

Mayor: Cr K Milne

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

Agenda

Ordinary Council Meeting Thursday 22 March 2018

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
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 15 February 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 15 February 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 February 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 15 February 2018 (ECM5088978).
(Confidential) Attachment 2	Minutes of the Confidential Council Meeting held Thursday 15 February 2018 (ECM5088905).

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 1 March 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 1 March 2018 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- 1. The Minutes of the Ordinary and Confidential Council Meeting held Thursday 1 March 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 1 March 2018 (ECM5121733).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 1 March 2018 (ECM5121734).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions as at 22 March 2018

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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.

16 JULY 2015

ORDERS OF THE DAY

31 [NOM] Parking Requirements for Small Businesses

408

Cr K Milne
Cr P Youngblutt

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

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

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

Unfortunately this investigation has been postponed due to the impact of the March 2017 flood event.

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station

C 29

That Council:

1. Authorises the General Manager to enter into lease negotiations for the Murwillumbah Railway Station.
2. A report be 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.

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.

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 scheduled for Thursday 29 March 2018.

26 OCTOBER 2017

ORDERS OF THE DAY

9 [NOM] Private Native Forestry

505

Cr K Milne
Cr R Byrnes

RESOLVED that Council:

....

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

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

Following representations by the Mayor and General Manager a response was received from Minister Upton on 12 December 2017 which stated that the Government will not revoke the current Private Native Forestry (PNF) approval for the Fish Limpinwood site, but would

continue to offer Council assistance in coordinating compliance matters relating to PNF approvals.

The General Manager has referred this matter to the Member for Lismore seeking further assistance.

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: The Director Community and Natural Resources has written to: Mr Thomas George, State Member for Lismore, Mr Geoff Provest, State Member for Tweed and Mr Ben Franklin, Parliamentary Secretary for Renewable Energy and Northern Rivers requesting representatives to facilitate a workshop with Councillors.

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

596

**Cr R Cooper
Cr K Milne**

RESOLVED that

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

- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

Current Status: Workshop scheduled for 15 March 2018.

13 DECEMBER 2017

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

17 [PR-CM] Rural Landsharing Communities - Advice from Department of Planning and Environment

639

**Cr K Milne
Cr R Cooper**

RESOLVED that:

...

3. Council holds a workshop on the potential to enable rural landsharing activities to continue in the Shire via an LEP amendment.
4. Further consideration of the suitability for maintaining the permissibility of rural landsharing communities is to be deferred pending the adoption of a Tweed Rural Land Strategy, and its incorporation into its implementation plan.

Current Status: Workshop scheduled for 15 March 2018.

15 FEBRUARY 2018

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.

7 [NOM] Land Audit - Tiny Homes

19

Cr R Byrnes
Cr R Cooper

RESOLVED that a report be generated by Council listing available and appropriate Council land for the purpose and utilisation of a 'Tiny Homes' project of a small scale that can be managed by a *not for profit* organisation or Housing NSW. Further, that Council writes to the NSW State Government requesting a list of available and appropriate State owned/Crown Land for the purpose of a 'Tiny Homes' project.

Current Status: Workshop scheduled for 15 March 2018.

Officers are currently reviewing the Council land register and a further report will be prepared for 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.

C5 [CNR-CM] Stotts Creek Resource Recovery Centre Landfill Management Contract

REASON FOR CONFIDENTIALITY:

This report deals with ongoing contractor relationships and the discussion of this report in open Council may prejudice these relationships.

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.

C 12

That:

1. ...
4. A further report be brought back to Council following delivery of the capital works program, on the best options for the long term management of the Stotts Creek Resource Recovery Centre site.
5. Council maintains a watching brief and report to Council any significant decisions made by the State Government or regulators that will impact Council's short and longer term options for management of the site.

Current Status: A further report will be prepared following the completion of the Stotts Creek Resources Centre Masterplan.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for February 2018

SUBMITTED BY: Cr K Milne, Mayor



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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**

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 2 February NOROC Meeting - Richmond Valley Council, corner Walker Street and Graham Place, Casino.
 - 14 February Tweed Coast Waterways Committee - Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 23 February Department of Planning and Environment Meeting - Tweed Shire Council Administration Office, Wharf Street, Tweed Heads.
- 26 February Minister's Announcement - Thornbill Drive, Murwillumbah.
- 28 February ANZAC Memorial soil collection - Tweed Heads ANZAC Memorial, Jack Evans Boat Harbour, Wharf Street, Tweed Heads.

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

- 10 February 4th Tweed Coast Holiday Parks Enduro - Mooball Creek, Buckingham Drive, Pottsville. Cr Byrnes attended.

Inability to Attend by or on behalf of the Mayor

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

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during February 2018.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during February 2018.

Information on Conferences to be held

- 30-31 May 2018 Future of Local Government National Summit – The Angliss Conference Centre, 555 La Trobe Street, Melbourne VIC.

The Summit will address how the game has changed for local government. Now it's about community-led governance (community co-leadership and co-design) and co-operation and collaboration between councils.

Standard registration \$594 (closes 23 May 2018), no early bird registration available. Two flights, two nights accommodation, transfers.

<http://www.cvent.com/events/2018-future-of-local-government-national-summit/event-summary-04be932d0d50405ebe6d44f533f70b8b.aspx>

- 17-20 June National General Assembly of Local Government - Canberra ACT.

The largest, most influential Local Government conference in Australia occurs just once a year and attracts representatives from all 537 councils across the states and territories. The theme for the 2018 conference is Australia's Future: Let's make it local. It reflects Local Government's ability - and potential - to influence the political agenda for the upcoming federal election.

Earlybird registration \$ 969 (closes 04/05/18), Standard registration \$1290 (closes 01/06/18). Regional Cooperation and Development

Forum \$245. Two flights, three-four nights accommodation, transfers.
http://www.conferenceco.com.au/ALGA_NGA/Reg_Info.html

SIGNING OF DOCUMENTS BY THE MAYOR:

There were no documents signed by the Mayor in February 2018.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

RECOMMENDATION:

That:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions at 22 March 2018

SUBMITTED BY: Corporate Governance



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	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 dated 4 March 2018 containing 11 signatories in relation to Diamond Place, Tweed Heads advising as follows:**

"The residents of Diamond Place would like to bring to the council's attention the amount of traffic now using the cul-de-sac for all day parking for the Kennedy Drive Plaza and as a turning point to enter the shopping centre car park, which is often done at speed.

Diamond Place is a small residential cul-de-sac and it is becoming increasingly difficult for residents to drive down the street with cars parked either side of the road or parked the wrong way. Also, the amount of traffic using the cul-de-sac as

a turning point to enter the carpark has increased dramatically and people using it for short term parking to "duck" across to the shopping centre.

Currently there is a "No Stopping" sign on the right-hand entrance to Diamond Place however this is having little effect on people using it for parking.

There are many small children living in the nine homes, including a set of triplets (12 months old) a set of twins (18 months old), four other small children and grandchildren being frequent visitors to other residences. A disabled young adult also lives in the cul-de-sac.

We do not wish for residents and their visitors to be excluded from having the ability to park on the street but would like council to find a way to decrease the traffic flow and the street being utilised for short term and long-term parking for people who are not residents.

When the second stage of the Kennedy Plaza Development was lodged with council there were objections placed sighting the increase in traffic as a problem, however council approved the development.

There is now a very busy doctor's surgery, a newly opened cafe and IGA in the shopping centre, while we do not want to exclude people to accessing these businesses something has to be done about the traffic into Diamond Place before there is an accident.

We look forward to a response from council and immediate action for a remedy to this problem, we need to live in a safe residential area."

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

ORDERS OF THE DAY



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

6 [NOR-Cr Owen] Support for Australian Research Council Grant Application - Artificial Surfing Reef

NOTICE OF RESCISSION:

Councillor J Owen, hereby gives notice that at the next Ordinary meeting of Council we will move that the resolution from the meeting held on Thursday 20 July 2017 at Minute No 320 Item No 19 titled [CNR-CM] Support for Australian Research Council Grant Application - Artificial Surfing Reef being:

"that Council does not provide in principle support for a prototype Artificial Surf Reef at this time due to estimated costs in the order of \$100,000 not being appropriate in the current post flood financial circumstances."

be rescinded.

7 [NOM] Support for Australian Research Council Grant Application - Artificial Surfing Reef

NOTICE OF MOTION:

Councillor J Owen moves that Council:

- 1. Supports Offshore Surf Reefs, Griffith University and other partners in the preparation of an application for a Cooperative Research Centre Grant for the development of a prototype artificial surf reef, to be located in the surf zone north of Kingscliff, adjacent to the corner of Murphy's Road and McKissock Drive, Kingscliff.**
- 2. In providing this support, is doing so conditional on all costs associated with the investigation, design, consultation and approvals being met by the applicant, but with technical support and advice being provided by Council officers as a partner in the project.**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Collaborator**

Budget/Long Term Financial Plan:

There is no budget implication for Council providing in-principle support for the preparation of an application. There are some staff resource implications to provision of advice and to maintain Council's interest in the project.

Legal Implications:

There are no known legal implications.

Policy Implications:

There are no known policy implications.

8 [NOM] Support for Currumbin Wildlife Hospital

NOTICE OF MOTION:

Councillor J Owen moves that Council liaises with Currumbin Wildlife Hospital to identify opportunities to support their operations treating and rehabilitating Tweed wildlife.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Rescue of wildlife in Tweed is done by Tweed Valley Wildlife Carers with veterinary treatment and rehabilitation by Currumbin Wildlife Hospital. Currumbin Wildlife Hospital has reported increasing numbers of wildlife from Tweed Shire and adjoining north coast council areas requiring treatment.

Rehabilitation of wildlife is most successful when animals receive prompt treatment. Currumbin Wildlife Hospital plays a key role in the treatment and successful release of animals and Council should seek to identify opportunities to support their operations.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.1 Biodiversity Management - To protect and manage the environment and natural beauty of the Tweed for current and future generations.

ROLE: **Leader**

Council provides information to the community about wildlife rescue and treatment via the website and contact centre and also provides an annual financial contribution to support the operations of Tweed Valley Wildlife Carers and Friends of the Koala.

Council also collaborated with Currumbin Wildlife Hospital in the successful nomination of land at Pottsville for acquisition by the NSW Government in 2017. The 100 ha parcel includes existing koala habitat, areas suitable for the creation of new habitat and provides improved habitat connectivity for the existing bushland reserves.

The site was also identified as a suitable location for the establishment of a koala food tree plantation and a koala rehabilitation facility in conjunction with Currumbin Wildlife Hospital. The rehabilitation facility is required to enable inclusion of north coast koalas in trials for a vaccine for the disease chlamydia which is significantly affecting koala populations. Currently, use of the vaccination requires two doses, 30 days apart and is unable to be provided in the majority of situations due to the lack of a suitable holding facility.

Planning and installation of the facility remains dependant on identification of a mutually agreeable solution regarding the tenure of some, or the entire land parcel. Council have recently written to the NSW Government via Geoff Provest requesting the resolution of this matter.

Other opportunities may be available for Council to assist Currumbin Wildlife Hospital. There may be specific projects or communication and engagement activities that Council could support and improve the outcomes for Tweed wildlife in partnership with Currumbin Wildlife Hospital.

Council staff have existing working relationships with the Currumbin Wildlife Hospital and can investigate any additional opportunities accordingly.

Budget/Long Term Financial Plan:

Budget allocations and expenditure to support potential opportunities with Currumbin Wildlife Hospital would need to be considered in the context of each project.

Legal Implications:

Native wildlife is protected under the *Biodiversity Conservation Act 2016*.

Policy Implications:

There are no known policy implications for Council to work with Currumbin Wildlife Hospital with consideration of normal governance procedures.

9 [NOM] Gold Coast Airport

NOTICE OF MOTION:

Councillor C Cherry moves that Council writes to Air Services Australia and indicates its willingness to have a noise monitor placed on Council land at West Tweed Heads to allow the Airport to fulfil the reporting requirements for ANEI levels and monitor noise at the southern end of the Gold Coast Airport.

Councillor's Background Notes

Recommended Priority:

Considerable concern has been raised in the community about the increased noise levels people are experiencing at the southern end of the airport and the lack of any consistent monitoring of this over the last period of nearly 10 years since the noise monitor at the West Tweed Heads wastewater treatment plant was removed.

It is a requirement for airports to provide measured noise levels from their airports and at this stage measured noise levels from the southern end of the round runway and not been provided.

This issue has been raised consistently in the community consultative committee for the airport and needs to be finalised. It is in the interests of the community at the southern end of the runway that this noise monitor is in place prior to the relocation of the runway 300 m further to the south and anything council can do to help this process to occur should be done.

Description of Project:

Nil.

Management Comments:

Delivery Program:

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
- 3.1.6 Environmental Health - To support public health and environmental safety through education, inspections and enforcement of government rules and regulations.

ROLE: Advocate

Council has previously written to Airservices Australia in 2015 advising of the availability of land for a noise monitor on the old West Tweed Heads Wastewater Treatment site. To date no response has been received regarding this offer.

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

10 [NOM] Round Table Consultation - Kingscliff Skate Park

NOTICE OF MOTION:

Councillor R Cooper moves that Council convenes a round table consultation by the end of April 2018. This consultation to discuss the location, design and the associated park works.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.2	Places
3.2.9	Sporting Fields - To provide a range of accessible sports facilities and major event venues to promote an active and healthy lifestyle.

ROLE: **Leader**

Council is currently developing an Open Space Strategy, due for release May 2018. As part of this process Council has reviewed its provision of youth recreational facilities, including skate facilities.

Youth recreational facilities may include skate parks, skate elements, multi-purpose court, rebound wall, handball court, pump track or bike tracks for younger riders and table tennis.

A key action within the draft Strategy is to develop an Outdoor Youth Recreation Action Plan to improve the quality and diversity of youth recreational facilities across the shire.

Action Plan Objectives

- Ensure a more strategic approach to delivering diverse youth recreational facilities;
- Ensure a more equitable access to youth recreational facilities across the shire;

- Integrate youth recreation facilities into our larger open spaces and recreational areas.
- Inform capital investments and priorities in youth recreational facilities;
- Engage the community in the site selection and facility design process.

The Process

- Stage 1: Consult with young people to develop a better understanding of the recreational and social needs of young people and whether existing facilities are meeting community needs and interests;
- Canvas support for an urban bike park (pump track);
- Developing criteria for the location of outdoor youth recreational facilities;
- Explore partnership opportunities for programming at outdoor youth recreational facilities.
- Engage the community further in master planning, including site selection and the facility design process.

Following the development of the draft, from June to September 2018 Council officers will embark on an extensive community engagement process on the draft OSS. This will include community engagement activities with young people and the broader community on youth recreational facilities. This can include round table sessions in each local area if this is the direction provided by Council.

The principles of our Community Engagement Strategy identify that we should ensure everyone understands the purpose of the engagement and it needs to be mindful not to raise expectations or commit to something that Council cannot deliver in the timeframe proposed. Concerns exist in relation to a process that has the potential to raise expectations or imply a commitment to something that Council has not resolved to progress.

Budget/Long Term Financial Plan:

A round table on skate parks specifically for Kingscliff has the potential to direct staff resources away from the broader time frames outlined above and so the indirect costs will result in a drawn out delivery period.

If the expectation is that the meeting progresses to community engagement to determine a location and concept design, cost will be up to \$30,000 and require a range of other engagement methods and resources to meet engagement standards expected of the Community Engagement Strategy.

Legal Implications:

Nil

Policy Implications:

Draft Shire Wide Open Space Strategy

11 [NOM] Extreme Water Sports

NOTICE OF MOTION:

Councillor K Milne moves that Council does not support extreme water sports such as wakeboarding or other water based activities that have a high impact on other passive waterway recreation users or marine life and/or creates erosion of the banks of the waterways, and develops a strategy and Local Environmental Plan amendment to prohibit these commercial uses.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Leaving a Legacy
1.1	Natural Resource Management
1.1.6	Waterways (Catchment) Management - Maintain, protect and enhance Tweed Shire's waterways and catchments.

ROLE: **Leader**

The Motion as drafted above is similar to one that was adopted by Council on 10 April 2014 as follows.

"that:

- 1. A Tweed River System Recreational Strategy for the navigable waters of the Tweed's rivers and estuaries be prepared, in consultation with key stakeholders and government agencies, and that it provide suitable recommendations and guidelines for the preparation of a development control plan.*
- 2. Following the adoption of a Tweed River System Recreational Strategy by Council, a development control plan be prepared and publicly exhibited.*

3. *In addition to the issues outlined in the Council resolution of 19 September 2013, the development of the Tweed River System Recreational Strategy and subsequent development control plan are to be informed by a review of the safe environmental carrying capacity of the river and include, but not be limited to, specific reference to and consideration of:*
- i) the environmental significance of the estuary;*
 - ii) the cultural significance of the estuary including for the Aboriginal community;*
 - iii) the state of the estuary including riverbank erosion, water quality, health and abundance of marine life, bird life, wildlife, seagrass, saltmarsh, mangroves, and benthic macro-invertebrates, the extent of riparian corridors and the gaps needing revegetation;*
 - iv) environmental factors and impacts arising from various types and levels of recreational activities including:*
 - a) erosion, and increased future erosion vulnerability due to sea level rise;*
 - b) disturbance of estuary species and bird feeding activities;*
 - c) boatstrikes on turtles and dolphins; and*
 - d) increased turbidity.*
 - v) social and economic factors arising from various types and levels of recreational activities including impacts on the built environment, residential amenity, safety and amenity of other recreational users, and impact on Council's budget;*
 - vi) factors affecting demand; and*
 - vii) options for various types and levels of appropriate recreation."*

The mechanism that has been used to progress the 2014 NOM is the preparation of a plan of management for the Tweed River Estuary.

A resolution to proceed with the preparation of an estuary management plan was adopted by Council through the Minutes of the Tweed River Committee Meeting held Wednesday 11 June 2014, as follows:

"A3. Proposed Coastal Zone Management Plan for the Tweed Estuary

- 1. That Council prepares a Coastal Zone Management Plan for the Tweed River Estuary, with a staged approach to priority issues to be included in the methodology.*
- 2. That Council incorporates the previously resolved motions of 19 September 2013 and 10 April 2014 into the Coastal Zone Management Plan for the Tweed River Estuary."*

The estuary management plan has been presented in draft form to the Tweed Coast and Waterways Committee, and will be recommended to Council for public exhibition in April.

The Draft Tweed River Estuary Coastal Management Program (formal title) has been prepared by consultants in accordance with principals of the *Coastal Management Act 2016*, and requirements of the NSW Office of Environment and Heritage, who have funded 50% of the project (total project value approximately \$160,000).

A sub-component of the draft estuary management plan is a Tweed River Estuary Recreational Use Strategy, which will be delivered through actions in the estuary management plan. The recreational use strategy does not seek to prohibit recreation or commercial uses that could be classified as 'extreme', (recognising Council's inability to regulate recreational use of the river) but does recommend areas to RMS where towing (water skiing, wakeboarding – private or commercial) should be prohibited.

Other studies and investigations undertaken to prepare the draft estuary management plan address points 3 i-vii, in the 2014 NOM, and other matters included in the Council resolution of 19 September 2013. A significant investigation undertaken through the estuary management planning process was a community use and values study, which had approximately 1200 responses. The results of the community use and values survey have been incorporated into the Recreational Use Strategy, and thus the draft estuary management plan actions.

The Draft Estuary Management Plan includes an action as follows:

"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 prohibiting uses that do not comply with the objectives of the Tweed River Estuary Coastal Management Program."

The drafting of the policy and clause is currently being undertaken by Council's Waterways Program Leader, in consultation with planning staff. An opportunity to discuss the process in detail has been arranged as part of an extraordinary meeting of the Tweed Coast and Waterways Committee on 14 March.

The process of achieving the intent of this Motion will be subject to the preparation of a planning proposal, and its acceptance by the NSW Department of Planning. Preparation of a planning proposal is a significant task and could take six to eight months. The proposal would be based upon the body of work undertaken through preparation of the Tweed Estuary Coastal Management Program. Council's adoption of a policy to support the LEP amendment can proceed in advance of the planning proposal and LEP amendment, and will support it.

In conclusion, it is considered that the intent of the most recent Motion is currently being delivered. Adoption of this additional recent Motion will confirm Council's policy intent in this matter, and would foreshadow Council adopting the draft estuary management plan action E3.

Budget/Long Term Financial Plan:

Work on a Council policy on Motorised Water Recreation Businesses and a draft additional LEP clause is currently being undertaken by Council's Waterways Program Leader.

The policy, once drafted, consulted with the community and endorsed by Council, will inform the planning proposal process. The planning proposal will seek to include the new clause into Part 7 *Additional Local Provisions* of the Tweed Local Environmental Plan 2014. A planning proposal process takes approximately 12 months to complete

and may require substantial resources. In the prevailing environment where demand for projects, planning proposals and new policies far exceeds Council's Strategic Planning and Urban Design ability to resource each, additional resourcing or/and indication from Councillors with respect of projects prioritisation will be sought.

Legal Implications:

Legislative implications include amendment to the Tweed Local Environmental Plan 2014 by way of including additional clause regulating certain uses and activities occurring on waterways. The detailed process of drafting and enacting the LEP amendment will be subject to guidelines provided by the NSW Government and will involve approval by the NSW Department of Planning & Environment.

Any potential restrictions resulting from the new clause may result in legal actions with regard to Council's potential liability for any economic loss sustained by business owners and operators.

Policy Implications:

The process of preparing an estuary management plan for the Tweed River, consistent with the requirements of the Coastal Management Act and Office of Environment requirements, is intended to deliver a Coastal Management Program that can be adopted by Council, and certified by the Minister for Environment. The process undertaken has been comprehensive and rigorous, and will allow justification of the proposed LEP amendment that has been proposed as draft estuary management plan action E3.

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

NOTICE OF MOTION:

Councillor K Milne moves that Council:

1. Where an application is made to vary Council's Planning Controls under section 4.9 of the Local Environmental Plan these may be considered on legitimate merit as per the current process, and where further "Positive Development", sustainability improvements may be negotiated, such as living walls; green roofs, blue/green infrastructure, greenhouse gas reduction; zero waste; composting; community gardens; etc.
2. This provision is made clear to applicants on Council's website and in industry circles.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Leaving a Legacy |
| 1.4 | Managing Community Growth |
| 1.4.1 | Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment. |

ROLE: **Leader**

The proposed "policy" raises several concerns and these include its legality and workability, and the absence of any assessment criteria against which a variation sought on the basis of "sustainability improvements" can be objectively and transparently assessed, as well as the risks such a policy poses for accountable decision making and commercial certainty for developers.

The exception to development standards provisions under Tweed City Centre Local Environmental Plan 2012 and Tweed Local Environmental Plan 2014 reside under clause 4.6 of both instruments.

The standards and requirements for making a valid request to vary a development standard under clause 4.6 are comprehensive, the key principles or thresholds to be met having been established in recent case law: *Wehbe v Pittwater Council* [2007] NSWLEC 827; *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009; *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386; *Moskovich v Waverley Council* [2016] NSWLEC 1015 and *Zhang and anor v Council of the City of Ryde* [2016] NSWLEC 1179.

In brief, the purpose of clause 4.6 is to enable an appropriate level of flexibility in the application of certain development standards and in doing so an applicant must not only identify the development standard being varied and the extent of that variation, but must establish firstly that adherence to the development standard is unreasonable or unnecessary in those circumstances, but secondly; there exists sufficient environmental planning grounds to justify the variation being sought. What is an 'appropriate' or 'reasonable' variation is a question of fact determined on the merit of the variation being sought and this is assessed in part against the merit assessment of compliance with the development standard. This cannot be overridden by a resolution of a council seeking to achieve outcomes that are not themselves embedded in the objectives or aims of that development standard or arguably those that are further refined in a Development Control Plan; that is to say, a council resolution cannot readily embellish or substitute for aims or objectives of development standards. In addition, the concurrence of the Secretary of the Department of Planning and Environment may be required where the assumed concurrence powers are not complied with. In cases where the variation to a development standard is non-numerical or is numerical and exceeds 10% the assumed concurrence only operates if dealt with by a full council.

To enable a workable framework that genuinely operates to attract, incentivise or procure greater sustainable outcomes in development the Council should consider a more holistic policy approach, as it will necessitate amendments to both the Tweed LEPs and DCP. Not least, it is imperative that the policy framework clearly identifies what sustainability elements are being 'traded' in lieu of the development standard variation being supported and what assessment criteria should be applied and in what instance; that is to say the standard to be achieved or the quantum of the trade-off is likely to be different as between, for example; building height and floor space ratio or lot size. Importantly, and by analogy, this proposed policy is quintessentially a form of inclusionary zoning, except that it is less transparent and will be far more uncertain to administer, in that the substantive objective is to trade development uplift for public benefits through variation to the established development controls. As presented this would include any development standard, for example increasing building height or density. The main risk being, if the policy was in fact workable and had weight at law, that without any guiding parameters both the assessment and determination of the variation request would be subjective and or arbitrary the risk of which may reasonably be seen where the Council does not accept a variation against its open policy but the Court does. In a litigated deemed refusal, by way of example, the Court would be open to interpreting the proposed policy in any way it thinks fit and this is likely to yield outcomes that the Council itself had not contemplated.

In addition to the above and the identification of the concerns with this approach, Council resolved to progress a house-keeping LEP of which a key element was to 'lock-in' a new

building height regime, corresponding floor space ratios and notably to 'switch-off' the operation of clause 4.6. This proposed new policy contradicts that earlier resolution. Consequently, and notwithstanding that the proposed policy will have little utility or validity when considering clause 4.6 variations and thence procuring greater sustainability outcomes by way of incentives, should the house-keeping planning proposal proceed there will be no ability to vary a development standard under the Tweed Local Environmental Plan 2014 and thus this proposed policy would be unworkable.

For the reasons discussed above it is strongly recommended that prior to advancing the proposed motion, Council seek further advice on the implications of future development assessment in respect of prevailing law, administrative practice and other previous Council resolutions.

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

There is a real possibility that an applicant may act in good faith on this proposed policy and to their detriment. It may unnecessarily lead to Council requiring specialised legal advice and or providing a basis on which an applicant may litigate against Council.

Policy Implications:

The proposed policy would establish a poor planning policy precedent by purporting to enable a genuine merit assessment and consideration of a development standard variation based on a negotiation for greater sustainability benefits when as a matter of law and administration it is unlikely to have any real effect.

13 [NOM] Protecting Tweed's Native Forests

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Notes:**
 - a) Tweed Shire has the most diverse range of ancient Gondwana Rainforest remnants in Australia, and significant Aboriginal cultural heritage much of which is still not mapped and vulnerable to Private Native Forestry operations,**
 - b) Climate Change poses a serious threat to the Tweed community, economy and environment,**
 - c) Maintaining forests and reforestation is an important mechanism to address climate change by reducing carbon emissions, reducing the impact of flooding and potential for landslides, assist in reducing the number of threatened species and improving waterway quality,**
- 2. Develops a policy to support and encourage landholders to reforest the landscape on a major scale and include considerations and incentives to achieve this through various strategies such as the Rural Land Use Strategy, including but not limited to consideration of an increased dwelling entitlement in exchange for a legally binding commitment eg for 95% native vegetation cover, or potentially for plantations of diverse native forests where this does not involve clearing existing vegetation,**
- 3. Undertakes a process to prepare an LEP amendment in regard to prohibiting Private Native Forestry that involves the further clearing of native forests.**
- 4. Seeks support from the State Government and local state members**

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.4 Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.

ROLE: **Leader**

The proposed policy implications arising from this Notice of Motion are significant by comparison to Council's current land-use policy aspirations and trajectory and will require a major re-examination of priorities, not only in terms of land management policy, but also the impact on the future economic direction of rural Tweed. The implications for increasing dwelling entitlements alone are considerable not only in terms of the negative climate impacts additional dwellings create, the cost of servicing those remote dwellings on the public revenue, but additionally the likely adverse impact reforestation could have on food production or other important rural pursuits, as well as the growing tourist and recreation industry. These are issues of great importance to the wider community and should be the subject of public engagement to enable the wider spectrum of interests to be considered and policy response options debated, as ordinarily occur through planning policy development.

The proposed policies as they stand, and at face value, fail to demonstrate any consideration for the opportunity costs that will be won and lost, in particular the impact on the local economy and jobs creation, lost sustainability opportunities through the loss of suitable lands for rural pursuits, and which is seemingly presupposed on the perception that reforestation with native vegetation will provide the greatest net climate change return. Whilst positive climate change action is needed and should be a central consideration for all Council policy and actions, it nonetheless demands a considered and balanced response through a transparent and accountable policy framework. This would enable the benefits and lost opportunities to the broader public, not least private landowners and businesses, to be debated and agreed and where necessary, and quite likely, to trade-off private lost opportunities in favour of 'net public benefits'. It would also serve as an effective business indicator about the potentially elevated risk of investing in the Tweed's rural, recreational and tourist economies. The impact of a downturn in investment and reduction in available rural economic land is unknown and could potentially be devastating for the Tweed's overall economy.

It is also important to better understand the main purpose of the draft Rural Land Strategy, which seeks a balance of existing Council policies and strategies, the use of rural lands in such a way that the natural and cultural Tweed landscapes are preserved and managed,

the use of rural land in a way which maximises productivity while minimising conflict, and where the practice of regenerative development, as was first raised on the Council's policy agenda as part of the Rural Villages Strategy, is encouraged by giving central importance for future decisions about new development. That is to say, the aims of these policies is fundamentally a moderation or harmonisation of all of the nine policies directions adopted, rather than advance an alternative, parallel strategic direction as proposed through this Notice of Motion.

Reforestation and 'other' opportunities that go some way to positively contributing to the impacts of climate change are undeniably essential at every level of government. In 2016, NSW Government released the draft NSW Climate Change Policy Framework, which outlines long-term objectives to achieve net-zero emissions by 2050 and to make New South Wales more resilient to a changing climate through the Climate Change Policy Framework. The framework comprises of three new strategic plans addressing climate change and energy and supported by a \$500 million fund to drive policy directions and actions for investigation under three priority investment areas:

- accelerating advanced and clean energy;
- national leadership in energy efficiency; and
- preparing for a changing climate.

The policy framework presents a strategic approach that addresses a range of climate change mitigation activities, detailed in the Table below. These are currently being investigated in various jurisdictions including NSW Climate Change Council, and focus on these highest carbon-emitting sectors.

Mitigation and Research activity	Sector
Improving energy efficiency to avoid burning fossil fuels	Stationary energy use - manufacturing and construction industries - fossil fuel combustion for public electricity
Cleaner energy supplies such as electricity from renewable sources and automotive biofuels	Transport fuel combustion
Developing more efficient transport Improved cropland and livestock management.	Agriculture <ul style="list-style-type: none"> • Enteric fermentation (livestock emissions) • Manure management • Rice cultivation • Agricultural soils • Prescribed burning of savannahs • Field burning of agricultural residues
Better waste management	<ul style="list-style-type: none"> • Solid waste disposal on land (landfill) • Wastewater handling • Waste incineration

Reducing land clearing and deforestation	Forestry operations <ul style="list-style-type: none">• Land-use change: deforestation• Land-use change: afforestation Fugitive Emissions: Mining and petroleum operations <ul style="list-style-type: none">• Underground mines• Surface mines• Oil and natural gas
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In response to deforestation, *Policy Direction 4.5 Strengthen natural ecosystems to respond to a changing climate*, proposes to commit long-term and coordinated conservation efforts on private land to increase the resilience of natural ecosystems to respond to a changing climate. Subsequent *Action: Invest in private land conservation* provides for the NSW Government to invest in private land conservation to reduce the vulnerability of ecosystems to climate change, with funding announced.

State Government approval of the Climate Change Policy Framework is pending, as is further direction about the distribution of funding and implementation of policy actions. The integration and alignment of this policy with other state and local government policies remains unclear; however given the intersect with land use planning and management and development assessment, significant impacts are expected including to recent reforms to the Environmental Planning and Assessment Act, Biodiversity Act, Heritage Act, North Coast Regional Plan 2036, draft Transport Strategy, and reviews of Local Environmental Plans.

Whilst Tweed would benefit from the work of the State government, and it is timely that they are working to develop their policy framework to achieve their “Paris Agreement” targets, it does not need to garner their approval, nor is it dependant on their funding or future policy action plans to move ahead with implementing its own policy strategies to improve the environmental policy responses to address climate change impacts, but it is contended that it should do so only in a considered and holistic way that looks at all competing policy areas, and that is considerate of the wide spectrum of issues and the potential impacts on private landowners and businesses over the long-term.

As to the workability of these policy proposals two matters in particular are noted. Firstly, to enable an additional dwelling entitlement on land where native planting achieves 95% site cover, seemingly irrespective of whether it is new or existing vegetation, it is reasonably foreseeable that a planning proposal will fail unless supported by an adequate policy framework. This would need to address more than those issues referenced herein and which does not currently exist in any form, nor is there available resourcing to prepare such a policy in the short-term. Secondly, it is reasonably foreseeable that a blanket prohibition on ‘Private Native Forestry’, comprising private native forestry that specifically includes the clearing of “further”, which is assumed for present purposes to mean a reference to existing native forests not previously cleared or not cleared for a reasonable time, is unlikely to be supported: a) where it is inconsistent with a State policy designed to allow for this land use; or, b) where the LEP amendment is unsupported with an adequate planning justification in support of that prohibition, particularly where it amounts to a derogation of current private property rights. There is no current policy that would meet that description and similarly there is no available resourcing to prepare such a policy in the short-term.

Both Items (2) and (3) to the Notice of Motion are positive in their construction requiring the General Manager to develop and undertake those matters in the terms described. What is unclear is whether in fact Item 4 should first be pursued and where the support of either or both the State Government and local state members is not given that a further report be submitted. This would seem to be the logical inference as without State government support there would be no utility in proceeding with the policies as proposed. This aspect of the Notice of Motion should be clarified in order to avoid resources being unnecessarily expended in the pursuit of these policies.

Budget/Long Term Financial Plan:

It is foreseeable that additional resources would be required to prepare the required policies and this is not within current budget allocations. Depending on any legal issues arising there may be further legal services required and which is outside of the current budget allocation.

Legal Implications:

While it is reasonably foreseeable that legal issues might arise these will be better understood at a later stage of the policy drafting.

Policy Implications:

As discussed within the Management Comments this Notice of Motion proposes a paradigm shift in the current land-use planning policy, and will necessitate a major program of investigation outside of current work programs.

14 [NOM] Zero Waste Target

NOTICE OF MOTION:

Councillor K Milne moves that Council adopts a 'Zero Waste Target' across the Shire and includes this objective in our Waste Strategies and Management Plans.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

ROLE: **Leader**

Tweed Shire Council's current Integrated Domestic Waste Management Strategy has increased waste diversion from landfill from 42% to 62%. The increased landfill diversion is a result of the food and garden organics collection service that was introduced on 1 July 2017.

A zero waste target would need to consider all elements of the waste hierarchy shown below:



The waste hierarchy focuses on the most preferred option for minimising waste down to the least favourable. The waste hierarchy considers energy and resources used to manage the waste in order to determine the order of preference.

Waste avoidance focuses on behavioural change by consumers and businesses including council. Policies that reduce the waste that Council and the community generate may need to be considered to achieve a zero waste target.

Recovery, reuse, reprocessing and recycling are all current methods that Council uses to achieve less to landfill. These include the recovery of recyclables in the yellow bin; recovery of organic waste in the green bin; recovery of concrete, metal and electronic waste at the Stotts Creek Resource Recovery Facility.

In order to achieve a zero waste target, some form of energy recovery would need to be considered. This may be a waste to energy facility that incorporates incineration of non-recyclable waste. Energy recovery facilities require significant financial capital to construct and operate.

Waste disposal is the final and least preferred option in the waste hierarchy. Even with all other steps in the waste hierarchy, there is still a need for waste disposal. Materials such as asbestos, contaminated soils and other materials that cannot be recovered, reused or incinerated in an energy recovery facility must currently be safely disposed of in landfill.

Budget/Long Term Financial Plan:

Any costs associated with a zero waste target including additional educational resources, operational and processing costs would need to be recovered using the domestic waste management charge and/or gate fees at the waste treatment facility.

Financial capital required to finance the construction of a waste to energy facility would attract significant construction and operational costs.

Legal Implications:

Management of waste transport, processing, treatment and landfilling is regulated by the New South Wales Environment Protection Agency under the provision of the

Protection of the Environment Operations Act and Regulations. Any changes to waste treatment and processing to achieve a zero waste target must be in line with this legislation.

Policy Implications:

Council's Waste Management Unit is in the process of reviewing the current waste management strategy. Any adoption of a zero waste target will need to be considered in this review of the waste strategy. It is expected that the review of the waste management strategy will be completed in 2018.

While it is positive to have an aspirational goal to aim for zero waste, to be realistic in the short to medium term it may be beneficial for the next Waste Management Strategy to have incremental targets (similar to the approach taken to the Renewable Energy Action Plan) such as the NSW Waste and Resource Recovery landfill diversion target currently set at 70%. Council is presently achieving approximately 62% diversion of household waste away from landfill. It is important to note also that Council only controls domestic waste and has less opportunity to influence the waste diversion behaviours and practices of businesses.

Being on the border with QLD, Council also needs to take account of QLD waste policy as this impacts on the movement of waste across borders.

15 [NOM] Sustainable, Wildlife and Marine Life Friendly Products and Packaging Policy

NOTICE OF MOTION:

Councillor K Milne moves that Council:

1. Develops a 'Sustainable Packaging and Products' Policy to apply for all Council buildings and facilities to assist in addressing the challenges and opportunities of climate change and waste reduction including land and marine litter reduction.
2. Notes that there are options currently available for sustainable products and packaging and these should now be implemented and made available where appropriate for other organisations that use Council's facilities.
3. Writes to the major supermarket chains and Business Chambers to advise them of Council's Zero Waste Target and Sustainable, Wildlife and Marine Friendly Policy intentions and invite them to work with Council in developing a policy for their own organisations.
4. Brings forward a report on options to potentially further assist young families with sustainable purchases and disposal of nappies eg a special waste collection of nappies similar to Council's previous voluntary Green Waste collection service.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Leaving a Legacy |
| 1.1 | Natural Resource Management |
| 1.1.4 | Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes. |

ROLE: **Leader**

Without data or evidence about the current impact of Council's purchases on packaging waste to landfill, officers recommend against developing a policy response to the issue.

Procurement across Council is de-centralised to numerous staff, therefore calculating the impact and potential for reduction in packaging to landfill from Council's purchases and buildings would need considerable staff resources to understand the issue and best opportunities for improvement.

To effectively respond to this Motion as a whole requires significant time for staff to consider all of its aspects and a report in response would need to be provided to a future meeting.

Extract from Council's Procurement Policy Version 1.6:

3.5 Sustainable Procurement

Sustainable procurement refers to the purchase of goods or services that have a lesser impact on human health and / or the environment when compared with competing products or services that serve the same purpose.

Officers making decisions on the procurement of goods and services must consider relevant sustainability criteria associated with the goods or services. For example:

- *The environmental performance of prospective contractors or suppliers.*
- *The suitability of competing products that may have a reduced impact on human health and / or the natural environment.*
- *The environmental performance of a requested product, such as:*
 - *Energy and/ or water efficiency rating*
 - *Fuel efficiency*
 - *Durability o Recycled content*
 - *Toxicity*
 - *Origin of any components made from wood (e.g. paper purchases)*
 - *End of life disposal / ability to be reused or recycled.*

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

While waste to landfill and the marine environment are significant issues, Council's most effective use of resources in tackling these issues would need to be investigated and development of the policy is not suggested without further justification.

16 [NOM] Sustainability Awards

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on developing a range of Sustainability Awards

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.4 Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.

ROLE: **Leader**

Budget/Long Term Financial Plan:

Staff resources required across several Units to develop a report. Budget implications would be in the developing, running and production of awards which would be dependent on the level of Council involvement. One option may be to sponsor awards through existing events.

Legal Implications:

No legal implications anticipated.

Policy Implications:

Any Council sponsored awards would need to be in accordance with the Event Sponsorship Policy V3 and the Events Strategy 2016-2020.

Council would need to develop any awards within the governance structure to ensure that there was no perception of preference to specific businesses or individuals.

17 [NOM] Sustainable Business Investment and Attraction

NOTICE OF MOTION:

Councillor K Milne moves that Council:

1. Includes the pursuit of business investment and attraction that will to assist in addressing climate change and waste reduction challenges and opportunities as a key consideration in Council's Business investment and Attraction Strategy, and
2. Brings back a report on options to incentivise such businesses including options for waste reduction incubator centres at Council's Landfill site.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Leaving a Legacy |
| 1.1 | Natural Resource Management |
| 1.1.4 | Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes. |

ROLE: **Leader**

With respect to the Motion at hand, when the Business Investment Policy was first drafted consideration was given to including specific financial incentives to business that could demonstrate that they were addressing climate change or meeting targets to reduce waste.

However, the risk is that the Policy only applies to businesses that are required to pay developer contributions as part of a current development application. Furthermore, it was found that it would be extremely challenging to determine what appropriate thresholds would

trigger a discount on developer contributions. The most important challenge would be to enforce sustainable practices that would need to be identified prior to any development approval being granted. This would be extremely difficult to keep the business to their identified targets after the development application has been approved, development constructed and the discount to the contribution under the Policy has granted and the contributions paid.

It has no influence over the ongoing operations of the business and cannot influence development consent conditions as it is not a policy under the Environmental Planning and Assessment Act.

Further there is a difficulty in harmonising how different businesses may interpret their efforts to achieving sustainability, waste reduction or climate change. For example, in their own way it could be argued that a solar panel installer, metal recycler, second hand store are all businesses that help reduce the carbon footprint. Similarly a vegetarian restaurant could argue that it requires greater incentives than a restaurant serving seafood that is not farmed. It becomes even more difficult when assessing whether a new car sales company selling only electric / hybrid cars is more an environmentally impactful business than a used car yard that could argue that it's footprint reduces use of raw materials.

Progress Report on the Economic Development Strategy snapshot

Plan For An Economy of the Future				
Type	Action		Responsible	Comments
Sustainable industries	D46. Council to promote and provide training programs to business to enhance businesses environmental performance.	Medium	TSC	<p>Council coordinated two energy efficiency workshops for local food manufacturing businesses in 2014 and 2015 as part of the Australian Food and Grocery Council <i>empower</i> program. Representatives from 12 businesses attended the workshops. Two local businesses (Madura Tea, Stone & Wood) completed energy efficiency audits at their premises, resulting in energy action plans outlining short, medium and long-term initiatives to reduce energy use and costs. Both facilities installed 100kW rooftop solar systems.</p> <p>In May 2015 Council collaborated with Office of Environment and Heritage's Energy Saver Program to host energy efficiency workshops for the local clubs and aged care sectors.</p> <p>Council supported Club Banora Twin Towns' successful application for funding under the Australian Government's Community Energy Efficiency Program. The grant helped the Club install a new 230KW tri-generation system, resulting in a cut of the Club's annual energy costs by approximately \$125,000 and reduction of carbon emissions by 30%.</p>

Plan For An Economy of the Future				
Type	Action		Responsible	Comments
				<p>Council continues to offer free water audits to businesses in the Shire. Some funding may be available under the Demand Management budget.</p> <p>Council's annual 'Living for the Future' Home Expo provides a platform for local businesses to showcase how their services and products can help the community reduce their environmental footprint. Since its inception in 2013, over 30 local businesses have participated in the event.</p>
Diverse business base	D47. Continue to support and enhance existing primary industries in Tweed Shire.	High	TSC	The Tweed Sustainable Agriculture Strategy has been adopted by Council and is currently being implemented. Supporting sustainable local agriculture is an important part of the strategy.
Effects of climate change on business	D48. Match regional effects of climate change effects on the local business sector and plan to mitigate these effects.	High	TSC / Dept. Of Environment and Heritage	<p>One of the objectives of the Kingscliff Foreshore Master Plan is to preserve the economic value and prosperity of the Kingscliff CBD area by preserving the foreshore dune from erosion.</p> <p>Council has entered into a long term lease arrangement for the Murwillumbah Saleyards to ensure its continued operations as a strategic asset to the Tweed grazing industry.</p>
Strengthen workforce participation	D49. Work closely with education providers and employment organisations to identify opportunities to strengthen workforce participation in Tweed Shire.	High	TSC, North Coast TAFE, other providers	<p>Discussions with TAFE NSW and SCU to review education needs of small business.</p> <p>Council was an active member of the Tweed Education Forum until it was disbanded by the host.</p>

Plan For An Economy of the Future				
Type	Action		Responsible	Comments
	D50. Continue to implement the Tweed Shire Youth Strategy.	High	TSC	Council adopted the Tweed Youth Strategy in November 2013 and it is currently being implemented. Inaugural Youth Council Meeting held 24 February 2016. Follow-up meetings outside of formal Council meetings with students from each school are regularly held.
Transition to digital	D51. Promote opportunities for attracting digital related businesses.	Medium	DT	Economic Development Unit continues to work closely with NBN Co to assist the roll out of high speed broadband with the Tweed. Further discussions continue with Telstra and other mobile service providers to continue to promote greater telecommunications infrastructure for the Tweed. NBN has now completed the fixed wireless roll out in the Tweed and the NBN Sky Muster satellite is now operational and available to remote areas in the Tweed. Rollout of fixed line to the urban areas of the Tweed has commenced. Council has made submissions to the Federal Government Mobile Blackspot Programme. Mapping and nominating areas of very bad mobile blackspots completed.
	D52. Educate the existing business base on trends and opportunities to improve digital presence.	Medium	TSC / consultant	Council continues to keep the Tweed business sector abreast of the latest trends and opportunities available. Council provides the Business community with up to date economic statistics, demographics and population forecasts through Profile ID websites.
Public transport	D53. Support initiatives that improve public transport in Tweed Shire.	High	TSC	Council adopted the Regional Transport Plan in July 2011. Actively working with the Cross Border Commissioner to address the Go-Card and taxi anomalies through the Cross Border Commissioner's Economic Development Sub-Committee. Council has been undertaking a progressive upgrade to bus shelters to ensure that they are adequately lit and safe to the public.

Plan For An Economy of the Future				
Type	Action		Responsible	Comments
Renewable energy in Tweed Shire	D54. Continue to investigate renewable energy in Tweed Shire.	High	TSC	<p>Council in collaboration with other regional councils, state agencies and community group won funding from the Office of Environment and Heritage 'Growing Community Energy Program' to investigate the feasibility of bioenergy at 3 regional hubs: Murwillumbah, Casino and Nimbin. The project investigated community attitudes about bioenergy technologies and found receptiveness to bioenergy depending on technology and site-specific factors. The feasibility of a bioenergy plant drawing on inputs from around the Murwillumbah area found a negative return on investment based on current assumptions.</p> <p>Council resolved to be self-sufficient in renewable energy. A project brief is in development to determine the feasibility of renewable energy options across Council's facilities, and for large-scale renewable energy technology.</p> <p>Tyalgum Energy Project received funding from the Office of Environment and Heritage 'Growing Community Energy Program' to investigate options to make Tyalgum village self-sufficient in renewable energy. Their feasibility report found 1.5ha of solar and 30sqm of batteries would be sufficient to transition Tyalgum to net zero carbon emissions.</p>
Expand global business networks	D55. Investigate opportunities to expand global business networks to create new markets for Tweed business.	Medium	TSC	<p>Destination Tweed undertook to strengthen ties with tourism operators from China.</p>
Health sector	D56. Lobby for a Masterplan for the growth and development of the Murwillumbah hospital ensuring that opportunities for growth in the health sector are accommodated and facilitated.	High	TSC	<p>Council continues to lobby the State government of the economic importance of the Murwillumbah Hospital to the Tweed Economy. GIS Maps of Murwillumbah Hospital provided as part of the 90th Anniversary celebrations.</p>

In relation to part 2 of the Motion, the Masterplan for Stotts Creek Landfill will make provision for a proportion of the site to be dedicated to waste diversion and processing. Council operates the landfill under strict licence conditions imposed by the EPA, therefore these activities would all need to be clearly separated from our ongoing landfill operations.

It would be possible to allocate space for recycled start-up businesses at the front end of the landfill together with the tip shop and recyclables drop off area. Without further consultation to understand the particular needs of these businesses and which waste streams they are particularly addressing, it would be pre-emptive to be specific at this stage about the level and type of support from Council. Further, there would need to be a fair and transparent process for the selection of these businesses to have the opportunity to utilise Council land for their operations.

Budget/Long Term Financial Plan:

Nil

Legal Implications:

Nil

Policy Implications:

Nil.

18 [NOM] Review of Murwillumbah CBD Street Trees

NOTICE OF MOTION:

Councillor K Milne moves 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.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.1 Natural Resource Management
- 1.1.4 Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.

ROLE: **Leader**

Budget/Long Term Financial Plan:

Producing a report will require staff time, but this should not be substantial.

Legal Implications:

Nil

Policy Implications:

Tree Management Guidelines for Council Managed Land

19 [NOM] Quarry Operations

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the current state and any compliance issues at the 3 quarries off Numinbah Rd/ Harry's Rd, North Arm.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

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**

Background:

One of the three quarries, Kinnears Quarry is owned by Council. It has been inactive since December 2008 but the post-production stage has continued to be managed by Council since that time due to the presence of Acid Rock Drainage (ARD) issues.

- Consultants were engaged in August 2008 to determine a strategy for the management of the ARD and an ARD Management Plan was developed in 2011
- A Part V approval and an Environment Protection Authority (EPA) licence for the proposal were obtained in August 2011 and treatment ponds were constructed in 2011 with further improvements made in 2013
- All ARD from the quarry has been contained, treated and released in accordance with licence requirements

Council's EPA licence No.20014, requires that the licence, plans, test results are all available to the public on Council's website (www.tweed.nsw.gov.au/environment/ and by selecting the EPA pollution monitoring tab). Section: Landfill Sites and Quarries information relating to Kinnears Quarry includes:-

- Kinnears Quarry EPA Licence 20014
- Water Quality Monitoring Sites information
- Acid Rock Drainage Management Plan
- Acid Rock Drainage Groundwater Assessment
- Report on Acid Rock Drainage
- Under Emergency and Pollution Incident Response Management Plans (on the same web page) is the PIRMP for Kinnears Quarry

A license return, PIRMP and any incident history must also be submitted to the EPA annually and this information is publically available on the EPA Pollution Monitoring website by searching for 20014. The licence was last reviewed by the EPA in 2016 and next review date is August 2021. Council's Pollution Incident Management Plan was last tested in January 2017. Council has complied with the EPA licence, all reporting conditions and any non-compliances are publically available on the EPA website.

The other two quarries are privately owned. It is understood that the eastern most quarry, Singhs Quarry, is operational. It is believed the southern-most quarry, Sandercock Quarry, is no longer operational.

Water quality complaint and DA Compliance investigation:

A complaint was received on Friday 16 February 2018 about discoloration of the creek and that it has been occurring for 2-3 weeks (with no fish kills). Activity at Singh's Quarry and/or the garlic farm was alleged to be a source.

The reddish discoloration is usually caused by acid sulphate soils being disturbed. When the oxygen depleted AS soil (with iron sulphide) comes in contact with oxygen (when soil is disturbed) sulphuric acid is formed which releases the iron and aluminium in the soil.

