevation and possible realignment.
- Painted centre median to separate traffic and reduce the risk of head-ons.
- Upgraded signage and delineation to conform to the current standards.
- Install a solar vehicle activated speed sign targeting northbound traffic to highlight the severity of the curve and encourage appropriate speeds.

Kyogle Road, 240m to 2.44km west of Clarrie Hall Dam Road (Figure 3)

Grant offer: \$214,036

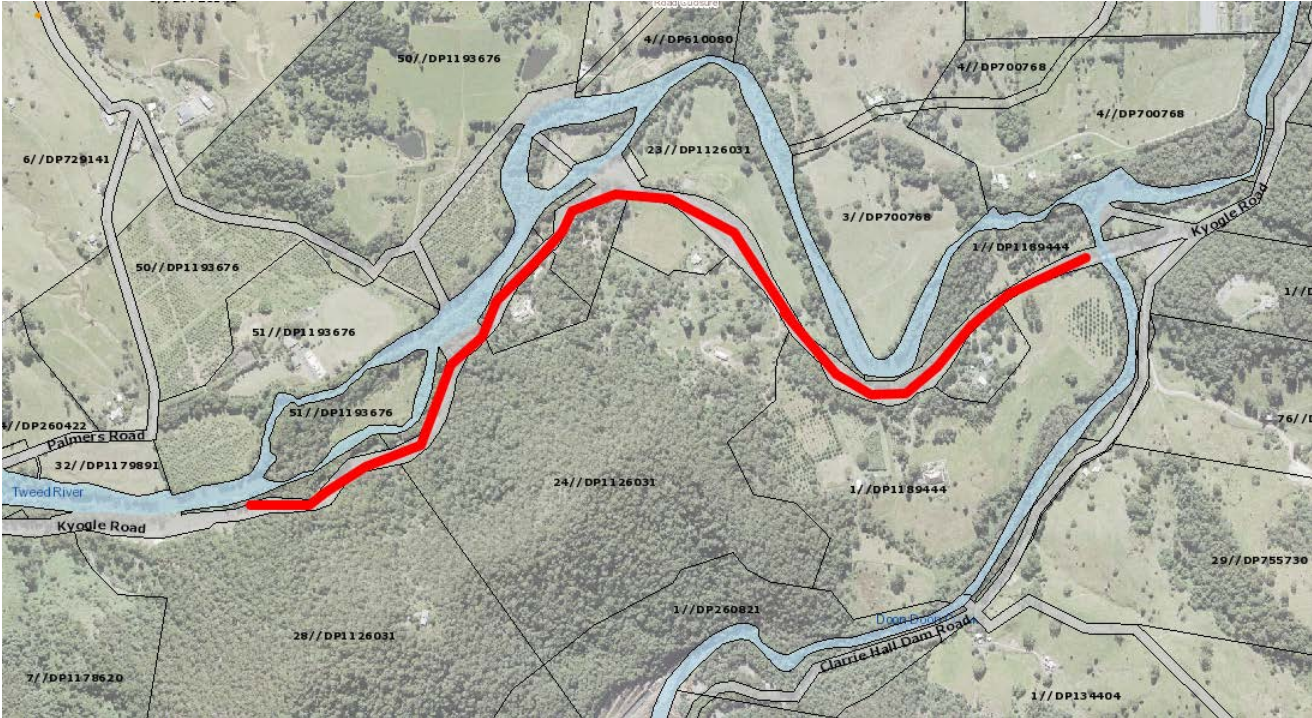


Figure 3: Kyogle Road, Terragon, project extent

Crash History

From July 2011 to June 2016 there were nine reported injury crashes. The predominant crashes were vehicles losing control on the curves and head on crashes. Six crashes occurred on a wet road and six crashes involved excessive speed.

Site Issues

- Motorists travelling too fast for the road conditions.
- A series of tight curves and narrow lanes providing little forgiveness for driver error.

Treatments

- Audio-tactile centerlines to alert motorists if they cross the centerline and reduce head-on crashes.
- Skid resistant surface to address wet weather crashes.
- Solar, vehicle activated speed sign to encourage safer speeds.
- Improve delineation and signage.

Numinbah Road, Upper Crystal Creek Road to 200m east of Upper Crystal Road (figure 4)

Grant Offer: \$102,950

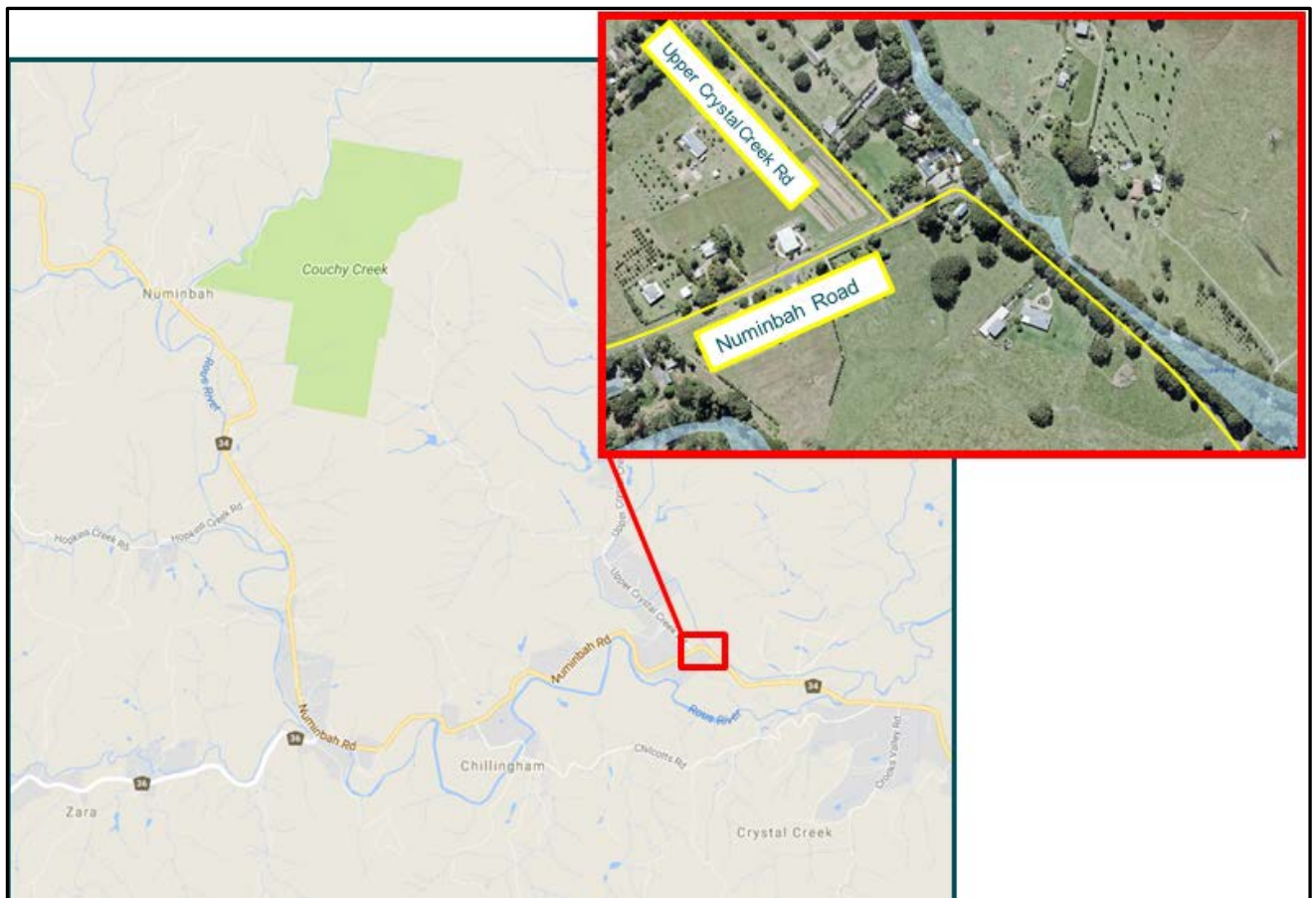


Figure 4: Numinbah Road, near Upper Crystal Creek

Crash History

From July 2011 to June 2016 there were three injury crashes involving motorcyclists travelling eastbound at speed, and losing control on the curve.

Site Issues

- Motorcyclists and other vehicles travelling at excessive speeds through a long straight section and underestimating the severity of the curve.
- The community has expressed concerns about the speed of motorcyclists through this section.
- There is a power pole on the outside of the curve where the motorcyclists are crashing.

Treatments

- Solar, vehicle activated speed sign to encourage safer speeds around the curve.
- Relocate power pole to the inside of the curve and out of the clear zone.
- Enhanced curve advisory markers.

Clothiers Creek Road, 420m to 670m north of Condor Place, Clothiers Creek (figure 5)
Grant offer: \$87,052



Figure 5. Clothiers Creek Road, adjacent Number 575

Crash History

From July 2011 to June 2016 there were three reported injury crashes, all involving motorcyclists losing control on the curve in an eastbound direction and falling down the steep embankment. Speed was a factor in all crashes.

Site Issues

- Motorcyclists travelling at excessive speed and underestimating the severity of the curve.
- Unprotected hazards in clear zone (steep drop off and large trees).

Treatments

- Solar, vehicle activated speed sign to encourage safer speeds around the curve.
- Installation of guardrail with motorcycle protection to reduce the severity of crashes.

OPTIONS:

1. To endorse acceptance of the Blackspot grants for 2018/2019.
2. To not endorse acceptance of the Blackspot grants for 2018/2019.

Option 1 is the recommendation of this report.

CONCLUSION:

Council has successfully attracted five (5) grants under the Federal Blackspot Funding Programme for 2018/2019, to reduce crash risk and severity at sites with poor crash history.

Council is requested to endorse acceptance of these grant funds and include funding in the 2018/2019 budget.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

As there are no quarterly budget reviews left for this financial year, the next opportunity to include Blackspot Programme funding in Council's budget is to amend the 2018/2019 budget currently on exhibition, and due to be adopted by Council on 21 June 2018.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

An article in the Tweed Link and a media release outlining successful projects.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

19 [E-CM] National Class 2 B-double Authorisation Notice 2018

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: Provider

SUMMARY OF REPORT:

The *National Class 2 B-double Authorisation Notice 2018* is the result of a harmonisation project by the National Heavy Vehicle Regulator (NHVR) to reduce inconsistencies in road access conditions across participating states and territories.

The NHVR has requested formal Road Manager's consent for continuation of the existing B-double networks and general access arrangements for B-double trucks under the new National Notice.

RECOMMENDATION:

That Council authorises the Manager Roads and Stormwater to provide Road Manager's consent to the *National Class 2 B-double Authorisation Notice 2018*.

REPORT:

The *National Class 2 B-double Authorisation Notice 2018* is the result of a harmonisation project by the National Heavy Vehicle Regulator (NHVR) to reduce inconsistencies in road access conditions across participating states and territories.

The NHVR has requested (in the letter contained in attachment 4 to this report) formal Road Manager's consent for continuation of the existing B-double networks and general access arrangements for B-double trucks under the new National Notice. General access arrangements permit 19m long B-doubles up to 50 tonnes on all roads, subject to the road rules.

The new notice does not introduce new B-double configurations, change existing routes included under the current notice, or change permit requirements for heavy vehicle operators.

Council has been provided with a 28 day timeframe, in accordance with the Heavy Vehicle National Law (HVNL) to respond, closing on 9 July 2018.

OPTIONS:

Option 1 – authorise the Manager Roads and Stormwater, as Road Manager defined under HVNL, to consent to the new National Notice. Option 1 is the recommendation of this report.

Option 2 – not consent to the new National Notice.

Option 2 has several implications for Council:

- Council would have to provide an explanation of the decision in writing, which would be subject to review by NHVR and Roads and Maritime Services (RMS);
- Many vehicles would no longer be able to lawfully drive on Council roads as they do now;
- Council would receive increased numbers of permit applications for freight movements that were previously covered by general access arrangements or permitted routes;
- Disruption to local businesses who rely on continued access to depots, farms, freight routes etc;
- Disruption to local transport activities such as fuel or produce deliveries.
- Operators may choose to run a greater number of lower productivity vehicles, with impacts on congestion, road wear, fuel use and emissions.

CONCLUSION:

The new National Notice aims to simplify and reduce the number of access conditions for B-double operators between States and Territories. Road Manager's consent to the new National Notice is required to continue access to B-double routes, maintain general access arrangements, and ensure continuity of local freight tasks.

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.

Report attachments include the new National Notice and supporting documentation from the NHVR. The request for Road Manager's consent is contained in the late attachment to this report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	National Class 2 B-double Authorisation Notice 2018 (ECM 5329103).
Attachment 2	Operator's Guide (ECM 5329090).
Attachment 3	Information for Road Managers (ECM 5329091).
Attachment 4	Letter - NSW B-Double National Notice (ECM5343577).

20 [E-CM] Classification of Land as Operational - Lot 6 DP 31026 at Kyogle Road, Bray Park

SUBMITTED BY: Design

nhm



Behind the scenes
Providing support to make it happen

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 at its meeting of 15 February 2018 resolved to purchase Lot 6 in DP 31026 at Kyogle Road, Bray Park.

The parcel is located adjacent to the Tweed River, less than 300 metres from the Bray Park weir, and was purchased to protect the integrity of the water supply.

Settlement of the purchase occurred on 16 April 2018 and pursuant to Section 31 of the *Local Government Act 1993*, Council is required to classify all land held by it within 3 months of the date of transfer to Council.

It is recommended that Council approve the classification of the subject land as "operational land" in pursuance of its obligations under the *Local Government Act, 1993*.

RECOMMENDATION:

That Council, in accordance with Section 31 of the Local Government Act, 1993, classifies Lot 6 in DP 31026 at Kyogle Road, Bray Park as "Operational Land".

REPORT:

Council at its meeting of 15 February 2018 resolved to purchase Lot 6 in DP 31026 at Kyogle Road, Bray Park.

The parcel is located adjacent to the Tweed River, less than 300 metres from the Bray Park weir, and was purchased to protect the integrity of the water supply.

Settlement of the purchase occurred on 16 April 2018 and pursuant to Section 31 of the *Local Government Act 1993*, Council is required to classify all land held by it within 3 months of the date of transfer to Council.

Diagram 1 - Plan showing location of land.



It is intended to classify the land as "operational land" to reflect the operational nature of the land.

Prior to resolving to classify the land, it is necessary for Council to publish a notice of its intention to classify the land. Such a notice was published in the Tweed Link on 24 April 2018, with a submission period of 28 days, which expired on 22 May 2018 with no submissions received.

It is recommended that Council approve the classification of the subject land as "operational land" in pursuance of its obligations under the *Local Government Act, 1993*.

OPTIONS:

As the classification of Council land is a statutory obligation, there are no alternative options available regarding this matter.

CONCLUSION:

Council is required to classify all land held by it and the purpose of this report is to fulfil that statutory obligation. It is recommended that Council approve the classification of the subject land as "operational land" in pursuance of Section 31 of the *Local Government Act 1993*.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
Section 31 of the *Local Government Act 1993*.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

In accordance with the classification of land acquired after July 1993, to satisfy section 31 of the *Local Government Act 1993*.

d. Communication/Engagement:

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

Advertised in the Tweed Link on 24 April 2018, inviting written submissions from the public.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [E-CM] Road Closure Application - Double View Road

SUBMITTED BY: Design

mhm



Behind the scenes
Providing support to make it happen

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:

An application has been received to close and purchase a section of Double View Road at Farrants Hill adjacent to and dissecting Lot 7 in DP1133505 – 11 Double View Road, Farrants Hill.

There are two formed tracks within the road reserve which provide access to adjoining properties. The only track in use at this time was fully sealed by the applicant in 2006 and it is currently maintained by the users of same. It is proposed that upon closure of the road reserve a right of carriageway will be created in its place allowing continue access to all affected properties over the sealed access track.

A desktop evaluation has been completed and it should be noted that overhead powerlines cross a section of the road proposed to be closed. In this instance the applicant may be required to negotiate an easement for overhead electricity directly with the service provider. Written evidence from the Provider specifying their requirements to be supplied by the applicant. No Council or other service infrastructure was apparent within or near that part of the road reserve that would have any detrimental impact.

Council's Policy on Road Closure and Private Purchase allows for a road to be closed and purchased whereby the applicant is providing an alternate corridor serving the same access role.

It is recommended that Council approves the closure and purchase of the section of Double View Road adjoining and dissecting Lot 7 in DP1133505.

RECOMMENDATION:

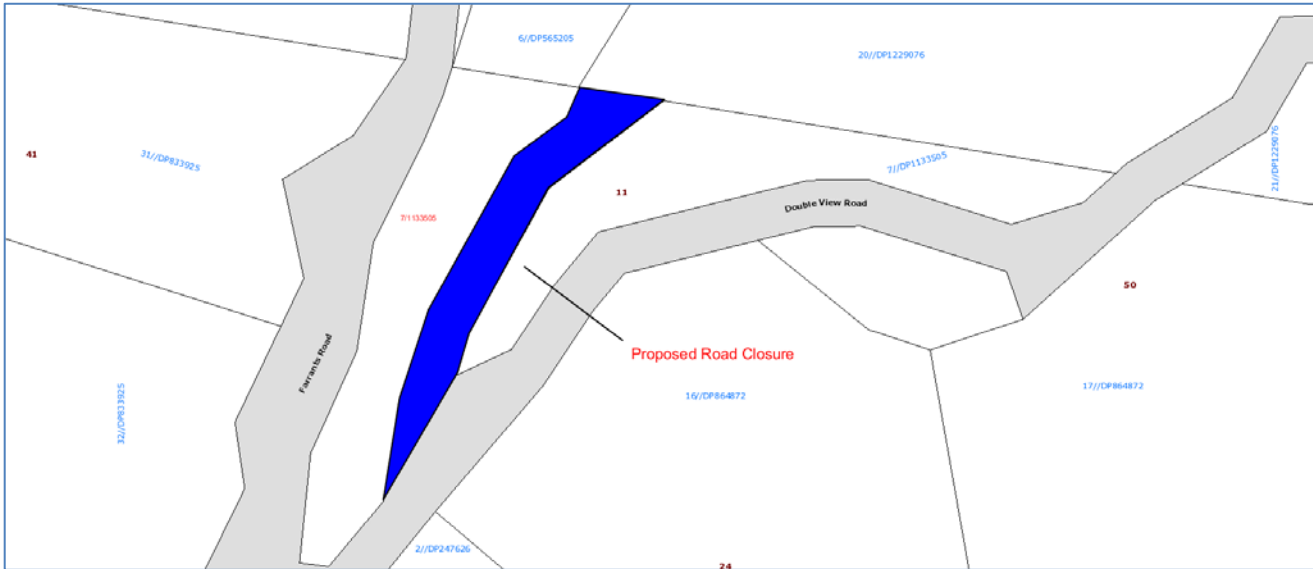
That:

- 1. Council approves the closure and purchase of the section of road reserve adjacent to and dissecting Lot 7 in DP1133505 at Double View Road, Farrants Hill, and**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer, and**
- 3. The title of the closed road is consolidated with the adjacent land, and**
- 4. The applicant creates a right of carriageway 5 wide over the track in use benefiting Lot 20 DP1229076, Lot 2 DP558811 and Lot 9 DP868291, and**
- 5. Easements be created over public authority reticulation services, if any, and**
- 6. All necessary documentation be executed under Common Seal of Council.**

REPORT:

An application has been received to close and purchase a section of Double View Road at Farrants Hill adjacent to and dissecting Lot 7 in DP1133505 – 11 Double View Road, Farrants Hill. Please refer to Diagram 1.

