



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Agenda

**Ordinary Council Meeting
Thursday 19 September 2019**

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

Principles for Local Government

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

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

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CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 August 2019

SUBMITTED BY: Corporate Governance

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 15 August 2019 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 15 August 2019 be adopted as a true and accurate record of proceedings of that meeting, noting amendment to recommendation of Confidential Item C2 [SCE-CM] Update on Proposed Amendments to Waste Collections Contract RFO0216040 as highlighted below:

"that Council:

1. *Extends the waste collection **yellow lid bins** contract **RFO2016040** **Collection of Municipal Waste, Collection and Processing of Recyclables, Collection of Organics, Collection of Public Place Bins and Collection of Bulky Waste** or two years up until 30 June 2022 by way of an agreed amendment to the contract, on the basis of the terms negotiated between Solo Resource Recovery and Council.*
2. *Enters a refund sharing agreement under the State Government Container Deposit Scheme that would return 50% of the refund received by the Material Recovery Facility to Council for containers remaining in the yellow lid recycling bin that have been processed under the contract."*

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 August 2019 (ECM6017821).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 15 August 2019 (ECM6017780).

2 [CONMIN-CM] Confirmation of Minutes of Ordinary and Confidential Council Meeting held Thursday 5 September 2019

SUBMITTED BY: Corporate Governance

mhm



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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 5 September 2019 are attached for information and adoption by Council.

RECOMMENDATION:

That:

- 1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 5 September 2019 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 5 September 2019 (ECM 6049234).

(Confidential) Attachment 2

Minutes of the Confidential Council Meeting held Thursday 5 September 2019 (ECM 6049247).

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions at 19 September 2019

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**

SUMMARY OF REPORT:

This report details the outstanding resolutions from both Council and Planning Committee meetings for the information of Councillors.

RECOMMENDATION:

That the Schedule of Outstanding Resolutions are received and noted.

REPORT:

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

15 SEPTEMBER 2016

REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

C1 [GM-CM] Murwillumbah Railway Station

C 29

That Council:

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

Current Status: A report on future lease options will be considered more broadly as part of the Rail Trail project in accordance with the business case presented to the State and Commonwealth Governments which identified the need for complimentary tenancy of the Rail Trail to contribute to the ongoing maintenance of the infrastructure.

A Heritage Application Grant has been submitted on 8 February 2019 to undertake works on the Murwillumbah Railway Station site.

1 MARCH 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

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: A report was submitted to the 1 August 2019 Council Meeting and resolved that:

".. Council, in respect of the current compliance matter with Mr John Fish resolves it wishes to continue with the terms of an agreement with Mr Fish relating to rectifying unauthorised works on Crown Road, off Zara Road Limpinwood:

1. *Endorses and grants delegation to The Mayor, Councillor Katie Milne, Councillor Polglase and the General Manager to seek a meeting with Mr Fish and his representatives to negotiate a revised agreement on the next steps of this process, and related prosecution action in the Land and Environment Court."*

A meeting was subsequently held at Council on 20 August 2019, and Council's solicitors have successfully applied to the Land and Environment Court to seek a further 6 month deferral of the current prosecution action, and have pursued a corresponding revised agreement between Council and Mr Fish to continue with relevant approval processes in order to resolve this matter.

22 MARCH 2018

ORDERS OF THE DAY

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

99

Cr K Milne
Cr R Byrnes

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

Current Status: At its meeting of 5 September 2019 Council endorsed an updated Strategic Planning Urban Design work program and a review of these controls is unlikely to take place until 2020/21.

17 MAY 2018

ORDERS OF THE DAY

12 [NOM] Landscaping - South Tweed

235

Cr K Milne
Cr C Cherry

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

Current Status: At its meeting of 5 September 2019 Council endorsed an updated Strategic Planning Urban Design work program and a review of these controls is unlikely to take place until 2020/21.

15 [NOM] Options for Improved Land Management

238

Cr K Milne
Cr C Cherry

RESOLVED that:

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

Current Status: Discussions have occurred at a regional level at both the General Manager and Natural Resource Manager levels to consider a regional approach to offsetting. A report prepared by Natural Resource Management Group members was presented to the July 2018 Northern Rivers Joint Organisation (NRJO) General Managers' Group meeting where it was resolved that:

- NRJO identify a cost share arrangement for the estimated cost of \$41,500, to engage a fixed term staff person (or consultant) to be hosted at an NRJO council;
- This person completes a regional assessment of the needs of each council to adapt development assessment processes to meet the new legislation and report this assessment with recommendations for specific requirements.
- This person complete an assessment of the unavoidable biodiversity offset requirements likely to be generated from land already identified for development across the NRJO and report this assessment with recommendations for specific further requirements, including whether a second stage analysis of potentially available stewardship sites is required.

At the NRJO meeting of 2 November 2018, it was resolved that a cross-sharing arrangement for proposed work be funded through the JO and the request for quotation be issued accordingly. Copies of the business paper and minutes are available at the website of the Joint Organisation. This work is essential to being able to identify lands suitable as offset sites as any such land needs to provide the correct type of credits for which there is a demand through proposed or potential impacts.

The project and ongoing adaptation to the new biodiversity legislation continues to be undertaken in consultation and with the support of the North Coast Local Government Support Officer (Biodiversity Reforms).

A consultant was engaged in January 2019 through the NRJO to undertake the works and has completed approximately 40% of the project to date. The works completed include the regional needs assessment of all member councils and the preparation of a summary report. The methods for analysis of the potential unavoidable biodiversity offset requirements has also been completed, including collation of all relevant data required to perform the analysis.

The project was put on hold in April 2019 with the endorsement of council to address a significant family health matter faced by the consultant working on the project that has unfortunately resulted in the consultant having to withdraw from the contract. The company that was placed second in the procurement process was approached and negotiations commenced regarding completion of the project.

The new consultant has commenced to complete the report on a regional approach to biodiversity offsetting. Presentation of the draft report is expected at the September NRJO NRM managers meeting.

21 JUNE 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

295

**Cr J Owen
Cr P Allsop**

RESOLVED that Council endorse:

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

Current Status: The draft Scenic Landscape Strategy, Policy, and draft DCP amendments were publicly exhibited April - June 2019. Submissions are currently being reviewed and informing the finalisation of the draft SLS for reporting to Council, envisaged late 2019.

Public exhibition of the SLS Policy Statement, Strategy and draft DCP has concluded June 2019. A report on consultation and submissions will follow in late 2019 / early 2020.

16 AUGUST 2018

ORDERS OF THE DAY

6 [NOM] Environmental Land Purchases

422

**Cr K Milne
Cr C Cherry**

RESOLVED that a report be brought forward on the potential for Council to purchase significant environmental areas for the purposes of appropriate rezoning and resale.

Current Status: As resolved by Council at its meeting 15 August 2019, Bond University Research Services Branch are being engaged to complete a briefing paper investigating and detailing the function and operation of land trusts, to include recommendations regarding council's potential involvement in securing the outcomes associated with this mechanism.

A viability analysis via a student capstone project using a local case study for a high level consideration and recommendations regarding council's potential involvement in facilitating a sustainable planning and development outcome has been commenced via an inception meeting on 4 September 2019.

REPORTS FROM DIRECTOR PLANNING AND REGULATION

15 [PR-CM] Affordable Housing Context and Options Paper

419

Cr K Milne
Cr R Cooper

RESOLVED that Council:

.....

6. A further report be brought back to Council following the exhibition of the draft policy statement.

Current Status: At its meeting of 5 September 2019 Council endorsed an updated Strategic Planning Urban Design work program and a review of these controls is unlikely to take place until 2020/21.

15 NOVEMBER 2018

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM-CON] Works at Lot 136 DP 755724 Boormans Road, Limpinwood

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: -

- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

C 87

That:

1. Council defers this item to seek the following further investigations and provide updated advice including on:
 - a) the North East Forest Alliance Audit report,
 - b) previous complaints to Council from the neighbours in the immediate vicinity,
 - c) further investigation of the recent activities in question and the history of logging on the property including:
 - i) interviews with the neighbouring complainants,
 - ii) more detailed historical aerial imagery if available,
 - iii) other relevant documents that may practically assist in establishing the extent of historical logging on the property, such as tax and transaction records of the parties involved including the transport and receiving parties.
 - iv) other relevant documents that may practically assist in establishing the extent of the recent level of logging activity in question on the property, such as tax and transaction records of the parties involved including the transport and receiving parties.
2. A further report be brought back to Council once these additional investigations and advice have been completed.

Current Status: At its meeting of 1 August 2009, Council resolved the following:

"... that Council, in respect of the current compliance matter with Mr John Fish resolves it wishes to continue with the terms of an agreement with Mr Fish relating to rectifying unauthorised works on Crown Road, off Zara Road Limpinwood:

1. *Endorses and grants delegation to The Mayor, Councillor Katie Milne, Councillor Polglase and the General Manager to seek a meeting with Mr Fish and his representatives to negotiate a revised agreement on the next steps of this process, and related prosecution action in the Land and Environment Court."*

A meeting was subsequently held at Council on 20 August 2019, and Council's solicitors have successfully applied to the Land and Environment Court to seek a further 6 month deferral of the current prosecution action, and have pursued a corresponding revised agreement between Council and Mr Fish to continue with relevant approval processes in order to resolve this matter.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C2 [CNR-CM] Management of Chronic Acid Sulfate Soil Pollution, Christies Creek

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(a) *personnel matters concerning particular individuals (other than councillors).*

C 88

That Council:

1. Supports the General Manager writing to Sunshine Sugar to express Council's concerns about the impact the current drain water quality is having on the environment of Christies and Cudgera Creeks and the amenity of Hastings Point, and request that Sunshine Sugar work cooperatively with Council and other stakeholders to resolve the Acid Sulfate Soil and water quality problem.
2. Supports the General Manager writing to the Minister for Environment and Minister for Primary Industries to seek NSW Government advice and assistance to resolve the Acid Sulfate Soil and water quality problem.
3. Seeks legal advice regarding Council's and NSW Government options to take action under the Protection of the Environment Operations Act and other relevant legislation, in relation to the pumping and discharge of contaminated water into Christies Creek.
4. Engages specialist expertise to report on the consequences of all available remediation options for the subject site including the effects of implementing an alternative land management/use approach.
5. Engages specialist expertise to report on the ecological health of Christies Creek, focusing on investigations that will determine if the creek's biota has been affected by water quality problems in the catchment.

Current Status: Points 1 and 2 complete. It should be noted that whilst a letter was sent to Sunshine Sugar it was not received and has subsequently provided via email. Sunshine Sugar prior to receipt of the letter had proactively contacted Council to express its commitment to work with Council and the industry to find a suitable resolution. As such, Sunshine Sugar will be actively involved with points 4 and 5 below.

Point 3 - Legal advice has been received and Council has written to the landowner to request a meeting to resolve the issue. Meeting was held on 20 May 2019 and there have been other subsequent meetings with the land owner and Sunshine Sugar representatives to progress a plan to address water quality in Christies Creek.

Points 4 and 5 – Have sought quotes from consultants to undertake an ecological assessment of Christies Creek. This will require sampling in Spring and Summer with a report expected in the first half of next year. Point 5 will be progressed if necessary following assessment of the results of actions undertaken in point 3 above.

A letter from the General Manager has was sent 11 June 2019 to Hardy's, copied to Sunshine Sugar, attention Malcolm Warren, outlining aspects of the letter we concur with and those that we do not. Letter also reiterated that works as per original; agreement need to be completed and council invoiced and that until resolution to problem, pumping to the creek should not occur.

Staff have been working closely with landowner and Sunshine Sugar on a plan to address water quality in Christies Creek.

21 MARCH 2019

REPORTS FROM THE GENERAL MANAGER

12 [GM-CM] Destination Management Plan

89

**Cr K Milne
Cr C Cherry**

RESOLVED that Council refers the proposed amendments to the Destination Management Plan to Destination Tweed and Tweed Experiences Network for feedback and brings back a report to Council for further consideration.

Current Status: A report is included in the Agenda of this Business Paper – 19 September 2019. The Destination Management Plan is a content version pending final graphic layout and branding review.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

9 [NOM-Cr K Milne] Return and Earn Scheme

81

**Cr K Milne
Cr R Byrnes**

RESOLVED that Council requests a brief report on the "return and earn" deposit stations and operations in the Tweed Shire from the Tomra Cleanaway Company and from the Environmental Protection Authority with regard to any issues / solutions for the current

locations, to include noise impacts / complaints from residents, rubbish left on site, hygiene (regarding the need for hand washing facilities), lack of shade, queuing problems, etc. and discussion on the need for increased locations.

Current Status: Letters have been forwarded to Tomra and Return and Earn.

Tomra have provided detail of the number of containers collected for the various regions and a report will be prepared for the August Meeting of Council. The additional information that was requested was not supplied and we were directed to the EPA web site which gives general information on the success of the service.

A further request has been made of Tomra seeking details of containers to 30 June 2019. This response has not been received at this time. A further report will be submitted upon receipt of this additional advice from Tomra.

Currently waiting for an update on recycled containers through the return and earn scheme up to 30 June 2019 from Tomra. Once information received a further report will be provided for consideration by Council.

17 APRIL 2019

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

11 [PR-CM] Helipads and Heliports - Management of Noise

146

**Cr C Cherry
Cr R Cooper**

RESOLVED that Council defers this item for a Councillor Workshop to discuss key issues surrounding the assessment and regulation of noise associated with helipads and heliports;

Current Status: A Workshop was held on 13 June 2019.

Support to complete an assessment guide for applicants and staff. A draft guide will be completed during 2019 with input from interested Councillors as requested at the workshop.

Report being prepared for consideration of Council at an end of year meeting.

2 MAY 2019

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-CM] Unauthorised Forestry and Road Works at Lot 136 DP 755724 Boormans Road, Limpinwood

REASON FOR CONFIDENTIALITY:

This report is the subject of current legal action.

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.

ALTERNATE MOTION

C 44

That in respect of alleged unauthorised works on the premises Lot 136 DP 755724, Boormans Road, Limpinwood, Council defers this item pending the outcomes of further negotiation in regard to Items C1 and C2 of this Council agenda.

Current Status: A report was submitted to the 1 August 2019 Council Meeting and resolved that:

".. Council, in respect of the current compliance matter with Mr John Fish resolves it wishes to continue with the terms of an agreement with Mr Fish relating to rectifying unauthorised works on Crown Road, off Zara Road Limpinwood:

1. *Endorses and grants delegation to The Mayor, Councillor Katie Milne, Councillor Polglase and the General Manager to seek a meeting with Mr Fish and his representatives to negotiate a revised agreement on the next steps of this process, and related prosecution action in the Land and Environment Court."*

A meeting was subsequently held at Council on 20 August 2019, and Council's solicitors have successfully applied to the Land and Environment Court to seek a further 6 month deferral of the current prosecution action, and have pursued a corresponding revised agreement between Council and Mr Fish to continue with relevant approval processes in order to resolve this matter.

20 JUNE 2019

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

19 [CNR-CM] Wyuna Road Community Land Foreshore Management

227

**Cr C Cherry
Cr K Milne**

RESOLVED that this item be deferred for a further Workshop between Councillors, staff and the residents of Wyuna Road.

Current Status: A workshop is scheduled for 12 September 2019.

15 AUGUST 2019

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

14 [PR-CM] Development Application DA18/0349 for the Use of Existing Dwelling and Shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding

329

**Cr C Cherry
Cr K Milne**

RESOLVED to defer this item to review the amended plans which have recently been submitted to Council.

Current Status: Owner has lodged amended plans and a report is included in the Agenda 19 September 2019.

29 [SCE-CM] Koala Beach Wildlife and Habitat Management Committee

320

**Cr C Cherry
Cr K Milne**

RESOLVED that:

1. This report be deferred until a further in depth engagement with the community is undertaken;
 2. A community engagement officer is allocated the role of managing the process.
-

Current Status: A letter has been sent to residents who presented at the Councillor public access session on this matter. The letter advises of the initiation of a process to review options for the committee including an invitation to all interested members of the Koala Beach community to participate.

5 SEPTEMBER 2019

PLANNING COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

5 [PR-PC] Rural Land Strategy - Response to Public Exhibition and Final Draft for Adoption

P 60

**Cr C Cherry
Cr R Byrnes**

RECOMMENDED that this item be deferred for a facilitated Workshop to discuss the draft Rural Land Strategy as attached to this report as previously resolved at the Council meeting of 15 August 2019 (i.e., comprising a maximum of three representatives from each of the Combined Tweed Rural Industries Association, Tweed Rural Sustainable Alliance and Tweed Canegrowers Association to discuss the way forward with the Rural Land Strategy) and that in addition Council also invites the Department of Planning, Industry and Environment, the Department of Primary Industries and 3 representatives from the Tweed Fruit and Vegetable Growers Association.

Current Status: Facilitated Workshop to be scheduled. Written invitation to the Department of Planning, Industry and Environment has been sent requesting their availability to attend a Workshop. Once dates have been provided by the Department of Planning, Industry and Environment, the other agencies and stakeholder groups will be invited.

COUNCIL MEETING

REPORTS FROM DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C4 [PR-CM] Report from Prevention Partners NSW in Response to a Complaint from the Tweed Water Alliance in Respect of Council Compliance Actions relating to Water Extraction Uses

REASON FOR CONFIDENTIALITY:

This report is confidential as it contains reference to confidential matters affecting Council staff and members of the public.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(e) information that would, if disclosed, prejudice the maintenance of law.

C 97

That Council, in respect of the report titled "Tweed Shire Council – Water Extraction Compliance" July 2019 prepared by the independent external firm Prevention Partners NSW as a response to a complaint from Tweed Water Alliance in respect to Council compliance actions relating to water extraction uses in the Tweed Shire:

1. Receives and notes this report; and
2. A Councillors Workshop be held to seek direction from Tweed Councillors on how best they wish to respond and implement the recommendations of the Prevention Partners NSW report.

Current Status: Workshop to be scheduled.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for August 2019

SUBMITTED BY: Cr K Milne, Mayor

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

The Mayoral Minute report provides information on activities undertaken by the Mayor and Councillors during the month of August 2019.

RECOMMENDATION:

That:

1. The Mayoral Minute for the month of August 2019 be received and noted.
2. The attendance of Councillors at nominated Conferences be authorised.
3. The request from Councillor Owen for AICD membership renewal as expenditure under his Councillor Training Allowance be authorised.

REPORT:

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 9 August Richmond Tweed Regional Library Committee – Byron Bay Library, Middleton Street, Byron Bay.
 - 14 August Tweed Coast and Waterways Committee – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 16 August Northern Rivers Joint Organisation Meeting – Byron Shire Council, 70-90 Station Street, Mullumbimby.
 - 22 August General Manager's Review – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. All Crs attended.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 6 August Future Northern Rivers Think Tank – Southern Cross University, Military Road, East Lismore.
 - 8 August Destination NSW Stakeholder Networking Event – Ancora, 118 Wharf Street, Tweed Heads. Crs Allsop, Cherry, Cooper, Owen and Polglase also attended.
 - 9 August Housing affordability, supply and homelessness forum – Lismore Workers Club, 231 Keen Street, Lismore.
 - 13 August Rail Trail Landowner Conversation – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. Crs Allsop, Cherry and Polglase also attended.
 - 14 August Youth Council Meeting – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 15 August Resident Industry and Environment Group stakeholder forum – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 17 August O'Heart Festival Opening – Tyalgum Hall, Coolman Street, Tyalgum.
 - 21 August Aldi Tweed Mall Grand Opening Event – Tweed Mall, Wharf Street, Tweed Heads. Crs Owen and Polglase also attended.
 - 23 August Enquiry By Design Workshop – Small Smart Sustainable Housing Project – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah.
 - 24 August South Sea Islander Dry Stone Walls Rally – Cudgen Road, Kingscliff.
-

- 25 August Tennis NSW J2 Australian Winter International Event – Arkinstall Park, Cunningham Street, Tweed Heads South.
- 28 August Tweed Water Strategies Review Project Reference Group – Murwillumbah Civic Centre, 10 Tumbulgum Road, Murwillumbah. Cr Allsop also attended.
- 31 August South Sea Islander Community and Health Infrastructure Meeting – Tweed Valley Hospital Office, Wharf Street, Tweed Heads.

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

- 3 August BEATS 2019 Gala Networking and Awards Event – M-Arts Precinct, 1 Brisbane Street, Murwillumbah. Crs Allsop and Cherry attended.
- 11 August Tour De Tweed Presentation Ceremony – Lundberg Drive, Murwillumbah. Cr Cherry attended.
- 28 August National Meals on Wheels Day Cuppa for a Cause Event – Kingscliff Bowls Club, 131 Marine Parade, Kingscliff. Cr Cherry attended.

Inability to Attend by or on behalf of the Mayor

- 1 August Local Government Week Awards Event – Swissotel Sydney, 68 Market Street, Sydney. Clashed with Planning Meeting.
- 5 August Tweed Hospital Auxiliary Annual General Meeting – Tweed Civic Centre, Wharf Street, Tweed Heads. Mayor and Deputy Mayor unavailable.

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during August 2019.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 14-16 August Power To The People Conference – Canberra Act. Cr Cooper attended.

Information on Conferences to be held

- 14-15 Nov Australasian Property Tax Summit: Funding futures for Local Government – Angliss Conference Centre, Melbourne VIC

Around the world, local government's role is expanding whilst funding pressures become more acute. How can local councils in Australian and New Zealand optimize their existing revenue base and develop additional sources of funding? Does the system of property taxes need to change? What can we learn from recent international experience?

Two flights, two night's accommodation, transfers. Early bird registration \$545, standard registration \$600.

<http://www.ipti.org/event/australasian-property-tax-summit/>

- 27-29 Nov Local Government IT Conference – Coffs Harbour

IT2019 provides a forum for Local Government Managers and support staff to network, learn and exchange ideas. The program will feature key speakers from government, the private sector, online organisations, and computer and communications industries. This year's conference will focus on: Hybrid enterprise cloud migration, Security, IOT, AR/VR in the enterprise, AI/machine learning, Digital disruption.

Car travel, two night's accommodation. Early bird registration \$900 (by 111019), standard registration \$1210.

<https://www.lgit2019.coffslgconferences.com.au/>

MEMBERSHIP RENEWAL:

Cr James Owen is seeking permission for his Australian Institute of Company Directors yearly membership \$605.00 be paid as part of his Councillor training allowance. It is due for payment on 1 September 2019.

SIGNING OF DOCUMENTS BY THE MAYOR:

- 1 August Request for Road Closure – Settlement Road, Numinbah.
 - 1 August Request for Road Closure – Lakeview Parade, Tweed Heads South.
 - 1 August Licence to Paradise Tower Pty Ltd of Art Gallery Café.
 - 1 August Road Closure Application – Tumbulgum Road, Tygalah.
 - 1 August Transfer of Closed Road as Compensation – Tumbulgum Road, Murwillumbah.
 - 20 August Deed of Grant to Tweed Heads Seagulls Rugby League Football Club Limited.
 - 20 August Lease Hy-Tec Industries Pty Ltd to Tweed Shire Council of part Lot 2 DP609986, 36 Pollards Road, Dulguigan.
-

- 23 August Licence Agreement – Tweed Shire Council and Soilco Pty Limited – Stotts Creek Organics Processing Facility.
 - 23 August Contract of Purchase – 45 Wardrop Street, South Murwillumbah comprising Lots 6 to 10 DP2974.
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions at 19 September 2019

SUBMITTED BY: Corporate Governance



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Collaborator

SUMMARY OF REPORT:

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

Petitions received by Councillors or forwarded to the (Acting) General Manager will be tabled as per the Order of Business, Item 11, Receipt of Petitions.

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

RECOMMENDATION:

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

- **Petition received on 28 August 2019 containing 52 signatures and advising as follows:**

"Submission against any changes to R2 Low Density Residential & RU5 Village Zones

Residents of Kievalle support Tweed Shire Council's proposed Tweed Local Environmental Plan 2014 Amendment 26 that seeks to maintain the current minimum lot size for medium density housing in R2 Low Density Residential and RU5 Village Zones.

The proposed change in zoning could quadruple the population of Kievalle. Example with 3 terraced units on 600 sq. metre lots it would be very easy to quadruple Kievalle's population and completely change the character of the area.

RU5 Village Zone does not have the benefit of infrastructure available in other residential zones. For example the village of Kielvale has no footpath towards Murwillumbah it has only a school- bus service if you don't have a car you are reliant on a taxi or possibly a neighbour to drive you to town or as some do, walk and in summer keep an eye out for brown snakes.

Street parking in Kielvale is currently difficult what would it be like if the population is quadrupled the incidence of crime & violence in village zones is negligible, increased population may change that, the closest police station to most villages is usually staffed only part time.

The proposal for a fast track system for building approval in R2 Low Density Residential & RU5 Village Zones needs much stricter rules than what is currently proposed. Many people have lost a considerable amount of money and in some cases others their entire life savings due to inadequate rules covering high rise apartments, until this is adequately dealt with all private contractors should be barred from any approvals of land and all types of buildings.

RU5 Village Zone is not the same as R2 Low Density Residential Zone. When planners wrote up permitted with consent that included 63 services/activities for RU5 Village Zones as opposed to 11 permitted with consent in R2 Low Density Residential Zones they knew R2 and RU5 zones are not the same. A village is a place isolated from a main town / city with less infrastructure than other zones, not a place for lot sizes that are currently proposed.

RU5 Village Zone as specified by Tweed Shire Council in its present form should be maintained. Any changes to the current zone would be to the detriment of all people living in RU5 Village Zones.

For that reason the people who have signed 'this submission respectfully request that the proposed zone changes do not proceed.'