The first set of water sample results seemed to be acceptable and Council is are waiting for the second set of results. Both results will be reported to Council.

A more thorough site inspection including Singh's quarry operated by Ray Sandercock is underway as is an assessment of any DA conditions for the quarry and garlic farm.

NB: the complainant advised that the other disused quarries (including the disused Council Quarry) do not drain into this creek catchment. Therefore Council's main attention will be any works occurring at Singh's quarry and alleged works in the creek itself.

The complainant appreciated the above information and that sampling was undertaken.

The investigation into water quality matters and DA compliance will be completed during March, 2018.

Budget/Long Term Financial Plan:

Complaint investigation and compliance with DAs:

Investigation underway and report to be completed by end of March.

These actions can be managed with existing resources. Water sampling actions are also within the current monitoring budget.

Council quarry:

Council currently spends approximately \$80,000 annually on ARD treatment at Kinnear's Quarry, however this value can fluctuate from year to year depending on rainfall. Investigations into long term rehabilitation options have been identified and will be undertaken when resourcing allows. Once preferred options are determined, it is likely that increased funding will be required to undertake capital works, however this would reduce ongoing maintenance and treatment costs.

Legal Implications:

Complaint investigation and compliance with DAs:

This is yet to be determined.

Investigation underway and report to be completed by end of March.

Council quarry:

Council has met all of its obligations as an EPA licence holder for a disused quarry.

Policy Implications:

Complaint investigation and compliance with DAs:

Nil

Council quarry:

Nil

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

20 [GM-CM] 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 Advocate Leader

SUMMARY OF REPORT:

A report on this subject was presented for consideration to the Council Meeting of 15 February 2018 where the following was resolved:

"that Council does not join the Joint Organisation until it has an opportunity to consider the Regulation in draft form."

Since this decision of Council the draft Regulation and an associated Consultation Guide has been received. Within this documentation, councils are requested to indicate their intention to join a Joint Organisation by 16 March 2018 and Council has received an extension in providing its advice until Friday 23 March 2018. To further aid in the decision of Council, Mr Chris Presland - Director of Reform Implementation – Office of Local Government – has been invited to make a further presentation to Council in a workshop preceding 22 March 2018 Council Meeting.

Following the Council meeting held 15 February 2018 some Councillors indicated support for a Joint Organisation on the proviso that Council exits NOROC and the recommendation of this report has been amended to include this option.

RECOMMENDATION:

That:

1. In accordance with Part 7 of Chapter 12 of the Local Government Act 1993:
-

- i) Council informs the Minister for Local Government of Council's endorsement of the Minister recommending to the NSW Governor the establishment of the Northern Rivers Joint Organisation in accordance with this resolution.
 - ii) Council approves the inclusion of the Council's area in the Northern Rivers Joint Organisations area.
 - iii) The Northern Rivers Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - Ballina Shire.
 - Byron Shire,
 - Kyogle,
 - Lismore City
 - Richmond Valley, and
 - Tweed Shire.
 - iv) Consideration also be given to extending non-voting associate membership to the following organisations:
 - Rous County Council; and
 - Gold Coast City Council.

where matters of interest may have relevance.
 - v) On the expiry of a period of 28 days from the making of this resolution, the General Manager provides the Minister for Local Government:
 - a) with a copy of this resolution including the date on which Council made this resolution, and
 - b) inform the Minister for Local Government that this resolution has not been rescinded, for the purpose of the Minister for Local Government issuing a certificate under section 400P of the Local Government Act 1993.
2. Council flags its intention of withdrawing as a member of the Northern Rivers Organisation of Councils (NOROC).

REPORT:

A report on this subject was presented for consideration to the Council Meeting of 15 February 2018 where the following was resolved:

"that Council does not join the Joint Organisation until it has an opportunity to consider the Regulation in draft form."

Since this decision of Council the draft Regulation and an associated Consultation Guide has been received. Within this documentation, councils are requested to indicate their intention to join a Joint Organisation by 16 March 2018 and Council has received an extension in providing its advice until Friday 23 March 2018. To further aid in the decision of Council, Mr Chris Presland - Director of Reform Implementation – Office of Local Government – has been invited to make a further presentation to Council in a workshop preceding 22 March 2018 Council Meeting.

The previous report to Council follows:

The Local Government Amendment (Regional Joint Organisations) Act 2017 commenced on 15 December 2017 which has established the pathway for the creation of Joint Organisations – ‘Working together for regional communities’ and more immediately for council, the Northern Rivers Joint Organisation.

Council has previously considered reports on this subject, at meetings of 16 July 2015 and 18 August 2016. Council is supportive of being a member of the Joint Organisation and is required to confirm the commitment to the establishment of that Organisation.

The definition of a Joint Organisation is as follows:

"A Joint Organisation is a new entity under the Local Government Act comprising member councils in regional NSW to provide a stronger voice for the communities they represent."

A Joint Organisation will provide a more structured, permanent way for local councils, State agencies and other interested groups to collaborate. Each region will decide its own priorities, working on short and long term projects such as attracting a new industry to the region or improving the health of a river system. By putting their resources together and focusing on the unique challenges and strengths of their whole region, Joint Organisation members can drive better outcomes for local residents."

Each Joint Organisation will comprise at least three member councils and align with one of the State's strategic growth planning regions. One of the member council's mayors will be elected chairperson and an Executive Officer may be appointed."

This is an exciting time for council and one that provides greater opportunities for regional collaboration and achieving positive outcomes for the Northern Rivers.

The steps required by council are as follows:

- Plan**
- Identify your council's planning region (map to be provided by the Office of Local Government)
 - Consider the guidance material to be provided by the Office of Local Government (OLG)
 - Review existing arrangements for regional collaboration in your area
 - Consider the Key Design Criteria for Joint Organisations (JOs) (see below)
 - Consider the criteria for seed funding
- Consult**
- Consult with councils within your preferred regional grouping to reach agreement on JO membership
 - Each JO must have a minimum of 3 member councils
 - OLG is available to facilitate and support consultations in your region
- Endorse**
- Once the proposed JO membership is agreed, ensure each member endorses the proposal by a resolution of council
- Nominate**
- Submit your request to establish a JO to OLG by 28 February 2018
- Establish**
- The final JO network will be finalised in March 2018
 - Funding allocations will also be announced in March 2018
 - JOs will be proclaimed in April 2018
 - OLG will support the establishment of Joint Organisations and work closely with them once operational to ensure they are successful
 - JOs will be ready to start in July 2018
- Commence**
- Hold your first JO meeting and elect a chairperson
 - Recruit the Executive Officer
 - Work with member councils, the Department of Premier and Cabinet Regional Director and OLG support team to fully establish the JO
 - Work with member councils to draft the first JO Charter and Statement of Strategic Regional Priorities.

With respect to the Plan and Consult phases of the proposal, at the Northern Regional Organisation of Councils (NOROC) meeting of November 2016 it was resolved to endorse the submission to the NSW Governments *Joint Organisations: Getting the boundaries right* report (16/17:R14). The submission stated that NOROC supported the proposed boundaries for the Northern Rivers Joint Organisation, and that NOROC currently represents the Kyogle, Richmond Valley, Tweed, Byron, Lismore and Ballina Local Government areas and the fact the existing ROC boundaries and the proposed Joint Organisation Boundaries are the same will help ensure a smooth transition to the Northern Rivers Joint Organisation.

As this decision has been previously taken by NOROC, it is now up to Council to endorse this approach and provide its endorsement of joining the Northern Rivers Joint Organisation in the terms that the Office of Local Government have provided. It is also planned that the

submission of the nomination process for the formation of the Northern Rivers Joint Organisation will be coordinated through NOROC.

Relevant Sections of the Local Government Act 1993

400O Formation of joint organisations

- (1) *The Governor may, by proclamation, establish joint organisations for the purposes of this Act.*
- (2) *A proclamation under this section must contain the following particulars:*
 - (a) *the name of the joint organisation,*
 - (b) *the council areas that are to form the area of the joint organisation (which is to consist of the whole of 2 or more council areas).*
- (3) *A proclamation under this section may contain transitional provisions to facilitate the establishment and early operation of the joint organisation.*
- (4) *Each council whose area is within the joint organisation area is a member council of the joint organisation.*

400P Council must approve inclusion of council area in joint organisation area

The Minister must not recommend the making of a proclamation under this Part (including an amending proclamation) that includes the area of a council in a joint organisation area unless the Minister certifies that:

- (a) *not less than 28 days before the certificate was given, the council, by resolution, approved the inclusion of the council's area in the joint organisation area, and*
- (b) *when the certificate was given, the resolution had not been rescinded.*

OPTIONS:

1. That Council endorses joining the Northern Rivers Joint Organisation.
2. That Council does not endorse being a participating council in the Northern Rivers Joint Organisation.

CONCLUSION:

That Council endorses the proposal in accordance with the Local Government Amendment (Regional Joint Organisation) Act 2017, that the Northern Rivers Joint Organisation of Councils be established with the membership consisting of Kyogle, Richmond Valley, Tweed Shire, Byron Shire, Lismore City and Ballina Shire Councils. Also, further consideration be given to extending Associate Membership to Rous County Council and Gold Coast City Council where matters of interest may have relevance.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018

b. Budget/Long Term Financial Plan:

Initial establishment funding of the Joint Organisation will be provided by the State Government, with \$3.3 million to be allocated to the Joint Organisations across the state.

Should NOROC be disbanded the assets of that organisation will need to be distributed to the member councils in accordance with the Membership Charter.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Chris Presland – Director of Reform Implementation – Office of Local Government – presented a Workshop to Councillors on Thursday 15 February 2018 and has been invited to a make a further presentation on Thursday 22 March 2018, preceding the Council Meeting.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Letter from Office of Local Government dated 1 December 2017 (ECM 4938768)
Attachment 2.	Joint Organisations – Working together for regional communities (ECM4937730)
Attachment 3.	Joint Organisations – frequently asked questions (ECM4937719)
Attachment 4.	Office of Local Government Circular 18 – 02 – Supporting Joint Organisation success – Consultation on regulations and extension to the nomination deadline (ECM5134862)
Attachment 5.	Supporting Joint Organisation Success – Regulation Consultation Guide (ECM5134820)
Attachment 6.	Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018 (ECM5134787)
Attachment 7.	Nomination Form – Joint Organisation NSW Government (ECM 4938779)

21 [GM-CM] Draft Destination Management Plan

SUBMITTED BY: General Manager

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Leader

SUMMARY OF REPORT:

In February 2018 Destination Tweed submitted a draft Destination Management Plan to Council for consideration. This draft Plan is attached as a confidential attachment.

RECOMMENDATION:

That:

1. Council receives and notes the draft Destination Management Plan.
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:

In February 2018 Destination Tweed submitted a draft Destination Management Plan to Council for consideration. This draft Plan is attached as a confidential attachment.

Destination Tweed is contracted by Council until 30 September 2018. The preparation of this draft strategic document forms part of their existing contractual obligation. However, on 27 February 2018 Council formally went to market seeking Expressions of Interest (EOI) for the Marketing, promotion and destination management of Tourism services. Council received probity advice that as the tender process was now underway, it was not prudent for Council to make any comment on the draft Destination Management Plan.

OPTIONS:

That council:

1. Receives and notes the draft Destination Management Plan.
2. Takes no further action.

CONCLUSION:

It is recommended that Council receives and notes the draft Destination Management Plan.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Yes, probity advice has been received.

Local Government Procurement was engaged to undertake the management of the tender process for marketing, promotion and destination management of Tourism services for Tweed Shire Council.

Murray Watt, Managing Director, Management Options was appointed as an independent Probity Advisor to the tender process. His advice to Council regarding the draft Destination Management Plan is *“that while Councillors should consider the Plan, no ongoing interaction on the Plan should occur.”*

d. Communication/Engagement:

Inform - We will keep you informed.

The draft Destination Management Plan will be released to the market ‘as is’ as a part of the Request for Tender (RFT) process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment – draft Destination Management Plan (ECM 5092645)

22 [GM-CM] Gallery DownTown - Detailed Business Case

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
- 3.2 Places
- 3.2.2 Art Gallery - To promote awareness, enjoyment and understanding of the visual arts through collections, exhibitions, education and community programs.

ROLE: Collaborator

SUMMARY OF REPORT:

At its meeting of May 18, 2017, Council resolved to delegate authority to the General Manager to enter into negotiations with the proponent for the Murwillumbah Arts Precinct for a potential initial 12-month lease of space to establish the 'Gallery DownTown' Tweed Regional Gallery CBD annex as a trial, with options subject to a further report being brought back to Council with lease costs, project costs, funding and timing for the 12 month period for endorsement prior to formal execution of the lease. The report is to consider opportunities to provide local artists with predominant exhibition space and ability to sell artworks on a commission basis.

This report and the attached detailed budget and new proposal are that subsequent report.

The purpose of the trial is to act as an incubator for the establishment of an Arts Precinct (M-Arts Precinct) within the former Sunrise Motors and Escape Galleries building in Murwillumbah CBD. The private proponent of the concept approached Council following demand and encouragement from the arts community. He plans to build somewhere in the region of 20-25 art studios, workshop spaces, and an art community feel under one roof with coffee shop, bar, restaurant and galleries. He has approached Council to participate in the concept through establishing a Gallery DownTown Annex of the Tweed Regional Art Gallery.

From Council's perspective, such a venture would not only act as a direct economic injection stimulus, but further adds to the work undertaken by the Foundation and Council in increasing the connection between the CBD and TRG. By way of example it could function in a similar capacity to the Art Gallery in Sydney and the Modern Art Gallery as two distinct but joined adjuncts.

RECOMMENDATION:

That:

1. Council notes the attached Detailed Business Case and agrees to the implementation of a 12-month trial of the Gallery DownTown concept in the M-Arts Precinct as outlined, in the upstairs gallery space on a five-day per week trading basis to act as direct economic stimulus for the town post flood and as an incubator for the activation of the M-Arts precinct.
2. Council allocates \$70,000 from the Economic Development budget to the project.
3. Council writes to the Gallery Foundation noting their support for the concept and requesting any shortfall in funding to a maximum of \$30,000 be funded by the Gallery Foundation.
4. ATTACHMENT 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:

At its meeting of 18 May 2017, Council resolved to delegate authority to the General Manager to enter into negotiations with the proponent for the Murwillumbah Arts Precinct for a potential initial 12-month lease of space to establish the 'Gallery DownTown' Tweed Regional Gallery CBD annex as a trial.

As part of that resolution Council also requested that a further report be brought back to Council with lease costs, project costs, funding and timing for the 12-month trial period for endorsement prior to formal execution of the Gallery DownTown lease. The attached detailed budget and new proposal are that subsequent report.

Background

Proponent Stephen Webb, has developed a plan for, and is in the process of establishing, a Murwillumbah arts precinct, to be known as M-Arts, in the Brisbane Street, Wollumbin Street and Proudfoots Lane block surrounding the Regent Theatre in the Murwillumbah central business district (CBD). The project aims to transform a set of vacant industrial buildings into a vibrant new arts precinct where artists will create, collaborate, interact with and sell to the public. The precinct will also include a new café, wine bar and restaurant.

It is envisaged that somewhere in the region of 20-25 art studios, workshop spaces, and an art community feel under one roof with coffee shop, bar, restaurant and galleries as well as a space for live music performances will be established in an area of approximately 1080 square metres. During the Murwillumbah Art Trail 2017, the proponent hosted a pop up concept of the idea which proved to be highly successful with approximately two hundred people attending the night time event. The site will be used again for Murwillumbah Art Trail 2018 and will also house and participate in the Border Art Prize.

The proponent has brought to Council the opportunity to participate in the precinct as a core anchor tenant through the establishment of the 'Gallery DownTown', a new annex of the Tweed Regional Gallery and Margaret Olley Arts Centre (TRGMOAC). The Gallery DownTown would provide TRGMOAC a CBD site, which would have the following benefits to the Gallery, to Council and to the Murwillumbah CBD and the economy generally:

	Opportunities and benefits associated with the Gallery DownTown proposal:
To the TRGMOAC:	<ul style="list-style-type: none">• A presence in the CBD to increase local and visitor awareness of the main Gallery at Mistral Road.• Increased opportunity to provide support and exposure to more regional artists.• Additional revenue generation opportunity through sales of artwork in a new commercial gallery format, and also through the retail sale of Gallery shop goods at a second site.• Opportunity to present a broader range of public programs and events.• Be seen as an innovator in the Australian regional gallery sector.

	Opportunities and benefits associated with the Gallery DownTown proposal:
To Council:	<ul style="list-style-type: none"> • Opportunity to make a significant and visible contribution to the revitalisation of the CBD precinct and to re-brand Murwillumbah as a significant regional cultural centre. • Direct economic stimulus to the town post Flood, and an opportunity to implement actions in line with Council's Economic Development Strategy directions. • Enhanced reputation in the local and arts communities.
To the Murwillumbah CBD:	<ul style="list-style-type: none"> • The opportunity to cross-promote the TRGMOAC at Mistral Road and the Gallery DownTown, targeting TRGMOAC's 120,000+ annual visitors and directing these visitors, who contribute approximately \$7m a year into the local economy, into the CBD precinct. • Increased visitor numbers of a desirable demographic (cultural tourists), particularly on weekends, leading to increased business generation opportunities. • A more vibrant, invigorated atmosphere.

Operational focus

It is intended that the Gallery DownTown will be a space for the TRG to use for an extension of its Community Access Exhibition Program (CAEP) allowing for more work of regional artists to be displayed, complementing the existing program at the Mistral Road site. This area will be rent free, but commissions of sales from this area to be received by M-Arts. The Gallery DownTown venue will also expand the Border Art Prize exhibition from late May to mid-July 2018. It is envisaged that this will take up almost all of the second floor and allow the number of entries and exposure for regional artists to expand three-fold.

The commercial gallery will also include a small shop area selling TRGMOAC-branded items similar to those stocked in the Gallery shop at the Mistral Road site. The environment will be slightly less formal and more 'hip' than the main Gallery, reflecting the inner-city vibe and the industrial edge of the M-Arts precinct, but would capitalise on the recognition of the TRGMOAC brand and the high-quality connotations associated with it. Visitors will however have the opportunity to purchase rather than just view the artworks on show. It is also intended to present a range of workshops throughout the year to further encourage visitor participation and interaction.

The M-Arts precinct generally will be aiming to attract both locals and inhabitants of neighbouring vicinities, together with tourists from further afield, who will be drawn by the cultural, artistic, slightly edgy and trendy vibe that the precinct will generate. The establishment of an arts precinct within Murwillumbah will present an opportunity to capitalise on attracting a more diverse group of visitors to the town from a broader geographical range. It will also provide the CBD with a more creative focus, attracting people interested in such pursuits and in spending their time in a relaxed and contemporary environment, particularly in the early evenings and on weekends. It will allow the town to develop a richer cultural identity and encourage businesses to extend their trading hours.

Gallery DownTown will enable TRGMOAC to participate in this evolution and reach a broader audience generally, and to engage more directly with Murwillumbah locals, encouraging cultural awareness and prompting those who may never have visited TRGMOAC to take that

step and discover the Gallery's offerings – all of which will serve to positively develop both TRGMOAC and Council's identity/brand recognition and representation in Murwillumbah and further afield. This opportunity also allows the Gallery to be an innovator in the cultural sector, as it will be the first time such a concept has been implemented by a regional gallery in Australia.

Local versus regional artists

Presenting a mix of local and regional artists' works will be critical to the viability and success of the Gallery DownTown venture. It will enable a balance to be achieved between presenting high-quality installations in keeping with TRGMOAC's image and reputation and supporting a broad range of artists who otherwise might not get the opportunity to exhibit with an organisation as prestigious as TRGMOAC (including emerging artists).

Gallery DownTown will need to present a variety of types and styles of work at various price points to ensure the widest gamut of art enthusiasts is catered for, and to increase the potential for the gallery's commercial viability longer-term. It is anticipated that 10 key exhibitions will be held during the 12-month trial period.

Focusing only on local artists is not recommended as it narrows the available pool of talent to be commercially viable and will impact the ability of the Gallery DownTown to reach its targeted clientele. Maintaining a regional focus will also best align with the TRGMOAC's regional brand, which will be important in attracting supporters to the new venture and ensuring the commercial gallery's credibility and perception of quality by patrons. It is anticipated to combine the artist application process for the Gallery DownTown with the existing Community Access Exhibitions Program (CAEP) application process for the Macnaughton Focus Gallery, although the initial few exhibitions will be selected and curated by the TRG Director to ensure the right tone is set and the operation commences in line with the principles outlined herein.

Council should also note that the proponent has responded in writing that lease to TRG is conditional on the space not being exclusively for local art, stating that this is not workable and not necessary given almost the entirety of the shed ~ 1080 sq/m (with an aim of more than 20 studios and 3 workshop spaces) will be local artists. Therefore if Council is fixed on this concept it should not resolve to establish the DownTown Annex.

Hours of operation

While operating the Gallery DownTown on a seven-day-per-week basis would be preferable in the long term to ensure maximum visitor reach, a five-day-per-week operational model is recommended during the 12 month trial in the attached report. The five-day model recommended days for operation are Thursday to Monday inclusive (closed Tuesday and Wednesday). Hours of operation are proposed to be 12 noon to 6pm to align with precinct's other core visitor drawcards (ie. the restaurant and wine bar) and more urbane vibe.

Project costs

In recognition of the TRGMOAC's status as the preferred anchor tenant for the gallery space at the Arts Precinct, the proponent has agreed to enter into a rent free agreement for 12 months, as outlined in the attached proposal. All fit-out works would be at M-Arts' cost (including category A lighting in the Collection area, new walls, a back to base security system and newly installed lockable doors as discussed, a secure office space).

Council would be responsible for office set up costs, an allocation of costs to cover services such as electricity, air-conditioning (running and maintenance, which will need to be modified/installed and, as required, for the Collection 24/7), signage space, Wi-Fi and occasional cover by M-Art's employees to oversee the Space. For all these items, M-Arts will be paid at a flat rate of \$1,000/month.

After the initial trial however, should the Gallery DownTown prove successful, the gallery space would then be worthy of a review with consideration given to a longer term arrangement. This would be subject to rental negotiations at that time. Alternatively, M-Arts may be viable in its own right and Council can exit from the arrangement.

The immediate question for Council is whether there is wish to provide direct economic stimulus for a 12 month period and to act as an incubator to allow the broader concept to progress.

Staffing

The minimum viable staffing level to operate the Gallery DownTown efficiently yet responsibly is assessed to be a Job Grade 5 level, given the requirement to take responsibility for the entire venture and its operation (including exhibition selection and curation, facility management, responsibility for finances and managing all public interactions autonomously). As this project is only for 12 months period, this position could be a Direct Appointment under the Local Government Award, should we have someone in mind for this role.

Five-day-per-week trading in the attached costings is based on the Gallery Manager working six hours per day (from 11.45am to 6.15pm with a half-hour lunch break, which could either be staffed by a volunteer or during which time the gallery would need to be temporarily closed) Thursday to Monday. Ten after-hours events (exhibition openings) are also allocated for in the project budget.

If the facility is to operate seven days per week then the Gallery Manager position will be split into two part-time roles of four and three days each to ensure that a senior, appropriately knowledgeable staff member is on site at all times.

Should the Gallery DownTown be anticipated to be patronised by higher-than-usual numbers of visitors at given points in time (such as during events like the Murwillumbah Art Trail week or in conjunction with other local festivals/events), it will, as the TRGMOAC does, rely on the participation of volunteers to supplement the paid workforce and to assist in the efficient operation of the facility. Volunteers would also be relied upon to provide extra assistance with workshops and after-hours events as needed.

Technical/hanging assistance will be engaged on a casual basis.

Staffing costs are detailed in the attached Confidential Report.

Income

Operating as a commercial gallery, the Gallery DownTown will charge all artists whose work is exhibited a commission on sales. Income able to be achieved from this revenue stream will depend on the calibre of artists able to be exhibited at the gallery.

Additional income will be derived from shop sales of items similar to those stocked in the TRGMOAC Shop. The Gallery Downtown may also be eligible for its own grant funding from various sources, and proposes to run a number of income-generating workshops.

Estimated income from these streams is detailed in the attached Confidential Report.

The broadened community reach brought about by the central CBD presence is also predicted to encourage further membership of the TRGMOAC's Friends and Foundation support organisations, which will also generate additional financial flow-on benefits to TRGMOAC.

Timing

The following proposed timeline for the establishment of the Gallery DownTown is projected below. This timing is to coincide with the Border Art Prize commencing late May 2018 and will be subject to DA approval for the broader Marts concept. The date will be moved if required to coincide with the DA approval.

Milestone	Target date (dependent on recruitment process)
Preparation of Position Description for Gallery DownTown Co-Ordinator role	following endorsement of project by Council at meeting 22 March 2018
Business Case endorsed by Council	22 March 2018
Lease signed by General Manager (for operational period 16 July 2018 – 12 July 2019)	16 July 2018
Advertisement of Gallery DownTown Co-Ordinator role	29 June 2018
Gallery DownTown Co-Ordinator role closes NB Option and ability to recruit via Direct Appointment under <i>Local Government Award Section 34 (i) F) To trial a new work area</i>	13 July 2018
Gallery DownTown Co-Ordinator recruitment process	16 – 27 July 2018 (or earlier, depending on recruitment process / direct appointment)
Gallery DownTown Co-Ordinator commences employment	31 July 2018 (or earlier, depending on recruitment process / direct appointment)
Gallery setup	16 – 30 July 2018
Grand opening	3 August 2018
End of 12-month trial period	12 July 2019

The Gallery DownTown presents a real opportunity to implement a region-enhancing initiative with immediate and sustainable organisational and community benefits, and as such, directly contributes to achieving pillar number 2 of the Economic Development Strategy;

2. THE CREATIVE CAULDRON

Vision: The Tweed Hinterland will become a place recognised nationally as a creative region, allowing existing creative practitioners to prosper and continue to attract new creative businesses to the region.

Key Project

Establish Murwillumbah as a centre of creativity

OPTIONS:

That Council

1. (i) notes the attached detailed budget and new proposal and agrees to the implementation of a 12-month trial of the Gallery DownTown concept in the M-Arts Precinct as outlined, on a five-day trading basis to act as direct economic stimulus for the town post flood and as an incubator for the activation of the M-Arts precinct.
 - (ii) Allocates \$70,000 from the Economic Development budget to the project
 - (iii) The shortfall of a maximum of \$30,000 to be funded by the Gallery Foundation.
2. Do not endorse the detailed budget and new proposal for the Gallery DownTown and dismiss this concept from further consideration.

CONCLUSION:

Establishing the Gallery DownTown presents Council with a unique opportunity to capitalise on its widely-known and well-regarded TRGMOAC brand in a dynamic and evolutionary manner. The concept is said to be already well supported by the community (based on initial, anecdotal and post-publicity feedback) and offers many positives with minimal risk. It provides a direct stimulus to the town post flood and would serve as an incubator for the M-Arts Precinct. The project also contributes to achieving pillar number 2 of the Economic Development Strategy; THE CREATIVE CAULDRON - Establish Murwillumbah as a centre of creativity.

Funding of \$70,000 is available to be diverted from the Economic Development budget (as a stimulus and incubator measure and to accord with the Economic Development Strategy on assisting Murwillumbah capitalise on the arts). Supporting such an endeavour to revitalise the Murwillumbah CBD will position Council in a favourable light and allow Council to take tangible action towards contributing to economic development in the town and the Shire whilst supporting tourism and the creative industries. As such, with all relevant factors being considered and analysed, the recommendation is to proceed with the Gallery DownTown venture on a 12-month trial basis with five-day-per-week operation to maximise exposure and reach and to give the enterprise the maximum possible chance at success.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Budget of \$70,000 from the Economic Development budget is available to fund the project. The shortfall of up to a maximum of \$30,000 to be funded by the Gallery Foundation.

c. Legal:

Advice received from the Office of Local Government is that "*under Section 55(3)(e) of the Local Government Act 1993, contracts for the leasing of land (other than some exceptions relating to community land) by councils are exempt from the requirement to call for tenders.*"

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Business Case and Concept Plans (ECM 5137546)

(Confidential) Attachment 2. Business Case Figures (ECM 5137496)

23 [GM-CM] Events Sponsorship Policy - 2018 Cooly Rocks On

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 - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: Provider

SUMMARY OF REPORT:

At its meeting of 6 April 2017, Council resolved that:

- “1. Council enters into a two-year Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the Cooly Rocks On™ Festival, as follows:

2017	2018
\$12,500	To be advised after production of the return on investment report

- 2. Any funding provided following the 2017 event to Connecting Southern Gold Coast for the conduct of the Cooly Rocks On™ Festival is conditional upon the event organisers providing Council with a report detailing the return on investment specifically to the Tweed Shire arising out of each year's event.
- 3. Council advises Connecting Southern Gold Coast that any requests for event infrastructure support of the Cooly Rocks On™ Festival will be charged to the applicant.”

Dr Chris Hunn from Strategic Facts was engaged through a partnership with CSGC to conduct an independent tourism analysis of the 2017 event. The data collection strategy focused on two surveys:

- 1. An intercept survey of public attendees on the main Festival days.
- 2. An online survey of participants.

The independent analysis is attached (confidential attachment 1).

Also attached is the Cooly Rocks On™ 2017 Post Event Report (confidential attachment 2).

On 19 February 2018 the Senior Economic Development Business Facilitator and Events Officer met with the CEO of Connecting Southern Gold Coast to discuss the 2018 Cooly Rocks On™ Festival that will run from Wednesday 6 to Sunday 10 June 2018. The discussions covered the increased activation that will occur in Jack Evans Boatharbour due to the re-establishment of certain parks areas in Coolangatta following the Commonwealth Games in April.

The CEO advised Council officers that \$12,500 is being requested to assist with the running of the 2018 Festival. A formal proposal was requested to be submitted and at the time of preparing this report it had not been received. A site plan of Jack Evans Boatharbour has been provided.

RECOMMENDATION:

That Council:

1. **Receives and notes the 2017 Cooly Rocks On™ Festival Post Event Report and the independent tourism analysis for the 2017 event prepared by Dr Chris Hunn from Strategic Facts.**
2. **Enters into Year Two of the Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the 2018 Cooly Rocks On™ Festival, on a sliding financial scale, as follows:**

Year 1 2017	Year 2 2018
\$12,500	\$7,500

3. **Advises Connecting Southern Gold Coast that any requests for event infrastructure support of the 2018 Cooly Rocks On™ Festival will be charged to the applicant.**
4. **ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-**
 - (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret.**

REPORT:

At Council's meeting of 21 April 2016, it was resolved to establish a three year financial agreement with Cooly Rocks On™ on a sliding financial scale, as follows:

2016	2017	2018
\$10,000	\$7,500	\$5,000

However on 6 March 2017 Council received advice from the new event organisers, Connecting Southern Gold Coast (CSGC) that Cooly Rocks On (CRO) had disbanded and in addition to the change in entity the Cooly Rocks On™ Festival model had changed. As a result of the changes the Festival model and entity, Council no longer had a valid agreement and therefore was unable to release Year Two funds for the conduct of the 2017 Cooly Rocks On™ Festival.

In addition to the above advice CSGC submitted a supporting funding document requesting an increase in financial support to \$15,000 per year over two years (refer below), with \$5,000 of that funding to be used *“for the Research undertaken by Chris Hunn, Principal of Research Company ‘Strategic Facts’..... the research will be reflected with the same modelling as that north of the border, so that the overall research is consistent.”*

	Council Endorsed 2016	New Amount Requested 2017	Additional to funds endorsed
2017	\$7,500	\$15,000	\$7,500
2018	\$5,000	\$15,000	\$10,000

At its meeting of 6 April 2017, Council resolved that:

1. Council enters into a two-year Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the Cooly Rocks On™ Festival, as follows:

2017	2018
\$12,500	To be advised after production of the return on investment report

2. Any funding provided following the 2017 event to Connecting Southern Gold Coast for the conduct of the Cooly Rocks On™ Festival is conditional upon the event organisers providing Council with a report detailing the return on investment specifically to the Tweed Shire arising out of each year's event.
3. Council advises Connecting Southern Gold Coast that any requests for event infrastructure support of the Cooly Rocks On™ Festival will be charged to the applicant.”

Dr Chris Hunn from Strategic Facts was engaged through a partnership with CSGC to conduct an independent tourism analysis of the 2017 event. The data collection strategy focused on two surveys:

1. An intercept survey of public attendees on the main Festival days.

2. An online survey of participants.

The independent analysis is attached (confidential attachment 1). Dr Hunn advises in his analysis that *“The results should be interpreted in the context that many Festival activities scheduled for the main event day, Sunday 11th of June, were cancelled due to heavy rain.”*

Also attached is the Cooly Rocks On™ 2017 Post Event Report (confidential attachment 2).

Plans are well underway for this year’s event from Wednesday 6 to Sunday 10 June 2018 with a slightly amended footprint due to the re-establishment of certain park areas in Coolangatta following the Commonwealth Games in April. Therefore more activation will occur in Jack Evans Boatharbour which will include stages and dance floors. At the time of preparing this report no formal proposal had been received advising how the requested funding of \$12,500 will be used, or the scale of activities proposed for Jack Evans Boatharbour.

OPTIONS:

That Council:

1. Enters into Year Two of the Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the Cooly Rocks On™ Festival, on a sliding financial scale, as follows:

Year 1 2017	Year 2 2018
\$12,500	\$7,500

2. Enters into Year Two Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the Cooly Rocks On™ Festival, on a sliding financial scale, to be determined.
3. Does not enter into an Events Sponsorship Agreement with Connecting Southern Gold Coast for the conduct of the 2018 Cooly Rocks On™ Festival.

CONCLUSION:

Cooly Rocks On™ Festival links with the music theme identified in the 2016-2020 Tweed Shire Events Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

Events Strategy v1.0

Events Sponsorship Policy v3.0

b. Budget/Long Term Financial Plan:

Council allocated funding under the 2017/2018 Event Sponsorship Policy funding round at its meeting of 20 July 2017.

The balance of the 2017/2018 Events Sponsorship budget is \$17,270.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Mr Peter Doggett, CEO, Connecting Southern Gold Coast has been invited to Community Access on Thursday 22 March 2018.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tourism Value – 2017 Cooly Rocks On™ Festival report prepared by Dr Chris Hunn from Strategic Facts August 2017 (ECM 4768343)

(Confidential) Attachment 2. Cooly Rocks On™ Post Event Report 2017 (ECM 4768343)

24 [GM-CM] Coolamon Cultural Centre - Future Use

SUBMITTED BY: General Manager



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 21 April 2016 resolved inter alia:

1. General Manager is to evaluate future potential uses of the premises... and
2. General Manager to prepare and advertise a public expression of interest tender calling for the use of the Coolamon Cultural Centre on a commercial lease basis, and
3. General Manager to prepare and submit a report to Council detailing the outcome of the expression of interest tender...

However, the public Expression of Interest tender failed to attract interest from relevant real estate agents with regard to leasing the property on a commercial basis. As a result of the lack of interest from real estate agents to assist Council to lease the property further investigation of future potential uses has been conducted.

Actioning this resolution was dependent on the staff at the Coolamon Centre relocating to the Murwillumbah Civic Centre. Immediately following their exit the building was repurposed for staff accommodation following the 2017 flood, where all Depot office staff were relocated to until recently.

With the large number of capital works programs underway, including flood recovery and grants programs, additional temporary resources have been engaged for a period of at least the next 24 months.

With the third floor of the Tweed Heads Administration Office now leased to NSW Health it is recommended that the Coolamon Cultural Centre be retained for staff accommodation at least in the medium term whilst the contract resources are being utilised. This will be revisited and assessed as these projects come to a conclusion.

In light of the above and recognising a need for additional Council staff office space the General Manager proposes that the Coolamon Cultural Centre be used for this purpose.

RECOMMENDATION:

That Council approves the relocation of suitable existing Council staff units to the Coolamon Cultural Centre to allow for accommodation of the additional resources currently engaged in flood recovery and grant capital works projects.

REPORT:

Council at its meeting of 21 April 2016 resolved inter alia that the General Manager:

1. Evaluate future potential uses of the premises... and
2. Prepare and advertise a public expression of interest tender calling for the use of the Coolamon Cultural Centre on a commercial lease basis, and
3. Prepare and submit a report to Council detailing the outcome of the expression of interest tender...

However, the public Expression of Interest tender failed to attract interest from relevant real estate agents with regard to leasing the property on a commercial basis. As a result of the lack of interest from real estate agents to assist Council to lease the property further investigation of future potential uses has been conducted.

Additionally advice with respect to contributions associated with the suggested possible adaptive uses for the building, as identified in the *Conservation Management Strategy: Coolamon Cultural Centre (Feb 2016)* has been received, and indicates uses other than office space/consulting rooms may not be economically viable for commercial lease purposes. Further the conservation/heritage status of the building plus limited car parking spaces (17) further constrains use options.

The Coolamon Cultural Centre has been the subject of varying degrees of vandalism over the last two (2) months including property damage by fire, attempted break and enter and vagrancy. The attendant costs of security and repair to damage to the required heritage status necessitates prompt action to minimise further costs and to protect the asset.

In recent weeks, Printmakers has also enquired about the use of the facility. It is recommended that Council continue to work with the group to provide co-facility use, possibly in an arts precinct such as Banora Point Arts Unlimited or other location. It is not recommended that the Coolamon Cultural Centre be used for this purpose, given its fit for purpose design as office space and its network connectivity and proximity to the Murwillumbah Civic Centre which makes for an efficient office utilisation.

Given the above and recognising that Council is currently experiencing a shortage of office space at the Murwillumbah Civic Centre, which is exacerbated by the large number of external contract staff assisting with capital works projects, and some units being accommodated in inefficient environments, the General Manager recommends a preferred and practical use of the Coolamon Cultural Centre would be to house suitable staff units.

OPTIONS:

1. **Advertise the expression of interest for Commercial lease rental as recommended in the meeting of 21 April 2016, or**
2. **Proceed with the relocation of suitable staff units from the Murwillumbah Civic Centre to the Coolamon Cultural Centre.**

CONCLUSION:

In light of the above and recognising a need for additional Council staff office space the General Manager proposes that the Coolamon Cultural Centre be used for the relocation of suitable staff units.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Utilising the Coolamon Cultural Centre for office space obviates the need to engage commercial rent in a less desirable location and maintains lease income from NSW Health at the Tweed Heads Administration Office.

c. Legal:

The Coolamon Cultural Centre is currently approved for the proposed use; office space.

d. Communication/Engagement:

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

Calls for expressions of interest for commercial leasing agents was undertaken in March 2017 with only one (1) response received which was not considered suitable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Coolamon Cultural Centre Conservation Management Strategy (February 2016) (ECM 4001612)

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.

25 [PR-CM] Development Application DA17/0806 for Internal Alterations and Two Lot Strata Subdivision at Lot 420 DP 875841 No. 3 Parkside Drive, Tweed Heads South

SUBMITTED BY: Development Assessment and Compliance

mhm



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

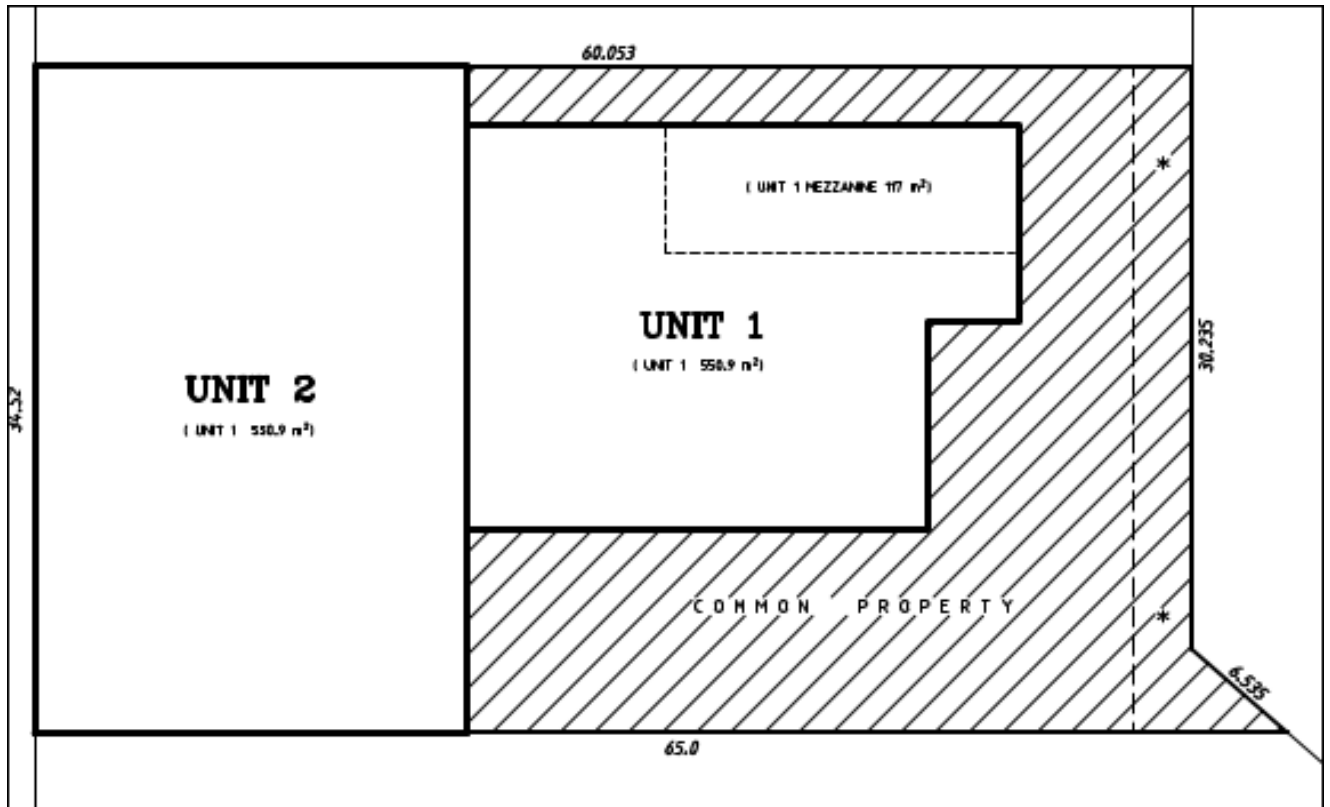
2	Making decisions with you
2.1	Built Environment
2.1.2	Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: **Provider**

SUMMARY OF REPORT:

Consent is sought for the two lot strata subdivision of an existing approved industrial unit and associated minor internal works. The internal works are required principally to ensure that the strata lots comply with the National Construction – Building Code of Australia.

No change of use of the existing industrial units is proposed as part of this application and the use is to remain consistent with the existing approved use of a panel beating shop approved subject to K99/0008 and DA07/0031.03.



The minimum lot size for the zone is 2000m² and the applicant has made an application to vary the lots size in accordance with Clause 4.6 of the Tweed Local Environment Plan 2014. The proposed strata lots demonstrate the following variation to the 2000m² lot size control:

- Strata Lot 1 - 667.9m² (including 117m² mezzanine) (66.6% variation);
- Strata Lot 2 - 777.5m² (61.1% variation).

The proposed strata lot sizes represent a greater than 10% variation to the lot size control and as such the application requires consideration by a full council in accordance with Planning Circular PS17-006 issued 15 December 2017. The Planning Circular further states that in accordance with Clause 46 of the *Environmental Planning and Assessment Regulation 2000*

that Council may assume the Secretary's concurrence for exceptions to development standards for application made under 4.6 of the Standard Instrument LEP.

The applicants request for the variation to the lot size control for the proposed strata lots includes a justification for the variation that argues that compliance with the standard is unreasonable in this instance and there are sufficient planning grounds to justify the contravention of the minimum lot size standard as it is applicable to strata lots.

The contravention of the development standard for the proposed strata lots does not raise any matters of significance for State or Regional planning and the variation in this instance is not considered to be contrary to the public interest.

It should be noted that historically development approval was not required for Strata Title Subdivision; however Tweed LEP 2014 now requires development approval for Strata Subdivision. Many Industrial sites are Strata Title Subdivided in this manner and accordingly the variation is supported and the application is recommended for approval.

RECOMMENDATION:

That:

- A. Clause 4.6 various to Clause 4.1 of the Tweed Local Environmental Plan 2014 regarding the minimum subdivision lot size of the site be supported and the concurrence of the Director-General of the Department of Planning be assumed.**
- B. Development Application DA17/0806 for an internal alterations and two lot strata subdivision at Lot 420 DP 875841 No. 3 Parkside Drive, Tweed Heads South 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 prepared by Gavin Duffie and dated 11 January 2018:**
 - Site plan Ref. G3126 Sheet 1;**
 - Floor plan Ref. G3126 Sheet 2;**
 - Proposed strata plan Ref. G3126 Sheet 5;**

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

[GEN0135]

4. 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]

5. All electricity meters onsite shall be readily accessible for reading by electricity suppliers.

[GENNS01]

6. Both proposed strata lots shall connect to the existing sewer junction located on Lot 420 DP 875841.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

Water: Nil

Sewer: Nil

[PCC0265]

8. For developments containing less than four attached or detached strata titles, 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]

9. 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]

10. Prior to the issue of the construction certificate details of:

- i) the new accessible facilities to unit 2,
- ii) additional exits to unit 1 in accordance with Part D of the NCC-BCA, and
- iii) additional hose reels to ensure coverage to the units in accordance with E1.4 of the NCC-BCA,

are to be submitted to and approved the nominated PCA.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

11. 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]

12. 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]

13. 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]

14. 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]

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

[PCW0665]

DURING CONSTRUCTION

16. 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]

17. 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]

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

[DUR0375]

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

[DUR0395]

20. 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]

21. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

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

[DUR0645]

22. 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]

23. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the

Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

24. **Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.**

[DUR1695]

25. **Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.**

[DUR1705]

26. **Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.**

[DUR1725]

27. **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]

28. **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]

29. **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]

30. **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]

31. 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]

- 32. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.**

[DUR2505]

- 33. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.**

[DUR2525]

- 34. 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]

- 35. 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]

- 36. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for Lot 420 DP 875841, from the existing water main in Parkside Drive. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.**

[DUR2800]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 37. 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]

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

[POC0205]

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

[POC0225]

40. 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]

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

[POC1045]

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

[POC1055]

USE

43. Access to and from the site in a forward direction for a standard service vehicle (8.8m) is to be maintained for each of the strata units.

[USENS01]

44. Any change of use of the strata units will be the subject of separate approvals prior to use as statutorily required.

[USENS02]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

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

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]

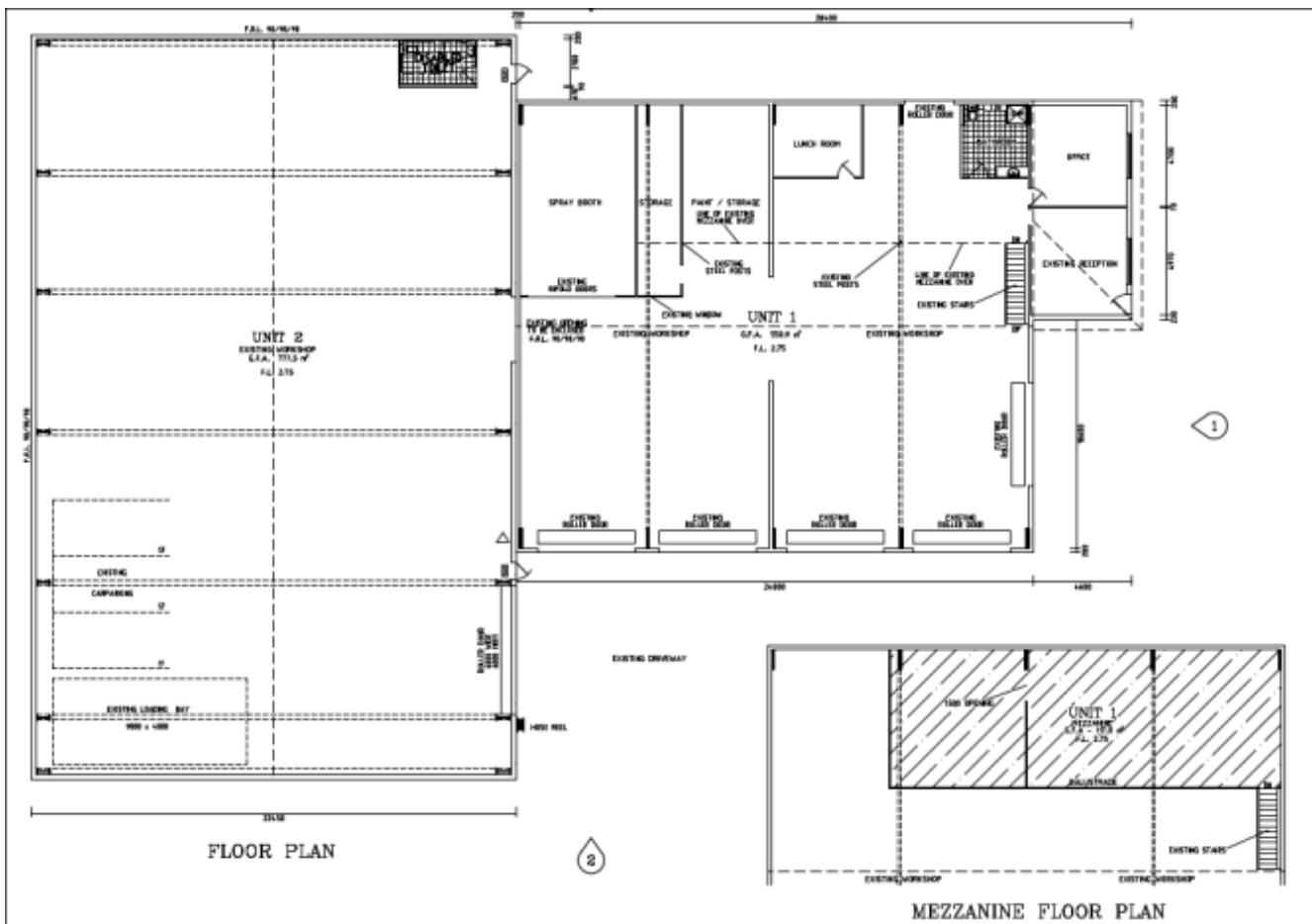
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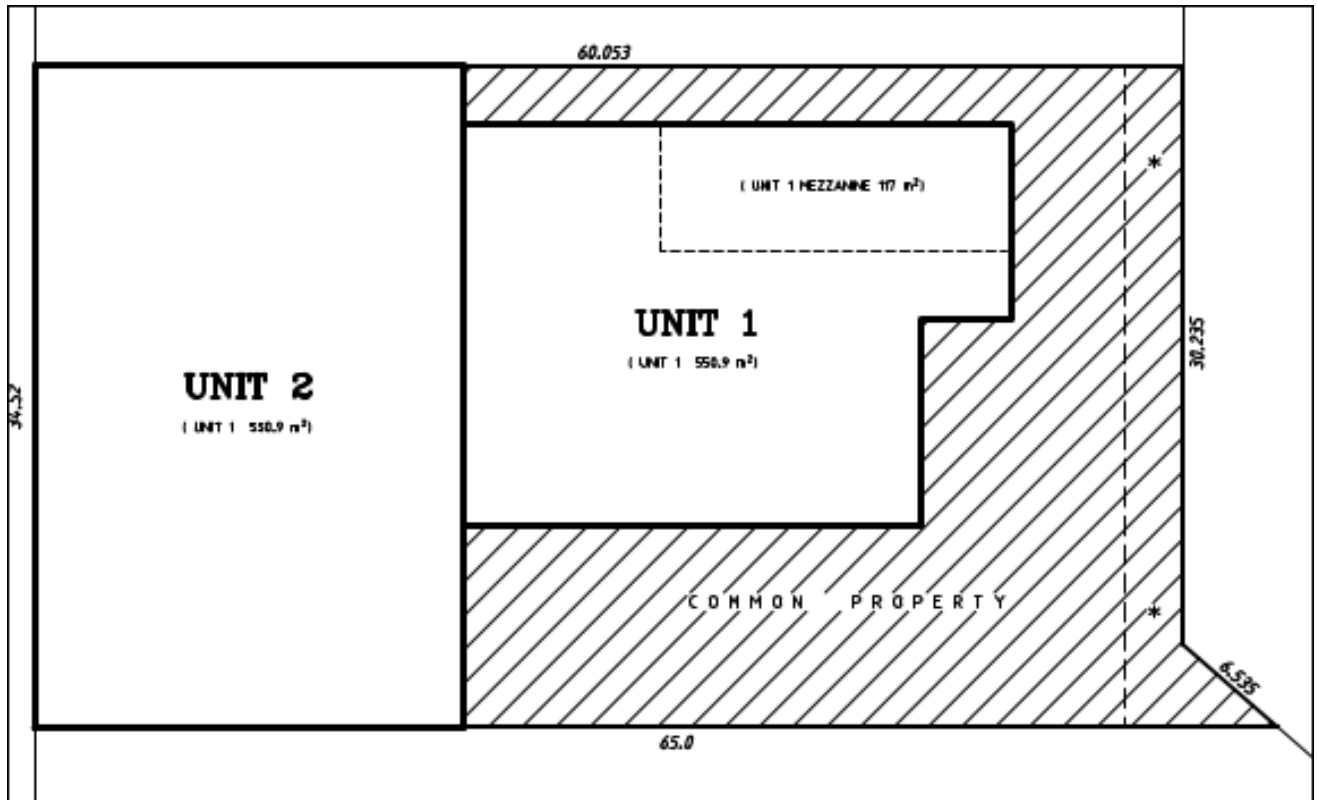
Applicant: Mr SB Mason and Mr RD McPhillips
Owner: Mr Steven B Mason & Mr Ross D McPhillips
Location: Lot 420 DP 875841; No. 3 Parkside Drive, Tweed Heads South
Zoning: IN1 - General Industrial
Cost: \$5,000

Background:

Consent is sought for the two lot strata subdivision of approved industrial units and associated minor internal works. The internal works are required principally to ensure that the strata lots comply with the National Construction – Building Code of Australia and comprise of:

- Removing an existing internal opening between proposed strata Lots 1 and 2 (Units 1 and 2);
- New accessible toilet facilities to proposed Unit 2.