Diagram 1 – Proposed Road Closure area – approximate area of 3800m²



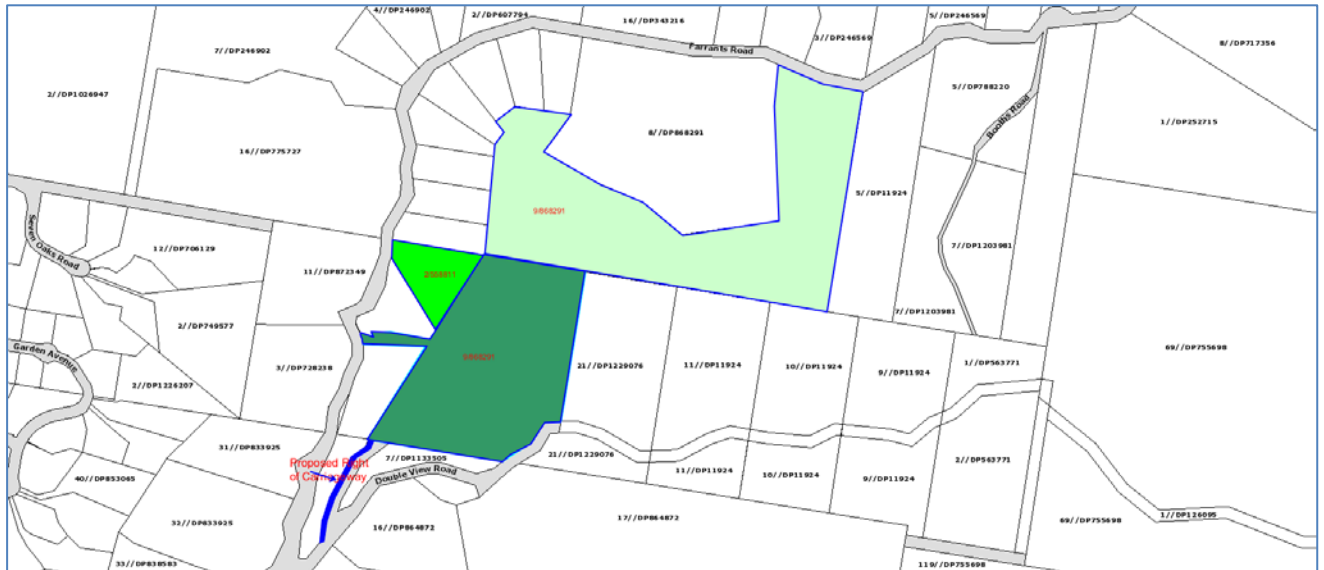
There are two formed tracks within the road reserve which provide access to adjoining properties. The only track in use at this time was fully sealed by the applicant in 2006 and it is currently maintained by the users of same. Please refer to Diagram 2

Diagram 2 showing location of both tracks within the road reserve



It is proposed by the applicant that upon closure of the road reserve a 5m wide right of carriageway will be created in its place allowing continued access to all affected properties over the sealed access track. These properties include Lot 20 DP1229076, Lot 9 DP868291 and Lot 2 DP558811. It is the responsibility of the applicant to obtain the consents of all affected land owners in this instance and bear all costs relating to the creation of the easement. Refer to Diagram 3

Diagram 3 showing proposed right of carriageway and land parcels affected



It may be noted that each of the affected parcels will benefit from both the proposed right of carriageway to be created over the road closure parcel and public road frontages from Double View Road (Lot 9 DP868291) and/or Farrants Road (Lot 9 DP868291, ot 2 DP558811 and Lot 20 DP1229076).

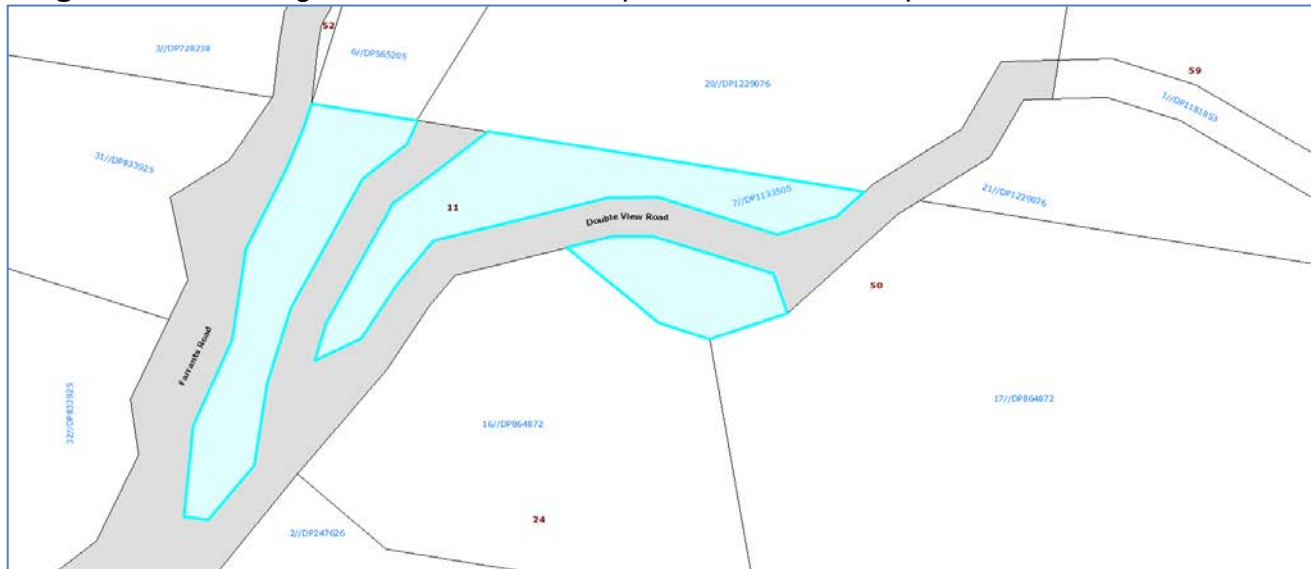
The applicant has noted the following reasons for the closure of the road reserve;

1. **House Boundaries** – Part of the roof line is on or very close to the road reserve – this is subject to survey. Due to the close proximity of the house to the road it does not allow for renovations on the current site due to setback limitation. If the dwelling is shown to be encroaching into the road reserve it will be a consent condition of any Development Application that the owner rectifies same by either removing the encroachment or closing and purchasing the affected area of road reserve.
2. **Privacy and Security** – The road is currently available to the public for use however only serves as an access road to the noted properties. The road is often mistakenly taken by tourists and visitors who are required to enter private property to turn around. The road is also frequented by unsavoury visitors for personal enjoyment and to dump rubbish – the applicant has been harassed on several occasions by such users.
3. **A mango plantation** aged over 40 years encroaches from the applicants land into the road reserve – the applicant is seeking rectification of this encroachment. See Diagram 4.
4. **Separation of Property** - The road reserve dissects the property leaving the western portion of the land separated from the eastern portions – see Diagram 5. Closure of the road reserve and consolidation with the adjoining property will allow the parcel to have some continuity and flow. There is no possibility of connecting the south eastern section of the land to the remainder of the parcel.

Diagram 4 – Encroachment of Mango plantation within the road reserve



Diagram 5 – showing the dissection and separation of the land parcel in its current state



A desktop evaluation has been completed and it was noted that overhead powerlines cross a section of the road proposed to be closed. In this instance the applicant may be required to negotiate an easement for overhead electricity directly with the service provider and is to provide Council with written agreement of the electricity service provider. No Council or other service infrastructure was apparent within or near that part of the road reserve that would have any detrimental impact.

OPTIONS:

1. Council approves the closure and purchase of the section of the road reserve adjacent to and dissecting Lot 7 in DP1133505 at full cost to the applicant; or
2. Council does not approve the closure and purchase of a section of the road reserve adjacent to and dissecting Lot 7 in DP1133505

CONCLUSION:

Council's Policy on Road Closure and Private Purchase allows for a road to be closed and purchased whereby the applicant is providing an alternate corridor serving the same access role.

It is recommended that Council approves the closure and purchase of the section of Double View Road adjoining and dissecting Lot 7 in DP1133505.

COUNCIL IMPLICATIONS:

a. Policy:

Road Closures and Private Purchase v1.2.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Advertising of the proposed road closure will be published in the Tweed Link providing the public with 28 days to submit comment or objection to the proposal.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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

SUBMITTED BY: Design

mhm



Behind the scenes
Providing support to make it happen

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:

A report was submitted to Council at its meeting of 16 November 2017 proposing the disposal of Council owned land at 218 Kennedy Drive, Tweed Heads West. Council resolved to defer the matter and conduct a Council workshop which would include details of alternative uses and constraints of the parcel.

A workshop was held in March 2018 and provided background information relating to the original purchase by Council of the land, the current status of the parcel, property information including zoning, allowable uses and site constraints and land use opportunities that may be available for this parcel.

The conclusion of the workshop was that given the current site zoning and the need for the Council General Fund to repay the purchase loan, the property should be resold as intended by Council in 2015 when it was purchased and that Councils Strategic Planning Unit investigate the opportunity to facilitate a design led site master plan for all the lots zoned B1 Neighbourhood Centre to help rationalise traffic management and mixed use opportunities across the sites.

Further delay in selling the property risks its value being eroded by squatters and vandalism and ongoing costs to the community in undertaking repairs, ongoing maintenance and security patrols.

RECOMMENDATION:

That:

- 1. Council approves the advertising of its intention to dispose of Council land being Lot A in DP 407658 in accordance with Council's Policy for the Disposal of Land.**

- 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.**

REPORT:

A report was submitted to Council at its meeting of 16 November 2017 proposing the disposal of Council owned land at 218 Kennedy Drive, Tweed Heads West. Council resolved to defer the matter and conduct a Council workshop which would include details of alternative uses and constraints of the parcel.

A workshop was held in March 2018 and provided the following information;

Background

In late 2011 Council obtained a Pt V approval for the upgrade of Kennedy Drive. The design works identified the most effective solution to improve stormwater drainage was to upgrade the system in this section which requires the additional stormwater discharge pipeline through 218 Kennedy Drive.

In 2015 the subject property was put on the market at which time Council considered a Report and resolved the following:

"That Council

- 1. Enters into negotiations with the owners of Lot A in DP 407658, 218 Kennedy Drive, Tweed Heads West to purchase the land and*
- 2. Executes all necessary documentation necessary to finalise the purchase under the Common Seal of Council.*
- 3. Purchase the property funded by an internal loan from the Non Domestic Waste Management Concrete Recycling Reserve Fund and to be repaid on resale of the property in (1) above."*

Land Use Opportunities

- The Tweed LEP 2014 intended this land be used as neighbourhood centre
- The retail and service role and function of this zoned B1 neighbourhood centre is reinforced within the *North Coast Regional Plan 2036* as a proposed business corridor (refer Figure 5: Tweed Regional City).
- The purpose of a business corridor and local centres is to provide opportunity for jobs and services such as shopping, dining, health and personal services to meet the daily and weekly needs of the local community.
- In terms of existing land use the site adjoins a neighbourhood shop complex to the east (at 212-216 Kennedy Drive) containing Kennedy Drive Medical Centre, pharmacy, Thai restaurant and seafood market.
- To the west the site adjoins a medical suite "House on Kennedy" which providing dietician, physio, podiatrist and psychology services. Refer to diagram 1 below
- The location of the single detach dwelling between these existing retail and commercial uses disrupts the continuity of this retail strip preventing continued growth of the sites retail and commercial uses, prevents co-location and rationalisation of access points of Kennedy Drive and opportunity for a common car parking area.
- Given the land use zoning opportunities across this and adjoining sites the preferred strategic direction would be to pursue an integrated development proposal across all three sites to rationalise access, car parking, infrastructure whilst opening up

opportunities for businesses/mixed use development which may address the high amenity of the water's edge.

- The future (re)development investigations over the subject site and adjoining sites could include an element of shop top housing with retail and commercial uses to the ground level and up to two levels residential units above
- It is problematic to develop such housing in flood affected areas (including affordable housing etc.)
- until the "Responding to Housing Needs Context and Operations Paper December 2017 (by Urbanista) is reported to Council and appropriate Strategy developed,
- Council owned land should not be identified for social, affordable or tiny housing unless in accordance with an adopted Policy to ensure value for the community

Diagram 1 – Street View



The conclusion of the workshop was that given the current site zoning and the need for the Council General Fund to repay the purchase loan, the property should be resold as intended by Council in 2015 when it was purchased.

It was further noted that opportunity will exist for Council to facilitate a design led site master plan (enquiry by design process) between all landowners over the Tweed Heads West B1 Neighbourhood Centre area. This process would establish a set of design principles which would guide future development outcomes across the site(s) with the principle aims of:

- reinforcing the existing B1 Neighbourhood Centre land use;
- seeking to rationalise traffic management including access and egress and common parking areas;
- investigate mixed use opportunities across the site Investigating public domain opportunities across the sites which may address the high amenity of the water's edge.

As the property, which contains a habitable dwelling, has remained vacant since purchase in 2015 it is now the subject of reported squatters and vagrants. The issues have been reported to the local police who have been unwilling to assist until such time as Council boards the property up as a security measure. Such action would promote the vacancy of the property and possibly encourage further break in's and likely vandalism. Boarding up the property will also create an eyesore for surrounding properties and attract negative feedback from the local community, particularly those conducting professional business practices in the adjoining parcels. The property is currently under the security of three nightly patrols by Tweed Coast Protective Services which will continue until such time as the property has been sold

Further delay in selling the property risks its value being eroded by squatters and vandalism and ongoing costs to the community in undertaking repairs, ongoing maintenance and security patrols.

OPTIONS:

1. Council approves advertising the intention to dispose of Council land in accordance with Council's Policy for the Disposal of Land.
2. Council does not approve the advertising of the proposed sale of land.

CONCLUSION:

The Council workshop concluded that after investigating the current status of the parcel, the property information including zoning, allowable uses and site constraints and land use opportunities that may be available for this parcel that given the current site zoning and the need for the Council General Fund to repay the purchase loan, the property should be resold.

It was the original intention of Council upon purchasing Lot A DP407658 in 2015 to construct the necessary stormwater drainage, create and Easement over the land benefiting Council and then place the property on the market for re-sale. The works have been completed and the Easement registered on Title. It is therefore recommended that Council now advertises its intention to dispose of the land and seek public submissions in relation to the disposal.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land v1.1.

b. Budget/Long Term Financial Plan:

The sale proceeds are requirement for the repayment of the internal loan from the Non Domestic Waste Management Concrete Recycling Reserve Fund. Should the sale of the land return a capital value above the loan amount due, it may be directed to currently unfunded projects or be applied to the purchase of properties by Council. It is recommended that if the disposal is approved that the sale proceeds over and above the loan amount due be directed to the land development reserve or towards developing strategies for affordable housing.

In the event that the tender process fails to attract offers to meet that financial commitment no offers will be accepted and the option remains for listing the property for sale at a nominated price of at least the current land valuation with an agent, and ensure that he property is sold for a price that would repay the internal loan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The proposed intention to dispose of Lot A DP 407658 will be advertised in the Tweed Link with a submission period of 28 days. Advertising will commence on 27 June 2018 and submissions will close on 25 July 2018.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1 Council Report and Resolution dated 16 November 2017
(ECM 5318383).

(*Confidential*) Attachment 2. Confidential Council Report and Resolution dated 19
February 2015 (ECM 5318434).

23 [E-CM] Road Flood Damage Restoration Update

SUBMITTED BY: Infrastructure Delivery

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: **Provider**

SUMMARY OF REPORT:

On 30 March 2017 ex-Tropical Cyclone Debbie caused significant and wide spread damage across the whole of the Tweed Shire. This report provides an update regarding the restoration of public road, bridge and stormwater infrastructure which are currently on schedule for completion by 31 December 2018. There are about a dozen major slip restoration sites that are behind schedule as at 30 June 2018 which will reduce costs expended by 30 June 2018, however these will not delay the overall completion of the flood recovery works.

RECOMMENDATION:

That Council notes that it is anticipated that 42% (by value) of the March 2017 flood restoration works will be completed by 30 June 2018 as compared to Council's target of 60% and it is planned that all works (with the exception of Byrrill Creek Bridge) will be completed as programmed by 31 December 2018.

REPORT:

Background

On 30 March 2017 ex-Tropical Cyclone Debbie caused significant and wide spread damage across the whole of the Tweed Shire. In total, 1529 damage items were recorded on 203 roads. These figures do not include the roads and stormwater systems affected by mud and silt in Tumbulgum and South Murwillumbah.

To date, restoration of 1325 individual damage items have been completed. Another 120 damage items are due for completion by the end of June 2018 when the final minor flood restoration contract is completed. This leaves 84 damage items remaining.

Of the remaining 84 damage items, 19 guardrail damage items are due for completion by the end of July 2018. The majority of the damaged guardrail items required other pavement or embankment repairs to first be completed and could not be scheduled earlier.

The remaining 64 damage items relating to the March 2017 flood event are being completed under seven major flood restoration contracts. These contracts contain the large bottom side slips and structural repairs to bridges and culverts that required engineering investigations before the contracts could be let. Other non-flood related works are also incorporated with these contracts due to the efficiencies that can be gained by bundling similar works together.

The first of the major flood restoration contracts is due for completion in August 2018, with the final contract due for completion in December 2018. To date, 3 contracts have commenced site works, 2 were scheduled to commence but are delayed due to design and approval issues and 2 contracts have not commenced on-site works but are still on schedule. Of the contracts that are currently delayed, the contractors have advised that additional resources are available to complete the works by the original contract dates.

Estimated Costs

The current estimated cost of the March 2017 flood event to roads, bridges and stormwater is \$27,676,078. This reduced slightly from the initial \$29M as investigations continued and repairs were better defined. This estimate is still likely to change as onsite works progress and estimation assumptions can be qualified. The awarded contracts are lump sum which reduces Council's financial risk, however any changes to scope and latent conditions would be Council's responsibility.

Included in the above amount is the concept estimate for Byrill Creek Bridge replacement of \$4,350,000. This amount includes "betterment" costs to bring the bridge up to modern standards. A more accurate estimate will be completed after the detailed design is finalised. Currently, 2 and 3 span bridge options of varying lengths and heights are being modelled for their effects on flooding to optimize the bridge configuration and select a final option to proceed with.

The final incomplete damage item is the replacement of Byrill Creek Bridge. This item is now being 50% Grant Funded under Round Three of the Bridges Renewal Program (BRP3), which is financially a better option for Council compared with the funding available under Natural Disaster Arrangements (NDDRA). This bridge is currently being designed and is on schedule for on-site works to commence towards the end of 2018 and completion by June 2019.

Progress Spend

The expenditure of the March 2017 flood event to roads, bridges and stormwater as at 31 May 2018 is \$9,249,997. This includes the cost of emergency works, ongoing maintenance costs of damaged sites, transition arrangements to commence restoration works, and restoration contract work completed to date.

There is a lag of between 4 and 7 weeks between damage items being completed, the contractor submitting claims and payment of the contractors invoice. The estimated cost of damage items completed to date is therefore \$11,562,628. This is expected to increase to \$13,143,916 by 30 June 2018 with actual payments made totalling around \$11.5M.

It was planned to have 60% (by value) of the restoration works completed by 30 June 2018. When comparing actual expenditure against the total estimate (including Byrill Creek Bridge), only 42% is expected to be achieved. However 54% will be achieved due to commencing onsite works at around 12 of the 64 major sites if Byrill Creek Bridge is ignored from the total.

The March 2017 flood restoration works for roads, bridges and stormwater infrastructure are still on track for completion by December 2018, which is 6 months ahead of the NDRRA funding requirements. The Byrill Creek Bridge upgrade is still on track for completion by 30 June 2019, which is 12 months ahead of the BRP3 funding requirements.

To date, \$21,617,298 in eligible NDRRA funding has been approved for this event. However, this will reduce by \$1,152,000 for Byrill Creek Bridge as Council is not eligible for both NDRRA and BRP3 funding. A final upper limit determination of NDRRA funding is yet to be made once reviews and negotiations between Council and Roads & Maritime Services are finalised.

Including the Byrill Creek Bridge upgrade, the likely funding shortfall for Council could be in the order of \$5,500,000. While this is already significantly less than the originally predicted shortfall of \$9.6M, staff will continue to maximise the available funding opportunities and continue negotiations with NDRRA funding with the aim of minimising the financial impact of the flood event.

OPTIONS:

Not Applicable.

CONCLUSION:

The flood restoration works following Ex-tropical Cyclone Debbie in March 2017 for damaged road, bridge and stormwater infrastructure are currently on schedule for completion by 31 December 2018. There are about a dozen major slip restoration sites that are behind schedule as at 30 June 2018, which will reduce costs expended by 30 June 2018, however these will not delay the overall completion of the flood recovery works.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

The majority of road flood damage items are eligible for funding reimbursement through NDRRA. The exact amount of NDRRA funding is unknown as it is subject to ongoing assessment by Roads and Maritime Services and Public Works Advisory. Grant funding of 50% is available for the replacement of Byrrill Creek Bridge. Any funding shortfall (currently predicted at \$5.5M) will be met by the Infrastructure Asset Management Reserve or by delaying some items on the capital works program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

24 [E-CM] B-Double Applications - Meeting held 24 May 2018

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
- 3.3 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 B-Double Routes Agency Advisory Group meeting held 24 May 2018 are reproduced in the body of this report for the information of Council.

Nineteen metre B-Double truck combinations do not require specific route approval from the road authority unless a request is received to exceed the general Gross Combination Mass (GCM) of 50t.