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 [NOM-Cr R Byrnes] Jobs Register

NOTICE OF MOTION:

Councillor R Byrnes moves that Tweed Shire Council:

- 1. Develops and maintains a web-based 'Local Job's Register' containing information provided by principal contractors undertaking publically funded construction projects for Council with a value of more than \$50 million.**
- 2. Writes to the Federal and State Governments requesting that they develop and maintain a single 'register' of local jobs created by publically funded projects (more than \$50 million) in the Tweed Shire.**

Councillor's Background Notes

Recommended Priority:

It makes sense for Council to adopt a local jobs register so that with all large-scale publicly-funded projects (more than \$50 million) the contracted companies will be required to report to the community the number of locals truly employed during the construction. A local jobs register for publicly-funded projects would underpin and support Tweed locals getting these first-rate jobs right here on the Tweed.

Description of Project:

Not applicable.

Management Comments:

Delivery Program:

mh



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

There is the possibility of locating the register within Council, but the following should be considered:

- Council does not have a register set-up for this purpose.
- Setting up a Council-based register would require minimal work, however:
 - Council rarely undertakes individual projects worth over \$50M and therefore this proposal might apply to a Council project only once every five or so years.
 - It would only contain information on Council projects (ie not state or federal projects within the Tweed LGA), and given so few Council projects trigger the \$50M threshold, the register is likely to generally be empty.
 - Large projects, adjacent but outside the Tweed LGA (eg Byron, Ballina, Lismore, Gold Coast, etc) that provide work to local companies and residents would not be captured in the register.

Alternatively, we could use an existing government register (to overcome some of the issues raised above):

- Discussions with relevant NSW government agencies has highlighted:
 - There is no central point for a list of all major construction projects at the state or federal levels.
 - There is a project currently underway through *Infrastructure NSW* to try to tie these disparate information sources together, however the government agency stressed it is still early days and may take some time.
- In NSW there are numerous registers based on the funding source (see below). It is worth noting that none of these websites provide details of local jobs created by the publically funded projects:
 - Treasury (<https://www.budget.nsw.gov.au/my-budget>) "Map the Budget".
 - RMS (<https://www.rms.nsw.gov.au/projects/northern-nsw/index.html>).
 - Health (<https://www.hinfra.health.nsw.gov.au/our-projects/project-search>).
 - Education (<https://www.schoolinfrastructure.nsw.gov.au/>).

- Infrastructure NSW (<http://www.infrastructure.nsw.gov.au/expert-advice/pipeline-of-projects/>).

Impacts on contractors could range from almost nil to significant depending on circumstances:

- Larger state run projects often have requirements to recruit a certain number of staff from specific groups (eg from the local area, school aged, indigenous, etc). The reporting proposal does not appear to be any more onerous than existing requirements. However these projects are generally much larger than \$50M.
- While unlikely, there may be contractor pushback if the proposal was only implemented in the Tweed LGA. The larger companies tendering on those size projects generally have national operations and harmonised requirements simplify their processes and would reduce their costs (although on a large project the additional cost is likely to be marginal).

Budget/Long Term Financial Plan:

Budget implications would remain insignificant if Council simply reported information provided by Council contractors on a web-based register. However, significant staff time would be required if information from state or federal projects needed to be monitored and sourced externally, or if contractor-supplied information needed to be verified.

Legal Implications:

When applied, Council would likely add the requirement for reporting within contract documents (placing the onus on the contractor). Council would not be resourced to check or audit the figures which could only be taken and reported at face value.

Policy Implications:

Council's Procurement Protocol would be updated to incorporate this reporting requirement for all construction contracts with a value greater than \$50M.

7 [NOM-Cr K Milne] Climate Emergency Declaration

NOTICE OF MOTION:

Councillor K Milne moves that Council:

- 1. Declares that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.**
- 2. Notes that on 14 August 2019 Council's Youth Advisory Committee proposed that Youth Council, as a group, recommend that Council declare a 'Climate Crisis'. As this proposal was made during an informal session of the meeting such a recommendation could not be made. All members of the committee asked that this be noted with consideration being given to presenting at a future Community Access meeting.**
- 3. Notes that our young people have the most at stake as they are the ones that will face the worst impacts of climate change if this is not addressed rapidly and effectively.**
- 4. Supports the Schools Strike for Climate on the 20th September that is calling on adults to join them in the strike, and notes Council staff where practical are able to use leave entitlements if they wish to attend.**
- 5. Notes that 45 other Australian Local Councils have declared a Climate Emergency, along with 987 government bodies around the world.**
- 6. Notes Tweed's 2017 Flood was the largest on record, and the two recent major fires that have burnt hundreds of hectares of Tweed's bushland.**
- 7. Notes last year's IPCC report that global emissions of carbon dioxide must peak by 2020 and reduce by 45% by 2030 to keep the planet below 1.5°C increase.**
- 8. Notes that even at 1.5°C increase there will be significant climate disruptions including the Great Barrier Reef predicted to lose 90% of its coral and the outlook for the reef now classified as very poor.**
- 9. Notes the recent advice by Sir David Attenborough on Climate Change that *"We cannot be radical enough in dealing with the issues that face us at the moment"*.**
- 10. Notes the numerous positive steps available to address this Climate Emergency if public and political will is mobilised.**
- 11. Notes that the fastest and second fastest growing jobs in America are solar technicians (300,000 solar jobs) followed by wind power technicians, with the coal industry providing only 50,000 jobs.**
- 12. Notes its commitment to reporting on and reducing emissions through the Global Climate Change Compact and the Cities Power Partnership.**

13. Notes its Renewable Energy Action Plan target of 25% renewable energy by 2022 and 50% by 2025, and Council's zero waste target is a great start but does not account for all Council's emissions such as transport, buildings and infrastructure emission.
14. Brings back a report on actions Council is currently undertaking to address climate change and further steps that can be taken to reduce emissions to levels at least consistent with IPCC targets, and provides this report to the Youth Council for their input.
15. Includes advice in all reports to Council meetings on the implications for sustainability from the staff recommendations.
16. Requests the Mayor to write to the NSW State and Federal Governments and local Members of parliament requesting them to declare a climate emergency and prioritise actions to address this emergency.
17. Through the Mayor encourages neighbouring Local Government Areas to join with us in declaring a climate emergency.

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:

Item 14 listed above will require development of the report by staff including developing the assumptions to be used in calculating the reduction in emissions from current and future planned actions.

Legal Implications:

Legal implications have not been analysed.

Policy Implications:

Council staff are currently developing a Draft Climate Change Policy. Some of the items raised in the Motion, if adopted, may need to be incorporated into this policy prior to adoption.

This would best be undertaken using external consultants given current workloads. There is currently no budget for this. Estimated cost is \$20-\$30,000.

8 [NOM-Cr J Owen] Licencing of Kingscliff RSL Sub-branch for Utilisation of Kingscliff Community Hall

NOTICE OF MOTION:

Councillor J Owen moves that Council supports the Kingscliff RSL Sub-branch by licencing their use of the Kingscliff Community Hall for RSL activities annually on Remembrance Day and ANZAC Day and that the hire fee (currently \$90) be met annually through Council's Festivals and Events budget.

Councillor's Background Notes

- Cr Owen was approach by Kingscliff RSL Sub-branch to request consideration be given to enabling the RSL to utilise the hall for its annual ANZAC Day and Remembrance Day events.
- The RSL's wet weather contingency for each event is heavily reliant of its ability to utilise the hall.
- Prior to the hall's refurbishment the RSL would utilise the hall as a wet weather contingency on each of the days.

Recommended Priority:

Recommended priority relative to other Delivery Program Strategies of Projects.

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
3.1.2	Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: **Leader**

The Kingscliff Community Hall bookings are managed by Council's Community Services team and Council's Fees and Charges Schedule which is reviewed annually applies to all bookings. An annual booking for key dates is possible under Council's current system for a full year ahead. As the Hall currently has other regular hirers and significant events, this ensures they can promote their events in advance.

All not for profit community groups pay for the hire of the Kingscliff Community Hall and no exemptions have been applied. Other clubs or groups, such as the Kingscliff Lions Club, Cudgen Surf Club and a range of community groups, local businesses, currently hire the hall for their special events. Council does not currently assess the capacity of organisations to pay and applies a general community rate to those that can demonstrate they are not for profit.

The Kingscliff Community Hall is currently available on 11 November 2019 and 25 April 2020 and 11 November 2020, however bookings can change at any time. Staff will monitor these dates until Council has considered this Notice of Motion.

Fees and Charges apply for wet weather contingency plans as reserving the hall blocks any other booking being made. As the Rowan Robinson Park is regularly booked for events such as weddings and other larger community events, the Kingscliff Hall is used as a wet weather back up. Since the upgrade of the park there has been increased pressure on utilising the hall as a contingency for such events, and effectively reducing its availability. The Fees and Charges are therefore applied to all bookings of the facility.

There are numerous worthy community organisations throughout the Shire that pay for the use of Council facilities for their special celebrations, forums and events. In most cases they appreciate the need for a community rate of hire to contribute to the costs of the facility, and this is the approach taken for all of Council's community and cult

Budget/Long Term Financial Plan:

Fees and Charges 2019/20 for the Kingscliff Community Hall are:

Community Rate:

Half day (up to 4 hours) \$90

Full day (up to 8 hours) \$170

Private Hire Rate:

Half day (up to 4 hours) \$200

Full day (up to 8 hours) \$390

The 2019/2020 Events Sponsorship budget allocation was \$74,468. The impact to the annual budget will be that it will be reduced annually by \$90 (hall hire) and approximately \$120 (as per 2019 resource (formerly in-kind) support).

Legal Implications:

Council's standard hiring conditions for the Kingscliff Community Hall would be applied to any licence or user agreement. The conditions have been established to comply with a range of legislative and regulatory conditions including building, health and safety, Crown lease, alcohol, public liability and risk assessment.

The official capacity of the Kingscliff Community Hall is 100 persons (standing) and if seated approximately 80 seats are available at the hall. This has been a limitation for other events of a significant size.

Policy Implications:

The Kingscliff Community Hall is on Crown land and licences and leases are drawn up to comply with Councils lease with the Crown. In perpetuity terms may not be possible as a time limit of 5 to 10 years is the maximum being considered under Council's draft

Licence and Leases Policy which is being designed to align with Crown Lands and other regulatory conditions.

Council's Community Sponsorship Policy would not apply to this notice of motion as it states that:

"No financial assistance will be given to reimburse groups or organisations for Council fees and charges."

The Events Sponsorship Policy currently states:

Council will not support / fund applications that are:

- *For Fees, including those for Development Applications, Health Inspection Fees, Health approvals, Section 68 approvals, Temporary Road Closures, Community Event and Film Application Fees, Hire of Halls and Facilities Fees.*

Other ANZAC Day Services held throughout the Shire include: Burringbar, Cudgen, Kingscliff, Murwillumbah, Pottsville, Tumbulgum, Tweed Heads, Tyalgum and Uki.

Historically, the Murwillumbah Auditorium has been kept available as a wet weather contingency plan for the Murwillumbah RSL Sub Branch on ANZAC Day, however currently there is no arrangement in place for this to occur. The 'community user function' hire fee for 2019/2020 for the Murwillumbah Auditorium is \$298 (8am-5pm). The 2019 ANZAC Day resource support for the Murwillumbah RSL Sub Branch was approximately \$392.

Having the Murwillumbah Auditorium available as a wet weather option will present difficulties on ANZAC Day 2020 as it is to be closed from 1 January to 29 April for construction works.

9 [NOM-Cr J Owen] Small Smart Sustainable Housing Project Funding

NOTICE OF MOTION:

Councillor J Owen moves that Council supports the Mayor writing to the Hon Melinda Pavey MP, Minister for Water, Property and Housing, requesting advice as to the New South Wales Government funding mechanisms by way of grants or partnership funding for the pilot stage of a proposed Small Smart Sustainable Housing Project in Wardrop Valley.

Councillor's Background Notes

This Motion acknowledges the limited resourcing of the Council to deliver a project of this magnitude and the funding assistance needed to kick start the first stage of development, which may cost in excess \$7 million, for the initial 50 dwellings. Councillor Cooper has acknowledged the high cost of delivering the project and the limited financial capability of the Council to fund this, without having to borrow a substantial amount. This project which is often referred to as a first-of-its-kind, has inherent risks of failure as a social and affordable housing project, with the potential to expose Council financially.

The concept of a sustainable and affordable housing development that better meets the needs of those who can least afford adequate housing is nonetheless a worthwhile pursuit of the Council, providing there is sufficient funding assistance from the NSW State Government. Given that social and affordable housing is the responsibility of the State and Commonwealth with the primary responsibility to NSW, it is perfectly reasonable for Council to seek that funding support in advance of committing further and additional resources of its own into this project.

Recommended Priority:

Given the low impact nature of this request and the potential impact on Council's decisions concerning the project, it should be given a high priority.

Description of Project:

Small Smart Sustainable Housing Project in Wardrop Valley

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 and Collaborator**

Understanding potential future funding opportunities which may be available from either State or Federal agencies in relation to the proposed Small Smart Sustainable Housing Project is supported. This may include seeking funding opportunities to further developing any conceptual design across the site as well as its potential future (staged) development.

A review of different funding avenues will provide an understanding of the specific funding criteria used by State and Federal agencies in awarding successful proposals. This in turn may serve to inform the Small Smart Sustainable Housing Project scope to more closely align project aspirations with specific funding objectives. A detailed understanding of funding opportunities would also serve to inform subsequent business case or procurement planning which may follow on from the current initial site investigation phase. This may include the consideration of other organisations which Council may potentially wish to partner with moving forward.

Whilst the preparation of a business plan or procurement process (including opportunities for funding) is a key component of any capital works project, it is important to initially define and clearly understand the scope of the project. Without a clear project scope it is difficult to ascertain what the appropriate funding avenues would be.

The current project process is working towards establishing and refining that project scope. Outcomes of the recent enquiry by design workshop will collate an understanding of the site's context, opportunities and constraints and range of workshop conceptual designs. This will be recorded into a workshop report that will include a preferred concept design and suite of design and planning principles that works with the site. This process may yield alternative opportunities which build upon the initial Small Smart Sustainable Housing idea for Council's consideration.

Following the establishment of the project scope and initial concept design, funding opportunities can be more thoroughly researched and investigated. In this regard it may be prudent to await the finalisation of the Enquiry by Design Workshop Report which could be forwarded to the Minister for Water, Property and Housing in the consideration of funding opportunities.

One of those opportunities may be the Social and Affordable Housing Fund (SAHF) as administered by the NSW Family and Community Services. To date there have been two procurement phases with the initial phase awarding five contracts to deliver 2200 housings over 25 years. Funding dependent on delivery. Whilst it is acknowledged social and affordable housing has traditionally been the responsibility of the State and Commonwealth, these five contracts were awarded to primarily housing providers or organisations with existing large portfolio of social housing (Bapticare NSW, Uniting, SGCH Sustainability, St Vincent de Paul Housing, Compass Housing). This partially underpins an intent to shift or diversify delivery, ownership and management of social and affordable housing over time from State government to other non-government housing provider agencies.

If the Small Smart Sustainable Housing project progresses through initial concept planning phases, such funding frameworks may underpin the need for Council to partner with a housing provider to offset development costs. In doing so would ultimately reduce organisational risks in the development, management and tenure of this or any other social and affordable housing project within the Tweed.

Budget/Long Term Financial Plan:

Investigating potential funding avenues would inform any future business or procurement planning processes.

Legal Implications:

Sending correspondence to Minister for Water, Property and Housing, requesting advice as to the New South Wales Government funding mechanisms presents no foreseeable risk.

Policy Implications:

Policy implications will be reviewed following the finalisation of the Enquiry by Design Workshop.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

10 [GM-CM] Expression of Interest to Host the 2023 and 2024 NSW Country Surf Life Saving Championships

SUBMITTED BY: Land and Economic Development

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: Collaborator

SUMMARY OF REPORT:

Surf Life Saving New South Wales is seeking 'Expressions of Interest' (EOI) from NSW Surf Life Saving Clubs and Councils to host the 2021 and 2022, and/or 2023 and 2024 NSW Country Surf Life Saving Championships.

The Cudgen Headland Surf Life Saving Club Limited is submitting an EOI to host the 2023 and 2024 NSW Country Surf Lifesaving Championships. The Surf Club are seeking to partner with Tweed Shire Council to assist with the delivery of the Championships.

The NSW Country Surf Life Saving Championships is a carnival solely for competitors from regional areas of NSW (clubs outside the Newcastle and Illawarra corridor). The Country Championships typically attracts more than 1400 competitors and over 4000 spectators, 200 officials and 140 volunteers.

Clubs interested in hosting the Championships are required to submit an EOI no later than 5.00pm, Friday 30 September 2019.

RECOMMENDATION:

That Council:

1. Provides a letter of support for the Cudgen Headland Surf Life Saving Club's Expression of Interest to host the 2023 and 2024 NSW Country Surf Life Saving Championships.
-

2. **Requests the Cudgen Headland Surf Life Saving Club to submit a funding application under the appropriate Events Sponsorship Policy funding round with regard to any future cash or resource requests.**

REPORT:

Surf Life Saving New South Wales is seeking 'Expressions of Interest' (EOI) from NSW Surf Life Saving Clubs and Councils to host the 2021 and 2022, and/or 2023 and 2024 NSW Country Surf Life Saving Championships.

The Cudgen Headland Surf Life Saving Club Limited is submitting an EOI to host the 2023 and 2024 NSW Country Surf Lifesaving Championships. The Surf Club are seeking to partner with Tweed Shire Council to assist with the delivery of the Championships.

The essential criteria (financial support) for the hosting rights of the NSW Country Championships event is for bids "*which have local government involved and providing a level of financial support will be looked upon favourably.*" Therefore the Cudgen Headland Surf Life Saving Club are seeking a letter of support to meet the conditions of the EOI by 30 September 2019 deadline.

Surf Life Saving NSW provides interested parties with a list of infrastructure and services to consider when providing financial and/or resource support:

- Event vehicles
- Waste management
- Traffic management
- Event equipment
- Event logistics
- Promotion

Cudgen Headland Surf Lifesaving Club has successfully hosted a number of high profile surf sport events in recent years and Tweed Shire Council enjoys a positive working relationship with the Club, and their hard working and dedicated organising committees.

The Club also uses these hosting opportunities to partner with local social and sporting organisations, as well as businesses in Kingscliff and surrounding areas to boost the economic benefit to our community.

In addition to the local economic benefit there has also been an environmental one of recent years. Surf Life Saving NSW's partnership with Envirobank (naming rights sponsor) to provide surf clubs with a sustainable fundraising channel through the NSW Governments Container Deposit Scheme (CDS) has been very successful, possibly due to the natural fit with the marine environment. In 2018 Surf Lifesaving Clubs in NSW collected over 180,000 containers and raised over \$22,000 to fund community education programs, help train lifesavers and provide lifesaving and rescue equipment to NSW Clubs.

Negotiations with a naming right sponsor for future NSW Country Surf Life Saving Championships are currently in progress.

Refer below for previous requests from the Club to Council to host major Surf Life Saving events:

Event	Host Cost	Bid Outcome
NSW Surf Life Saving State Championships 2011 and 2012	For \$60,000 plus GST per event and \$20,000 in kind per event (Addition of \$30,000 in kind funding added in 2012 due to Kingscliff beach erosion)	Successful
Expression of Interest NSW Surf Life Saving State Championships 2013 and 2014 (option 2015)	For \$65,000 plus GST and \$25,000 in kind budget per event	Unsuccessful
Expression of Interest Australian Surf Life Saving IRB Championships 2014	Funding support to a maximum of \$15,000 being cash and/or in kind	Successful
Expression of Interest NSW Surf Life Saving Country Championships 2014 and 2015 (option 2016)	For \$22,500 plus GST and \$17,500 in kind budget per event	Unsuccessful
Expression of Interest Australian Surf Life Saving IRB Championships 2015	For \$15,000 plus GST including in kind budget for this event	Unsuccessful
Expression of Interest NSW IRB Surf Life Saving Championships 2015	In kind support to a maximum of \$8,000.	Unsuccessful
Expression of Interest NSW IRB Surf Life Saving Championships 2016	In kind support to a maximum of \$10,000.	Unsuccessful
Expression of Interest Australian Surf Life Saving IRB Championships 2017	In kind support to a maximum of \$10,000	Successful
Expression of Interest Australian Surf Life Saving IRB Championships 2019	2018/2019 Events Sponsorship funding - \$7,000	Successful
Expression of Interest NSW Surf Life Saving Country Championships 2019 and 2020	Events Sponsorship funding (major event attraction) 2019 - \$7,500 2020 - \$7,500	Successful
Expression of Interest NSW Surf Life Saving Country Championships 2023 and 2024	To secure the opportunity an investment of \$20,000 + GST is required.	Pending

OPTIONS:

That Council:

1. Provides a letter of support for the Cudgen Headland Surf Life Saving Club's Expression of Interest to host the 2023 and 2024 NSW Country Surf Life Saving Championships.
2. Does not provide a letter of support for the Cudgen Headland Surf Lifesaving Club's Expression of Interest to host the 2023 and 2024 NSW Surf Lifesaving Country Championships.

CONCLUSION:

Sport events are identified as one of five key themes of the Tweed Shire Events Strategy 2016-2020 as they encourage active communities, add to the vibrancy of the region and are particularly fitting with the personality of the Tweed through the promotion of positive interaction with the natural environment.

Cudgen Headland Surf Lifesaving Club has successfully hosted a number of high profile surf sport events in recent years and Tweed Shire Council enjoys a positive working relationship with the Club, and their hard working and dedicated organising committees.

However, if Cudgen Headland Surf Life Saving Club's bid to host the Country Championships is successful, Council would require the Cudgen Headland Surf Life Saving Club to submit a funding application under the appropriate Events Sponsorship Policy funding round with regard to any future cash or resource requests.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Shire Events Strategy 2016-2020
Events Sponsorship v3.0

b. Budget/Long Term Financial Plan:

The cost to the Cudgen Headland Surf Life Saving Club to host the 2023 and 2024 NSW Country Surf Life Saving Championships is \$20,000 + GST. If the Club's bid to host is successful and they are seeking support from council, they will be required to submit an application under the appropriate Events Sponsorship Policy funding round with regard to any cash or resource requests.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

Adam Mills, President, Cudgen Surf Life Saving Club will be addressing Councillors at the Public Forum on Thursday 19 September 2019 regarding their Club's EOI to host the 2023 and 2024 NSW Country Surf Life Saving Championships.

Clubs and Councils interested in hosting the NSW Country Surf Life Saving Championships are required to submit an EOI no later than 5.00pm, Friday 30 September 2019.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Opportunity for Surf Clubs to host the NSW Country Surf Life Saving Championships 2021-22 and/or 2023-24 (ECM 6027187)

11 [GM-CM] Event Proposal - Slideapalooza, Boundary Street, Tweed Heads

SUBMITTED BY: Land and Economic Development

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.7 Events - To develop, attract and support events that showcase the Tweed's unique characteristics and identity.

ROLE: Collaborator

SUMMARY OF REPORT:

Council has been approached by Festival Services, who are based in Brisbane, and are an event activation and equipment hire company. Slideapalooza is the most recent festival to join Festival Services. Slideapalooza is Australia's largest travelling waterslide festival.

Festival Services are currently exploring locations that Slideapalooza can operate in – specifically a street slide similar to the previous “City Slider” event that was held in Boundary Street, Tweed Heads from Friday 15 to Sunday 17 May 2015.

Festival Services are proposing to close Boundary Street, Tweed Heads for two days (plus bump in and bump out closure) to conduct the waterslide festival, which will impact the adjoining residents and traffic flow within this locality.

The event proposal is included as Confidential Attachment 1 to this report.

RECOMMENDATION:

That:

1. Council determines its support, or otherwise, of the “Slideapalooza Street” festival in Boundary Street, Tweed Heads.
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:

Festival Services are currently exploring locations that Slideapalooza can operate in – specifically a street waterslide similar to the previous “City Slider” event that was held in Boundary Street, Tweed Heads from Friday 15 to Sunday 17 May 2015.

The “City Slider” waterslide event was approved at Council’s meeting of 7 May 2015:

“that Council approves the temporary closure of Boundary Street, Tweed Heads for The City Slider event from 10.00pm Friday 15 May to 4.00am Sunday 17 May 2015 including the following conditions:

- 1. NSW Police approval being obtained.*
- 2. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons.*
- 3. Community and affected business consultation and any raised concern addressed.*
- 4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.*
- 5. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.*
- 6. Adequate public liability insurance being held by the event organiser.*
- 7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.*
- 8. Consultation with emergency services particularly Tweed Heads Police, Fire Brigade and Ambulance.*
- 9. Arrangements made for private property access and egress affected by the event.*
- 10. Variable Message Sign installed on Boundary Street at least one week prior to the event advising residents of the proposed event and including an event contact in the message.*
- 11. Payment of a security bond to Tweed Shire Council for the sum of \$15,000 prior to the event payable by close of business on Wednesday 13 May 2015.”*


Several resident complaints were received from the last event in May 2015 with the areas of concern being access (road closure), lack of resident advice, and noise.

There were also reports that 15 people were injured, with the problem being people sliding into each other at the bottom of the slide.

Current event proposal:

Representatives from Festival Services conducted a site visit on 10 July 2019 and advised Council that the street slope is ideal for the slide requirements and are keen to progress the “Slideapalooza Street” event proposal with key stakeholders.