No change of use of the existing industrial units is proposed as part of this application and the use is to remain consistent with the existing approved use of a panel beating shop approved subject to K99/0008 and DA07/0031.03.

The subject site is zoned IN1 General Industrial with a minimum lot size of 2000m² and the proposed strata lots demonstrate the following variation to the 2000m² lot size control:

- Strata Lot 1 - 667.9m² (including 117m² mezzanine) (66.6% variation);
- Strata Lot 2 - 777.5m² (61.1% variation).

The applicant has requested a variation to the minimum lot size development standard in accordance with Clause 4.6 of the Tweed Local Environment Plan 2018.

The proposed strata lot sizes represent a greater than 10% variation to the lot size control and as such the application requires consideration by a full council in accordance with Planning Circular PS17-006 issued 15 December 2017. The Planning Circular further states that in accordance with Clause 46 of the *Environmental Planning and Assessment Regulation 2000* that Council may assume the Secretary's concurrence for exceptions to development standards for applications made under 4.6 of the Standard Instrument LEP.

The applicants request for the variation to the lot size control for the proposed strata lots includes a justification for the variation that argues that compliance with the standard is unreasonable in this instance and there are sufficient planning grounds to justify the contravention of the minimum lot size standard as it is applicable to strata lots. It is noted that several lots within the IN1 Industrial zone surrounding the subject site have approved strata lots less than the minimum lot size of 2000m² which do not restrict the appropriate use of the land.

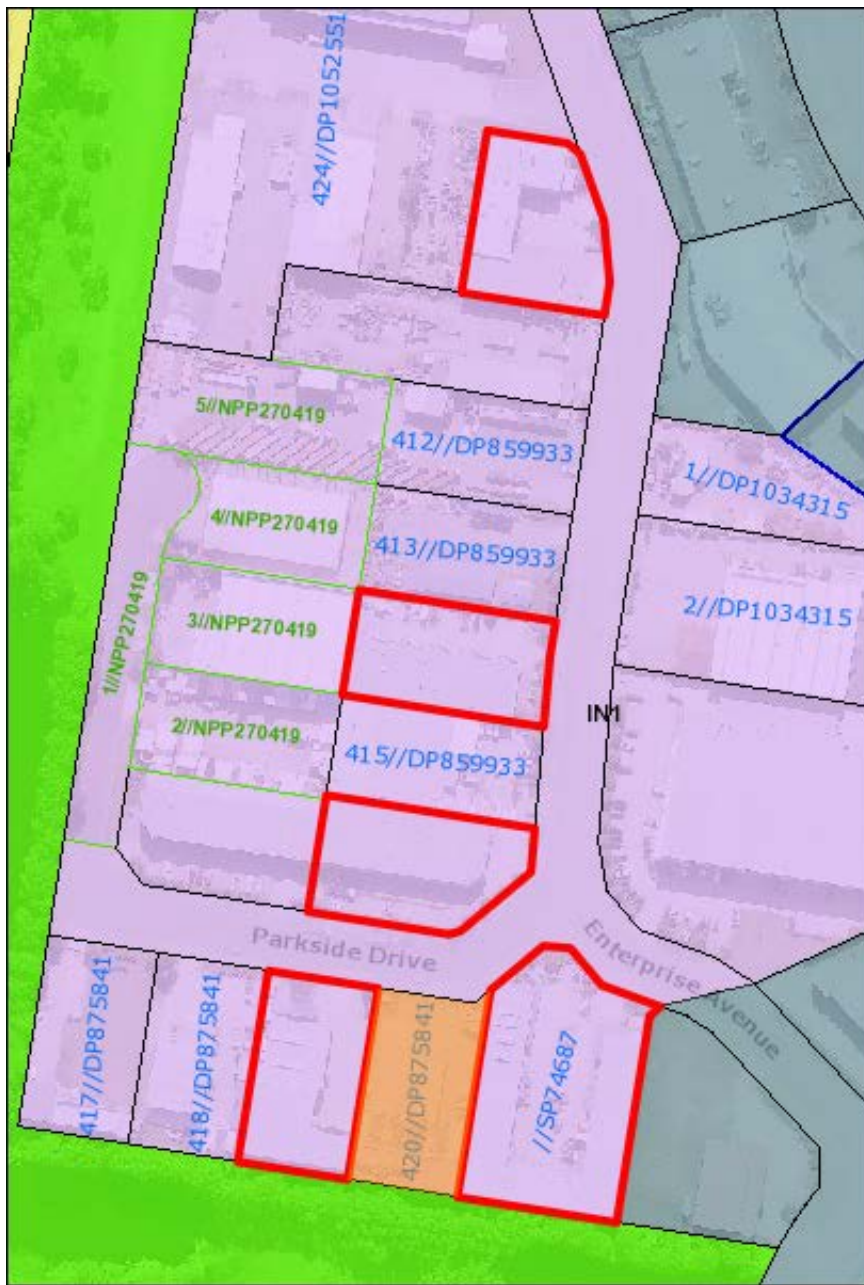


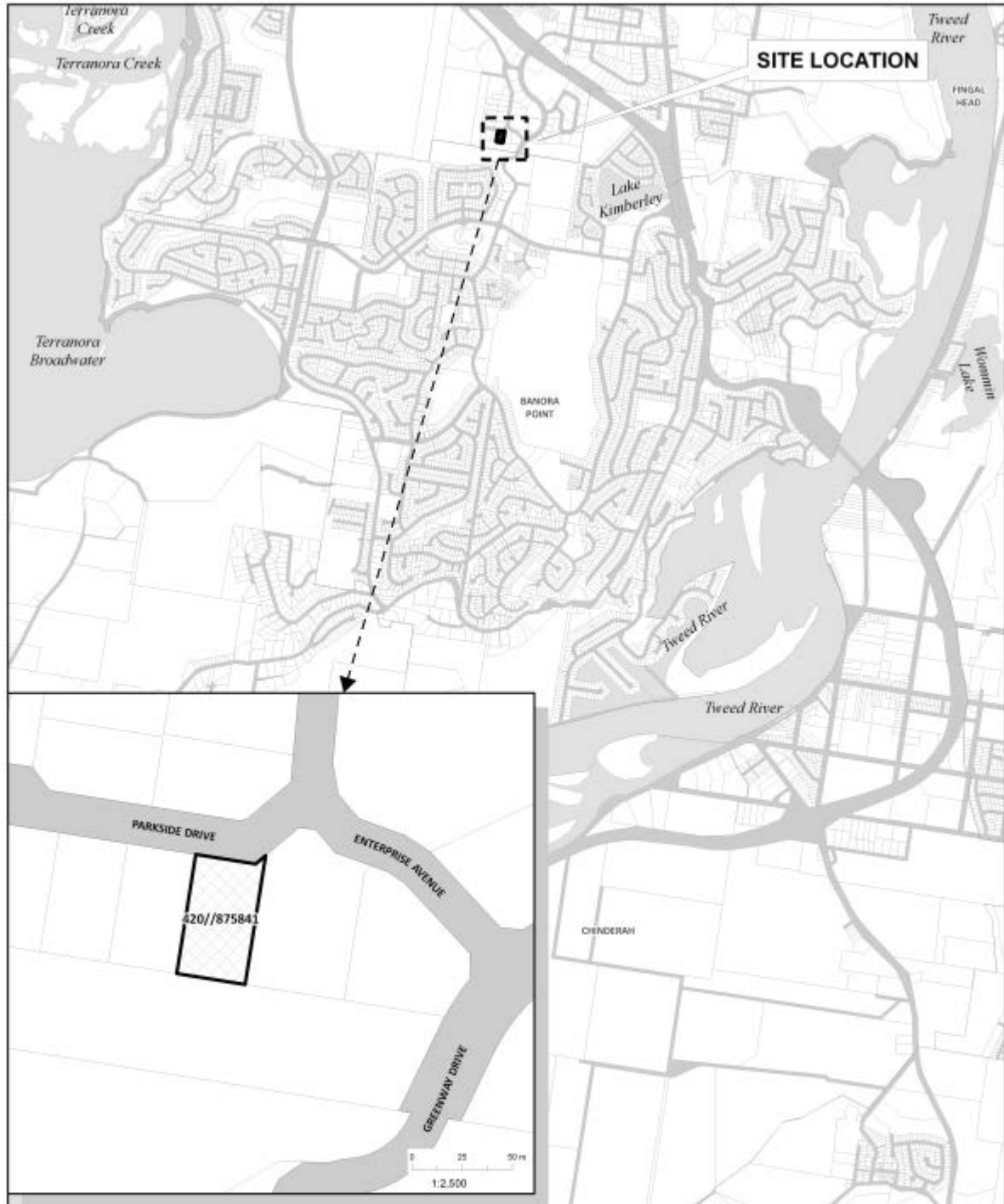
Figure 1 Approved strata plans within the IN1 zone adjacent to the subject lot (highlighted orange)

A detailed assessment of the proposal against the provisions of Clause 4.6 is provided in a later section of this report. The proposal is in the public interest because it is consistent with the objectives of for development within the zone and does not compromise the current or future use of the land.

The application was referred to Council's Building Services and Water Unit who raised no objections to the proposal subject to standard conditions of consent.

It should be noted that historically development approval was not required for Strata Title Subdivision; however Tweed LEP 2014 now requires development approval for Strata Subdivision. Many Industrial sites are Strata Title Subdivided in this manner and accordingly the variation is supported and the application is recommended for approval.

SITE DIAGRAM:



Site Plan

Lot 420 DP 875841
No. 3 Parkside Drive, Tweed Heads South.



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Coordinate System - WGA Zone 56
Datum - GDA 94

Cadastral: 38/02/2018
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DATE OF ISSUE
COPY DRAWN - NOT CERTIFIED

Civic and Cultural Centre
3 Tambulgan Road
Marrickambah NSW 2486
PO Box 839
Marrickambah NSW 2484

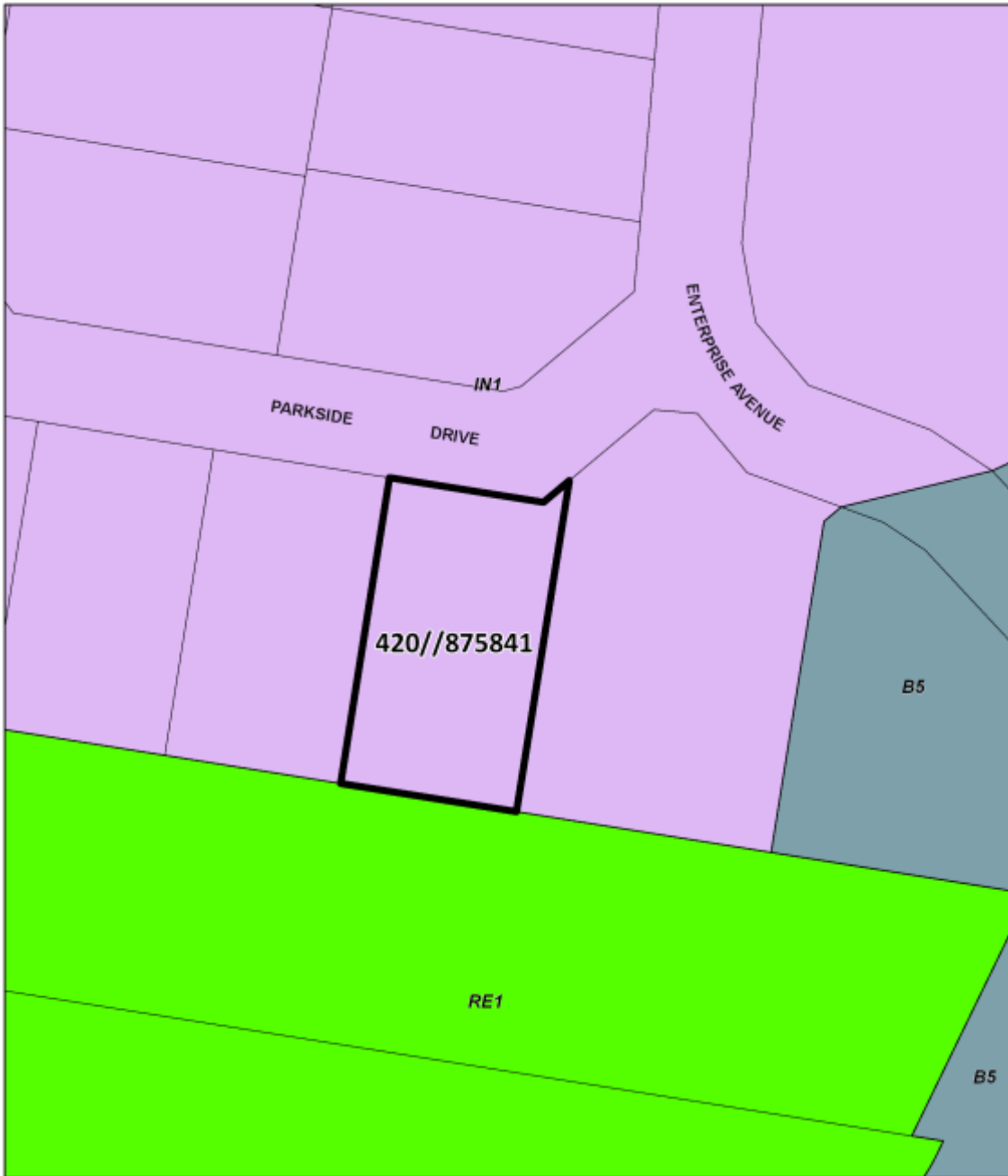
T: (02) 6670 2400 / 1300 262 872
F: (02) 6670 2463
W: www.tweed.nsw.gov.au
E: planning@tweed.nsw.gov.au



TWEED
SHIRE COUNCIL

Date Printed: 28 February, 2018

ZONING MAP:



Tweed Local Environmental Plan 2014

Subject Land

Zone

- B5 Business Development
- IN1 General Industrial
- RE1 Public Recreation

1:1,000 A4 Portrait
 0 10 20m
 DO NOT SCALE
 COPY ONLY - NOT CERTIFIED
 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geocentric Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

Site Plan - Local Environmental Plan

Lot 420 DP 875841
 No. 3 Parkside Drive, Tweed Heads South.

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AERIAL MAP:



1:1,000 @ A4 Portrait
0 10 20 m

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Map Projection: Universal Transverse Mercator
Theoretical Datum: Geoidetic Datum of Australia 1996
Grid: Map Grid of Australia, Zone 56

GDA

Civic and Cultural Centre
3 Turbulgan Road
Marellborough NSW 2494
PO Box 876
Marellborough NSW 2484

TWEED
SHIRE COUNCIL

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E planning@tweedshire.nsw.gov.au

Aerial Photography 2015

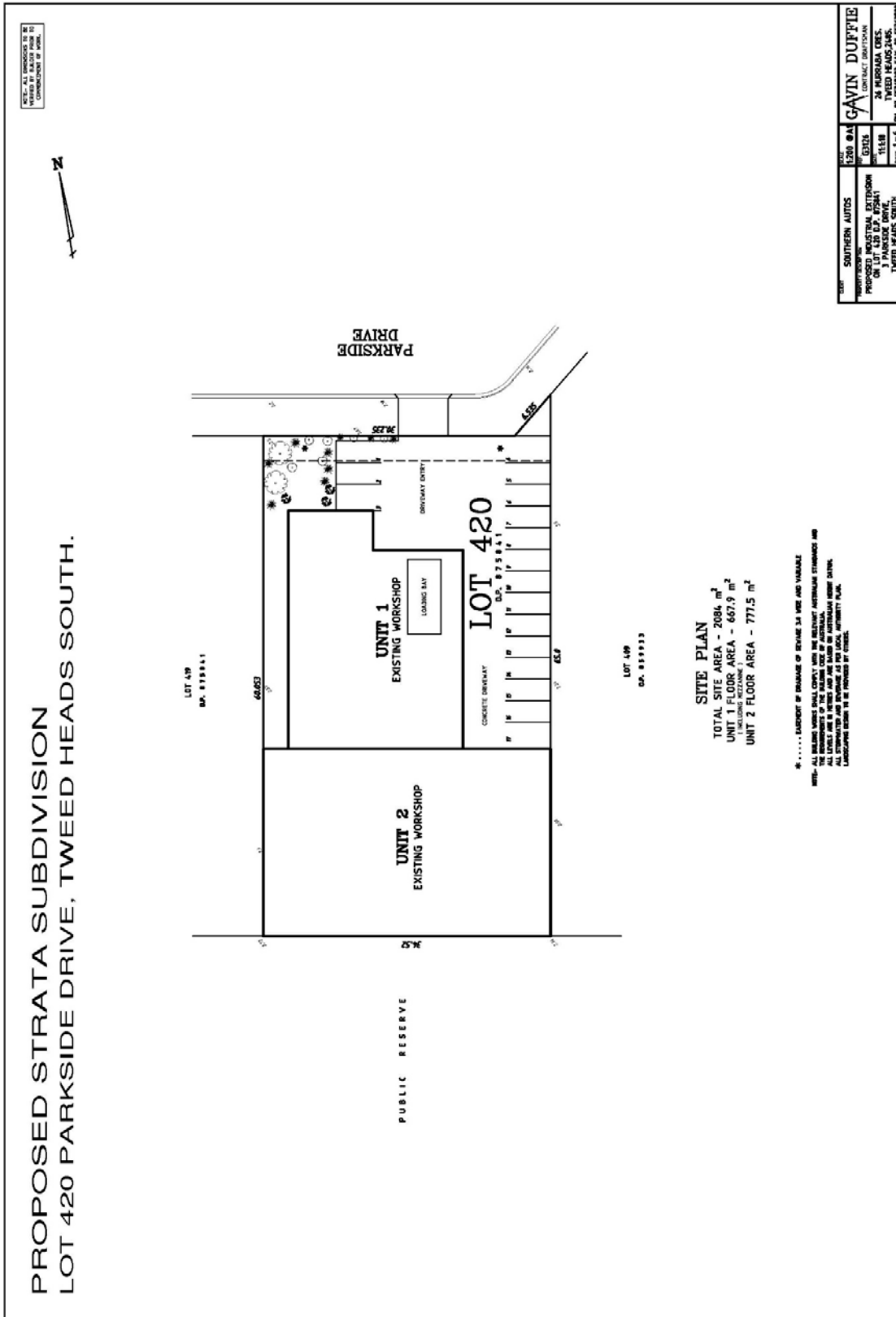
Lot 420 DP 875841
No. 3 Parkside Drive, Tweed Heads South.

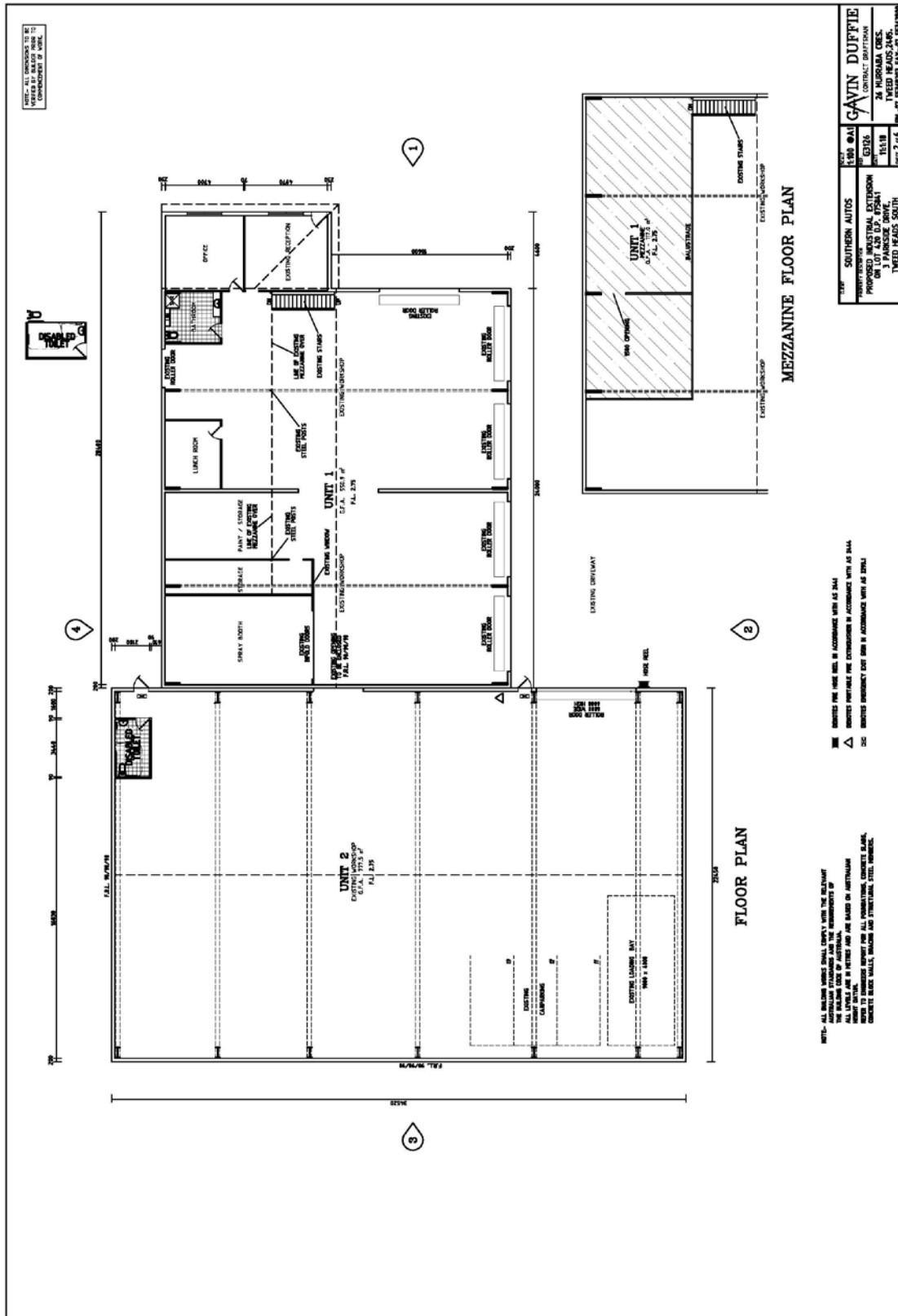
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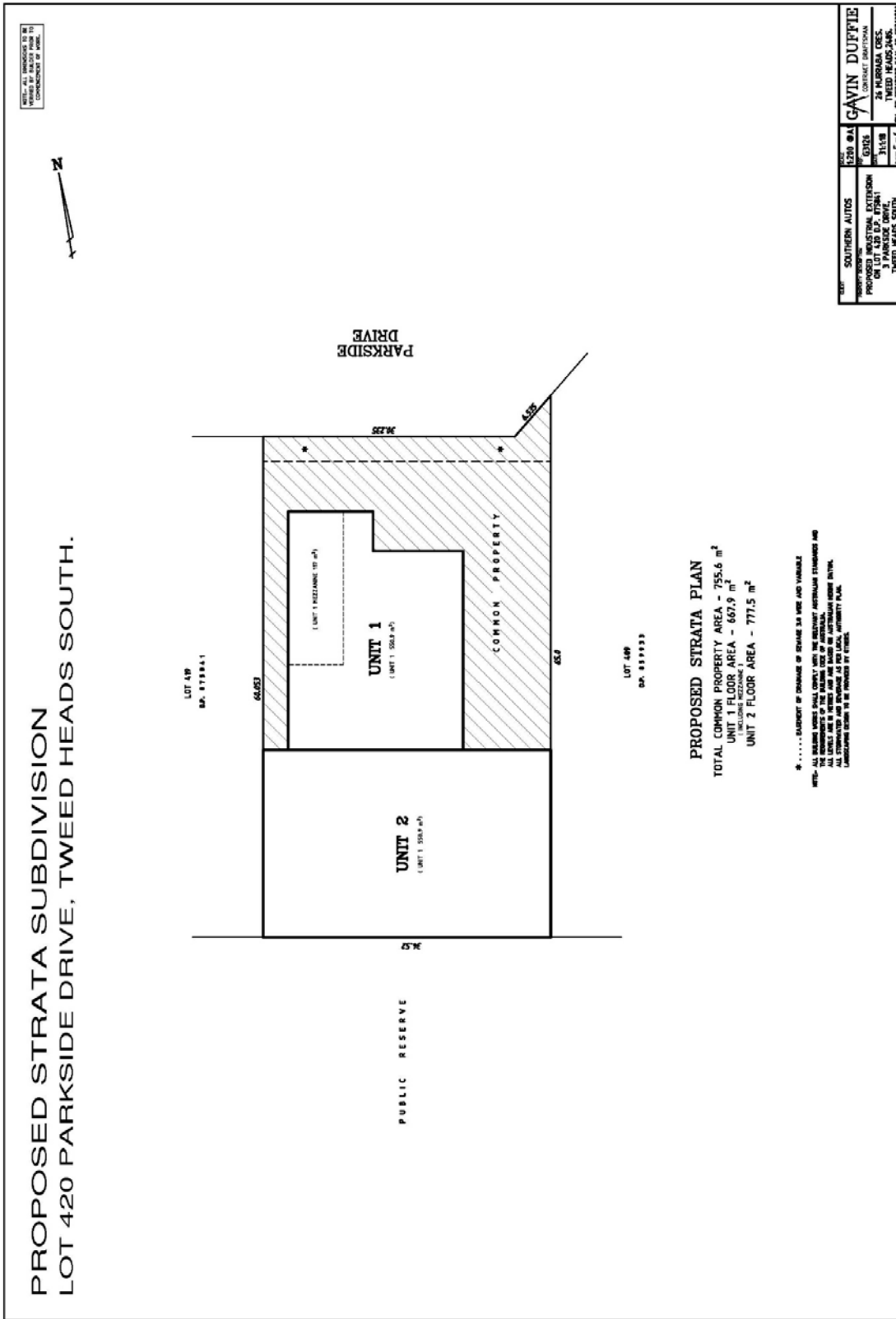
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GDA PRINTED: 20/10/2017 10:15

DEVELOPMENT/ELEVATION PLANS:







Considerations under Section 79C of the Environmental Planning and Assessment Act 1979:

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

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 for the strata subdivision of an existing approved industrial development, within an industrial zoning. Minor internal alterations are proposed only and no changes are proposed to the existing approved use. The proposed strata subdivision is considered consistent with the aims of the plan.

Clause 2.3 – Zone objectives and Land use table

The objectives of the IN1 General Industrial zone are:

To provide a wide range of industrial and warehouse land uses.

- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*

- *To support and protect industrial land for industrial uses.*
- *To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposed development is for a strata subdivision of an approved industrial development with minor internal alterations and therefore is considered to meet the objectives of the zone.

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

The objectives of this clause are as follows:

- (a) *to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,*
- (b) *to minimise unplanned rural residential development.*

This clause goes on to outline that it is applicable to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. Based on this the application is subject to the provisions of this clause which requires '*The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*'

Recent legal advice has referenced a number of cases in the Land and Environment Court (including DM & Longbow Pty Ltd v Willoughby City Council) which has identified that *lots created by a new strata subdivision must meet the minimum lot size development standard. Strata subdivisions will only be exempt from that standard in the case of subdivision of a lot in an existing strata plan.*

In this instance the subject site is mapped as having a minimum lot size of 2000m² (Control V). The proposal results in strata lots with areas of 667.9m² and 777.5m² which do not comply with the 2000m² minimum stipulated under this clause.

Therefore Clause 4.6 variation required to this control. This variation is addressed in detail under the clause 4.6 variation assessment below, with it being considered that the development is acceptable in this instance.

Clause 4.3 - Height of Buildings

Not applicable - the application is for strata subdivision (and associated minor internal alterations). No external alterations of the existing industrial units are proposed. Height of the existing and approved buildings was considered under K99/0008 and DA07/0031. Never the less the existing buildings comply with the current height limit of 10m.

Clause 4.4 – Floor Space Ratio

Not applicable as the application is primarily for strata subdivision (and associated minor internal works) and no increase on floor area is proposed. Floor space ratio was considered under K99/0008 and DA07/0031.

Clause 4.6 - Exception to development standards

The objectives of this clause are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This clause provides a mechanism by which development standards may be varied under the local planning instrument. In this instance the applicant has proposed to vary the controls contained within Clause 4.1 – Minimum Subdivision lot size.

Council has assumed concurrence from the Department of Planning and Environment in accordance with Planning Circular PS 17-006 to approve proposed variations to Clause 4.1.

The proposed strata lots demonstrate the following variation to the 2000m lot size control:

- Lot 1 - 667.9m² (including 117m² mezzanine) (66.6% variation)
- Lot 2 - 777.5m² (61.1% variation)

The applicant has lodged an application to vary the development standard under Clause 4.6 and includes the following in support of the application:

It is considered that in this instance compliance with the minimum lot size is unreasonable and unnecessary in this particular circumstance as the building is a Council approved building operating in accordance with relevant approvals. To maintain compliance would prevent us from dividing the existing building to establish two units to provide us with flexibility in how to operate and manage our business. The proposal will not alter the existing built form or operation of the site and the existing use and building will remain largely unchanged.

The proposed variation is considered unlikely to create impacts on the natural or built environment with all existing essential services currently provided to the development. It is considered that there will be no public impact in supporting the variation.

Upholding of the variation would be consistent with the objectives of Clause 4.6 in that strict compliance with the 2000m² minimum lot size development standard subdivision would unreasonably preclude the appropriate strata subdivision of the site in accordance with the capability of the land and existing building.

In the circumstances of this proposal, non-compliance with the development standard is well founded, will not create an environmental impact, and is in the public interest and is consistent with Council LEP and the Act.

Council Officer Assessment

With respect to the applicant's justification above, it is considered that the proposed variation does not impact on the objectives of the subdivision controls being achieved. In particular, the proposal does not result in inappropriate *strata* allotment sizes in the IN1 zone and does not restrict permitted uses for that zone.

Considering the matters raised under Clause 4.6 and 4.1 of the TLEP 2014, it is considered that there are sufficient planning grounds to justify the contravention of the standard and therefore compliance with the standard is unnecessary in this case.

As such, the proposed variation is supported.

Clause 5.4 - Controls relating to miscellaneous permissible uses

Not applicable as the proposal does not relate to a use listed under this clause.

Clause 5.5 – Development within the Coastal Zone

The subject site is identified under the NSW Coastal Policy. The site is located to the west of the coastal erosion zone. Full consideration of the NSW Coastal Policy was given during the assessment of DA07/0031 (*The industrial development was considered highly unlikely to be adversely affected by the coastal erosion processes and the development did not overshadow foreshore open space or restrict public access*). The subject application is only for a Strata Subdivision with only minor physical internal works, as such is considered consistent with the aims of Clause 5.5.

Clause 5.10 - Heritage Conservation

Not applicable as the site is not located in a heritage conservation area nor is it nominated as a heritage conservation item under this plan.

Clause 5.11 - Bush fire hazard reduction

The site is not mapped as being bushfire prone. The proposal does not impact the provisions of this clause.

Clause 7.1 – Acid Sulfate Soils

The site is mapped as possible containing acid sulfate soils class 2. Works associated with the proposed strata subdivision include the removal of an existing internal opening and the addition of internal toilet facilities. The works are relatively minor and unlikely to lower the water table and as such are considered to be compliant with the provisions of this clause.

Clause 7.2 - Earthworks

Not applicable as not earth works are proposed.

Clause 7.3 – Flood Planning

The site is mapped as being subject to the Q100 flood event and the Probable Maximum Flood event (PMF). The application relates principally to a strata subdivision of an approved industrial development with minor internal works proposed to facilitate the proposal. No change of use is proposed. As such the application is compliant with the provisions of this clause.

Clause 7.4 - Floodplain risk management

Not applicable as the proposal does not relate to purposes listed under this clause.

Clause 7.5 - Coastal risk planning

Not applicable as the subject site is not located with an area mapped as being subject to coastal risk planning.

Clause 7.6 - Stormwater Management

Not applicable as no external works are proposed what have an implication for stormwater management.

Clause 7.8 – Airspace operations

The subject site is mapped as being within the Operations Limitation Surface for Gold Coast Airport. The proposal relates to a strata subdivision with no external works proposed and as such will not penetrate the Limitations or Operations Surface. As such referral to the relevant authority is not required (GCA GM Operations and Service Delivery under delegation).

Clause 7.9 - Development in areas subject to aircraft noise

The subject site is mapped as being affected by Aircraft Noise (ANEF zone 20-25). The application relates to primarily to the strata subdivision of an existing approved industrial unit. No change of use is proposed. It is therefore considered that the proposal will not increase the number of people affected by aircraft noise and is compliant with the provisions of this clause.

Clause 7.10 - Essential Services

The proposal relates to the subdivision of an existing industrial unit with all services currently available to the subject site. No additional services are required.

Other Specific Clauses

Clause 2.6 Subdivision - consent requirements:

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
 - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

As Strata Subdivisions are not listed as exempt development under either the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or the *Tweed Local Environmental Plan 2014*. A Strata Subdivision may only be considered as either Complying Development (if the proposed strata meets the requirements under Part 6 Subdivisions code) or as a Development Application (prior to the issuing of a Strata Subdivision Certificate).

The proposed development did not meet the provisions of Part 6 of the SEPP; as such development consent is required.

State Environmental Planning Policies

SEPP No 71 – Coastal Protection

The subject land does not have frontage to the coastal foreshore reserve and therefore will not restrict public access to the foreshore. The development is consistent with the zone objectives of TLEP 2014, the requirements of relevant Council DCPs and consistent with ESD principles and objectives. It is therefore considered that the proposal satisfies the matters for consideration under SEPP 71.

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

There are no draft LEPs applicable to the proposal.

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

Tweed Development Control Plan

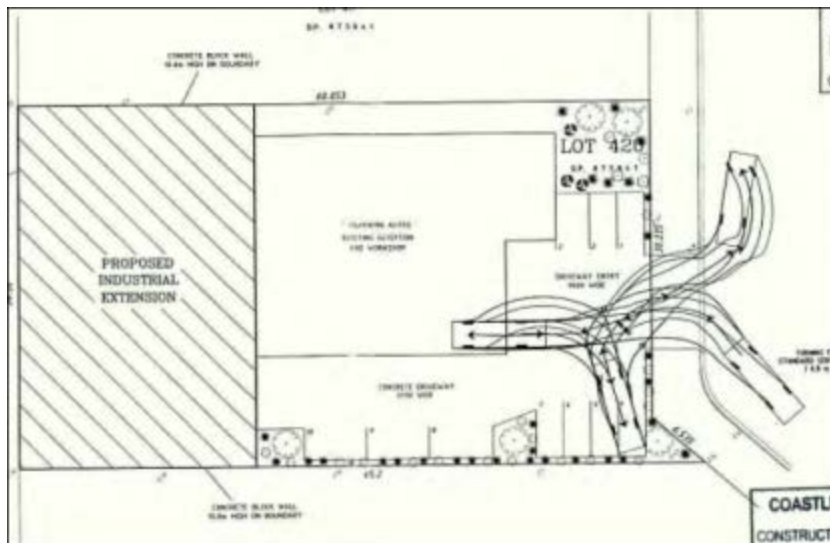
A2-Site Access and Parking Code

Development Consent DA07/0031 approved the construction of the industrial unit (addition to existing panel beating workshop) at the rear of the site (proposed Unit 2). With regard to parking provision, Condition 17 of DA07/0031.03 states:

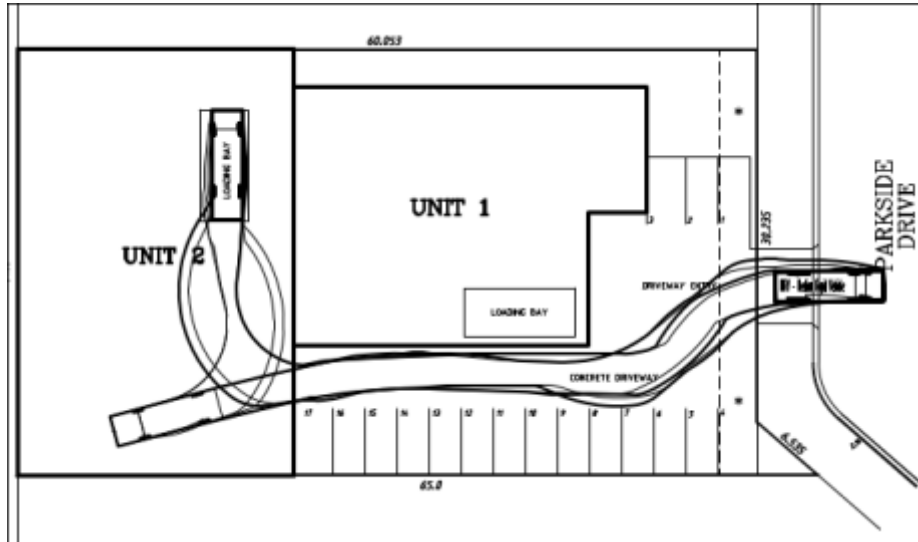
17. *The provision of thirteen (13) off street car parking spaces and one (1) loading bay, including parking for the disabled where applicable. The layout and construction standards to be in accordance with Section A2 of Council's Consolidated Development Control Plan - Parking Controls, the Building Code of Australia and AS 2890.*

No change of use is proposed with this application. The submitted plans demonstrate compliance with this clause with the provision of 17 parking spaces on the existing hardstand area nominated as common property.

With regard to access, DA07/0031.03 required plans to demonstrate that access to the site was possible for standard service vehicles (8.8m) (reproduced below).



Further information was requested from the applicant to demonstrate that standard service vehicles (8.8m) are able to access proposed unit 2. Plans were subsequently submitted that demonstrate Unit 2 is able to be accessed by a standard service vehicles (8.8m).



The above plans demonstrate that each of the units is able to accessed by standard service vehicles (8.8m). The proposal is compliant with the provisions of Section A2 with regard to parking and access.

A13 - Development of Flood Liable Land

The subject site is mapped as being subject to the Q100 flood event and the PMF flood level. The site is subject to a DFL of RL 2.6m AHD.



The plans indicate the floor level of the existing units is 2.75m AHD. The application does not propose any change of use from the approved panel beating workshop and as such the application is compliant with the provisions of this clause.

A17 - Business, Enterprise Corridor and General Industrial Zone

The subject site is zoned IN1 and as such this development code applies. The controls within this code are applicable primarily to the construction of new development and external alterations and additions of existing development. The buildings are existing and no external alterations or change of use is proposed. The provisions of this code are therefore not applicable to this proposal.

B3-Banora Point West- Tweed Heads South

The subject site is within Precinct 4 of the Banora Point - Tweed Heads South Locality Plan. There is no proposed change of use from the existing approved use which is consistent with the intent of Precinct 4. The proposal for the strata subdivision and minor internal works has no effect with regard to the provisions of this Plan. The application is compliant with the provisions of this plan.

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

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

The subject land is within the coastal policy area affected by the *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*. The proposed development is consistent with the objectives, strategies and actions of the policy.

Clause 92(1)(b) Applications for demolition

Demolition may be required to create a new emergency egress door to Unit 1 to comply with the NCC-BCA requirements. The Building Services Unit have imposed appropriate standard conditions of consent in relation to any proposed demolition.

Clause 93 Fire Safety Considerations

Not applicable as a change of use of the building is not proposed.

Clause 94 Buildings to be upgraded

The application has been reviewed internally by the Building Services Unit who have provided the following comment:

An assessment of the plans indicate the unit 1 is deficient in a number of BCA-NCC requirements. This includes fire hose reel coverage and egress. An appropriately worded condition will be included in this regard.

The provisions of Clause 94 are satisfied.

(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 strata subdivision does not contradict 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 Terranorra Broadwater (adopted by Council at the 15 February 2011 meeting)

As the subject site is not located within the Cobaki or Terranorra Broadwater (within the Tweed Estuary), this Plan is not considered relevant to the proposed development.

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

Context and Setting

All relevant matters were considered under development application D90/0016.02 for the industrial development. The proposed development is only for a strata subdivision and no physical works are proposed, as such the proposed development is not considered to have any impact on the natural or built environments.

A site inspection revealed the development has been constructed as approved.

Access, Transport and Traffic

Access to the site has been addressed in detail in a previous section of this report. Existing access arrangements are being maintained and the plans demonstrate that delivery vehicles are able to access each of the strata lots. No additional traffic will be generated by the proposal. Impacts related to access, transport and traffic impacts are unlikely to increase and the proposal is considered to be acceptable in this regard.

Flora and Fauna

No external works is proposed and as such the proposal will not impact on flora and fauna of the locality.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The site is considered to be suitable for the proposed development. No change of use of the existing industrial units is proposed as part of this application and the use is to remain consistent with the existing approved use of a panel beating shop approved subject to K99/0008 and DA07/0031.03. The proposed strata subdivision does not preclude the current or future use of the industrial units that is consistent with the zone.

Availability of Utilities & Services

All services are made available to the subject site.

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

The application was not identified as notified or advertised development, under Section A11 of the Tweed DCP 2008 nor did the application require referral to any external authorities. No submissions were received.

(e) Public interest

The proposed development has been assessed against all relevant legislation and policies, is permissible with Council consent and is not considered to be contrary to the public interest. Subject to conditions of consent, the application is considered reasonable and appropriate for the locality.

OPTIONS:

1. To approval the proposal subject to the conditions included in this report.
2. To refuse the application for specified reasons.

Option 1 is recommended.

CONCLUSION:

The variation to the lot size for the proposed strata lots is considered to be acceptable as the proposal is consistent with the objectives of the zone and the aims of the Tweed Local Environment Plan 2014 in that it facilitates the appropriate industrial development for the Shire. The proposed strata lot sizes do not restrict the current or future use of the land and is not considered to be contrary to the public interest.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

26 [PR-CM] Development Application DA17/0512 for a Dual Occupancy (Attached), Two Pools and Two Lot Strata Subdivision at Lot A DP 388820 No. 71 Pearl Street, Kingscliff

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:

The proposal is for the demolition of the existing dwelling and construction of a dual occupancy (attached), two pools and two lot strata subdivision. The dual occupancies both have three storeys, comprising four bedrooms, double garage and swimming pool.

The applicant seeks variations to Council's (DCP A1) building height, rear setback and opening doors of living rooms facing side boundaries controls. Justification for these variations is provided within this report and is supported.

The site has a legal access to an existing right of way for pedestrian access that benefits No. 71 Pearl Street and No. 69 Pearl Street and burdens No. 150 Marine Parade (No. 150 Marine Parade accommodates a residential flat building with 6 units approved under DA02/1382 and the design of this unit accommodates the lawful footway around the site to accommodate Nos. 71 and 69 Pearl Street. The original proposal for the subject application (DA17/0512) illustrated a gate in the rear fence within common property to allow access for both proposed units through to No. 150 Marine Parade. After submissions were received objecting to the increased use of the pedestrian access, the applicant relocated the gate access to be within the private open space area of the proposed Unit 2 only. The amended plans were sent to the objectors with advice that Council is of the opinion that the proposed Unit 1 will still have a legal right of way to the pedestrian path should they install a second gate at the end of common property within No. 71 Pearl Street, as the benefit will still legally exist on No. 71 Pearl Street being Lot A in DP 388820. The proposed DA and Strata Title will not and cannot remove this entitlement.

The application was notified for a period of 14 days during which Council received seven submissions objecting to an extra house benefiting from the easement burdening 150 Marine Parade, height, setbacks and other aspects of the proposal. The Applicant has amended parts of the development to address the submissions where possible. The issues raised and responses are provided within this report.

Following the initial formal notification period Council again contacted all objectors and the applicant to see if a mediated outcome could be achieved with regard to the easement issue. The applicant declined to meet with objectives and asked Council to determine the application as proposed. Therefore the amended application seeks approval for plans that show only Unit 2 with direct access to the right of way but Council staff are of the view that Unit 1 could also install a gate at the rear of the common property to gain access to the legal right of way benefiting Lot A in DP 388820.

The proposed development is recommended for conditional approval, as the easement issue is not a matter that Council can alter and therefore on merit the application warrants a recommendation for approval.

This development application is referred to full Council for determination as requested by Councillors Owen and Polglase.

RECOMMENDATION:

That Development Application DA17/0512 for a dual occupancy (attached), two pools and two lot strata subdivision at Lot A DP 388820 No. 71 Pearl Street, Kingscliff be approved subject to the following conditions:

GENERAL

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 03 rev. G, 04 rev. G, 05 rev. G, 06 rev. G, 07 rev. G, 08 rev. G, 09 rev. G, 10 rev. G, 12 rev. G, 13 rev. G, prepared by Storey Design + Drafting and dated 14/11/17, except where varied by the conditions of this consent.**
[GEN0005]
- 2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.**
[GEN0115]
- 3. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.**
[GEN0135]
- 4. Bushfire Design and Construction**

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

The development is to be constructed in accordance with the Bushfire Management Plan prepared by Planit Consulting dated July 2017.

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

[GEN0335]

5. Prior to demolition work commencing a sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm by 300mm shall be erected in a prominent visible location on the site. The sign shall remain in place until all asbestos has been removed from the site.

[GEN0345]

6. Prior to the commencement of construction of the new structure or use of the site a ‘clearance inspection’ shall be conducted for the site and a ‘clearance certificate’ issued by a licensed asbestos assessor or competent person which states that the site ‘does not pose a risk to health and safety from exposure to asbestos’ in accordance with Clause 474 of the Work Health and Safety Regulation 2011. A copy of this certificate shall be forwarded to the Principal Certifying Authority and Council within 7 days of completion of the 'clearance inspection'.

[GEN0350]

7. Both proposed strata lots shall connect to the existing sewer junction at Pearl Street.

[GENNS01]

8. All electricity meters onsite shall be readily accessible for reading by electricity suppliers.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. Prior to issue of Construction Certificate the applicant is to submit to Council's General Manager or his delegate a list of the finished building materials and colours (including colour product photo images) for approval.

[PCC0175]

10. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- | | |
|--|------------|
| (a) Tweed Road Contribution Plan:
1.3 Trips @ \$1221 per Trips
(\$1,137 base rate + \$84 indexation)
S94 Plan No. 4
Sector6_4 | \$1,587 |
| (b) West Kingscliff - Drainage:
0.0163 HA @ \$68087 per HA
(\$5,664.10 base rate + \$62,422.90 indexation)
DCP Section B4
S94 Plan No. 7 | \$1,109.82 |
| (c) West Kingscliff - Open Space:
1 ET @ \$3305 per ET
(\$1,849 base rate + \$1,456 indexation)
DCP Section B4
S94 Plan No. 7 | \$3,305 |
| (d) Shirewide Library Facilities:
1 ET @ \$869 per ET
(\$792 base rate + \$77 indexation)
S94 Plan No. 11 | \$869 |
| (e) Bus Shelters:
1 ET @ \$66 per ET
(\$60 base rate + \$6 indexation)
S94 Plan No. 12 | \$66 |
| (f) Eviron Cemetery:
1 ET @ \$127 per ET
(\$101 base rate + \$26 indexation)
S94 Plan No. 13 | \$127 |
| (g) Community Facilities (Tweed Coast - North)
1 ET @ \$1457 per ET
(\$1,305.60 base rate + \$151.40 indexation)
S94 Plan No. 15 | \$1,457 |

<p>(h) Extensions to Council Administration Offices & Technical Support Facilities 1 ET @ \$1935.62 per ET (\$1,759.90 base rate + \$175.72 indexation) S94 Plan No. 18</p>	<p>\$1,935.62</p>
<p>(i) Cycleways: 1 ET @ \$490 per ET (\$447 base rate + \$43 indexation) S94 Plan No. 22</p>	<p>\$490</p>
<p>(j) Regional Open Space (Casual) 1 ET @ \$1132 per ET (\$1,031 base rate + \$101 indexation) S94 Plan No. 26</p>	<p>\$1,132</p>
<p>(k) Regional Open Space (Structured): 1 ET @ \$3974 per ET (\$3,619 base rate + \$355 indexation) S94 Plan No. 26</p>	<p>\$3,974</p>

[PCC0215/POC0395/PSC0175]

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

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

Water = 1.0 ET @ \$13,632 = \$13,632
Sewer = 1.0 ET @ \$6,549 = \$6,549

[PCC0265]

12. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCC0585]

13. A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain

- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.
- b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

14. 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]

15. 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]

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

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

[PCC1325]

17. The premise Point of Attachment must be at a location that ensures the overhead service does not cross a swimming pool zone as defined by AS/NZS 3000 Wiring Rules.