Approval with or without conditions can be given for the GCM to be increased to 55t and that approval can be granted for the road generally or apply specifically to an operator.

RECOMMENDATION:

That:

1. The Minutes of the B-Double Routes Agency Advisory Group meeting held 24 May 2018 be received and noted.
2. Tweed Coast Road from Chinderah to Hastings Point Consent Request No 105955r9v1 (ECM 5258006)

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r9v1) for the use of a 19m B-Double truck up to 55t on Tweed Coast Road from Chinderah to Hastings Point is supported subject to an assessment of the structural integrity of road assets as per 25m B-double route requirements.

3. Tweed Valley Way Yelgun to Mooball Consent Request No 105955r7v1 (ECM 5254647)

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r7v1) for the use of a 19m B-Double truck up to 55t on Tweed Valley Way from Yelgun to Mooball is supported subject to an assessment of the structural integrity of road assets as per 25m B-double route requirements.

REPORT:

The Minutes of the B-Double Routes Agency Advisory Group meeting held Thursday 24 May 2018 are reproduced as follows for the information of Councillors:

Minutes



Minutes of the B-Doubles Agency Advisory Group Meeting held Thursday 24 May 2018

Venue:

Mt Warning Meeting Room, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah

Time:

9:30am

Present:

Cr Katie Milne (Mayor), Cr Chris Cherry, Cr James Owen, Sgt Luke Blissett, Snr Constable David Brigg (NSW Police), Mr Rod Bates on behalf of Mr Geoff Provest MP, (Member for Tweed), Mr Col Brooks on behalf of Mr Thomas George MP, (Member for Lismore), Mr Joshua Buckham, and Ms Linda Makejev (Roads and Maritime Services of NSW).

Informal:

Mr Ray Clark (Chairperson), Mr Danny Rose, Alana Brooks, Judith Finch (Minutes).

Apologies:

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, (Member for Tweed), Cr Pryce Allsop, Nick Tzannes, Cr Reece Byrnes, Cr Ron Cooper, Cr Warren Polglase, Scott Greenow Roads & Maritime Services (RMS).

Minutes of Previous Meeting:

RESOLVED that the Minutes of the B-Doubles Agency Advisory Group Meeting held Thursday 19 April 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Noted that Item 2 from Minutes of meeting held 19 April 2018 was deferred at Council meeting held 17 May 2018 as follows:

"19m B-Double (50t-55t) to Dulquigan Quarry - NHVR Consent Request Number 143550r1v1"

The application (NHVR Consent Request Number 143550r1v1) for the use of a 19m B-Double up to 55t on Riverside Drive, Tumbulgum, Terranora Road, Dulquigan Road, North Tumbulgum, Dulquigan be deferred for feedback from NSW Police representative on the B-Double Routes Agency Advisory Group."

Business Arising:

From meeting held 24 May 2018:

2. **19m B-Double (50t-55t) to Dulquigan Quarry - NHVR Consent Request Number 143550r1v1**

Following the Conference call with NHVR and the information provided the Police Representative confirmed that if engineering advises that roads and bridge spans are

Minutes



assessed as being adequate for 55t 19m B-doubles then he is happy to support this application.

Agenda Items:

Conference call

With Tim Hansen, Laszlo (Les) Bruzsa and Kerry Plater, National Heavy Vehicle Regulator (NHVR).

Police raised concerns with 55t vehicles using local road and structural capabilities. NHVR advised that B Doubles are extremely good in roll over situations. A 19m b-double at 55t has axle loads that are exactly the same as the tandem groups in truck and dog combination or semi combinations, regardless of the weight being carried. Increases on pavement wear are very very small if there are no steep grades (10 - 12%).

Why did NHVR regulator set the limit at 50t if a 19m b-double at 55t is no different?

Up to 50t is to protect bridges and structures on roads. Weight on the tyres shows a combination vehicle is better used rather than having smaller trucks and more movements. It is related to the axle mass and not the general mass of a vehicle. Road structures need to be reviewed with 55t applications because they do not meet the General Access Formula. Bridges with spans greater than 9 or 10m is required for 55t B-doubles.

B-double fleets have to comply with higher standards than normal prescriptive vehicles e.g. ABS, design, suspension and drivelines. Extremely heavy combinations are the most damaging scenario in terms of pavement and horizontal loading. In normal operations that is not the case and the 5t increase in pavement force would have minimal impact on terms of pavement damage. The better design of B-Doubles is a class above normal fleet in terms of technical quality and safety features.

Cr Cherry queried if B-doubles to 55t can carry 57.5t why don't we talk about 57.5t.

This is because 57.5t is in a different concessional mass limit. It is a different truck for 57.5t. Not, any truck can go to any weight. For 57.5t it has to comply with mass management and have different suspension.

GVM for a 19m B-double is 55t. Higher weights assessment is another approval process with accreditation schemes and specific vehicle requirements.

Is the braking distance the same for 50t and 55t.

Australian Design Rules cover the braking. Deceleration is a factor to each individual unit of the vehicle. A fully loaded trailer is tested at maximum weights and individually tested. Each trailer stops themselves, as does the prime mover. B-Doubles to 50t would stop in the same length of time as a 55t because each component stops itself.

On many of our routes we have PBS trucks operating up to 57.5t why would we make people go through PBS system for 57.5t?

A truck and dog combination can travel up to 50t.

Prime movers (DA system) vs b-doubles (NHVR) was discussed.

Minutes



From an RMS perspective if a 19m B-Double up to 55t would this not come into consideration if it was travelling by schools, amenity etc?

Josh Buckham advised that RMS review it from a safety perspective.

How do we assess the roads along routes?

50t it is at reduced axle masses and at 55t is running at same axle masses as other 55t trucks.

Ray thanked NHVR for their availability and advised that we would send the following questions via email.

Questions raised are:

- a) *Science behind policy position on general access for 19m 50T b-doubles*
- b) *Why have a system where some b-doubles require permits and others do not*
- c) *Why don't B-doubles >50T require a process similar to PBS to guarantee safety etc.*
- d) *Can a 19M B-Double travel legally on 2 lane rural roads*
- e) *What process is required to certify additional pay loads*
- f) *What impact would a B-double carrying an additional 5 tonnes have on road surfaces and roadway safety and efficiency.*

The conference call terminated at 10.33am.

1. Tweed Coast Road from Chinderah to Hastings Point Consent Request No 105955r9v1 (ECM 5258006)

An application has been received to use a 19m /b-Double semi-trailer carrying greater than 50t up to 55t from Tweed Coast Road Chinderah to Tweed Coast Hastings Point for the delivery of fuel.

RECOMMENDATION FROM ADVISORY GROUP:

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r9v1) for the use of a 19m B-Double truck up to 55t on Tweed Coast Road from Chinderah to Hastings Point is supported subject to an assessment of the structural integrity of road assets as per 25m B-double route requirements.

Minutes



2. Tweed Valley Way Yelgun to Mooball Consent Request No 105955r7v1 (ECM 5254647)

An application has been received to use a 19m B-Double semi-trailer carrying greater than 50t up to 55t on Tweed Valley Way from Yelgun to Mooball for the delivery of fuel.

RECOMMENDATION FROM ADVISORY GROUP:

Following the conference call on 24 May 2018 with the National Heavy Vehicle Regulator (NHVR), the application (NHVR Consent Request Number 105955r7v1) for the use of a 19m B-Double truck up to 55t on Tweed Valley Way from Yelgun to Mooball is supported subject to an assessment of the structural integrity of road assets as per 25m B-double route requirements.

General Business:

Nil.

Next Meeting:

The next meeting of the B-Doubles Agency Advisory Group Meeting will be held as and when required.

The meeting closed at 11:20am.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

OPTIONS:

Not Applicable.

CONCLUSION:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Nil.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [E-CM] Recycled Water - Financial Assistance to Tweed River Jockey Club

SUBMITTED BY: Water and Wastewater

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.2 Sewerage Services - To provide high quality and reliable sewage collection and treatment services that meet health and environmental requirements.

ROLE: Provider

SUMMARY OF REPORT:

The Tweed River Jockey Club has previously received financial assistance for the provision of recycled water to the Club. The financial assistance provided was \$50,306 against an initial estimate of \$90,000.

The Tweed River Jockey Club is now seeking further financial assistance in the vicinity of \$3,500 to assist with the completion of the project.

The application is consistent with the initial approval in principle for financial assistance. Approval of the \$3,500 is within the original budget estimates.

Granting of the application would allow the Tweed River Jockey Club to complete the works and commission the recycled water infrastructure.

RECOMMENDATION:

That Council provides the Tweed River Jockey Club a further \$3,500 financial assistance to complete the recycled water works and commission the recycled water infrastructure.

REPORT:

On 16 October 2014 Council resolved, in part that Council:

1. *Supports in principle the provision of a \$35,000 grant to the Tweed River Jockey Club to undertake the planning and approval process for the provision and use of recycled water to irrigate the training track at the Tweed River Jockey Club.*
2. *Supports in principle the undertaking of works to Council infrastructure, at an approximate cost of \$55,000, so that the Tweed River Jockey Club may be provided with recycled water.*
3. *Prepares a draft agreement or agreements setting out the terms of the proposed grant and support in 1 and 2 above and the provision of recycled water to the Tweed River Jockey Club and reports this to Council for further consideration.*

Council provided \$35,000 to the Tweed River Jockey Club to undertake the planning and approval process for the provision and use of recycled water to irrigate the training track at the Tweed River Jockey Club. This work is now complete at a cost of \$35,475 incl GST.

Council has undertaken works to Council's infrastructure so that the Tweed River Jockey Club may be provided with recycled water. The value of these works is \$14,831 incl GST. The work was significantly cheaper than the estimate as it was found the supply to the Tweed River Jockey Club did not have to be pumped.

Council has prepared a draft agreement between Council and the Tweed River Jockey Club for the provision of recycled water. The agreement has not been executed as the Tweed River Jockey Club is yet to complete required works within their land.

The Tweed River Jockey Club has advised Council that the works to be undertaken by the Tweed River Jockey Club are nearing completion. The Tweed River Jockey Club is seeking further financial assistance in the vicinity of \$3,500 to assist with the completion of the project. A letter from the Tweed River Jockey Club is attached.

With the provision of the additional \$3,500 to the Tweed River Jockey Club the project would remain under budget.

Application of Policy

The proposal to provide financial assistance to the Tweed River Jockey Club has previously been assessed against criteria now in the Policy, Financial Assistance to the Proponents of Recycled Water Schemes. After that assessment it was resolved by Council supports in principle the provision of financial assistance to the Tweed River Jockey Club.

This application is for further funding for the original project and it is within the original budget and hence a recommendation to provide the additional funds is consistent with the previous resolution of Council.

OPTIONS:

Two (2) options are available to Council:

1. Approve the request for additional funding.
2. Refuse the request for additional funding.

Approval of the request would provide some certainty that the Tweed River Jockey Club will complete the works required for the use of recycled water at the Club. It would be at the cost of \$3,500 to Council.

Refusal of the request may mean a delay in the completion of the works.

CONCLUSION:

The Tweed River Jockey Club has previously received financial assistance for the provision of recycled water to the Club. The financial assistance provided was \$50,306 against an initial estimate of \$90,000.

The Tweed River Jockey Club is now seeking further financial assistance in the vicinity of \$3,500 to assist with the completion of the project.

The application is consistent with the initial approval in principle for financial assistance. Approval of the \$3,500 is within the original budget estimates.

COUNCIL IMPLICATIONS:

a. Policy:

Financial Assistance to the Proponents of Recycled Water Schemes v1.0

b. Budget/Long Term Financial Plan:

The \$3,500 requested is within the original budget and is funded from the Sewerage Fund.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Letter Tweed River Jockey Club undated (ECM 5343255)

26 [E-CM] Annual Indexation of Infrastructure Contribution Rates

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
- 1.4 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: **Provider**

SUMMARY OF REPORT:

This report is for the information of Councillors and summarises the effects of indexation on s7.11 Plan developer contribution rates for the new financial year. The majority of contribution rates increase by varying amounts, depending on adopted Plan and Program dates. After indexation, the adjusted median increase per lot per contribution is \$83.

The indexed contribution rates will come into effect on 1 July 2018.

RECOMMENDATION:

That Council notes the indexation of S7.11 (formerly S94) contribution rates as detailed in this report and in accordance with:

- 1. The provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000,**
- 2. The ABS Implicit Price Deflator (IPD) index as adopted in each Contribution Plan,**
- 3. The Tweed Shire Council Land Cost index for March 2018 as published in the 2018/2019 Revenue Policy and Statement and adopted in each Contribution Plan and**
- 4. The clause entitled "Adjustment of Contribution Rates" as adopted in each Contribution Plan.**

REPORT:

"Section 94" renamed to "Section 7.11":

The NSW State Government revised the Environmental Planning and Assessment Act during the 2018 financial year and as a result, 'Section 94' has been renamed to 'Section 7.11' within the Act. No changes to the practice of administering developer contributions has occurred as a result of this name change. Certain references in this report remain to 'Section 94' so as to retain historical accuracy, and for all intents and purposes a reference to 'Section 94' of the EP&A Act is equivalent to a reference to 'Section 7.11' of the same Act. The title page and page headers in plans updated during this indexation process have been amended to reflect this change, however note that any references to Section 94 in the body of the plans will not be updated until the plan is amended requiring formal public exhibition. Where appropriate, general references to plans have been changed from 'S94 Plan' to 'Contribution Plan'.

Background:

Council reviewed all of its contribution plans between July and December 2009 in accordance with a Direction from the NSW Minister for Planning. This was a major undertaking, and to streamline the process the opportunity was taken to standardise Council's disparate contribution plans in line with the then current Department of Planning 'template for a S94 Plan'. The template included a section with reference to indexation of the plan's works program. The Environmental Planning and Assessment (EP&A) Act had always allowed for such indexation however the review process revealed that Council had never previously utilised this mechanism to update developer contribution rates, in most cases because the contribution plan did not allow for it, or in one case, because a process had not been implemented to apply the update. Therefore a benefit of the Direction was that this oversight was rectified during the review process.

All of the plans which were reviewed were exhibited for comment and adopted by Council in accordance with the usual requirements of the EP&A Act. The majority of the amended plans were adopted by Council in December 2009.

Annual indexation in accordance with the clause entitled "Adjustment of Contribution Rates" adopted in each Contribution Plan and referred to in this report has been applied to contribution rates each financial year where appropriate since July 2011, and this process is now being repeated for July 2018.

What is a S7.11 Plan for?

S7.11 of the Environmental Planning and Assessment Act (formerly S94) enables Council to collect money from developers for the provision of additional infrastructure required as a result of that development. It is an attempt to implement a 'user pays' approach and the intention is to ensure that sufficient arterial road capacity, additional open space, community facilities and other community infrastructure continues to be provided by Council, without placing the burden to pay for that infrastructure onto existing residents and ratepayers.

To collect contributions from developers, Council must have a Contribution Plan in place which has been adopted in accordance with the EP&A Act and Regulations. The plan must spell out the infrastructure required, how much it will cost, and clearly demonstrate a direct link (nexus) between the required work and the demand generated by the new population as a result of development.

Council currently has 23 active contribution plans, approximately half of these apply to the whole shire, the rest are area-specific plans. The majority of plans levy contributions on residential and tourist development, while others, like the Road Contribution Plan (No 4) and Council Admin Facilities Plan (No 18), also levy contributions for commercial development.

Indices:

The Department of Planning's 'template for a S94 Plan' includes clauses for indexation of the works program broken down in terms of land and non-land components, including a localised 'Land Cost Index'. It is open to Council to use any viable index, provided that it is 'readily accessible'.

Regulation 32 of the Environmental Planning and Assessment Regulation 2000 states as follows:

- "(3) A council may make the following kinds of amendments to a contributions plan without the need to prepare a new contributions plan:*
- (a) minor typographical corrections,*
 - (b) changes to the rates of section 94 monetary contributions set out in the plan to reflect quarterly or annual variations to:*
 - (i) readily accessible index figures adopted by the plan (such as a Consumer Price Index), or*
 - (ii) index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan,*
 - (c) the omission of details concerning works that have been completed."*

Consequently the following indices were selected:

Non land component - IPD (Implicit Price Deflator):

This index is published by the Australian Bureau of Statistics and refers to the value of work done (implicit price deflator). It is referred to as Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001

This index is applied to components of a Contribution Plan works program for non-land items such as open space embellishment and the construction of buildings, roads and carparks.

The currently available IPD figures are for December 2017, released by the ABS in April 2018. As a matter of interest, the IPD has increased 3.24% since December 2016.

Land component - TSC Land Cost Index:

Tweed Shire Council's Land Cost Index is a simple index calculated with reference to the movement in annual median property sale values and is published annually under the heading **Land Cost Indexation** in Council's Revenue Policy.

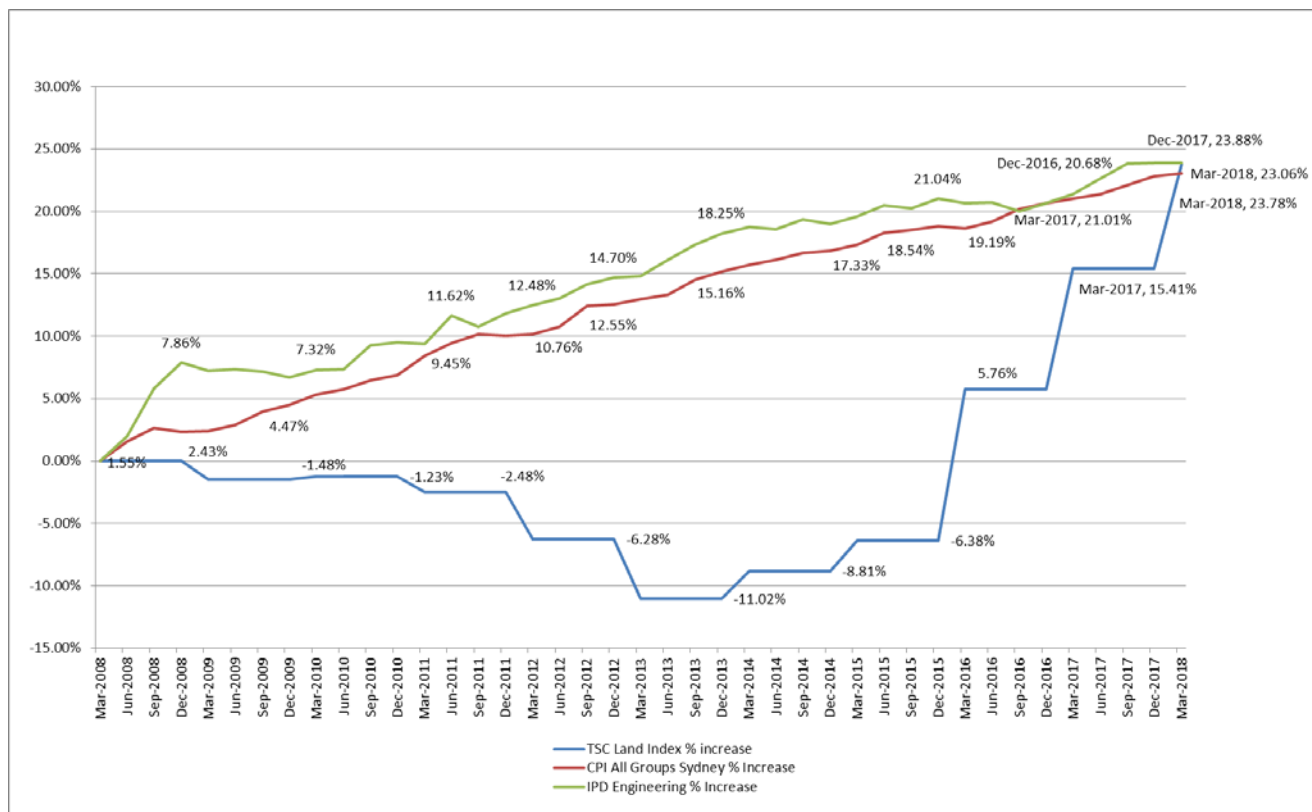
In 2009, escalating property values in Tweed Shire were of serious concern and price movements were noted well in excess of any non-land related index. It was felt that it was essential that an index that could closely reflect the actual cost to Council of the acquisition of land would be the most appropriate index to use, therefore the TSC Land Index was calculated and is now published annually.

At the time of preparation of this report, the currently available Land Cost Index figures are for March 2018, to be published in Council's Draft Revenue Policy 2018/2019. As a matter of interest, the land index has increased 8.37% since March 2017.