The “Slideapalooza Street” waterslide festival is one of four formats that Slideapalooza offers and below is a brief summary of the event, provided by Festival Services:

<p>Name:</p>	<p>Slideapalooza Street – Tweed Heads, New South Wales.</p> 
<p>Description:</p>	<p>The Slideapalooza Street festival focuses on traditional Slip ‘N’ Slide waterslides transforming public streets into the ultimate urban sliding experience. The proposed format operates over 2 days with 5 sessions a day, including a mammoth Slip ‘N’ Slide up to 350m long, Kids Zone slides and festival area with music, food, drinks and merchandise. The slides are designed for sloping town streets and the festival layout is adaptable to suit the surrounding streets and parks. Slideapalooza Street offers a unique unmissable sliding experience. Slide sessions operate with a maximum number of 500 PAX sliders per session, excluding spectators.</p>
<p>Proposed Location:</p>	<p>Boundary Street, Tweed Heads.</p>
<p>Proposed Dates:</p>	<p>Bump In - Day 1: Fri from 2100hr. Event - Day 1: Sat from 0800hr-1830hr. Event - Day 2: Sun from 0800hr-1830hr. Bump Out - Day 1: Mon before 0400hr.</p>
<p>Session timings:</p>	<p>Slide session length - 1hr 45min with a 15min break. Event Open: 0800hr. Session 1: 0830hr-1015hr. Session 2: 1030-1215hr. Session 3: 1230-1415hr. Session 4: 1430-1615hr. Session 5: 1630-1815hr. Event Close: 1830hr. <i>* Minimum 5 Sessions per day – option for additional sessions.</i></p>
<p>Capacity:</p>	<p>Slide session capacity: 400 pax. Daily Capacity: 2,000 pax. <i>* excluding spectators, pending slide configuration.</i></p>
<p>Average Cost:</p>	<p>Average \$35 inc GST per person. Mini – FREE with paying Adult in Kids Zone Only. Spectator – FREE.</p>

OPTIONS:

That Council:

1. Requests Festival Services to submit the necessary documentation to conduct the "Slideapalooza Street" waterslide event in Boundary Street, Tweed Heads, and the event application be determined on its merits.
2. Advises Festival Services that it does not support the "Slideapalooza Street" waterslide event in Boundary Street, Tweed Heads due to the inconvenience to residents and road users.

CONCLUSION:

For Festival Services to progress the "Slideapalooza Street" event proposal with key stakeholders, Council needs to determine its support, or otherwise, of the event.

The frequency and duration of the event doesn't constitute development. Additionally any impacts can be addressed through management plans, road closures, consultation, owner's approval etc. Therefore development consent is not required.

If Council determines to support the event, Festival Services will need to submit the necessary documentation to the Local Traffic Committee for them to consider the traffic implications of the event.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Shire Events Strategy 2016-2020.

b. Budget/Long Term Financial Plan:

Fee for road closure (Friday 9.00pm to Monday 4.00am) = \$109,432 as per Council's 2019/2020 Fees and Charges:

Application fee	\$138
Traffic lane closure 498m = 83 segments @ \$167/segment day 1	\$13,861
Traffic lane closure 498m = 83 segments @ \$217/segment day 2, 3 and 4	\$54,033
Parking lane closure 720m = 120 segments @ \$69/segment day 1	\$8,280
Parking lane closure 720m = 120 segments @ \$92/segment day 2, 3 and 4	\$33,120

Costs do not include footpath closure.

If the footpath was closed for general pedestrian access an additional fee would be required (\$13,875).

Fee for water use/disposal, as per Council's 2019/2020 Fees and Charges:

- All water taken from the reticulated supply would need to be metered.
- If water from the reticulated supply is obtained using a metered standpipe (which must be hired from Council), the cost of water would be \$4.53 per kL (2019-2020).
- If water from the reticulated supply is obtained from an existing metered supply, the non-residential high consumption charge would apply as this demand would exceed the ET

entitlement of the property. The cost of water in this case would be \$4.94 per kL (2019-2020).

- The high sewerage usage charge would apply to any discharge to the sewerage system as there is no ET entitlement for this event. The cost would be \$3.74 per kL (2019-2020).
- The volume to sewer would be based on the volume of water used with a sewer discharge factor of 100% being applied. That is, we would assume that 100% of the water used would end up being discharged to the sewerage system.

If Council supports the event, and the event is subsequently approved on its merits, Council may wish to request the payment of a security bond. A security bond of \$15,000 was requested of the “City Slider” event organisers for the May 2015 event.

The event is a private business and all profits will be returned to the event organisers.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. *Commercial in Confidence* - Slideapalooza Festival Summary – Tweed Heads (ECM 6001622)

12 [GM-CM] Tweed Destination Management Plan

SUBMITTED BY: Land and Economic Development

SUMMARY OF REPORT:

At its meeting on 21 March 2019 Council considered a review of the draft Tweed Destination Management Plan (DMP) which was prepared by Tweed Tourism Company (TTC). At that meeting Council requested that TTC undertake further consultation with the tourism industry in the Tweed. This consultation has now been completed and a final DMP is presented as part of this report.

This report recommends that Council adopt the final DMP as presented in this report.

RECOMMENDATION:

That Council adopts the Tweed Destination Management Plan as attached to this report.

REPORT:

Background and Consultation

Council and Industry Consultation

Preparation of the Destination Management Plan (DMP) was commenced in August 2017 by Destination Tweed. They were at the time the current tourism contractor to Council. As part of the drafting process they hosted a series of themed workshops to canvas industry and community opinions of tourism in the Tweed. These workshops were open to the community to attend.

After this consultation was completed a workshop was held with Council on 10 August 2017 to present the findings and establish input into the DMP. A draft DMP was finalised and presented to Council at its meeting on 22 March 2018. At this time the tender process to establish a new tourism contract was already underway. Probity advice determined that it was not prudent to adopt a DMP in the middle of this tender process. Alternatively, the tender required the new contractor to undertake a review of the draft DMP and present their findings back to Council.

In October 2018 Council entered into a contract with DR Tourism trading as Tweed Tourism Company (TTC) to undertake the marketing, promotion and destination management of tourism services for the Tweed. As part of these contracted services, TTC were required to review the draft DMP which was prepared by the previous contractor and present their review back to Council.

During the transition to the new contractors, Destination Tweed were afforded the opportunity to present their final draft DMP to a Council workshop on 9 August 2018. This draft was then forwarded to TTC for their review.

TTC’s review was presented at a Council workshop on 14 February 2019 and then to the Council meeting on 21 March 2019. At this Council meeting it was resolved:

that Council refers the proposed amendments to the Destination Management Plan to Destination Tweed and Tweed Experiences Network for feedback and brings back a report to Council for further consideration.

Additional Industry Consultation

Destination Tweed and the Tweed Experiences Network are both industry representative bodies. As a result of this resolution TTC once again consulted with the industry regarding the draft DMP. This consultation included the following organisations and resulted in no substantive change from the distributed draft. A summary of the feedback from each organisation is listed below;

Organisation	Feedback	Change
<ul style="list-style-type: none"> • Destination NSW, 	<ul style="list-style-type: none"> • Reinforced Sustainability • Reinforced product development 	<ul style="list-style-type: none"> • Included minor additional content

Organisation	Feedback	Change
<ul style="list-style-type: none"> Destination North Coast, 	<ul style="list-style-type: none"> Supportive Need to clarify international visitation 	<ul style="list-style-type: none"> Minor amendments
<ul style="list-style-type: none"> NSW Parks & Wildlife Service, 	<ul style="list-style-type: none"> Supportive 	<ul style="list-style-type: none"> Deletion of repetitive content
<ul style="list-style-type: none"> Northern Rivers Food, 	<ul style="list-style-type: none"> Supportive 	<ul style="list-style-type: none"> No change
<ul style="list-style-type: none"> Destination Tweed, and 	<ul style="list-style-type: none"> Supportive Reinforcement of sector development plans Reinforcement of Destination Management Group 	<ul style="list-style-type: none"> Minor amendments
<ul style="list-style-type: none"> Tweed Experiences Network. 	<ul style="list-style-type: none"> Supportive Request for more networking events 	<ul style="list-style-type: none"> Minor amendments.

Feedback from this final round of consultation has been incorporated into the final DMP which is attached to this report. TTC has advised that the consultation that has gone into the DMP will “ensure a final document in which stakeholders can confidently promote as fitting in with the principles of the Tweed as a region, as well as aligning with the ethos of stakeholders in the region”.

Final Destination Management Plan – Content Version

The version attached to this report does not contain any graphical layout or branding. It does however represent the final version of the DMP. Once the content has been adopted by Council a laid out version will be finalised by TTC and forwarded to Council’s Communications and Customer Service team for final review of brand usage and layout. It is important at this stage to have the final content of the document approved so that the document can be finalised.

OPTIONS:

There are three options available;

1. That Council adopts the Tweed Destination Management Plan which is attached to this report.
2. That Council advises Tweed Tourism Company it no longer wishes to pursue a destination management planning process for the Tweed.
3. That Council works with the Tweed Tourism Company to further review and amend the Destination Management Plan.

CONCLUSION:

This report recommends that Council adopts the Tweed Destination Management Plan as attached to this report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Final Tweed Destination Management Plan (ECM 6049801)

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.

13 [PR-CM] Submission to the Public Exhibition of the State Government's Short Term Rental Accommodation Draft Legislation Amendments

SUBMITTED BY: Strategic Planning and Urban Design

mhm



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: Advocate

SUMMARY OF REPORT:

The State Government has released for public exhibition the draft legislative framework for the permissibility and management of short term rental accommodation (STRA). The material is on exhibition from 14 August to 11 September 2019 and includes:

- *Short-term Rental Accommodation: A new regulatory framework Discussion paper.*
- *Draft Code of Conduct for the Short-term Rental Accommodation Industry (the Code).*
- *Draft Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019.*
- *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (the SEPP).*
- *Draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019 and accompanying 'Short-term Rental Fire Safety Standard'.*

Council has previously made submission to the STRA policy position and Explanation of Intended Effects (EIE).

Council has a current planning proposal, commenced in 2015, which sought to allow permissibility of STRA for up to 65 days as exempt development. This is now overridden by the NSW government position which will allow STRA up to 365 days per year. As such this report seeks Council's endorsement to cease this planning proposal.

A submission has been prepared in response to the exhibited material. This submission does not seek to vary the maximum number of permissible STRA days due to the virtually impossible compliance and resourcing implications on Council.

The submission focusses on compliance and seeks to clarify many of the standard conditions to apply to STRA, greater clarity of the roles and responsibilities regarding noise and other amenity impacts and greater involvement for councils in the review of the STRA legislation. Attached is a draft submission for endorsement to be forwarded to NSW Department of Planning, Industry and Environment.

RECOMMENDATION:

That:

- 1. The attached submission to the *State Government Short term Rental Accommodation Planning Framework (Policy, Regulation, Code of Conduct)* be endorsed and be forwarded to the Department of Planning Industry and Environment by 20 September 2019; and**
- 2. *Planning Proposal PP15/0005 Short term Rental Accommodation* be discontinued and the Department of Planning Industry and Environment be notified of this decision.**

REPORT:

Background

The introduction of the Standard Instrument Template in 2006 introduced standard definitions to be used for all local environmental plans (LEPs). In doing so, short term rental accommodation (STRA) became an undefined use and therefore not permissible, unless where the use conformed with the permissibility and definition of a *serviced apartment*.

To address the permissibility issues of STRA, Council commenced a planning proposal in 2015 seeking to define STRA and allow (briefly simplified) the use as exempt development up to 65 days per year. It is noted that the planning proposal PP15/0005 is still an active planning proposal.

Following exhibition of the planning proposal, it was placed on hold pending the outcome of the NSW Parliamentary enquiry into the *Adequacy of Regulation of Short Term Rental Accommodation in NSW*.

The enquiry was undertaken during 2015-2016 and the state government released an Options Paper July-October 2017.

Given the state government direction, in April 2018 it was resolved that:

"Council defers taking any widespread action against any unauthorised or non-compliant short term holiday let (STHL) uses, until the release of new, anticipated State Government STHL legislative and planning policy controls, except in those circumstances where it can be demonstrated that such uses are having an unreasonable impact on the amenity of adjoining or surrounding neighbours as determined by Council."

In June 2018 the NSW Government released *New Regulatory Framework for STRA in NSW* supported by an Explanation of Intended Effects (EIE). The policy position (briefly simplified) was to make STRA exempt development permissible for up to 180 days in metropolitan Sydney and between 180 – 365 days in regional NSW. At this time regional councils were able to nominate their preference for a reduction in permissible days.

A Council endorsed submission (1 November 2018) to the exhibited EIE was made in November 2018. As part of this submission Council resolved not to seek a reduction below 365 days, due to the extensive logistical barriers to compliance and resourcing implications for Council.

Draft STRA legislation

The new legislative framework to support the policy position is now on public exhibition from 14 August to 11 September 2019. The exhibition material includes:

- *Short-term Rental Accommodation: A new regulatory framework Discussion paper.*
- *Draft Code of Conduct for the Short-term Rental Accommodation Industry (the Code).*
- *Draft Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019.*
- *Draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (the SEPP).*

- *Draft Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019 and accompanying 'Short-term Rental Fire Safety Standard'.*

The amenity impacts of STRA are to be addressed by the Code of Conduct. Management of the Code of Conduct and complaints is NSW Fair Trading.

Given the tight timeframe Council sought, and was granted, an extension to make a submission until 20 September 2019 to allow consideration of the draft submission, as attached, by Council.

Summary of key submission content

The full submission is provided in Attachment 1 and summarised as follows:

In accordance with Council's previous resolution the submission does not seek a reduction of permissible days, thereby allowing 365 days per year. The submission raises a number of matters for clarification, including:

Rural workers dwellings

Under the SEPP legislative amendments, STRA would be permitted as exempt development for *rural workers dwellings*. However, dwellings approved for rural worker's purposes are approved for a specific use and the occupants of such a dwelling are also a specific category, being a rural worker.

The submission recommends *rural workers dwellings* be excluded from exempt development, similar to a number of other specific use dwelling types, such as *group homes*.

Flooding

The intent of the flooding provisions (clause 14 of the SEPP) appears to be to consider risk from events exceeding design flood level through consideration of evacuation, isolation and refuge, however, the wording of the clause is confusing and requires clarification regarding:

- what is a "refuge";
- clarification of "*lowest habitable floor level*"; and
- provisions relating to "a level of more than 0.3m during a 1:100 ARI flood event".

The submission seeks clarification on these provisions.

Bushfire

STRA cannot be exempt development where mapped as bushfire prone land and becomes complying development. To be complying development, no part of the lot can exceed 40 BAL.

This is inconsistent with current provisions where the BAL applies to the house, rather than the lot.

The submission seeks clarification on this provision.

BCA accessibility requirements

The SEPP is silent on accessibility requirements. The Building Code of Australia (BCA) requires accessibility to be provided to certain Class 1b, 2 and 3 buildings and to be considered at the time of construction. It is recommended the draft SEPP address the accessibility requirements.

Swimming pool safety

Where STRA is proposed (either exempt or complying) at a property that has a pool, it should be made clear that the owner would be required to re-register the pool on the NSW Government's swimming pool Register as Short Stay Tourist Accommodation.

The submission recommends that this be included as a development standard, and require a copy of the Swimming Pool Certificate of Registration and a copy of current Swimming Pool Safety Certificate or Occupation Certificate for the pool (where obtained within 3 years) be provided with the STRA registration.

Inconsistencies with the Code of Conduct and legislation amendments

The *Draft Code of Conduct* defines *planning laws* yet in section 6.2.4 it refers to two other Acts that are not part of the *planning laws* definition.

The understanding of this structure is that a complaint has to be based on planning law which is confined to the Act and Regulations and LEP, ie that a dwelling is lawful, permissible and compliant with these policies. However, given that "planning laws" do not deal with noise, parking or other amenity complaints, it is unclear how these will be dealt with. The Code at Section 5.5.2 deals with noise, however, the following should be clarified:

It is not clear at Clause 5.4.8 and Clause 5.5.2 *Obligation to Neighbours* what is meant by *neighbour, other occupants of the premises and any immediately adjoining premises*.

The Code should explain who the Code is recognising in terms of the section *Obligation to Neighbours*. For example, does the *Obligation* extend to someone two or three doors away, who may also be affected? This is critical to understanding compliance because the Code only recognises *contravention of the Code*.

Similarly, anti-social behaviour in the community is generally investigated and responded to by the local police. The Code should clearly identify responsibilities regarding anti-social behaviour associated with STRA, and clarify this for all stakeholders.

The submission recommend that the *Code of Conduct*:

- be amended to clarify the terms neighbour, other occupants of the premises and any immediately adjoining premises and how compliance is to be managed for these people;
- should articulate the appropriate regulatory authority roles and responsibilities for noise impacts; and
- should articulate the appropriate regulatory authority roles and responsibilities with respect of anti-social behaviour.

Monitoring and associated impacts

Government policy, the Low Rise Medium Density Housing Code (LRMDHC) is seeking to increase residential density and diversity across all residential zones, which will have a significant long-term impact on the very structure and function of residential land.

The STRA framework provides an attractive incentive to the commercialisation of dwellings, especially in strong tourism areas such as the Tweed Shire. The submission raises concern that the increase of low rise medium density housing is attractive to the STRA market by its nature of smaller, lower maintenance properties. It follows that a significant percentage of the dwellings arising from the LRMDHC, intended to provide greater housing diversity and affordability will likely be used for STRA, thereby reducing the intended diversity of housing from the permanent rental market and potentially increasing rental prices.

While the SEPP provides for a review as soon as possible after the first anniversary of commencement of the Policy, and the Discussion Paper identifies points for consideration in any review, the submission notes it will be essential for the impact of the Policy to be assessed against impacts on long-stay rental availability and affordability. The submission requests that councils be consulted during the review process to include local knowledge and that the review findings be available to councils and publicly.

Current Planning Proposal PP15/0005

Planning Proposal PP15/0005 commenced prior to the Parliamentary enquiry into the *Adequacy of Regulation of Short Term Rental Accommodation in NSW*, was placed on hold pending the outcomes of the enquiry, and has been subject to three Gateway timeframe extensions, the latest being until 8 January 2020 to allow for finalisation of the NSW government legislative and policy position.

It is clear that under the current legislative framework the compliance and resource implications of applying a lesser number of days than the standard, which is between 180 and 365 days, would be extremely difficult.

The registration system and process, as exhibited, is poorly developed and it is unclear how councils would be provided the information required to manage compliance with a lower maximum number of days. In addition, Council's current resourcing would be insufficient to be able to manage the resulting implications.

It is also clear that the NSW government position is to, broadly and with conditions, allow STRA as exempt development 365 days per year.

Given the draft legislation amendments, exhibited and now imminent, it is recommended that the Planning Proposal be discontinued and, subject to the resolution of Council, the Department of Planning, Industry and Environment (DPIE) be notified of this decision.

OPTIONS:

1. Council endorses the submission, as attached, to be forwarded to the Director Housing and Infrastructure Policy; or

2. Council makes changes to the submission, as resolved, to be forwarded to the Director Housing and Infrastructure Policy; or
3. Council defers the matter for consideration and/or not make a submission.

Option 1 is preferred given the submission extension granted until 20 September 2019.

CONCLUSION:

The new legislative framework to support the policy position comprises a discussion paper, draft Code of Conduct, State Environmental Planning Policy, fire safety standards and amendments to the NSW Fair Trading legislation.

The NSW government is regulating STRA largely as either exempt or complying development where standard conditions are met. Council staff have reviewed the exhibition material and provided comments by way of a submission which seeks clarity on a number of the standard conditions; clarity on the management of noise and other non-planning legislated amenity impacts, to be managed through Fair Trading NSW; and greater involvement of councils in the review and monitoring of STRA.

Given the state position and regulatory framework for STRA, this report seeks Council's endorsement to discontinue the current planning proposal *PP15/0005 Short term rental accommodation*.

The attached submission is provided for Council's review and endorsement to forward to the DPIE.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

There are no direct budget implications.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Tweed Shire Council submission to the State Government Short term Rental Accommodation Planning Framework (Policy, Regulation, Code of Conduct) (ECM 6045873).

14 [PR-CM] Development Application DA18/0038 for the Use of Internal Alterations to Medical Centre at Lot 6 Section 2 DP 4043 No. 13 Beryl Street, Tweed Heads

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 subject site is known as No. 13 Beryl Street, Tweed Heads (Lot 6 Section 2 DP 4043). The site contains an existing two storey building, consisting of a medical practice located on the ground floor and a residential unit located on the upper floor. The application is seeking approval for the unauthorised building works which has changed the upper level residence to an extension of the medical centre and change of use from a residence to a medical centre. There has also been alterations and additions to the ground floor, however this is still being used as a medical centre.

The application was referred internally to the following units: Building, Environment Health, Water, Development Engineers and Traffic Engineers. Recommended conditions were provided by all units.

Council's Building officer raises concerns with the existing works being in breach of the National Construction Code/Building Code of Australia in areas such as access, unprotected openings lift installation and covering of in ground swimming pool. Specific conditions have been recommended by Council's Building officer requiring reports in relation to: a Building Code of Australia Compliance Report, Access Report and details on the decommissioning of the swimming pool.

The proposal was not notified development and Council did not receive any submissions. Public authority comments were not required.

This development application is referred to Council for determination due to the level of unauthorised construction work and the shortage of onsite parking spaces which require

payment under Tweed Council Contribution Plan Number 23 Offsite Parking. The current value per parking space in Tweed Heads is \$32,979 x 9 spaces shortfall = \$296,811. These two issues are recommended as a deferred commencement approval to control the time period for the applicant to satisfy the matters listed and also as the practice has been operating in the unauthorised level (first floor) since August 2017.

RECOMMENDATION:

That:

- A. Development Application DA18/0038 for the use of internal alterations to medical centre at Lot 6 Section 2 DP 4043 No. 13 Beryl Street, Tweed Heads be approved subject to the conditions below.**

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 6 months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

- A. Payment of all contributions as detailed below:**

Section 7.11 Contributions

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

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 Section 7.11 Contribution 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 7.11 Contribution Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:
69.775 Trips @ \$972 per Trips \$40,692.60
(\$815 base rate + \$157 indexation)
(\$27,128.40 has been subtracted from this total as this development is
deemed an 'Employment Generating Development')
CP Plan No. 4
Sector1_4
- (b) Shirewide Car Parking
9 space/s @ \$32979 per space/s \$296,811
(\$0 base rate + \$32,979 indexation)
CP Plan No. 23

Section 64 Contributions

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.

BELOW IS ADVICE ONLY

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

Water = 1.1532 ET @ \$11,091 = \$12,790.10
Sewer = 1.9298 ET @ \$7,173 = \$13,842.50

- B. A Building Code of Australia Volume 1 Compliance report of the entire building is to be prepared by a building certifier/practitioner who is qualified to carry out assessments of this type of building - Medical Centre. This report is to detail all non-compliances and the scope of works necessary to rectify all items to satisfy the requirements of the NCC - 2016.
- C. An access consultant's report on the building and site. This report is to detail all non-compliances and the scope of works necessary to rectify all items to satisfy the requirements of the BCA Volume 1 - 2016, AS 1428.1 - 2009 and the premises standard.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos G3132 Sheet 1, 3 and 4 prepared by Gavin Duffie and dated 29:11:17, except where varied by the conditions of this consent.

2. **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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.**

[GEN0135]

3. **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]

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

[GEN0190]

5. **All the onsite parking (except for the garage parking) is to be used only by the customers of the business and is not to be used by the staff of the business.**

[GENNS01]

6. **The maximum number of staff/employees is limited to six at any given time.**

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. **In accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Occupation Certificate or Construction Certificate to discharge to Council's sewerage system.**

[PCC1255]

8. **Details of all rectification works as identified in the Compliance Report and Access Report are to be submitted to and approved by the nominated PCA prior to the release of the construction certification.**

[PCCNS01]

9. Prior to the release of a construction certificate details of the decommissioning of the swimming pool are to be submitted for assessment and approval by Tweed Shire Council. These details are to clearly demonstrate how the swimming pool has been covered and what measures have been used to prevent any future health and safety issues.

[PCCNS02]

10. Prior to the issue of a construction certificate a building information certificate is to be obtained in respect of the unauthorised building work the subject of this development application.