[PCCNS01]

PRIOR TO COMMENCEMENT OF WORK

18. 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]

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

[PCW0045]

20. 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]

21. 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]

22. 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]

23. 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]

24. 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]

25. 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]

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

[PCW1005]

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

[PCW1065]

28. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of a new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[PCW1170]

DURING CONSTRUCTION

29. 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]

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

[DUR0165]

31. 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]

32. 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]

33. Prior to demolition of the structure is commenced all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).

[DUR0335]

34. 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]

35. 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]

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

[DUR0405]

37. 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]

38. 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]

39. 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]

40. Landscaping of the site shall be carried out in accordance with the submitted/approved landscaping plans.

[DUR1045]

41. All works shall be carried out in accordance with Councils Acid Sulfate Soils Management Plan for Minor Works. A signed copy of this Management Plan shall be submitted to the Private Certifier or Council prior to the commencement of works.

[DUR1075]

42. 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]

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

[DUR1945]

44. The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

[DUR2035]

45. **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]

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

[DUR2085]

47. 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]

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

[DUR2195]

49. 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]

50. 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]

- 51. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.**

[DUR2505]

- 52. 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]

- 53. The Applicant shall submit the appropriate 'Application for Water Service Connection' to Council's Water Unit to facilitate a property service water connection for Lot A DP 388820, from the existing water main in Pearl Street. The connection shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.**

[DUR2800]

- 54. The importation or exportation of waste (including fill or soil) to or from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the Office of Environment and Heritage "*Waste Classification Guidelines*".**

[DURNS01]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0205]

- 56. 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]

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

The street number is to be on a white reflective background professionally painted in black numbers 75-100mm high.

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

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

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

[POC0265]

58. 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]

59. 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]

60. 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]

61. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

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

[POC1045]

USE

63. 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]

64. 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]

65. All landscaping work is to be completed in accordance with the approved plans prior to any use or occupation of the building.

[USE0735]

66. 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]

REPORT:

Applicant: Planit Consulting Pty Ltd
Owner: Mr Juma H Athumani & Mrs Celia M Athumani
Location: Lot A DP 388820; No. 71 Pearl Street, Kingscliff
Zoning: R3 - Medium Density Residential
Cost: \$900,000

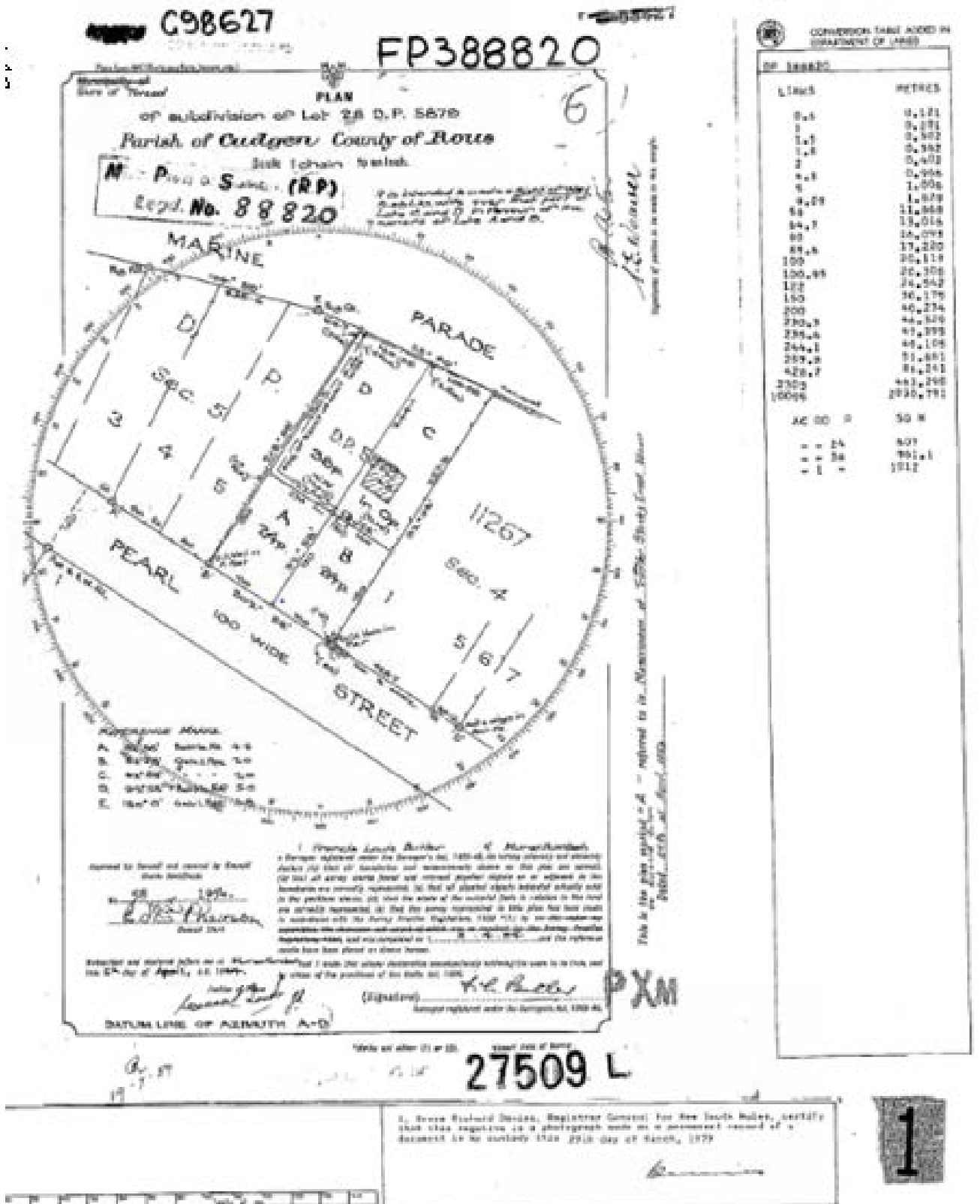
Background:

The site is located at No. 71 Pearl Street, Kingscliff, is zoned R3 Medium Density Residential with a land area of 607m². The site contains a single storey dwelling is regular in shape, flat with minimal and common landscape vegetation.

The proposal is for the demolition of the existing dwelling and construction of a dual occupancy (attached), two pools and two lot strata subdivision. The dual occupancies both have three storeys, comprising four bedrooms, double garage and swimming pool.

The application was notified for a period of 14 days during which Council received seven submissions objecting to an extra house benefiting from the easement burdening No. 150 Marine Parade, height, setbacks, privacy and other aspects of the proposal. The Applicant has amended parts of the development to address the submission where possible, such as relocating the pedestrian access gate from common property to the private property of the proposed Unit 2, and additional privacy screening to the northern (side) elevation. The issues raised and the applicants' responses are provided within this report and are considered acceptable on merit.

The site has a legal access to the existing right of way for pedestrian access that benefits Nos. 71 and 69 Pearl Street and burdens No. 150 Marine Parade. This easement was established in 1915 when Folio Plan FP38820 was created as shown below:



No. 150 Marine Parade now accommodates a residential flat building with 6 units approved under DA02/1382 and the design of this unit accommodates the lawful footway around the site to accommodate Nos. 71 and 69 Pearl Street as required by the easement created in 1915.

The assessment report for DA02/1382 said:

"It is acknowledged that the subject land is burdened by a right of footway to the benefit of two properties to the rear. It is also acknowledged that this footway will largely be unobstructed and will be used as an access path to the building, but some stairs and a security gate will be constructed over the footway.

In this regard it is considered that the right of footway should be preserved and be unobstructed.

In relation to the gate, this can remain but any consent will be conditioned so that it is capable of being opened at all times and it can never be locked. Therefore, the intercom system as proposed should not be approved.

In relation to the stairs, these are reasonable and should not significantly obstruct pedestrian access. However, it would obstruct access for the disabled. Therefore, any consent should be conditioned to allow these stairs to be replaced by a suitably designed ramp."

DA02/1382 therefore has the following condition imposed on its consent:

10. Both during and after construction no works are to occur or materials be stored in the pedestrian access along the Right of Footway which exists along the north western and south western property boundaries that impedes pedestrian access to benefiting lots. In this regard the security gate located at the rear of the main access path identified on the plans is not to be provided with a lock and is to be capable of being open at all times to allow free flow of pedestrians. In addition the stairs on the main access path near the security gate is to be replaced by a ramp in accordance with the relevant provisions of AS1428-Design for Access and Mobility. Detailed plans of all works in the Right of Footway are to be submitted to and approved by Council prior to the issue of construction certificate.

[PCCNS01]

The approved landscaping plan for DA02/1382 is as follows (showing the pedestrian access around the building):

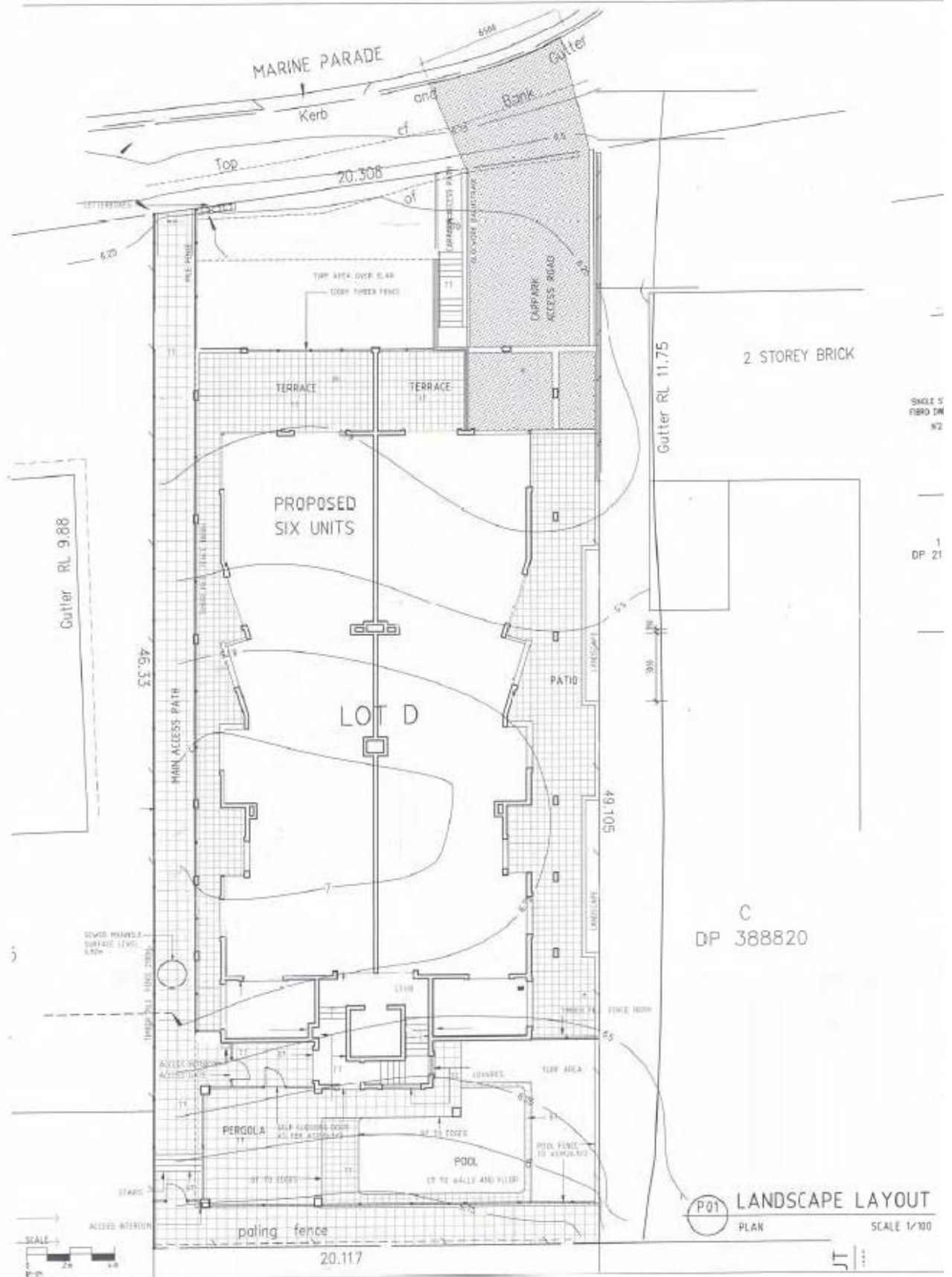


Figure – illustrating the approved landscaping & pedestrian access path DA02/1382.

This was then re-confirmed on the approved Strata Plan SP76727 as shown below:

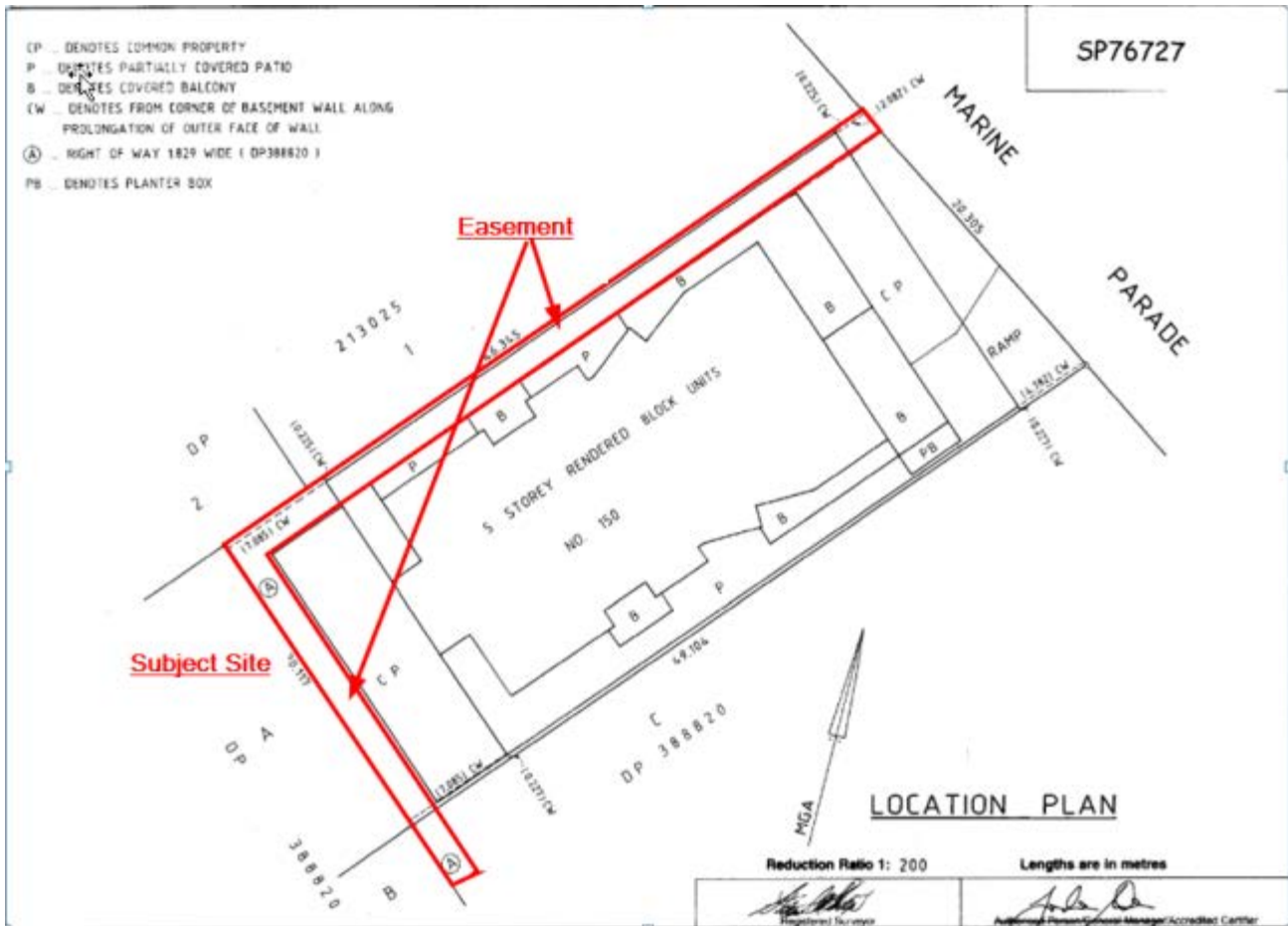


Figure – illustrating the pedestrian access easement.

The original proposal for the current DA17/00512 illustrated a gate in the rear fence of No. 71 Pearl Street within common property to allow access for both proposed units across the No. 150 Marine Parade footway. After submissions were received objecting to the increased use of the pedestrian access, the applicant relocated the gate access to be within the private open space area of the proposed Unit 2 only. The amended plans were sent to the objectors with advice that Council is of the opinion that Unit 1 will still have a legal right of way to the pedestrian path should they install a second gate at the end of common property within No. 71 Pearl Street, as this is not an easement that Council can remove as a result of this development application DA17/0512.

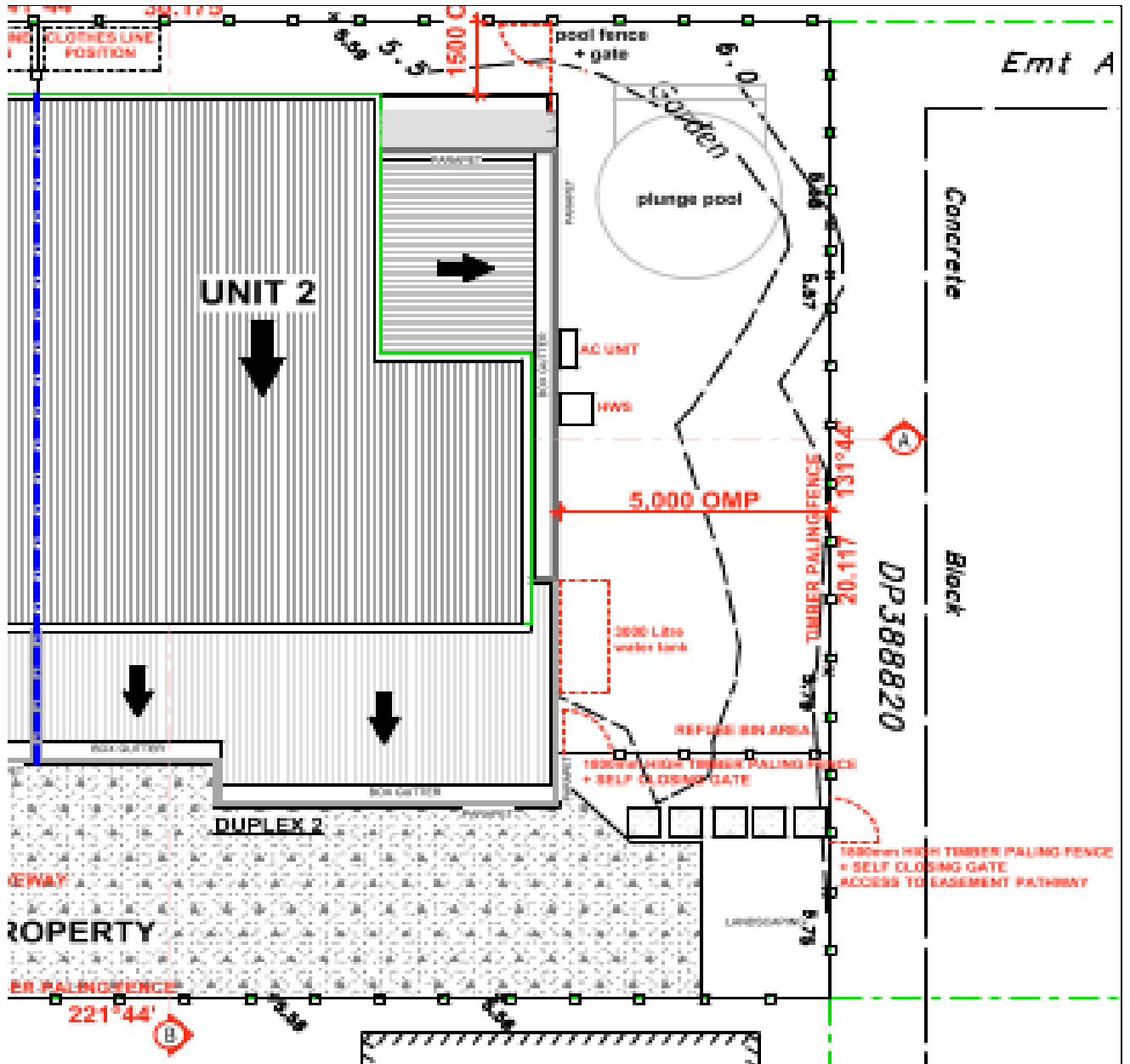


Figure – original gate location within common area.

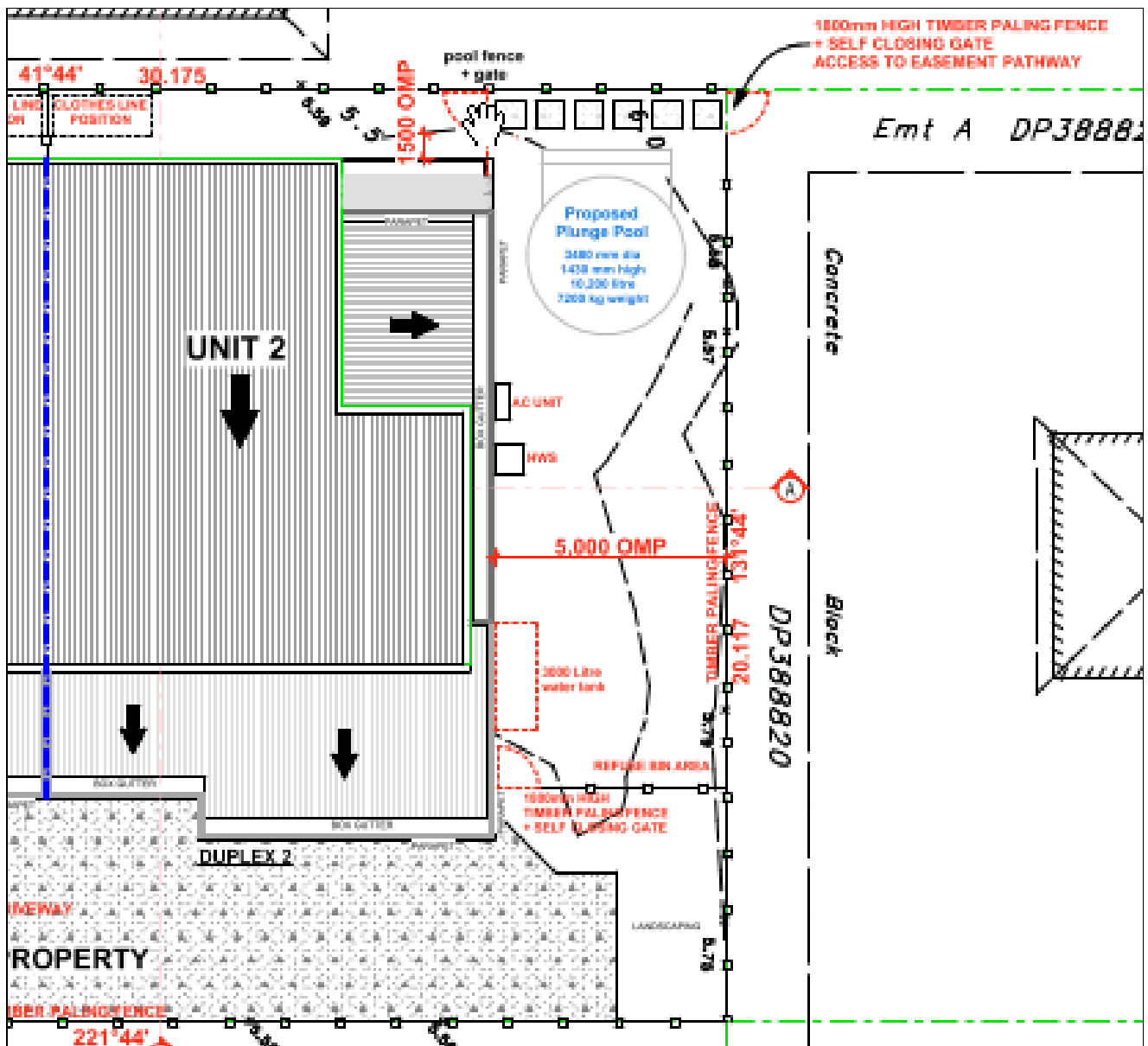
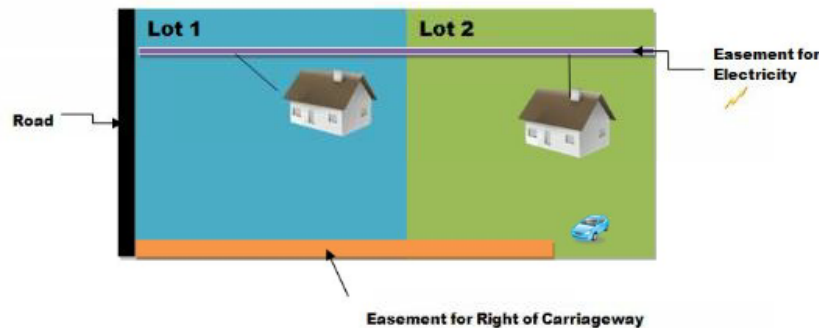


Figure – Amended gate location within private open space area of unit 2.

The following is an extract taken from the web (<http://elringtons.com.au/2011/08>) that explains the roles of easements:

The below diagram is a simple example of some different easements over land.



As you will see, there are two easements in this diagram.

Lot 1 has two easements which burden the land and **Lot 2** has one **benefited easement** and one **burdened (or servient) easement**.

The first easement, which is depicted in orange, is an easement for a **right of**

carriageway (or **right of way**). This easement gives Lot 2 the right to access their lot through Lot 1's land. Without this easement, Lot 2 would be landlocked and would not have legal access to their property from the road. The **right of carriageway** is burdened upon Lot 1 and benefited upon Lot 2. In our example, the orange easement is likely to be a road, driveway or track which the owner of Lot 2 drives down from the road to get to their land – he or she has the right to use this at all times, and the owner of Lot 1 must not obstruct or interfere with this use.

The other easement, depicted in purple, is an easement for electricity – this is where electricity lines run over the Lots. The easement burdens both Lots 1 and 2 and benefits the electricity company. The electricity company has the right to install their equipment on the easement land, and to enter the easement land to maintain or repair it.

Easements are usually but not always registered on the Title to the property. Registration takes place with **Land and Property Information** in NSW and the **Office of Regulatory Services** in the ACT. The purpose of registering an easement over land is to show on the public record that an easement exists. If you are purchasing land which has an easement registered on title, you are therefore aware of what the easement is, who it benefits and how it will impact upon your use of the land.

For example, if you have an easement on your land, you will not be able to build any structure on or over the easement land or use the easement land in any way which interferes with the rights of the benefited party, otherwise the owner of the land benefited by the easement may have the right to sue you, or to destroy the structure to gain access to the easement without being liable to compensate you for the damage.

If an **authority** has an easement registered over your land, they have the right to access the easement to maintain or repair the easement land or their equipment on the land. Action can be taken against if you interfere with their right to access the easement – for example you can't lock or fence them out of the easement land, nor build over the easement land. If you did, the authority may then have the right to cut the lock, knock down part of the fence, or destroy your building or structure that is on the easement land.

If you are the benefited lot to an easement (i.e. Lot 2 above with the Right of Carriageway) and the burdened lot owner interferes with your right to use the easement, then you have the right to remedy.

There are two ways in which a benefited lot can take seek a remedy, these are:

1. **Abatement** – That is the right to **abate the interference** of the easement. For example, say on our diagram, Lot 1 had built a shed over the orange easement, Lot 2 would have the right to pull down the shed to gain access to their property. Lot 2's owner must ensure that:
 1. the force used is reasonable;
 2. it is not likely to be a breach of peace; and
 3. no injury to the public is caused.

However, the Courts have stated that while this right exists, it is not encouraged.

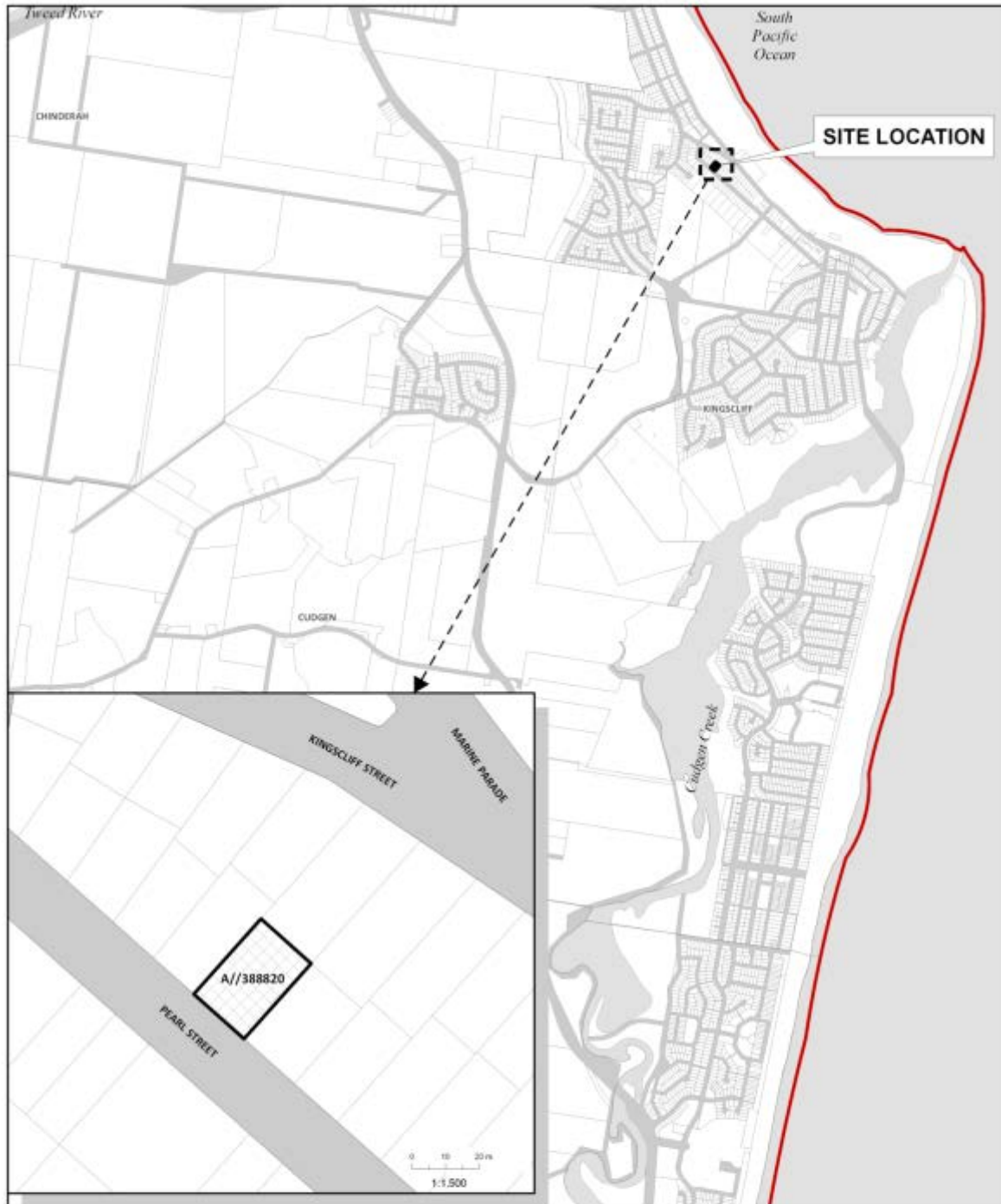
1. **Action – Legal action** can also be taken against the servient lot. The owner of an easement can sue for damages, nuisance or seek an injunction.

Therefore despite Council receiving objections to two strata lots within No. 71 Pearl Street rather than the one existing house benefitting from the right of way Council is of the view that easements are not a personal right, but rather something that belongs to land, it attaches to the dominant land for the benefit of that land. As the two new Strata lots still sit on the dominant lot (Lot A in DP388820) then the benefit belongs to both proposed new units in the proposed strata plan as the increase in population is not an unreasonable burden on the easement.

This would not have been the case if the original registration of the easement in 1915 had of expressly said the easement was intended to benefit the land in its original pre-subdivided form ONLY. But this is not the case and accordingly the easement benefits both lots as proposed by the subject application.

Accordingly the application is recommended for conditional approval

SITE DIAGRAM:



Site Plan

Lot A DP 388820
No. 71 Pearl Street, Kingscliff



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Coordinate System - MGA Zone 55
Datum - GDA 94

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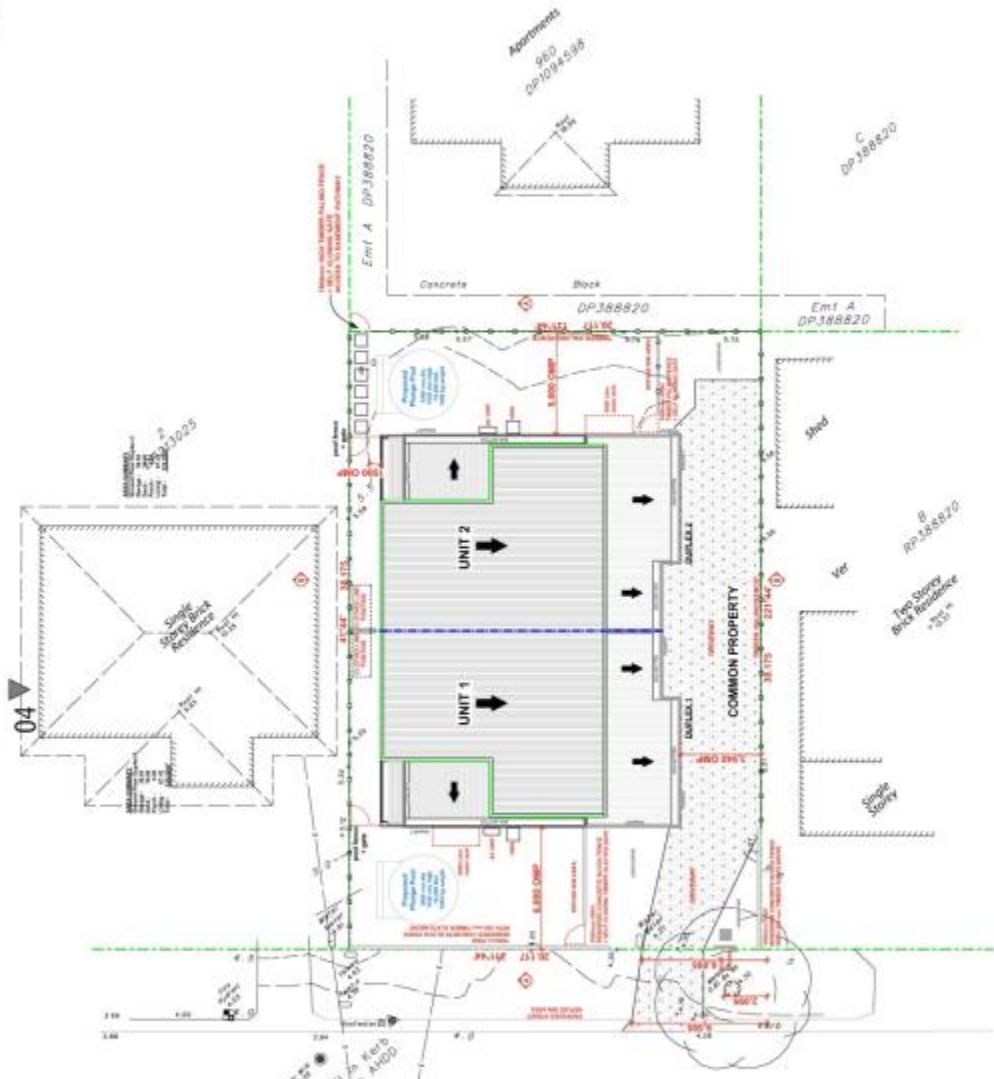


Date Printed: 09 March, 2018

DEVELOPMENT/ELEVATION PLANS:

DA DRAWINGS ONLY. THIS ISSUE IS NOT FOR CONSTRUCTION

- SITE NOTES**
- GROUND SURGEAGE WATER
 - FALL AROUND 50mm MIN IN FIRST 100mm FROM BUILDING
 - THE HEIGHT OF SLAB ABOVE EXTERNAL FINISHED SURFACE TO BE NOT LESS THAN
 - (A) 100mm ABOVE FINISHED GRADE LEVEL
 - (B) 100mm ABOVE SANDY WELL GRAINED AREAS
 - (C) 50mm ABOVE PAVED OR CONCRETE AREAS WITH FALL AWAY FROM BUILDING
- ROOF DRAINAGE**
- FACE GUTTERS TO HAVE A MIN FALL OF 1:50
 - BOX GUTTERS TO HAVE A MIN FALL OF 1:30
- CATCHMENT AREA - GUTTER**
- 30m²
 - 40m²
 - 50m²
 - 60m²
- DOWNPIPES**
- MAX SIZE 90mm DIAMETER
 - MAX SPACING OF DOWNPIPES IS 12m
 - DOWNPIPES TO BE FIXED AS CLOSE AS POSSIBLE TO VALLEY GUTTERS & IF MORE THAN 1.2m FROM VALLEY GUTTERS PROVISION FOR AN OVERFLOW IS REQUIRED.
- SEDIMENT TRAP**
- STORMWATER LINES FOR 2 OR MORE DOWNPIPES
 - DOWNPIPES TO BE 100mm DIA. WITH ALL BRANCHED TO BE 100mm DIA.
- STORMWATER LINES**
- STORMWATER LINES SHALL BE TO A MIN FALL OF 1:50
 - & WHERE POSSIBLE PLACED AS SHOWN.
 - 100mm COVER TO STORMWATER DRAINAGE.
 - STORMWATER A SEWER TO HYDRAULIC EQUIVALENT UNITS
 - CONTOURS & LEVELS PROVIDED BY TREASURE & ASSOCIATES



PEARL STREET

PROPERTY DESCRIPTION
 LOT A on DP 388820
 NO 71 PEARL STREET
 KINGSLIFF, NSW.
 PARISH OF CUDJEN
 COUNTY OF ROUS
 LOCAL AUTHORITY - TWEED
 SITE AREA - 687 m²

Area Summary
 Site Area - 687.6 m²
 Site Coverage - 252.0 m²
 Area Coverage - 41.5 %

BASIC NOTES
 PREPARED BY: STORY DESIGN + DRAFTING
 CHECKED BY: [Name]
 DRAWN BY: [Name]
 DATE: [Date]
 SCALE: [Scale]
 PROJECT: [Project Name]

drawing number: 03
 drawing date: 14/11/2017

client: Mr & Mrs Afframani
 project number: 14018
 drawing title: Single Development
 drawing scale: 1:200
 drawing status: 3K
 drawing author: STORY KEY

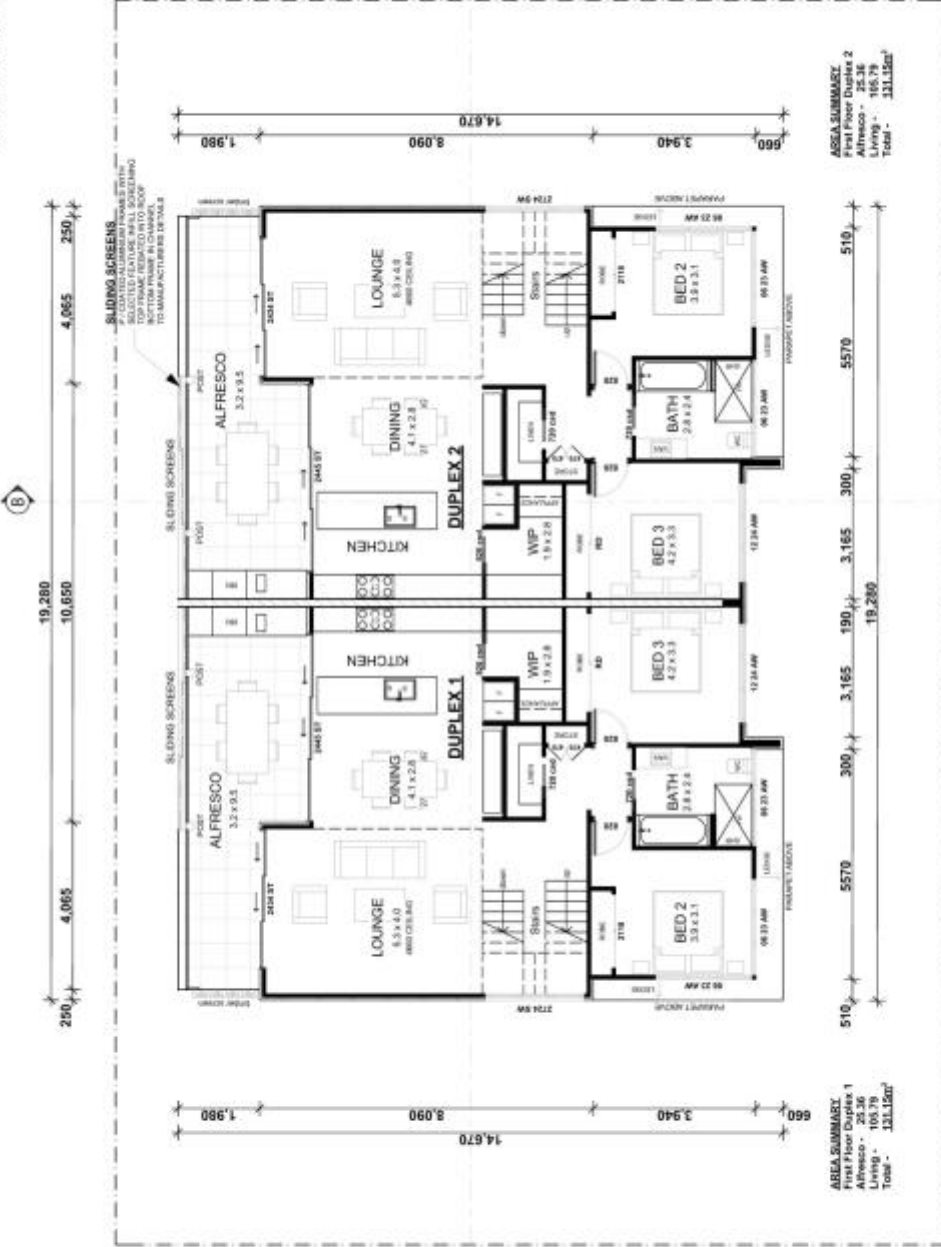
REV	DATE	DESCRIPTION	BY	CHK	APP
1	14/11/17	ISSUED FOR TENDERS	SD	SD	
2	14/11/17	REVISED TO REFLECT COMMENTS	SD	SD	
3	14/11/17	REVISED TO REFLECT COMMENTS	SD	SD	
4	14/11/17	REVISED TO REFLECT COMMENTS	SD	SD	
5	14/11/17	REVISED TO REFLECT COMMENTS	SD	SD	
6	14/11/17	REVISED TO REFLECT COMMENTS	SD	SD	

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PROPOSED SITE PLAN

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 10/11-12/13 The Arcade, 3031 Burnside, Adelaide SA 5064
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REV.	DATE	DESCRIPTION	BY	CHK	DATE	DESCRIPTION
1	20/11/17	ISSUE FOR PERMIT	MS	MS	20/11/17	ISSUE FOR PERMIT
2	20/11/17	REVISED PERMIT	MS	MS	20/11/17	REVISED PERMIT
3	20/11/17	REVISED PERMIT	MS	MS	20/11/17	REVISED PERMIT
4	20/11/17	REVISED PERMIT	MS	MS	20/11/17	REVISED PERMIT
5	20/11/17	REVISED PERMIT	MS	MS	20/11/17	REVISED PERMIT

Client: Mr & Mrs Altham
Project: Duplex Development
71 Peppi Street, Kingsbill NSW

Project Number: 14018
Scale: 1:100
Drawn: Sam Day
Checked: Sam Day

Issue Date: 14/11/2017
Issue No: 05
Issue Title: FIRST FLOOR PLAN

Considerations under Section 79C of the Environmental Planning and Assessment Act 1979:

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

The proposal is considered to be in accordance with the aims of the plan by providing medium density housing within a medium density zone within in the locality.

Clause 2.3 – Zone objectives and Land use table

The site is zoned R3 Medium Density Residential, the objectives of the zone are:

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

The proposed attached dual occupancy is consistent with the zone objectives by providing housing needs for the community within a medium density residential environment. The proposal is permissible with consent within the R3 zone.

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

The development proposes the strata subdivision of the two units. The site is not identified as having a minimum lot size. Therefore these provisions do not apply.

Clause 4.3 - Height of Buildings (HOB)

The site has a HOB of 13.6m with the proposed HOB for the proposal being 9.65m. Therefore the building is within the statutory height limit set by the LEP. It should be noted that later in this report HOB is assessed under the Tweed DCP as Section A1 provides a limit of 9m which is the current proposal exceeds. However the departure to the DCP is recommended for approval as discussed under A1.

Clause 4.4 – Floor Space Ratio

The site has a FSR of 2:1, with the proposed FSR being 1.12:1, therefore complies.

Clause 4.6 - Exception to development standards

The development does not require an exception to development standards. Note: The height variation is under the DCP and does not require a 4.6 variation.

Clause 5.5 – Development within the Coastal Zone

The proposed development is located 250m from the coastal waters of the South Pacific Ocean, and is therefore within the Coastal Zone and Clause 5.5 applies. The site does not have frontage to the foreshore and is setback approximately 250m and therefore is considered not likely to impact on access or overshadowing of the foreshore or coastal environment.

Any stormwater flows from the increased roof water will be conditioned to connect to stormwater infrastructure.

The proposal is considered consistent with the clause.

Clause 5.10 - Heritage Conservation

The site is not identified as a heritage item or heritage conservation area.

Clause 5.11 - Bush fire hazard reduction

The site is identified as being prone to bushfire and the application has been referred to the NSW RFS as integrated development (100B). The NSW RFS advised that no objection is raised and no specific conditions applied. The bushfire report that accompanied the application recommends a Bushfire Attack Level (BAL) rating of 12.5. Tree removal for bushfire hazard removal is not proposed. Appropriate standard conditions are recommended relating to bushfire protection to ensure compliance with the bushfire report as submitted. The proposal is considered to be consistent with the clause.

Clause 7.1 – Acid Sulfate Soils

The site is identified as having class 2 and 5 on Council's Acid Sulfate Soils (ASS) Planning maps. The trigger in Class 2 is any disturbances below the ground surface. Council's Acid Sulfate Soils Management Plan (ASSMP) for Minor Works does nominate a dual occupancy development as development which may be conducted in accordance with that Management Plan (MP). Relatively minor disturbances are likely for footings and service connections. Standard conditions have been recommended requiring compliance with the ASSMP for Minor Works.

Clause 7.2 - Earthworks

The clause states:

- (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.*
- (2) *Development consent is required for earthworks unless:*

- (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

Minor earthworks are proposed to level the site, footings and for services. The proposed earthworks would be consistent with the exempt controls under the Exempt and Complying SEPP 2008 as the works would be less than 600mm and have a setback greater than 1 metre from the property boundaries. Due to the minor scale of the proposed works, the works are considered unlikely to create a detrimental impact on the site and neighbouring properties.

Clause 7.3 – Flood Planning

The objectives of this clause are as follows:

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

The site is identified as NOT being affect by the Q100, and is also not a floodway and high hazard flood storage area, however the site is identified as being affected by the PMF. The nearest Q100 is 3.3mAHD with the site having a RL of approximately 5.5mAHD. In accordance with Section A3 of Council's DCP, dual occupancy development is exempt from the PMF requirements.

Given the above, the development is considered to be appropriate and not likely to risk life and property to flooding. Therefore the proposal is considered to be consistent with the clause.

Clause 7.4 - Floodplain risk management

The objectives of this clause are as follows:

- (a) *in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- (b) *to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

The proposed dual occupancy is exempt from providing safe occupation and evacuation (refer to subclause 3f).

The proposal is considered to be consistent with the clause as the dual occupancy does not have an evacuation emergency response issue.

Clause 7.5 - Coastal risk planning

The objectives of this clause are as follows:

- (a) *to avoid significant adverse impacts from coastal hazards,*
- (b) *to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) *to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) *to avoid development that increases the severity of coastal hazards.*

The site is not within the coastal risk area.

Clause 7.6 - Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. The application proposes to capture rain water via roof and gutters into onsite water tanks with overflow to Council's curb and gutter. The proposal is considered acceptable in terms of storm water with minimal impact on adjoining properties likely to occur.

Clause 7.10 - Essential Services

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

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

The site is located within an established urban area with the site containing a dwelling connected to Council services. The development is capable of connection to all necessary services.

State Environmental Planning Policies

SEPP No. 55 - Remediation of Land

Documentation indicates the existing dwelling is to be a 'fibro' structure, therefore standard conditions relating to demolition and asbestos materials are recommended. A review of Council records indicates:

- No cattle dip site.
- 1944 aerial – scattered houses present.
- 1962 – dwellings present and no sand mining.
- 1995 – Dwellings present.
- Coastal Quaternary Geology layer – Not within sand mining pathway.

Therefore the site is not considered contaminated and is suitable for the proposed expanded residential purpose in accordance with SEPP 55.

SEPP No 71 – Coastal Protection

(a) *The aims of this Policy set out in Clause 2:*

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

- Existing public access to and along coastal foreshores remains unchanged.
- No new opportunities for public access to and along coastal foreshores are available.
- The site is not identified as having Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge.
- Visual amenity of the coast is protected.
- The proposal does not adversely impact on beach environments and beach amenity.
- Native coastal vegetation is retained.
- The proposal does not adversely impact on marine environment of New South Wales, the site is greater than 100m from the closest MHWL.
- The proposal does not adversely impact on rock platforms.
- The type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area. Nearby properties consist of similar developments in terms of type, scale, bulk and scale.

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

The proposal will not alter the existing public access to and along the coastal foreshore.

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

No opportunity exists to provide new public access to the foreshore.

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

The development is considered suitable for the locality and is compatible with the emerging residential character of the area.

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

The proposal will not create any detrimental impact on the amenity of the coastal foreshore, particularly in the form of overshadowing or loss of views from a public place.

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

The scenic qualities of the NSW coast will remain unchanged.

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

The vegetation on the site is to be retained.

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

The development will not adversely impact on fish or their habitats.

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

No impact on wildlife corridors, as no vegetation removal proposed.

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

The development would not be adversely affected by nor impact upon coastal process.

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

The proposal will not generate a land use conflict between land based and water based activities. The proposal provided satisfactory sedimentation and erosion control management plans, to reduce potential conflict between land and water activities. The site is serviced by Council's sewer and stormwater systems.

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

The development will not adversely affect cultural places.

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

Measures are proposed to ensure satisfactory water quality discharging from the site, in the form of stormwater and sediment control plans, connection to Council's reticulated sewerage system.

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

The development will not adversely affect places of heritage, archaeological or historic significance.

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

Not Applicable to the proposal.

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

(i) the cumulative impacts of the proposed development on the environment; and

No significant adverse impacts on the environment are expected.

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

A BASIX certificate was provided demonstrating complying efficient water and energy usage.