CPI All Groups (Sydney):

Section 94 Plan No 28 - Seaside City was indexed in the annual cycle for the first time in 2014, in accordance with clauses in the plan which enable indexation in line with the ABS CPI index for All Groups (Sydney), ABS Reference 6401.0 Consumer Price Index. As a matter of interest, the CPI has increased 2.04% since March 2017.

Cumulative movement of indices since 2008 is shown in the chart below. It should be noted that indexation in each plan is recalculated each year from the specific works program item base year in the originally adopted plan. Specific details of the calculation relevant to each plan are included as an appendix in the plan.



Effect of negative movements in indices:

The template for a S94 Plan, and therefore each updated Tweed Shire Council contribution plan, contains the following statements in the clause entitled 'Adjustment of Contribution Rates':

Note: In the event that the Current IPD is less than the previous IPD, the Current IPD shall be taken as not less than the previous IPD.

Note: In the event that the Current LV Index is less than the previous LV Index, the Current LV Index shall be taken as not less than the previous LV Index.

Effect of indexation on contribution rates:

Plan		Component	Current \$	Per unit	Rate at 1 July 2018	Increase per unit	Increase per lot
1	Banora Point Open Space	Structured Open Space	\$1165	person	\$1297	\$132	\$316
		Casual Open Space with dedication	\$240	person	\$270	\$30	\$71
		Casual Open Space no dedication	\$737	person	\$827	\$91	\$17
2	Banora Point West Drainage Scheme	Drainage	\$14,406	HA	\$16,179	\$177	\$18
4	Tweed Road Contribution Plan	Tweed Heads	\$876	Trip	\$921	\$45	\$293
		Tweed Heads South	\$1,416	Trip	\$1,489	\$73	\$475
		Cobaki	\$1,480	Trip	\$1,555	\$75	\$488
		Bilambil Heights	\$3,048	Trip	\$3,203	\$155	\$1,008
		Terranora	\$2,137	Trip	\$2,246	\$109	\$709
		Kingscliff	\$1,221	Trip	\$1,283	\$62	\$404
		Duranbah/Cabarita	\$1,231	Trip	\$1,293	\$62	\$404
		LAC4: Casuarina	\$1,411	Trip	\$1,483	\$72	\$469
		Pottsville	\$1,380	Trip	\$1,450	\$70	\$455
		LAC3: Koala Beach/Seabreeze	\$1,453	Trip	\$1,527	\$74	\$482
		Murwillumbah	\$1,415	Trip	\$1,488	\$73	\$475
		Rural - Inner East	\$1,942	Trip	\$2,041	\$99	\$644
		Burringbar	\$1,346	Trip	\$1,414	\$68	\$442
		Rural - Inner North	\$3,147	Trip	\$3,307	\$160	\$1,041
		Rural - Inner West	\$2,406	Trip	\$2,529	\$123	\$800
Rural - Other	\$2,723	Trip	\$2,862	\$139	\$904		
5	Local Open Space	Structured Open Space	\$268.87	person	\$297.62	\$28.75	\$69.28
		Casual Open Space	\$234.91	person	\$260.03	\$25.12	\$60.07
7	West Kingscliff	Structured Open Space	\$1,377	person	\$1,505	\$128	\$307
		Drainage	\$68,087	HA	\$73,559	\$5,472	\$547.20
10	Cobaki Lakes	Community facilities	\$513	person	\$544	\$31	\$75
11	Libraries		\$362	person	\$389	\$26	\$64
12	Bus Shelters	bus shelters	\$27.45	person	\$29.46	\$2	\$5
13	Eviron Cemetery	Cemetery	\$52.72	person	\$56.20	\$3.49	\$8.37
15	Community Facilities	Community facilities	\$607.02	person	\$641.20	\$34.18	\$82
18	Council Admin/Tech Support	Admin	806.51	person	\$911.31	\$104.80	\$251.53
19	Casuarina Beach/Kings Forest	Community Facilities	\$978	person	\$1,037	\$59	\$141
		Structured Open Space	\$579	person	\$636	\$57	\$137

Plan		Component	Current \$	Per unit	Rate at 1 July 2018	Increase per unit	Increase per lot
21	Terranora Village	Structured Open Space	\$540.50	person	\$607.05	\$66.55	\$159.73
		Community facilities	\$183.96	person	\$206.61	\$22.65	\$54.36
22	Cycleways	Cycleway	\$204.35	person	\$219.25	\$14.90	\$35.77
23	Offsite Parking	Tweed Heads	\$27,957	space	\$30,535	\$2,578	NA
		Murwillumbah	\$16,988	space	\$18,648	\$1,660	NA
		Kingscliff	\$29,535	space	\$32,421	\$2,886	NA
		Bogangar/Cab. Bch	\$29,535	space	\$32,421	\$2,886	NA
		Pottsville	\$24,436	space	\$26,524	\$2,088	NA
		Fingal Head	\$3,095	space	\$3,397	\$302	NA
25	SALT Open Space & Associated Carparking	Structured Open Space	\$1,077	person	\$1,183	\$106	\$254
26	Regional Open Space	Structured Open Space	\$1,656	person	\$1,777	\$121	\$290
		Casual Open Space	\$472	person	\$506	\$34	\$83
27	Tweed Heads Master Plan	Open space and streetscaping	\$616	person	\$616	Nil	Nil
28	Seaside City	For existing and new subdivisions, excludes structured open space (to developer) 20,620	\$21,338	person	\$21,689	\$351	\$913
		For new subdivisions only, structured open space (to Council)	\$1,714	person	\$1,742	\$28	\$73

OPTIONS:

- Note the indexation of contribution rates as recommended.

CONCLUSION:

Given that Council is authorised to regularly index contribution rates under the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000, and by the clause entitled "Adjustment of Contribution Rates" as adopted in each Contribution Plan, indexation has been applied to contribution rates as detailed in this report. Contribution plans have been updated to specify the contribution and Council's financial systems have been updated accordingly. The updated contribution rates become effective on 1 July 2018. This report is tabled for the information of Councillors.

COUNCIL IMPLICATIONS:

a. Policy:

Council's adopted Contribution Plans.

NSW Environmental Planning and Assessment Act and Regulations.

b. Budget/Long Term Financial Plan:

Because the Environmental Planning and Assessment Regulations and Council's adopted contributions plans allow for indexation of contribution rates, Council is able to annually adjust contribution rates in accordance with specific adopted indices, thereby enabling Council to require that developers fairly contribute towards the current actual cost of providing the facilities required as a result of that development, as identified in the contribution plans.

c. Legal:

Council is authorised to regularly index contribution rates under the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000, and by the clause entitled "Adjustment of Contribution Rates" as adopted in each Contribution Plan.

d. Communication/Engagement:

Inform - We will keep you informed.

This is an administrative change which is documented within the previously exhibited and amended Contribution Plan.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

27 [FRIT-CM] Integrated Planning and Reporting framework - 2017/2021 Delivery Program and 2018/2019 Operational Plan

SUBMITTED BY: Financial Services

nhm



Making decisions with you
We're in this together



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
4	Behind the scenes
4.1	Assurance

ROLE: **Collaborator** **Provider** **Advocate** **Leader**

SUMMARY OF REPORT:

Council placed the 2017/2021 Delivery Program, including the 2018/2019 Draft Operational Plan; Revenue Policy and Statement; Budget and Fees and Charges; and the Resourcing Strategy 2018 on public exhibition, inviting submissions from 4 May to 1 June 2018.

In adopting these documents for public exhibition, Council at its meeting of 3 May 2018 resolved to provide an additional \$10,000 (bringing the total contribution to \$15,000) to the Tweed Valley Wildlife Carers in 2018/2019. This has been funded by a \$10,000 reduction in the roads budget.

Council must consider all public submissions received concerning the Delivery Program 2017/2021 and the Operational Plan 2018/2019 before adopting the plans for the next year.

RECOMMENDATION:

That Council adopts the following plans, as exhibited and amended:

- **Delivery Program 2017/2021;**
- **Operational Plan 2018/2019;**

- **Resourcing Strategy 2018 supporting the 2017-2027 Community Strategic Plan**
- **Revenue Policy and Statement 2018/2019;**
- **Budget 2018/2019; and**
- **Fees and Charges 2018/2019.**

REPORT:

Council placed the Delivery Program 2017/2021 and Draft Operational Plan 2017/2018 and associated documents on public exhibition following the April Council Meeting, inviting submissions up to 1 June 2018.

In adopting these documents for public exhibition, Council at its meeting of 3 May 2018 resolved to provide an additional \$10,000 (bringing the total contribution to \$15,000) to the Tweed Valley Wildlife Carers in 2018/2019. This has been funded by a \$10,000 reduction in the roads budget.

The Delivery Program 2017/2021 details projects and services Council has determined to carry out over the four year period. The Delivery Program 2017/2021 is informed by the Resourcing Strategy. The Operational Plan 2018/2019 is a detailed account for one year of the Delivery Program and incorporates the 2018/2019 Budget, Revenue Policy and Statement the Fees and Charges.

During the display period, Council sought general community feedback through the Tweed Link, the Tweed Shire Council website as well as a presentation of the Integrated Planning and Reporting framework and the Draft 2018/2019 budget at the Community Round Table meeting of 13 April 2018.

Council received no written submissions during the exhibition period, as a result there will be no amendment to the suite of Integrated Planning and Reporting documents.

OPTIONS:

Council is required to adopt by 30 June 2018 the Delivery Program 2017/2021; Operational Plan 2018/2019; Resourcing Strategy 2018, Revenue Policy and Statement 2018/2019; Budget 2018/2019 and Fees and Charges 2018/2019.

CONCLUSION:

That Council adopts the following plans, as exhibited and amended:

- Delivery Program 2017/2021,
- Operational Plan 2018/2019,
- Resourcing Strategy 2018 supporting the 2017-2027 Community Strategic Plan
- Revenue Policy and Statement 2018/2019,
- Budget 2018/2019,
- Fees and Charges 2018/2019.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

The Community Strategic Plan provides a vehicle for expressing long-term community aspirations. These aspirations will not be achieved without sufficient resources – time, money, assets and people – as outlined in the Resourcing Strategy.

The Resourcing Strategy consists of three components:

- Long Term Financial Planning
- Workforce Management Planning
- Asset Management Planning.

The Long Term Financial Plan must be:

- for a minimum of 10 years.
- updated at least annually as part of the development of the Operational Plan.
- reviewed in detail as part of the four yearly review of the Community Strategic Plan.

The Long Term Financial Plan is an important part of council's strategic planning process. It is the point where long term community aspirations and goals are tested against financial realities as outlined within the report and the 2018/2019 Budget and Long Term Financial Plan.

c. Legal:

Integrated Planning and Reporting requirements are outlined in Sections 402, 403, 404, 405 and 406 of the Local Government Act 1993.

d. Communication/Engagement:

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

Council sought general community feedback through the Tweed Link, the Tweed Shire Council website as well as a presentation of the Integrated Planning and Reporting framework and the Draft 2018/2019 budget at the Community Round Table meeting of 13 April 2018.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Delivery Program 2017/2021 and Draft Operational Plan 2018/2019 (ECM5332924).
Attachment 2.	Resourcing Strategy, Supporting the 2017/2027 Community Strategic Plan (ECM5332925).
Attachment 3.	Revenue Policy and Statement 2018/2019 (ECM5332936)
Attachment 4.	Budget 2018/2019 (ECM5332947)
Attachment 5.	Fees and Charges 2018/2019 (ECM 333202)

28 [FRIT-CM] Tweed Heads Jack Evans Boat Harbour - Plan of Management

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
- 3.2 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:

The Tweed Heads Jack Evans Boat Harbour Reserve Trust resolved that Council allocates \$50,000 in order to prioritise the development of a draft Plan of Management for Jack Evans Boat Harbour within the next 12 months.

This report outlines changes to the 2017/2018 budget required to provide for this resolution.

RECOMMENDATION:

That the budget for the year ending 30 June 2018 be amended to include the adjustments outlined below:

Category	Description	Current Vote	Change to Vote
Operating Expenditure	Jack Evans Boat Harbour draft Plan of Management	0	50,000
Operating Expenditure	Eviron gardens VIC recurring costs	77,000	(50,000)
	Net Adjustment		0

REPORT:

At the Tweed Heads Jack Evans Boat Harbour Reserve Trust Meeting held on 15 February 2018 it was resolved that:

“The Tweed Heads Jack Evans Boat Harbour Reserve Trust:

- 1. Acknowledge the important cultural management considerations existing at Jack Evans Boat Harbour and prioritise actions relating to cultural heritage management in the JEBH Draft Plan of Management.*
- 2. Acknowledge the existing Tweed Coast Single Coastal Reserve Plan of Management, the recently adopted Commercial Recreation Activities in Public Open Space Policy, The Draft Tweed River Estuary Coastal Management Program and the existing Jack Evans Boat Harbour Park Usage and Event Guidelines as forming primary considerations in the writing of the Draft Plan of Management for the Jack Evans Boat Harbour*
- 3. Utilise the considerable information gained during the recent extensive community consultation for the Open Space Strategy to inform the writing of the Draft Plan of Management for the Jack Evans Boat Harbour*
- 4. Requests clarity from the State Government on any plans it has for the development of Crown Land within and or surrounding JEBH so that this can be considered as part of the development of the Plan of Management.*
- 5. Requests that Council allocates the required \$50,000 in order to prioritise the development of a draft Plan of Management for JEBH to be brought back for consideration by the Trust within 12 months,*
- 6. Acknowledges that the 12 month time line for delivery of the draft plan of management will be contingent on agreement by the Aboriginal Advisory Committee to finalised plans for Goorimahbah.”*

The requested funding of \$50,000 relates to consultancy to assist with engagement and plan development.

The proposed engagement process is illustrated in the table below.

Stage 1	Engagement with the Aboriginal community on their expectations for Goorimahbah. This will involve numerous meetings with the community and potentially workshops, allowing enough time for the community to properly discuss and consider their preferences.	2018
Stage 2	Community engagement. This will include a broad range of engagement tools including events in the park, intercept surveys, pop-up-parks in shopping malls, on line engagement, market stalls, deliberative forums etc.	2018/2019
Stage 3	Development of draft Plan of Management and associated engagement process through to adoption of final plan. The process for adoption will be determined by the final outcome of the land tenure issues*.	2019/2020

* Negotiations to resolve the land tenure issues will be on-going throughout the process.

The following adjustment to the 2017/2018 budget is recommended to provide for this resolution:-

Category	Description	Current Vote	Change to Vote
Operating Expenditure	Jack Evans Boat Harbour draft Plan of Management	0	50,000
Operating Expenditure	Eviron gardens VIC recurring costs	77,000	(50,000)
	Net Adjustment		0

OPTIONS:

Not Applicable

CONCLUSION:

That the budget for the year ending 30 June 2018 be amended to include the adjustments outlined within the report.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

As detailed within the report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

29 [FRIT-CM] In Kind and Real Donations January to March 2018

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: Leader

SUMMARY OF REPORT:

Details of in kind and real donations for the period January to March 2018 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total in kind and real donations of \$43,911.55 for the period January to March 2018.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period January to March 2018 are reproduced as follows:

In Kind and Real Donations - January to March 2018

Amount	Recipient	Donated Item	Date
Financial Assistance			
\$1,000.00	Frisson Pty Ltd Martin Family Trust	Budget Allocation - Tweed Local Heritage Assistance Fund	14/02/18
\$2,000.00	S Stephens	Budget Allocation - Tweed Local Heritage Assistance Fund	14/02/18
\$1,000.00	Presbyterian Church (NSW) Property Trust	Budget Allocation - Tweed Local Heritage Assistance Fund	21/03/18
\$2,000.00	Tavern Décor Pty Ltd - Alan Skerritt	Budget Allocation - Tweed Local Heritage Assistance Fund	31/03/18
\$15,000.00	International Riverfoundation	Budget Allocation	13/03/18
\$21,000.00			
Goods and/or Materials			
\$44.40	Agape Outreach Inc	Charity Waste	Jan/Feb/Mar
\$11.10	TH Community Men's Shed Inc	Charity Waste	Jan/Feb/Mar
\$2,053.50	On Track Community Programs	Charity Waste	Jan/Feb/Mar
\$666.00	Pottsville Community Centre	Charity Waste	Jan/Feb/Mar
\$1,724.20	RSPCA Animal Shelter	Charity Waste	Jan/Feb/Mar
\$1,735.30	Salvation Army	Charity Waste	Jan/Feb/Mar
\$899.10	Tweed Coast Community Baptist Church	Charity Waste	Jan/Feb/Mar
\$4,288.30	St Vincent De Paul	Charity Waste	Jan/Feb/Mar
\$3,348.50	Tweed Palliative Care	Charity Waste	Jan/Feb/Mar
\$3,378.10	Tweed Valley Op Shop	Charity Waste	Jan/Feb/Mar
\$407.00	You Have a Friend	Charity Waste	Jan/Feb/Mar
\$78.12	Tweed Land Care Committee	Printing & Copying	Feb/Mar
\$100.00	Cabarita Youth Service (National Youth Week)	Printing & Copying	March
\$18,733.62			
Provision of Labour and/or Plant & Equipment			
\$1,962.86	Life Education Van Relocation	Provision of Labour & Council Plant	Jan/Feb/Mar
\$171.53	Tweed Coast Holiday Parks Kingscliff Triathlon	Provision of Labour & Council Plant	16/03/18
\$2,134.39			
Rates			
\$298.70	Twin Towns Police and Community Youth Club	Water Usage	16/01/18
\$115.24	Twin Towns Police and Community Youth Club	Sewer Usage	16/01/18

Amount	Recipient	Donated Item	Date
\$413.94			
Tweed Link Advertising			
\$118.30	Chinderah District Residents Association	Advertising	Feb/Mar
\$50.70	Banora Point & District Residents Association	Advertising	27/02/18
\$50.70	Casuarina & South Kingscliff Residents Association	Advertising	06/03/18
\$50.70	Cabarita Beach/Bogangar Residents Association	Advertising	06/03/18
\$67.60	Tyalgum District Community Association	Advertising	13/03/18
\$67.60	Pottsville Community Association	Advertising	20/03/18
\$405.60			
Room Hire			
\$132.00	Twin Towns Friends Association	Room and Hall Hire	Jan/Feb/Mar
\$194.00	Tweed Hospital Auxiliary	Room and Hall Hire	Jan/Feb/Mar
\$194.00	South Sea Islanders Community	Room and Hall Hire	Jan/Feb/Mar
\$58.00	Banora Point & District Residents Association	Room and Hall Hire	Jan/Feb/Mar
\$646.00	Tweed Theatre Company Inc	Room and Hall Hire	Jan/Feb/Mar
\$1,224.00			
\$43,911.55	Total Donations 3rd Quarter (January, February, March 2018)		

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.

30 [FRIT-CM] Monthly Investment Report for period ending 31 May 2018

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:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$311,433,281** invested as at **31 May, 2018** and the actual net return on these funds was **\$820,211** or **3.16%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 May 2018 totalling \$311,433,281 be received and noted.

REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$311,433,281** invested as at **31 May, 2018** and the accrued net return on these funds was **\$820,211** or **3.16%** annualised for the month.

1. Ethical Investments

■ Ethical Financial Institutions
\$157,154,476 which represents 50.46% of the total portfolio

Source: Australian Ethical

2. Economic Commentary

Australian and World Economy and Cash Rate

At its 5 June 2018 meeting, the Reserve Bank Board decided to leave the cash rate unchanged at 1.50 per cent.

The global economy has strengthened over the past year. A number of advanced economies are growing at an above-trend rate and unemployment rates are low. The Chinese economy continues to grow solidly, with the authorities paying increased attention to the risks in the financial sector and the sustainability of growth.

Globally, inflation remains low, although it has increased in some economies and further increases are expected given the tight labour markets. As conditions have improved in the global economy, a number of central banks have withdrawn some monetary stimulus and further steps in this direction are expected.

Financial markets have been affected by political developments in the Eurozone, particularly in Italy. There are also concerns about the direction of international trade policy in the United States and economic developments in a few emerging market economies. Long-term bond yields in most major economies have declined recently and there has been some widening of corporate credit spreads. Overall, though, financial conditions remain expansionary. Conditions in US dollar short-term money markets have eased recently, although they are tighter than earlier in the year, with US dollar short-term interest rates having increased for reasons other than the increase in the federal funds rate. The higher rates in the United States have flowed through to higher short-term interest rates in a few other countries, including Australia.

The price of oil has increased over recent months, as have the prices of some base metals. Australia's terms of trade are expected to decline over the next few years, but remain at a relatively high level.

The recent data on the Australian economy have been consistent with the Bank's central forecast for GDP growth to pick up, to average a bit above 3 per cent in 2018 and 2019. Business conditions are positive and non-mining business investment is increasing. Higher levels of public infrastructure investment are also supporting the economy. Stronger growth

in exports is expected. One continuing source of uncertainty is the outlook for household consumption. Household income has been growing slowly and debt levels are high.