[PCCNS03]

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 commencement of any building works 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, any 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. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
 - (b) The chute shall be located in a position approved by the Principal Certifying Authority.
 - (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust. [DUR0385]
20. 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]
21. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979. [DUR0405]
22. 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]
23. 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 2017.
- 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]
24. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:
- Noise, water or air pollution.
 - Dust during filling operations and also from construction vehicles.
 - Material removed from the site by wind. [DUR1005]

25. 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]

26. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

27. 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]

28. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

29. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

30. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

31. A final occupation certificate is not to be issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building.

[POC0225]

32. 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]

33. Prior to the issue of a final Occupation Certificate, all conditions of consent are to be met.

[POC1055]

USE

- 34. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.**
[USE0125]
- 35. The use being restricted to the floor area designated on the approved plan.**
[USE0415]
- 36. No items or goods are to be stored or displayed outside the confines of the premises.**
[USE0445]
- 37. Clinical wastes shall be separated from the general waste stream and disposed via a clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes to the satisfaction of the General Manager or his delegate.**
[USE0995]
- 38. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.**
[USE1055]
- B. Issue appropriate Penalty Infringement Notices for unauthorised building works and use.**
- C. If the Deferred Commencement matters are not satisfied within the specified period of time, Council's Solicitors are to be engaged to commence appropriate proceedings to have the unauthorised building works removed and the unauthorised use be stopped.**

REPORT:

Applicant: Vibe Medical Care Centre Pty Ltd
Owner: Vibe Medical Care Centre Pty Ltd
Location: Lot 6 Section 2 DP 4043 No. 13 Beryl Street, Tweed Heads
Zoning: B3 Commercial Core
Cost: \$20,000

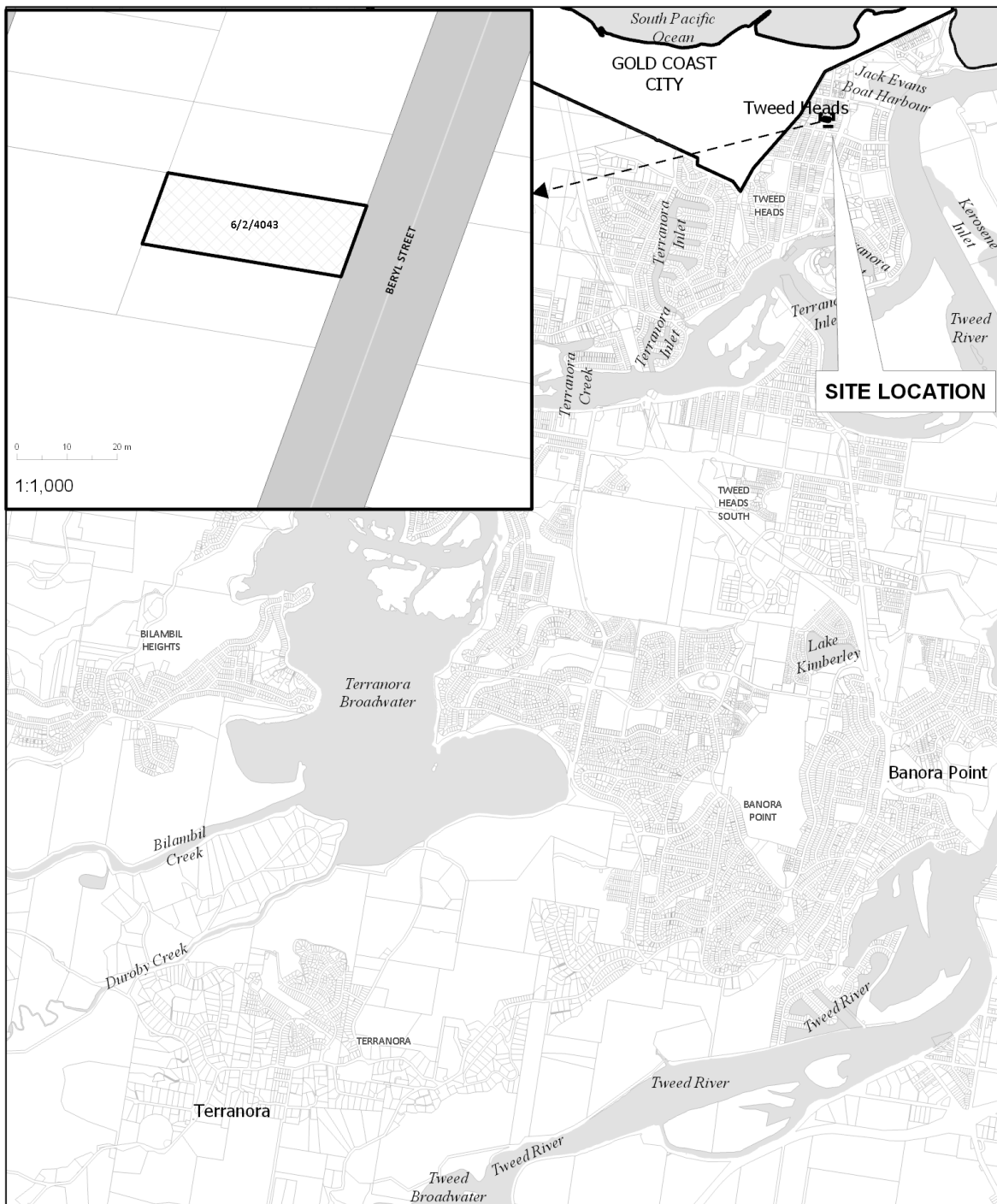
Background:

It is to be noted that the site has twice previously been the subject of development applications for the subject works and change of land use via (DA15/0331 – change of use of second level from dwelling to medical centre and associated building works and DA15/0710 – change of use of second level from dwelling to medical centre and construction of a lift). The development applications were refused as the proposed developments could not provide the required number of car parking spaces.

Council initially received a complaint from a member of the public advising that unauthorised works had been undertaken within the existing building, which was considered to be unsafe. An inspection of the site was undertaken by Council officers on 21 September 2017, which revealed building works that would require development consent and also a change in land use that would require development consent. The extent of building works related to, but not limited to, the erection of a lift, reception area, patient waiting area, staff room, toilet facilities, treatment room, and staff kitchen (all within the upper floor area). Building works were also undertaken within the ground floor area.

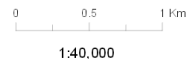
The change in land use relates to the use of the residential unit located on the upper floor as a medical centre which requires development consent for a change of use. A review of Council's records indicated that development consent was not applied for or granted for the building works or the change in land use.

SITE DIAGRAM:



Site Plan

Lot 6 Sec 2 DP 4043
No. 13 Beryl Street TWEED HEADS



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Coordinate System - MGA Zone 56
Datum - GDA 94

Cadastre: 26/08/2019
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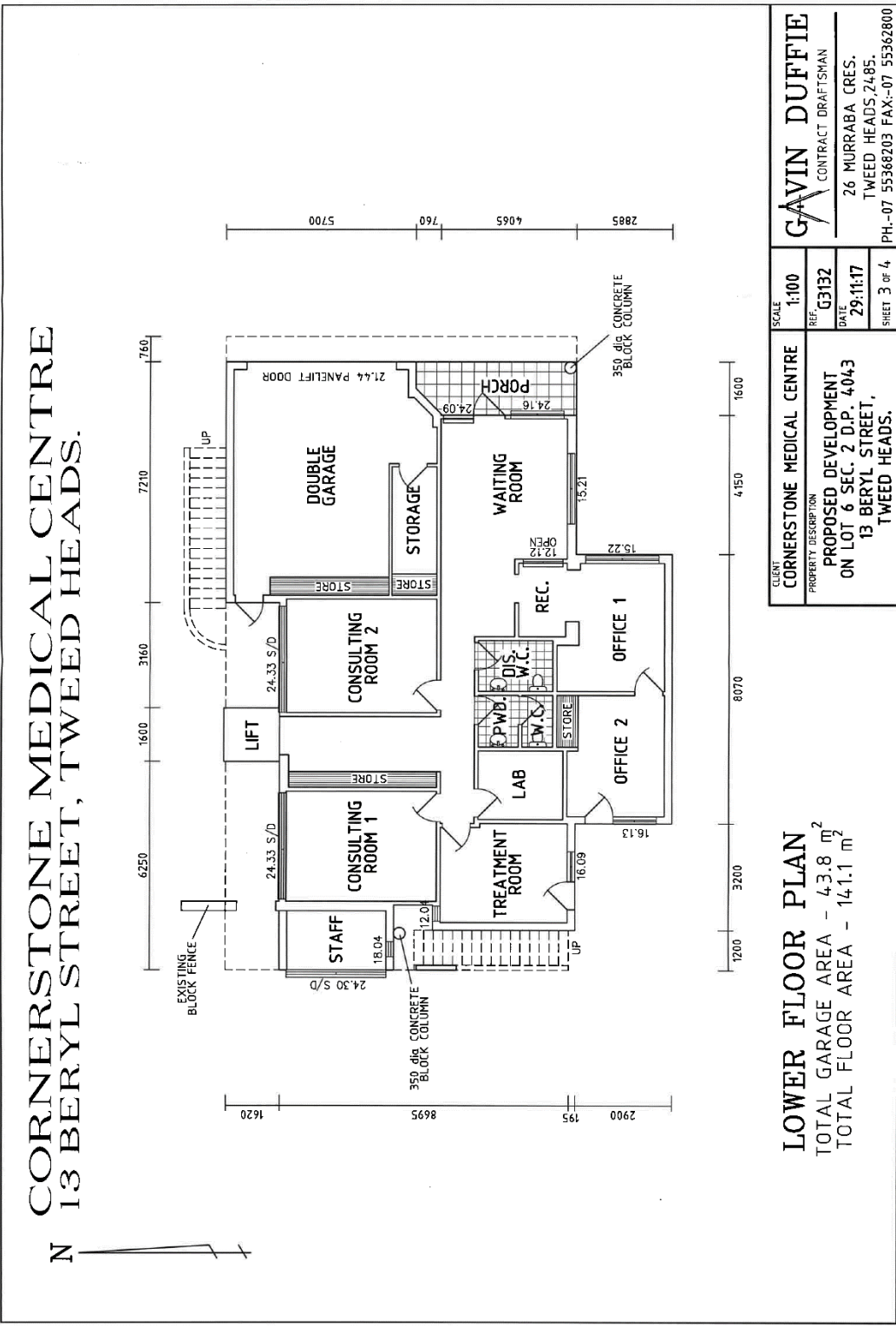
Civic and Cultural Centre
3 Tumbulgum Road
Murwillumbah NSW 2484
P.O. Box 816
Murwillumbah NSW 2484

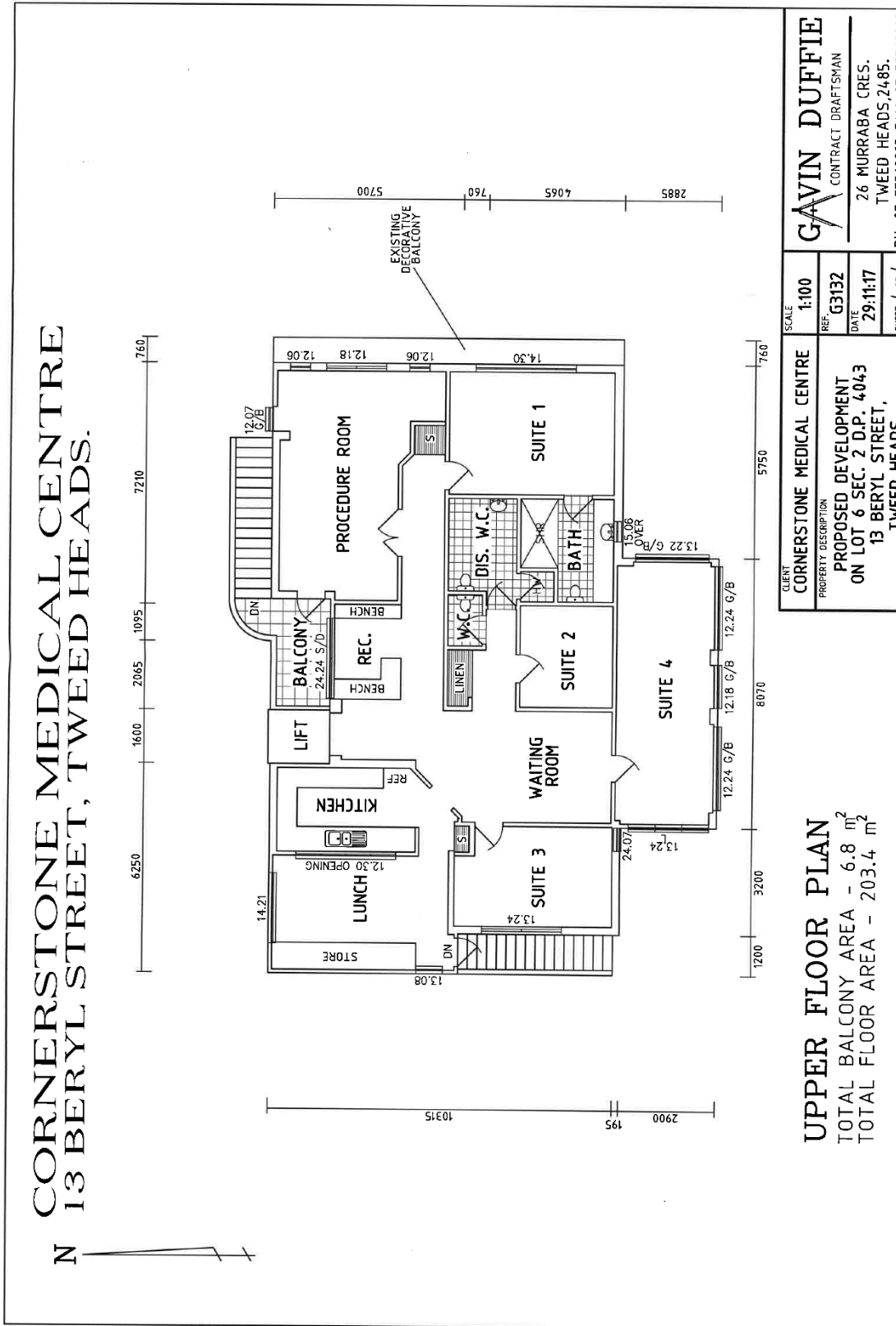
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TWEED
SHIRE COUNCIL

Date Printed: 26 August, 2019





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

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

Tweed City Centre Local Environmental Plan 2012

Clause 1.2 – Aims of the Plan

The proposal is considered to be consistent with the aims of the plan as the proposal will promote employment and health services within the Tweed City Centre and is permissible at this location.

Clause 2.3 – Zone objectives and Land use table

The site is zoned B3 Commercial Core and contains an existing medical centre on the lower floor and a residential premise on the second level. The zone objectives state:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage upper floor residential or tourist accommodation that does not compromise the commercial use of the land.*

The proposed development is considered to be consistent with the objectives of the zone through the provision of a medical premises which would serve the needs of the community.

Furthermore the proposal will provide employment opportunities through operational phase and the subject application, by virtue of being located within Tweed City Centre, is considered to facilitate additional public transport patronage at this location.

Clause 4.3 - Height of Buildings

The proposal does not seek to increase the existing height of the existing building. The proposed development relates to the fit-out and use of an existing building that is two storeys in height (approximately 7m) and no extension in height is proposed to the existing building.

Clause 4.4 – Floor Space Ratio

This clause states that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. In this instance the applicable floor space ratio is 4.5:1. With a site area of 594.4m² this equates to a permitted

GFA of 2674.8m. The GFA of the building is approximately 344.5m², which is a FPR of 0.6:1 and therefore complies.

Clause 4.6 - Exceptions to development standards

The proposal does not seek a variation to a development standard.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The proposal is not listed as a miscellaneous permissible use.

Clause 5.10 - Heritage Conservation

The site is not identified as a heritage item or located in a heritage conservation area or located in the vicinity of either a heritage item or a heritage conservation area. The site is also not identified in the Tweed Aboriginal Cultural Heritage Management Plan as either a known site or a predictive site.

Clause 5.11 - Bush fire hazard reduction

N/A – The site is not identified as bushfire prone land.

Clause 6.1 – Acid Sulfate Soils

The site is identified as being class 2 acid sulfate soils, the works did not require disturbance of the soil, no further consideration is necessary.

Clause 6.2 – Flood Planning

The site is flood affected by the PMF with the nearest Q100 level being 2.6m AHD. The building is existing and currently used as a medical centre with a ground floor level of 4.58m AHD, with the change of use applying to the upper level. The proposal is considered to acceptable in regards to flooding.

Clause 6.6 – Minimum building street frontage

The proposal relates to an established building and the unauthorised building works which are mainly internal, the works have not altered the buildings horizontal and vertical proportions. The site is physically constrained and not able to increase the sites existing street frontage. The proposal is considered to be consistent with the clause.

Clause 6.8 – Ground floor and first floor development in certain business zones

The proposal is considered to comply with the clause with the ground floor of the building being used for commercial activity (doctors' surgery) and will have an active street frontage.

Clause 6.10 – Design excellence

The proposal involves the change in use of the upper level and internal and external building works. The proposal will not have a negative impact on the amenity of the public domain.

State Environmental Planning Policies

SEPP No. 64 – Advertising and Signage

Advertising signage is not proposed.

SEPP - Coastal Management 2018

The subject site is mapped entirely within the Coastal Environment Area, as such clause 13 states as follows:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

The subject application is for a change in use and approval of unauthorised building works within an established urban area. The development is considered not to cause adverse impacts in relation to geological and geomorphological coastal processes, the environment (including flora and fauna and their habitats) or Aboriginal culture or the surf zone. Accordingly, the proposed development is consistent with the aims of clause 13 Division 3 Coastal use area.

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

Not Applicable.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

Parking

The plan provides a staff parking rate for medical centres at 1.6 spaces per consulting rooms and a customer parking rate of 3.2 spaces per GP and 1.6 spaces per specialist.

The site is covered by Section B2 Tweed City Centre, which provides separate (lower) parking rates, however, where there is an inconsistency between Section A2 and Section B2, Section B2 shall prevail (see B2 assessment below).

It is noted that the development provides for six parking spaces on site in front of the building and also contains a double garage.

Access

Access to the site is existing and considered to be acceptable.

A3-Development of Flood Liable Land

The site is flood affected by the PMF with the nearest Q100 level being 2.6m AHD. The building is existing and currently used as a medical centre with a floor level of 4.58m AHD, with the change of use applying to the upper level. The proposal is considered to acceptable in regards to flooding.

A4-Advertising Signs Code

Advertising signage is not proposed.

A11-Public Notification of Development Proposals

The proposal was not notified development and Council did not received any submissions.

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 noted that the site is currently used as a medical centre and has existing waste management procedures.

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

B2-Tweed City Centre

The subject site is located in the City Centre Core Precinct in the northern city centre character area of the above policy. This Section of the DCP outlines the following Character Statement with respect to this precinct:

"The City Centre Core Precinct is the 'heart of the city' and is well located to accommodate the bulk of future residential and business development necessary to fulfil the regional centre role of Tweed Heads while connecting with the existing urban form of Tweed Heads and Coolangatta.

The future character of the City Centre Core Precinct will be of a dynamic centre with a mix of land uses comprising retail uses at ground level activating the street frontage and podium levels comprising commercial offices topped by residential high rise buildings ranging from 10 to 14 storeys in height. The main two streets in the precinct are Bay Street and Wharf Street.

The visual and functional character of Bay Street and Wharf Street will be improved through enhancements to the public domain in the form of integrated planting, paving, lighting and street furniture schemes framed by high quality buildings. Streets will have continuous awnings to provide weather protection to pedestrian street activity."

Having regard to the provisions of this precinct, it is considered that the proposed development would be generally in accordance with the above by virtue of being additions to an existing medical centre with an active street frontage.

DCP Section B2 also has controls in regards to building form, pedestrian amenity and access parking and servicing which are relevant to this application.

3. Building Form

It is noted that the proposed development does not alter the built form of the existing building given the nature of the application for internal works. The existing building pre-dates the DCP Section B2 controls and therefore they may be non-compliances which would simply be reflective of the controls in place at the time of

development. Having regard to the above, the proposal is considered to be acceptable with respect to the built form requirements.

4. Pedestrian Amenity

The provisions of this portion of the DCP relate to permeability, active street frontages, safety and security, awnings and vehicle footpath crossings and advertising and signage.

The subject site is not identified for any specific site permeability controls, or pedestrian links.

5. Access, Parking and Servicing

This Section of the DCP contains specific vehicular parking rates, and includes a rate for "Health consulting rooms" which is considered to be applicable to the proposal.

The health consulting rooms rates are 1 car space per 35sqm and 1 space per employee, 2 bicycles spaces per consulting room and 1 motor bike space per 25 car spaces.

The plan provides a rate for health consulting rooms at a rate of 1 space per 35m² (GFA) and 1 space per employee.

Council considers the proposed GFA for the proposal to be as follows:

Ground level = 141.1m²
Upper level = 203.4m²
Total = 344.5m²

The total development would generate $(344.5\text{m}^2/35\text{m}^2 = 9.84$ spaces (10 spaces). Plus 6 spaces for staff equates to a total of 16 parking spaces.

The site provides for eight spaces on site, six within the front setback and two within the double garage.

However, Council's Traffic Engineer advised that disabled parking is required and therefore one of the spaces will need to be removed therefore decreasing the number of spaces in site to seven. Therefore the shortfall is nine spaces that requires payment under Tweed Council Contribution Plan No. 23.

The current value per parking space in Tweed Heads is \$32,979, x 9 spaces = \$296,811.

8. Controls for special areas

The subject site is not identified as being a special area under the provisions of this DCP. As such the controls contained within Section 8 are not applicable to the subject development.

The development as proposed is considered to be generally compliant with the provisions of Council's DCP Section B2 and is assessed as being an appropriate development on the subject site, having regard to the above assessment of the matters contained in this DCP.

As outlined in the above assessment, the application is generally considered in keeping with the intent of DCP Section B2 and is assessed as being acceptable having regard to the requirements of this section of the DCP.

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

Nil.

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

Clause 92(1)(b) Applications for demolition

The proposal may include demolition works. The Building Unit has recommended that appropriate conditions for demolition.

Clause 93 Fire Safety Considerations

The Building Unit has recommended that appropriate conditions.

Clause 94 Buildings to be upgraded

The Building Unit has recommended that appropriate conditions.

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

Tweed Shire Coastline Management Plan 2005

The subject site is not located within an area that is affected by the Tweed Shire Coastline Management Plan 2005. No further assessment is required.

Tweed Coast Estuaries Management Plan 2004

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

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

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

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

Context and Setting

The site is located within an established urbanised area of Tweed Heads, within close proximity to the Tweed Heads shopping centre, St Joseph's primary school, mixture of commercial developments and high density residential developments. The proposed development is consistent in terms of surrounding landuses and context and setting.

Access, Transport and Traffic

Although the development would generate a shortfall in onsite parking spaces, Council's Traffic Engineer supports the proposal due to a recent parking study indicating that Beryl Street has a medium demand with time limited on street parking requiring a level of vehicle turnover. In addition, contributions would need to be applied in accordance with contribution plan 23 *Offsite Parking* and limiting onsite parking for customers only. A condition should be imposed limiting the onsite parking (except for the garage) to customers only and suitably sign posted.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The site is considered suitable for the proposed use of the upper level as an extension to the existing medical centre. The site and surrounding land is zoned B3 Commercial Core, with the site containing an existing two storey building, with the ground level having approval as a medical centre and the upper level approved as a residential unit. Although the site is short on on-site car parking, Council's Traffic Engineer has advised that the site is covered by Tweed Council Contribution Plan Number 23 *Offsite Parking* which enables Council to levy contributions for the shortfall in parking spaces.

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

The proposal was not notified development and Council did not received any submissions. Public authority comments were not required.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The proposal is considered unlikely to create significant adverse impacts on the natural and built environments subject to conditions with the site also considered suitable subject to conditions. The development is therefore considered to be in the wider public interest by providing additional medical services on appropriately zoned land.

OPTIONS:

1. Approves the application in accordance with the recommendation, which includes issuing a Penalty Infringement Notice and commencing appropriate legal proceedings should the deferred commencement matters not be satisfied; or
2. Refuses the application with reasons for refusal and commence appropriate legal proceedings in relation to the unauthorised building works and use.

Council officers recommend Option 1

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:

The applicant has a right of appeal in the NSW Land and Environment Court in respect of any Council determination of this application, such an appeal may have budget implications for Council.

c. Legal:

The applicant has a right of appeal in the NSW Land and Environment Court in respect of any Council determination of this application.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

15 [PR-CM] Development Application DA18/0349 for the Use of Existing Dwelling and Shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding

SUBMITTED BY: Building and Environmental Health

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Provider**

SUMMARY OF REPORT:

Updated Summary since 15 August 2019

This report is submitted in response to the following resolution of Council dated 15 August 2019:

“That Development Application DA18/0349 for the Use of Existing Dwelling and Shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding be deferred to review the amended plans which have recently been submitted to Council.”

Draft conditions for consideration have been included as an updated Option 2, noting that this report recommends Option 1 for refusal.

The amended plans recently submitted to Council have also been included for consideration. These plans have made some minor adjustments to the height of the dwelling and site contours, however the dwelling still maintains a non-compliant maximum height of 12.498m, 2.498m higher than the 10m building height limit.

Should Option 2 be adopted and the application approved, the applicant will be required to lodge an application for a Building Information Certificate and to upgrade the dwelling to comply with AS3959 – Construction of Buildings in Bushfire Prone Areas and the Building Code of Australia.

Due to safety concerns regarding the structure, conditions of consent have also been included which require the property to be vacated until the structure is compliant with both bushfire and Building Code of Australia construction requirements.

It is recommended that the property owner be issued with a Penalty Infringement Notice for the sum of \$3,000 for the unauthorised erection of the dwelling for the following reasons:

- a shed and entire 3 storey dwelling has been constructed illegally without development consent;
- Council has previously taken compliance action against property owners who have constructed illegal dwellings within the Shire;
- various critical stage inspections were not undertaken to ensure the building integrity of the dwelling; and
- a significant amount of officer time has been expended in dealing with the compliance matters.

Original Summary

Council has received a development application seeking retrospective approval for the use of an illegally constructed dwelling and shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding. The owner of the site has commenced an unauthorised habitation of the dwelling.

The application is a result of compliance action (ILL17/1587) by Council's Compliance Unit regarding the unauthorised habitation of the shed. It should be noted that no Penalty Infringement Notice has been issued in relation to the shed or the dwelling.

The shed has undergone significant alterations to render it uninhabitable as a result of compliance action. This report will focus on the proposed height variation for the dwelling.

The proposal seeks to vary the 10m building height limit prescribed by Clause 4.3 of the Tweed Local Environment Plan (LEP) 2014, by obtaining retrospective approval for the use of the dwelling. The dwelling has been constructed with a maximum height of 12.9m, 2.9m higher than the 10m building height limit. The non-compliant portion of the dwelling consists of the entire upper storey roof and a section of wall plate and void space (See Figure 1 below).

The extent of the variation to the 10m height limit ranges from 0.75m up to 2.9m as the land falls away (See Figure 1 below). It is considered that the variation is a significant breach of the 10m height limit prescribed by Clause 4.3 of Council's LEP 2014.

The as-constructed building exceeds the LEP building height standard by up to **29%** and is not considered to be consistent with the five part test for consent authorities to consider when assessing an application to vary a standard as set out by the Land and Environment Court.

The extent of the breach is limited to the upper storey (see Figure 1). As the degree of variation is greater than 10%, determination by the elected Councillors is required.

The assessment of the proposal concludes, that despite the rural locality, the variation is not an acceptable outcome and that compliance with the 10m building height limit is not unreasonable or unnecessary in this instance.

Had the current building height been applied for prior to being constructed, it would not have been supported by Council Officers. Amendments to the design would have been requested hence avoiding the cost of rectification.

Importantly, the construction of a liveable shed and a complete three storey dwelling without approval, is unauthorised development of a type and scale that could be reasonably addressed through court proceedings. It is therefore considered that the application warrants a recommendation for refusal and appropriate compliance action.