The site currently contains a single dwelling development, the proposed multi dwelling housing development (two dwellings) is considered not to create any significant additional adverse impacts on the environment. The application supplied a 'BASIX' certificate applying to the proposed development, which passed the minimum requirements for water, thermal comfort and energy. The proposal is considered to satisfy the Matters for consideration and the policy.

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

Nil applicable.

Draft Coastal Management SEPP

The draft Coastal Management SEPP applies to the site. The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas:

- Coastal wetlands and literal rainforests area (Coastal wetlands and Literal rainforest 100m buffer).
- Coastal environment area (water).
- Coastal use area (100m buffer above mean high water mark).
- Coastal vulnerability area (Coastal Hazard).

The site is identified as being within the 'Coastal Use Area'. The Coastal Use Area is land adjacent to coastal waters and the like, and needs protection through permitting appropriate development, adequate public open space, and avoiding adverse impacts of development on cultural and built environment.

The proposed development is considered to address the public interest criteria by not impacting on public access to foreshore areas, does not create overshadowing, wind funnelling or impede views from public places, is not visible from the coast, will not impact on Aboriginal cultural heritage or the surf zone. The site is located approximately 250 metres from the nearest coastal water and therefore is considered not likely to conflict with the Draft Coastal Management SEPP.

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

Tweed Development Control Plan

Comment

Section A1 – Tourist and Residential Code Part A

The proposal is considered to be generally in accordance with Section A1 Part A with three variations to the Plan being sought as discussed below. The following variations are considered to be acceptable on merit to warrant a recommendation for approval.

- 3. Building Envelope Controls
 - 3.1 Setbacks

Controls

C1. The minimum setback from the street and rear boundary for a dwelling is to comply with Table 3 - Front and Rear Setbacks in DCP A1 - Part A (page 38).

Lot size	Minimum front setback - New Areas (for established and existing areas refer C2 below)	Minimum front setback to secondary street frontage on corner allotments	Minimum rear setback where the building is up to 4.5 metres in height	Minimum rear setback where the building is 4.5 metres in height or greater
less than 300m ²	3.5 metres	2 metres	3 metres	4.5 metres
at least 300m ² and less than 600m ²	4.5 metres	2 metres	4.5 metres	6 metres
at least 600m ² and less than 900m ²	6.0 metres	3 metres	4.5 metres	8 metres
at least 900m ² and less than 1500m ²	6.0 metres	3 metres	5 metres	12 metres
at least 1500m ²	8.0 metres	5 metres	10 metres	15 metres

Rear setback variation

Assessment:

As the lot size is 607m², with a building height of greater than 4.5m an 8 metre rear setback is required. The development provides a 5 metres rear setback. The Applicant states, *“the proposal includes a proposed strata subdivision that provides for two lots of 208.59m² and 215.84m² respectively and 182.57m² of common property. Lots of less than 300m² are permitted a 3.0m rear setback (up to 4.4m building height) and 4.5m rear setback (where building height is greater than 4.5m). A rear setback of 5.0m has been proposed. The proposed development is considered compliant.”*

Council officers do not agree with the Applicants interpretation. When approving a duplex development the applicant has two choices. The first is to treat each proposed strata lot as its own lot which would then result in two front setbacks, two rear setbacks and four side boundaries. The second is for the one existing lot to be treated as a development lot where there is only one front, rear and two side boundaries. But the applicant cannot switch between the two scenarios to get a further concession (you are either assessing the application as one lot or two).

The applicants' interpretation is asking for one concession but not assessing the rest of the development in the same manner.

However, the proposed rear setback is considered acceptable on merit alone by providing an area for private open space for the proposed Unit 2 that contributes to the rear lot landscape pattern and landscape zone, and maintains privacy to the rear property (with the addition of timber screening to balcony areas that face the rear of the site). Therefore whilst the applicants' justification is not concurred with, the proposed outcome is considered acceptable on merit.

Side Setbacks

Controls

C18. Where opening doors of living rooms face the side boundaries the living room is to be setback a minimum of 4m from the side boundary. This setback may be required to be appropriately screened to minimise overlooking and privacy impacts.

Assessment:

Side setback/living room variation – 4m required 3.5m proposed.

The opening doors of the rumpus rooms located on the ground floor are setback 3.5 metres from side boundary. This is also consistent with the lounge rooms located on the first floor (3.5 metre setback). The Applicant has amended the plans to include additional privacy screening to the first floor and second floor (adjacent to the higher use areas). In addition the alfresco areas located adjacent to the lounge areas on the first floor have a depth of 1.98m which is considered

small in depth reducing the usability of the area and therefore less likely to create privacy impacts on the neighbouring property.

The 1.8m high timber paling boundary fence is considered to provide adequate privacy between both properties on the ground level.

The side setback/living room variation is considered acceptable.

C19. External living areas adjoining side boundaries are to be setback a minimum of 900mm from the side boundary. This external living area may be required to be appropriately screened and/or the setback increased where there may be overlooking and/or privacy impacts.

The development proposes external living areas adjoining the side northern boundary at all three levels. The ground floor decks are setback 1.3m combined with the 1.8m high timber paling fence is considered to maintain privacy between the two properties.

The first floor alfresco areas are setback 1.5m, the applicant amended the plans to include privacy screening adjacent to the high use areas of the alfresco areas. These privacy screens are also provided to the second floor balcony areas. The proposed screening to these areas combined with the 1.5m setback is considered to provide an acceptable level of privacy between the two properties.

3.2 Building Height

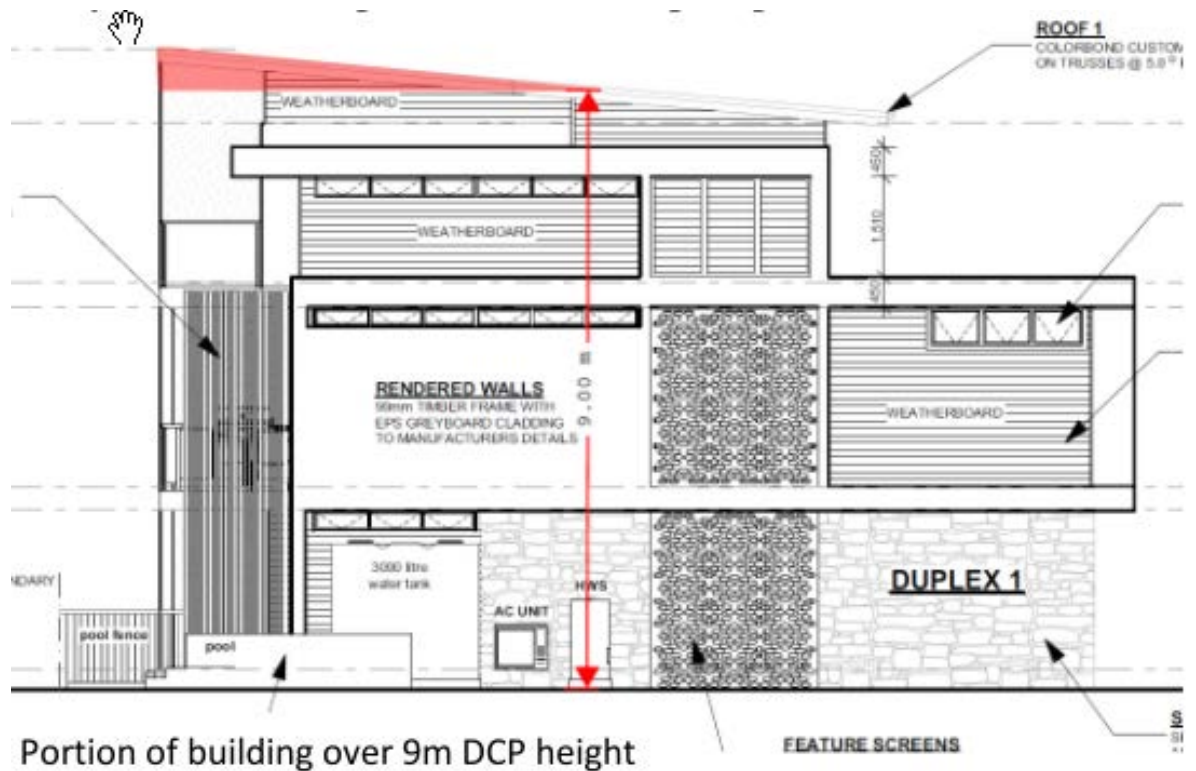
Controls

C1. The overall building height is 9 metres, except on slopes of greater than 12 degrees (21.25%) where the building height may be a maximum of 10 metres.

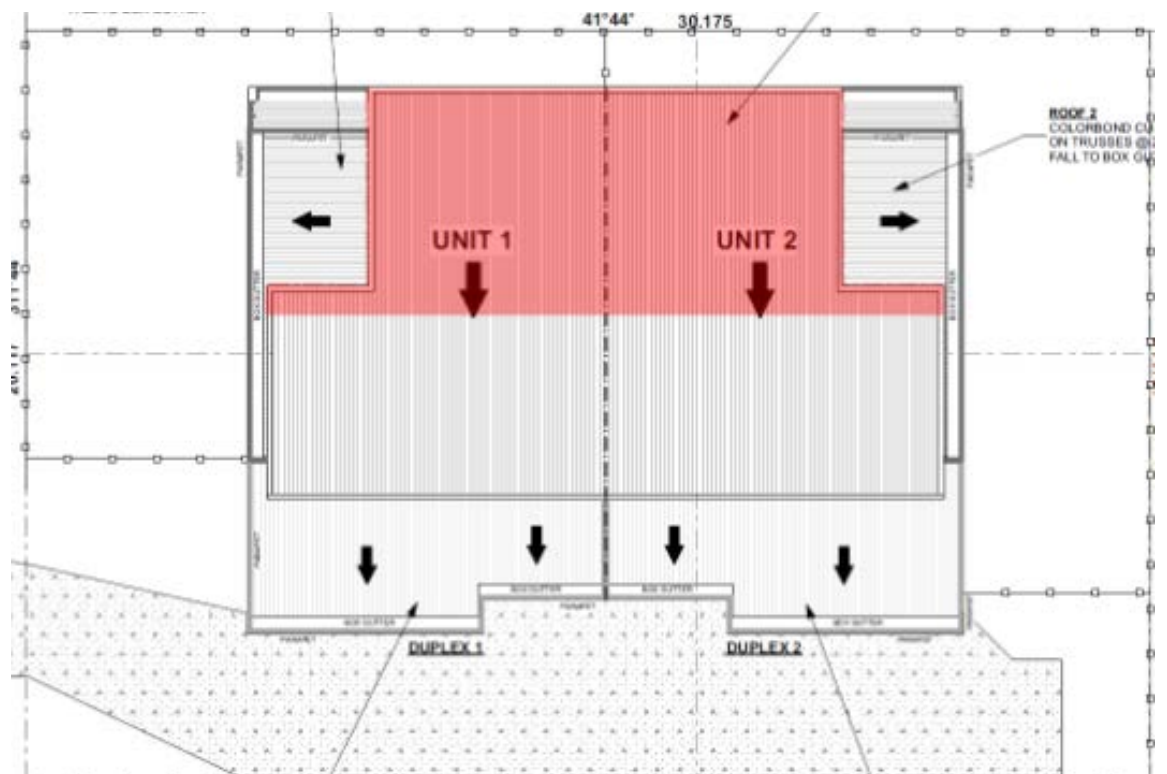
Assessment:

The site has a building height limit of 13.6m in accordance with the Tweed LEP 2014, however the DCP recommends a height of 9m. The development proposes a portion of the building height of 9.655m, therefore a variation of 0.655m is proposed.

The proposed height variation against the DCP is considered to be acceptable and unlikely to create significant impacts that would warrant a maximum height of 9m. The image below illustrates in Red the extent of the variation, due to the Skillion roof design, which is considered to be minor and unlikely to create any impacts on the adjoining properties by way of overshadowing or a noticeable impact on the streetscape.



Portion of building over 9m DCP height



The height variation is located in the northern portion of the site setback 12.3m from the southern boundary. The variation has a length of 12.6m in the centre of the building within the middle of the site, further reducing potential impacts on adjoining properties or streetscape. The variation will not create an overshadowing impact on the neighbouring properties.

For the above reasons the variations are considered to be acceptable in this instance.

Section A2 – Site Access and Parking Code

DCP A2 provides for the consideration of on-site access and vehicle and bicycle parking, to ensure that sufficient facilities are provided and the road network is not compromised, whilst ensuring consistency with ESD principles.

Access

The proposed development is to result in the provision of vehicular access to Pearl Street. The site has a frontage of 20.117m with a proposed access width of 4m at the curb, proposal is considered acceptable in this regard.

A standard condition of consent would be applied which requires a S138 approval for this access would be applied in the event of approval of this application.

Parking

When considering the parking requirements within Section A2, dual occupancy developments are to be provided with one space per dwelling plus provision for the parking of another vehicle in the driveway (i.e. two spaces per dwelling). Based on that requirement, the proposed development is required to have a total of four car parking spaces on site. The development provides a double garage for each unit which complies with this requirement. Bicycle parking and loading areas are not required for dual occupancy developments, however there would be adequate room onsite or within the garage areas for the storage of bikes.

The requirements of DCP Section A2 are considered satisfied.

A3-Development of Flood Liable Land

The site is identified as NOT being affected by the Q100, and is also not a floodway or high hazard flood storage area, however the site is identified as being affected by the PMF. The nearest Q100 is 3.3mAHD with the site having a RL of approximately 5.5mAHD and FFL of 5.8mAHD. In accordance with A3 dual occupancy development is exempt from the PMF requirements.

Given the above, the development is considered to be appropriate and not likely to risk life and property to flooding. Therefore the proposal is considered to be consistent with the policy.

Section A15-Waste Minimisation and Management

Council's DCP Section A15 aims to minimise the generation of construction/demolition waste and facilitate effective ongoing waste management practices consistent with the principles of Ecologically Sustainable Development. It is considered appropriate that a standard condition be applied requiring that all waste shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management. As such, the proposal is considered to be

acceptable having regard to waste management and the provisions of this Section of the DCP.

Section A11 – Public Notification of Development Proposals.

In accordance with Section A11, the application was considered notified development and was exhibited for a period of fourteen (14) days from Wednesday 20 September 2017 to Wednesday 4 October 2017. Seven submissions were received these are addressed later within this report.

B4-West Kingscliff

Tweed Development Control Plan 2008, Section B4 applies to the subject land.

The aims of the policy are:

- *to set out objectives for the development of West Kingscliff;*
- *to provide detailed guidance to those wishing to develop within the West Kingscliff area and to indicate Council's policies with respect to that development;*
- *to provide guidelines for determination of the merits of developments within West Kingscliff as required by Section 90(1)(a) of the Environmental Planning and Assessment Act, 1979.*

The proposed development is consistent with the general development principles of the DCP including Sections A1, A2 and A3 of DCP 2008.

The site is not subject to the sewerage treatment plant buffer area and does not include land which has been identified for dedication as drainage reserve. Appropriate developer contributions will be made for open space.

The proposed development is considered to be consistent with the relevant controls of Section B4.

B9-Tweed Coast Strategy

Section B9 provides a broad overview of major strategic planning issues relevant to the Tweed Coast. This proposal does not contravene the intended urban structure, centres hierarchy or design principles of this plan.

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

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

The proposal is not considered to be inconsistent with the Policy.

Clause 92(1)(b) Applications for demolition

The existing dwelling is proposed to be demolished as part of this application. Council officers have recommended a condition requiring compliance with AS2601-2001. No implications are expected.

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 primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

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

Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is assessed as being generally consistent with the objectives of the Management Plan.

Tweed Coast Estuaries Management Plan 2004

As the subject site is not located in proximity to either the Cudgen, Cudgera and Mooball Creeks to which this plan relates, this Plan is not considered relevant to the proposed development.

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

As the subject site is not located in proximity to either the Cobaki or Terranorra Broadwater to which this plan relates, this Plan is not considered relevant to the proposed development.

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

Context and Setting

The proposed development is not considered to have any significant unreasonable impact upon the residential amenity of the occupants of adjoining

properties. The proposal is considered reasonable and appropriate, given the site is located within an urban area zoned for residential use. The proposal is not considered to negatively impact the establishing character of the area, and is consistent with developments of a similar nature within the locality.

Construction

The construction of the proposed development will be subject to standard conditions being included on any consent issued. The development phase of the proposal will present some interruption to the ambience of the surrounding area but this is only temporary in nature and it is considered that potential amenity impacts can be adequately ameliorated through appropriate conditions of consent.

Water

The subject lot has an existing 20mm diameter water service connection to Council’s 100mm diameter CICL water main located on the Northern verge of Pearl Street. As this proposal is for a strata subdivided dual lot occupancy the applicant is required to submit an ‘Application for Water Service Connection’ so that each dwelling has an individual service and can be individually metered.

Sewer

There is an existing sewer junction to the 150mm diameter AC sewer line in Pearl Street approximately 18m to the East of sewer manhole E/1. Both of the proposed dwellings are to connect to this sewer junction, noting that only one sewer junction to Council’s public sewer infrastructure is permitted in this approval.

(c) Suitability of the site for the development

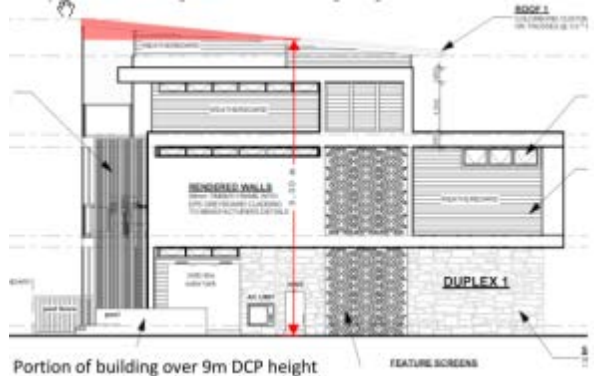
Surrounding Landuses/Development

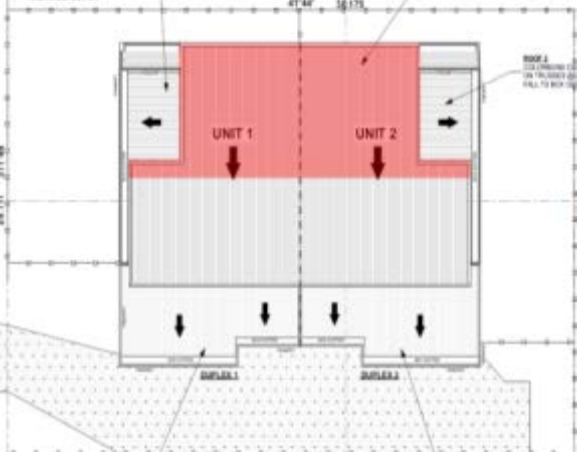
The subject site is located within an existing residential area, is regular in shape and relatively flat. The site is relatively unconstrained and with essential services currently available to cater for the proposed dual occupancy.

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

The application was on exhibition for a period of 14 days from Wednesday 20 September 2017 to Wednesday 4 October 2017. Council received seven submissions which are detailed below.

Summary of Submissions	Response
1. Increased usage of easement – right or footway. The occupants of 150 Marine Parade raised objection to the increase use of the pedestrian easement due to the increase in the number of	As detailed in this report it is Council’s assessment that No. 71 Pearl Street can be re-developed with the benefitting easement still benefitting both lots created by the proposed development

<p> dwellings from one to two. Such impact was related to privacy and loss of amenity for the residents at 150 Marine Parade.</p>	<p>The applicant attempted to address this objection by amending the plans to relocate the self-closing gate for access to the easement from the previous position being in common property at the end of the driveway area, to now being within the private area of the proposed Unit 2. However, Council staff are of the view that the proposed Unit 1 could also install a gate at the rear of the common property to gain access to the legal right of way, if they choose to.</p> <p>Council are of the view that Council cannot abolish or restrict the existing easement (despite the subject application). This is a civil matter that could be challenged in the Courts, therefore the objection is not considered to warrant further amended plans or refusal in this instance.</p>
<p>2. Building height – the proposed building height is 9.655m, within Section A1 prescribing a height limit of 9m and the Tweed LEP 2014 prescribing a height limit of 13.6m.</p>	<p>The proposed building height is significantly below the permitted height under the LEP and only marginally above the height under the DCP (exceeds by 0.655m).</p> <p>The plans below illustrate the amount of variation proposed, in Red. It is considered that the variation is minor in height and amount (i.e. not the entire roof area, due to the Skillion style) and will not create an impact in terms of overshadowing or privacy on neighbouring properties or the streetscape.</p>  <p>Portion of building over 9m DCP height</p>

	 <p>This objection does not warrant amended plans or refusal.</p>
<p>3. Site density - the increased density creates unreasonable privacy and noise.</p>	<p>Site density is measured by using floor space ratio. The site has an allowable FSR of 2:1, with the development generating a FSR of 1.12:1. The developments site density is less than the permitted level and the proposal is considered not to create an unacceptable level of privacy or noise impact on adjacent properties.</p> <p>This objection does not warrant amended plans or refusal.</p>
<p>4. Overlooking to No. 150 Marine Parade and No. 73 Pearl Street.</p>	<p>It is considered that there is no privacy impact on the rear property located at No. 150 Marine Parade, as windows are high set or relate to areas that contain internal stairs, and plans hve been amended to provide privacy screening on the balcony areas facing No. 150 Marine Parade.</p> <p>The privacy impact on No. 73 Pearl Street is considered to be acceptable. The Applicant amended the plans to provide additional privacy screens to the high use areas on balcony areas.</p> <p>This objection does not warrant amended plans or refusal.</p>

(e) Public interest

The proposed development does not present any issues that are considered to be contrary to the broader public interest as the development is generally in accordance with the planning controls which apply to the site.

OPTIONS:

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with reasons for refusal.

Option 1 is recommended.

CONCLUSION:

The proposed development is considered suitable for the site as it is a permissible form of development and the relevant planning considerations have been taken into account in the assessment of the application. The proposed development does not present any issues that are considered to be contrary to the public interest and generally aligns with the applicable development legislation, as outlined in this assessment report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

27 [CNR-CM] Draft Community Development Operational Planning and Strategies

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator Advocate Leader

SUMMARY OF REPORT:

The Community Development team is tasked with policy and strategy development, programming and advocacy for the following focus areas:

- Young people, people with disabilities, older people, women, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds and people from diverse sexualities.
- Physical assets including Community Centres, buildings with Community Organisations as tenants and public art.
- Community needs such as homelessness, community safety, domestic violence and cultural development.

A suite of strategies currently guide work in the Community Development area. However the current suite does not cover all focus areas. Best practice has changed and it is no longer recommended to create a discrete strategy and plan for each focus area. Therefore it is proposed the Youth Strategy and Action Plan (2013-17) will not be redeveloped. Instead a Community Development Strategy be developed that covers a broader spectrum of focus areas with actions based on multiple community needs and priorities.

The Community Development Strategy is proposed to contain actions which address the needs of young people, older people, women, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds and people from diverse

sexualities. In addition, it will cover the actions under the Community Infrastructure Framework relating to community facilities and address issues such as homelessness, community safety and domestic violence.

We will develop the new strategy by reviewing existing consultation and research data and extensive consultation with the Community.

It should be noted not all current strategies will be rolled into the new Community Development Strategy and the following strategies will remain as standalone.

- Access and Inclusion Plan (2014 –18, with 2018 – 2021 version in development)
- Reconciliation Action Plan (2018 – 2020)
- Cultural Plan (2018 -2021)

RECOMMENDATION:

That:

- 1. Council notes the preparation of the overarching Draft Community Development Strategy which will replace the Youth Strategy and Action Plan (2013-2017) and in the development of the Strategy it will incorporate other social justice groups as outlined within this report.**
- 2. Councillors be invited to be key contributors and to collaborate with the Community Development team on the community consultation and development of the Community Development Strategy.**
- 3. Council further notes the funding for this Strategy in the amount of \$45,000 is funded from the 2017/2018 recurrent budget A1629 Youth Strategy and A2372 Age Friendly Plan.**

REPORT:

Community Development and the Community Strategic Plan (CSP)

Community Development is one of the service streams within the Community and Cultural Services Unit.



The Community Development team is tasked with policy and strategy development, programming and advocacy for the following focus areas:

- Young people, people with disabilities, older people, women, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds and people from diverse sexualities.
- Physical assets including Community Centres, buildings with Community Organisations as tenants and public art.
- Community needs such as homelessness, community safety, domestic violence and cultural development.

Community Development works closely with the other teams in the unit, other units within Council and external networks, organisations and individuals.

We do this through:

- Partnering with community to maintain suitable community buildings and facilities
- Community education and engagement to address diverse community needs and emerging issues
- Advocacy and support for community access and inclusion
- Supporting community groups to build their capacity to meet community needs
- Applied research to identify and address gaps in current and future needs for all age groups, diversity and abilities, and associated policy and strategy development
- Community sponsorship and grants
- Partnering with external agencies and organisations to obtain grants and matched funding.

There are 7.7 full time equivalent council staff that have primary responsibility for providing this service. In addition, approximately 100 volunteers assist with the management of community facilities and provide advice through advisory committees.

Community Development current operational plans

The team is currently guided by a suite of policies, strategies and action plans that have been developed over time to address these focus areas.

Figure 1.0

Focus Area	Example	Existing policy / strategies / Frameworks	Existing Action plans
Population groups	<ul style="list-style-type: none"> • Young people • People with disabilities • Older people • Women • Aboriginal and Torres Strait Islander people • People from culturally and linguistically diverse backgrounds • People from diverse sexualities 	<ul style="list-style-type: none"> • Access and Inclusion Policy (Adopted 2014) • Youth Policy (Adopted 2008) • Age Friendly Community Policy (Adopted 2015) • Aboriginal Statement (Adopted 2007, update in progress) 	<ul style="list-style-type: none"> • Access and Inclusion Plan (2014 -2018) • Reconciliation Action Plan (2018 -2020) • Youth Strategy (2013 - 2017)
Location / Built form	<ul style="list-style-type: none"> • Access advocacy and advice • Community demographics and social trends • Community infrastructure planning • Community buildings management • Public art 	<ul style="list-style-type: none"> • Place Making and Public Art Policy (Adopted 2014) • Community Infrastructure Framework (CIF) (Adopted 2014) • Community Centres Management Principles (Adopted 2016) • Community Halls Policy (Adopted 2015) • Developer Contributions and Developer Charges for Community Organisations Policy (Adopted 2018) 	<ul style="list-style-type: none"> • Planning under Community Infrastructure Framework. (2014 - Ongoing)
Social Issues / services	<ul style="list-style-type: none"> • Homelessness • Community safety • Domestic violence • Capacity building • Cultural development 	<ul style="list-style-type: none"> • Community sponsorship policy (Adopted 2016) • Cultural Plan (Adopted 2017) • Homelessness Policy (Adopted 2015) 	<ul style="list-style-type: none"> • Cultural Plan (2018 -2021)

Community Development operational planning review

Some focus areas have dedicated strategies, plans and associated resources whilst others have been addressed as needs or issues arise in the community. This has led to some focus areas that do not have a dedicated plan. Best practice has changed and it is no longer recommended to create a discrete strategy and plan for each focus area.

Therefore it is proposed the Youth Strategy and Action Plan (2013-2017) will not be redeveloped. Instead a Community Development Strategy be developed that covers a broader spectrum of focus areas with actions based on multiple community needs and priorities.

The Community Development Strategy is proposed to contain actions which address the needs of young people, older people, women, Aboriginal and Torres Strait Islander people,

people from culturally and linguistically diverse backgrounds and people from diverse sexualities. In addition, it will cover the actions under the Community Infrastructure Framework relating to community facilities and address issues such as homelessness, community safety and domestic violence.

Planning Approach for Community Development Strategy

The Department of Premier and Cabinet, Local Government provides a suggested approach to planning by answering the following key questions:

Where are we now?
Where do we want to be in 10 years' time?
How will we get there?
How will we know we have arrived?

This approach was used to develop Tweed Shire Council's CSP. Therefore it is an advantage to develop new strategies using the same methodology.

Attachment 1 provides a list of contributing plans, policies and advisory committees identified to date which will form the starting point for answering the question - 'where are we now?' This will form the basis of a needs assessment which will be used to inform the community of key information in the subsequent consultation phase.

Operational planning steps and resourcing

The approach will ensure existing consultation data from the CSP and other recently consulted strategies is reviewed, existing research identified and service planning is undertaken with the Community Development team, community members and interested nominated Councillors.

This approach will prevent the need to engage in research that already exists and make efficient use of available resources.

This information will also be made widely available to the community on an ongoing basis, through downloadable 'snap shots' available on the Council's internet site.

It is envisaged the consultation phase will take a deliberative consultation approach (subject to alignment with the Councils' Community Engagement Policy). This will allow the community to raise and understand community issues, identify partnering opportunities, understand resource constraints, and assist to prioritise actions for the next four years.

Other Strategies that will remain

It is not recommended that all current strategies will be rolled into the new Community Development Strategy. The following strategies will remain as standalone.

- **Access and Inclusion Plan (2014 - 18, with 2018 - 2022 version in development)**
The Disability Access Inclusion Plan is mandated for Local Governments under the *NSW Disability Inclusion Act 2014* and has strict timeframes for completion. It is therefore not recommended to become part of the Community Development Strategy at this time and will remain stand alone.

- **Reconciliation Action Plan (2018 - 2020)**

The RAP is primarily focused on actions that Council as an organisation can implement to ensure interactions between Council and the community advance reconciliation. The RAP does not necessarily address the full scope of focus areas for the whole community that a Community Development Strategy covers. It is therefore recommended that the RAP remains a standalone plan for Council and that Aboriginal and Torres Strait Islander people are also included as a focus area in the Community Development Strategy.

- **Cultural Plan (2018 - 2021)**

The Cultural Plan has recently been developed and began implementation in January 2018. The Cultural Plan has a focus on similar areas as the Community Development Strategy but from a cultural perspective. Given the high social and economic impact cultural activities have in the Tweed and the different stakeholder relationships and Council services that contribute to the Cultural Plan it is recommended that it remains a standalone plan.

Community Development and Community Buildings

The Community Infrastructure Framework (CIF) adopted in October 2014 is used to guide how we manage and plan for community buildings. The buildings identified by the CIF are one of the resources used to meet community needs.

It is recommended that as part of the Community Development Strategy consultation the future use of buildings to meet identified needs is included.

OPTIONS:

1. Council receives and notes the approach for Community Development operational planning and subsequent draft Community Development Strategy to replace the Youth Strategy and Action Plan (2013-2017).

and

2. Councillors be invited to be key contributors and to collaborate with the Community Development team on the community consultation and development of the Community Development Strategy.

and

3. Council endorses the budget of \$45,000 funded from the 2017/2018 recurrent budget A1629 Youth Strategy and A2372 Age Friendly Plan.

or

4. Council requests additional information regarding Community Development Operational Planning and subsequent Community Development Strategy.

CONCLUSION:

The Community Development team is tasked with servicing a diverse community and is required to use resources strategically to address important, emerging and sometimes conflicting community issues. In order for the Community Development team to ensure a fair, equitable and efficient service a review of current and future community needs, policies and strategies is required.

At present there are many population groups and social issues that do not have a dedicated plan. It is therefore envisaged the review will recommend subsuming the Youth Strategy and Action Plan (2013-2017) into a wider overarching Community Development Strategy with actions based on researched and consulted community needs and priorities.

This will provide the Community Development team with the following strategies to guide their work over the next few years:

- Community Development Strategy (New)
- Access and Inclusion Plan (2014 –18, with 2018 – 2021 version in development)
- Reconciliation Action Plan (2018 – 2020)
- Cultural Plan (2018 -2021)

And the retirement of the Youth Strategy and Action Plan (2013-2017).

COUNCIL IMPLICATIONS:

a. Policy:

A number of policies will influence and potentially be reviewed as part of this process. Please see figures 1.0 and 2.0 above and Attachment 1.

b. Budget/Long Term Financial Plan:

A number of the services have been operating using rollover funds from C2009 when the last Social Plan was developed.

As part of the strategy development the budgets will be reviewed against priorities and community needs.

Budget is required from the 2017 / 2018 year to engage a dedicated Project Facilitator to develop the plan. This will ensure business as usual can be maintained during its development which is essential given the continuing impact from the March 2017 flood.

Budget of approximately \$45,000 would be funded from the 2017 / 2018 recurrent budget A1629 Youth Strategy and Action Plan (current balance of \$43,000) and A2372 Age Friendly Community Policy (current balance of \$11,000).

c. Legal:

Not applicable

d. Communication/Engagement:

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

Consult-We will listen to you, consider your ideas and concerns and keep you informed. Community consultation will be conducted as part of the development of this operational and

strategic plan. The design of this consultation will be guided by Council's Community Consultation Strategy and the literature review. However, it is envisaged that a variety of engagement channels will be utilised including Community Round Tables and Deliberative Consultation processes. A detailed consultation process will be developed as part of this project and consultation is planned to take place mid to late 2018.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. 'Where are we now?' - List of contributing plans, policies and advisory committees (ECM 5124814)

28 [CNR-CM] Richmond Tweed Regional Library 2018-2019 Budget and Fees and Charges

SUBMITTED BY: Community and Cultural Services

nhm



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

ROLE: Provider

SUMMARY OF REPORT:

The Richmond Tweed Regional Library (RTRL) Committee met on 2 March 2018 and endorsed in principle the draft 2018/19 Budget and Fees and Charges. This report is to present the draft Budget and Fees and Charges for Tweed Shire Council's consideration. Council's decision on the budget will be conveyed to the RTRL Committee meeting in May 2018 for consideration and endorsement. The budget is then forwarded to the Executive Council, Lismore City Council for final approval.

The member contribution for Tweed Shire is proposed to increase by \$87,900 or 3.8% to \$2,399,900.

RECOMMENDATION:

That Council endorses:

- 1. The 2018/19 Budget contribution to the Richmond Tweed Regional Library of \$2,399,900.**
- 2. The proposed 2018/19 Fees and Charges attached to this report and publishes them in the Tweed Shire Council Schedule of Fees and Charges 2018/19.**

REPORT:

The Richmond Tweed Regional Library (RTRL) Committee met on 2 March 2018 and endorsed in principle the draft 2018/19 Budget and Fees and Charges. This report is to present the draft Budget and Fees and Charges for Tweed Shire Council's consideration. Council's decision on the budget will be conveyed to the RTRL Committee meeting in May 2018 for consideration and endorsement. The budget is then forwarded to the Executive Council, Lismore City Council for final approval.

The Manager Finance for the RTRL and Executive Council reported to the Committee (Attachment 1 to this report) on the proposed 2018/19 Budget. The draft Budget and Fees and Charges has been prepared based on 2017/18 service levels with significant variations noted.

The changes of note in the Finance report are:

- The development of the Strategic Plan for 2018/19 is recommended as a one-off cost to be funded by a reduction in the funding for Library Resources (Books, DVD's, & CD's) instead of increased Member Council contributions. The Library Resources funding is proposed to be fully reinstated in future years.
- The Fingal Mobile Library stop was discontinued in February 2017 to accommodate the mobile stopping at the Tweed Heads Library as an additional service during the construction of the library. This stop has very low utilisation and the community has close access to both the Kingscliff and Tweed Heads Libraries. This mobile stop will not be reinstated and this represents a reduction in Tweed Council's contributions to the mobile library. This represents a small reduction in the Tweed Shire contribution to the budget of -1.1% which has been redistributed to the other member Councils.

The member contribution for Tweed Shire is proposed to increase by \$87,900 or 3.8% to \$2,399,900.

OPTIONS:

1. That Council endorses the 2018/19 Budget contribution to the RTRL of \$2,399,900 and, endorses the proposed 2018/19 Fees and Charges attached to this report for publication in Tweed Shire Council's Schedule of Fees and Charges 2018/19.
2. That Council requests further information on the proposed Budget and Fees & Charges 2018/19.

CONCLUSION:

This is the first Budget to be considered under the Deed of Agreement that was signed by member Councils in November 2017. There are a number of significant reviews that are required under the agreement including a review of the Mobile Library Service, the development of a Strategic Plan and the adoption of formal Service Level Agreements, and a staff review. These actions will each contribute to the continued improvement of services, value for dollar for Tweed ratepayers and the sustainability of services within the limits of Council resources.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

2018/2019 Budget and Fees and Charges.

Council's Draft Budget allows for \$2,399,900 Member Council contribution to the Richmond Tweed Regional Library for 2018/2019.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

This is the first Budget to be considered under the Deed of Agreement that was signed by member Councils in November 2017. There are a number of significant reviews that are required under the agreement including a review of the Mobile Library Service, the development of a Strategic Plan and the adoption of formal Service Level Agreements, and a staff review. These actions will each contribute to the continued improvement of service, better value for dollar for Tweed ratepayers and the sustainability of services within the limits of Council resources.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Finance Report on 2018/19 Budget and Fees & Charges to RTRL Committee 2 March 2018 (ECM 5130798)
Attachment 2.	2018-19 Draft RTRL Member Council Contribution (ECM 5130927)
Attachment 3.	2018-19 Draft RTRL Budget (ECM 5130971)
Attachment 4.	2018-19 Draft RTRL Fees & Charges (ECM 5130979)

29 [CNR-CM] Aboriginal Advisory Committee 20 Year Commemoration

SUBMITTED BY: Community and Cultural Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Advocate

SUMMARY OF REPORT:

This report is to inform Council of the 20th Anniversary of the inaugural Tweed Shire Council Aboriginal Advisory Committee (AAC) meeting, which was held on the 2 April 1998 at Tweed Heads Civic Centre. To mark this important milestone Council is preparing with the AAC, activities and events which acknowledge and celebrate this significant achievement.

The AAC provides valuable advice and information on behalf of the Tweed Aboriginal community to Council on Cultural Heritage matters, community consultation, policy development and strategic advice.

For the past 20 years the AAC has continued to meet on a monthly basis with four of the original Committee members still current active members today. The commitment and ongoing support of the organisations to provide delegates (at their cost) each term of Council is acknowledged.

Council's Community and Cultural Services Unit is taking a leading role in organising events to mark this important occasion. In consultation with the AAC celebrations currently being planned include:

1. Members of the AAC to address Council during community access on the 22 March 2018.
2. Reconciliation Action Plan launch on Wednesday 30 May 2018 to coincide with Reconciliation Week 2018.
3. A community event to be held on Tuesday 10 July 2018 to coincide with NAIDOC week to highlight the AAC's achievements.

Invitations to all events will be forwarded to current and past members of the AAC, Councillors, the Executive Leadership Team, the RAP Working Group and key staff.

RECOMMENDATION:

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.**

REPORT:

This year marks the 20 year anniversary of the inaugural meeting of the Aboriginal Advisory Committee (AAC) which was held on the 2nd April 1998. Previously members of the Tweed Aboriginal community had advocated for many years for a stronger voice within Council, particularly on issues which affect the Aboriginal community.

A public meeting was held on Wednesday 11 February 1998 at Kingscliff Amenities Hall with 21 people attending, the majority from the Aboriginal community.

At the meeting those present were asked to indicate if they wished to proceed with the formation of a Council Aboriginal Advisory Committee. After further discussion it was agreed that Council should proceed to establish the Committee and those present asked to assist with the development of the Committee structure and Terms of Reference.

At the Council meeting held on 4 March 1998, Council resolved to:

1. *Formally proceed to create an Aboriginal Advisory Committee.*
2. *Confirms that the Mayor and two other Councillors represent Council along with the Director Environment and Community Services or his representative and appropriate support staff.*
3. *Selects two other Councillors to represent Council, being Cr. Luff and Cr. Cooper*
4. *Appoints as interim Aboriginal Committee representation – Mark Lucas, Franc Krasna, Linda Compton, Geoff Compton, Elma Compton, Christine Morgan, Jackie McDonald, Janette Saunders, Kevin Hamilton, Des Williams, Leweena Williams, Desrae Rotumah and Julie Nagle.*
5. *Holds the first meeting of the committee on 2 April 1998 at Tweed Heads Civic Centre commencing 7.00pm.*

The AAC provides valuable advice and information on behalf of the Tweed Aboriginal community to Council on Cultural Heritage matters, Community consultation, policy development and strategic advice.

Some of the notable achievements realised through advocacy or negotiation by the Committee include:

- Draft Aboriginal Cultural Heritage Mapping and Plan of Management
- Council's first Reconciliation Action Plan
- Goorimahbah concept planning
- Flying the Aboriginal and Torres Strait Islander flags at both Council Offices and Civic Centres
- Advocating for the Aboriginal liaison (previous) and the transition to the Aboriginal Community Development Officer role (present) in Council
- The Aboriginal Acknowledgement (policy) at Council meetings
- The Aboriginal Acknowledgement at the entry points to the Shire.

For the past 20 years the AAC has continued to meet on a monthly basis with four of the original Committee members still current active members today. The commitment and ongoing support of the organisations to provide delegates (at their not insignificant cost) each term of Council is acknowledged.

The represented organisations of the AAC are:

- Tweed Byron Local Aboriginal Land Council
- Tweed Aboriginal Co-operative
- Tweed Wollumbin Aboriginal Education Consultative Group
- Tweed Aboriginal Corporation for Sport
- Canowindra – Cedric House
- Australian Unity Home Care Services - North Coast Aboriginal Branch
- Bugalwena Aboriginal Health Services

Councillors and Council staff have also made a significant contribution to the AAC as delegates and in assisting with the Committee's functioning by providing advice, minute taking and report writing.

OPTIONS:

1. Council receives and acknowledges the report on the AAC 20 year celebrations update.
2. Council receives further information on the AAC 20 year celebrations.

CONCLUSION:

Council's Community and Cultural Services Unit is taking a leading role in organising events to mark this important occasion. In consultation with the AAC celebrations currently being planned include:

1. Members of the AAC to address Council during community access on the 22 March 2018.
2. Reconciliation Action Plan launch on Wednesday 30 May 2018 to coincide with Reconciliation Week 2018.
3. A community event to be held Tuesday 10 July 2018 to coincide with NAIDOC week to highlight the committee's achievements.

Invitations to all events will be forwarded to current and past members of the AAC, Councillors, the Executive Leadership Team, RAP Working Group and key staff.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The Aboriginal Advisory Committee represents a Council commitment to engagement with the Tweed Aboriginal community and is a significant committee for review, comment and advice on matters of importance to Council and the Tweed Shire community.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

30 [CNR-CM] Covenant of Mayors for Climate and Energy: Community Greenhouse Gas Emissions and Climate Hazards Report

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
- 1.1.4 Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.

ROLE: Leader

SUMMARY OF REPORT:

An assessment of major sources of greenhouse gas emissions from the Tweed community has been prepared and submitted to the carbonn Climate Registry as part of the Global Covenant of Mayors for Climate & Energy.

The emissions profile report suggests 880 kilotonnes of carbon dioxide equivalent (kt CO₂-e) greenhouse gases were attributable to community activities across the Tweed LGA in the 2015/2016 financial year, approximately 9 tonnes CO₂-e per person per year.

The largest source of emissions by sector in Tweed is electricity consumed by residential buildings and commercial facilities, accounting for 62% of total emissions. On-road transportation is responsible for 31% of emissions, solid waste accounts for 6% and emissions from wastewater 1%.

Council has also submitted information about key climate hazards for the Tweed and steps being taken to address these hazards.

RECOMMENDATION:

That Council receives and notes the Tweed Shire Community Greenhouse Gas Profile Report by Ironbark Sustainability and climate hazards outline supplied to the Global Covenant of Mayors for Climate & Energy.

REPORT:

Background

In April 2017, Council resolved to join the Global Covenant of Mayors for Climate & Energy. Over 7,500 municipalities representing more than 686 billion people worldwide participate in the alliance to promote and support voluntary action on climate change.

The covenant includes the following reporting requirements and timeframes:

1. Prepare a greenhouse gas emissions inventory for the local government area (LGA) consistent with the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC), to be reported within one year or less (April 2018)
2. Detail the climate hazards faced by the LGA, to be reported within one year or less (April 2018)
3. Set a target to reduce greenhouse gas emissions, to be reported within two years or less (April 2019)
4. Assess the climate vulnerabilities faced by the LGA, to be reported within two years or less (April 2019)
5. Plans to address climate change mitigation and adaptation, to be reported within three years or less (April 2020).

This report summarises Council's response to its first two reporting obligations.

Greenhouse gas emissions profile for Tweed – funding and methodology

Upon joining the covenant, Council received a grant of \$2,000 from ICLEI Oceania to part-fund Ironbark Sustainability consultants to calculate the greenhouse gas emissions profile for the Tweed LGA.

Ironbark Sustainability followed the GPC. State-based emissions figures for electricity, transport fuel and waste have been scaled down to a local level. Wastewater emissions were sourced from Council's Water Unit reports to Department of Primary Industries – Water.

Tweed's emissions

880kt CO₂-e of greenhouse gas emissions were attributed to the Tweed community in the 2015/2016 financial year, according to Ironbark's calculations. Emissions from Council's own transport fuel, electricity use were 23 kt CO₂-e for the same period, or just over 2.5% of the Tweed LGA total.

Based on our current population, our community emissions are equivalent to 9 tonnes CO₂-e per person per year. The latest figures indicate a slight increase on the 8 tonnes CO₂-e per person per year when similar figures were calculated in 2003. The latest snapshot highlights an increase in absolute emissions of 39% from 541kt CO₂-e in 2003 compared to a 23% growth in population during the same time period.

Tweed's emissions are comparable to similar-sized Australian participants of the Global Covenant of Mayors. Byron Shire and Mandurah reported emissions equivalent to 8 tonnes of CO₂-e per person for their reporting year.

The largest source of emissions by sector in Tweed is electricity consumed by buildings and facilities, which accounts for 62% (541kt) of total emissions. On-road transportation is

responsible for 31% of emissions, solid waste accounts for 6% and emissions from wastewater 1%.

The reporting does not include air transport, agriculture and forestry emissions, nor sequestration of greenhouse gas emissions in soil or vegetation. The GPC therefore presents a partial picture of Tweed's emissions, not a comprehensive assessment of net carbon flows in the LGA.

Emissions inventory recommendations

In preparing the snapshot of our community emissions, the consultants note and recommend:

1. Council only has a limited amount of control and influence over many of the emissions sources. While Council can continue to advocate and assist the community to reduce emissions, a cross-sectoral approach including other levels of government is required for substantial emissions reductions.
2. The methodology is not comprehensive enough to provide a baseline upon which future targets and measurement of actions can be calculated.
3. Additional data collection and monitoring is recommended to inform and track the success of emissions reduction targets and actions.
4. Development of community-wide emissions reduction targets should use a 'science-based' methodology consistent with maintaining global average temperatures below a 2-degree increase.
5. Local action to reduce greenhouse gas emissions and be resilient to the localised effects of climate change should continue.

Climate hazard data reported

Details about climate hazards for the LGA have also been reported. Information has been sourced from the 2016 North Coast Integrated Regional Vulnerability Assessment and the 2009 Tweed Byron Climate Change Adaptation Action Plan.

The following challenges and action to address them in key sectors have been reported:

- Terrestrial ecosystems: threatened species recovery programs, habitat restoration, pest management, advocating for ecosystem protections in land use developments
- Coastal zone systems: sea level rise and inundation zones in land use planning processes and mapping, dune habitat restoration, advocating for protection of coastal habitat in land use developments
- Water supply systems: increasing the capacity of drinking water storage dam, raising weir level to prevent salt water intrusion from sea level rise
- Human health: new regional vector response plan in development to respond to potential events of new mosquito-borne human health concerns.

Reporting to carbonn

Tweed's community emissions profile and climate hazard data has been supplied to the carbonn Climate Registry, a publicly available platform for Covenant of Mayors participants.

Carbonn has not yet supplied details about when our data will be reviewed and available on the public website.

Next steps – target and action plan development

To meet the next phase of reporting requirements for the Global Covenant of Mayors a project brief will be prepared to outline next steps. Key priorities include:

- Improving the accuracy of Tweed's emissions: gathering localised data about electricity, waste, transport, industry and agricultural emissions, as well as sequestration estimates.
- Outlining the range of emissions reduction strategies that have been effective elsewhere, resources required for successful delivery and what emissions reduction targets could be achievable.
- Seeking community review and input to the range of potential strategies, resources and targets that the LGA should pursue.

The NSW Office of Environment and Heritage are establishing a North Coast Regional Adaptation project which will help Council meet its Covenant requirement to assess and report the climate vulnerabilities faced by the LGA.

OPTIONS:

1. Receive and note the Tweed Shire Community Greenhouse Gas Profile report from Ironbark Sustainability.
2. Do not receive and note the report and seek further information.

CONCLUSION:

The Tweed Shire Community Greenhouse Gas Profile report from Ironbark Sustainability complies with the Global Covenant of Mayor's requirement for a GPC Basic level report of participants' emissions totals and sources.

Council has also submitted information about key climate hazards for the Tweed and steps being taken to address these hazards.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable. The information from Tweed Shire Community Greenhouse Gas Profile report from Ironbark Sustainability will help revise Tweed's Local Action Plan for Greenhouse Gas Reduction.

b. Budget/Long Term Financial Plan:

\$3,000 was contributed from Council's Climate Change Fund to cover the cost of preparing the greenhouse gas emissions inventory.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Pending Council's acceptance of Ironbark's report and Carbon*n*'s review of our data, Council will use the details about greenhouse gas emissions and climate adaptation in

community engagement and education activities across a range of communications platforms.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Community Greenhouse Gas Profile Report (ECM 5100233)

31 [CNR-CM] Tweed Flying-fox Camp Management Plan

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
1.1.2	Bushland Management - To manage bushland on land owned and under the care and control of Council.

ROLE: **Provider** **Leader**

SUMMARY OF REPORT:

Council resolved in September 2017 to place the draft shire-wide Flying-fox Camp Management Plan on public exhibition. The public exhibition has been completed in accordance with the resolution and the outcomes are reported herein.

Seven submissions were received from individuals and organisations. A detailed analysis of the submissions, including how each issue has been addressed in the final plan, has been completed and is provided as an attachment to this report.

A range of relevant and useful issues were raised in the detailed submissions received. Some of the key issues included:

- Commendation for Council on the approach and initiative shown to develop a shire-wide camp management plan.
- Support for the objectives, comprehensive camp information and conservation strategy of the plan.
- Recognition of the importance of education and support for the education and engagement strategy within the plan.
- Recognition of the critical and unique opportunity presented by strategic land use planning to avoid creating situations of conflict by not locating residential development near existing flying-fox camps.
- Recommendations for further consideration of aboriginal cultural heritage and emergency work protocols.
- Concern that the plan does not adequately prioritise people affected by flying-fox camps and that the plan states a preference for the management of flying-fox camps in situ.
- Recommendations for increased buffer distances and increased use of buffer zones to reduce conflict between people and flying-fox camps.

- Recommendations for increased communication and prior notification of proposed management actions between Council and the local wildlife rescue and care group.
- Recommendations for additional actions to reduce flying-fox injury and mortality such as addressing barbed wire and fruit netting entanglement hotspots, including those at Council-managed facilities.

In addition, comments were received as a result of internal consultation with council staff and further changes were required to make the plan consistent with the NSW *Biodiversity Conservation Act 2016* as adopted on 25 August 2017.

The plan has been amended to reflect the input received during public exhibition and is recommended for adoption.