Employment has grown strongly over the past year, although growth has slowed over recent months. The strong growth in employment has been accompanied by a significant rise in labour force participation, particularly by women and older Australians. The unemployment rate has been little changed at around 5½ per cent for much of the past year. The various forward-looking indicators continue to point to solid growth in employment in the period ahead, with a gradual reduction in the unemployment rate expected. Wages growth remains low. This is likely to continue for a while yet, although the stronger economy should see some lift in wages growth over time. Consistent with this, the rate of wages growth appears to have troughed and there are reports that some employers are finding it more difficult to hire workers with the necessary skills.

Inflation is low and is likely to remain so for some time, reflecting low growth in labour costs and strong competition in retailing. A gradual pick-up in inflation is, however, expected as the economy strengthens. The central forecast is for CPI inflation to be a bit above 2 per cent in 2018.

The Australian dollar remains within the range that it has been in over the past two years. An appreciating exchange rate would be expected to result in a slower pick-up in economic activity and inflation than currently forecast.

The housing markets in Sydney and Melbourne have slowed. Nationwide measures of housing prices are little changed over the past six months, with prices having recorded falls in some areas. Housing credit growth has slowed over the past year, especially to investors. APRA's supervisory measures and tighter credit standards have been helpful in containing the build-up of risk in household balance sheets, although the level of household debt remains high. While there may be some further tightening of lending standards, the average mortgage interest rate on outstanding loans is continuing to decline.

The low level of interest rates is continuing to support the Australian economy. Further progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. Taking account of the available information, the Board judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time.

Source: RBA Monetary Policy Decision

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with NSW Office of Local Government guidelines with approximately 78% of the portfolio held in cash and term deposits. Term deposits and bonds are paying average margins over the 90 day bank bill rate.

Bank demand for term deposit funds continue to wane as investors seek alternatives with higher returns due to an uncertain interest rate outlook. The imposition of mortgage lending restrictions is also crimping bank demand for depositors' funds. Banks are also using debt issuance (bonds) as a less expensive source of funds than term deposits and offshore wholesale funding.

Conversely, new Australian Prudential Regulation Authority regulations increasing the amount of capital required to be held by banks is marginally increasing bank demand for depositors' funds.

Many "cash at call" rates are at levels below the RBA cash rate. The historic low cash rate is still translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories except Cash at Call out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from some longer-dated, higher yielding bonds and term deposits purchased before interest rate margins began contracting, however these securities are maturing. As these longer-dated bonds and term deposits mature and are replaced with lower yielding investments the total portfolio return will decrease. Overall, the investment portfolio has returned a **weighted average 1.07% pa** above the 90 day UBS bank bill index for the last month.

3. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS	8,093,400.00	
FLOATING RATE NOTES	60,039,882.00	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	74,999,999.00	
CALL ACCOUNT	9,300,000.00	152,433,281.00

WATER FUND

TERM DEPOSITS	66,000,000.00	
FUND MANAGERS	0.00	66,000,000.00

SEWERAGE FUND

TERM DEPOSITS	93,000,000.00	
FUND MANAGERS	0.00	93,000,000.00

TOTAL INVESTMENTS		311,433,281.00
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It should be noted that the General Fund investments of **\$152 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



Responsible Accounting Officer

Executive Manager

Finance, Revenue and Information Technology

Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Investment Report Pack 1 May to 31 May 2018
(ECM5338266).

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

31 [PCG-CM] Voting Delegates - Local Government NSW - Casual Vacancy Election

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 make informed decisions in the best interest of the community.

ROLE: Collaborator Advocate Leader

SUMMARY OF REPORT:

A vacancy exists in the Office of Vice President (Rural/Regional councils) on the Board of Local Government New South Wales.

Council as a financial member of the Association and within the category of a Rural/Regional council is entitled to 4 votes in this upcoming election and has been requested to nominate these voting delegates.

RECOMMENDATION:

That Councillors nominate up to 4 voting delegates for the upcoming election to fill the casual vacancy of Vice President (Rural/Regional councils) on the Board of Local Government NSW.

REPORT:

A vacancy exists in the Office of Vice President (Rural/Regional councils) on the Board of Local Government New South Wales, following the resignation of the incumbent in April 2018.

Council as a financial member of the Association and within the category of a Rural/Regional council is entitled to 4 votes in this upcoming election and has been requested to nominate these voting delegates before 6 July 2018.

The election will be conducted by the Australian Electoral Commission and in accordance with the rules of the Local Government NSW Association will be by secret ballot.

OPTIONS:

1. Council nominates up to 4 delegates to vote in the upcoming election to fill the vacancy in the office of Vice President (Rural/Regional councils).
2. Council does not nominate any delegates to vote in the upcoming election to fill the vacancy in the office of Vice President (Rural/Regional councils).

CONCLUSION:

Council nominates 4 voting delegates to vote in the upcoming election to fill the vacancy in the office of Vice President (Rural/Regional councils).

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Voting entitlements as per Local Government NSW requirements.

b. Budget/Long Term Financial Plan:

There are no budgetary considerations associated with this report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter from Local Government NSW advising of election of Vice President (Rural/Regional councils) (ECM 5308364)

32 [PCG-CM] Compliments and Complaints Analysis Report for the period 1 January to 31 March 2018

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.1	Assurance
4.1.1	Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

The Compliments and Complaints Analysis Report for the Period 1 January to 31 March 2018 identifies compliments and complaints and is provided for the information of Council.

RECOMMENDATION:

That Council receives and notes the Compliments and Complaints Analysis Report for the period 1 January to 31 March 2018.

REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.

Under the Compliments and Complaints Handling Policy the following applies:

"What is a Complaint?"

- *A complaint is an expression of dissatisfaction, made in respect to:*
- *A Council Officer's role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.*
- *The quality of service provided by council.*
- *Council failing to act upon a request from the public,*
- *The policies adopted by council.*
- *Dissatisfaction with Council's action following the lodgment of a request for service (management through Council's customer request management system) or a request for information (managed through Government Information Public Access Act)."*

"What is not a Complaint?"

- *A request for service is covered by the customer request management (CRM) process. Examples are; reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues.*
- *A request for information or an explanation of a policy or procedure.*
- *Objections to a development application before Council determination or appeals in relation to the determination by council.*
- *Concerns raised regarding decisions of the elected council."*

It is not a request for service (customer request management), or information, or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint analysis report is presented to Council, detailed by type and outcomes/actions on a quarterly basis, without personal identifying particulars of complainants or associated persons or properties.

Complaints principally refer to the:

- Failure of Council Officers to comply with Council's Customer Service Charter in not responding to items within 14 days in accordance with the Correspondence - Response to Policy.
- Respondents being dissatisfied with the actions of Council Officers in handling their original request for service.
- Complainants being dissatisfied by decisions made by Council.

The complaint type has been categorised in accordance with the Council's organisational structure. This methodology assists in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Council received 58 Compliments for the period 1 January to 31 March 2018, as follows:

Compliment Type	Ref	Details of Compliment	Comments
Office of General Manager	1.1	<i>General Manager</i> 1 Compliment Rail Trail Congratulating Mayor, Deputy Mayor, General Manager and Director Engineering for persisting to seek a reasonable solution to a contentious issue and saving railway corridor.	Noted by General Manager.
	1.2	<i>Events</i> 1 Compliment Congratulating Council on the Australia Day Awards and Citizenship Ceremony.	Noted by nominated Staff member.
	1.3	<i>Events</i> 1 Compliment Thanking Council for assistance with Sunday 18 March Kingscliff Triathlon.	Referred to nominated members of Staff.
People, Communication and Governance	2.1	<i>Communication & Customer Experience and Other Divisional Customer Service Units</i> 12 Compliments Complimenting various Units Staff on excellent service and being helpful.	Noted by Managers, Coordinators and referred to nominated Staff.
Planning and Regulation	3.1	<i>Building and Environment Health Unit</i> 1 Compliment Complimenting staff on their positive attitude.	Noted by Unit Manager.
	3.2	<i>Compliance Team</i> 2 Compliments <i>Thanking a Staff member for providing assistance with complaints</i>	Noted by Division Director and referred to nominated member of Staff.
	3.3	<i>Development Assessment Unit</i> 1 Compliment Impressed by Staff member knowledge regarding an enquiry.	Noted by Division Director and referred to nominated member of Staff.
Engineering	4.1	<i>Roads and Stormwater Unit</i> 5 Compliments Appreciation to staff for cleaning drains, slashing roadside, upgrading of Cudgera Creek Road and updating 2017 Tumbulgum flood marker sign.	Noted by Unit Manager and referred to relevant Staff.

Compliment Type	Ref	Details of Compliment	Comments
	4.2	<i>Traffic and Transport Section</i> 1 Compliment Thank you for placing speed monitoring trailer on the corner of Marine Parade and Pacific Street Kingscliff.	Noted by Unit Manager and referred to nominated member of Staff.
	4.3	<i>Water and Wastewater Unit</i> 2 Compliments Appreciation for excellent customer service.	Noted by Unit Manager and referred to relevant Staff.
Community and Natural Resources	5.1	<i>Kingscliff Foreshore Revitalisation</i> 1 Compliment Thanking a Staff member for providing information to an Association meeting.	Noted by nominated member of Staff.
	5.2	<i>Parks Tree Team</i> 1 Compliment Thanking Staff for attending to the removal of a tree.	Noted by Unit Manager and referred to relevant Staff.
	5.3	<i>Waste Management Unit</i> 1 Compliment Appreciation to a Staff member for understanding of an important issue.	Noted by Unit Coordinator referred to nominated Staff member.
	5.4	<i>Tweed Regional Aquatic Centre</i> 7 Compliments Expressing support for the aqua fitness classes.	Referred to TRAC Operations Coordinator.
	5.5	<i>Tweed Regional Aquatic Centre</i> 1 Compliment Thanking Council for a generous donation of pool vouchers for the recent Christmas Appeal.	Noted by Unit Manager and referred to TRAC Operations Coordinator.
	5.6	<i>Cemetery Team</i> 2 Compliments Thanking staff for excellent customer service.	Noted by Unit Manager and referred to nominated member of Staff.
	5.7	<i>Parks Team</i> 10 Compliment Appreciation to team that maintain various parks, river foreshore, beach walkway, removal of fallen trees and cleaning of toilets	Noted by Unit Manager and referred to relevant Staff.
	5.8	<i>Natural Resources Unit</i> 6 Compliments Appreciation for management of mosquito population at North Tumbulgum, installation of a Cudgera Beach gate and Mooball Creek temporary stairs, maintenance at Hastings Point beach access, Fingal Headland and sand dumping at Kingscliff.	Noted by Unit Manager and referred to nominated Staff.
	5.9	<i>Museum</i> 1 Compliment Thank you to staff who helped make our visit special.	Noted by Museum Director.
	5.10	<i>Holiday Parks</i> 1 Compliment Compliment to the managers for the running and keeping of Fingal Holiday Park.	Noted by Holiday Parks Coordinator.

During this quarter 9 subject complaints have been recorded as follows:

Complaint Type	Ref	Details of Complaint	Comments
Office of General Manager	1.1	<i>Reserve Creek and Hindmarsh Roads Issues</i> Have sent 3 letters addressed to the General Manager seeking a response to issues concerning road resumption and road maintenance	In Progress Acknowledgement letter sent advising that a further investigation will be undertaken, with a response to be sent following the investigation.
People, Communication and Governance.	2.1	<i>Breach of Personal Information</i> Have contacted Council three times & each time personal information is being provided without verifying caller's identity.	Completed Complaint investigated, complainant advised of additional caller information to be verified.
Planning and Regulation	3.1	<i>26 Seaview Street Kingscliff</i> DA05/0824.07 – Ongoing issues with non-compliance with Development Consent. Feel have been unfairly treated by Council	In Progress Council Officers have been liaising with complainant and Body Corporate Manager to address the issues.
	3.2	<i>60 Victoria Avenue Pottsville</i> DA17/0505 – Still waiting on a response or at best contact from supervisor re Development Application & previous correspondence.	Completed Meeting held, issues of the development application approval discussed with complainant.
	3.3	<i>245 Blakeney's Road Stokers Siding</i> Barking dogs, ongoing for over 2 years, talking to compliance unit & nothing has happened.	Completed Meeting held with complainant, issue discussed with dog owner, complaint now addressed.
	3.4	<i>33 Bay Street Tweed Heads</i> Detailed complaints of noise coming from F45 Gym six days per week and to date there have not been an acceptable resolution.	In Progress Complaint has been ongoing since September 2017, on-site inspections conducted, letters sent to business owner to address noise issue, still to be completed. Complainant has received detailed response letter.
	3.5	<i>7 Angourie Street Kingscliff</i> Formally complain and escalate the issue of an unlawful structure and storage of green matter.	In Progress Property further inspected, property owner requested to rectify the issues.
	3.6	<i>DA15/0817 - 27 Tweed Coast Road, Bogangar</i> Formally complain at the time taken to process development application, together with other general development concerns.	Completed Development Application approved, detailed letter sent advising of the reasons for the time taken to process development application.
Engineering	4	Nil	
Community and Natural Resources	5.1	<i>Waste Management</i> 5 Complaints received pertaining to red bin system, bulky waste pick up and twice annual pick up of household rubbish.	Completed Each complaint investigated, and appropriate response sent addressing the issues raised.

OPTIONS:

Reporting as per Compliments and Complaints Handling Policy.

CONCLUSION:

Compliments and Complaints received during the Period 1 January to 31 March 2018.

COUNCIL IMPLICATIONS:

a. Policy:

Compliments and Complaints Handling v1.4
Response to Correspondence Policy v1.5

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

33 [PCG-CM] Access to Information Policy Version 1.6

SUBMITTED BY: Information Technology

mhm



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.1	Assurance
4.1.1	Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

This report recommends the updates to the 'Access to Information Policy v1.5' be accepted. Changes have been made to include consideration to spatial data supply. An Open Data Hub which provides the public with access to Council owned spatial data is being developed to allow the public to download spatial data in accordance with Creative Commons Attribution 4.0.

Federal and State Government have made a push for government agencies to make data freely available to the public. Stakeholders are able to access the data direct from the open data platform whilst still adhering to data licencing standards under the creative commons attribution international licencing. They can then incorporate this data into new applications which will be of benefit to the community.

The updates to the policy reflect the inclusion of spatial data and access to the Open Data Hub.

RECOMMENDATION:

That:

- 1. Council adopts the changes to the Access to Information Policy v1.6 as attached to this report which includes reference to spatial data and the Open Data Hub.**
- 2. The updated Policy is not required to be publicly exhibited in accordance with Section 161 of the Local Government Act 1993 as Council is of the opinion that the amendments are not substantial and it may adopt the amended draft local policy without public exhibition.**

REPORT:

Spatial data is frequently requested from external organisations to assist with the completion of projects.

The introduction of the Open Data Hub through Council's website, which will provide an interface for the public to access data will streamline the request process.

Tweed Shire Council currently publishes a range of spatial data to ESRI's ARGIS Online, which is a cloud based solution providing storage of spatial features, ability to publish web maps, web applications, story maps, collector maps, surveys and Open Data Hub.

Tweed Shire Council's ArcGIS Online account currently hosts over 400 data items and 20 web applications.

These spatial data layers published to ArcGIS Online are consumed via web maps which are made available on the mapping page of Council's Website. The web apps provide customers with access to visualise information including:

- Property and roads,
- Flooding,
- Planning,
- Environment, and
- Community features.

This data is currently able to be viewed and queried in the interactive mapping.

Data owned by Tweed Shire Council will be made available through the Open Data Hub.

As part of the terms and conditions of use, the relevant policy for the supply of data needs to be updated to include the provision of spatial data.

OPTIONS:

Nil

CONCLUSION:

As per the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Access to Information v1.6

Privacy Management Plan v1.3

b. Budget/Long Term Financial Plan:

Nil

c. Legal:

Licence agreements will be initiated with users of the Open Data Hub.

d. Communication/Engagement:

Inform - We will keep you informed. It is expected that the launch of the Data Hub will be reported via Tweed Link and Council Media Release and the Access to Information Policy will be incorporated as part of the 'Terms of Use'.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Updated Access to Information Policy v1.6 (with tracked changes) (ECM5337070).

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

34 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 April 2018

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: **Leader**

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 April 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 April 2018 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A3. Repealing of Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan

That subject to investigations to determine that there will be no direct impact on the Memorandum of Understanding - Cobaki Broadwater Attachment G to the Terranora Cobaki Broadwater Catchment Management Plan, the Aboriginal Advisory Committee supports the repealing of the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan.

A5. DA16/0852 No. 5 North Hill Court, Tanglewood

That subject to a satisfactory report being provided by the Tweed Byron Local Aboriginal Land Council, the Aboriginal Advisory Committee raises no objection to DA16/0852 No. 5 North Hill Court, Tanglewood and requests that a Tweed Byron Local Aboriginal Land Council monitoring officer be present during any ground disturbance.

GB3. Murwillumbah to Casino Railway

That the Aboriginal Advisory Committee:

- 1. Supports retaining the railway line between Murwillumbah and Casino for train or tram use for the future and to have the rail trail running alongside the track.***
- 2. Requests that Aboriginal Cultural Heritage be a consideration in any rail trail corridor tender specifications.***

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 April 2018 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum & Cultural Centre

Time:

9am

Present:

Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Victor Slockee (Canowindra representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Mayor Katie Milne (Tweed Shire Council), Leweena Williams (Tweed Aboriginal Corporation for Sport representative) (arrived at 10am), Des Williams (Tweed Byron Local Aboriginal Land Council representative) (arrived at 10.15am).

Ex-officio:

Robyn Grigg, Robert Appo, David Burgener (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Stewart Brawley (arrived at 9.57am) and Cr Chris Cherry (arrived at 10.00am) (Tweed Shire Council); Robyn Eisermann (Tweed Shire Council) (arrived at 10.23am); Tom Alletson (Tweed Shire Council) (arrived at 11.00am); David O'Connell (Tweed Shire Council) (arrived at 11.45am).

Apologies:

Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch representative); Tracey Stinson, Chantelle Howse (Tweed Shire Council).

In the absence of a quorum, the meeting proceeded as a discussion with notes being taken. It was noted that the AAC would not be able to make any recommendations/ resolutions unless a quorum was achieved.

Agenda Items:

A1. Robert Appo (Tweed Shire Council)

(a) 20 Year Commemoration of AAC

Robert advised that a report was presented to Council at its meeting on 22 March 2018 acknowledging the 20 year commemoration of the AAC and Council resolved:

That Council acknowledges the 20 Year dedicated commitment of service by the Aboriginal Advisory Committee and notes:

- 1. The significant achievements of the Aboriginal Advisory Committee and the contribution the committee makes by providing advice to Council to encourage and facilitate the development of the Tweed Aboriginal and Torres Strait Islander Communities in the Tweed Shire.*

2. *The commitment of the current and past members of the Aboriginal Advisory Committee and the organisations which they represent.*
3. *Councillor and Council staff contribution in assisting the Aboriginal Advisory Committee.*

Rob advised that the Aboriginal Statement of Commitment Policy has now been finalised and is ready to go to Council for consideration and recommendation that it be placed on public exhibition. Following the exhibition period, the Policy will go back to Council for adoption.

Action: *CDO-Aboriginal to email a copy of the draft Statement of Commitment Policy to the AAC.*

Stewart Brawley arrived at 9.57am
Leweena Williams & Cr Chris Cherry arrived at 10.00am

Quorum Achieved at 10.00am

Rob advised that a Family Fun Day commemorating the achievements of the AAC over the past 20 years will be held during NAIDOC week on the afternoon of 10 July 2018 at Minjungbal Aboriginal Museum and Cultural Centre. Rob has discussed the proposal with the NAIDOC Committee which is supportive of the event. A timeline of achievements over the past 20 years is being prepared using historical newspaper articles involving Council and the AAC, and these articles may be turned into a small publication.

(b) Reconciliation Action Plan (RAP) Launch - May 2018

Council's Reconciliation Action Plan (RAP) was scheduled to be launched on 22 March 2018 however this date had to be rescheduled due to Councillor workshops. The RAP will now be launched during Reconciliation Week on 30 May 2018.

Council is partnering and cost sharing with other local RAP organisations to host a joint Reconciliation Week community screening of the movie 'Sweet Country' by Warwick Thornton at Hoyts Cinema at Tweed City on 30 May 2018. The film has not been picked up by the major cinemas in Australia and the RAP organisations will be advocating for the cinema to show the film independently. Rob is currently liaising with Warwick Thornton inviting him to participate in a Q&A following the screening. Council's RAP will be launched at a venue within Tweed City prior to the film screening.