Furthermore, it is considered that the dwelling can be modified at some expense to the owner, to be made compliant with the LEP building height development standard. With this in mind it is also recommended that the dwelling be rectified to comply with the 10m building height limit through the lodgement of a new development application.

RECOMMENDATION:

That:

- A. That Development Application DA18/0349 for the use of an existing dwelling and shed at Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding be refused for the following reasons:**
- 1. Pursuant to the Environmental Planning and Assessment Act, Section 4.15 (1)(a)(i), the proposed development is contrary to the provisions of the Tweed Local Environment Plan 2014, in respect to the following:**
 - (a) The proposal is not consistent with the objectives of Clause 4.3 (1);**
 - (b) The proposal is not consistent with Clause 4.3 (2) which prescribes a 10m height limit for this locality;**
 - (c) The proposal is not consistent with the objectives of Clause 4.6 (1); and**
 - (d) The proposal is not consistent with Clause 4.6 (3) in that compliance with the development standard is not considered unreasonable or unnecessary and that there are not sufficient environmental planning grounds to justify contravening the standard.**
 - 2. Pursuant to Section 4.15 (1)(a)(iii) The proposal is not consistent with Section A1 of Council's Development Control Plan Clause 3.2, which prescribes a 10m height limit where located on slopes greater than 12 degrees (12.25%).**
 - 3. Pursuant to Section 4.15 (1)(b) The proposal provides for an unwarranted departure from the building height development standard.**
 - 4. Pursuant to Section 4.15 (1)(e) The proposal is considered not to be in the public interest given the works have been constructed without consent and would not have been supported if an application was lodged prior to being constructed.**
- B. Council investigates options to commence appropriate compliance action for the unauthorised building works.**

- C. Council requires that the applicant rectify the dwelling to comply with the 10m Building Height Standard through the lodgement of a new development application.**

- D. ATTACHMENTS 4 and 5 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (a) personnel matters concerning particular individuals (other than councillors).**

REPORT:

Applicant: Mr BJ Day
Owner: Mr Beauregard J Day
Location: Lot 8 DP 1079822 No. 33 Forest Way, Stokers Siding
Zoning: RU2 - Rural Landscape
Cost: \$400,000

Background:

APPLICATION DETAILS

The application seeks retrospective approval for the use of a three storey dwelling and a shed, constructed without consent and includes a variation to the Tweed Local Environment Plan (LEP) 2014 Building Height Standard.

The application is a result of compliance action (ILL17/1587) by Council's Compliance Unit regarding the unauthorised habitation of the shed. The shed is now to be legally approved as a farm shed. A statutory declaration has been provided declaring the use of the shed as a 'Banana Packing shed' and not for habitable use. It should be noted that no Penalty Infringement Notice has been issued.

Works already constructed:

The dwelling is three storeys and has a maximum building height of 12.9m above the existing ground level. The dwelling is constructed of select timber cladding and timber posts and consists of the following:

- *Lower Ground floor:* Three bedrooms, bathroom, laundry, store room and a balcony.
- *Ground Floor:* Living/dining, kitchen and a deck.
- *Upper floor:* loft, ensuite and large void space.

The shed is constructed of selected FC cladding and is two storeys with a maximum height of 5.76m. The shed floor plan will consist of the following:

- *Ground floor:* open floor plan consisting of bathroom, dry store, washing and cleaning, external storage, bathroom and a deck.
- *Upper Storey:* Ripening room.

The proposed shed floor plan is a result of design amendments being requested by Council to render the structure uninhabitable. These amendments included:

- Removal of the kitchen;
- Removal of the laundry; and,
- Removal of a number of internal walls.

The application seeks to vary the 10m building height standard for the site, by obtaining retrospective approval for the use of the dwelling with a maximum height of 12.9m. The extent of the variation ranges from **0.75m up to 2.9m higher** than the maximum height limit prescribed by Clause 4.3 of the LEP. As such the application has been accompanied by Clause 4.6 variation request.

The extent of the breach is limited to the upper storey (see Figure 1 below). As the degree of variation is greater than 10%, determination by the elected Councillors is required.

SITE DETAILS

The subject site is legally defined as Lot 8 DP1079822, No.33 Forest Way, Stokers Siding NSW 2484. The site has an area of 40.11Ha and is zoned RU2 – Rural Landscape. The allotment is accessed via Forest Way and consists of both of managed land and significant established vegetation.

The site is currently improved by an existing three storey dwelling and a shed, constructed without approval, which form the subject of this development application. The site also contains a machinery shed located in proximity to the unauthorised dwelling. This shed is exempt development.

The dwelling has been constructed on an area of managed land located on a ridge line towards the middle of the property (See Aerial Imagery below).

The site is mapped as being bushfire affected and the proposal has been subject to a Bushfire Threat Assessment Report (BTAR), Bushfire Attack Level (BAL) Audit Report and an Addendum to the BTAR. The dwelling is considered to generally satisfy the relevant provisions of AS3959 – *Construction of buildings in bushfire prone areas*, and 'Planning for bushfire protection 2006'. Where the dwelling is non-compliant with these provisions, it has been determined in the abovementioned reports that it will be capable of being upgrade to achieve compliance.

While the site contains areas mapped as being Predictive Aboriginal Cultural Heritage and Known Aboriginal Place of Heritage Significance, no portion of the proposal occurs within these mapped areas.

The site is also mapped as containing areas of both high and very high ecological status. The dwelling occurs within high ecological significance and the proposal has been considered acceptable by Council's Sustainability and Environment Unit.

The site is bound by similar sized rural allotments, which contain dwellings, to the north, south and west, and the Mooball State Forest to the east. The dwelling is located over 200m from the nearest neighbouring dwelling.

The predominant land use pattern is low density residential within a rural setting, with development being predominantly one and two storey dwellings and ancillary structures.

HISTORY OF THE APPLICATION

The application was formally lodged on the 26 April 2018 as a result of compliance action by Council regarding the rental of a shed at the subject site (ILL17/1587).

The proposal was neighbour notified on 25 May 2018 and one submission was received relating to intended use of the shed.

The proposal seeks to vary the 10m height limit prescribed by Clause 4.3 of the LEP 2014 by obtaining retrospective approval for the use of the dwelling and shed. The dwelling has a maximum height of 12.9m, **2.9m higher than the 10m building height standard**.

The portion of the dwelling above the 10m height limit consists of the upper roof form and a section of the wall plate towards the eastern side of the upper storey (see Figure 1 below).

Council officers do not support this variation and are of the view that compliance with the 10m height limit is not considered unreasonable or unnecessary in this instance. Had the application been lodged prior to the development being constructed, such a variation would not be supported by Council. The works being already constructed without development consent should not be valid reasoning for a departure from the building height standard.

As set out later in this report, the Clause 4.6 variation request is considered to be unacceptable having regard to the works being constructed without consent and it is recommended that Council refuse the request.

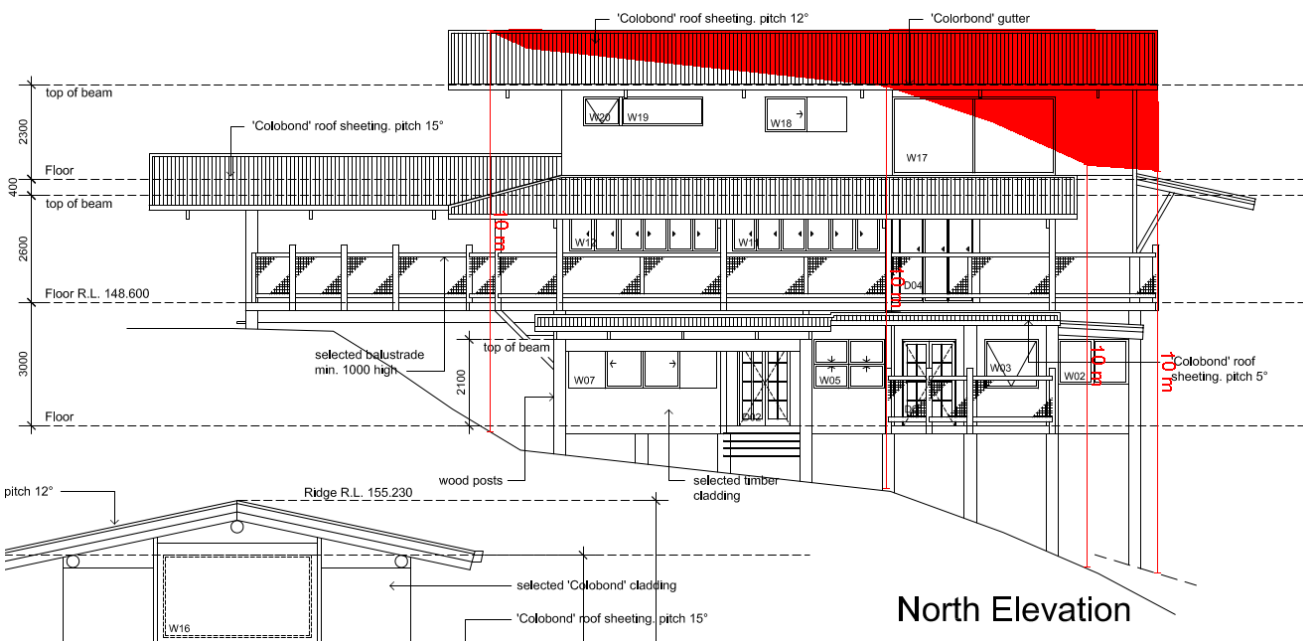


Figure 1 – The updated portion of the already constructed dwelling above the 10m height limit

It should be noted that the application has been subject to numerous site visits, comments from other Council units, requests for further information and consultant reports.

Council officers have advised the owner that the upgrades to the existing dwelling would be required to achieve compliance with the Building Code of Australia and the relevant bushfire requirements for BAL-29 construction.

The table below provides a timeline of the application and the extent of the additional information required.

Table 1 – Timeline of the Development Application

Date	Event
26 April 2018	Application lodged with Council.
8 May 2018	Proposal referred to the Rural Fire Service.
15 May 2018	<ul style="list-style-type: none"> - Site inspection carried out between the owner and Council's Senior Building Surveyor, Ecologist and Town Planner. - Email correspondence sent to the owner seeking further bushfire certification to verify the dwellings ability to comply with the BAL-29 requirements of <i>AS3959 2009 Construction of buildings in bushfire prone areas</i>.
6 June 2018	Applicant provided engineering plans and engineering certification of the unauthorised structures.
26 June 2018	<ul style="list-style-type: none"> - Second site visit with the owner, Council's Senior Building Surveyor, Ecologist & Town Planner, and Peter Thornton (Bushfire Certifiers) to discuss bushfire, ecological and building certification concerns. - Formal information request issued by Council's Sustainability and Environment Unit requesting the following: <ul style="list-style-type: none"> • Vegetation Survey Plan. • Physical identification of the Asset Protection Zone (APZ) boundaries, trees to be removed and retained and any terracing details. • Letter of support from Bushfire Certifiers supporting the vegetation survey plan.
18 July 2018	<ul style="list-style-type: none"> - Proposed eastern APZ terracing detail submitted to Council. - NRM advised the owner, as previously discussed, that the terracing was unnecessary.
17 September 2018	<ul style="list-style-type: none"> - Additional Information response received from Bushfire Certifiers. The response included: <ul style="list-style-type: none"> • BAL Audit Report certifying the unauthorised timber dwelling could achieve the BAL-29 requirements of AS3959 – 2009 Construction of buildings in bushfire prone areas and Planning for Bushfire Protection 2006. • Vegetation survey plans of the proposed asset protection zones (APZ). • Aboricultural Impact Assessment Report. • APZ retaining wall engineering design. • Amended On-site Sewerage Management Assessment Report. • Timber Species Identification and Certification Report. • Secondary property access design, easement details and deed of agreement required to achieve the access requirements of Planning for Bushfire Protection 2006. • Geotechnical Engineering certification for stability assessment.
11 October 2018	Response from Office of Environment and Heritage received noting that the clearing of the building site was an allowable activity.

Date	Event
27 November 2018	Further information request issued by Council requesting the following: <ul style="list-style-type: none"> • Engineering detail of the proposed retaining walls within the Asset Protection Zone. • Arboricultural assessment of any trees impacted by proposed terracing. • Timber species certification. • Amended Bushfire Threat Assessment Report. • Statutory Declaration declaring the use of the shed as a farm building only. • Amended Shed floor plan to remove internal walls. • Amended on-site sewage design report.
1 March 2019	Applicant's response to Council's further information request received. The updated Bushfire Threat Assessment Report is still outstanding.
29 March 2019	A Further information request issued by Council's S&E Unit regarding the location of the On-site Sewage Management System 'ETA' Beds. The location is requested to be changed.
9 April 2019	Amended on-site Sewerage report received.
23 April 2019	Bushfire Threat Assessment Report Addendum received.
29 April 2019	Bushfire Threat Assessment Report Addendum referred to Rural Fire Service.
30 April 2019	Rural Fire Service raise no objections to the Bushfire Threat Assessment Report Addendum.
8 May 2019	Final comments received from council's S&E Unit. The proposal was considered acceptable from an ecology point of view, subject to conditions of consent.
17 May 2018	Phone call with Peter Thornton of Bushfire Certifiers Pty. Ltd. accepting addendum to Bushfire Threat Assessment Report. No updated Bushfire Threat Assessment Report was required.

As demonstrated above, assessment of the application has taken a considerable amount of time but has ensured that, building height aside, the proposal is acceptable on all other merits. It should therefore be considered that rectification works to comply with the maximum building height following the refusal, to be lodged as a new development application, may be an acceptable outcome in this instance.

UNAUTHORISED WORKS INFORMATION

Council has undertaken various investigations in terms of the unauthorised works including investigation by Council's Compliance Unit.

The works were first brought to the attention of Council on the 15 December 2017 via a CRM (ILL17/1587).

In the owners response to a Council issued Show Cause Notice sent on the 18 December 2017 (See Attachment 1), the owner states that construction of the dwelling commenced in 2011, when it was originally used as a 'machinery shed'.

In 2014 more construction occurred to make the dwelling liveable. Since then, numerous extensions have been added to the dwelling.

The owner states that all structures on site were originally constructed as exempt development - 'Farm buildings', in accordance with the provisions of the State Environmental Planning Policy (Exempt and Complying Development Code) 2008. This is a misinterpretation of the Code given that the Part 2, Division 1, Subdivision 16, Clause 2.31 states that an exempt farm building cannot be used for habitable purposes.

The compliance action has resulted in the formal lodgement of a development application to gain retrospective approval for the structures (dwelling and shed). No further action was taken by Council's Compliance Unit following the lodgement of the development application.

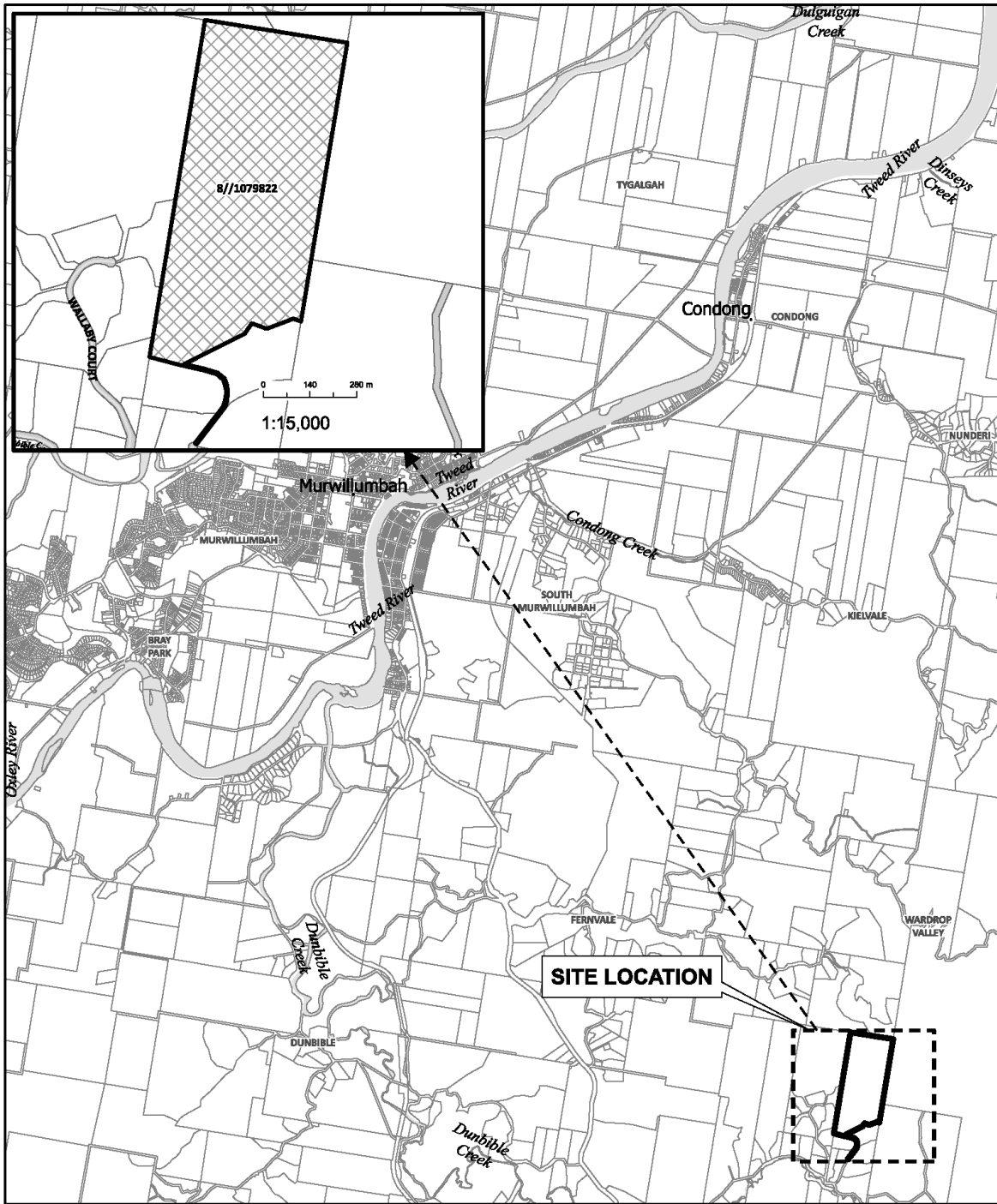
However, the construction of a liveable shed and a complete three storey dwelling without approval, is unauthorised development of a type and scale that Council would consider referral for court proceedings. It is therefore considered that the application warrants a recommendation for refusal and appropriate compliance action.

One issue that remains is whether the premises is safe and suitable to live in. As per Recommendation C, it is suggested that rectification works be required and a new development application lodged to Council.

Should recommendation C be adopted, the safety of the occupants with regards to bushfire risk and non-compliances with the National Construction Code may be of concern enough to warrant the premises to be vacated until such a time that the rectification works are complete and/or a future occupation certificate issued.

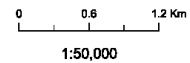
The property owner is aware of all site constraints and that the dwelling should not be occupied until all compliance matters have been satisfied.

SITE DIAGRAM:



Site Plan

Lot 8 DP1079822
 33 Forest Way, STOKERS SIDING
 DA18/0349



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GDA   **Cadastrre: 03/07/2019**
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Coordinate System - MGA Zone 56
 Datum - GDA 94

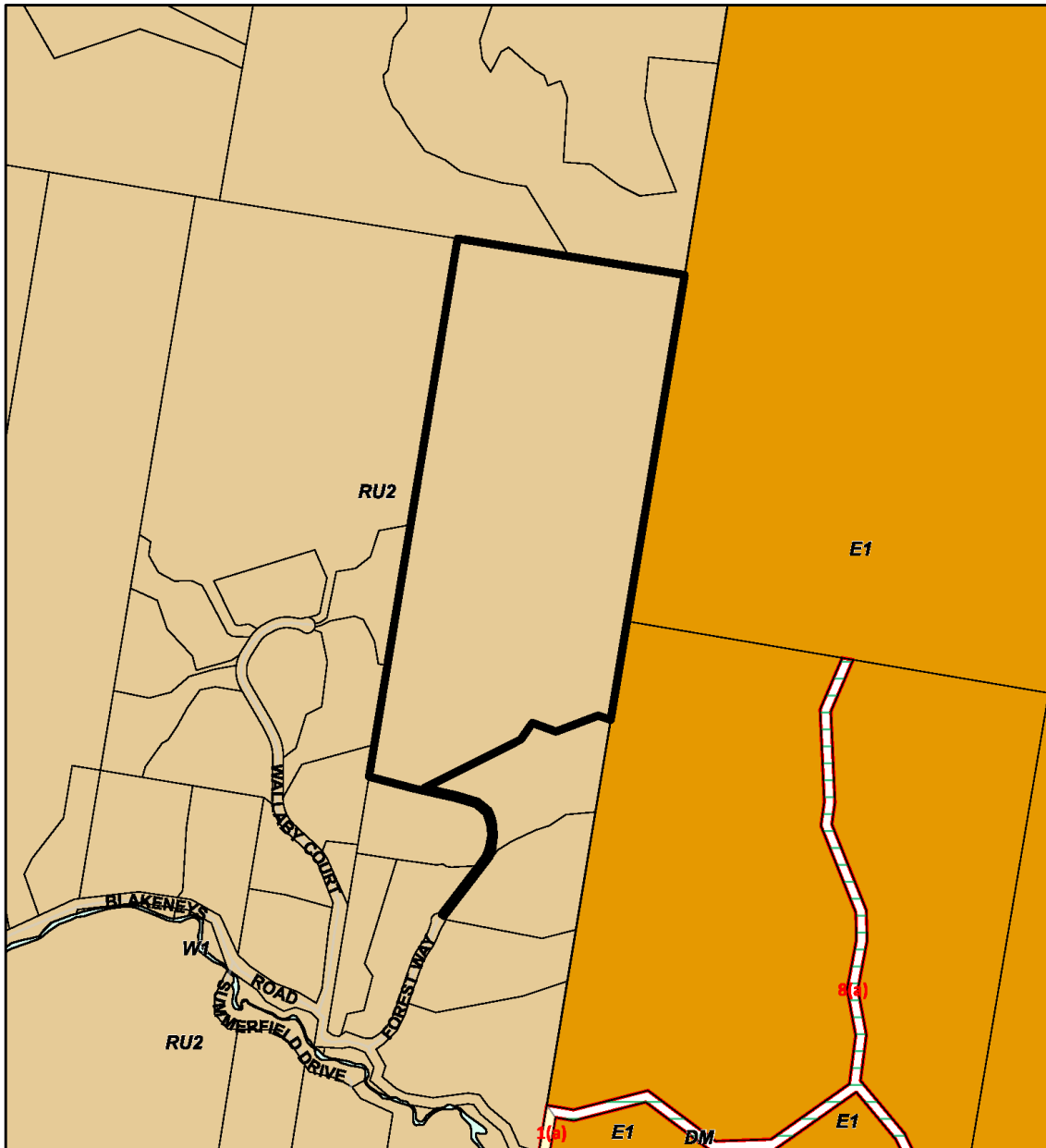
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Civic and Cultural Centre
 3 Turnbullum Road
 Murwillumbah NSW 2484
 PO Box 818
 Murwillumbah NSW 2484
 T: (02) 6670 2400 / 1300 292 872
 F: (02) 6670 2483
 W: www.tweed.nsw.gov.au
 E: planningreforms@tweed.nsw.gov.au



Date Printed: 11 July, 2019

ZONING PLAN:



Subject Land	Tweed Local Environmental Plan 2014	 DM, Deferred Matter	 8(a) National Parks and Nature Reserves
 Subject Land	 E1 National Parks and Nature Reserves	LEP 2000 (as at 2014)	
 RU2 Rural Landscape	 1(a) Rural		
 W1 Natural Waterways			

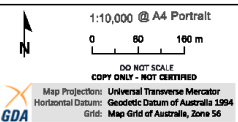
LEP 2000 (as at 2014)

RURAL

 1(a) Rural 1(a) Rural

NATIONAL PARKS & NATURE RESERVES

 8(a) National Parks and Nature Reserves 8(a) National Parks and Nature Reserves



Site Plan - Local Environmental Plan
 Lot 8 DP1079822
 33 Forest Way, STOKERS SIDING
 DA18/0349

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Data Printed: 11 July, 2019

AERIAL PHOTOGRAPH:



1:6,000 @ A4 Portrait
0 50 100 m
DO NOT SCALE
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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56

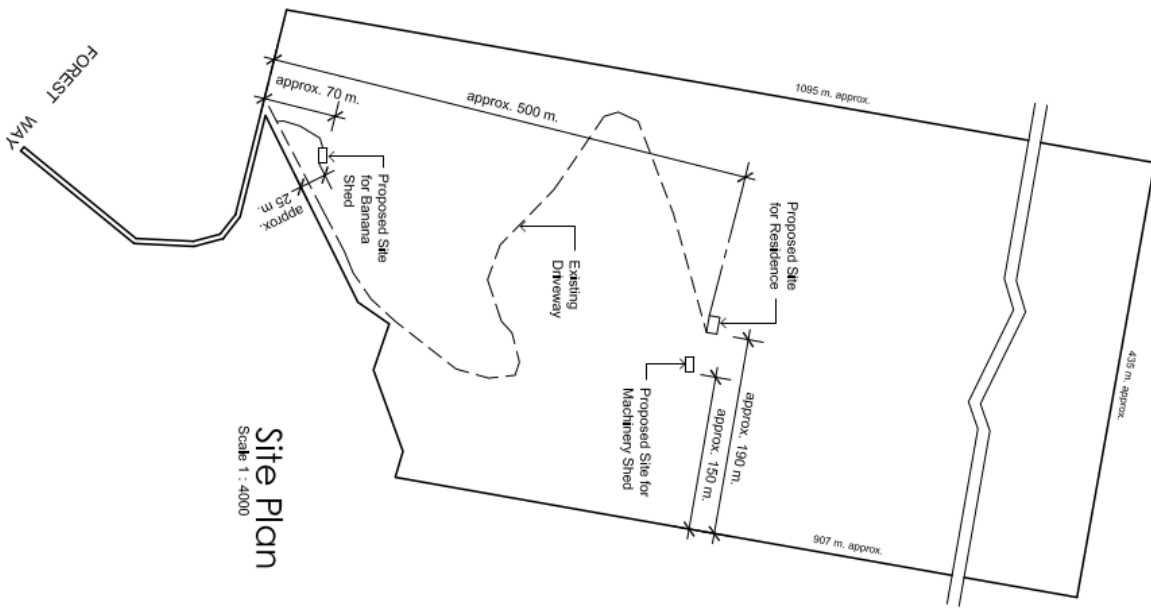

Child and Cultural Centre
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Aerial Photography April 2018
Lot 8 DP1079822
33 Forest Way, STOKERS SIDING
DA18/0349

© 2018 Imagery - Tweed Shire Council
© Cadastre - Tweed Shire Council
Boundaries shown should be considered approximate only.