RECOMMENDATION:

That Council:

- 1. Adopts the Tweed Flying-fox Camp Management Plan 2018.**
- 2. Considers an item in the September 2018 quarterly budget review to provide a recurrent \$12,000 for implementation of the plan actions.**
- 3. Notes that additional funding assistance will be sought for the delivery of any large scale or specific additional actions required to achieve the aims of the plan.**

REPORT:

Background

There are currently 16 known active flying-fox camps in the Tweed Shire. All camps are seasonally variable in relation to the species present, number of animals present, area occupied and time of the year occupied. Two species of flying-fox generally occur in camps throughout Tweed Shire. The Grey-headed Flying-fox is listed as a vulnerable species under both Commonwealth and State legislation. The Black Flying-fox is protected by NSW wildlife legislation.

Flying-foxes play a critical role in the pollination and dispersal of forests including eucalypts and rainforest. They travel up to 30 km per night to feed and much greater distances during seasonal movements and are essential to the maintenance of healthy, productive forests.

Throughout their range, flying-foxes are known to establish camps in close proximity to human settlements. Where camps occur in locations that create nuisance, amenity or other impacts on humans, the availability of management actions that suitably reconcile environmental, economic and social interests are limited. There is also a range of public health issues associated with the presence of flying-fox camps in close proximity to human settlements.

In 2015 the NSW Office of Environment and Heritage (OEH) released the Flying-fox Camp Management Policy. The policy provides guidance to land managers to work with their local communities to manage the impacts of flying-fox camps on affected surrounding communities. The policy recommends shire-wide or regional camp management approaches to suitably address the landscape-scale movement of flying-foxes, seasonal relocation of camps and implications of management actions for humans and flying-foxes.

In April 2016, Council resolved to receive a report considering options for shire-wide management of flying-fox camps. In November 2016, Council resolved to prepare a plan that will provide a policy position in relation to flying-fox camp management and improve transparency, certainty and availability of information for the community, including those affected by flying-fox camps.

Council engaged consultants Ecosure to prepare the draft plan in accordance with the NSW Flying-fox Camp Management Policy. Funding assistance was provided by the NSW Government and supported by Local Government NSW.

The draft plan aims to facilitate efficient and timely response to manage community impacts from flying-fox camps where appropriate. The plan also provides a policy position in relation to flying-fox camp management in the Tweed Shire. This will improve transparency, certainty and availability of information for the community, including those affected by flying-fox camps.

The objectives of the draft plan are as follows:

- Support Council's ability to respond to community concerns regarding flying-foxes
- Ensure positive conservation outcomes for flying-foxes in the Shire
- Enhance community awareness and understanding of flying-fox ecology and behaviour
- Facilitate streamlined camp management approvals and actions where appropriate

Council resolved in September 2017 to place the draft shire-wide Flying-fox Camp Management Plan on public exhibition.

Public exhibition details

The public exhibition has been completed in accordance with the resolution and the outcomes are reported herein.

The draft plan was placed on public exhibition from 03 October 2017 until 28 October 2017, with a further 14 days for comments until 14 November 2017. Exhibition involved:

- Public notification of the exhibition period via the Tweed Link and the Tweed Shire Council website;
- Preparation and distribution of a media release and subsequent print, radio and online media articles including ABC North Coast and mygc.com.au;
- Specific notification of the exhibition to key stakeholders including NSW Office of Environment and Heritage (OEH), NSW Health, Tweed Valley Wildlife Carers (TVWC) and community members previously engaged in preparation of the plan and/or camp management issues;
- Three public information sessions at Kingscliff, Tweed Heads and Murwillumbah;
- Direct engagement through response to requests for further information or clarification; and
- Post-exhibition discussion with NSW OEH and TVWC to clarify issues identified in submissions.

Public exhibition outcomes

Seven submissions were received from individuals and organisations. A detailed analysis of the submissions, including how each issue has been addressed in the final plan has been completed, and is provided at Attachment 1.

A range of relevant and useful issues were raised in the detailed submissions received. Some of the key issues included:

- Commendation for Council on the approach and initiative shown to develop a shire-wide camp management plan.
- Support for the objectives, comprehensive camp information and conservation strategy of the plan.
- Recognition of the importance of education and support for the education strategy within the plan.
- Recognition of the critical and unique opportunity presented through strategic land use planning to avoid creating situations of conflict by not locating residential development near existing flying-fox camps.
- Recommendations for further consideration of aboriginal cultural heritage and emergency work protocols.
- Concern that the plan does not adequately prioritise people affected by flying-fox camps and that the plan states a preference for the management of flying-fox camps in situ.
- Recommendations for increased buffer distances and increased use of buffer zones to reduce conflict between people and flying-fox camps.
- Recommendations for increased communication and prior notification of proposed management actions between Council and wildlife rescue and care group.

- Recommendations for additional actions to reduce flying-fox injury and mortality such as addressing barbed wire and fruit netting entanglement hotspots, including those at Council-managed facilities.

In addition, comments were received as a result of internal consultation with council staff and further changes were required to make the plan consistent with the NSW *Biodiversity Conservation Act 2016* as adopted on 25 August 2017.

As detailed in Attachment 1, each comment has been considered and a response identified. The plan has been updated accordingly and is provided at Attachment 2 for consideration for adoption.

Priority actions

The following table presents the priority actions for implementation divided into those that can be delivered within existing resources and those that require additional funding. The actions that can be delivered within existing resources will be implemented by the Natural Resource Management and Environmental Health Units. The actions included to the table are those proposed to be delivered by December 2018. In addition, as per the management framework established under the draft plan, any new camps or significant change or expansion at existing camps will be assessed and outcomes implemented accordingly.

Table 1: Proposed Tweed Flying-fox Camp Management Plan actions for implementation in 2018

Theme	Action	Budget required	Proposed budget source
Education and communication	Design and install interpretive signage at flying-fox camps	\$2500 (5 signs)	FFCMP implementation budget
	Revise and update flying-fox information on Council website	Nil	Existing staff resources
	Publish camp monitoring data to Council website	Nil	Existing staff resources
	Implement specific actions in Table 4 of the plan in relation to Tyalgum Creek camp	Nil	Existing staff resources
	Design and commence implementation of an education strategy through a representative stakeholder community working group	\$1200	FFCMP implementation budget
	Publish species list of plants suitable for use to create buffers	Nil	Existing staff resources

Theme	Action	Budget required	Proposed budget source
Camp management	Notify airfield/airport managers of the location of flying-fox camps	Nil	Existing staff resources
	Consult with TSC Water Unit to evaluate opportunity, prepare site plan and commence site preparation to establish additional camp habitat at Tyalgum Creek	\$1500 (site planning) \$4500 (site preparation & fencing)	FFCMP implementation budget
	Assist landholder at Burringbar to identify and implement actions that reduce the risks to the adjacent residence.	\$1500	FFCMP implementation budget
Conservation	Establish annual schedule of meetings and data sharing with TVWC to assist management of heat stress events	Nil	Existing staff resources
	Continue quarterly monitoring of flying-fox camps	Nil	Existing staff resources
	Address barbed wire injury and mortality hot spots on Council managed facilities	\$750	FFCMP implementation budget
	Identify and implement opportunities to include suitable flying-fox food and roost plant species in ecological restoration projects that are located in low conflict situations	Nil	Existing staff resources
Total estimated costs		\$11,950	

The Tweed Flying-fox Camp Management Plan provides a comprehensive, strategic and risk based approach to the challenging issue of flying-fox camp management. Preparation of the plan has considerably improved Council's information resources and understanding of flying-fox conservation and camp management issues. The plan also provides a range of important information for the community including in relation to public health, detailed camp analysis and best practice management options.

OPTIONS:

1. That Council adopts the Tweed Flying-fox Camp Management Plan.
2. That Council does not adopt the Tweed Flying-fox Camp Management Plan.
3. That Council adopts the Tweed Flying-fox Camp Management Plan and seeks to identify an annual funding allocation of \$12,000 for implementation of the plan.
4. That Council adopts the Tweed Flying-fox Camp Management and does not identify an annual funding allocation for implementation of the plan, noting that this will limit implementation to those actions that can be delivered within existing staff resources.

CONCLUSION:

Council resolved in September 2017 to place the draft shire-wide Flying-fox Camp Management Plan on public exhibition. The draft plan was placed on public exhibition from 03 October 2017 until 28 October 2017, with a further 14 days for comments until 14 November 2017.

Seven submissions were received from a range of individuals and organisations. Detailed analysis of the submissions, including how the issues raised have been addressed in the final plan has been provided. The plan has been updated accordingly and is provided for consideration for adoption.

The Tweed Flying-fox Camp Management Plan provides a comprehensive, strategic and risk based approach to the challenging issue of flying-fox camp management. Preparation of the plan has considerably improved Council's information resources and understanding of flying-fox conservation and camp management issues. The plan also provides a range of important information for the community including in relation to public health, detailed camp analysis and best practice management options.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

There is no existing funding allocation for flying-fox camp management. Works to date, including preparation of the plan, have been funded by specific budget requests and through funding assistance (\$15,000) provided by the NSW state government.

As identified in Table 1, there are a range of priority actions that can be implemented utilising existing staff resources. Full implementation of the plan is reliant on the allocation of an operational budget for costs such as design and installation of interpretive signage, development of site action plans and basic vegetation management.

The actions proposed for implementation in 2018 require an additional \$12,000 funding. It is proposed that this amount be identified and allocated through the September 2018 quarterly budget review and for ongoing inclusion to the Long Term Financial Plan. Additional funding for larger scale or specific projects such as establishment of roost habitat will be sought through relevant grant funding.

The NSW government established a grants program to assist councils to manage flying-fox camps. The funding is administered by Local Government NSW and was the funding source that provided support for the plan development. There is currently no funding round open for the implementation of approved actions in flying-fox camp management plans. If this stream of funding is made available again, grants of up to \$50,000 are available, subject to assessment criteria and a matching funds contribution (cash and/or in-kind).

The allocation of an annual budget is critical to the implementation of the plan and will also allow provide critical leverage when applying for external funds.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Empower-We will give the community greater opportunity to participate in a transparent flow of information and feedback to Councillors who have been empowered as the Community representatives to make decisions in accordance with the Local Government Act 1993.

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

Inform - We will keep you informed.

Extensive consultation has been completed throughout the preparation of the plan to date. In addition to the activities completed for the public exhibition as detailed above, the following communication and engagement actions were completed and the outcomes integrated to the plan:

- Promotion of the commencement of plan preparation and opportunities to engage with the consultants developing the plan through the Tweed Link and print and radio media articles.
- Targeted consultation with stakeholders directly or indirectly affected by flying-fox camps through face to face meetings and telephone conversations.
- Councillor workshop presenting the draft plan
- Staff workshop presenting the draft plan

The education and engagement strategy of the plan recognises the need to work with specific community members who face unique issues associated with each camp to identify the most appropriate actions for conflict resolution and flying-fox conservation. This will be achieved through the facilitation of one or more representative stakeholder community working groups to focus on co-design of draft actions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Public exhibition submissions analysis (ECM 5126148)

Attachment 2. Tweed Flying-fox Camp Management Plan (ECM 5126310)

32 [CNR-CM] New Charges for Waste Management - 140 Litre Household Organic Waste Bin and Asbestos Test Kits

SUBMITTED BY: Waste Management

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.1 Rubbish and Recycling Services - To collect, recycle and dispose of residential and commercial waste, manage landfill sites and deliver community education so as to divert rubbish from landfill.

ROLE: Provider

SUMMARY OF REPORT:

Council introduced its new waste collection service on 1 July 2017 which included a 240 litre food and garden organics bin at a cost of \$80 in 2017/2018. Since being introduced, Council has received a number of requests from residents to provide a smaller 140 litre organics bin. This report recommends that Council introduces a \$75 per annum charge to provide this new option to residents.

Council's waste management team also proposes to supply asbestos test kits at a cost of \$45 per kit to allow residents to sample material from their property and for this to be sent away for testing to identify if it is Asbestos Containing Material (ACM).

Council at its meeting on Wednesday 13 December 2017 resolved that proposed fees and charges associated with the 140 litre organics bin and the asbestos testing kits be placed on public exhibition for 28 days with a report to come back to council with detail of any submissions.

RECOMMENDATION:

That Council introduces:

- 1. An annual charge of \$75 into the fees and charges policy for a 140 litre organics bin.**
- 2. A charge of \$45 into the fees and charges policy for asbestos test kits.**

REPORT:

Background

140 litre organics (green lid) collection service charge

On 1 July 2017 Council implemented a new waste collection services contract (RFO2016040) with Solo Resource Recovery which included the collection of household recycling (yellow lid bins), waste (red lid bins) and organics (green lid bins) and the kerbside collection of bulky waste through a dial up service.

The organics collection service included a 240 litre mobile garbage bin (green lid) at a cost of \$80 in 2017/2018. Since introducing the service, Council has received a number of requests for a smaller 140 litre organics bin from people who are generating small quantities of organic waste or who have difficulty handling the larger 240 litre bin.

Council has successfully negotiated with the contractors to supply and charge for a weekly 140 litre organics waste collection service. The contract rate for collection of the 240 litre organics bin is \$0.74 per collection. The 140 litre organics bin will be \$0.73 per collection. The proposed \$75 annual charge accounts for 52 collections throughout the year as well as processing costs of the collected organic material at the Stotts Creek Resource Recovery Centre.

Asbestos management and testing fee

Council has prepared an education awareness program that takes into consideration the management of Asbestos Containing Material (ACM) from the point of generation to disposal into landfill. Council is responsible for the disposal of ACM at the Stotts Creek Landfill, however the condition it is presented in has a significant impact on whether or not it can be accepted.

To assist Tweed residents in identifying ACM, Council is participating in a scheme with other Northern Rivers Councils to supply asbestos test kits. Test kits include a number of sealable sample bags in which the resident can place material that they think may be ACM. Samples are then delivered by the resident to Council's nominated drop off location (either the Tweed Laboratory or Murwillumbah Civic Centre) where it is then taken via courier to a NATA accredited laboratory to determine whether the material is ACM. The results are forwarded back to both the Council and the resident.

Residents may then make an informed decision when undertaking any renovation or repairs at their home, including the responsible management of ACM.

It is proposed that Council charges for the asbestos test kits to recover costs associated with the program. Applying cost recovery will facilitate longevity of the program. The costs relating to this program include approximately \$15 for the courier and \$30 for the asbestos test.

Report to Council

A report was presented to Council at its meeting on 13 December 2017 proposing a charge of \$75 per annum for a 140 litre organics collection service and a charge of \$45 per asbestos test kit.

Council resolution

Council at its meeting on 13 December 2017 resolved that:

- "1. Council endorses the placement of a proposed charge for the 140 litre organics bin of \$75 per annum on public exhibition for 28 days as required in the Fees and Charges Policy.
2. Council endorses the placement of a proposed charge for asbestos test kits of \$45 on public exhibition for 28 days as required in the Fees and Charges Policy.
3. A further report is brought back to Council including any feedback received during the public exhibition period for consideration when determining whether to adopt the new fees in February 2018."

Public exhibition

The proposed fees and charges were placed on public exhibition for 28 days. One submission was received in relation to the 140 litre green bin. This submission was from Council's supervisor of customer service who recommended some additional bin size options and improved operational efficiencies. Council's waste management unit will negotiate these recommendations with Council's waste collections contractor who will be supplying the 140 litre organics bin and coordinating any uptake of the service.

No submissions were received in relation to the proposed charge for asbestos test kits.

OPTIONS:

1. Council may adopt the fees and charges associated with the 140 litre organics bin and asbestos test kits.
2. Council may not adopt the fees and charges associated with the 140 litre organics bin and asbestos test kits.

CONCLUSION:

Council officers have successfully negotiated with the Waste Collection Services Contractor for the provision of a smaller 140 litre organic waste collection (green lid) service. This report recommends that a fee be introduced for that service.

Council officers also recommend the introduction of asbestos test kits to allow residents to have materials at their property tested by an accredited laboratory to determine whether it is Asbestos Containing Material. This report recommends that a cost recovery charge for the asbestos test kits be introduced.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The 140 litre organic bins will be provided out of the Domestic Waste Management Charge levied against the rates. The fee is cost recovery only under Domestic Waste Management and will therefore have no impact on the budget.

The supply of asbestos test kits will be cost recovery only, funded via the \$45 fee to customers who choose to use the service.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Council has placed the proposed fees and charges on Public Exhibition for 28 days as required in the fees and charges policy.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

33 [E-CM] Road Closure Application - Ophir Glen Road, Burringbar

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 for the closure and purchase of a section of Ophir Glen Road, Burringbar adjacent to Lot 12 in DP 633767 to rectify an encroachment into the road reserve.

Council's Policy on Private Structures on Public Roads notes that Council will not enter into arrangements for leases within the road reserve to encompass existing or proposed structures. Council will however consider an application to close and purchase part of the public road having regard to the merits of each proposal, existing and future public utilities, roadworks, public amenity and safety.

The road closure will not impact in any way to surrounding properties nor will it interfere with public access currently available along the boundary of the property.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near that part of the road reserve that would have any detrimental impact.

It is recommended that approval be granted for the closure and purchase of a section of road reserve adjacent to Lot 12 DP 633767 at Ophir Glen Road, Burringbar.

RECOMMENDATION:

That:

- 1. Council approves the closure and purchase of a section of road reserve adjacent to Lot 12 DP 633767 at Ophir Glen Road, Burringbar.**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer.**
- 3. The title of the closed road is consolidated with the adjacent land.**
- 4. Easements be created over public authority reticulation services, if any.**
- 5. All necessary documentation be executed under Common Seal of Council.**

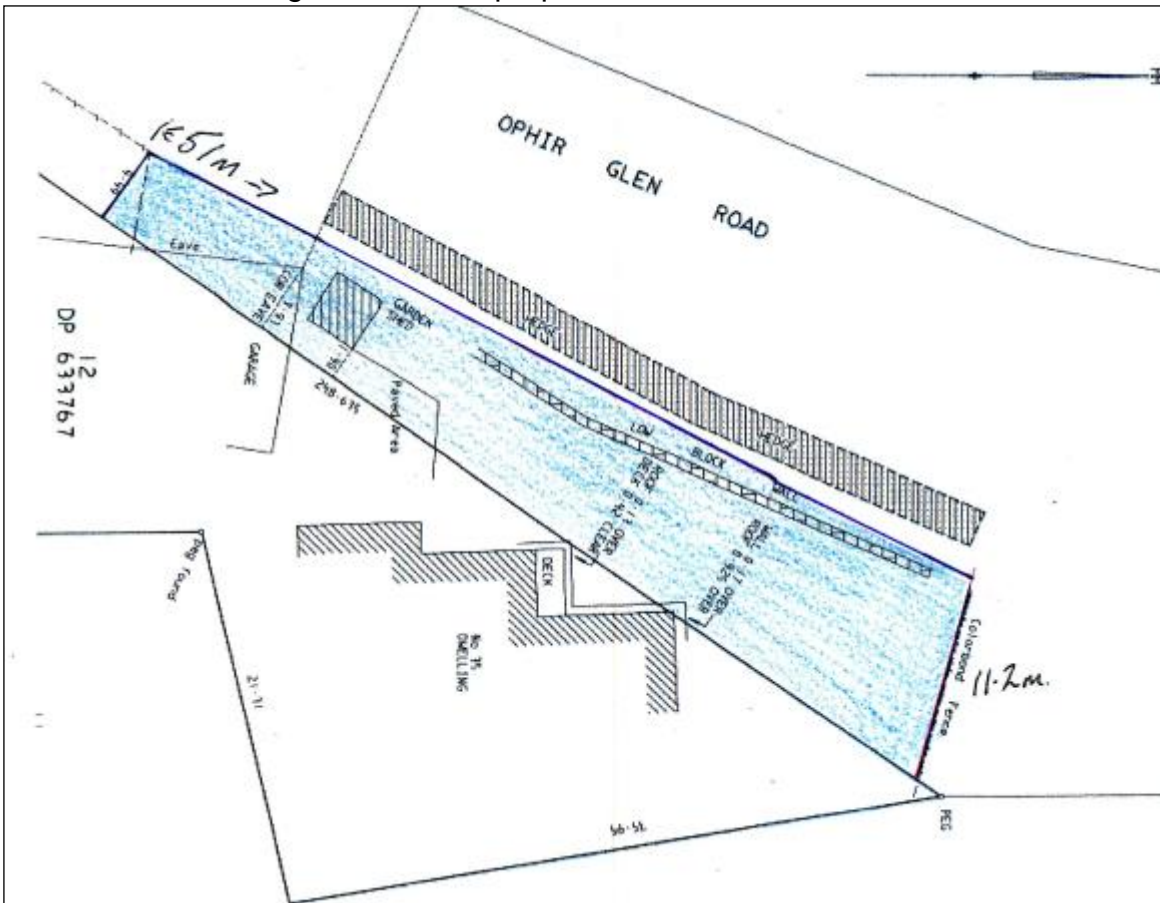
REPORT:

An application has been received for the closure and purchase of a section of Ophir Glen Road, Burringbar adjacent to Lot 12 in DP 633767 to rectify an encroachment into the road reserve, being an area of approximately 572m². Refer to Diagrams 1 and 2 below.

Diagram 1 – Aerial photo showing encroachments within the road reserve.



Diagram 2 – Plan showing area of road proposed to be closed.



Council's Policy on Private Structures on Public Roads notes that Council will not enter into arrangements for leases within the road reserve to encompass existing or proposed structures. Council will however consider an application to close and purchase part of the public road having regard to the merits of each proposal, existing and future public utilities, roadworks, public amenity and safety.

The road closure will not impact in any way to surrounding properties nor will it interfere with public access currently available along the boundary of the property.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near that part of the road reserve that would have any detrimental impact.

Ophir Glen Road is a minor road and there are no foreseeable plans for widening that would be impacted from this proposal.

OPTIONS:

1. Council approves the closure and purchase of a section of the road reserve adjacent to Lot 12 in DP 633767 at full cost to the applicant.
2. Council does not approve the closure and purchase of a section of the road reserve adjacent to Lot 12 in DP 633767.

CONCLUSION:

It is recommended that approval be provided for the closure and purchase of a section of road reserve adjacent to Lot 12 DP 633767 at Ophir Glen Road, Burringbar.

COUNCIL IMPLICATIONS:

a. Policy:

Road Closures and Private Purchase v1.2.

b. Budget/Long Term Financial Plan:

No budget implications.

c. Legal:

Following closure of the road, the land will be transferred to the applicant at a price to be determined by valuation.

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.

34 [E-CM] 86 Ash Drive, Banora Point

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: Provider

SUMMARY OF REPORT:

Council has received a written request to allow a pool and fence to encroach upon Council community land, at Banora Point.

The pool was built, with approval in 1997, and has been recently audited and approved.

The property is in the process of being sold, and the incoming purchaser is requesting confirmation that the pool will be allowed to remain in place.

The landowner has requested that Council provide written confirmation that Council will allow the pool to remain at Council's pleasure.

It is recommended that Council prepare a letter to this effect.

RECOMMENDATION:

That:

1. Council advises the owner of 86 Ash Drive, Banora Point, comprised in Lot 253 DP 787100, that the pool can remain on Council land, Lot 608 DP 792534, at Council's pleasure.
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.

The aerial image below, in Figure 2, shows the area of the pool within Lot 608 DP 792534, at the rear of Amaroo Park:



Figure 2 – aerial photo of the subject land, with pool encroaching beyond property boundary

A review of Council records shows that the matter of the encroachment was investigated in 2004, in response to an inquiry from a Councillor who believed that the pool was built over the boundary onto Council owned land.

The records revealed that an investigation took place in response and an internal memo was prepared, dated 1 November 2004, noted that the location of the pool was constrained, due to gravity sewer mains within Lot 253, see Figure 3, below.



Figure 3 - showing the sewer gravity mains within Lot 253

The 2004 memo indicated that when the pool was built, under approval BA 450/97, all statutory inspections had been carried out by Council, and no concern was raised at that time that the location of the pool was other than in accordance with the approved plans. The Council officer inspected Council's files and the pool, and compared the plans with the cadastre used by Council at that time.

This resulted in there being a question as to the location of the eastern boundary of Lot 253, as the cadastral accuracy of the mapping system used by Council at the time could not be relied upon, and it was considered an *"onerous request on the owners of Lot 253 to carry out an identification survey on 'suspicion' that the pool may extend outside the property boundary especially when there is a question over the accuracy of Council records. Council Surveyors could be requested to investigate this matter however it would appear not to be an effective use of Council resources"*. This memo was handed to the Councillor on 2 November, 2004, there was no further action taken as a result of this investigation.

Council's records also show that a building certificate was issued by Council in April 2008, indicating that there were no issues with the building on Lot 253. On the same day a letter was sent to the landowner, indicating that they were required to undertake rectification works to ensure the swimming pool was compliant with the *Swimming Pool Act 1992*, these works included:

1. *The gate into the pool must be self-closing and self-latching;*
2. *A resuscitation chart is required to be installed in the pool area; and*

3. *Removal of all climbable objects within 1.2m of the external perimeter of the pool fence.”*

The building certificate included the following statement:

“The Council of the Shire of Tweed, having carried out an inspection on 23 April 2008, certifies that in relation to the building/s or part identified below:-

- (a) *there is no matter discernible by the exercise of reasonable care and skill that would entitle the Council, under the Environmental Planning & Assessment Act 1979 or the Local Government Act 1993 :-*
- (i) *to order the building to be demolished, altered, added to or rebuilt, or*
 - (ii) *to take proceedings for an order or injunction requiring the building to be demolished altered, added to or rebuilt, or*
 - (iii) *to take proceedings in relation to any encroachment by the building onto land vested in or under the control of Council, or*
- (b) *there is such a matter but, in the circumstances, the Council does not propose to make such order or take any proceedings”*

As noted earlier in the report, a Certificate of Compliance has been issued for the pool, with an expiry date of 11 September 2020.

The documents referred to in this report have been attached to this report for reference.

Discussion

The landowner is now selling the land and the purchaser requires assurances that there are no issues arising from the encroachment onto Council land, and the current landowner has requested that Council provide written confirmation that Council will allow the pool to remain at Council's pleasure.

It could be argued that by issuing the building certificate in 2008, referencing only those items relating to the safety of the pool, together with the standard statement on the building certificate relating to taking no action in relation to the encroachment onto Council land, when there had been a question specifically relating to that matter on file, that there is a tacit knowledge and acceptance of the encroachment, which could be translated into a compulsion to provide a written confirmation to the landowner that the pool can remain at Council's pleasure.

This letter should be qualified to the effect that if the pool obstructs any necessary works on Council infrastructure then discussions about the location of the pool and its impact on those works will need to occur.

It is recommended that Council prepare a letter to this effect.

Alternative options available are to subdivide the area affected by the encroachment and sell to the landowner. This would require a plan of management to clearly express that intention, to facilitate the reclassification of the land and then undertake the subdivision. The cost of these measures would be borne by Council, and in light of the small area, such costs would not be recovered by the sale of the land.

OPTIONS:

1. To prepare a letter to the landowner indicating that the encroachment can remain at Council's pleasure.
2. To advise the landowner that it is necessary to enter into discussions to determine alternative options.
3. To subdivide the area affected by the encroachment and sell to the landowner.

CONCLUSION:

In light of the evidence that Council records indicate a knowledge of the encroachment; and that an assessment of the encroachment had taken place; together with the steps to be taken to address the encroachment; it is recommended that Council advise the landowner that the pool can remain at Council's pleasure with a qualification that if necessary, the pool will need to be removed in the event that it impedes Council's access to the sewer infrastructure within Lot 253.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

There will be no budget or financial implications arising from this report.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

This matter does not generate the necessity for public engagement.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Documents relating to Swimming Pool at 86 Ash Drive, Banora Point (ECM 5125992).

35 [E-CM] Safe and Secure Water Program Expression of Interest

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
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: Provider

SUMMARY OF REPORT:

Council, in December 2015, resolved to undertake the planning and land acquisition for the raising of Clarrie Hall Dam. The project is now in the Business Case phase.

Funding support is available, through the Safe and Secure Water Program, to complete the Business Case phase of the project.

RECOMMENDATION:

That Council submits an Expression of Interest for funding support to complete the Business Case phase of the project to undertake the planning and land acquisition for the raising of Clarrie Hall Dam.

REPORT:

Safe and Secure Water Program

The Safe and Secure Water Program is a \$1 billion NSW Government co-funding program that will target water and sewerage projects in regional NSW to ensure infrastructure meets contemporary standards for water security, public health, environmental and safety outcomes into the future.

The Program will provide co-funding to successful applicants such as local councils, water utilities, water corporations and prescribed dam owners for detailed planning and construction activities to install, augment or decommission water and sewerage infrastructure.

Within the Program there are three (3) phases for which Council can seek funding. They are:

- Scoping Study (Feasibility study, Options assessment etc)
- Business Case
- Detailed Design and Construction

Under this Program Council can apply for funding for up to 25% of the cost of this project.

Raising of Clarrie Hall Dam

Council, in December 2015, resolved to undertake the planning and land acquisition for the raising of Clarrie Hall Dam. The project is now in the Business Case phase. The status of the project is:

Concept Design. Council engaged NSW Public Works Advisory to undertake the concept design of the raising of Clarrie Hall Dam. It is envisaged the concept design will be completed by end March 2018.

Flora and Fauna Studies. Council engaged internal resources to determine the impact of a raised dam on flora and fauna in and around the proposed inundation area. It is envisaged that this work will be completed by end March 2018.

Cultural Heritage Studies. Council engaged a consultant (Navin Officer) to identify and determine the impact of a raised dam on cultural heritage assets in and around the proposed inundation area. Navin Officer's initial report has been received and the next steps in this part of the project are the finalisation of the report, presentation to the Registered Aboriginal Parties and development of management plans.

Environmental Flow Studies. Council has called tenders from consultants and has engaged a consultant to identify and determine the impact of a raised dam on the aquatic flora and fauna in Doon Doon Creek and the Tweed River to Bray Park Weir. The studies will also identify mitigation measures to lessen the impact of Clarrie Hall Dam on the aquatic environment.

Liaison with Department of Planning and Environment. Council is continuing to liaise with Department of Planning and Environment and other Government Agencies to ensure their requirements will be met. It has been suggested that the project will be assessed as State Significant Infrastructure.

Council has committed approximately \$1.2m to the above studies. Council has also undertaken land purchases for the project.

The next steps in the Business Case phase, which can commence after the completion of the Concept Design, are:

- The preparation of a Preliminary Environmental Assessment.
- Application to Department of Planning and Environment for the Secretary's Environmental Assessment Requirements) SEARS for the project.
- On receipt of the SEARS the briefing and engagement of a suitably qualified consultant to undertake the required environmental impact assessment.
- Placing on exhibition the environmental impact assessment and seeking of submissions.
- Prepare a Response to Submissions Report.
- A determination by the approving authority (The Minister).
- Preparation of a Business Case including a Cost Benefit Analysis to progress the project.

The total cost of these activities is estimated as \$1,120,000.00.

Although part way through the Business Case Phase, Council can apply for co-funding for these activities. An Expression of Interest has been prepared for consideration by Council. Council may resolve to submit the Expression of Interest to the Safe and Secure Water Program to seek co-funding for the above activities.

OPTIONS:

Council has the option to seek co-funding for the project through the Safe and Secure Water Program or funding the project itself.

Option 1

Submitting the Expression of Interest for the Business Case phase of the project provides the opportunity for Council to receive up to 25% of co-funding for the outstanding activities in this phase. The effort required to do this, while significant, could provide up to \$280,000 for the environmental impact assessment activities and preparation of a Business Case for the project. Further, the submission of an Expression of Interest provides a pathway to seek further co-funding for the detailed design and construction of the project.

The disadvantage of seeking co-funding through the Safe and Secure Water Program is that it may delay the engagement of consultants for the Preliminary Environmental Assessment by some months as the engagement would need to be delayed until the co-funding request is approved. Such a delay is not considered significant at this time.

Option 2

In the alternate, Council has budgeted for and could fund the project itself. If Council chose to fund the project itself there would be no risk of delay in the project.

CONCLUSION:

Co-funding is available for the Business Case phase of the raising of Clarrie Hall Dam project through the Safe and Secure Water Program. Given that Council is part way through this phase Council can apply for financial assistance up to \$280,000 to complete this phase of the project.

An Expression of Interest to seek funding has been prepared.

A resolution of Council is sought to submit the Expression of Interest.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

The project has been included in Council's long term financial plans. The forecast expenditure is estimated at \$3.25 m in the period 2017 to 2020 for the concept design, environmental studies, environmental impact assessment, planning approvals and other associated activities. The budget has been prepared using estimates provided by NSW Public Works Advisory, estimates by Council and actual costs.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Safe and Secure Water Program Expression of Interest Application Form (ECM 5095339).

36 [E-CM] Provision of Recycled Water to Coolangatta & Tweed Heads Golf 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:

Coolangatta & Tweed Heads Golf Club is seeking to increase its use of recycled water to irrigate its golf course. As part of this work, the Club has sought assistance from Council to prepare an Options and Feasibility study for a new pipeline from the Banora Point Wastewater Treatment Plant to the Coolangatta & Tweed Heads Golf Course as part of the greater project.

The greater project will consist of both the new pipeline and new irrigation infrastructure at the golf course. The total cost of the project will be in the order of \$3m.

The assistance sought from Council being the preparation of the report would be in the form of staff time to prepare the report estimated to cost less than \$30,000.

The report would be used to assist the Club in seeking financial assistance from Government and other parties for the work.

As assessed against Council's criteria in its Financial Assistance to the Proponents of Recycled Water Scheme the scheme is considered suitable for assistance.

RECOMMENDATION:

That Council provides assistance to the Coolangatta & Tweed Heads Golf Club in the form of preparation (by Council staff) of an Options and Feasibility study for a recycled water pipeline from the Banora Point Wastewater Treatment Plant to the Coolangatta & Tweed Heads Golf Course.

REPORT:

Background

The Coolangatta & Tweed Heads Golf Club is presently provided with some 1.2ML/day of recycled water from the Banora Point Waste Water Treatment Plant (WWTP) to irrigate their golf course. The Club has been given Section 60 approval from Department of Primary Industries - Water to operate the present scheme using up to 2.5ML/day. The Club would like to increase their use of recycled water to approximately 3.5ML/day. A letter from the Club is attached.

Presently the recycled water is drawn from the Banora Point WWTP by a pump located at the WWTP. The recycled water is pumped to the Club through a 150 mm Class 9 white UPVC pipeline running from the Banora Point WWTP, through Traders Way, the commercial area where Bunnings is located, under the Pacific Highway, Rivendell Drive, Minjungbal Drive, Soorley Street and then into the golf course. The pipeline and the pump are owned by the Club.

The capacity of the existing pump and pipeline is estimated at about 1.7ML/day. To increase the use of recycled water would require the upgrading of the pumps and the provision of a new 300mm main from the WWTP to the Club.

Due to the highway crossing and the route of the existing pipeline it is impractical to construct a new pipeline on the route of the existing pipeline. A new route would need to be found.

Council met with representatives of the Club on 12 February 2018. Subsequently on 15 February 2108 the Club wrote to Council formally requesting Council undertake an options study and a feasibility study to lay a new 300mm pipe from Council's holding ponds at the Banora Point WWTP to the holding ponds at the Tweed Heads Coolangatta Golf Club. A copy of the letter is attached.

The Club are requesting the studies so that they may apply for funding for any subsequent design and investigation and the works from a range of entities including the State Government.

Impact on use of Recycled Water

Council presently recycles approximately 9% of its treated wastewater as compared to a state median of 11% and a National median of 17%. Council has a reuse target of 15%.

Based on an estimate of the Club taking 3.5ML/day for 120 days per year the proposal by the Club would increase reuse to above 12.5%. If the scheme was to go ahead it would assist in Council meeting its reuse target.

Options and Feasibility Study

An Options and Feasibility Study is required firstly to identify a route for the pipeline after consideration of other reuse opportunities that may be taken up in the area. Secondly, the study is required to demonstrate the feasibility to support funding applications for the project by the Club.

Application of Council's Policy

The application was considered against the criteria listed in Council's policy Financial Assistance to the Proponents of Recycled Water Scheme Policy.

The type of assistance being sought is the preparation of an Options and Feasibility Study for the pipeline to transport recycled water from the Banora Point WWTP to the Club.

The assistance being sought is Council's staff time to prepare the Options and Feasibility Study. The estimated cost of Council staff time is \$30,000.

The additional volume of water that would be used onsite is estimated at 240ML/a which would increase Council's reuse from 9% to 12.5%.

The volume of water drawn from the environment that will be saved is difficult to estimate as Council has no records differentiating water used for irrigation and water for other uses. Notwithstanding advice from the Club indicates the volume is significant in dry periods.

The Club's and, with grants, other's financial contribution to the total recycled water and irrigation scheme is estimated, based on the advice from the Club and Council estimates. The estimates are:

- \$2.8M for course irrigation
- \$1.2M for the construction of a pipeline

This compares to the assistance being sought from Council, being Council staff's time, of up to \$30,000.

OPTIONS:

The options available to Council are to meet the request of the Coolangatta & Tweed Heads Golf Club for assistance in preparing the Options and Feasibility Report or not to provide that assistance.

CONCLUSION:

The Coolangatta & Tweed Heads Golf Club is seeking to increase its use of recycled water to irrigate its golf course. As part of this work the Club has sought assistance from Council to prepare an Options and Feasibility study for a new pipeline from the Banora Point WWTP to the Coolangatta & Tweed Heads Golf Club as part of the greater project.

The report would be used to assist the Club in seeking financial assistance from Government and other parties for the work.

As assessed against Council's criteria in its Financial Assistance to the Proponents of Recycled Water Scheme the scheme is considered suitable for assistance.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Financial Assistance to the Proponents of Recycled Water Schemes v1.0.

b. Budget/Long Term Financial Plan:

The assistance being sought is Council's staff time to prepare the Options and Feasibility Study. The estimated cost of Council staff time is \$30,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter from Coolangatta & Tweed Heads Golf Club dated 15 February 2018 (ECM 5087449).

37 [E-CM] Draft Murwillumbah CBD Levee and Drainage Study

SUBMITTED BY: Roads and Stormwater

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: Leader

SUMMARY OF REPORT:

Murwillumbah Township is protected from riverine flooding by a series of levees. These include:

1. Murwillumbah CBD Levee
2. East Murwillumbah Levee
3. Dorothy/William Streets Levee
4. South Murwillumbah Levee (not included in this study)

Major floods in 1954 and 1974 resulted in inundation of the Murwillumbah commercial and residential areas. In the 1990's and early 2000's the levees were raised. The levees do not eliminate all flooding and the levee system will be overtopped during future large floods.

The Murwillumbah CBD Levee and Drainage Study examined the behaviour of floods that overtop the Murwillumbah levees and drainage in behind the levees.

A number of risk management measures are recommended to reduce the impact of flooding on the Murwillumbah community

The next stage of the study is to publically exhibit the draft study, which this report recommends. Completion of the study will outline a strategy for Flood Risk Management in the Murwillumbah locality and support future grant applications to implement management measures.

RECOMMENDATION:

That the draft Murwillumbah CBD Levee and Drainage Study report and attachments be publicly exhibited for a period of 42 days.

REPORT:

The Study

Murwillumbah Township is protected from riverine flooding by a series of levees. These include:

1. Murwillumbah CBD Levee
2. East Murwillumbah Levee
3. Dorothy/William Streets Levee
4. South Murwillumbah Levee (not included in this study)

Major floods in 1954 and 1974 resulted in inundation of the Murwillumbah commercial and residential areas. In the 1990's and early 2000's the levees were raised. The levees do not eliminate all flooding and the levee system will be overtopped during future large floods.

Prior to the study, none of the Murwillumbah levees had been overtopped since their raising. Therefore, the behaviour of an overtopping flood was not well understood. In addition to this, the existence of the levees tends to result in complacency in the community as there is a common misconception that levees eliminate all flooding, which is not true.

The areas behind the levees can also be flooded due to local rainfall. When the river is in flood, all of the floodgates on the drainage outlets are closed. Any rainfall that falls behind the levee in this period cannot escape. The existing pump stations remove some water in this scenario but do not have the capacity to keep pace with heavy rainfall

The 'Tweed Valley Floodplain Risk Management Plan' (WBM BMT, 2014) recommended a detailed local drainage study be commissioned for Murwillumbah to investigate the flood risk within the township associated with drainage behind the levee, the operation of the flood pumping stations and identify potential measures to mitigate local drainage issues. A levee overtopping study was also recommended to improve the understanding of hydraulic behaviour around the levee and inform future decisions on levee works.

Accordingly, Council commissioned Catchment Simulation Solutions to undertake a detailed study to define flooding and drainage behaviour within the Murwillumbah area associated with local catchment runoff as well as levee overtopping.

The study included the development of a computer flood model. This model was calibrated to the January 2012, June 2016 and March 2017 flood events. The March 2017 event occurred during the study and provided an opportunity to gather a wealth of data for calibration and verification of the model parameters.

Community Consultation

A community questionnaire was prepared and distributed to approximately 877 residential and business properties within the study area. The questionnaire sought information from the community regarding whether they had experienced flooding, their level of flood awareness and how they would respond in a future major flood. A total of 116 questionnaire responses were received and a summary of all questionnaire responses is provided in Appendix J of the attached report.

Council's Floodplain Management Committee has overseen the study. Presentations were made to the Committee on 1 September 2017 and 16 February 2018. The committee also provided suggestions on the risk management measures to be investigated.

The Floodplain Management Committee accepted the draft report on 16 February 2018 and recommended *that the draft Murwillumbah CBD Flood Study Report and attachments be publicly exhibited.*

The Existing Flooding Problem

The computer flood model was used to simulate flood behaviour for a range of design flood magnitudes (20%, 5%, 1% and 0.2% Annual Exceedance Probability (AEP) events).

The study benefited from the data gained in the March 2017 event. The records gathered enabled the model to be refined to very accurately mimic the flood behaviour observed in this record event.

Detailed findings on expected flood behaviour are available in the attached documents. Key findings are summarised below:

- **Large Increase in Risk for Events Greater than 1% AEP**

Whilst a 1% AEP flood (approximately the March 2017 event) will only slightly overtop the CBD Levee, a greater flood will completely inundate the CBD area with floodwaters over 2 metres deep in a matter of hours. Therefore, there is a large increase in flood risk for events greater than 1% AEP (bigger than March 2017) that must be considered.

- **CBD Levee Overtopping Location**

As observed in March 2017, the model predicted that the Murwillumbah CBD levee would overtop first at the Southern earthen embankment end of the levee near the high school. This is contrary to previous studies that predicted the CBD levee would first overtop at the concrete section slightly upstream of the bridge.

- **CBD Residential Emergency Response Classifications**

The study also revealed that many properties, particularly along Commercial Road, are isolated before being inundated. This poses a high risk to life as evacuation is limited in this scenario. This reinforces Council's current development controls in this area which limit intensification of occupation and the associated risk to life. Further information on emergency response classifications can be found in section 5.2.6 of the attached report

- **Climate Change Impacts**

The study analysed the impacts of a 10%, 20% and 30% increase in rainfall intensity in the 1% AEP event. The model predicted 1.74m, 3.4m and 3.78m increases in flood depth in the CBD respectively. This is due to the increased floodwater depth in the river causing a greater depth and duration of overtopping into the CBD. Further information on the Climate Change analysis can be found in section 5.4.2 of the attached report

- **CBD Critical Event Duration**

The study performed a sensitivity analysis utilising the new Australian Rainfall and Runoff 2016 (AR&R 2016) inputs. AR&R provides guidance on hydrology and modelling practice and methods. The 2016 version replaces the 1987 version and is in the process of being adopted by the industry. The AR&R 2016 analysis identified that a 12 hour event could

result in higher flood levels upstream of Murwillumbah CBD. Tweed's current studies are based on a 36 hour critical event. This could potentially have impacts on emergency response planning. Full investigation of the impacts of AR&R 2016 will be investigated in a future update of Tweed's regional flood models. Further information on the AR&R 2016 analysis can be found in section 5.4.5 of the attached report

Risk Management Measures Investigated

The study technical sub-committee (Council, OEH, SES and Consultant) and the Floodplain Management Committee came up with a number of options to address the existing flood risk. Selected options were further investigated.

The study recommends implementing or further investigating the following measures:

- Remediation of the earthen section Commercial Road levee including installation of a formalised spillway
- Installation of a new pump system for the area behind the Dorothy Street levee
- Temporary flood barriers that could be installed by commercial property owners
- Local Flood Plan / flood intelligence updates
- Flood warning system upgrades
- Community education

Further information on this investigation and recommendations can be found in section 6 of the attached report.

Exhibition

The Floodplain Management Committee accepted the draft report on 16 February 2018 and recommended *that the draft Murwillumbah CBD Levee and Drainage Study Report and attachments be publicly exhibited.*

Exhibition of the draft study will include:

- A 42 day exhibition period
- TweedLink notification
- Copies of the draft study made available at Council Offices
- The draft study is made available on Council's website
- A media release announcing exhibition of the draft study
- A mail out to all residents/landowners in the study area
- A presentation to the Murwillumbah Chamber of Commerce
- A community drop-in where Council officers and the consultant are available to discuss the draft study

This report recommends Council place the draft Murwillumbah CBD Levee and Drainage Study Report and attachments be publicly exhibited.

OPTIONS:

1. Endorse the exhibition of the draft study.
2. Do not endorse the exhibition of the draft study

CONCLUSION:

The Murwillumbah CBD Levee and Drainage Study examined the behaviour of floods that overtop the Murwillumbah levees and drainage in behind the levees.

A number of risk management measures are recommended to reduce the impact of flooding on the Murwillumbah community

The next stage of the study is to publically exhibit the draft study, which this report recommends.

COUNCIL IMPLICATIONS:

a. Policy:

Flood Risk Management v1.0.

b. Budget/Long Term Financial Plan:

The study is funded on a 2:1 basis with NSW Office of Environment and Heritage (OEH 2: Council 1) under the Floodplain Management Program.

Council's 1/3rd portion is funded under the Floodplain Management budget allocation

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The study has incorporated significant community consultation, including:

- A brochure sent to all land owners and residents in the study area.
- A questionnaire sent to all land owners and residents in the study area.
- A study website being available throughout the study
- Oversight by the Floodplain Management Committee

This report recommends the draft study be placed on exhibition providing additional opportunity for community input into the study

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Murwillumbah CBD Levee & Drainage Study Draft Report
Volume 1 of 2: Report Text & Appendices (ECM 5050109).

Attachment 2 Murwillumbah CBD Levee & Drainage Study Draft Report
Volume 2 of 2: Figures (ECM 5050108).

38 [E-CM] Adani Mine Resolution and Tender Processes

SUBMITTED BY: Contracts

mhm



Leaving a Legacy
Looking out for future generations



Behind the scenes
Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Leaving a Legacy
1.1	Natural Resource Management
1.1.4	Environmental Sustainability - To support Council, businesses and the community to achieve the best possible combination of environmental, social and economic outcomes.
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: **Leader**

SUMMARY OF REPORT:

Officers have sought external legal advice regarding Council's 26 October 2017 Resolution to limit engaging entities that have business dealings with the Adani Carmichael mine.

The legal advice concluded that while Council is able to include restrictions in tender documentation disadvantaging entities associated with the mine, Council is not able to include restrictions within the contracts that eventuate from those tenders.

While the legal advice suggests there are ways for Council to implement an anti-Adani policy, several potentially significant ramifications are identified and need to be considered before confirming a position such as:

- The resulting reduction in market competition may affect the ability of Council to achieve value for money and meet its obligations under the Local Government Act.
- The tender condition may cause or give the perception Council has not met its fiduciary duties for impartially.
- There is no way of enforcing the policy position once a contract is formed meaning companies could simply opt not to disclose any connection with the mine knowing there are no contractual repercussions.
- There would be reputational and probity risks because Council's procurement process is not seen as reliable, verifiable, impartial or enforceable.

RECOMMENDATION:

That:

- 1. Council notes the contents of this report and retains the Procurement Policy in its current state.**
- 2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (e) information that would, if disclosed, prejudice the maintenance of law.**

REPORT:

Background:

Council resolved at its 26 October 2017 meeting to undertake the following:

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

On 17 November 2017, Council officers facilitated a workshop with Council to demonstrate the possible changes to tender protocols. At this workshop Council confirmed that the proposed restriction was intended to only apply to civil construction tenders and would not apply to other contracts for supply of materials or general services (such as power, telecommunications, software, steel, concrete, water fittings, consultants, etc).

Following the workshop, Council officers requested legal advice regarding the feasibility of a restriction for entities who have business dealings with the Adani Carmichael mine.

Legal Advice

The Contracts Section received external legal advice regarding Council's Resolution.

The legality of restricting associations with such companies was considered in regards to the *Competition and Consumer Act 2010*, the *Anti-Discrimination Act (NSW) 1997* and the *Fair Trading Act (NSW) 1987*.

The findings were as follows:

Competition and Consumer Act 2010

Council is exempt from Part IV of the Competition and Consumer Act which prevents exclusionary provisions or clauses which lessen competition. However there is an argument that the relevant common law still applies. Any clause in a contract which restrains trade must be reasonable and in the interest of a) the parties and b) the public. What interests are worthy of protection and considered reasonable is open to interpretation, therefore it would need to be tested by the courts.

As it would be difficult to argue that the restriction on companies who have connections with Adani protects a 'legitimate business interest' of Council, it would likely be considered illegal for Council to insert a restriction clause in its contracts.

Common law however, does not prevent such a restriction being included in the calling and evaluation of tenders as long as Council made it clear to prospective tenderers that association with Adani or the Carmichael mine may work against them.

The Anti-Discrimination Act (NSW) 1997

The Anti-Discrimination Act does not restrain discrimination on the grounds of commercial affiliation or business relationships.

Fair Trading Act (NSW) 1987

The Fair trading Act contains no provisions that should concern Council in relation to a restriction on contracts.

Summary

The legal advice indicates that while Council would be within its rights to enact a disclosure step into the Tender process and select contractors accordingly, it would likely be considered illegal for Council to insert reference to such restrictions in the resulting contracts.

Council would therefore have no avenue to terminate a contract or pursue a contractor who falsified their disclosure regarding associations with Adani or the Carmichael Mine nor would Council be able to respond if a contractor went on to form such an association.

Procurement Implications

In resolving a policy position and enacting a disclosure step, Council would also have to accept potentially significant ramifications:

Not meeting Value-for-money nor Local Government Act requirements

Whenever additional restrictions are placed in tenders, a reduction in market competition occurs. Reducing the pool of tenderers bidding on a project is likely to affect Council's ability to achieve value for money for the community. This, in turn, could impact on Council's ability to meet its obligations under the Guiding Principles for Councils and the Principles of Sound Financial Management as per Section 8A and 8B of the Local Government Act.

Fiduciary Duty of Council officers

Council officers are required to act with impartiality in performing their duties. Inclusion of such a restriction could be considered extraneous to the objectives of the tender and may cause or give the perception Council officers have not met their fiduciary duties for impartially. This may in turn impact on Council's commercial reputation and profile in the public sector marketplace.