Rob advised that some edits were required to be made to the RAP following the departure of Liz Collyer and involved allocating areas of responsibilities to Directors and Senior Managers within the organisation. Council is now awaiting approval from Reconciliation Australia to the edits and then the RAP will be printed ready for the launch.

Chair: Victor Slockee

Moved: Desrae Rotumah

Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Victor Slockee was nominated and was unanimously elected to Chair the meeting.

Victor Slockee opened the meeting with a welcome to all present and paid respect to Elders past and present.

(c) Introduction of Matt Donovan & Kristy Swain (NSW Aboriginal Affairs)

NSW Aboriginal Affairs officers were not present at the meeting.

Agenda Items:

A2. Jack Evans Boat Harbour Plan of Management - Feedback (Cr Chris Cherry and Stewart Brawley, Tweed Shire Council)

Stewart provided an update and confirmed that a workshop will be held with the AAC which will include a site visit and the opportunity to revisit the plans and drawings for Goorimahbah to assess whether the information is still relevant or whether the AAC would prefer to discuss other options. The AAC agreed that a separate half day workshop would be the best way forward and requested Robert to arrange a date and advise the AAC.

Action: *CDO-Aboriginal to arrange a workshop between the AAC and Manager Recreation Services (Stewart Brawley) regarding the Jack Evans Boat Harbour Plan of Management and Goorimahbah before the end of April 2018 and to advise the AAC members.*

Stewart advised that a Council Planner will be assigned to the Plan of Management specifically including engagement and it is hoped that the officer will attend the workshop. It is desirable that the plan for Goorimahbah be in place before engaging with the community regarding the Plan of Management.

Des Williams arrived at 10.15am

Naming of Kingscliff Foreshore Park

On 15 February 2018, Council resolved to:

1. *Adopts the name "Rowan Robinson Park" for the new foreshore redevelopment park.*
2. *The RSL be requested to prepare a plaque for installation in the Park.*
3. *An acknowledgement of the local aboriginal clan also be provided.*

The acknowledgement of Goodjinburra could be in the form of interpretative signage or informative panels, plantings, a cultural story about Cook Island looking from the viewing platform, Aboriginal names for cabins within the caravan park or for shade structures.

Stewart suggested that during the Goorimahbah workshop, that the Goodjinburra acknowledgement also be looked at and that the AAC's ideas be discussed.

Cr Cherry advised 51 different submissions were received for the naming of the park and that Goodjinburra received the second highest number of votes.

Action: *CDO-Aboriginal and Manager Recreation Services to ensure that discussion regarding Aboriginal acknowledgement of Goodjinburra in Rowan Robinson Park be held during the Goorimahbah workshop.*

Robyn Eisermann arrived at 10.23am
Stewart Brawley left the meeting at 10.27am

A3. Repealing of Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan - Robyn Eisermann (Tweed Shire Council)

Robyn advised that the Terranora Cobaki Broadwater Cultural Heritage Management Plan (TCBACHMP) has been superseded by the Shire Wide Aboriginal Cultural Heritage Management Plan and she is seeking a resolution from the AAC regarding repealing the TCBACHMP. Robyn advised that it is her opinion the Shire Wide Aboriginal Cultural Heritage Management Plan is superior to the TCBACHMP as it has captured more details in relation to Aboriginal Cultural Heritage. The other option is to exclude Terranora Cobaki Broadwater from the Shire Wide Aboriginal Cultural Heritage Management Plan however Robyn feels this would not be the best outcome as there would then be two different plans and processes.

Jackie enquired whether the Memorandum of Understanding - Terranora Cobaki Broadwater Attachment G to the Terranora Cobaki Broadwater Catchment Management Plan prepared by National Parks and Wildlife approximately 10 years ago would need to be updated as a result of the repealing of the TCBACHMP. Jackie advised the Memorandum of Understanding was prepared as a result of the concerns of the Aboriginal community regarding developments and Aboriginal Cultural Heritage values.

Tom Alletson arrived at 11.00am

Tom Alletson was asked whether he was aware of the Memorandum of Understanding and he advised that it was a written agreement to do works but nothing came of it so repealing of the TCBACHMP will not have an effect on the Memorandum of Understanding.

Moved: Des Williams

Seconded: Desrae Rotumah

RECOMMENDATION:

That subject to investigations to determine that there will be no direct impact on the Memorandum of Understanding - Cobaki Broadwater Attachment G to the Terranora Cobaki Broadwater Catchment Management Plan, the Aboriginal Advisory Committee supports the repealing of the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan.

Robyn advised that under the Shire Wide Aboriginal Cultural Heritage Management Plan, Council will be taking precautionary action in the predictive areas. Any registered sites have been put into the 'known' layer and any predictive sites are under the 'predictive' layer.

Action: *Robyn Eisermann to provide the Summary Table of Submissions received to the Shire Wide Aboriginal Cultural Heritage Management Plan to the AAC members.*

Action: *Robyn Eisermann to work with Tom Alletson regarding Memorandum of Understanding - Cobaki Broadwater, Attachment G in the Terranora Cobaki Broadwater Catchment Management Plan and to provide information to the AAC by email asap as this may affect the resolution above.*

During the meeting, Mayor Milne looked up Attachment G and advised that the Memorandum of Understanding has now expired. Tom confirmed that there will be no effect on the Terranora Cobaki Broadwater Catchment Management Plan by repealing the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan.

Robyn Eisermann left the meeting at 11.19am

A4. Tweed River Estuary Management Plan - Tom Alletson (Tweed Shire Council)

Tom provided a brief update on Tweed River Estuary Coastal Management Plan (TRECMP) project and reminded the AAC that he attended an AAC meeting in 2016 and discussed how the cultural significance of the river will be incorporated into the TRECMP. There is a strong message that cultural fishing is important to the community.

A draft of the Tweed River Estuary: Coastal Management Plan 2018-2028 has now been prepared. An acknowledgement of the Aboriginal community will be included at the beginning of the document. The TRECMP includes some actions which relate to the Aboriginal community.

One of the primary objectives of the Plan is to try to maintain the environmental quality of the river including the ecosystems, vegetation, quality of water and aquatic life by seeking to sustain the environment and giving Aboriginal cultural practices the best opportunity to continue.

One of the actions is to involve representatives of the Aboriginal community in implementation of the Plan to ensure their values are prioritised appropriately. Tom is seeking advice from the AAC as to how this can be done and noted that under the Shire Wide Aboriginal Cultural Heritage Management Plan there is now a new layer of approvals that Council needs to obtain relating to Aboriginal cultural. This action reiterates that when Council is undertaking a program of works the Aboriginal community will have a view of those works, and it would be good if the Aboriginal community could work with Council.

Rob advised that through the Reconciliation Action Plan (RAP) there are opportunities for Council to look at local employment initiatives and procurement opportunities for Aboriginal business. Robyn advised that Council needs to have internal checklists in place to ensure it has picked up on things and are incorporating them in its practices.

Tom anticipates the draft will be out on public exhibition in June and advised that he is happy to come back to the AAC and do a more formal presentation. The AAC agreed that they would like Tom to come to the AAC meeting in June.

Action: *CDO-Aboriginal to invite Tom Alletson to the AAC meeting in June to do a formal presentation on the Tweed River Estuary: Coastal Management Plan 2018-2028.*

Tom provided a heads up to the AAC that there is a cluster of eight memorials for deceased people at Hastings Point just below the headland. Some of the memorials are brass plaques attached to rocks and some consists of spray painting on natural rocks. A policy addressing this issue has been developed and is about to go out on public exhibition in the next few weeks. The purpose of the policy is to inform the community that it is not appropriate for memorials to be placed in the natural environment and that they will be removed. There will be a process where community members can make an application to Council. Des advised that the point of Hastings Point is a sacred site and the rock is eroding. Additional visitations to the site will cause further erosion and will destroy the Aboriginal site. Leweenaa advised that there is also a memorial across the Bay at Kerosene Inlet. Tom invited the AAC to make a submission in relation to the draft Policy.

David O'Connell arrived at the meeting 11.45am
Tom Alletson left the meeting at 11.47am
Leweena Williams left the meeting at 11.48am

A5. DA16/0852 No. 5 North Hill Court, Tanglewood - David O'Connell (Tweed Shire Council)

David advised an application has been lodged for the erection of a dwelling house, shed extension, and use of an existing structure for a secondary dwelling at 5 North Hill Court, Tanglewood. The application was referred to Council which resolved that it be referred to the AAC to investigate Aboriginal Cultural Heritage. An inspection was done with a Tweed Byron Local Aboriginal Land Council (TBLALC) officer on 22 March 2018 however the report hasn't yet been received. Des advised that he previously did an inspection of the site with Ian Fox and it wasn't a significant site and there wasn't any artefact scatter on the site.

Council has specifically requested any comments and a recommendation from the AAC regarding the Application. The AAC may consider providing a recommendation subject to the TBLALC report.

Moved: Des Williams

Seconded: Desrae Rotumah

RECOMMENDATION:

That subject to a satisfactory report being provided by the Tweed Byron Local Aboriginal Land Council, the Aboriginal Advisory Committee raises no objection to DA16/0852 No. 5 North Hill Court, Tanglewood and requests that a Tweed Byron Local Aboriginal Land Council monitoring officer be present during any ground disturbance.

David O'Connell left the meeting at 12.00pm

General Business:

GB1. Elizabeth Street, Pottsville

Rob advised that Council is currently carrying out work in Elizabeth Street, Pottsville. During the early stages of planning for the road realignment and footpath, Council Environmental Planners decided to undertake a full Cultural Heritage Assessment and applied for an AHIP. Two weeks ago there were monitors on site when an in situ midden was identified resulting in a stop work order. Office of Environment & Heritage will be undertaking a site inspection and another round of assessment next week. Des noted that an AHIP must be questioned by the Aboriginal community every time one comes up as it doesn't always cover the whole area involved. This is an example that even in a disturbed area, there can be significant Aboriginal Cultural Heritage present.

Jackie advised that she feels there are some developments in Pottsville and Hastings Point that may need to be reinvestigated.

GB2. Tweed Wollumbin Aboriginal Education Consultative Group (TWAECG) Delegates

Jackie advised that the TWAECG alternate delegate, Glenda Nalder will be resigning from the position. Formal notification will be provided to Council following the TWAECG meeting.

Minutes of Previous Meeting:

Moved: Des Williams

Seconded: Desrae Rotumah

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 2 February 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Business Arising from meetings held on 4 August 2017, 1 September 2017 and 3 November 2017

BA1. Complying Development Issue

Rob advised that this letter hasn't yet been sent to the SEPP Team at the Department of Planning NSW however he is scheduling some time to draft the letter with Denise Galle. Rob will bring a copy of the letter to the next meeting.

Action: *CDO-Aboriginal to schedule time with Denise Galle to prepare letter to the SEPP Team at the Department of Planning NSW and to provide a copy of the letter at the next AAC meeting.*

Inwards Correspondence

IC1. NSW Fisheries Pilot Project

Council received an undated letter from Department of Primary Industries regarding a meeting to be held on 21 March 2018. This meeting was attended by some of the AAC members and a further meeting is being scheduled.

Leweena Williams arrived at 12.30pm

IC2. Lara Bennett re Yoga at Possums Community Preschool

Lara Bennett and Possums Community Preschool are developing a yoga program with cultural elements. Lara Bennett and Deidre Currie would like to attend an AAC meeting to obtain endorsement of the cultural content. Leweena advised that the yoga program has already commenced. The AAC requested that Rob send an email to Lara advising this isn't something the AAC normally considers as part of its business and if further endorsement is required, she should contact the Aboriginal community and Elders.

Action: *CDO-Aboriginal to send letter to Lara Bennett advising the request is not something the AAC would normally consider as part of its business and if further endorsement is required, she should contact the Aboriginal community and Elders.*

Outwards Correspondence:

Nil.

Resumption of General Business

GB3. Murwillumbah to Casino Railway

Discussion in relation to use of the Murwillumbah Casino Railway line as dual use, ie tram or train with the rail trail running alongside the existing track.

Action: *CDO-Aboriginal to invite Director Engineering (David Oxenham) to attend the next AAC meeting to update the committee regarding the rail trail.*

Moved: Jackie McDonald

Seconded: Desrae Rotumah

RECOMMENDATION:

That the Aboriginal Advisory Committee:

1. Supports retaining the railway line between Murwillumbah and Casino for train or tram use for the future and to have the rail trail running alongside the track.
2. Requests that Aboriginal Cultural Heritage be a consideration in any rail trail corridor tender specifications.

GB4. Certificates of Appreciation

Mayor Milne and Cr Cherry presented Certificates of Appreciation to the AAC members acknowledging the achievements of the AAC over the past 20 years. Mayor Milne also acknowledged the AAC's commitment and dedication to working with Council over the past 20 years.

On behalf of the AAC, Victor and Leweena thanked Council for its connection and support. Leweena advised that at the Aboriginal Land Council meetings, they discuss the achievements of the AAC. There are a few Aboriginal Land Councils in the NOROC region who have limited interaction with their local councils. It was noted that Rob is the only CDO-Aboriginal in the NOROC region.

The AAC suggested that Mayor Milne and the General Manager could make NOROC aware of the achievements of the AAC over the past 20 years. Mayor Milne suggested that the next time the NOROC meeting is held in the Tweed, that the AAC be invited to come along to the meeting.

Action: CDO-Aboriginal to work with Mayor and General Manager to arrange for AAC members to be invited to the next NOROC meeting held in Tweed Shire.

A photograph was taken of the AAC members present at the meeting with the Certificates of Appreciation. Robyn advised that a media release will be issued celebrating the 20 years.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 4 May 2018.

The meeting closed at 1.12pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

A3. Repealing of Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan

Nil.

A5. DA16/0852 No. 5 North Hill Court, Tanglewood

Nil.

GB3. Murwillumbah to Casino Railway

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

A3. Repealing of Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan

That subject to investigations to determine that there will be no direct impact on the Memorandum of Understanding - Cobaki Broadwater Attachment G to the Terranora Cobaki Broadwater Catchment Management Plan, the Aboriginal Advisory Committee supports the repealing of the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan.

A5. DA16/0852 No. 5 North Hill Court, Tanglewood

That subject to a satisfactory report being provided by the Tweed Byron Local Aboriginal Land Council, the Aboriginal Advisory Committee raises no objection to DA16/0852 No. 5 North Hill Court, Tanglewood and requests that a Tweed Byron Local Aboriginal Land Council monitoring officer be present during any ground disturbance.

GB3. Murwillumbah to Casino Railway

That the Aboriginal Advisory Committee:

- 1. Supports retaining the railway line between Murwillumbah and Casino for train or tram use for the future and to have the rail trail running alongside the track.*
- 2. Requests that Aboriginal Cultural Heritage be a consideration in any rail trail corridor tender specifications.*

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Aboriginal Advisory Committee adopted 19 September 2013 (ECM 3146605).

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.

35 [SUB-TCKMC] Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 10 April 2018

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
1.1.1	Biodiversity Management - To protect and manage the environment and natural beauty of the Tweed for current and future generations.

ROLE: Leader

SUMMARY OF REPORT:

The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 10 April 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 10 April 2018 be received and noted; and**
- 2. The Executive Leadership Team's recommendations be adopted as follows:**
 - 1. KPOM Year 3 Annual Report Presentation**

That Council writes to the NSW Rural Fire Service Commissioner and detail work to date to implement hazard reduction actions on the Tweed Coast. The letter will also request a meeting with relevant representatives that seeks to identify any options to streamline the assessment and approvals process for hazard reduction on public lands.

REPORT:

The Minutes of the Tweed Coast Koala Management Committee Meeting held Tuesday 10 April 2018 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle Meeting Room, Murwillumbah Civic Centre

Time:

2:30 pm

Present:

Cr Katie Milne, Lorraine Vass, Jenny Hayes (part), Rhonda James, Bill Hoskins, David Norris, Marama Hopkins, Scott Hetherington, Tracey Stinson, Mark Kingston, Tanya Fountain, Simon Dawson (observer, Team Koala)

Apologies:

Nil

Minutes of Previous Meeting:

Moved: Lorraine Vass

Seconded: Rhonda James

RESOLVED that the Minutes of the Tweed Coast Koala Management Committee meeting held Tuesday 13 February 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

1. Marama to request progress report on koala food tree plantings as required by the Men's Shed development consent conditions.
 - Marama confirmed that there is a commitment in the application materials for the planting of 15 koala food trees. This commitment was not carried through as a consent condition of the development approval. Recreation Services are to plant and maintain these trees and Marama will liaise with them to confirm species selection and planting layout.
 - David also noted other issues at Black Rocks that Scott will follow up with after the meeting.

2. **Dunloe Park Holcim Quarry (major project Mod 2).**
 - No further information has been received from NSW Planning since the last meeting. Council has identified a range of concerns with regard to impact on koalas and koala habitat. NSW Planning has issued a request for further information to the applicant based on these concerns raised by Council. It is expected that the applicant's response to the further information request will be provided to Council for comment. Scott will notify the committee when this information is made publicly available.

Agenda Items:

1. KPOM Year 3 Annual Report Presentation

- Scott, Mark, Tanya and Marama provided an overview of the annual report prepared for Year 3 of the KPOM implementation (February 2017 – February 2018).
- The report will be provided to Council to receive and note and also loaded to Councils koala webpage.
- The report identifies outcomes against all relevant themes and actions and specifies priority actions for Year 4.
- Two key challenges (implementing prescribed burns and securing sufficient private land for habitat restoration) were discussed and potential solutions considered.

Moved: Lorraine Vass

Seconded: Rhonda James

RECOMMENDATION that Council writes to the NSW Rural Fire Service Commissioner and detail work to date to implement hazard reduction actions on the Tweed Coast. The letter will also request a meeting with relevant representatives that seeks to identify any options to streamline the assessment and approvals process for hazard reduction on public lands.

2. Proposed prescribed burns Pottsville Environment Park May/June 2018

- In addition to discussion held as part of the previous agenda item, the following key points regarding the current status of these proposed burns were noted:
 - The Review of Environmental Factors is currently being assessed by the Development Assessment Unit in accordance with Council's adopted policy on Part V Approvals
 - NSW Rural Fire Service has developed a draft burn plan.
 - Formal landholder consent from Tweed Byron Local Aboriginal Land Council for an enclosed portion of land to be included in the burn remains outstanding.
 - Subject to the above, the prescribed burns are planned for mid – late May.
 - Madhima Gulgan Community Association is holding a Firesticks (cultural burning) workshop at Pottsville Environment Park on Thursday 17 May. This workshop is part of a Working on Country project, supported by Council and Local Land Services.

3. Koala Watch project update

- Marama provided an overview of the project, including noting that the first workshop series has just been successfully completed throughout the partner council areas.
- The opportunity to further refine this first workshop and develop a shorter version for a range of audiences including council and other land management agency staff has been discussed by the partner organisations.
- The next round of workshops (planned for mid-June) will focus on koala habitat restoration with the content being tailored to suit each partner Council's priority issues and on-ground works.
- It was noted that a koala watch type program may also be suitable for delivery in schools.

4. KPOM implementation – development

- Scott provided an overview of some key development outcomes that have resulted from the application of the KPOM.
- The development outcomes discussed involved full application of the KPOM offset ratios and legal precedent that recognises the KPOM as a policy of Council, including its role in giving effect to the relevant aim of the Tweed Local Environmental Plan 2014.
- Discussion of these outcomes highlighted that the lack of available offset receiving sites and legacy zonings have been key contributing factors where there has been any dispute about the application of the KPOM.

5. Lot 919, Pottsville – status update

- Scott outlined the current status of tenure and land management arrangements at Lot 919. This included noting that the tenure remains unresolved as the state government have not progressed the land swap or dedication as per the initial land acquisition proposal. Council continues to seek resolution of this issue so that opportunities including the construction of a koala holding facility and a food tree plantation can be progressed.
- Site maintenance and restoration actions are being continued in collaboration with local National Parks and Wildlife Service, including the planting of 800 trees under the Improving Your Local Parks and Environment funded project.

General business

6. Kings Forest update

- Marama advised the committee that she and Mark had recently met with Leda's representative and ecologists to discuss koala habitat offsets and the finalisation of the Kings Forest KPOM.

7. Black Rocks gate

- David noted that the automatic gate had been left open during the recent seniors' event at the sports field. It is uncertain whether this is consistent with the permit issued for the event. David will request confirmation from Recreation Services for further discussion at future meeting as required.

ACTION: Scott to discuss Black Rocks issues as identified with David prior to next meeting.