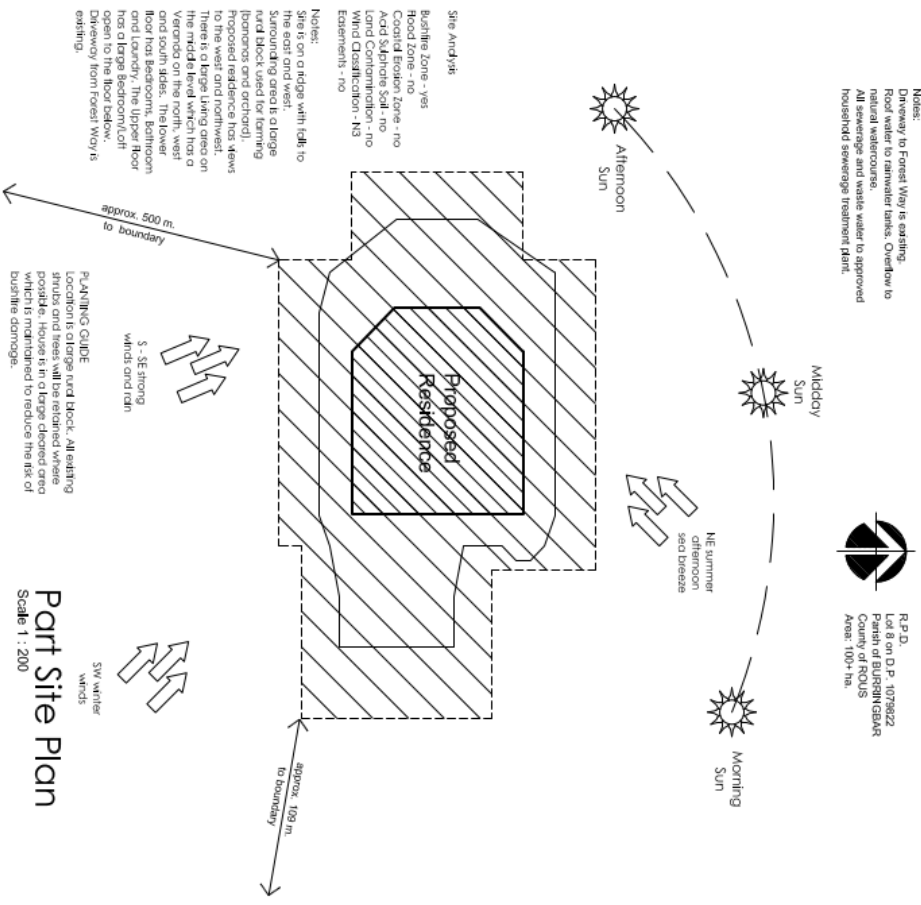
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DEVELOPMENT PLANS:

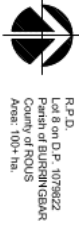


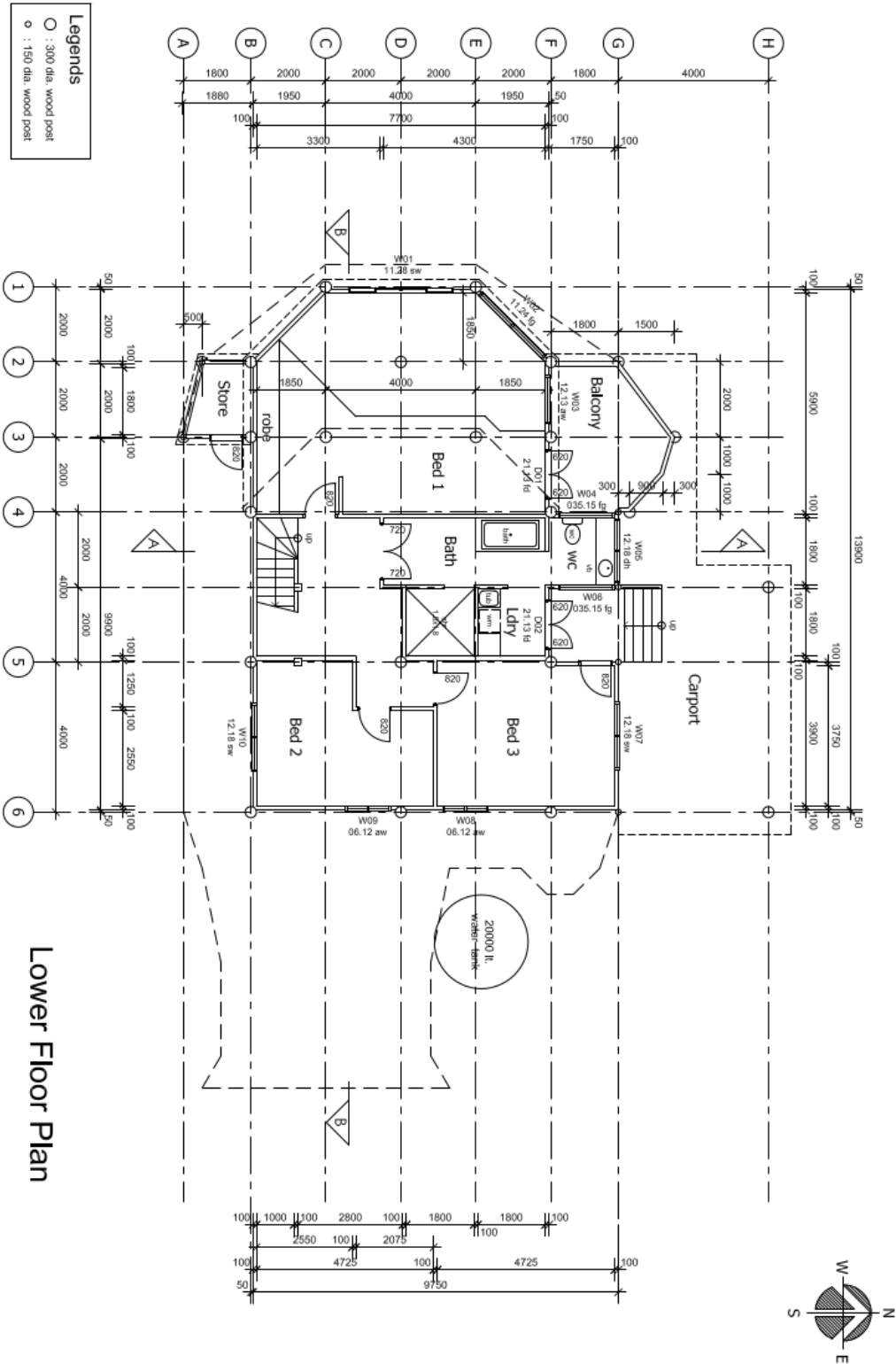
Proposed Sheds
For B. J. DAY
Lot 8 (No. 33) Forest Way
STOKERS SIDING 2484

<p>TWERD COAST DESIGN DRAFTING CABARITA BEACH/BOGANGAR N.S.W. 2488 Ph : 0407 524 610 Email : drafting@coastdesign.net.au</p>	date	28.12.17	scale	as shown on A3
	date	14.03.18	sheet no.	01
	date	31.03.18	date	12.06.19
		Preliminary Plan		
		Preliminary Plan		
		Revised Plan		
				Job No. 749

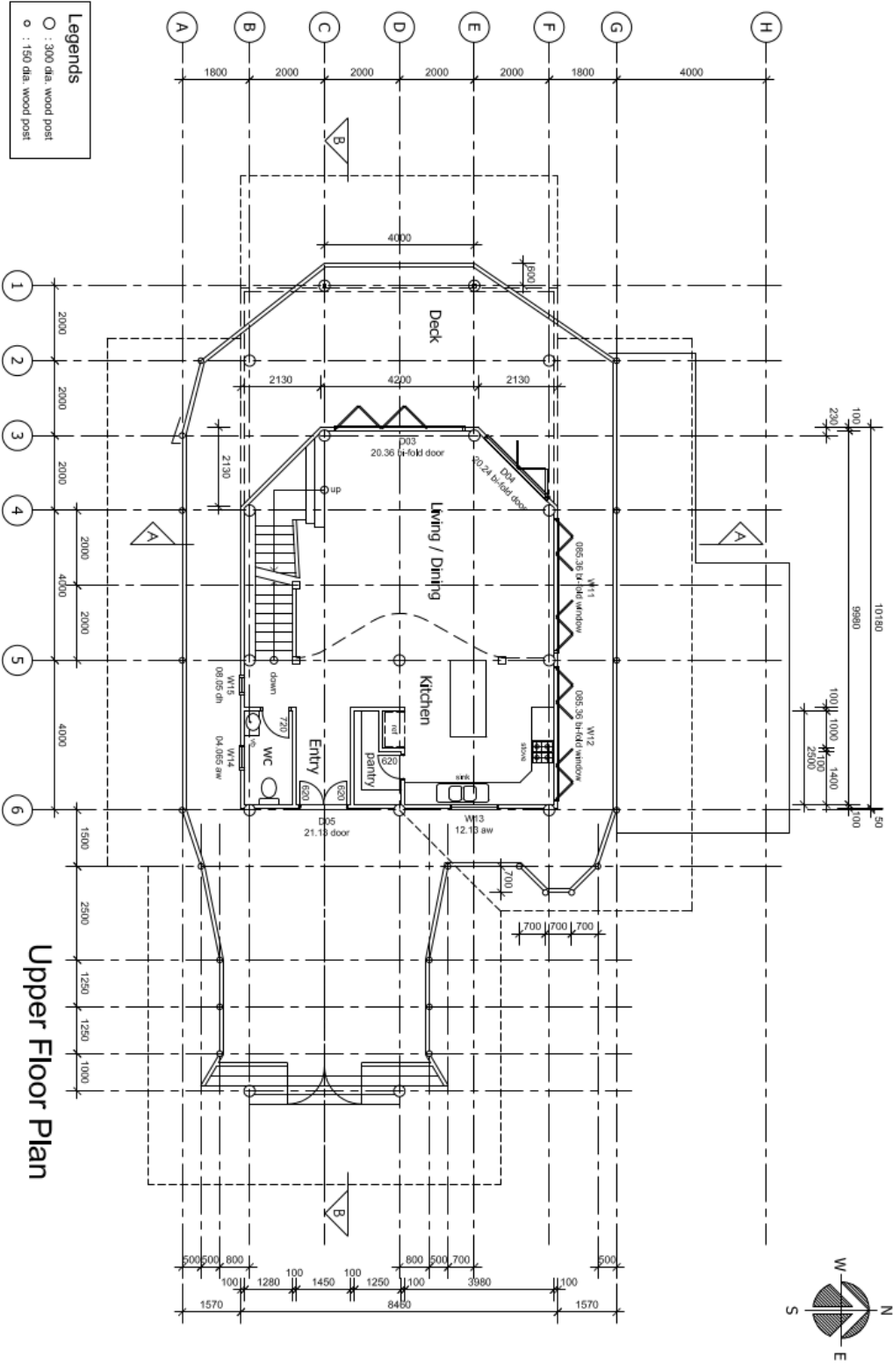


Notes:
Driveway to Forest Way is existing. Roof water to rainwater tanks. Overflow to stormwater drain.
All sewerage and waste water to approved household sewerage treatment plant.



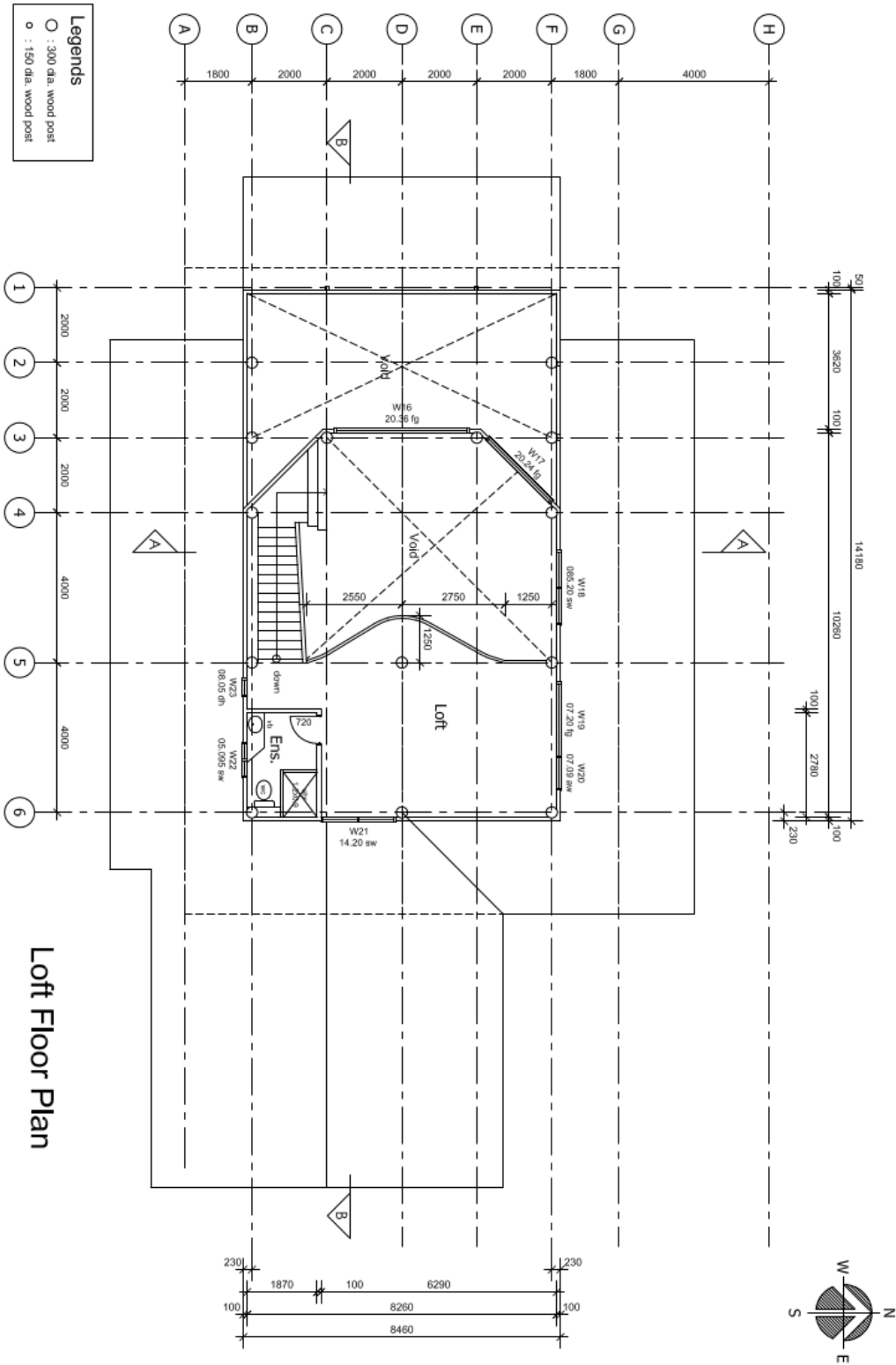


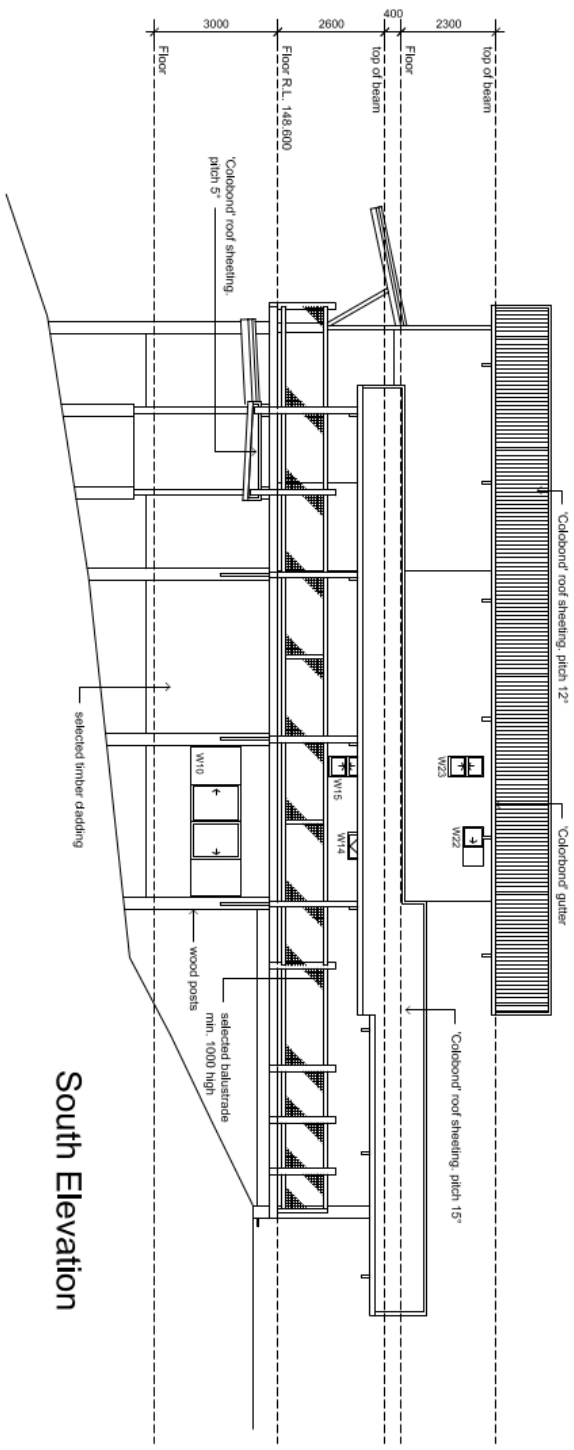
Proposed Sheds For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484		TWERD COAST DESIGN DRAFTING	CABARRITA BEACH/BOGANGARR N.S.W. 2488 Ph : 0407 624 610 Email : drafting@coastdesign.net.au	
date	description		scale	sheet no.
28.12.17	Preliminary Plan	1:100 on A3	03	
14.03.18	Preliminary Plan			
12.05.19	Revised Plan			
		Job No. 749		



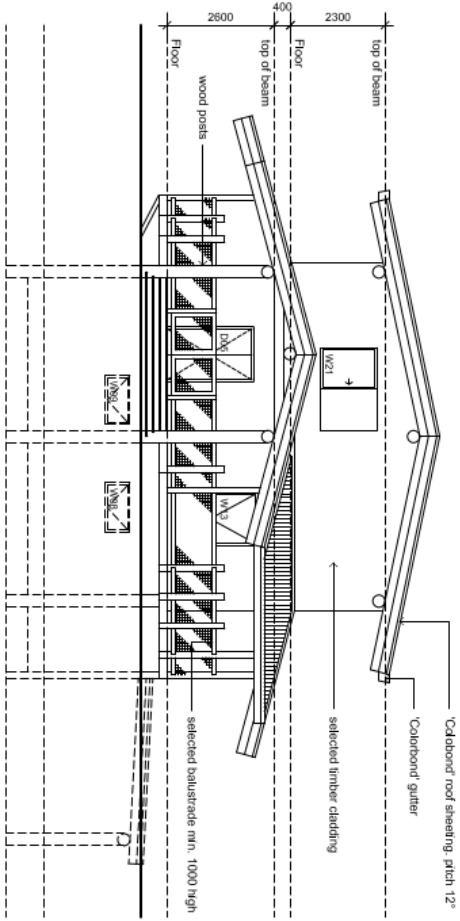
- Legends**
- : 300 dia. wood post
 - : 150 dia. wood post

Proposed Sheds	
For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484	
	TWEED COAST DESIGN DRAFTING
CABARITA BEACH/BOGANGAR N.S.W. 2488 Ph: 0407 624 610 Email: drafting@coastdesign.nsw.au	
date	date
28.12.17	Preliminary Plan
14.03.18	Preliminary Plan
30.11.18	Preliminary Plan
12.06.19	Revised Plan
scale	sheet no.
1:100 on A3	04
JOB No. 740	



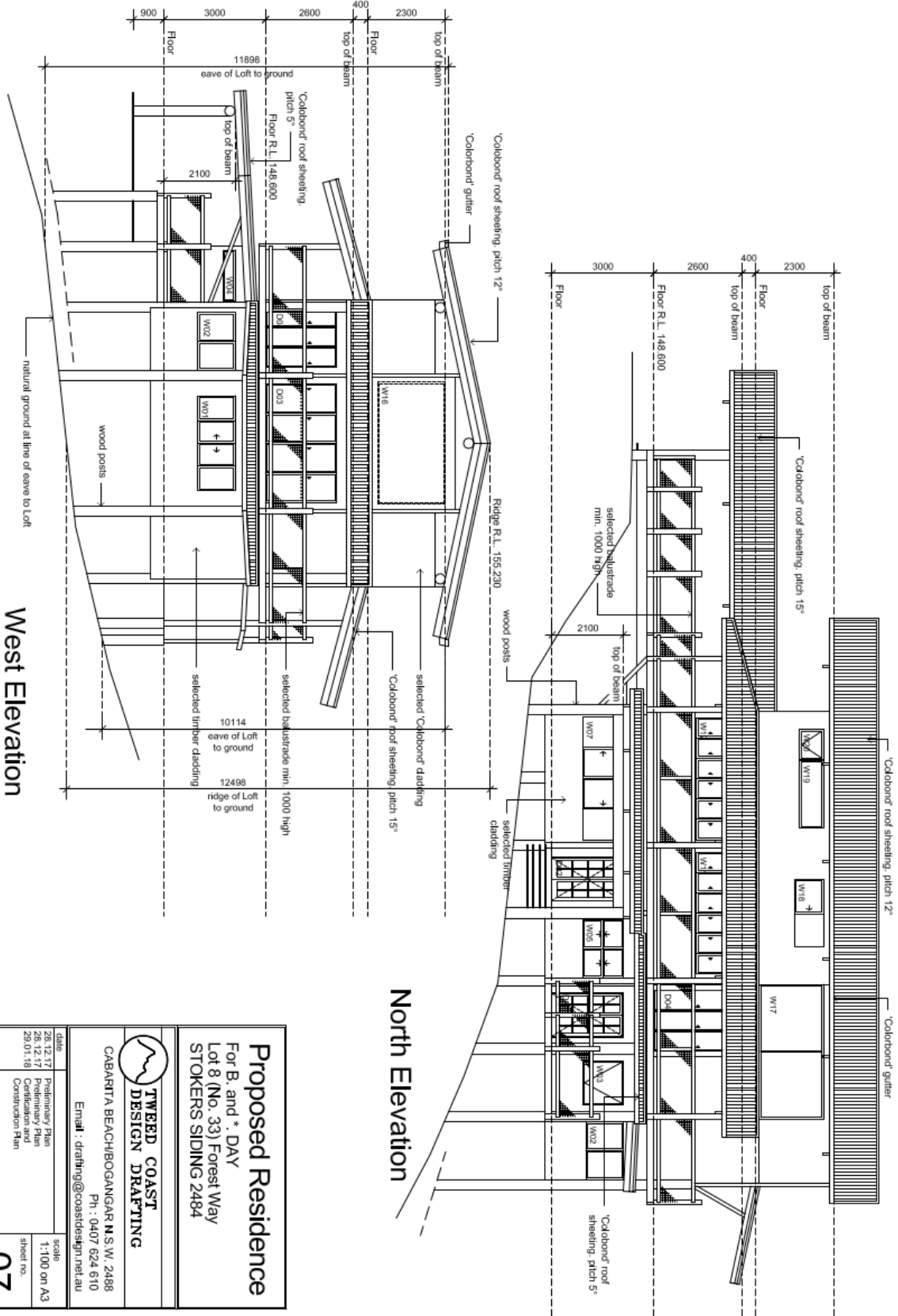


South Elevation



East Elevation

<p>Proposed Residence For B. and *. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484</p>	
<p>TWEED COAST DESIGN DRAFTING CABARITVA BEACH/BOGANGARIN S.W. 2488 Ph : 0407 624 610 Email : drafting@coastdesign.net.au</p>	
<p>date 28.12.17 29.01.18</p>	<p>scale 1:100 on A3</p>
<p>drafter Preliminary Plan Certification incl. Construction Plan</p>	<p>sheet no. 06 Job No. 749</p>