Clauses not enforceable

As Council would not have the ability to insert a restriction clause in its contracts, Council may find itself bound to an Adani associated contractor despite its policy position. This not only defeats the purpose of the restriction but also:

- Impacts on companies that do not have dealings with Adani and who otherwise would have won work with Council

- Penalises companies that answered honestly in their tender
- Sends a message to the business community that Council will tolerate dishonest conduct in its dealings
- Calls into question the legitimacy of the restriction given it could be argued that it was not relevant in Council protecting its interests.
- Creates discontent within the market and is likely to result in reduced numbers of tenders for future works

Probity and impartiality concerns

Council's ability to meet its probity obligations may be called into question because the submitted declarations cannot be verified. This results in similar impacts as described above, because it unfairly disadvantages honest tenderers and creates unclear expectations. Significantly, this would damage Council's reputation as a fair and impartial procurer of works with potential follow-on affects being a reduction in the number of tenders received from reputable organisations and possibly an increase from those prepared to win tenders based on incorrect information.

Reputational risk

Council has a high standing reputation for professionalism and probity in the community and when dealing with businesses, there would be significant reputational risks because Council's procurement process is not seen as reliable, verifiable, impartial or enforceable.

OPTIONS:

Council can:

Option 1:

Note the contents of this report and retain the Procurement Policy in its current state.

OR

Option 2:

Amend the Procurement Policy to reflect its position on the development of the Carmichael Mine in the Galilee basin, by including a requirement for all tenderers to disclose any direct contractual agreement to construct or operate the mine. Amendments to the Procurement Policy 1.7 would be as follows:

Objectives

Addition of: To ensure that Council does not support the development of the Carmichael Mine

Definitions

Addition of:

Carmichael Mine The proposed coal mine in the Galilee Basin, Central Queensland

Direct contractual agreement

A contract between the Tenderer and the owner/s of the Carmichael Mine

Policy

Addition of:

3.7 Business Associations Disclosure

Council does not support the development of the Carmichael Mine in the Galilee basin. All tenderers are required to answer a compulsory question stating whether they have entered into any direct contractual agreement for the construction or operation of the Carmichael Mine. A yes response will result in the tenderer being ineligible for further consideration. A no response will result in the tenderer being eligible to proceed to the next step of evaluation.

CONCLUSION:

While the legal advice suggests there are ways for Council to implement an anti-Adani policy, several potentially significant ramifications are identified to procurement processes, day-to-day operations, the reputation of Council and the ability for Council to meet its legislative responsibilities. These need to be carefully considered before confirming a policy position that cannot be enforced.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment Prevention Partners Legal Advice (ECM 5134426).

(Confidential) Attachment 2. Confidential Attachment Internal Memo - Procurement advice Nela Turnbull (ECM 5093580).

39 [E-CM] RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation

SUBMITTED BY: Roads and Stormwater

Valid



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation was called to engage a suitably qualified and experienced organisation for the supply and laying of asphalt surfacings to urban streets at various locations within Tweed Shire. All of the works involve asphalt surfacing. The approximate quantity of asphalt is 1,252 tonnes with an additional provisional amount of 557 tonne pending the Superintendent's confirmation.

At the time of closing one (1) Offer was received.

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

RECOMMENDATION:

That, in respect to Contract RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation:

- 1. Council awards the offer to East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 and ACN 755 877 285 for the amount of \$1,342,290.59 (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 six monthly and at finalisation of the contract.**

3. **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:

Offer Background

Request for Offer RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation was called to engage a suitably qualified and experienced organisation for the supply and laying of asphalt surfacings to urban streets at various locations within Tweed Shire. All of the works involve asphalt surfacing. The approximate quantity of asphalt is 1,252 tonnes with an additional provisional amount of 557 tonne pending the Superintendent's confirmation.

Request for Offer Advertising

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised in The Sydney Morning Herald on Tuesday 23/01/2018 and also in the Gold Coast Bulletin on 20/01/2018.

Offer submissions closed at 4.00pm (local time) on 14/02/2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were no Notice to Bidders issued before close of Offer.

Offer Submissions

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

Bidder	ABN
East Coast Asphalt and Concrete Edging Pty Ltd	51 755 877 285

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. As there was only one submission a formal evaluation scoring process was not conducted and confirmation of conformity of the sole Offer was carried out and subsequently confirmed.

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

Position
Engineer - Assets & Maintenance (Chairman)
Supervisor Construction
Project Manager- Contracts

The details of the evaluation are shown on the Offer Evaluation Report. A copy of the Offer Evaluation Report is included as ATTACHMENT 1 which is 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 East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 and ACN 755 877 285 for the amount of \$1,342,290.59 (exclusive of GST).
2. Declines to accept of the Offer, including reasons for this course of action.

CONCLUSION:

It is recommended that Council awards the Contract RFO2017174 to East Coast Asphalt and Concrete Edging Pty Ltd ABN 51 755 877 285 and ACN 755 877 285 for the amount of \$1,342,290.59 (exclusive of GST) as detailed in the offer evaluation report confidential Attachment 1 for the Wollumbin and Brisbane Street Pavement Rehabilitation.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6. 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 RFO2017174 Wollumbin and Brisbane Street Pavement Rehabilitation is included in the 2017/2018 budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017174 - Offer Evaluation Report (ECM 5118215).

40 [E-CM] RFO2018002 Major Flood Repair Work - Landslip Repairs Bundle 6

SUBMITTED BY: Infrastructure Delivery

Valid



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Provider

SUMMARY OF REPORT:

Request for Offer RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 was called from the market to source a suitably qualified contractor to design & construct slope stabilisation on eight landslip sites within the Tweed Shire, including the major land slip located on Cudgera Creek Road that occurred as a result of ex-Tropical Cyclone Debbie in March 2017.

At the time of closing eight (8) Offers were received, two (2) Offers contained alternatives.

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

A map showing locations of the 8 sites within the Tweed Shire is included in Ordinary Attachment 4.

RECOMMENDATION:

That in respect to Contract RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6:

1. Council awards the offer to Roman Contractors Pty Ltd, (ABN: 48 122 536 770) for the amount of \$665,390.91 (exclusive of GST).

2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.**

3. **ATTACHMENTS 1, 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because 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

Request for Offer RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 was called to engage a suitably qualified and experienced contractor to design & construct slope stabilisation on eight (8) sites as a result of damages caused by ex-Tropical Cyclone Debbie in March 2017.

The sites are located at:

1. Stokers Siding (1 site on Tweed Valley Way)
2. Upper Burringbar (1 site)
3. Burringbar, Cudgera Creek and Mooball (6 sites along Cudgera Creek Road including the current road closure at the Burringbar end)

The above sites have been bundled together based on efficiency of packaging similar works together in order to obtain the most competitive Offer price from the market. Bidders were given the opportunity to price the most economical repair option as indicated in the geotechnical reports or alternative methods of repair that were deemed more economical by the market. A map showing locations of the sites is included in Ordinary Attachment 4 of this report.

Works under the Contract will include the completion of design for review by Tweed Shire Council staff, obtain the necessary approvals and construction of the works to repair each of the landslips. Works will also include repairs to other items damaged at the same location such as guardrails, road surfaces and stormwater drainage. The contract also states that work at Cudgera Creek Rd (road closure), is to be completed as the first priority of the eight sites.

Following award of the Contract, the contractor will confirm their construction program and any necessary road closures. The community will be given advanced warning of the works and road closures at this time.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised on Tuesday 23 January 2018 in The Sydney Morning Herald, also on 20 January 2018 in Brisbane Courier Mail and Gold Coast Bulletin and on Council's website.

Offer submissions closed at 4.00pm (local time) on 14 February 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There was one (1) Offer Addendum (Notice to Bidders) issued before close of Offer.

Addendum No. 1 was issued to advise Bidders that any inconsistencies in the information supplied by TSC was to be confirmed by the Bidders and the intent of the design and construct contract was to provide a solution to fix each site in its entirety.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and eight (8) Offers were recorded. Two (2) offers contained alternatives. Offer submissions and alternatives were recorded as below:

Bidder	ABN
Australian Marine and Civil Pty Ltd	66 601 876 680
GEO Stabilise Pty Ltd	47 166 054 842
GEO Stabilise Pty Ltd (alternative)	47 166 054 842
Coastal Works Pty Ltd	79 126 214 487
Crosana Pty Ltd	45 943 696 462
Roman Contractors Pty Ltd	48 122 536 770
Roman Contractors Pty Ltd (alternative)	48 122 536 770
Delaney Civil Pty Ltd	85 086 897 476
Earthtec Pty Ltd	25 093 558 582
Kyogle Earthworx Pty Ltd	37 082 625 170

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
Project Manager Flood (Contracts Consultant Public Works Advisory)
Coordinator - Flood Restoration
Project Engineer (Contracts Consultant Public Works Advisory)
Project Manager - Contracts

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

Criterion	RFO Document Reference	Weighting (%)
Value for Money (Normalised Offer Price)	Schedule 2 & 3	60
Experience in Similar Works	Schedule 4	10
References	Schedule 4	10
Methodology	Schedule 6	10
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	Schedule 11	10
	Total	100

The details of the price and non-price evaluation are shown on the Offer Evaluation Report, Addendum to Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report, Addendum to Offer Evaluation Report and Offer Evaluation

Scoring Sheet are included as ATTACHMENTS 1, 2 and 3 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 Roman Contractors Pty Ltd, (ABN: 48 122 536 770) for the amount of \$665,390.91 (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:

It is concluded, in regards to RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 that the alternative offer from Roman Contractors Pty Ltd provides the best value for repairing the eight landslip sites.

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 v1.6

b. Budget/Long Term Financial Plan:

All flood damage items designated in RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 are eligible for funding claims through NDRRA. The exact amount of NDRRA funding is unknown as it is subject to assessment by Roads and Maritime Services and Public Works Advisory. The continuation of flood restoration works is necessary and using contractors procured through this RFO process maximises the available NDRRA funding opportunity and minimises the impact on the financial position of Council. Any funding shortfall between the contract value and the available NDRRA funding 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:

(Confidential) Attachment 1. RFO2018002 - Offer Evaluation Report (ECM 5130182).

(Confidential) Attachment 2 RFO2018002 – Addendum to Offer Evaluation Report (ECM 5130245).

(Confidential) Attachment 3. RFO2018002 - Offer Evaluation Scoring Sheet (ECM 5130617).

Attachment 4 RFO2018002 – Bundle 6 Flood Repair Works Map (ECM 5130683).

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

SUBMITTED BY: Roads and Stormwater

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: Advocate

SUMMARY OF REPORT:

The National Heavy Vehicle Regulator manages the permits required under the Heavy Vehicle National Law.

Council can approve a route or an individual operator's use of Class 1, 2 or 3 heavy vehicles.

The majority of applications for overmass/oversize vehicles (Class 1) are assessed and approved by the roads' manager for the Local Government Authority (LGA) and for Tweed Shire Council. This function has been undertaken by the Manager Roads and Stormwater.

Historically, B-double applications (Class 2) were discussed during the Local Traffic Committee meeting (LTC) as a separate item as the members represent affected stakeholders, being police, RMS, state representatives and council.

The B-Double Routes Consultative Group minutes from meeting held 22 February 2018 are shown in the body of this report for resolution by Council.

RECOMMENDATION:

That the application to use Tweed Valley Way from Pacific Highway, Chinderah south to Clothiers Creek Road, Condong and Clothiers Creek Road to 130m east of Tweed Valley Way, with a 25m/26m B Double at higher mass limit from 11 January 2018 to 10 January 2021 of 68 tonnes be supported.

REPORT:

Minutes of B-Double Routes Agency Advisory Group Meeting held 22 February 2018:

Minutes



B-Double Routes Agency Advisory Group Minutes
Thursday 22 February 2018
Mt Warning Meeting Room – 11:30am
File: ECM 5012349; 102610r9v1; Traffic - Weight of Vehicles (B Doubles); 12 Clothiers Creek Road, Condong

Present:	Group Members: Mr Col Brooks on behalf of Mr Thomas George MP (Member for Lismore), Mr Rod Bates on behalf of Mr Geoff Provest MP, (Member for Tweed), Mr Peter Stevens (Roads and Maritime Services of NSW Representative - via video conference). Informal: Mr Ray Clark (Chairperson), Ms Judith Finch (Minutes).
Apologies:	Cr James Owen, Cr Pryce Allsop, Alana Brooks, Snr Constable David Brigg (NSW Police), Mr Nick Tzannes.
Confirmation of minutes:	Meeting held 28 November 2017 - To Council meeting held 13 December 2017
Business arising:	N/A
Agenda items:	1. 12 Clothiers Creek Road, Condong - Condong Power Station
General business:	Nil.

REPORT

1. 12 Clothiers Creek Road, Condong

An application has been received to use Tweed Valley Way from Pacific Highway, Chinderah south to Clothiers Creek Road, Condong and Clothiers Creek Road to 130m east of Tweed Valley Way, which is currently a 25/26m B Double Route.

This application is for a 25m/26m B Double to carry a higher mass with a limit of 68 tonnes (currently 62.5 tonnes). This is based on the NHVR Common Heavy Freight Vehicle Configurations guide.

The group was advised that a recent workshop was held for Councillors and staff and specialists from Roads & Maritime Services and the National Heavy Vehicle Regulator provided information pertaining to the movement of heavy vehicles and weights.

The application was supported on the basis of increasing the capacity of the vehicle accessing the site results in an overall potential decrease of heavy vehicle movements, resulting in reduced conflict between heavy vehicles and other road users.

Minutes



RECOMMENDATION TO COUNCIL:

That the application to use Tweed Valley Way from Pacific Highway, Chinderah south to Clothiers Creek Road, Condong and Clothiers Creek Road to 130m east of Tweed Valley Way, with a 25m/26m B Double at higher mass limit of 68 tonnes be supported. The application is from 11 January 2018 to 10 January 2021.

The meeting closed at 11.50am

Next Meeting:

The next B Double Routes Agency Advisory Group will be held as and when required.

Minutes



Attachment:



Case: 102610r9v1 - New - B-Double - Higher Mass Limit (HML)

Customer: Road Mgr. Assigned to: Primary contact: Case Status: New Bar: Approved HML

CASE DETAILS

Vehicle / load



Vehicle Class	Vehicle configuration
Class 2	B-Double
Height Up to 4.3m	Length Up to 25m/26m
What height will you be carrying?	Description of load
Commodity	Bulk

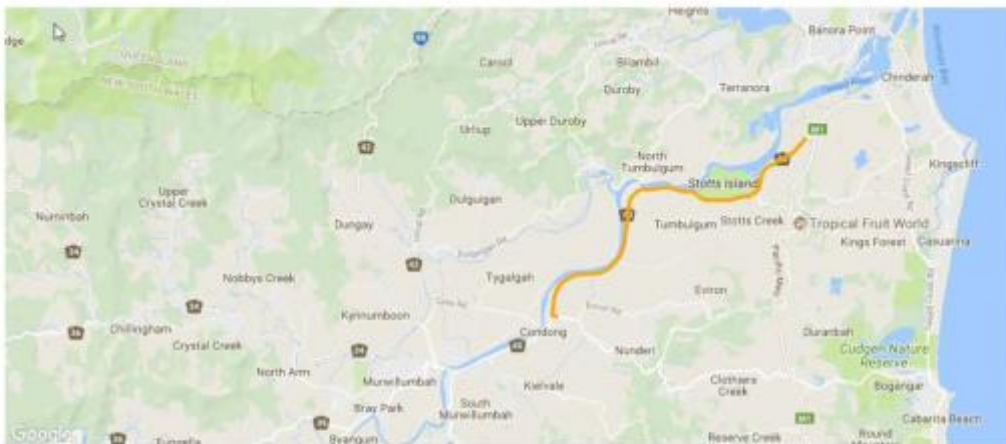
Permit details

Issuer of the existing permit	SP/PT permit number	Permit expiry	Issued document
NHVR	102610V3	19-Dec-2018	Permit Document

Permit period

Period from	Period to
11-Jan-2018	10-Jan-2021

Route / area details



Minutes



Road list (all Road Managers)

Status	Road name	Road Manager
<input type="checkbox"/>	Tweed Valley Way, CHINDERAH	NSW261 - Requires Consent
<input type="checkbox"/>	Tweed Valley Way, STOTTS CREEK	NSW261 - Requires Consent
<input type="checkbox"/>	Tweed Valley Way, TUMBULGUM	NSW261 - Requires Consent
<input type="checkbox"/>	Tweed Valley Way, EVIRON	NSW261 - Requires Consent
<input type="checkbox"/>	Tweed Valley Way, CONDONG	NSW261 - Requires Consent
<input type="checkbox"/>	Clothiers Creek Rd, CONDONG	NSW261 - Requires Consent



Post Meeting Note

Subsequent to the meeting, contact has been made with the applicant who has confirmed that the number of truck movements by his company would be reduced as he has a contractual arrangement based on tonnage per year.

OPTIONS:

1. Council approves the proposed B-Double route.
2. Council requests further information be made available to further assess the application.

CONCLUSION:

Not applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Not applicable.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

42 [E-CM] Tweed Road Development Strategy

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: **Leader**

SUMMARY OF REPORT:

The Tweed Road Development Strategy has been Council's primary guide in forming our future road and existing road upgrade strategy to cater for future growth.

This revised version uses current modelling tools with inputs from population data predictions and employment predictions to develop a list of future works.

The timing of those works is then categorised as short term, medium term, long term, or subject to land release.

The next stage of the study is to publically display the study which this report recommends. After the period of exhibition, and in consideration of the received community feedback, an updated works program for the Section 94 Plan No.4 Tweed Roads Contribution Plan will be developed.

RECOMMENDATION:

That the draft Tweed Road Development Strategy and attachments be publicly exhibited for a period of 42 days.

REPORT:

The Tweed Road Development Strategy (TRDS) was first developed in 1997 with the objectives of:

- assessing the Shire's traffic needs and development of a long term road network strategy, and
- A review of the philosophy and methodology for assessing developer contributions rates by sector and land use category.

The TRDS formed the basis of Council's Section 94 Tweed Roads Contribution Plan (TRCP).

The Strategy has been updated over the years to take into account changing land use and changes in population growth. Other relevant studies to this point include:

- TRDS updated in 2007 by Veitch Lister Consulting with revised contribution rates in Version 5 of the TRCP.
- Cross Border Traffic Management Plan – Bitzios Consulting (2011), which was a joint effort of TSC, Gold Coast City Council, Roads and Maritimes Services NSW and the Queensland Department of Transport and Main Roads.
- Lower Tweed and Pacific Highway Traffic Master Plan –Parsons Brinckerhoff (2006)

Council tendered this study in 2016 and Bitzios Consulting were awarded the contract. In June 2017 a Council workshop was held where Bitzios Consulting outlined the process, parameters and inputs into the strategy and an outline was provided of the draft strategy.

The strategy model has been developed using a strategic overall model (EMME) as well as a detailed (AIMSUN) model which includes intersections and lanes and utilises the latest population and employment demographics for the Shire. The model utilises the existing Gold Coast model and the future year aligns to the Gold Coast 2041 Strategy.

Seven scenarios were modelled as below:

Scenario 1	Do minimum – Pacific Highway upgraded to six lanes from Tugun to South Tweed
Scenario 2	Interim Critical Infrastructure Requirements – Scenario 1 plus infrastructure upgrades which are considered critical to the road network such as the partial construction of the Kirkwood Road (NBD) interchange, four lanes on Tweed Coast Road to Kings Forest and new east-west connections between Chinderah and Kingscliff.
Scenario 3	Kirkwood Road Interchange – Scenario 2 plus upgraded Kirkwood Road/Kennedy Drive interchange utilising existing bridge infrastructure (no service road bridges).
Scenario 4	Previous Road Development Strategy – network upgrades specified in the existing TRDS plus north-facing Boyd Street ramps and Broadwater Parkway connection.

Scenario 5	Localised Link Testing – Scenario 4 with some local area modifications to assess the benefits of adding/removing links
Scenario 6	Preferred Network – Scenario 4 with modified Kennedy Drive/ Kirkwood Road interchange (as per Scenario 3).
Scenario 7	Preferred Network with Constrained Pacific Highway – Scenario 6 with four lane Pacific Highway from Tugun and South Tweed.

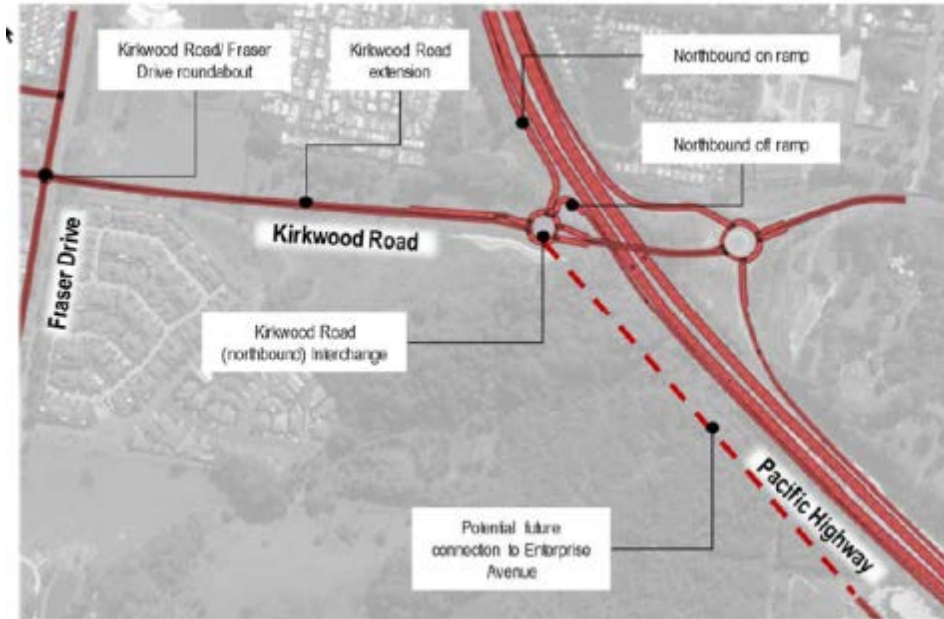
The above Scenarios were modelled and compared to the existing road network with no road upgrades (Base Scenario) with the expected population growth and its resultant traffic growth to 2041 included. A summary is provided below:

Network Statistics	Base Scenario	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7
Total Private Vehicle Trips – persons	612,635	612,931	611,767	612,025	611,838	612,147	612,164	611,854
Total Public Transport Trips – persons	10,471	10,439	8,291	8,297	8,554	8,359	8,531	8,585
Daily Private Vehicle Trips	448,093	448,291	448,775	448,972	448,816	449,024	449,061	448,858
Daily commercial Vehicle Trips	19,985	21,041	21,042	21,043	21,044	21,045	21,046	21,047
Daily Vehicle Kilometres Travelled (VKT)	5,686,774	5,707,157	5,709,263	5,688,259	5,656,266	5,624,252	5,650,509	5,625,802
Daily Vehicle Hours Travelled (VHT)	131,205	121,120	117,224	116,664	118,063	116,080	116,928	124,702

A significant departure from previous models is Scenario 3, the Kirkwood Road Interchange.

The 2006 Lower Tweed and Pacific Highway Masterplan proposed significant new infrastructure across Terranora Creek, in the form of widened highway bridges and additional local service road bridges. This solution was proposed as full interchanges for Kirkwood Road and Kennedy Drive were not supported by Roads & Maritime Services (RMS) as they were too close and posed a traffic safety hazard. However it will be extremely costly and requires very long lead times to implement. This TRDS review examined alternate options to improve the road network connectivity at lower cost.

The proposed network option modelled as Scenario 3 is shown below:



Scenario 3 Upgrades – Kirkwood Road Interchange

Under this scenario, the Kennedy Drive northbound off-ramp is removed due to its proximity to the proposed Kirkwood Road northbound on-ramp. To maintain the northbound off-ramp to Kennedy Drive, it is proposed that Sugarwood Drive is converted to a two-lane service road (bi-directional), as shown below:



Scenario 3 Upgrades – Kennedy Drive Interchange

The rationale for this upgrade compared to the previous TRDS service road bridge plan is to make better use of existing infrastructure (i.e. the northern off-ramp and dual lane service road) given its under-utilisation and to provide a more efficient signalised configuration at the Kennedy Drive intersection. This is achieved by having three approaches instead of four and providing complimentary turn movement flows during peak periods. RMS has indicated their support as the Highway Authority for this revised option.

Based on the various modelled scenarios, the following is a total of 51 recommended road infrastructure upgrades for inclusion within the TRDS update and the authority responsible for the upgrade. Some works identified in TRDS previous versions are not considered for inclusion as their benefits are not traffic flow optimisation based, or have been superseded.

ID#	Upgrade	Responsibility	Priority/ Trigger
1	Construct Cobaki Parkway	TSC	Dependent on land release area
2	Upgrade to Sandy Lane	TSC	Dependent on land release area
3	Piggabeen Road to McAllisters Road extension	TSC	Dependent on land release area
4	McAllisters Road extension to Scenic Drive	TSC	Dependent on land release area
5	Upgrade Kennedy Drive/ Piggabeen Road intersection to roundabout	TSC	Medium Term
6	Upgrade Pacific Highway ramp (southbound)/ Gold Coast Highway intersection.	RMS/ TSC	Medium Term / Kennedy Dr NBD off-ramp removal
7	Upgrade Pacific Highway ramp (northbound)/ Sugarwood Drive intersection	RMS/ TSC	Medium Term / Kennedy Dr NBD offramp removal
8	Six-laning of the Pacific Highway	RMS	Medium Term
9	Signalise Sugarwood Drive/ Parkes Drive intersection	TSC	Medium Term / Dependent on land release area
10	Convert Sugarwood Drive into a two-way service road	RMS/ TSC	Medium Term / Kennedy Dr NBD offramp removal
11	Signalise Kennedy Drive/ Sugarwood Drive intersection	RMS/ TSC	Medium Term / Kennedy Dr NBD offramp removal
12	Signalise Pacific Highway (southbound)/ Kennedy Drive intersection	RMS/ TSC	Short Term / Kennedy Dr NBD offramp removal
13	Upgrade Kennedy Drive/ Ducat Street intersection	TSC	Short Term / Kennedy Dr NBD offramp removal
14	Upgrade Wharf Street/ Florence Street intersection	TSC	Long Term
15	Remove NBD off/ramp on Pacific Highway at Kennedy Drive	RMS	Medium Term
16	Kirkwood Road extension to Fraser Drive	TSC	Medium Term
17	Pacific Highway (northbound)/ Kirkwood Road interchange (northbound)	RMS	Medium Term
18	Extend Enterprise Drive to Kirkwood Road	TSC	Medium Term
19	Four-laning of Fraser Drive	TSC	Medium Term
20	Signalise Greenway Drive/ Traders Way intersection	TSC	Medium Term
21	Four-laning of Greenway Drive	TSC	Medium Term
22	Signalise Leisure Drive/ Darlington Drive intersection	TSC	Short Term
23	Construct Fraser Drive/ Broadwater Parkway intersection	TSC	Dependent on land release area
24	Construct Broadwater Parkway	TSC	Dependent on land release area
25	Upgrade Terranora Road/ Mahers Lane intersection (roundabout)	TSC	Dependent on land release area
26	Extend Davey Street to Minjungbal Drive	TSC	Long Term
27	Upgrade Minjungbal Drive/ Machinery Drive intersection	TSC	Medium Term
28	Upgrade Sexton Hill Drive/ Darlington Drive intersection	TSC	Medium Term

Recommended road infrastructure upgrades

ID#	Upgrade	Responsibility	Priority/ Trigger
29	Upgrade Waugh Street/ Phillip Street intersection (roundabout)	TSC	Short Term
30	Upgrade Wommin Bay Road/ Sand Street intersection (roundabout)	TSC	Medium Term / Dependant on Land Release Area
31	Upgrade Pacific Highway/ Tweed Coast Road interchange	RMS/ TSC	Medium Term
32	Construct direct connection between Pacific Highway offramp and Morton Street	TSC	Medium Term
33	Extend Ozone Street to Tweed Coast Road	TSC	Dependent on land release area
34	Four-laning of Tweed Coast Road	TSC	Dependent on land release area
35	Construct Tweed Coast Road/ Ozone Street intersection (roundabout)	TSC	Dependent on land release area
36	Connect Rotuma Street to Ozone Street extension	TSC	Dependent on land release area
37	Construct Ozone Street/ Rotuma Street intersection (roundabout)	TSC	Dependent on land release area
38	Upgrade Ozone Street/ Sand Street intersection (roundabout)	TSC	Dependent on land release area
39	Extend Elrond Drive to Ozone Street	TSC	Dependent on land release area
40	Upgrade Tweed Coast Road/ Crescent Street intersection (roundabout)	TSC	Dependent on land release area
41	Extend Turnock Street to Tweed Coast Road	TSC	Dependent on land release area
42	Upgrade Tweed Coast Road/ Depot Road intersection (roundabout)	TSC	Dependent on land release area
43	Upgrade Pacific Highway (northbound)/ Cudgera Creek Road intersection (roundabout)	RMS/ TSC	Medium Term / Dependent on Land Release Area
44	Upgrade Pacific Highway (southbound)/ Cudgera Creek Road intersection (roundabout)	RMS/ TSC	Medium Term / Dependent on Land Release Area
45	Upgrade Cudgera Creek Road/ Pottsville Road intersection (roundabout)	TSC	Long Term / Dependent on land release areas
46	Extend Kellehers Road to Pottsville Road	TSC	Medium Term / Dependent on Land Release Area
47	Construct Pottsville Road/ Kellehers Road (extension) intersection	TSC	Medium Term / Dependent on Land Release Area
48	Extend Cane Road to Rous River Way	TSC	Long Term / Dependent on land release area
49	Extend West End to Frances Street	TSC	Medium Term
50	Four-laning of Tweed Valley Way (River Street to Quarry Road)	TSC	Medium Term / Dependent on Land Release Area
51	Upgrade Tweed Valley Way/ Quarry Road intersection	TSC	Medium Term. Dependent on land release area

Note: *Short Term generally 0-5 years*
Medium Term generally 6-15 years
Long Term generally > 15 years

Recommended road infrastructure upgrades

OPTIONS:

1. Endorse the exhibition of the strategy
2. Do not endorse the exhibition of the strategy

CONCLUSION:

The Tweed Roads Development Strategy reviewed the Tweed's road requirements until 2041.

The Strategy will provide the basis of updating the s94 Tweed Roads contribution Plan which funds or partly funds the identified road upgrades required.

The next stage of the Strategy is to publically exhibit it, which this report recommends.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Inform - We will keep you informed.

The development of the Strategy was a technical process that was not conducive to significant community consultation. Some inclusions were modelled, due to community suggestions, to determine their overall benefit to the road network.

During the exhibition period Council officers will notify stakeholders in the development industry and offer information sessions to interested community and business based groups.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Tweed Road Development Strategy (ECM5139351). Due to the size of the attachment a copy will be tabled by the Director Engineering at the Council meeting.

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

43 [FRIT-CM] Monthly Investment Report for period ending 28 February 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 Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$294,804,070** invested as at **28 February, 2018** and the accrued net return on these funds was **\$967,021** or **3.94%** 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 28 February 2018 totalling \$294,804,070 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 Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had \$294,804,070 invested as at 28 February, 2018 and the accrued net return on these funds was \$967,021 or 3.94% annualised for the month.

1. Ethical Investments

 Ethical Financial Institutions
\$141,337,461 which represents 47.94% of the total portfolio

Source: Australian Ethical

2. Economic Commentary

Australian and World Economy and Cash Rate

At its 6 March 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. Growth picked up in the Asian economies in 2017, partly supported by increased international trade. 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.

The pick-up in the global economy has contributed to a rise in oil and other commodity prices over the past year. Even so, Australia's terms of trade are expected to decline over the next few years, but remain at a relatively high level.

Globally, inflation remains low, although higher commodity prices and tight labour markets are likely to see inflation increase over the next couple of years. Long-term bond yields have risen but are still low. Market volatility has increased from the very low levels of last year. As conditions have improved in the global economy, a number of central banks have withdrawn some monetary stimulus. Financial conditions remain expansionary, with credit spreads narrow.

The Bank's central forecast is for the Australian economy to grow faster in 2018 than it did in 2017. Business conditions are positive and non-mining business investment is increasing. Higher levels of public infrastructure investment are also supporting the economy. Further growth in exports is expected after temporary weakness at the end of 2017. One continuing source of uncertainty is the outlook for household consumption. Household incomes are growing slowly and debt levels are high.

Employment grew strongly over the past year and the unemployment rate declined. Employment has been rising in all states and has been accompanied by a significant rise in labour force participation. The various forward-looking indicators continue to point to solid growth in employment over the period ahead, with a further gradual reduction in the unemployment rate expected. Notwithstanding the improving labour market, wage growth remains low. This is likely to continue for a while yet, although the stronger economy should

see some lift in wage growth over time. Consistent with this, the rate of wage 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 remains low, with both CPI and underlying inflation running a little below 2 per cent. Inflation is likely to remain low 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.

On a trade-weighted basis, 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. In the eastern capital cities, a considerable additional supply of apartments is scheduled to come on stream over the next couple of years. 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.

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.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with NSW Office of Local Government guidelines with approximately 79.51% 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.

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 remain 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 1.14% pa** above the 90 day UBS bank bill index for the last month.

Source: RBA Monetary Policy Decision

3. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS	8,099,530.00	
FLOATING RATE NOTES	52,304,541.50	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	78,999,999.00	
CALL ACCOUNT	9,400,000.00	148,804,070.50

WATER FUND

TERM DEPOSITS	59,000,000.00	
FUND MANAGERS	0.00	59,000,000.00

SEWERAGE FUND

TERM DEPOSITS	87,000,000.00	
FUND MANAGERS	0.00	87,000,000.00

TOTAL INVESTMENTS	294,804,070.50
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It should be noted that the General Fund investments of **\$148** 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.

Tweed Shire Council Investment Report - February 2018
(ECM5132366).

44 [FRIT-CM] In Kind and Real Donations - October to December 2017

SUBMITTED BY: Financial Services

mhm



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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.3 Community Services - To build stronger, more inclusive communities by assisting people to participate in social and economic life.

ROLE: Leader

SUMMARY OF REPORT:

Details of in kind and real donations for the period October to December 2017 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$102,360.59 for the period October to December 2017.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period October to December 2017 are reproduced as follows:

In Kind and Real Donations - October to December 2017

Amount	Recipient	Donated Item	Date
Financial Assistance			
\$3,500.00	Tyalgum Music Festival Inc	Budget Allocation - 2017/2018 Festival & Events Sponsorship Funding	23/10/2017
\$12,500.00	Connecting Southern Gold Coast Ltd	Budget Allocation - 2017/2018 Festival & Events Sponsorship Funding (Cooly Rocks On Festival)	23/10/2017
750.00	Tweed Valley Equestrian Group Inc	Budget Allocation - 2017/2018 Festival & Events Sponsorship Funding (TVEG Winter Series2017)	23/10/2017
\$7,500.00	QSM Sports Pty Ltd	Budget Allocation - 2017/2018 Festival & Events Sponsorship Funding (Battle Recharge)	23/10/2017
\$2,000.00	Twin Towns Friends Association Inc	Budget Allocation - Donation	04/10/2017
\$6,380.00	North Coast Academy of Sport	Budget Allocation - Donation	10/10/2017
15,000.00	Tweed Valley Wildlife Carers Inc	Budget Allocation - Donation	30/10/2017
\$1,500.00	Tweed Ditsrict Orchid Society Inc	Budget Allocation - Events Sponsorship - Annual Orchid Fair & Show	01/11/2017
\$6,015.10	Cudgen Headland Surf Life Saving Club	Budget Allocation - Events Sponsorship - Australian IRB Championships	07/11/2017
\$1,500.00	Murwillumbah Rowing Club	Budget Allocation - Events Sponsorship - Head of the Tweed	15/11/2017
\$432.50	Angela Tchoulak	Budget Allocation - Tweed Local Heritage Assistance Fund	22/11/2017
\$7,500.00	Tweed River Agricultural Society Ltd	Budget Allocation - Events Sponsorship - Murwillumbah Show	06/12/2017
\$7,500.00	Murwillumbah Festival of Performing Arts	Budget Allocation - Events Sponsorship - 2nd Year	06/12/2017
\$5,000.00	Caldera Environment Centre	Budget Allocation - Events Sponsorship - World Environment Day	13/12/2017
\$500.00	Jane & Bruce Johnstone	Budget Allocation - Events Sponsorship - Murwillumbah Show	13/12/2017
\$1,782.00	John & Jan Norris	Budget Allocation - Events Sponsorship - Murwillumbah Show	13/12/2017
\$79,359.60			
Goods, Services and/or Materials			
\$ 100.00	Murwillumbah Community Garden	30 Shrub Tubes	09/11/2017
\$ 74.00	Early Childhood Centre	4 TRAC Family Passes @ \$18.50 each	Oct/Nov/Dec
\$ 147.43	Tweed Land Care Committee	Printing & Copying	Oct/Nov/Dec
\$ 118.40	Tweed Heads Community Men's Shed Inc	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$2,549.30	On Track Community Programs Inc	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$1,380.10	RSPCA Animal Shelter	Charity Waste - Dumping Fees	Oct/Nov/Dec

Amount	Recipient	Donated Item	Date
\$1,505.90	Salvation Army	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$ 462.50	Tweed Coast Community Baptist Church	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$4,477.00	St Vincent De Paul	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$3,400.30	Tweed Palliative Care	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$2,601.10	Tweed Valley Op Shop	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$ 388.50	You have a Friend	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$ 421.80	Pottsville Beach Neighbourhood Centre	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$ 362.60	Aboriginal Land Council	Charity Waste - Dumping Fees	Oct/Nov/Dec
\$17,988.93			
Provision of Labour and/or Plant & Equipment			
\$379.47	Life Education Van Relocation	Provision of Labour & Council Plant	01/12/2017
\$379.47			
Rates			
\$403.10	Twin Towns Police and Community Youth Club	Water Usage	11/10/2017
\$155.99	Twin Towns Police and Community Youth Club	Sewer Usage	11/10/2017
\$559.09			
Tweed Link Advertising			
\$27.00	Tweed Theatre Company Inc - Dick Whittington	Advertising	03/10/2017
\$27.00			
Room Hire			
\$295.00	Twin Towns Friends Association	Room and Hall Hire	Oct/Nov/Dec
\$923.00	Tweed Hospital Auxiliary	Room and Hall Hire	Oct/Nov/Dec
\$388.00	South Sea Islanders Community	Room and Hall Hire	Oct/Nov/Dec
\$116.00	Banora Point & District Residents Association	Room and Hall Hire	Oct/Nov/Dec
\$72.00	Blind & Vision Impaired Support	Room and Hall Hire	Oct/Nov/Dec
\$ 488.00	Tweed Theatre Company Inc	Room and Hall Hire	Oct/Nov/Dec
\$1,618.00	Murwillumbah Theatre Company	Room and Hall Hire	Oct/Nov/Dec
\$ 146.50	Northern Rivers Symphony Orchestra Inc	Room and Hall Hire	Oct/Nov/Dec
\$4,046.50			
\$102,360.59	Total Donations 2nd Quarter (October, November, December 2017)		

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.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

45 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 November 2017

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
- 3.1.2 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 22 November 2017 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 22 November 2017 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 22 November 2017 are reproduced as follows for the information of Councillors.

Venue:

Murwillumbah Council Chambers, Murwillumbah Civic and Cultural Centre

Time:

4.00pm - 6.00pm

Present:

Will Griffiths - Lindisfarne Anglican Grammar (Chairperson);
Joshua Carpenter - Banora Point High School;
Talia Green - Lindisfarne Anglican Grammar;
Oscar Winters, St Joseph's College;
Monique Maugueret - Pacific Coast Christian School;
Jesse Wright - Mt St Patrick's College

Guests:

Mayor of Tweed Shire, Cr Katie Milne; Cr Pryce Allsop; Cr Ron Cooper; Chantelle Howse, Coordinator Community Development

Ex-Officio:

Troy Green, General Manager; Tracey Stinson, Director Community and Natural Resources; Shane Davidson, Executive Officer; Neil Baldwin, Manager Corporate Governance; Sylvia Roylance, Community Development Officer - Families and Youth; Wendy Yearsley, Acting Administrative and Program Support (Minutes)

Apologies:

Maddison Uitendaal - Banora Point High School;
Emily Hickey - Murwillumbah High School;
Lucy Neilson-Senise - St Joseph's College;
Rosaleen Newell, Nathanael Adam - Murwillumbah High School;
Debbie Firestone, Sustainability Program Leader;
Claire Cottone, Community Engagement Officer, headspace

Minutes of Previous Meeting:

Moved: Monique Maugueret

Seconded: Talia Green

RESOLVED that the Minutes of the Tweed Shire Youth Council Committee meeting held 23 August 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil.

Agenda Items:

AI1 Aboriginal Statement

The Chairperson, Will Griffiths acknowledged the Bundjalung Aboriginal Nation with the following statement:

"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."

AI2 Receipt of Petitions

Talia raised a concern regarding new graffiti that has appeared at the last roundabout (entrance to Pacific Highway) Murwillumbah. Cr Milne reminded all members that anyone can call up Council to raise a Customer Request Maintenance enquiry to report any community issues or concerns. Sylvia also discussed the Council's mobile phone app which is an alternative method of reporting issues.

AI3 Youth Council Conference and Event Brief

'Living for the Future' Home Expo attended by Joshua Carpenter, Banora Point High School Josh set up a table calling on volunteers to help with waste management /emptying bins at the schools. 3-4 volunteers signed up.

Breakthrough Junior Challenge Competition entered by Jesse Wright, Mt St Patrick's College

The Breakthrough Junior Challenge is an annual global competition for students to inspire creative thinking about science. Students were invited to create and submit original videos that bring to life a concept or theory in the life sciences, physics or mathematics. Jess submitted a 3 minute video on holographic theory and was the regional winner and finished in the top 30 students globally. The competition also highlighted the many opportunities/jobs for people in the future.

Student Representative Council members and Oscar Winters, Pacific Coast Christian School attended group conference in Lismore

The students were asked to select a topic for change and set goals and steps around how to implement the change as well as educate others to adopt the change to bring ideas to reality. Learnings from this conference were taken back to the school to encourage and foster a more positive and goal oriented school.

STEM class Southern Cross University Lismore

Will was shown around the SCU Lismore campus and was given an insight into what future jobs will be in the fields of engineering/technology.

Boss society attended by Monique

A panel of nurses, doctors, sports science group - ask questions from audience about careers and how students can progress their learnings to advance and focus on their future career aspirations.

AI4 Emerging Issues from School Community

Jesse highlighted emerging issues that were identified with schools students and the approach towards mental health, pressures on society of exams, anonymous help, drug and

alcohol abuse in society, lack of support to communities and avenues available to students to offload stress and anxiety.

Sylvia reminded students of the National Youth Mental Health Foundation - headspace, currently based in Tweed Heads. Headspace provides early intervention for mental health services to 12-25 year olds and they are happy to visit schools to raise awareness and support of young people dealing with stress and anxiety. There has been a request for headspace to service the Murwillumbah area in 2018.

Also supports the Youth Advisory Group and Compass group for LGBTI+ young people with a schedule of activities. Last activity was the Diversity Walk held in Tweed Heads to raise community awareness of LGBTIQ+ issues. Students can call headspace to request a visit to their schools.

Deb Firestone emailed through a request to students asking them to give ideas on how Council can encourage and contribute to enable youth to develop and showcase projects such as World Environment day. Deb champions and drives cultural change in the community and youth are paramount in providing input to drive the agenda and communicate the barriers.

AI5 Reports from Sub-Committees / Projects

Home Expo - Sustainability, design comp sustainable buildings.

Talia made a suggestion for each Student Representative Council to monitor their use of energy, water consumption and waste at their school.

Jesse suggested the School Environment Group be involved and start an inter-school competition for the entire student body to assist with supporting a sustainability policy. Council would set the criteria around sustainability, i.e. waste, energy reduction, paper recycling/bins. Jesse said there needs to be more awareness around those events.

Oscar updated Council on the focus of environmental protection at St Joseph's College. Recently 200 solar panels had been installed. Oscar expressed a need for there to be more engagement with the students.

Will is currently in collaboration with the head of business introducing a renewable energy plan - undergoing a review of the solar plan relating to renewable energy.

Troy Green asked about the current waste management and bin arrangements. Jesse advised the school had recently invested in separate waste/recycling bins however no green waste processing was current at this stage.

Sylvia commented that it is important to promote training sessions on recycling and to introduce strategies to engage young people.

Talia advised that Lindisfarne Anglican Grammar currently has 2 recycle bins however there was an issue with increasing costs on bin emptying and this discouraged the school from further bin purchases.

Monique advised Pacific Coast Christian School has no specific recycle bins at this stage, however the school has adopted a reward system whereby 'dojo' points are rewarded to students for 'doing the right thing' with their rubbish.

Informal session commenced 5.10pm

Mayor of Tweed Shire, Cr Katie Milne and Cr Cooper requested input and ideas from the Youth Council on their experience throughout the year. If students were to design the Youth Council next year, what barriers did they encounter and what could be approached differently. A suggestion for Youth Council to attend an actual Council meeting was put forward which may be helpful to future Youth Council students.

Oscar suggested the reading documents be sent to the Youth Council prior to the meeting to allow some preparation time.

Monique commented on how great it was to meet students from other schools in the same community to gather ideas and opportunities that can be adopted at their own school.

Oscar commented that it was great to take ideas back and address some of issues that young people are facing.

Troy Green suggested students request the attendance of a TSC Councillor to attend a school assembly to talk about the Councillors' role in the community.

Troy commended the Youth Council on how wonderful the group have been in Council and he is sure we will see some of the students in leadership roles in the future.

Mayor of Tweed Shire, Cr Katie Milne suggested an inter-school Committee forum for all schools - Council will assist in organising if any interest.

Cr Cooper and Cr Miller requested feedback from a four year delivery program set by elected Council and the projects that are to be undertaken for their selected term. Feedback and input from the Youth Council on how TSC Councillors can better communicate. The idea would be to debate a formal report and consider pertinent issues for the Youth Council to discuss. It was suggested TSC Council provide a brief agenda/summary of an actual Council meeting offering insight to the Youth Council on meeting processes. Tracey advised she had prepared a summary for her staff that may be helpful. The next Youth Council meeting with new members is set for February 2018.

Talia has submitted her comments on the Les Burger Youth Precinct consultation.

Cr Milne added that is important for young people to inform Council on what is important to the young people of the Tweed Shire region. Council are always open to any ideas and welcomed the Youth Council to email a Councillor directly with any ideas and suggestions.

The three elected Councillors gave an overview of their current projects.

Cr Milne - Workshop on the economic impact of filming the movie 'Aquaman' at Hastings Point will consider a better policy on how to respond to issues raised. The Tweed Valley Rail Trail project is a divided community issue with pros and cons of a rail trail versus a return of a train service to the Tweed Shire.

Another community concern relates to private native forestry with adopting better practices around native forestry and approval to log, as well as the emerging water mining issue.

Cr Allsop consults community; he values deliberative democracy and has an interest in emergency housing. He suggested community needs to support people before they become homeless, like providing a social security subsidy. He is concerned the local economy is floundering and welcomes others ideas/schemes/goals to encourage the stimulation of economy, addressing empty shop fronts, and the need to support agriculture and rural development. The production of farmers is declining and he is considering strategies to support this industry such as cabins, paddock to plate dining, rail trail support and connecting communities.

School Community Projects

Josh's project brought about the implementation of a prototype fishing line debris bin located at three locations including Barney's Point, Dry Dock Road and Boyd's Bay Wharf. Debris collected from the bins includes fishing line, hooks, sinkers and plastic bags. Josh applied for a grant to purchase 10 bins. Tweed Bait committed to purchase 5 bins however there is a minimum 10 bin commitment. Josh has the patent for these bins and Troy Green suggested Victory House/Men's Shed may help in building them.

Talia's project involved young people operating their own market stall at the Social Markets, held at Jack Evans Boat Harbour however some issues have arisen around insurance. This is a great opportunity to experience and learn the skill-base necessary to run a business. The market commences 8 December, every second Friday evening and third Sunday morning. Hopefully the next Youth Council students will become more involved.

Mayor of Tweed Shire, Cr Katie Milne - ACRE rural social enterprises roll out to school - getting young people into social enterprises making money in business with 50% donated to charity.

Jesse's project involved Mental Health and Drug and Alcohol. The Red Cross facilitated several 'Save a Mate' workshops for senior students. With additional training, Year 12 students could volunteer in the Red Cross chill out zone based at festival venues.

Monique's project involved her group focussing on student peer support and encouraging students to speak up about issues affecting them.

Lucy and Oscar's project involved running the 'Save-a- Mate' workshop for senior students and researching youth mental health programs to train young people how to be a peer support mentor.

Council Business

Troy Green presented the Youth Council members with Certificates of Attendance for 2017.

Next Meeting

Wednesday 28 February 2018, 4.00pm - 6.00pm

Harvard Room, Tweed Heads Administration Office, 21 Brett Street, Tweed Heads

Meeting closed 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.

46 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 February 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 2 February 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 2 February 2018 be received and noted; and**
- 2. The Executive Leadership Team's recommendations be adopted as follows:**

BA1. Complying Development Issue

That the Aboriginal Advisory Committee requests that Council draft a letter to the SEPP Team regarding Section 88B Complying Applications for demolition which do not take into account the impediments of the 88B instrument requirements for Due Diligence Reports.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 February 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), Cr Reece Byrnes (Tweed Shire Council); Leweena Williams (Tweed Aboriginal Corporation for Sport representative) (arrived at 10.03am).

Ex-officio:

Tracey Stinson, Robyn Grigg, Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Judy Kean (Tweed Shire Council) (arrived at 10.30am); Stewart Brawley and Ian Bentley (Tweed Shire Council) (arrived at 10.58am)

Apologies:

Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch representative); Des Williams (Tweed Byron Local Aboriginal Land Council representative); Mayor Katie Milne, 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

(a) Terms of Reference

Robert advised that he attended the Bugalwena Elders Committee meeting in December 2017 and it has agreed to nominate a delegate and alternate delegate to the AAC at its February 2018 meeting. The nomination paperwork has been provided for completion. Once the nomination is received, it will be recorded in the Minutes and subsequently endorsed by Council.

(b) Draft Statement of Commitment Policy

Robert advised he has updated the draft Statement of Commitment Policy and is in the process of providing the draft to Tracey and Robyn for comment. Robert reminded the AAC that the policy will incorporate the Aboriginal Acknowledgement Statement and the Memorandum of Understanding and has a stronger acknowledgement of cultural heritage,

social justice etc. Once the Statement of Commitment Policy has been finalised, a report will be prepared to Council for consideration and approval.

Leweena Williams arrived at 10.03am.

A quorum was achieved at 10.03am and the meeting was officially opened.

Discussion regarding the positive feedback received from staff and councillors following the Cultural Intelligence Workshops presented by Banaam.

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. One minute's silence was observed in honour of recently deceased members of the Aboriginal community.

Minutes of Previous Meeting:

Moved: Leweena Williams

Seconded: Desrae Rotumah

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 3 November 2017 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

At the AAC meeting on 3 November 2017, an action item was created that Council draft a letter to the SEPP Team at the Department of Planning NSW regarding complying development issues which may impact on Aboriginal Cultural Heritage. To enable this item to be actioned, a recommendation is required from the AAC.

Moved: Leweena Williams

Seconded: Jackie McDonald

RECOMMENDATION that the Aboriginal Advisory Committee requests that Council draft a letter to the SEPP Team regarding Section 88B Complying Applications for demolition which do not take into account the impediments of the 88B instrument requirements for Due Diligence Reports.