ACTION: Scott to notify committee when further information on the Dunloe Park Holcim Quarry (Major project Mod 2) is made publicly available.

Next Meeting: 1:00pm Tuesday 24 July 2018

The meeting closed at 5.10pm

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

1. KPOM Year 3 Annual Report Presentation

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

1. KPOM Year 3 Annual Report Presentation

That Council writes to the NSW Rural Fire Service Commissioner and detail work to date to implement hazard reduction actions on the Tweed Coast. The letter will also request a meeting with relevant representatives that seeks to identify any options to streamline the assessment and approvals process for hazard reduction on public lands.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference – adopted 17 November 2017 (ECM4316512)

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.

36 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 11 April 2018

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:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 11 April 2018 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 held Wednesday 11 April 2018 be received and noted; and**
- 2. The Executive Leadership Team's recommendations be adopted as follows:**

Tourism Sector Alternate Representative to Tweed Coast and Waterways Committee.

That Council endorses Ian Berger as alternate representative for Scott Peterson as the tourism sector representative on the Tweed Coast and Waterways Committee.

REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 11 April 2018 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Rhonda James (Chair); Cr Katie Milne; Cr Chris Cherry; Ben Fitzgibbon; Bill Fenelon; David Cranwell; Hamish Brace; John Harbison; Lindy Smith; Robert Quirk; Ian Berger; Bruce Peate; Jane Lofthouse; Tom Alletson, Marama Hopkins, Tracey Stinson; Eli Szandala; Rob Seibert

Apologies:

Carl Cormack. Bill Hoskins Sam Dawson; Peter Comerford; Stewart Brawley;

Tourism sector alternate representative to Tweed Coast and Waterways Committee.

Due to work commitments Scott Peterson is having difficulty attending Committee meetings. Ian Berger, President of the Tweed Charter Operators Association has been recommended as a second representative of the tourism sector.

It was moved that Ian Berger be confirmed as an alternate representative for Scott Peterson as a representative of the tourism sector.

Moved: Robert Quirk

Seconded: Lindy Smith

RESOLVED that Council be requested to endorse Ian Berger as alternate representative for Scott Peterson as the tourism sector representative on the Tweed Coast and Waterways Committee.

RECOMMENDATION

That Council endorses Ian Berger as alternate representative for Scott Peterson as the tourism sector representative on the Tweed Coast and Waterways Committee.

Minutes of Previous Meeting:

Moved: David Cranwell

Seconded: John Harbison

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee meeting held 14 February 2018 be accepted as a true and accurate record of the proceedings of that meeting.

Minutes of Meeting on Draft Estuary Management Plan 14 March:

Councillor Cherry enquired about minutes of the extra meeting of the Committee on 14 March to discuss the Draft Tweed Estuary Management Plan. Tom advised that no formal

minutes were taken, but that notes of the changes to the document requested by the committee were recorded and supplied to Hydrosphere for incorporation into a document revision. A copy of these notes and the response to each point will be supplied to the committee.

Business arising:

Terranora Yabbie Investigation

Tom tabled information from DPI Fisheries advising that the results of the investigation into impact of trampling and harvesting of yabbies would be released in June 2018.

Hastings Point Aquatic Reserve Nomination

Tom advised that he had been in touch with staff in the office of Niall Blaire, Minister for Primary Industries, and had been advised that a response to the letter requesting advice on the Aquatic Reserve Declaration process would be forthcoming.

Response on timing of works to stabilise erosion adjacent to Tweed Coast Road, Mooball Creek

Tom advised that a response had been sent by email to Cr Cherry on the timing for creek bank stabilisation works. David Cranwell advised that he now has an email address that he would provide.

Agenda Items:

1. Clarrie Hall Dam, Bray Park Weir, and Pipeline Connection to SE Queensland Project Updates

Rob Seibert from Council's Water Unit gave a presentation and took questions on these three projects. Further information will be provided to the committee on forthcoming environmental flow and ecological studies. A copy of the PowerPoint presentation can be supplied to committee members on request.

2. Tweed River Estuary Coastal Management Program Update

Tom presented an update on progress with the CMP including:

- Comments on the first draft plan from the extraordinary Committee Meeting have been supplied to the consultants and incorporated into a second draft. A statement of how Committee comments were addressed will be supplied to Committee members.
- The second draft plan has been provided to Office of Environment and Heritage, Department of Primary Industries Crown Lands, Department of Primary Industries Fisheries and Roads and Maritime Services for state agency comment.
- Upon incorporation of all agency comments, a third draft, the 'public exhibition draft' will be provided to the Committee for review and endorsement, prior to it being sent to Council with a recommendation for public exhibition.
- The timing of the finalisation of the public exhibition draft is uncertain, with agency comment being provided possibly as late as mid June. It may be necessary to

postpone the scheduled 8 August meeting of the Committee until September to allow for the review of the public exhibition draft.

Ben Fitzgibbon provided some commentary on the commencement of the Coastal Management Act and the State Environmental Planning Policy (SEPP). He confirmed that the CMP would be reviewed consistent with the requirements of the new Coastal Management Manual, which had also just been released in its final version.

It was noted that through the review of SEPP area mapping undertaken by Mark Kingston, Tweed's coastal wetland and littoral rainforest protected areas have increased from 1,815ha to 3,167ha and from 95.5ha to 134ha respectively. Mark will be invited to attend the next Committee meeting to provide an overview of the Coastal Management SEPP.

There was discussion of a number of letters which had been circulated to the Committee.

Letters received from:

- Michelle Grimes – rower
- Tweed River Users Association
- Murwillumbah Rowing Club

The letter from the Tweed River Users included a request to address the TCWC, which was supported by way of a resolution.

Moved: Robert Quirk

Seconded: Hamish Brace

RESOLVED that the Tweed River Users Group representatives be invited to attend the next Committee meeting and present their views on river usage.

The three existing CMP actions relating to river use were presented to the committee, as follows:

Action E1

Recommend to NSW Roads and Maritime Services that the character zones recommended in the Recreational Use Strategy be reflected in the review of the Tweed Estuary Boating Plan 2010, in particular, the inclusion of the following restrictions:

- Create a no tow zone within the "Conservation Zone" (Stotts Island) to prevent wake damaging sensitive environmental habitat, whilst increasing the areas suitability for tranquil and passive recreational uses; and
- Extending the no ski/tow zone within the "Restoration Zone", (Dunbible Creek to Commercial Road boat ramp) to reduce the risk of further wake induced bank erosion, and increase the likelihood of existing erosion being able to be stabilised with bio-engineered works, whilst increasing the areas suitability for tranquil and passive recreational uses.

Action E2

Promote the character zones and their aims and provide educational materials to encourage vessel operators undertaking high impact activities (water skiing, wakeboarding, wake surfing, Personal Water Craft) to avoid the conservation and restoration zones for high wake, noise and amenity disturbing activities.

Action E3

Develop a policy on Motorised Water Recreation Businesses and amend the Tweed LEP 2014 via addition of a clause, to allow for definition and assessment of Motorised Water Recreation Businesses, with the intent of being consistent with the Environmental Values and Objectives of the Tweed River Estuary Coastal Management Program. Such a policy would include non-commercial organised events including multiple participants.

In discussion on the justification of and community support for these three actions, the response to the community surveys were highlighted. It was also suggested and accepted that a feedback form would be used during public exhibition to gauge the level of support or dissatisfaction with the character zones and other elements of the plan.

3. Sustainable Agriculture Program Update

Eli Szandala provided an update on projects being delivered by the Sustainable Agriculture Program including soil conservation on the Cudgen Plateau.

4. Artificial Surfing Reef Proposal

Tom provided an overview of a proposal to Council by Steve Barrett regarding the trial of an artificial surfing reef. The request involves Council supporting, in principle, a grant application to the Australian Government for installation of a prototype surfing reef to be installed (if project funded and all relevant approvals received) near Murphy's Road Kingscliff. The process of the request going to two Council meetings prior to being raised at this Committee was discussed. There was discussion on various aspects of the proposal.

5. Mooball Creek Log Wall Replacement

Tom provided a summary of the project, showing the condition of the existing failing log wall and its use, and pictures of a structure at Cudgen Creek similar to what is proposed to be provided at Mooball. The preference of proceeding with construction of a rock wall at the location was outlined, with explanations of cost (\$45,000 for rock wall and stair construction compared to \$65,000 for timber materials for log wall replacement, construction extra) and durability being provided. Tom noted that he had visited Pottsville Community Association meeting to discuss the issue and David Cranwell advised that a response may be provided following the Associations April meeting.

General Business:

6. Private Memorials in Parks and Natural Areas

Tom advised that Council is putting a draft policy on the unapproved installation of memorials for deceased persons in parks and natural areas on public exhibition. The issue has become most obvious at Hastings Point where a cluster of eight memorials have been established on the rocky foreshore in a prominent site.

The Draft Policy will be on exhibition until 18 June 2018.

7. Dredging in Terranora Inlet and nourishment of Kingscliff Beach

Jane provided a summary of this project, noting its completion.

Follow up actions and outstanding items:

- Aquatic reserve nomination at Hastings Point.

Next Meeting:

The next meeting of the Tweed Coast and Waterways Committee will be held on the 13 May 2018.

The meeting closed at 12:40.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Tourism sector alternate representative to Tweed Coast and Waterways Committee.

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Tourism sector alternate representative to Tweed Coast and Waterways Committee.

That Council endorses Ian Berger as alternate representative for Scott Peterson as the tourism sector representative on the Tweed Coast and Waterways Committee.

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.

37 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting Held Wednesday 2 May 2018

SUBMITTED BY: Communication and Customer 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
- 3.1.4 Cultural and Community Development - To provide community and cultural development services to foster and improve the social and cultural wellbeing of the community and to plan for the needs of current and future populations by understanding needs and identifying gaps in service delivery.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Community Halls Advisory Committee (CHAC) Meeting Held Wednesday 2 May 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Community Halls Advisory Committee (CHAC) Meeting Held Wednesday 2 May 2018 be received and noted.

REPORT:

The Minutes of the Community Halls Advisory Committee (CHAC) Meeting Held Wednesday 2 May 2018 are reproduced as follows for the information of Councillors.

Venue:

Mt Warning Meeting Room, Murwillumbah Civic Centre, Tumbulgum Road,
Murwillumbah

Time:

11:15am

Present:

Jennifer Kidd (Tumbulgum Hall), Steve Sweetnam (Doon Doon Hall), Helen Manning (Fernvale Hall), Claire Masters and Scott Antcliff (Limpinwood Hall), Ruth Clarke and Janet Tkachenko (Pottsville Beach Hall), Elizabeth and Neil O'Brien (Piggabeen Hall), Cr Warren Polglase (Tweed Shire Council), Lisa Bailey (Tweed Shire Council - Minutes)

Apologies:

Liz Mioni (Piggabeen Hall), Maree Edwards (Chillingham Hall), Tracey Stinson and Robyn Grigg (Tweed Shire Council)

Not in Attendance:

Reg Robinson (Crabbes Creek Hall), Crystal Creek Hall Representative

Ex-officio:

Chantelle Howse and Shannon Rees (Tweed Shire Council)

Minutes of Previous Meetings:

Moved: Janet Tkachenko

Seconded: Helen Manning

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) meeting held Wednesday 8 November 2017 be accepted as a true and accurate record of the proceedings of the meeting.

Moved: Helen Manning

Seconded: Claire Masters

RESOLVED that the Minutes of the Community Halls Advisory Committee (CHAC) meeting held Wednesday 7 February 2018 be accepted as a true and accurate record of the proceedings of the meeting.

OUTSTANDING MATTERS REPORT:

OM1 Review of Draft Templates

Addressed in Agenda Item 2.

OM2 Volunteer Support

Addressed in Agenda Item 3.

OM3 Revisit Draft Guidelines

Addressed in Agenda Item 1.

AGENDA ITEMS:

AI1. Review Draft Guidelines

Shannon presented the revised Draft Guidelines following the removal of the templates that are likely to continually change, or that require further input from Council. These include: Hall Hire Schedule; Fee Schedule; Annual Building Inspection Maintenance Report; Hall Hire Agreement; and Risk Management Template.

Jennifer Kidd requesting assistance from Council in finalising Tumbulgum's Risk Assessment Tool. Shannon will provide this support.

The committee sought confirmation whether the guidelines have been prepared to meet insurance requirements. Shannon confirmed that the Management Agreements between Tweed Shire Council and the hall committees are more relevant to insurance requirements. The purpose of the Guidelines is to assist with the administration and operation of a Hall Committee and can be used as a source of information for current and new members.

Shannon requested all members to review the document and forward any amendments through for review as soon as possible. These changes will then be circulated to Committee members for acceptance and inclusion in the document prior to the next meeting.

Action: *Any amendments to the Guidelines to be forwarded to Shannon as soon possible for acceptance and inclusion in the document.*

AI2. Review Draft Templates

Shannon confirmed the Risk Management Checklist and Annual Maintenance Report templates will be Council led, so these documents will be under review and discussed at a future meeting. Shannon also reminded all members that Templates have been separated so that updates can continue to be made without affecting the entire Guideline document. Templates will be available to committee members for use and/or review.

The Fee Schedule was circulated for all members to review. The following amendments were requested:

- Pottsville Beach Hall - Day function applies to the hours 9am to 4pm, evening function applies to the hours 4pm to midnight.
- Tumbulgum - Additional information: Community Association members receive a 25% discount on the hourly rate

Any other amendments can be forwarded to Shannon. Revised document will be circulated as soon as possible.

Action: *Any amendments to the Fee Schedule to be forwarded to Shannon as soon possible for acceptance and inclusion in the document and circulation to all committee members.*

AI3. Volunteering Snapshot Workshop

Revised workshop spreadsheets were issued to all members for their information. Shannon confirmed there is ongoing work internally at Council regarding volunteer management.

More information will be presented in the future. If any members require specific assistance with volunteers please contact Chantelle Howse.

AI4. Upcoming Events

Pottsville Beach Hall

The Cancer Council Biggest Morning Tea is coming up. The Ball is scheduled for 16 June. Fashion Parade Fundraiser for the hall is scheduled for 8 September. Getting a lot of inquiries for regular users: boxing; yoga; Alcoholics Anonymous meetings. The Tweed Coast Tigers will be holding their annual Ball and fundraiser in the coming months. Mandy Nolan (comedian) has had two events recently and this has been very well attended.

Doon Doon

No events scheduled through the Committee.

Limpinwood

Recent events included a Dung Beetle workshop and Neighbour Day. The Cancer Council Biggest Morning Tea is coming up. The hall also often hosts 'Bird Life Northern Rivers' as part of their field survey trips. Other committee members attend these field trips and note how nice it is to have the services and utilities of other halls available.

Tumbulgum Hall

Recently held an 'After the Flood Community BBQ'. Had a large ANZAC Day celebration with a dawn service. The annual trivia night fundraiser will be held mid-year and the Winter Ball is coming up. Tweed Classic Boat Regatta are working with the Community Association to see what can be done on the land side with children's activities in the park, guided tours on the heritage trail etc.

Fernvale Hall

having another soup night in July which brings the community together. Murwillumbah Potters are currently using the hall three days each week and have recently completed some improvements to the hall. The hall has also been approached by another group at Stokers Siding to use the hall two days a week. If this goes ahead the hall will be in use each week day.

Piggabeen Hall

A dedication for Geoff Davis ('Fluffy') is being planned, this may be a sausage sizzle or movie night. The memorial seat is finished and a plaque is in production. The Bushies Ball is scheduled for 23 June.

Inwards Correspondence:

Nil.

Outgoing Correspondence:

Nil.

GENERAL BUSINESS:

GB1.

The Office of Regional Development and NSW Fair Trading are hosting a training day for volunteer organisations in the Tweed. It is tentatively booked for Wednesday 23 May to be held at Council's Tweed Heads Administration Office in the Harvard Room. Council is partnering to host the training. Confirmation of details, including the Agenda will be circulated once it has been received.

GB2.

Tumbulgum Community Association held their AGM recently. Six out of the seven committee members remained. A new Hall Booking officer has been appointed and information provided to Shannon for website update.

GB3. Scheduling Next Meeting, including venue

The next meeting will be held 11:00am Wednesday 1 August 2018 at the Canvas and Kettle Meeting Room, Murwillumbah Civic Centre (venue to be confirmed).

The meeting closed at 1:00pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference Version 1.1 - adopted 15 December 2017 (ECM 4934120).

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-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 23 May 2018

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 Thursday 23 May 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. **The Minutes of the Local Traffic Committee Meeting held Thursday 23 May 2018 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

A3 [LTC] North Arm Road, Murwillumbah

That:

1. ***A children's crossing or marked pedestrian crossing is not supported as the RMS Direction prohibits these crossings across 4 lanes of traffic.***

2. ***A yellow 'no stopping' line be installed on North Arm Road adjacent to the median at the pick up and drop off area for Wollumbin High School.***
3. ***A plan for upgraded pedestrian facilities on North Arm Road be brought back to the Committee for consideration.***

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A1 [LTC] Cooly Rocks On 2018

That the proposed Cooly Rocks On event from Wednesday 6 June to Sunday 10 June inclusive 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. ***The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.***
5. ***Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.***
6. ***Adequate public liability insurance being held by the event organiser.***
7. ***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.***
8. ***Consultation with emergency services and any identified issues addressed.***
9. ***Arrangements made for private property access and egress affected by the event.***
10. ***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 and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.***
11. ***The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.***
12. ***The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites).***
13. ***A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.***

A2 [LTC] Coral Street, Tweed Heads

That a “No Parking Area 11pm – 4am” be installed on Coral Street, Tweed Heads north of Eden Street.

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 23 May 2018 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 Joshua Buckham, Roads and Maritime Services of NSW (RMS), Sgt Luke Blissett, 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, Snr Constable David Brigg, NSW Police, Ms Linda Makejev (RMS), Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Mr Nick Tzannes.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1 [LTC] Confirmation of Previous Minutes Meeting held 19 April 2018

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 19 April 2018 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions 24 May 2018

From Meeting held 20 July 2017

[LTC] Berkleys Lane, Pottsville (A4)

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.

From meeting held 22 March 2018:

A plan was tabled at the meeting for review which shows two accessible parking bays and a shared zone on the western side of the car park adjacent to the shops, the conversion of the existing accessible parking space to general parking and the installation of two new general car parking spaces. The plan was developed in consultation with the Access Committee and adjacent businesses.

From meeting held 19 April 2018:

The Road Safety Officer advised that the community has raised concerns with the new configuration of accessible parking and will advise further after attending a meeting today.

From meeting held 24 May 2018:

The Road Safety Officer advised that the plan as submitted was not supported by the Access and Inclusion Committee. It was decided that the plan go back to the Access and Inclusion Committee for an overall review of accessible parking in Pottsville CBD to determine future priorities.

Current Status: *That Item Berkleys Lane, Pottsville - Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 19 April 2018 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 20 July 2017 (Item A4).

From meeting held 22 March 2018

[LTC] Minjungbal Drive and Shallow Bay Drive Tweed Heads South

ORIGIN:
Roads & Stormwater

FILE NO: ECM5131570; Traffic - Committee; Pedestrian Crossings; Safety; Minjungbal Drive; Shallow Bay Drive; Traffic - Lights

SUMMARY OF REPORT:

Request received regarding pedestrians and vehicles at the corner of Minjungbal Drive and Shallow Bay Drive, Tweed Heads South. It has been reported that there *"have been several near misses with cars and pedestrians"* at this location. Vehicles heading south along Minjungbal Drive and turning left into Shallow Bay Drive are not aware pedestrians are crossing and it is suggested by pedestrians that a left turning arrow could be installed to make it safer to cross.

The Chairperson requested that this item be moved to Outstanding Resolutions pending RMS advice.

COMMITTEE ADVICE:

That the intersection of Minjungbal Drive and Shallow Bay Drive be forwarded to RMS for potential signal upgrade.

From meeting held 24 May 2018:

The RMS advised that a left turn arrow was not supported as there is sufficient sight distance and it would add an additional phase to the traffic signals.

The Chairperson requested that this item be removed from the Schedule of Outstanding Resolutions.

Current Status: *That Item Berkleys Lane, Pottsville - Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 19 April 2018 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).

From meeting held 19 April 2018

[LTC] Urliup Road, Bilambil

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5183562; Traffic – Committee; Speed – Zones; Traffic – Signs; Urliup Road, Bilambil; Dulguigan Road, Urliup

SUMMARY OF REPORT:

Request received for a review of the 100km/h speed limit and signage on Urliup Road Bilambil.