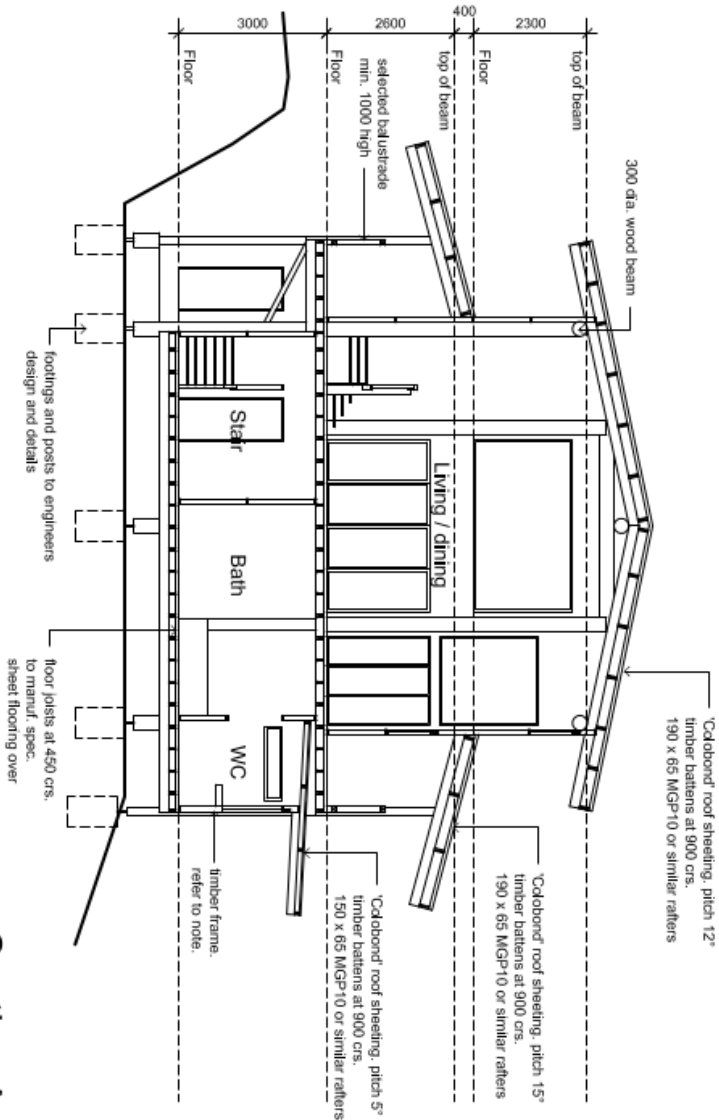


Proposed Residence
 For B. and +. DAY
 Lot 8 (No. 33) Forest Way
 STOKERS SIDING 2484

TWEED COAST DESIGN DRAFTING

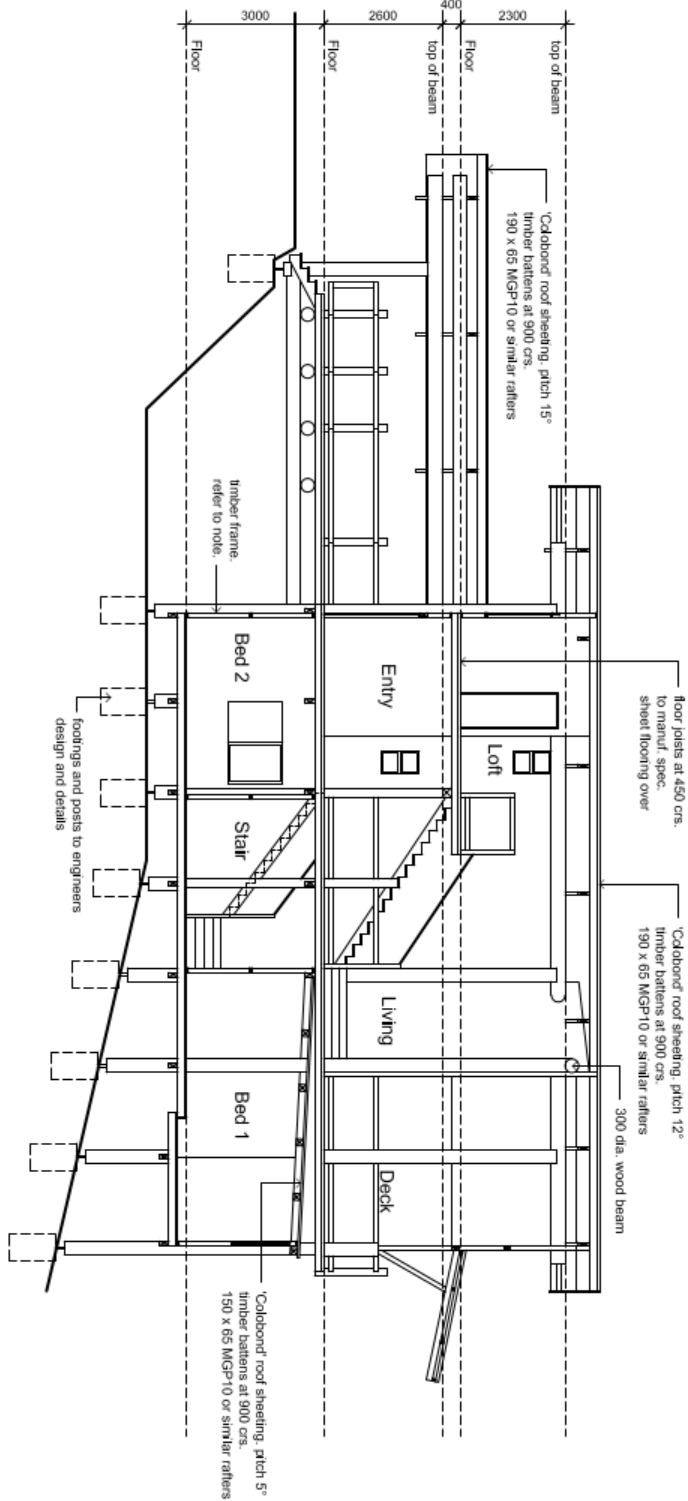
CABARITA BEACH/BOGANGAR N.S.W. 2488
 Ph : 0407 624 610
 Email : drafting@coastdesign.net.au

date	scale
28.12.17	1:100 on A3
28.12.17	sheet no.
29.01.18	07
Construction Plan	Job No. 749



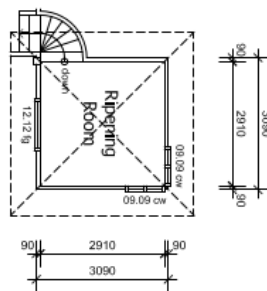
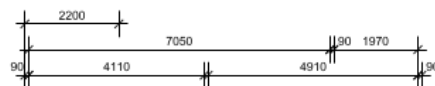
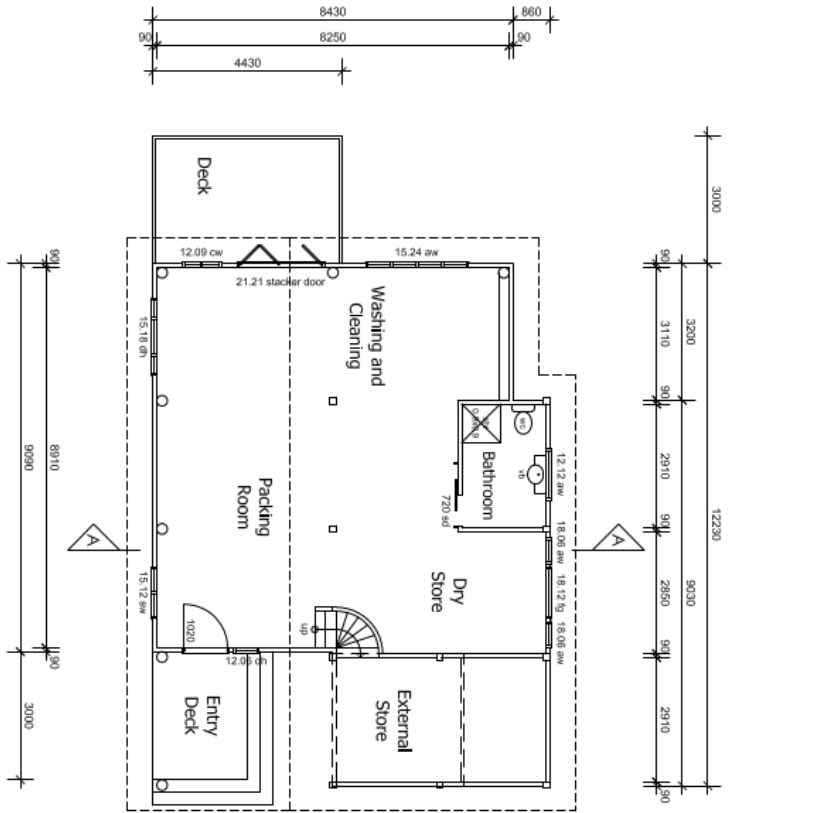
Section A - A

<p>Proposed Sheds For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484</p>		<p>TWEED COAST DESIGN DRAFTING</p>		<p>date</p>	<p>scale</p>
<p>CABARITA BEACH/BOGANGAR N.S.W. 2488 Ph : 0407 624 610 Email : drafting@coastdesign.net.au</p>		<p>26.12.17 14.03.18 30.1.18 12.08.19</p>	<p>1:100 on A3 sheet no.</p>	<p>Preliminary Plan Preliminary Plan Preliminary Plan Revised Plan</p>	<p>08 Job No. 749</p>

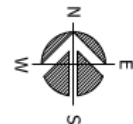


Section B - B

<p>Proposed Sheds For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484</p>		<p>TWEED COAST DESIGN DRAFTING CABARITTA BEACH/BOGANGAR N.S.W. 2488 Ph : 0407 624 610 Email : drafting@coastdesign.net.au</p>		<p>date 26.12.17 30.03.18 12.08.19</p>	<p>Preliminary Plan Preliminary Plan Revised Plan</p>	<p>scale 1:100 on A3 sheet no. 09</p>	<p>job No. 749</p>
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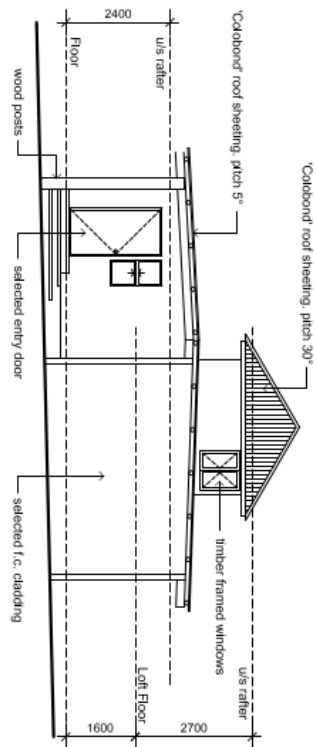
Loft Floor Plan



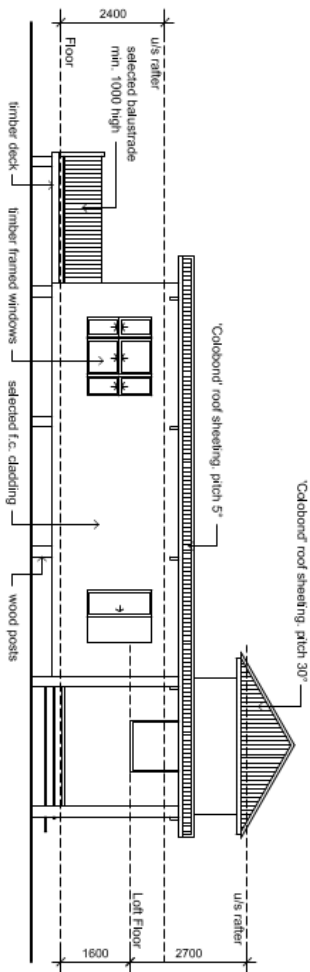
- Legends**
- : 250 dia. wood post on strirup
 - : 150 x 150 wood post on strirup
 - : strirup

**Floor Plan
Banana Shed**

<p>Proposed Sheds For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484</p>		<p>TWEED COAST DESIGN DRAFTING CABARITA BEACH/BOGANBAR N.S.W. 2488 Ph : 0407 624 610 Email : drafting@coastdesign.net.au</p>	
<p>28.12.17 14.03.18 31.07.18 12.08.19</p>	<p>Preliminary Plan Preliminary Plan Revised Plan</p>	<p>scale 1:100 on A3</p>	<p>sheet no. 12 Job No. 749</p>

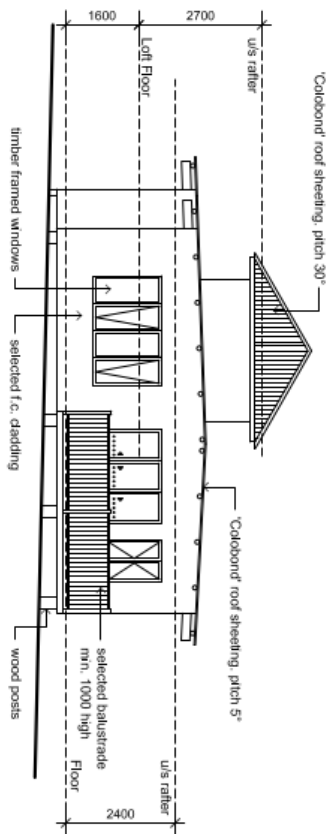


South Elevation

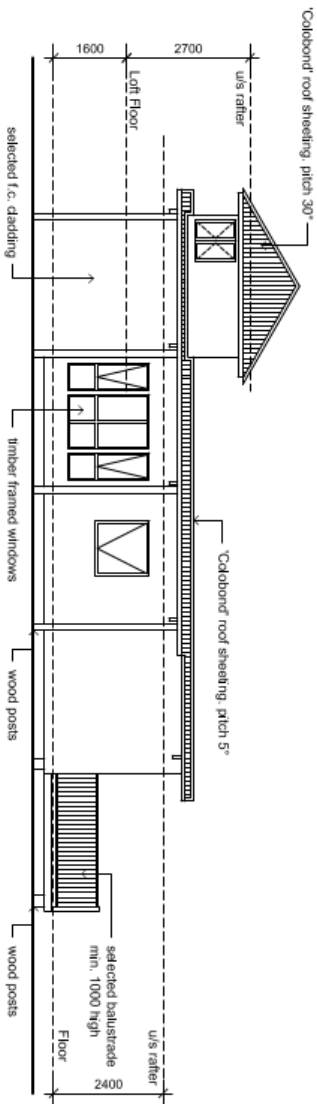


West Elevation


<p>Proposed Sheds For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484</p>		<p>TWEED COAST DESIGN DRAFTING CABARITTA BEACH/BOGANGAR N.S.W. 2488 Ph. : 0407 624 610 Email : drafting@coastdesign.net.au</p>	
<p>date</p> <p>26.12.17 14.03.18 30.11.18 12.06.19</p>		<p>Preliminary Plan Preliminary Plan Preliminary Plan Revised Plan</p>	
<p>scale</p> <p>1:100 on A3</p>		<p>sheet no.</p> <p>13</p>	
<p>job no</p> <p>749</p>			



North Elevation



East Elevation

<p>Proposed Sheds For B. J. DAY Lot 8 (No. 33) Forest Way STOKERS SIDING 2484</p>	 <p>TWEED COAST DESIGN DRAFTING</p>	<p>CABARITA BEACH/BOGANGARIN S.W. 2488 Ph : 0407 624 610 Email : drafting@coastdesign.net.au</p>	<p>date</p> <p>25.12.17</p>	<p>Preliminary Plan</p>	<p>scale</p> <p>1:100 on A3</p>
			<p>26.01.18</p>		
			<p>12.08.19</p>	<p>Revised Plan</p>	<p>sheet no.</p> <p>14</p>
					<p>job no. 749</p>

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

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

Tweed Local Environmental Plan 2014

This section of the report will focus on the specific clauses for consideration relevant to this modification application. The clauses are 1.2, 2.3, 4.3, 4.6 and 5.11.

Clause 1.2 – Aims of the Plan

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

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

The proposal is generally consistent with the aims of the plan.

Clause 2.3 – Zone objectives and Land use table

The site is zoned RU2 Rural Landscape. A dwelling house is permitted with consent in this zone. The objectives of Zone RU2 are as follows:

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

The proposal is consistent with these objectives.

Clause 4.3 - Height of Buildings

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum building height specified for the site is 10m.

The plan defines **building height (or height of building)** as meaning:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposal seeks to gain retrospective approval for an existing dwelling constructed with a maximum height of 12.9m. The maximum extent of the variation is 2.9m (approx. 29%). Please refer to Figure 1 of this report for further detail.

The non-compliant portion of the building consists of the upper storey roof and a portion of the upper storey void area.

Clause 4.6 - Exception to development standards

The applicant is seeking to rely on Clause 4.6 to vary the 10m height limit specified for the site, in accordance with Clause 4.3 – Height of Buildings. The applicant's Clause 4.6 request is attached in full in **Attachment 3**.

In accordance with subclause 3:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided a written response to Clause 4.6 of the TLEP 2014 (See Attachment 3 of this report).

- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).*

The matters required by sub clause 3 are not considered to be satisfied.

The written request to Clause 4.6 states that compliance with the building height standard was unreasonable or unnecessary due to the following:

- The variation is a result of the sloping nature of the site;
- The site has an area of 40.11Ha;
- The dwelling is setback a minimum of 190m from the closest boundary being the side boundary;
- The topographical features and extensive and established vegetation of the site assists to enhance and screen the development; and,
- The building has been designed to suit the sloping nature of the site with external materials that are sympathetic with the natural environment. This ensures that the building blends into the attributes of the site and is not likely to be overbearing and unlikely to have an adverse impact on the natural built form and character of the locality.

Compliance with the building height development standard is not considered unreasonable or unnecessary in this instance given the entire upper roof form and a portion of the wall plate exceeds 10m, as indicated in **Figure 1**. The context of the locality and distance to neighbouring development does not justify a significant breach of the LEP building height standard.

The variation is a breach of the 10m height limit by up to 2.9m and should not be considered a minor departure from the standard. Although the dwelling is constructed to account for the slope of the site, the slope is not considered to be significantly exaggerated enough to justify varying the building height to this extent. The building is also located on a significant area of flat land as well as sloping land.

- (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and;*

The proposal seeks to gain retrospective approval for illegal works and is not considered to be in the public interest, being inconsistent with the objectives of Clause 4.3 – Height of Buildings.

Specifically, the proposal is considered to be inconsistent with the following Objectives of Clause 4.3. The objective is in italics and is followed by the assessing officer's comments in relation to the objective.

(a) to establish the maximum height for which a building can be designed:

The proposal seeks to gain approval for an illegally constructed dwelling which varies the 10m building height standard. The requested variation of 2.9m above 10m is considered a significant contravention of the maximum height limit. If supported, the height contravention compounds the opportunity for the development standard to become abandoned or destroyed by the Council's own actions in granting consent which departs from the development standard (NSW Land and Environment Court (LEC) 5 Point Test – Point 4).

(b) to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity:

The subject site is located within a rural locality and the proposed contravention of the development standard does not relate to the lands capability to provide and maintain an appropriate urban character and level of amenity.

(c) to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities:

The proposal does not allow for taller development in structured urbanised areas.

(d) to encourage greater population density in less car-dependant urban areas:

The proposed height variation does not encourage greater population density nor is the site in a less car-dependent urban area.

(e) to enable a transition in building heights between urban areas comprised of different characteristics:

The site is zoned Rural Landscape – RU2, and is not located within an urban area. The height variation therefore does not enable a transition in building heights between urban areas comprised of different characteristics.

(f) to limit the impact of the height of a building on the existing natural and built environment:

The proposed building height is considered to create an undesirable impact on the built environment of the locality by a providing an opportunity for the building height development standard to become abandoned or destroyed by the Council's own actions in granting consent which departs from the standard.

(g) to prevent gross overshadowing impacts on the natural and built environment:

The proposal will not result in gross overshadowing of the natural and built environment.

(b) the concurrence of the Secretary has been obtained.

As set out in Planning Circular PS18-003 whether the variation to a development standard is greater than 10%, the concurrence of the secretary may be assumed by the consent authority (being the elected members but not a delegate of Council).

(5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Land and Environment Court (LEC) 5 Point Test

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded:

- 1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*

As discussed above, it is considered that the objectives of Clause 4.3 are not satisfied by the breach of the 10m building height standard. The proposal seeks a variation is 2.9 m or 29% above the 10m building height limit.

- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Not Applicable – The underlying objectives and purpose of the standard are largely relevant to the development.

- 3. the underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The proposed variation relates to a three storey dwelling constructed illegally without consent. It is considered that the objectives or purpose of clause 4.3 would not be defeated or thwarted if compliance was required.

4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Not Applicable – This standard has not been abandoned. It should be noted however that approval of this variation may contribute to a cumulative effect and result in the development standard being abandoned or destroyed in the area.

5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Not Applicable – The site is zoned RU2 – Rural Landscape, and currently accommodates a single dwelling and two sheds within managed and heavily vegetated land, with 10m being the standard height limit applied in this zone.

Based on the above and the applicant's Clause 4.6 written request, it is considered that there are not sufficient environmental planning grounds to support the variation and that the objectives of Clause 4.3 are not satisfactorily met by contravention of the development standard. In this regard it is recommended that the Clause 4.6 request should not be supported.

The variation would also not be supported had the application been lodged for a structure not already constructed.

Clause 5.11 - Bush fire hazard reduction

The subject site is listed as being bushfire affected. The application has been assessed against the "Planning for Bushfire Protection 2006' as having a Bushfire Attack Level (BAL) of 29.

The proposal has been subject to a Bushfire Threat Assessment report, BAL audit report and timber species certification to ensure the existing dwelling is capable of achieving the BAL-29 construction requirements of AS3959 - Construction of buildings in bushfire prone areas and "Planning for Bushfire Protection 2006'. The assessment has concluded that the dwelling is capable of achieving these standards.

State Environmental Planning Policies

SEPP (Building Sustainability Index: BASIX) 2004

The proponent has provided an acceptable BASIX certificate.

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

Not Applicable.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

The previous heads of consideration remain unchanged other than the specific clauses addressed below.

Part A, Section 3.2 Building Height, Control 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.

The applicant is seeking to vary the 10m maximum building height development standard prescribed under Clause 4.6 of the LEP. This is addressed earlier in this report.

With regards to Section A1, it is considered that such a variation (2.9m) cannot be supported. Specifically, the variation does not maintain Objective 1 of the Clause, which states:

O1. To ensure the height of buildings is appropriate to the residential scale and character of the street and the local area.

The dwelling is located within a rural locality which typically consists of one and two storey dwellings and is not visible from the street. Despite this, it is considered that the illegally constructed building built with a maximum height of 12.9m is not of an appropriate residential scale or appropriate to the character of the local area (See Figure 2 below). The unauthorised dwelling is also significantly higher than other single residential dwellings within this rural locality.



Figure 1 – The already constructed dwelling at No.33 Forest Way.



Figure 2 – The already constructed dwelling at No.33 Forest Way.

Part A, Section 4.4 Building Form

C1. Building siting, height, scale, and roof form must relate to the surrounding development, topography and the existing site conditions.

The surrounding area consists of mainly one and two storey dwellings within a rural landscape which maintain the 10m height limit. It is considered that the building height of the illegally constructed dwelling is not in keeping with the context of the locality despite being 'isolated' or a significant distance from neighbouring dwellings.

Although constructed on a slope, as indicated in **Figure 1 above**, at no point does the upper storey roof height comply. The slope is also terraced rather than being continual as indicated on the submitted plans (and Figure 3 Below) and appears to be more of a gradual slope than significantly steep. It can therefore be argued that the dwelling does not respond to the topography and that the variation is not a result of the slope of the site.

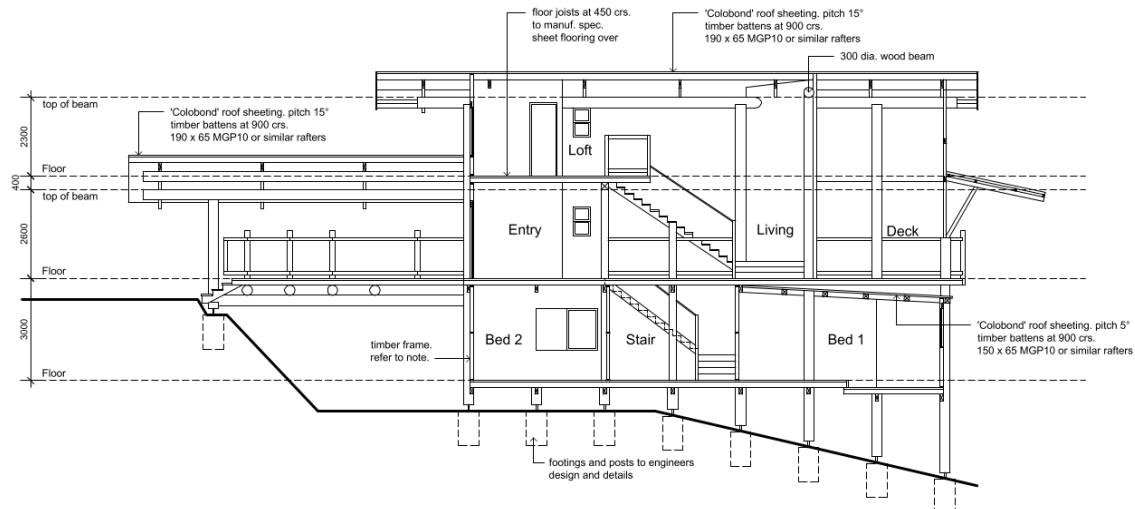


Figure 3 – Section plan of the existing dwelling indicating the extent of the slope.

A2-Site Access and Parking Code

The development provides parking for at least 2 vehicles and sufficient standing area for visitor vehicles within the property boundary. No significant traffic generation will occur. Section A2 is satisfied.

A11-Public Notification of Development Proposals

The application was neighbour notified from 12 May 2018 to 26 May 2018. During this time one submission was received objecting to the 'Banana shed' component of the proposal.

A further comment on the submission is set out later in this report.

A16-Preservation of Trees or Vegetation

The subject site has been subject to a significant amount of clearing since construction of the illegal structures commenced around 2011. Council's Sustainability and Environment Unit have provided comment and advised that the proposal is acceptable subject to conditions of consent. As detailed above the application was subject to Vegetation Management Reports, Tree Surveys and Arboricultural reports.