BA2. Business Arising from meetings held on 4 August 2017, 1 September 2017, 13 October 2017 and 3 November 2017

Jack Julius Park - Caveat

Robert confirmed that Council has received a response from Land and Property Information confirming that the caveat has lapsed. This matter is now complete.

BA3. Business Arising from meetings held on 1 September 2017 and 3 November 2017

Midden in Tweed Coast Road, Hastings Point

Robert advised that he will liaise with Manager Roads and Stormwater regarding the AAC's recommendation of 3 November 2017 that Council investigates the provision for 'no parking' gold bitumen line marking to prevent parking along the side of the road of the midden at Tweed Coast Road, Hastings Point. Council's Executive Leadership Team endorsed the recommendation on 6 December 2017 and the item is on the Council meeting agenda on 15 February 2018.

BA4. Business Arising from meeting held on 3 November 2017

Kingscliff Foreshore Park - 'Goodjinburra Park

A report has been prepared for the Council meeting on 15 February 2018 regarding the renaming of Kingscliff Foreshore Park, which includes the AAC's suggestion of 'Goodjinburra Park'.

Resumption of Agenda Items.

A1(c) 20 Year Commemoration of Aboriginal Advisory Committee

The AAC were requested to provide their final suggestions for the 20 Year AAC Commemoration. An update was provided regarding two of the items previously discussed:

- Oral history project - a funding application has been submitted through the Department of Environment for this project however the funding won't be announced until March or April 2018. The oral history project can be undertaken throughout the year.
- Timeline using Daily News clippings - Desrae advised that she will locate the folder of clippings.

The Working Group is meeting today to progress the commemorations.

Action Item: *CDO-Aboriginal to assist Desrae Rotumah to locate the folder of Daily News clippings so that it can be used to create a timeline for the 20 Year AAC commemoration.*

(d) Reconciliation Action Plan (RAP)

Robert advised that the final Reconciliation Action Plan (RAP) has been approved by Reconciliation Australia. Council's Communications Unit will now go ahead and complete the document. The AAC discussed the RAP being launched during the 20 Year commemoration celebrations.

Desrae and Jackie asked whether the Aboriginal community could be provided with a room and a display of photographs similar to the South Sea Islander Community. Robyn reminded the AAC of previous discussion regarding having an Aboriginal acknowledgement in the Tweed Heads Administration Office. There could be an option to plan an Aboriginal

acknowledgement in the cultural plaza at the Tweed Heads Civic Centre and Tweed Heads Administration Office. The AAC advised that the Aboriginal community would like a presence in the Tweed Heads Civic Centre/cultural plaza area.

Action Item: *Community Development Officer-Aboriginal to meet with the Council staff developing the concept plans for the Tweed Heads Civic Centre/cultural plaza and bring the concepts back to the AAC.*

Leweena requested that Aunty Joyce Summers be involved in discussions regarding the Aboriginal acknowledgement as she was previously involved and made some good suggestions.

(e) Repealing of Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan

Robert advised that Robyn Eiserman is an apology for the meeting. Robert reminded the AAC that the Shire Wide Aboriginal Cultural Heritage Management Plan and mapping now contains all of the data that was captured during the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan study. As result, the Terranora Cobaki Broadwater Aboriginal Cultural Heritage Management Plan is no longer required and should be repealed to save any confusion.

A2. Museum Programming - Request for Input (Judy Kean, Tweed Regional Museum)

Judy tabled the 'Tweed Regional Museum - Museum programming, request for input' document and provided copies to the AAC. Judy advised that Tweed Regional Museum (TRM) is seeking feedback from the AAC about their perspectives on how the Museum should go about identifying and developing programs dealing with Indigenous culture, and any priority areas.

Judy asked the AAC if it would like to continue conversations regarding working together for programming. Leweena requested that there be a link so that TRM always draws visitors back to the Aboriginal community and Minjungbal Aboriginal Museum. Judy advised that TRM does not display Tweed Aboriginal artefacts and acknowledges that these items are held and displayed at Minjungbal.

Judy confirmed that an application has been submitted to the Department of Environment for the oral history project and that TRM is looking forward to the commencement of the project once funding is secured.

Judy advised that TRM might have some educational opportunities such as guided tours and that these could be developed over time.

TRM has received feedback from the Breastplate exhibition which will be presented back to the AAC.

Action Item: *Community Development Officer-Aboriginal to work with Director Tweed Regional Museum to provide further information back to the AAC regarding the Breastplate exhibition and suggestions regarding linking visitors to TRM back to the Aboriginal community and Minjungbal Aboriginal Museum.*

Judy Kean left at 11.01am.

A3. Goorimahbah (Stewart Brawley and Ian Bentley, Tweed Shire Council)

Stewart advised that Council will be preparing a Plan of Management for Jack Evans Boat Harbour (JEBH) which will include community consultation. Before this process commences, Council would like to touch base with the AAC regarding revisiting the concept designs for Goorimahbah and confirm that this is still the way the Aboriginal community would like to proceed.

Jackie noted that the Aboriginal community's aspirations from 10 years ago haven't occurred and asked that the original aspirations be incorporated and revisited as part of the concept planning.

Stewart advised that the original plan was for Goorimahbah to be heavily landscaped which could exclude the area from some of the current uses and impact future use of the area. In reviewing the concept plans, the AAC might first consider how they would like to see the area being used, and then how best to incorporate the original aspirations to allow for that use.

Stewart tabled Fact Sheet No. 5 for JEBH/Goorimahbah.

Cr Byrnes left at 11.09am.

In the absence of a quorum, the meeting continued 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.

Council would like to embed the Aboriginal community's ideas into the Plan of Management before going out to community consultation. By reviewing the original concept, the AAC might be able to make some suggestions as to exactly what they would like and the other concepts can be worked around Goorimahbah.

Robert suggested that the AAC and Aboriginal community may benefit from carrying out a site visit of another concept that has been done in another area. Ian advised that Coffs Harbour has a good example and that there are images available on the internet.

Ian advised that Council has already incorporated some animal sculptures in other parks such as a turtle made out of a protected metal and the Mitchell snail which has been carved out of stone. The idea with the sculptures is that children can climb over and explore the animals.

JEBH/Goorimahbah is well used by the Aboriginal community and the AAC requested that this be kept in mind with any design.

Action Item: *CDO-Aboriginal to liaise with Stewart Brawley to arrange a workshop including site visit with the AAC, Aboriginal community, Stewart Brawley and Ian Bentley to discuss design options for Jack Evans Boat Harbour/Goorimahbah.*

Kingscliff Foreshore Park - 'Goodjinburra Park'

Stewart confirmed that a report will go to Council on 15 February 2018 regarding the renaming of Kingscliff Foreshore Park, which includes the AAC's suggestion of 'Goodjinburra Park'. Stewart advised that approximately 80 submissions were received.

Stewart Brawley and Ian Bentley left at 11.23am.

Incoming Correspondence:

Nil.

Outgoing Correspondence:

Nil.

General Business:

Nil.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 2 March 2018

The meeting closed at 11.25am.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

BA1. Complying Development Issue

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

BA1. Complying Development Issue

That the Aboriginal Advisory Committee requests that Council draft a letter to the SEPP Team regarding Section 88B Complying Applications for demolition which do not take into account the impediments of the 88B instrument requirements for Due Diligence Reports.

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.

47 [SUB-CHAC] Minutes of the Community Halls Advisory Committee Meeting held Wednesday 7 February 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
- 3.1.4 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 Meeting held Wednesday 7 February 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Community Halls Advisory Committee Meeting held Wednesday 7 February 2018 be received and noted.

REPORT:

The Minutes of the Community Halls Advisory Committee Meeting held Wednesday 7 February 2018 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle Meeting Room, Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah

Time:

11:08am

Present:

Maree Edwards (Chillingham Hall), Steve Sweetnam (Doon Doon Hall), Helen Manning (Fernvale Hall), Claire Masters (Limpinwood Hall), Ruth Clarke and Yvonne Hogan (Pottsville Beach Hall), Liz Mioni (Piggabeen Hall), Jennifer Kidd (Tumbulgum Hall), Cr Warren Polglase (Tweed Shire Council), Lisa Bailey (Tweed Shire Council - Minutes).

Apologies:

Reg Robinson (Crabbes Creek Hall), Donna Martin (Tumbulgum Hall), Tracey Stinson and Robyn Grigg (Tweed Shire Council) Janet Tkachenko (Pottsville Beach Hall).

Not in Attendance:

Crystal Creek Hall Representative.

Ex-officio:

Chantelle Howse (Tweed Shire Council), Shannon Rees (Tweed Shire Council)

Minutes of Previous Meetings:

The Minutes of the Community Halls Advisory Committee (CHAC) meeting held Wednesday 8 November 2017 will be presented to Council for endorsement at its next meeting on 15 February 2018.

Confirmation of these minutes will be requested at the following meeting of the Community Halls Advisory Committee.

OUTSTANDING MATTERS REPORT:

OM1 Review of Draft Templates

The Fee Schedule (Template 7) version December 2015 was tabled at the meeting for committee members to review. The following changes were advised:

- Pottsville - Bond for 18th and 21st birthday parties is \$1000.
- Tumbulgum - Bond rate varies between \$200 and \$500 depending upon risk.
- Equipment hired to Tumbulgum Community Association committee members is at no charge, and by negotiation to non-committee members.

The following committee members to confirm any required changes at the next meeting:

Limpinwood: following AGM set for 8 February 2018

Chillingham: following AGM set for March 2018

Doon Doon: will advise if any changes required.

OM2 Terms of Reference

Shannon informed the committee that changes to the Terms of Reference were adopted by Council at its 15 December 2017 meeting. Updated Terms of Reference have been provided to Committee members.

In relation to including a misconduct clause, Shannon has advised that the Code of Conduct clause regarding misconduct is sufficient and is referred to in the Terms of Reference (under Clause 7 – Conduct) therefore no further amendments to the Terms of Reference are required.

This item is now closed.

OM3 Volunteer Support

Addressed in Agenda Item 3.

AGENDA ITEMS:

AI1. Revisit Guidelines and Draft Templates

Shannon reminded the committee of the intention of the Community Halls Management Guidelines as a document for guidance and handover to new and existing committee members to assist in defining roles and responsibilities of hall committee members. Shannon discussed the option of finalising the core document and creating appendices for the sections that will require consistent updating. The Committee agreed and a revised document is to be presented at the next meeting.

Action: *Shannon to review the guidelines and present at the next meeting.*

AI2. Maintenance and Building Works

Chantelle informed the committee that various departments within Council are working to consolidate maintenance procedures across the various types of buildings and Council assets. It is envisaged this will create scheduled works for essential maintenance, annual inspections, electrical testing etc. Chantelle advised hall committees to contact Council prior to submitting any grant applications to provide the opportunity for scheduling and prioritising maintenance works within grant opportunities as required.

AI3. Volunteering Snapshot Workshop (continued)

The outcomes of the worksheets completed at the last meeting were reviewed and re-presented to each committee member. Following this review, each member took the opportunity to add any further ideas / suggestions / requests. This information will be compiled by Chantelle and formulate guidelines to assist with volunteer management in the future.

Action: *Chantelle to present guidelines at a future meeting.*

AI5. Upcoming Events

Pottsville Beach Hall - Yoga, exercise classes, church events, fashion parade fundraiser. Will be completing kitchen upgrade with Community Building Partnership grant funding.

Chillingham Hall – Stress relief activities sessions for primary school children to commence. Maree requesting support for developing/displaying Chillingham historical information bequeathed by Hazel Jeffery at Chillingham Hall. Shannon suggested contact with Tweed Regional Museum.

Limpinwood – Successful booking for a Christmas Day function, encouraging others to consider same for those who might be isolated from family and friends.

Tumbulgum Hall – Group booking for New Year's celebration which was a success. Vacated the hall before 9:00pm which lessened risk of damage/overcrowding. Commencing discussions on how the community would like to mark the anniversary of the March 2017 flood. Also planning Anzac Day Dawn Service and breakfast.

Piggabeen Hall - Playgroup each Monday and regular monthly community markets. The annual Bush Dance will be held again this year. Seeking more volunteers.

Inwards Correspondence:

Nil.

Outgoing Correspondence:

Nil.

General Business:

GB1. Shannon reminded the committee to refer to the website of the Department of Fair Trading as this is a very useful source of information and support regarding the roles and responsibilities of incorporated associations.

GB2. Tumbulgum Hall has an old piano that suffered flood damage. If anyone would like it, please contact Jenny Kidd to arrange collection.

GB3. Tumbulgum Community Association are considering life membership for those who have volunteered their services for a number of years and is seeking advice on how other committees recognise their long serving members. Members discussed a resolution at the AGM to determine the terms of the life membership and the acknowledgement provided, such as a certificate granting life membership.

4. Scheduling Next Meeting, including venue

The next meeting will be held 11:00am Wednesday 2 May 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.

48 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 February 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 14 February 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 February 2018 be received and noted.

REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 February 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 Hoskins; David Cranwell; Hamish Brace; John Harbison; Lindy Smith; Robert Quirk; Scott Petersen; Sam Dawson; Peter Comerford; Shawn Durkin; Bruce Peate; Jane Lofthouse; Tom Alletson, Marama Hopkins, Matt Bloor and Andrew McCauley.

Apologies:

Tracey Stinson; Stewart Brawley; Bill Fenelon and Carl Cormack.

Minutes of Previous Meeting:

Moved: Robert Quirk

Seconded: Cr Milne

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee (TCWC) meeting held 13 December 2017 be accepted as a true and accurate record of the proceedings of that meeting.

It was noted that Cr Cherry was present at the December 2017 TCWC meeting, however this was not recorded as being so in the minutes.

Agenda Items:

1. Presentation of CMP by Hydrosphere

The Preliminary Draft of the Tweed Coast Estuary Management Plan was presented by Orla Seccull and Mick Howland from Hydrosphere Consulting. Many points were raised for clarification during the presentation, including:

- It was requested that 'provision of ecosystem services' be added to the key values and objectives (table 3).
- The ability for Council to assess DA applications for commercial activity on the river.
 - Tom advised that in consultation with planners, it had been determined that an action in the CMP would be to recommend the development of an enabling clause within the 2014 LEP - to allow Council to receive and assess applications for 'on water commercial activity'. The assessment of such applications and the drafting of the enabling clause will have reference to the objectives of the Draft CMP. Council planners will be requested to attend a future meeting with the TCWC to provide further advice on this issue.
- Hamish Brace requested that the CMP give consideration to the impact of sea level rise on Stott's Island, in particular:
 - Monitoring vegetation change
 - Prioritising weed control

- Lessons to learn and apply to other areas affected by vegetation migration
- It was recommend that the CMP include an action on reforestation of catchment to reduce impacts on the estuary.
- It was recommend that the CMP include an action on Tidal inundation education, establishing signage similar to flood markers.
- Old Fingal Boat Harbour:
 - The action recommending provision of shore based facility for use by boaters at Old Fingal Boat Harbour was queried.
 - The desirability of allowing vessels to use the Old Fingal Boat Harbour was raised and discussed.
 - It was recommended that data on complaints and conflicts at old Fingal Boat Harbour be requested to be provided by RMS.
 - It was recommended to seek comment from the Fingal Community Association.
- It was requested that we check that the SEPP buffer zone on Leddays Creek (McLeods Creek) is not shown on CMP mapping. It was also noted that this mapping has been sourced from the Office of Environment and Heritage and cannot be changed by Council.
- Tom advised the committee of the existing timeline to progress completion of the document, and advised that his intention for the meeting was to seek the committees endorsement of the document for public exhibition.
- It was agreed that an additional workshop/extraordinary committee meeting would be arranged to allow further discussion and more informed consideration of the Draft CMP before it is recommended to Council for public exhibition.
- Additionally it was requested that a meeting with Robert Quirk and others to discuss actions and comments relevant to cane industry be arranged.
- The morning of 14 March was agreed for the Extraordinary Meeting. Tom will email all committee members with dates and a deadline for comments and issues for discussion.

2. Oxley River Bank Stabilisation Project Update

Matt Bloor provided a final update on the completed Oxley River erosion stabilisation project including a timeline of photos during construction.

3. Hastings Point Issues

Tom provided an update on the continuing issues of erosion and access within Cudgera Creek, adjacent to Peninsular Creek.

General Business:

Follow up actions and outstanding items:

- It was requested that a register of follow-up actions be kept relating to TCWC business - for example, following up on the letters recently send to the Ministers for Primary Industries and Environment relating to aquatic reserve nomination at Hastings Point. These items will need to be recorded on TCWC minutes.
- Cr Milne requested that the impact of noise pollution on marine life be discussed further at the April TCWC meeting. Tom will send a link to an article on this issue to TCWC members.
- Tom to report to Cr Cherry and David Cranwell with an update on Mooball Creek bank erosion adjacent to Tweed Coast Road.
- Tom to follow up with Rowan Chick on the Terranora Creek yabbie study.

- Tom to follow up Ministers on Hastings Point letters.

Next Meeting:

The next meeting of the Tweed Coast and Waterways Committee will be held on 11 April 2018.

The meeting closed at 12:40pm.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

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.

49 [SUB-TRAG] Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 14 February 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
- 3.2 Places
- 3.2.2 Art Gallery - To promote awareness, enjoyment and understanding of the visual arts through collections, exhibitions, education and community programs.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 14 February 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 14 February 2018 be received and noted.

REPORT:

The Minutes of the Tweed Regional Art Gallery Advisory Committee Meeting held Wednesday 14 February 2018 are reproduced as follows for the information of Councillors.

Venue:

Tweed Regional Gallery - Friends Meeting Room

Time:

5.00pm

Present:

Clr Warren Polglase (Chair), Alan Hann (President, Friends of Tweed Regional Gallery and MOAC Inc.), Louise Devine, Michael Rayner (Tweed Regional Gallery Foundation Ltd), Shirley Kennedy, Robyn Grigg (Manager - Community and Cultural Services, Tweed Shire Council), Dr Martin Sullivan. In attendance Susi Muddiman (Gallery Director), Gregory Puch (Minutes).

Apologies:

Clr Reece Byrnes, Tracey Stinson (Director, Community & Natural Resources. Tweed Shire Council)

Minutes of Previous Meeting:

Moved: Michael Rayner

Seconded: Shirley Kennedy

RESOLVED that the Minutes of the Tweed Regional Art Gallery Advisory Committee meeting held on Wednesday 15 November 2017 be accepted as a true and accurate record of the proceedings of that meeting.

The Chair noted that the Minutes could not be formally adopted as they had not been adopted by Council due to the timing of the February Council meeting occurring after the Committee meeting.

Business Arising:

No business arising.

Gallery Director's Report

The Gallery Director presented her report.

Moved: Shirley Kennedy

Seconded: Louise Devine

RESOLVED that the Gallery Director's report be adopted, and all artwork acquisitions ratified.

Mike Rayner made his apologies and left the meeting at 5.30pm

De-accession of artwork from Collection – for ratification

The Gallery Director tabled a letter to the TSC General Manager from artist Gabriela Soelkner, requesting that her work, *'The last hunter'* 1992, be considered for donation to the family of former TSC employee Clive Easton.

The General Manager's response to Ms Soelkner was tabled, with reference to the Gallery's Accession and De-Accession Protocol. The letter also included his consideration that the 12 month cooling off period listed in the Protocol be waived.

The Gallery Director spoke to the work, outlining that it was acquired as the winner of the 1992 Tweed Valley Art Prize, and was already included on the Gallery's de-accession priority list. It was noted that the General Manager and the Gallery are in favour of proceeding with the donation via de-accession, and the waiving of the 12 month cooling off period.

The Chair reiterated the circumstances of the written request and the loss of a TSC staff member, adding his support to the de-accession.

Louise Devine gave her support to the de-accession of the work based on the points tabled by the Gallery Director.

Shirley Kennedy informed the Committee members of the history of the acquisition, and the 30 year history of the Tweed Valley Art Prize, which she administered from 1969 to 1999, and the Prize's subsequent evolution to become the Border Art Prize. Ms Kennedy requested that she be given time to consider the proposal. The Committee, through the Chair, agreed to this request.

It was noted that a majority vote would be sufficient for the de-accession to be approved by the Committee.

Moved: Clr Warren Polglase

Seconded: Shirley Kennedy

RESOLVED that a decision on the de-accession of the work is held over until the next Committee meeting in May 2018, and that the request for donation via de-accession be finalised at that time.

General Business:

Robyn Grigg informed the Committee that the CIPMO (Cultural infrastructure Program Management Office – Development of Planning Environment) is leading a project to specifically look at storage for cultural facilities. The Department has been established to strategically manage and distribute funds for infrastructure. This information was offered to the Committee in relation to the Gallery's storage space problems and the need for de-accession of some works over the coming years.

Louise Devine recognised the quality of the Cressida Campbell card packs that the Gallery retails. The Gallery Director thanked Louise, adding that the cards are only retailed in selected outlets and that the quality of the product was as a direct result of the artist's involvement in the printing and production process.

The Gallery Director discussed the two venue plan for the 2018 Border Art Prize (BAP), noting that the M-Arts precinct was also the venue for the opening of the exhibition on Saturday 26 May 2018. For the first time, entries for the BAP will be taken through Try Booking. Due to the high number of entries the BAP has previously required pre-selection. With two venues it is hoped that all works may be displayed, depending on the quantity of artworks submitted.

The Gallery Director reminded the Committee of the upcoming exhibition schedule, including Rob Olver's, *Of Rivers and Floods*, Nicola Hooper's *Zoonoses*, and *Abstraction: celebrating Australian women abstract artists*. The Director of the National Gallery of Australia, Dr Gerard Vaughan AM, will be opening *Abstraction*, which is an honour for the Gallery.

The TSC staff lunch with guest speaker held annually for International Women's Day will be hosted by the Gallery this year, with *Abstraction* being the focus of the event.

Shirley Kennedy noted the passing of regional artist John Millington, who had also been the art critic for the Gold Coast Bulletin. The details of John's memorial service, to take place this coming weekend were discussed.

Martin Sullivan asked if there was any update on the M-Arts precinct. The Chair and Gallery Director responded that there was no update available at this time.

Next Meeting:

The next meeting of the Tweed Regional Art Gallery Advisory Committee will be held at 5.00pm on Wednesday 16 May 2018 at the Tweed Regional Gallery.

The meeting closed at 5.55pm

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

50 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 21 February 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: Advocate

SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 21 February 2018 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Equal Access Advisory Committee Meeting held Wednesday 21 February 2018 be received and noted.

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 21 February 2018 are reproduced as follows for the information of Councillors.

Venue:

Banora Point Community Centre

Time:

10.00am

Present:

Wendy Gilbett (Chair), Prospero Aplet, Una Cowdroy, Nathan Quinell, Suzanne Hudson (Community Representatives); Chris Vannucci (Alzheimer's NSW); Cr Warren Polglase, Karen Collins, Robert Noakes, Gabby Arthur (Tweed Shire Council) (Minutes).

Apologies:

Milena Morrow, Beverley Kelso (Community Representatives), Chantelle Howse, Alana Brookes, Cr Reece Byrnes (Tweed Shire Council).

Guests:

Joanne Watters and Fiona Holland (Tweed Shire Council) (arrived at 10.15am).

Minutes of Previous Meeting:

Moved: Suzanne Hudson

Seconded: Karen Collins

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Wednesday 6 December 2017 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Outstanding Matters Report:

OM1. Future Recruitment Strategy for EAAC Members

A group photograph will be taken at the next meeting for Council's website.

OM2. Terms of Reference and Confirmation of Committee Chair

Advisory Committees of Council are included in the draft Engagement Strategy so no action is required to be taken until the Strategy is endorsed by Council.

OM3. Addressing Attacks on Guide Dogs by Other Dogs

This issue will be included in the next Access and Inclusion Plan. Karen is working on a brochure for distribution through Council Rangers, pet shops, veterinary surgeries and the Tweed Link. Karen is liaising with Guide Dogs NSW regarding its 'Take the Lead Strategy' and requesting permission to use its brochure on respecting service dogs. Chris suggested that Council's website include a link to the Guide Dogs website. Nate advised that he will email to Karen some wording he has received in relation to further information available from Guide Dogs.

OM4. Accessible parking by Berkleys Lane, Pottsville

Karen advised that an inspection hasn't yet been carried out. Accessible car parking will be a major project in the next Disability Inclusion Plan and will include Pottsville.

OM5. Accessible change Rooms at Murwillumbah Aquatic Centre

Karen advised that she hasn't any update on this item.

Agenda Items:

A1. NDIS roll out

Coordinator Community Services and Senior Practitioner attended the meeting and provided an update on the NDIS roll out. The Tweed Disability Interagency Network is recording emerging issues relating to the roll out of the NDIS and a Working Group has been formed to discuss issues relating to affordable housing and supported accommodation issues and will meet for the first time on 28 February.

Joanne advised that Community Services is a registered NDIS provider and has been part of the aged and disability section of Council for 25 years. Community Services is not a direct service provider but it provides support coordination services. Due to the experience of the team, it is being approached by allied health organisations. Community Services is aware of the gap for people who don't fit into the NDIS and is liaising with FACS. Community Services is also working in the My Aged Care space and providing support assessment.

Wendy advised that the Department of Fair Trading and Ability Linkers are able to assist any participants who would like to make a complaint regarding a service provider.

Action: *Community Services to review its website and ensure it includes links to the correct sources. Responsibility: Joanne Watters/Fiona Holland.*

Action: *Community Services to be invited to every second EAAC meeting so that an update can be provided. Responsibility: Karen Collins/Gabby Arthur*

A2. Access and Inclusion Planning (Disability Inclusion Action Plan)

There are 13 Council staff from different sections on the newly formed Disability Inclusion Action Plan Working Group which is working through an internal mapping process in preparing the next Plan. Robert advised that the working group is also looking at Development Control Plans (DCP) to ensure accessibility is clearly addressed and that the information is accessible. Council systems and processes is one of the areas that need to be addressed in the new Disability Inclusion Action Plan. Accessible tourism has also been identified as a focus area of the consultation.

Karen is working on the survey with the Communications Unit.

A3. Tweed Link - Access All Areas

The current theme: New Disability Action Plan consultation and support for people with Guide Dogs will commence in March. The Tweed Link is now available online, via subscription, in the Daily News and Tweed Weekly. Feedback identified that hard copies aren't being delivered to all areas.

A4. Access and Inclusion Awards

The first planning meeting for the 2018 awards will be held on 21 February 2018.

A5. Access Funds

Operational funds: \$50,000. It is anticipated the funds will be used for items identified in the current Plan including the Foreshore Report and the funds should be expended before the end of financial year.

General Business:

GB1. Southern Cross University Lecture Invitation

Southern Cross University has requested Karen to present to students at a lecture on social inclusion and social justice.

Southern Cross University has invited the EAAC members to participate in a panel on barriers and issues for people with a disability on 20 March between 2pm and 5pm. Nate, Suzanne and Una have indicated that they will participate. Wendy advised she will attend to provide a mental health perspective. Karen will be the panel facilitator.

GB2. Evaluation Survey for Access and Inclusion Awards

Karen is finalising the survey of evaluation of the awards which will be distributed via Survey Monkey to people involved in the Awards.

GB3. Access issues in Pottsville

Nate has provided to Karen some information and photographs regarding beach access issues in Pottsville including Black Rocks. This access has been included in the Foreshore Report and Karen is liaising with the relevant Council Coordinator as there is potential for the access to be improved. Any improvement won't occur immediately but will be listed for future works. Karen is working with the relevant Council officer regarding development of the foreshore along the eastern side of Mooball Creek at Pottsville, subject to external funding grant.

Nate acknowledged that access has been improved along Overall Drive, Pottsville where Council has cut back a tree and installed a handrail on one side of the walkway.

Next Meeting:

The next meeting of the Equal Access Advisory Committee will be held Wednesday 18 April 2018.

The meeting closed at 11.35am.

EXECUTIVE LEADERSHIP TEAM'S COMMENTS:

Nil.

EXECUTIVE LEADERSHIP TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Equal Access Advisory Committee adopted 12 December 2013
(ECM2847116)

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

51 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 February 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 22 February 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 22 February 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

A1 [LTC] Tumbulgum Road, Murwillumbah

That the existing Loading Zone on Tumbulgum Road, Murwillumbah adjacent to the Cenotaph is removed and a 12metre 1/2P zone (two spaces) be installed at the same location.

A2 [LTC] Tweed Valley Way, Murwillumbah South

That an Accessible Parking Bay be installed on Tweed Valley Way between Prospero Street and Alma Street on the western side of the road, adjacent to the fruit shop.

A3 [LTC] Queen Street, Murwillumbah

That the existing 'No Parking' signs adjacent to the Tweed Palliative Support business in Queen Street, Murwillumbah be changed to 'Loading Zone' as parallel parking and this zone be extended approximately 6m to allow larger vehicles to access the site.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A6 [LTC] Lions Greenback Fishing Competition - Pandanus Parade Cabarita Beach - 10 June 0218

That the temporary partial road closure of Pandanus Parade, Cabarita Beach for the Greenback Fishing Competition on Sunday 10 June 2018 from 5.00am to 2.00pm be supported subject to the following conditions:

- 1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.***
- 2. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.***
- 3. 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.***
- 4. Adequate public liability insurance being held by the event organiser.***
- 5. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.***
- 6. Consultation with emergency services and any identified issues addressed.***
- 7. 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.***
- 8. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.***

A7 [LTC] Cabarita Headland

That:

1. *The existing 'No Parking' signage at the turnaround area at the northern end of the carpark on the Cabarita Headland be changed to 'No Stopping' and an additional advisory sign be installed at the beginning of the turnaround area advising motorists that there is no stopping in the turnaround area ahead.*
2. *Signage be installed at the beginning of the narrow section of the Cabarita Headland carpark stating "Unsuitable for longer vehicles beyond this point".*

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 22 February 2018 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Mr Peter Stevens, Roads and Maritime Services of NSW (via video conference), 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), Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Cr James Owen, Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Snr Constable David Brigg NSW Police, Mr Nick Tzannes, Alana Brooks.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 14 December 2017 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTC-SOR] Schedule of Outstanding Resolutions 22 February 2018

From Meeting held 28 November 2017

[LTC] Berkleys Lane, Pottsville

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4616799; Traffic - Committee; Traffic - Parking Zones; Disability/Accessibility Issues; Berkleys Lane

SUMMARY OF REPORT:

Request received for a designated disabled car parking space outside the ATM on Berkleys Lane, Pottsville.

Currently an accessible parking space is provided in the car park close to Coronation Avenue and this request is to remove that space and install it adjacent to the newsagency.

RECOMMENDATION TO COUNCIL:

That:

1. The installation of an accessible car space in the Berkleys Lane carpark, adjacent to the newsagency is supported, subject to funding and support of the adjacent businesses.
2. The existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue be removed, subject to Item 1 above.

At the Council meeting held 17 August 2017 an amendment was made and carried to Item 2 of the Recommendation which became:

2. Consultation be held with Council's Access and Inclusion Committee and Pottsville Community Association to seek their concurrence for the removal of the existing accessible car space in the Berkleys Lane carpark adjacent to Coronation Avenue.

Since then a further email (dated 7 September 2017) has been received from the Pottsville Community Association advising that:

"I am to understand Council has approved the addition of a parking spot on the shop side of Berkley's lane. Previously we had identified out the front of the newsagency as a suitable location, however at our August meeting the membership clarified it would be better suited for ease of access and less congestion to be at the parking bay area closest to Coronation Avenue, on the Berkley's Lane shop side.

Unfortunately it appears our previous committee incorrectly advised this additional disabled parking space was to replace the current parking space on the Ambrose Brown Oval side of Berkley's Lane. The membership discussed this error in our August meeting and agreed the Association write to you to clarify that our intention was to maintain the Ambrose Brown Oval side disabled parking bay AND request an additional disabled parking space as per details above. So in effect there would be two disabled parking bay spaces in Berkley Lane due to the need, and lack of suitable spaces nearby.

I apologise for this miscommunication and await your advice on the basis of this email."

From meeting held 19 October 2017:

The Road Safety Officer advised that this item and the similar request to reallocate the accessible parking bay in Murwillumbah Street was discussed at the Equal Access Advisory Committee meeting held on 18 October 2017. The members advised that a review of all CBD accessible parking should be carried out and that individual spaces should remain in place until the review has been completed.

Current Status: *That Item A4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 28 November 2017 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 21 September 2017 (Item A4).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tumbulgum Road, Murwillumbah

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5050484; Traffic - Committee; Parking Zones; Loading Zone; Bus - Stops; Tumbulgum Road, Murwillumbah

SUMMARY OF REPORT:

It has been observed that the Loading Zone on Tumbulgum Road, adjacent to the Cenotaph is rarely used and would be better utilised as half hour parking.

During the Tumbulgum Road upgrade the bus zone was temporarily replaced with ½ hour parking, which was well utilised by the Murwillumbah Library customers. The Customer Service Centre also generates a high demand for short term parking.

RECOMMENDATION TO COUNCIL

That the existing Loading Zone on Tumbulgum Road, Murwillumbah adjacent to the Cenotaph is removed and a 12metre 1/2P zone (two spaces) be installed at the same location.

FOR VOTE - Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Mr Ray Clark, TSC, Mr Peter Stevens, Roads & Maritime Services

A2 [LTC] Tweed Valley Way, Murwillumbah South

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4996313; Traffic - Committee; Parking - Zones; Disability/Accessibility Matters; Tweed Valley Way, Murwillumbah

SUMMARY OF REPORT:

A resident has written to Council after having difficulty accessing Service for NSW on Tweed Valley Way, Murwillumbah South.

During the inspection a number of elderly people were observed having difficulty navigating the very narrow parking spaces and kerb adjacent Service for NSW.

An Accessible parking bay could be installed adjacent to the fruit shop where the parking lane is wider.

All adjacent businesses have been consulted and support the installation of the Accessible Parking Bay.

This is supported by the Access Committee and TSC Disability Support Officer

RECOMMENDATION TO COUNCIL:

That an Accessible Parking Bay be installed on Tweed Valley Way between Prospero Street and Alma Street on the western side of the road, adjacent to the fruit shop.

FOR VOTE - Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Mr Ray Clark, TSC, Mr Peter Stevens, Roads & Maritime Services

A3 [LTC] Queen Street, Murwillumbah

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4996756; Traffic - Committee; Loading Zones; Queen Street, Murwillumbah

SUMMARY OF REPORT:

Request received for a Loading Zone outside the Op Shop on Queen Street, Murwillumbah as it is difficult to find a place to park or stop for a short period of time to deliver donations to the Op Shop. Sometimes these volunteers can be carrying heavy furnishings such as mattresses that are not easy to handle.

A further request has been received from Tweed Palliative Support requesting the installation of a dedicated loading zone at the Op Shop on Queen Street.

RECOMMENDATION TO COUNCIL:

That the existing 'No Parking' signs adjacent to the Tweed Palliative Support business in Queen Street, Murwillumbah be changed to 'Loading Zone' as parallel parking and this zone be extended approximately 6m to allow larger vehicles to access the site.

FOR VOTE - Mr Col Brooks on behalf of Mr Thomas George, MP Member for Lismore, Mr Ray Clark, TSC, Mr Peter Stevens, Roads & Maritime Services

A4 This Item was moved to Section B5 General Traffic Advice Murwillumbah at the request of the Chairperson

A5 This Item was moved to Section B6 General Traffic Advice Murwillumbah at the request of the Chairperson

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A6 [LTC] Lions Greenback Fishing Competition - Pandanus Parade Cabarita Beach - 10 June 0218

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5050858; Traffic - Committee; Road Closures - Temporary; Festivals / Events

SUMMARY OF REPORT:

Request received for temporary partial road closure of Pandanus Parade, Cabarita Beach for the Greenback Fishing Competition on Sunday 10 June 2018 from 5.00am to 2.00pm.

Pandanus Parade will be used to provide 2 car parks for the Volunteer Rescue Association and 2 disability parks. The first 3 (on the parkland side) car parks will be designated a 'fish drop off zone' where participants can drop off their catch to minimise the distance of carrying fish.

The remaining car park bays will be used for sponsor stands and display boats.

RECOMMENDATION TO COUNCIL:

That the temporary partial road closure of Pandanus Parade, Cabarita Beach for the Greenback Fishing Competition on Sunday 10 June 2018 from 5.00am to 2.00pm be supported subject to the following conditions:

1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.
2. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.
3. 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.
4. Adequate public liability insurance being held by the event organiser.
5. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
6. Consultation with emergency services and any identified issues addressed.

7. 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.
8. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.

FOR VOTE - Mr Ray Clark, TSC, Mr Rod Bates on behalf of Mr Geoff Provest, MP State Member for Tweed, Mr Peter Stevens, Roads & Maritime Services

A7 [LTC] Cabarita Headland

ORIGIN:
Roads & Stormwater

FILE NO: ECM5081094; Traffic - Committee; Parking Zones; Cabarita Headland

SUMMARY OF REPORT:

Community members have contacted Council with concerns in relation to high parking demand during peak times at Cabarita Headland.

It has been reported that there is low compliance with the current 'No Parking' signage at the northern end of the carpark and vehicles are unable to turn around and are forced to reverse for excessive lengths in a high pedestrian activity area.

It is noted that the current condition of the road surface is inadequate to linemark or stencil for parking control purposes.

To improve recognition of the current signage and provide more guidance to motorists, it is proposed that additional 'No Parking' signs be installed along the west side of the access aisle for 120m leading up to the northern end. This section is narrow and when vehicles are parked there, access to the north is constrained.

RECOMMENDATION TO COUNCIL:

That:

1. The existing 'No Parking' signage at the turnaround area at the northern end of the carpark on the Cabarita Headland be changed to 'No Stopping' and an additional advisory sign be installed at the beginning of the turnaround area advising motorists that there is no stopping in the turnaround area ahead.
2. Signage be installed at the beginning of the narrow section of the Cabarita Headland carpark stating "Unsuitable for longer vehicles beyond this point".

FOR VOTE - Mr Ray Clark, TSC, Mr Rod Bates on behalf of Mr Geoff Provest, MP State Member for Tweed, Mr Peter Stevens, Roads & Maritime Services

A8 This Item was moved to Section B7 General Traffic Advice Murwillumbah at the request of the Chairperson

A9 This Item was moved to Section B8 General Traffic Advice Murwillumbah at the request of the Chairperson

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

B1 [LTC] Commercial Road, Murwillumbah

ORIGIN:
Roads & Stormwater

FILE NO: ECM5039645; Traffic - Committee; Traffic - Safety; Traffic - Speed Zones; Commercial Road, Murwillumbah

SUMMARY OF REPORT:

Request received in relation to the speed of vehicles on Commercial Road, Murwillumbah, in particular half way along the road, where the levee stairs enter the most narrow part of the road.

The "Look" stencils have been reinstated for pedestrians exiting the riverside walkway. Speed surveys have been done and will be tabled for review at the meeting.

COMMITTEE ADVICE:

That:

1. Speed surveys for Commercial Road be provided to the Police for their information and appropriate action.
2. Council's Road Safety Officer liaise with Police to educate drivers on the posted speed limit on Commercial Road, Murwillumbah.

B5 [LTC] Tweed Valley Way, Blakeney's Road and Stokers Road, Stokers Siding

ORIGIN:
Roads & Stormwater

FILE NO: ECM 4985845; Traffic - Committee; Traffic - Safety; Tweed Valley Way, Blakeney's Road; Stokers Road, Stokers Siding

SUMMARY OF REPORT:

Request received for changes to the intersection at Tweed Valley Way, Blakeney's Road and Stokers Road as follows:

1. For safety reasons regular mowing of north and south sides of the Blakeney's Road intersection with a greater width being mowed. Currently the mowing pattern is not regular and not enough width of area is covered.

2. Assessment of 'Give Way' and 'Stop' sign usage at this intersection. In the past speed bumps were installed on the Stokers side but have been removed.

The Chairperson requested that this item be moved to the B section of the Minutes.

COMMITTEE ADVICE:

That:

1. The installation of a 'No Stopping' sign on Stokers Road at Tweed Valley Way is not supported due to expected non-compliance.
2. Increased frequency of mowing the north and south sides of Blakeney's Road intersection with Tweed Valley Way be requested.
3. The existing chevrons on Stokers Road approaching Tweed Valley Way be improved by installing raised pavement markings (RRPMs).

B6 [LTC] Elizabeth Street, Pottsville

ORIGIN:

Roads & Stormwater

FILE NO: ECM5030188; Traffic - Committee; Parking - Zones; Directional Signs; Linemarking; Pty 35861

SUMMARY OF REPORT:

Petition received regarding the difficulty residents are experiencing when exiting Elizabeth Grove on to Elizabeth Street, Pottsville. There are 45 houses within Elizabeth Grove. It is reported that there is no line of sight when exiting Elizabeth Grove.

Vehicles exiting Elizabeth Grove and turning right towards Anne Street have to edge out into the pathway of two way traffic to have any vision of oncoming vehicles, cyclists and pedestrians.

Vehicles reversing out from being parked in front of the Neighbourhood Centre, or a vehicle pulling out from the opposite side of Elizabeth Street also confront traffic exiting from Elizabeth Grove.

Making left turns are sometimes hindered by vehicles parked over part of the exit. Left turns are also made more difficult due to visitors at No. 12 Elizabeth Street using the area for parking many vehicles and garbage bins also hinder view of traffic 24/7.

The speed of vehicles on Elizabeth Street is also affecting the ability of residents to exit safely.

The residents are requesting that:

1. Temporary markings on the road be made to denote "No Parking" 10 metres along Elizabeth Street either side of the entry/exit way of Elizabeth Grove.
2. "No Parking" signs on each side of the entry/exit point.
3. Inspection of area outside of No. 12 Elizabeth Street with the possibility of installation of kerb and guttering in line with the front of No. 14.
4. Elizabeth Street could become a one-way street.
5. The 40kph zone in Coronation Street could be extended into Elizabeth and Anne Street.
6. The uneven numbered side of Elizabeth Street could become a two-hour parking zone.

The Chairperson requested that this item be moved to the B Section of the Minutes.

COMMITTEE ADVICE:

That 1 metre yellow 'No Stopping' lines is not supported. It is recommended that the Elizabeth Grove residents apply to Council to widen the driveway by installing splays on both sides at to assist residents when exiting or entering the driveway.

GENERAL TRAFFIC ADVICE - TWEED HEADS

B2 [LTC] Tweed Coast Road Hastings Point to Cabarita Beach

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4811609; Traffic - Committee; Speed Zones; Tweed Coast Road, Hastings Point; Tweed Coast Road, Cabarita Beach; Sandalwood Drive

SUMMARY OF REPORT:

Request received for a reduction of the speed limit on Tweed Coast Road Hastings Point between Sandalwood Drive Cabarita Beach and Hastings Point from 80km/hr to 60km/hr or 50km/hr.

The applicant advises that:

- There is a lot of roadkill in the 80km/hr section of road
- This section of road passes a youth precinct at Les Burger Field
- Blind corner between the youth precinct and the pony club crossing
- The local speed limits are inconsistent
- At the T intersection at Tweed Coast Road / Round Mountain Road, facing west horses and riders arrive unrestricted at the roadside near the blind corner where cars are travelling at 80km/hr
- Two permanent road signs indicating 'Horses Cross Here' would also assist reduce the danger
- The 40km/hr speed limit through Coronation Street Pottsville CBD and Cabarita Beach CBD at 50kph is inconsistent. Consideration should be given to reducing the Cabarita Beach speed limit to 40km/hr through the CBD (Rosewood Avenue / Cypress Crescent corner to Hastings Road or Banksia Avenue).

Both requests have been forwarded to the Roads & Maritime Services for feedback. Speed surveys will be tabled for discussion.

COMMITTEE ADVICE:

That as Council does not have delegated authority for speed limits, it is requested that the Roads & Maritime Services provide advice to Council.

B3 [LTC] Darlington Drive, Banora Point

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4953942; Traffic - Committee; Speed Zones; Darlington Drive

SUMMARY OF REPORT:

Request received regarding excessive speeding on Darlington Drive which appears to be worse on weekdays in the early morning from approximately 5.00am and 7.00am. Police enforcement and LTC advice has been requested.

The speed data will be tabled for review by the Committee.

COMMITTEE ADVICE:

That the Committee reviewed the speed surveys and whilst the area of concern is south of Leisure Drive, the Committee was informed that current Police enforcement activities are addressing the speeding issues in the area.

B4 [LTC] Machinery Drive, Tweed Heads South

ORIGIN:

Roads & Stormwater

FILE NO: ECM 4990432; 4948811; 4786507; Traffic - Committee; Traffic - Safety; Traffic - Signs; Traffic - Local Area Traffic Management; Machinery Drive, Tweed Heads South

SUMMARY OF REPORT:

This item was discussed at the Local Traffic Committee meeting held 3 October 2017 and the following resolved by Council at its meeting held 16 November 2017.

"That:

- 1. Machinery Drive has ample width and is an industrial area, and the request for designating this as a one way street is not supported. It is also noted that designating Machinery Drive as a one way street would place extra demand on the eastern end for vehicles trying to enter Machinery Drive, which could affect the through and right turn traffic approaching Minjungbal lights.*
- 2. Another set of signals at the western end of Machinery Dr would be very expensive for Council and is currently unfunded. The proposed location is only 140m from the*

next intersection (signals) at Amber Road, which may create stop start and restrict through traffic movements.

3. *Advice from Council's property officer is that renaming Machinery Drive would have significant impact on existing property owners and would not be supported."*

A request has now been received for the installation of 'Keep Clear' road markings on Machinery Drive at the intersections where Machinery Drive enters or exits the Machinery drive 'crescent'.

The Guidelines do not support the installation of 'Keep Clear' road marking in this type of situation.

COMMITTEE ADVICE:

That the installation of 'Keep Clear' road markings on Machinery Drive, Tweed Heads South were not supported due to non-compliance with the RMS Guidelines for these devices.

B7 [LTC] Kingscliff Lane, Kingscliff

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5032726; Traffic - Committee; Parking Zones; Kingscliff Lane

SUMMARY OF REPORT:

Request received for Kingscliff Lane to be a 'No Parking' zone. It is reported that vehicles make it very difficult to drive Solo trucks through to service Kingscliff Lane on Mondays.

The Chairperson requested that this item be moved to the B Section of the Minutes.

COMMITTEE ADVICE:

That the installation of 'No Parking' signs on the east side of Kingscliff Lane was not supported and Rangers are requested to monitor compliance with current signage and parking regulations.

B8 [LTC] Wharf Street, Tweed Heads

ORIGIN:
Roads & Stormwater

FILE NO: ECM 5040201; 5081327; Traffic - Committee; Loading Zones; Taxi Stands; Bus Services - Stops; Wharf Street, Tweed Heads

SUMMARY OF REPORT:

A verbal request has been received to remove the existing Loading Zone in Empire Lane and replace it with two of the existing taxi rank spaces in the off road area of Wharf Street, Tweed Heads. The spaces could be marked as 'Loading Zone' during the day and remain as 'Taxi Zone' at night when the highest demand is in operation. Whilst this was generally

supported by the taxi operator, it was further requested that due to only 2 spaces being allocated as a 'Taxi Zone' within the Tweed Mall Shopping Centre, that additional spaces should be considered on Wharf Street adjacent to the shopping centre south of the existing bus zone.

The Chairperson requested that this item be moved to the B Section of the Minutes.

As there is only verbal request to reconsider the existing Loading Zone in Empire Lane, without business consultation and taxis appear to be catering for the existing demand in the area the Committee did not consider that any proposed changes were warranted in this vicinity.

COMMITTEE ADVICE:

That the Committee did not support any changes to the Loading and Parking Zones on Empire Lane and Wharf Street, Tweed Heads.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held Thursday 22 March 2018 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 11.25am.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tumbulgum Road, Murwillumbah

Nil.

A2 [LTC] Tweed Valley Way, Murwillumbah South

Nil.

A3 [LTC] Queen Street, Murwillumbah

Nil.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A6 [LTC] Lions Greenback Fishing Competition - Pandanus Parade Cabarita Beach - 10 June 0218

Nil.

A7 [LTC] Cabarita Headland

Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tumbulgum Road, Murwillumbah

That the existing Loading Zone on Tumbulgum Road, Murwillumbah adjacent to the Cenotaph is removed and a 12metre 1/2P zone (two spaces) be installed at the same location.

A2 [LTC] Tweed Valley Way, Murwillumbah South

That an Accessible Parking Bay be installed on Tweed Valley Way between Prospero Street and Alma Street on the western side of the road, adjacent to the fruit shop.

A3 [LTC] Queen Street, Murwillumbah

That the existing 'No Parking' signs adjacent to the Tweed Palliative Support business in Queen Street, Murwillumbah be changed to 'Loading Zone' as parallel parking and this zone be extended approximately 6m to allow larger vehicles to access the site.

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A6 [LTC] Lions Greenback Fishing Competition - Pandanus Parade Cabarita Beach - 10 June 2018

That the temporary partial road closure of Pandanus Parade, Cabarita Beach for the Greenback Fishing Competition on Sunday 10 June 2018 from 5.00am to 2.00pm be supported subject to the following conditions:

- 1. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.*
- 2. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.*
- 3. 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.*
- 4. Adequate public liability insurance being held by the event organiser.*
 - 5. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
 - 6. Consultation with emergency services and any identified issues addressed.*
 - 7. 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.*
 - 8. The submission and approval of a Community Event application/Major Event application and compliance with any conditions imposed therein.*

A7 [LTC] Cabarita Headland

That:

- 1. The existing 'No Parking' signage at the turnaround area at the northern end of the carpark on the Cabarita Headland be changed to 'No Stopping' and an additional advisory sign be installed at the beginning of the turnaround area advising motorists that there is no stopping in the turnaround area ahead.*
- 2. Signage be installed at the beginning of the narrow section of the Cabarita Headland carpark stating "Unsuitable for longer vehicles beyond this point".*

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Adoption of The Tweed Destination Brand

REASON FOR CONFIDENTIALITY:

This report is confidential as it deals with intellectual property of Council.

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



Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.2 Communications - To inform, educate and engage the public about Council and community activities.

ROLE: **Leader**

C2 [GM-CM] Deferral of Developer Contributions - Burringbar Cheese Factory (DA13/0020.01)

REASON FOR CONFIDENTIALITY:

Local Government Act

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

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

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Making decisions with you
We're in this together

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**

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C3 [PR-CM] Request for Alternative Commonwealth Games Operating Hours for Development Consent DA03/0445 for Use of an Existing Stock & Domestic Water Bore for the Purpose of a Rural Industry Comprising the Harvesting & Bottling of Mineral Water at Lot 1 Urliup Road, Urliup for the Period 1 to 30 April 2018

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could impact upon Council's ability to validly act upon a recent Council resolution.

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.

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Making decisions with you
We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C4 [E-CM] Acquisition of Land for Reservoir - Part Lot 1 DP 216360 Mahers Lane, Terranora

REASON FOR CONFIDENTIALITY:

This report contains details of commercial in confidence negotiations with the affected landowner.

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

C5 [E-CM] Bray Park Weir Tidal Protection Project - Project Reference Group

REASON FOR CONFIDENTIALITY:

The report discusses the merits of individuals nominating for the Bray Park Weir Tidal Protection Project Reference Group.

Local Government Act

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

- (a) personnel matters concerning particular individuals (other than councillors).

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

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