The applicant has reported:

"blind narrow bends, blind hill crests, narrow bridges and causeways and gravel sections, making this road extremely 'hairy' to drive on. On sections of this road, it is too narrow for 2 vehicles to pass safely and if these vehicles are traveling at speed as they approach these narrow sections especially on the blind bends, or crests where you cannot see oncoming traffic, of which are numerous along this road, then accidents are inevitable.

The school bus travels this road and collects children enroute to school along the way Monday to Friday, morning and afternoon. Pedestrians and children use this road to walk, cycle and ride horses, and vehicles speed past them without caution often without slowing down. The surrounding roads adjoining Urliup Road, seem to have speed limits of 80km/h. Roads such as Bilambil Road, and Hogan's Road do not seem

as narrow, or as widely used by community for walking, riding or cycling yet they have a more realistic speed limit.

I requested the speed limit be reviewed and the speed sign to be repositioned from where it is currently to a more suitable position."

The RMS speed zoning guidelines advise that a 50km/h speed limit should only apply to built-up areas. Whilst an 80km/h speed limit could be considered for the road south of the existing 50km/h signs, the road has numerous tight radius curves with limited sight distance availability, and being a low volume rural road there is limited advisory signage in place.

The most appropriate signage would be the "End 50" with the supplementary "Reduce Speed to Conditions" plate.

Advice is sought from the RMS representative as to the most appropriate speed signage for the Dulguigan Road entrance to Urliup Road as the current speed limit on Dulguigan Road is 100km/h.

COMMITTEE ADVICE:

That advice be provided from the RMS on the appropriate speed zone signage for Urliup Road.

Current Status: *That Item Urliup Road, Bilambil - Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 19 April 2018 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 19 April 2018 (Item B6).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A3 [LTC] North Arm Road, Murwillumbah

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5156723; Traffic - Committee; Pedestrian Crossings; Pedestrian Safety; School - Wollumbin High; Castle Field Drive; North Arm Road, Murwillumbah

SUMMARY OF REPORT:

Request received from Wollumbin High School for the installation of a pedestrian crossing on North Arm Road near the roundabout at Castle Field Drive, Murwillumbah due to safety concerns.

Officers will conduct site observations and report to the Committee.

Observations were conducted showing students crossed North Arm Road at various locations. Motorists were parking partially on the median adjacent to the pick up area which forced students to walk on the road, exposed to through traffic.

Formalising the pedestrian refuges at the roundabout would encourage their use.

The Chairperson requested that this item be moved to the A Section of the Minutes.

RECOMMENDATION TO COUNCIL:

That:

1. A children's crossing or marked pedestrian crossing is not supported as the RMS Direction prohibits these crossings across 4 lanes of traffic.
2. A yellow 'no stopping' line be installed on North Arm Road adjacent to the median at the pick up and drop off area for Wollumbin High School.
3. A plan for upgraded pedestrian facilities on North Arm Road be brought back to the Committee for consideration.

Present: Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Sgt Luke Blissett, Mr Rod Bates on behalf of Mr G Provest, MP Member for Tweed, Mr Joshua Buckham, Roads & Maritime Services of NSW, Cr James Owen

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A1 [LTC] Cooly Rocks On 2018

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5264618; 5267512; Festivals - Cooly Rocks On; Car Parks - Tweed Heads; Jack Evans Boat Harbour; Wharf Street, Bay Street, Tweed Heads

SUMMARY OF REPORT:

Traffic Committee is advised that Cooly Rocks on is proposed to be held in Coolangatta and Kirra from Wednesday 6 June to Sunday 10 June 2018 inclusive.

There will be no road closures in Tweed Heads. Central Coolangatta will be closed to traffic to allow for the display of hundreds of classic and custom cars. Road closures in Queensland will be in place from Friday evening through to Sunday evening.

The applicant is requesting the use of Boundary Street and the car park adjacent to Twin Towns Services Club for the display of vehicles. It is noted that a billy cart race will be held over the weekend on the Queensland side of Boundary Street. The applicant has advised that access will be maintained to Coral Street and that parking will not be affected in NSW.

RECOMMENDATION TO COUNCIL:

That the proposed Cooly Rocks On event from Wednesday 6 June to Sunday 10 June inclusive 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. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
5. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
6. Adequate public liability insurance being held by the event organiser.
7. 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.
8. Consultation with emergency services and any identified issues addressed.
9. Arrangements made for private property access and egress affected by the event.
10. 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 and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.
11. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.
12. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites).
13. A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.

FOR VOTE - Sgt Luke Blissett, Mr Rod Bates on behalf of Mr G Provest, MP Member for Tweed, Mr Joshua Buckham, Roads & Maritime Services of NSW, Cr James Owen

A2 [LTC] Coral Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5239269; Traffic - Committee; Parking Zones; Coral Street; Eden Street, Tweed Heads

SUMMARY OF REPORT:

Request received from the Planning and Regulation Division to install a “No Parking Area 11pm – 4am” on Coral Street Tweed Heads north of Eden Street.

The objective of the signage is to restrict overnight camping within the road reserve.

RECOMMENDATION TO COUNCIL:

That a “No Parking Area 11pm – 4am” be installed on Coral Street, Tweed Heads north of Eden Street.

FOR VOTE - Sgt Luke Blissett, Mr Rod Bates on behalf of Mr G Provest, MP Member for Tweed, Mr Joshua Buckham, Roads & Maritime Services of NSW, Cr James Owen

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 LTC] North Arm Road, Murwillumbah

This item was moved to Item A3 at the request of the Chairperson.

B2 [LTC] Scenic Drive, Bilambil Heights

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5045279; Traffic - Committee; Speed Zones; Scenic Drive, Bilambil Heights

SUMMARY OF REPORT:

Petition received in relation to the amount of traffic not adhering to the 50km/h speed limit in Scenic Drive, Bilambil Heights, starting at the first turn off to Simpson Drive and continuing up the hill and Bilambil Road.

The Petition reports trucks, cars and motorbikes exceeding the speed limit which does create a difficult situation for getting in and out of driveways.

The Petitioners request that speed cameras be put in place so that the area for residents is not so hazardous.

The previous Council resolution for a roundabout was discussed and it was noted that that this is currently in design stage and projected to be installed this financial year.

Crash data for this location was reviewed which indicated that at night northbound is the prevailing crash type. Council has applied through the Centre of Road Safety for Scenic Drive to be included in its speed camera authorised locations.

Council in future program requests will apply for Black Spot Funding to address the crash types occurring.

COMMITTEE ADVICE:

That:

1. The Police be requested to patrol Scenic Drive, Bilambil Heights and issue infringements when warranted in consultation with the Road Safety Officer who will organise placement of Council's advisory radar when available.
2. NSW Safer Roads Funding be applied for.

GENERAL TRAFFIC ADVICE - TWEED HEADS

B3 [LTC] Kennedy Drive, Tweed Heads; Ducat Street and Kennedy Drive and Wharf Street and Kennedy Drive intersection

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5251296; Traffic - Committee; Traffic - Lights; Traffic - Safety; Kennedy Drive, Tweed Heads; Ducat Street, Wharf Street

SUMMARY OF REPORT:

Requests received in relation to driving safely:

1. Kennedy Drive exiting motorway southbound from Brisbane on to Kennedy Drive at the double roundabout. Too many drivers are not stopping prior to entering the roundabout and it is requested that "Stop" be painted on the road in both lanes to ensure drivers stop.
2. Ducat Street and Kennedy Drive traffic lights - drivers who run red lights. Could a red light camera be installed at this location?
3. 3 sets of lights along Kennedy Drive approaching Wharf Street - drivers running red lights - could red light cameras be installed in these 3 locations?

COMMITTEE ADVICE:

That:

1. Police advised that enforcement operation is already carried out on Kennedy Drive to enforce compliance with the 'Stop' sign.
2. The RMS advised that whilst the warrants for a red light camera may not be met at this location that this item be forwarded to them for official assessment.
3. Police advised that they currently and will continue to issue infringements to motorists disobeying traffic signal information.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 28 June 2018 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 12.40pm.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

A3 [LTC] North Arm Road, Murwillumbah (This item was moved from Item B1)

Nil.

A1 [LTC] Cooly Rocks On 2018

Nil.

A2 [LTC] Coral Street, Tweed Heads

Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A3 [LTC] North Arm Road, Murwillumbah

That:

- 1. A children's crossing or marked pedestrian crossing is not supported as the RMS Direction prohibits these crossings across 4 lanes of traffic.*
- 2. A yellow 'no stopping' line be installed on North Arm Road adjacent to the median at the pick up and drop off area for Wollumbin High School.*
- 3. A plan for upgraded pedestrian facilities on North Arm Road be brought back to the Committee for consideration.*

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A1 [LTC] Cooly Rocks On 2018

That the proposed Cooly Rocks On event from Wednesday 6 June to Sunday 10 June inclusive 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. **The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.**
5. **Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.**
6. **Adequate public liability insurance being held by the event organiser.**
7. **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.**
8. **Consultation with emergency services and any identified issues addressed.**
9. **Arrangements made for private property access and egress affected by the event.**
10. **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 and select Our Community/Festivals Events and Filming/Calendar of Events and access the Calendar of Events site to upload the event details.**
11. **The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.**
12. **The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites).**
13. **A report be provided to Council, by the event organiser, within 2 weeks of conduct of the event, showing compliance with the above conditions.**

A2 [LTC] Coral Street, Tweed Heads

That a "No Parking Area 11pm – 4am" be installed on Coral Street, Tweed Heads north of Eden Street.

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.

39 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 May 2018

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 Leader

SUMMARY OF REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 May 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 May 2018 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 23 May 2018 are reproduced as follows for the information of Councillors.

Venue:

Council Chambers, Murwillumbah Civic and Cultural Centre

Time:

4.00pm

Present:

Jaime Coetzee (Lindisfarne Anglican Grammar); Josh Carpenter (Banora Point High School); Nava Bergman, Jasper Tiffen and Ethan Graham (Murwillumbah High School); Zoe Nethery and Chloe Palin (St Joseph's College); Corey Cox, Matthew Lewis and Jazmine Cook (Tweed River High School); Emma Ellis and Monique Maugueret (Pacific Coast Christian School)

Guests:

Claire Cottone and Adrian Ellis (*headspace, Tweed Heads*); Stewart Brawley (Manager Recreation Services, Tweed Shire Council); Jacinta Weir (Senior Human Resources Officer, Tweed Shire Council)

Ex-Officio:

Cr Ron Cooper; Cr Pryce Allsop; Troy Green (General Manager); Shane Davidson (Executive Officer); Neil Baldwin (Manager Corporate Governance); Chantelle Howse (Coordinator Community Development); Sylvia Roylance (Community Development Officer - Families and Youth); Lisa Bailey (Minutes)

Apologies:

Jack Lee (Banora Point High School); Hannah Carmody and Jessica Maloney (Wollumbin High School); Tracey Stinson (Director Community and Natural Resources, Tweed Shire Council); Robyn Grigg (Manager Community and Cultural Services, Tweed Shire Council).

Acknowledgement of Country

Jazmine Cook, as Chairperson, opened the meeting with a welcome to all present and paid respect to local Aboriginal people of the Bundjalung Nation and Elders past and present.

Agenda Items:

A1. Introductions - Youth Council, Council Officers, Councillors

Round table introductions were offered by each member present.

A2. Housekeeping

Sylvia provided an overview of the amenities and the evacuation procedures for Council Chambers. Sylvia offered congratulations and thanks to Mr Neil Baldwin, noting that he would soon be taking retirement. Neil has provided a lot of guidance to the Youth Council and appreciation was shown by way of applause.

A3. Confirmation of Minutes of Meeting held Wednesday 28 February 2018

Moved: Jaime Coetzee

Seconded: Corey Cox

RESOLVED that the Minutes of the Tweed Shire Youth Council Committee meeting held 28 February 2018 be accepted as a true and accurate record of the proceedings of that meeting.

A4. Receipt of Petitions

Nil.

A5. Youth Council Conference and Event Brief

Jazmine provided an introduction and overview of Youth Council at Community Access before the Council's meeting of 19 April 2018.

Jaime attended Youth Homelessness Matters Day event held at The Family Centre. At the presentation of services Jaime received information regarding the collaboration between The Family Centre and Surf, Dive n Ski. This is a three week work experience program for young people who are placed at Surf, Dive n Ski to learn all aspects of the retail environment.

A6. Emerging Issues from School Community

6.1 Increased Aggressive Behaviour

Representatives of Murwillumbah High School have noted an increase in aggressive behaviour from students towards each other, towards teachers, both on-line and in the school environment.

Action: *Sylvia Roylance will follow this up with the School to see if there is any support that can be provided.*

6.2 Fraser Drive - Road Condition

Representatives from Pacific Coast Christian College understand roadworks on Fraser Drive are now complete; however, the road surface is still in poor condition. This was taken as a question on notice.

Action: *To be followed up by Sylvia Roylance with information to be circulated prior to the next meeting.*

6.3 Road Crossing at Heffron Street

Representatives from Tweed River High School are seeking further information about the proposed crossing at the front of this school. Has this request been formally declined?

Action: *Sylvia Roylance to request Council's Road Safety Officer make contact with the School Principal to discuss this matter further.*

6.4 Old Aquatic Building - Fraser Drive

Monique reiterated her query from 2017 regarding the current status of the old aquatic building on Fraser Drive. The building is still in a state of disrepair, and it seems nothing has changed since her original query.

Cr Allsop advised there is a DA under review by Council at the moment for a proposed tourist facility comprising an amphitheatre. A full update will be provided to all members via email following the meeting.

Action: *Sylvia to circulate a full update to all members via email.*

A7. Tweed Shire Council - What's On Exhibition

Sylvia reminded members to visit the 'Your Say Tweed' page on Council's website. The current projects requesting feedback include: Access and Inclusion Plan; Bray Park Weir Tidal Protection Project; Raising the Wall of the Clarrie Hall Dam; Tweed River Estuary Coastal Management Program.

A copy of Council's Reconciliation Action Plan was provided to each School for review by representatives. It was also requested that this document be available in each School's Library once members have completed their review. Representatives were directed to correspondence regarding a screening invitation to the movie Sweet Country for National Reconciliation Week on Wednesday 30 May at Hoyts Cinemas Tweed City and register their attendance.

A8. Reports from Sub-Committees / Projects

8.1 Lindisfarne Grammar School - Youth Homelessness

Jaime advised her project topic will focus on Youth Homelessness. Jaime had a recent meeting with the Solicitor from Legal Aid Homeless Outreach program, to further her learnings in the area of law and social justice issues. The legal service operates from Murwillumbah Community Centre and Fred's Place.

8.2 Banora Point High School - Fishing Line Debris Bins

Josh recently attended a meeting with the Senior Veterinarian base at Currumbin Wildlife Hospital to conduct further research for his project. This highlighted the significant number of wildlife received by the hospital following fishing line debris injuries. Josh advised he is currently waiting on advice regarding insurance to proceed with the next stage of the installation of additional bins across the Tweed Shire.

8.3 Murwillumbah High School - R U OK Day

Students have support from their Deputy Principal to hold this day toward the end of Term 3. Particular focus will be on understanding the difference between normal and chronic mental health issues. It is envisaged the day will include young musicians, positive affirmations and artwork, and support from The Family Centre to run a few activities.

8.4 Pacific Coast Christian School - Understanding the HSC and How it Works

Representatives showed concern over the lack of understanding of the HSC across the student body. Careers guidance is provided, though it is felt this information is not used appropriately by students and representatives would like to make improvements to this program. More information will be provided at the next meeting.

8.5 St Joseph's College – Teen Mental Health First Aid

Representatives are planning to run Teen Mental Health First Aid sessions to help young people identify symptoms of mental health and train to be teen mentors for other students. More information will be provided at the next meeting.

A9. Report from Council

9.1 Stewart Brawley - Manager Recreation Services

Stewart provided an overview of the Draft Open Space Strategy, covering parks, sport fields, bushlands, cycleways etc. The 10-year Strategy informs Council's future planning based on community members input. Council undertook an audit of current supply and conducted an extensive community engagement process. It was thought, during this community engagement process, that it was difficult to engage the interest of young people to complete a survey - in both on-line and paper formats. Stewart asked representatives how Council can better engage young people in future.

It was agreed that, whilst social media was great for information sharing, young people would not be likely to complete a survey in either format, though electronic format would be preferred if necessary. Representatives suggested Council hold an event with music and food and simply be present to talk to people to gather their ideas. Collaborate with schools to have school bands playing, as young people will come to watch their friends. Live stream part of the event to attract a larger crowd.

Another suggestion was to have a Council stand on a Saturday at a local sport field such as Arkinstall Park, provide a sausage sizzle and have Council Officers on-site to speak with young people to gather their comments and ideas. Start by making the queries specific to the facility, then branch out to other venues/facilities.

It was also agreed that speaking with young people in a group is preferred to one on one discussion.

9.2 Jacinta Weir - Senior Human Resources Officer

Jacinta gave an outline of Council's recruitment process and the various roles available, encouraging representatives to have a look at the Careers page on Council's web site. Jacinta also highlighted tips for applying (available on the website). Jacinta suggested using the STAR principal when responding to selection criteria (Situation, Task, Action, Result) research and understand the job prior to attending an interview, and to practice your responses. Jacinta also encouraged representatives to call for feedback following any interview where they've been unsuccessful to gather vital information on how to improve their interview skills.

A10. Guest Speaker - Claire Cottone Community Engagement Officer, and Adrian Ellis COMPASS member, *headspace, Tweed Heads*

The purpose of Claire's visit was to discuss the services available at *headspace Tweed Heads* with a focus on youth mental health. The *headspace Tweed Heads* services are free and have been operating for the last three years. Services include: counselling for drugs and alcohol; training for employment and career planning; and counselling for mental health issues. There is a Youth Advisory Group in place to inform the services provided and representatives are encouraged to contact Claire if they would like to become involved. With 80% of homophobic bullying occurring in schools, the COMPASS network has been established to support the LGBTIQAP+ young people in our community. Representatives were encouraged to become involved in Wear It Purple Day - 31 August - with this year's theme being 'Celebrate'. Representatives were encouraged to consider how they can make their school a safer place for the LGBTIQAP+ community, and if requested, *headspace Tweed Heads* members are available to visit schools to talk to students and provide additional support.

Close of Formal Session - Commencement of Youth Councillor Workshop

A11. School Project Presentation - Tweed River High School

Two and a half years ago the school identified an increase in the use of drugs and alcohol and held a workshop to raise awareness of these issues. An outcome of the workshop was the development of the 'Road to Recovery' board game; a school learning tool to help young people better understand the harm caused by drugs and alcohol. Tweed River High representatives are undertaking a review and redevelopment of the board game as their project for Youth Council. This will include a review of the game material by North Coast Area Health Service Drug and Alcohol Services for accuracy of information.

The 'Road to Recovery' board game is based on other similar games such as Snakes and Ladders and Monopoly; the game is designed to provide information on what to do when you need help, statistical information on the harms caused, and suggestions on how to support others when needed, etc.

A12. School Project Q & A Session

Nil questions asked.

A13. National Youth Event Dates 2018 - Proposed Activities

- Wear It Purple Day - Friday 31 August 2018
- *headspace Day* (National Mental Health Week) - October 2018

General Business:

North Coast Area Health Service has issued an expression of interest for two young people to join the Tweed Valley Hospital community reference group. The purpose of the group is to inform the services of the new Tweed hospital. Information has been circulated to representatives. The closing date for applications is 6 June 2018.

Next Meeting:

The next meeting of the Tweed Shire Youth Council will be held Wednesday 22 August 2018, 4.00pm-6.00pm at the Tweed Heads Administration Building, Harvard Room, 21 Brett Street, Tweed Heads.

The meeting closed at 6.00pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 22 October 2015 (ECM 3808358).

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 ENGINEERING IN COMMITTEE

C1 [E-CM] Voluntary House Purchase Scheme - Purchase of Properties

REASON FOR CONFIDENTIALITY:

This report discusses commercial in confidence negotiations which should not be disclosed to the public.

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: -

- (b) the personal hardship of any resident or ratepayer.

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: **Provider**

C2 [E-CM] Variation Report for Finalised Contracts EQ2014159, RFP2015110, RFO2016029 and RFO2016075

REASON FOR CONFIDENTIALITY:

This report is confidential as it includes information of a contractual nature between Tweed Shire Council and its Contractors of which should not be disclosed to the public.

Local Government Act

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

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
- 3.3.2 Construction Services - To manage the construction of Council assets such as transport, drainage, water supply and other infrastructure.

ROLE: **Provider**

C3 [E-CM] Expression of Interest for the Purchase of 45 Wardrop Street South Murwillumbah

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: -

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mhm



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- 1 Leaving a Legacy
- 1.2 Asset Protection
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ROLE: **Leader**

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