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

Not Applicable.

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

Not applicable.

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

Tweed Coast Estuaries Management Plan 2004

The site is not located adjacent to any coastal estuaries covered by this plan.

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

The site is not located with the Cobaki or Terranora Broadwater areas to which this plan applies.

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

Context and Setting

The site is zoned RU2 – Rural Landscape with the proposal seeking retrospective approval for the use of an illegally constructed dwelling and shed.

The proposal seeks to vary the building height development standard prescribed by the LEP to gain retrospective approval for illegal works. The variation consists purely of the roof form and a portion of wall plate and void space. The variation does not contain any habitable space. The proposal is unlikely to have an impact on the context of surrounding development and the locality.

It is unlikely that the height variation would be supported by Council officers had the application been lodged prior to construction and it is therefore considered that the variation is not warranted given the circumstances and unauthorised works.

Flora and Fauna

Council's Sustainability and Environment Unit are satisfied that ecological impacts can be minimised and managed to an acceptable level through conditions of approval. The following key measures are recommended through conditions of consent:

- Long term retention of those trees identified to be retained occurring within the asset protection zone;
- The preparation of a basic habitat restoration plan and implementation of works to compensate for the direct loss of vegetation onsite and likely indirect impact of the development on the adjacent bushland;
- Compliance with the submitted Arboricultural Impact Assessment Report;
- Supervision of tree removal works by a qualified arborist and ecologist (fauna management);
- Ongoing environmental weed management of the nominated asset protection and bushland edge; and
- All infrastructure associated with the onsite effluent disposal system including the land application area shall be positioned within an existing cleared area of the site.

As detailed in **Attachment 2** the application was referred to the Office of Environment and Heritage who advised that, with respect to the clearing:

"After making enquiries of you, the property owner and undertaking a desk top assessment OEH determined that the vegetation clearing activities on the property (between 2009 and 2015) subject to our enquiries were likely to be substantially allowable under the Native Vegetation Act 2003 (NV Act) (repealed 25 August 2017) as Routine Agricultural Management Activities (RAMAs) and that the vegetation clearing suspected to be beyond the RAMAs was not considered to be of a scale or of a risk to trigger a further compliance response from OEH at this time. OEH has issued an 'Advisory Letter' under the NV Act and provided further advice re the Local Land Services Act 2013 (LLS Act) to the property owner. This does not prevent OEH making further enquiries in relation to this property if further information of concern comes to our attention."

(c) Suitability of the site for the development

Surrounding Landuses/Development

The site is zoned RU2 Rural Landscape. The unauthorised works maintain the rural landscape and low density character of the locality however the requested height variation is not in keeping with nearby development.

Natural Hazards - Bushfire

The site is mapped as being bushfire affected and the submitted Bushfire Threat Assessment Report prepared by Bushfire Certifiers applied a BAL of 29 for the dwelling.

Given the dwelling was already constructed illegally, it has been subject to a BAL Audit Report and timber species certification to ensure that it can comply with the provision of AS3959 – Construction of buildings in bushfire prone areas and 'Planning for Bushfire Protection 2006'. The reports have found that with minor adjustments the dwelling could achieve these requirements.

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

The application was neighbour notified from 12 May 2018 to 26 May 2018. During this time one submission was received objecting to the 'Banana shed' component of the proposal. The submission related to concerns regarding the illegal rental of the shed and future issues that may arise if the structure was allowed to remain in its current location.

(e) Public interest

The works are considered contrary to the public interest given the works have been constructed without consent, were avoidable and if supported may contribute to future argument that the development standards have been virtually abandoned or destroyed by the council's own action in granting consents departing from the standard.

OPTIONS:

1. Refuse the application, subject to the reasons for refusal provided in this report, commence appropriate compliance action for the unauthorised building works, and request that the dwelling be rectified to comply with the 10m building height standard through the lodgement of new development application to be submitted to Council for approval.
2. A. Approve Development Application DA18/0349 for the Use of an Existing Dwelling and Shed at Lot 8 DP 1079822 No.33 Forest Way, Stokers Siding subject to the conditions of consent being included as below and commence appropriate compliance action for the unauthorised works.

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 1, 2-9 & 12-15 prepared by Tweed Coast Design Drafting and dated 12.08.2019, except where varied by the conditions of this consent.
[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
3. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]

4. Asset Protection Zones

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

- (a) At the commencement of building works and in perpetuity the property around the building shall be managed as follows:
 - (i) North west for a distance of 25 metres as an Inner Protection Area;
 - (ii) North east for a distance of 21 metres as an Inner Protection Area;
 - (iii) South east for a distance of 19 metres as an Inner Protection Area;
 - (iv) South west for a distance of 42 metres as an Inner Protection Area.
- (b) Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (c) For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Councillor the principal certifier.

[GEN0320]

5. Water and Utilities

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

- (a) In recognition that no reticulated water supply is available to the development, a total of 20,000 litres firefighting water supply shall be provided for firefighting purposes. The firefighting water supply shall be installed and maintained in the following manner:
 - i) Firefighting water supply may be provided by a tank, a swimming pool or a dam.
 - ii) A hardened ground surface for firefighting truck access is to be constructed up to and within 4 metres of the firefighting water supply.
 - iii) New above ground firefighting water supply storage's are to be manufactured using non-combustible material (concrete, metal, etc). Where existing firefighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc)

materials, they shall be shielded from the impact of radiant heat and direct flame contact.

- iv) Non-combustible materials (concrete, metal, etc) will only be used to elevate or raise firefighting water supply tank(s) above the natural ground level.
- v) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any firefighting water supply tank(s) and accessible for a firefighting truck.
- vi) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- vii) All associated fittings to the firefighting water supply tank(s) shall be non-combustible.
- viii) Any pipes not of metal material shall be buried 300mm below natural ground level.
- ix) Any below ground firefighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
- x) Any firefighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- xi) All water supplies for firefighting purposes shall be clearly signposted as a firefighting water supply.
- xii) Below ground firefighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow firefighting trucks to access water direct from the tank.
- xiii) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. Markers must be fixed in a suitable location so as to be highly visible; and
 - ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: The definition of below ground dedicated firefighting water supply tank(s) is when the outlet valve is located below natural ground level.

- 6. Electricity services shall be located underground.

7. Access

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

- a) Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
 - i) At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road.
 - ii) Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
 - iii) Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
 - iv) A minimum carriageway width of 4 metres.
 - v) Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
 - vi) Property access roads shall have passing bays every 200 metres and where the view is restricted, for example on comers and crests, which are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
 - vii) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
 - viii) Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius, except that a reversing bay may be provided in lieu of a loop road around the dwelling or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.
 - ix) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - x) The minimum distance between the inner and outer curves is 6 metres.
 - xi) The cross fall is not to exceed 10 degrees.

- xii) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

[GEN0330]

8. Design and Construction

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

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

[GEN0335]

9. All existing trees within the road reserve are to be retained and protected during construction. Where existing trees within the road reserve cannot be adequately retained and protected, approval from Council's General Manager or their delegate is required to remove street trees and they are to be replaced with a similar species in a 45L pot in accordance with Council's Development Design Specification D14.08.03C Tree Planting and Location (for distances away from infrastructure such as light poles and driveways) and Standard Drawing 'Tree and Shrub Planting Details' Dwg. No. SD701 (including the installation of root barrier) to the satisfaction of Council's General Manager or their delegate.

[GEN0355]

10. Within 30 days of the issuing of this consent, the applicant is to apply for a Building Information Certificate.

[GENNS01]

11. The building information certificate is not to be issued until the dwelling has been upgraded to comply with AS3959 - Construction of buildings in bushfire prone areas, Planning for Bushfire Protection 2006 and the Building Code of Australia.

[GENNS01]

12. The dwelling is to be vacated until the Building Information Certificate has been issued. This is required in order to address safety concerns.

[GENNS01]

13. The 'banana packing shed' is to be decommissioned and rendered uninhabitable as per the approved plans, prior to the issuing of the Building Information Certificate.

[GENNS01]

14. The removal of native trees to facilitate the establishment of asset protection zones is limited to those trees identified as 'Trees to be removed' as shown on Figure 1 Tree locations within Asset Protection Zones (APZ) dated 03 August 2018 prepared by Ecosure. Compensatory planting onsite shall be undertaken to compensate for the loss of trees approved for removal.

Replacement planting shall be undertaken on site in accordance with an approved basic habitat restoration plan at a ratio of 1:10 (loss:replace).

All other trees identified as 'Trees to be retained' on Figure 1 Tree Locations within Asset Protection Zones (APZ) dated 03 August 2018 prepared by Ecosure, shall be retained and afforded adequate protection for the life of the development unless otherwise approve by Council's General Manager or delegate.

[GENNS02]

15. To minimise disturbance to nocturnal fauna, any outdoor security lighting shall be of a design that minimises spill into adjacent bushland areas.

[GENNS02]

16. All primary revegetation works must be completed in accordance with the approved Basic Habitat Restoration Plan (BHRP) to the satisfaction of Council's General Manager or delegate prior to issue of Building Information Certificate for the development. The maintenance of the nominated habitat restoration areas thereafter shall be undertaken in accordance with approved BHRP.

[GENNS02]

17. The applicant must provide to Council at completion of habitat restoration works certification from a qualified professional that all works/measures have been completed in accordance with the approved Basic Habitat Restoration Plan.

[GENNS02]

18. Prior to the release of the Building Information Certificate the applicant shall prepare and submit a Basic Habitat Restoration Plan (BHRP) prepared by a suitably qualified professional to include the following:

- a. Identify an area of the subject site suitable for revegetation to be used for compensatory planting at a ratio of 1:10(loss:replace).
- b. The revegetation area selected shall meet the following criteria:
 - i. Low condition and generally devoid of native vegetation.
 - ii. Contiguous with an existing unit/tract of native vegetation.
 - iii. Suitable for the establishment of the vegetation type reflective of a Brush Box Open Forest/Blackbutt Open Forest Complex.
 - iv. Specifically plant densities at one (1) plant per (2) square metres using a complement of tree species that commonly form part of a Brush Box Open Forest/Blackbutt Open Forest Complex vegetation type.
- c. Planting stock size shall be of minimum tube-stock size and planted in accordance with Dwg. S.D.702 Issue B Tweed Shire Council Landscaping Standards - Standard Revegetation Detail.
- d. Provide details of pre-planting, planting and maintenance methods and schedule of works.

- e. Provide details of weed control methods in general accordance with *Chenoweth EPLA & Bushland Restoration Services (2012) South East Queensland Ecological Restoration Framework Code of Practice*.
- f. Provide details of any fencing or plant barrier requirements to minimise animal browsing of planted stock
- g. Specify the following performance criteria to be met at the primary works phase:
 - i. All plants installed in accordance with the approved species list
 - ii. Plants are installed at a density of 1 plant per 2 square metres
 - iii. 100% plant survival
 - iv. The revegetation area is 100% free of environmental weeds
- h. Stipulate a two (2) year maintenance period upon completion of primary works whereby the revegetation area shall be maintained to the following standard for the duration of the maintenance period:
 - i. 100% plant survival to be achieved - where losses occur supplementary planting must be undertaken to achieve final plant survival targets;
 - ii. The revegetation area is 100% free of environmental weeds.

The BHRP shall be submitted and approved by Council's General Manager or delegate prior to the issue of the Building Information Certificate.

[GENNS03]

19. Prior to the issue of the Building Information Certificate, all relevant documentation is to be submitted to Council which demonstrates that the right of carriage way easement for access through Lot 5 DP 864563 No.89 Wallaby Court, Stokers Siding, has been created and registered as per the signed deed agreement between Day and Linklaters received by Council on the 19 March 2019.

[GENNS04]

20. Prior to the issue of a Building Information Certificate the applicant is required to lodge an application to install/operate an onsite sewerage management system under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any approval to install an onsite sewage treatment and disposal system shall comply with the recommended onsite sewage treatment and disposal method as detailed in the On-site Management Assessment Report, prepared by HMC Environmental Consulting and dated January 2019 including all recommendations of that report and any addendum to the report or to the satisfaction of Councils General Manager or his delegate.

[GENNS05]

21. Prior to the occupation of any building approval to operate the on-site sewage management facility under Section 68 of the Local Government Act 1993 shall be obtained from Council.

[GENNS05]

DURING CONSTRUCTION

22. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

23. 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]

24. 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]

25. 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]

26. 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]

27. 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]

28. 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]

29. 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]

30. 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]

31. 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]

32. All vegetation management works shall be undertaken by a suitably qualified minimum level 3 AQF Arborist and conducted in a manner that avoids damage to adjacent native vegetation including those trees shown to be retained on Figure 1 Tree locations within Asset Protection Zones (APZ) dated 03 August 2018 prepared by Ecosure.

[DURNS01]

33. A suitably qualified ecologist who holds a fauna survey licence (NSW) shall be engaged to supervise tree removal works to establish asset protection zones. Immediately following completion of tree clearing activity the qualified ecologist shall provide a final report to Council to include the following detail:

- a. Brief summary of any fauna handling, mortality or other relevant fauna related incidents that may have occurred during tree removal

- b. Inventory of species encountered during tree removal
 - c. If relocation was required, list of species and relocation location
- [DURNS01]

34. The applicant shall comply with Section 7 - Recommendations in Arboricultural Impact Assessment Report, 33 Forest Way Stokers Siding dated 02 January 2019 prepared by Northern Tree Care.

[DURNS01]

35. All habitat restoration works shall be undertaken in accordance with the approved Basic Habitat Restoration Plan.

[DURNS01]

36. The applicant and contractor are to be aware of responsibilities in relation to the management of native fauna protected under the *Biodiversity Conservation Act 2016* prior to and during approved vegetation removal activity required to facilitate the development.

[DURNS01]

37. The installation of the on-site sewage management system and associated drainage lines / irrigation system shall not result in the removal and/or disturbance of native vegetation

[DURNS01]

USE

38. No occupation of the existing dwelling is to occur until a Building Information Certificate has been issued.

[USENS02]

39. The 'banana packing shed' is not to be used or adapted for separate residential habitation or occupation.

[USE0465]

40. The building is to be used for single dwelling purposes only.

[USE0505]

41. The applicant must provide to Council on the 12 month anniversary of the issue of the first of any Building Information Certificate, an annual report on the status of habitat restoration work, for each year of the two (2) year maintenance period. The revegetation area must be maintained at all times to the satisfaction of Council's General Manager or delegate and afforded adequate protection for the life of the development.

42. Asset protection zones and immediate edges to remnant vegetation shall remain free of environmental weeds at all times

[USENS01]

B. The Clause 4.6 request to vary Clause 4.3 of Tweed Local Environmental Plan 2014 maximum building height of the dwelling house by an amount of 2.498 metres (a 24.98% variation) be supported and the concurrence of the Secretary of the Department of Planning, Industry and Environment be assumed.

- C. A Penalty Infringement Notice for the sum of \$3,000 be issued to the owner of the site for undertaking Development without Development Consent, under the Environmental Planning and Assessment Act 1979 s 4.2 (1) (a).

For the reasons outlined in the original report, Council Officers recommend Option 1.

CONCLUSION:

The proposal seeks retrospective approval for an entire three storey dwelling and shed illegally constructed without consent.

In consideration of the planning issues raised, the proposal is considered to be a significant contravention of the LEP building height standard.

The written request from the applicant addressing Clause 4.6 of the LEP is not well founded and does not satisfy the Objectives of Clause 4.3 or the Land and Environment Court's five part test for consent authorities to consider when assessing an application to vary a standard.

Finally had the original development application sought approval for this variation, it would not have been supported. It is recommended that this request should be refused and that compliance action be taken as this is a significant breach of planning and building processes.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

The applicant has a right of appeal in the NSW Land and Environment Court in respect of any Council determination of this application, such an appeal may have budget implications for Council.

c. Legal:

The applicant has a right of appeal in the NSW Land and Environment Court in respect of any Council determination of this application.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|--|
| Attachment 1. | Owners Response to Show cause Letter (ECM 5996488) |
| Attachment 2. | OEH response to vegetation clearing (ECM 5996489) |
| Attachment 3. | Statement of Environmental Effects (ECM 5996490) |

(Confidential) Attachment 4. Submission (ECM 5996491)

(Confidential) Attachment 5. Bushfire Compliance Report (ECM 5996492)

16 [PR-CM] Development Application DA19/0242 for the Erection of Dwelling to Create Detached Dual Occupancy and a Detached Garage and Carport at Lot 38 DP 263730 No. 52 Royal Drive, Pottsville

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:

Updated Summary of Report since 15 August 2019 Council Meeting

This matter was originally reported to Council at the meeting of 15 August 2019 with respect to matters relating to the burdening of Council land for the purposes of meeting asset protection zone provisions as prescribed by Planning for Bush Fire 2006. At the meeting, Council resolved that:

“...this item be deferred for further information in relation to changes in legislation affecting Lot 38 DP 263730 No. 52 Royal Drive, Pottsville and a further report be prepared for the 19 September 2019 meeting.”

The Rural Fire Service (RFS) have advised that legislative adoption of the new PBP 2018 is anticipated to occur in September 2019. The RFS have also confirmed that until PBP 2018 is published and legislated, the current 2006 edition of PBP continues to remain in force.

With respect to the subject application for an additional dwelling, the current PBP 2006 is the relevant document against which the application is to be considered. The proposed changes to Planning for Bushfire Protection between the current 2006 version and the pre-release 2018 version are not significant in relation to this development proposal.

As detailed in the original Council report presented to the 15 August 2019 Council meeting, it is considered that the subject application does not comply the provisions of the current PBP 2006.

The APZ requirements for PBP (2006 & 2018) state that an APZ is to be contained wholly within the property. An area outside the boundaries of a property may be considered as equivalent to an APZ as per the definition below from PBP 2006:

Equivalent to an APZ

Is where the building will be separated from the bushfire hazard by other development (including roads, other buildings and managed properties) with a setback distance which would have been occupied by an APZ, if the development has been established having regard to the provisions of Appendix 3 of this document.

Whilst there are examples of development in which Council land is taken as being equivalent to an APZ in lieu of an on-site APZ (refer to examples below), these areas are managed lands being passive recreational parklands or cycle ways. The land to the rear of the subject lot is natural bushland and is not managed to the same standard as passive recreational parklands or cycle ways. Examples where Council has not considered it appropriate to impose APZ requirements over public land for the benefit of residential development are also provided below.

It is noted that the Bushfire Report for the subject proposal does not rely on the Pottsville Wetland Bushland Reserve as being equivalent to an APZ (i.e. managed land), but rather relies on the bushland reserve to the rear to be managed to the standard of an APZ applicable to residential development in perpetuity.

The specific current provisions of PBP 2006 require consent from the adjoining landowner for any APZ to be imposed over adjoining land. Council as the adjoining land owner and manager of the Pottsville Wetland Bushland Reserve does support the imposition of an APZ over the bushland reserve which would require maintenance obligations for the private benefit of the proposed development in perpetuity.

The applicant has the option of resubmitting the application with an amended proposal (i.e. two storey design or granny flat with greater setbacks) and a Bush Fire Assessment Report that demonstrates that the proposal can meet the provisions of PBP without the reliance on Council land for any APZ.

It is considered that Council should not support providing owner's consent being provided for an APZ over public land to benefit the proposed additional dwelling. As such this application is being recommended for refusal.

Changes to Planning for Bush Fire Protection from 2006 to 2018

Planning for Bush Fire Protection (PBP) provides development standards for designing and building on bush fire prone land in NSW. PBP is given effect in the *Environmental Planning and Assessment Regulation 2000*, the *Rural Fires Regulation 2013* and applies to all development on bush fire prone land.

Whilst there are no altered or additional provisions in PBP 2018 with regard to APZs which would alter Council's consideration of subject application, PBP 2018 does provide greater detail with regard to the management standards for APZs. In relation to maintaining APZs, Appendix 4 Asset Protection Zone Standards of PBP 2018, states:

Grass:

- should be kept mown (**as a guide grass should be kept to no more than 100mm in height**)
- leaf and other debris should be mown, slashed or mulched.

An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bush fires. Maintenance of the IPA [Inner Protection Area] and OPA [Outer Protection Area] to the standards given above should be undertaken on an annual basis in advance of the fire season, as a minimum.

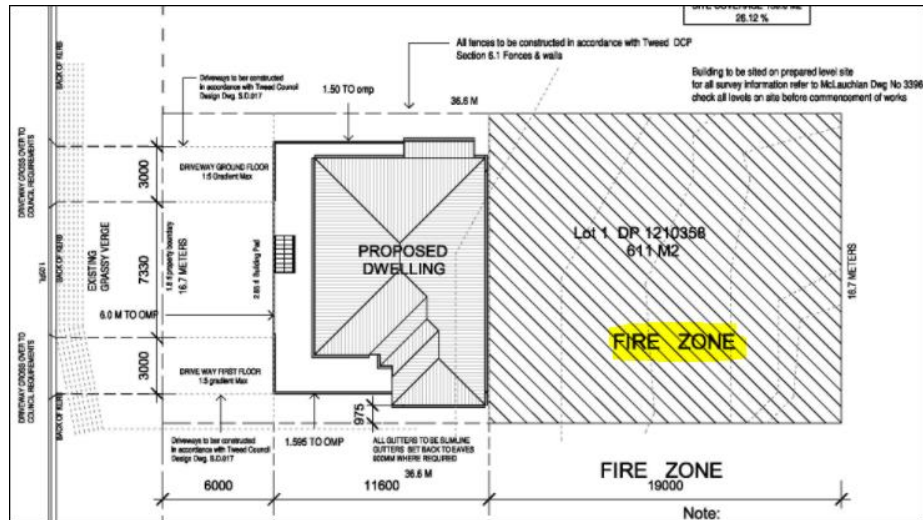
Whilst the proposed development is subject to the provisions of the current PBP 2006, Council should be mindful of the new requirements and question whether it is in the public interest to burden the land and ratepayer for the benefit of a single proponent when other solutions (two storey house design or a granny flat) may be available to meet asset protection requirements within the private allotment.

Examples of requests for APZ over Council land not granted

The following applications relate to land where Council considered that the imposition of the requirements of an APZ over Council land was **not** considered to be appropriate. The developments were approved providing the required APZ wholly within the lot.

<p>DA07/0247 Four lot subdivision, 21 James Road Tweed Heads Deferred Commencement 17/12/2007</p>	<p>Application initially refused due to non-compliance with APZ provisions. Resubmitted application approved subject to a restriction over the lots for a 19m rear setback to comply with APZ requirements.</p>	<p>6(a) Open space TLEP2000</p>

<p>DA18/00866 Dwelling & secondary dwelling, 21 James Road Tweed Heads South Approved 17/01/2019</p>	<p>Application relates to lot create by DA07/0247 (above). Application initially proposed APZ over Council land. This was not supported and amended plans were approved which provides APZ wholly within the lot.</p>	<p>6(a) Open space TLEP2000</p>
--	--	---------------------------------



Examples where Council owned managed land is considered to meet the requirements for asset protection

PBP 2006 states “existing roads, other building or managed properties can be considered as part of the APZ.” Accordingly historically Council has approved the following applications where adjacent public land was considered to be managed land and therefore equivalent to an APZ.

Application	APZ details	Zone / Management
<p>DA18/0550 Dual occupancy 33 Overall Drive Pottsville Approved 27/11/2018</p>	<p>Requires 5m of Council owned land along Mooball Creek for the managed land (like an APZ). Identified as managed land for the purposes of an APZ based on confirmation from Recreation Services that the land will be maintained into perpetuity.</p>	<p>6(a) Open Space LEP 2000 Recreation Services</p>




<p>DA17/0043 Secondary dwelling 5 Warne Place, Pottsville Approved 31/05/2017</p>	<p>Parkland at rear of site considered to be Managed Land (like an APZ) and as such was considered to be a low threat noting that the bush fire threat was from the south. Confirmation of maintenance regime provided by Recreation Services.</p>	<p>RE1 Public Recreation TLEP2014 Recreation Services</p>
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<p>DA08/1141 thirty seven (37) lot subdivision - Salt Stage 6 Approved 07/11/2008</p>	<p>Managed park, cycle way and stormwater detention area at the rear of the site considered to be managed land like an APZ. Plan of Management approved by Natural Resources Management Unit. Restrictions placed on lots regarding bushfire management zone.</p>	<p>RE1 Public Recreation TLEP2014 Recreation Services</p>
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<p>DA18/1017 Dwelling 23 Sea Eagle Court, Casuarina Approved 06/12/2018</p>	<p>Sealed cycleway and beach vehicle access to the south considered to be a non-hazard and a defensible space thereby providing a performance solution as per PBP 2006.</p>	<p>RE1 Public Recreation TLEP2014</p>
		

Additional information provided by applicant

The applicant has provided the following additional information to justify why land to the rear of the subject site is acceptable for the use as an ongoing APZ for application to which exceptional circumstances apply:

- *The easement is documented to be managed by Council twice a year, a supporting email is presented in App. 3;*
- *Council are to manage the APZ as mapped and listed in the Far North Coast Bushfire Risk Management Plan which is legislated under the Rural Fires Act 1997:*
- *The Rural Fires Act 1997; 4, Div.1, s.63 (1) states, duties of public authorities, owners and occupiers of land are required prevent bushfires as per the following:*

63 Duties of public authorities and owners and occupiers of land to prevent bush fires

- (1) *It is the duty of a public authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of a bush fire on or from:*
 - (a) *any land vested in or under its control or management, or*
 - (b) *any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.*
- (2) *It is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land.*
- (3) *A public authority or owner or occupier is liable for the costs incurred by it in performing the duty imposed by this section.*
- (4) *The Bush Fire Co-ordinating Committee may advise a person on whom a duty is imposed by this section of any steps (whether or not included in a*

bush fire risk management plan) that are necessary for the proper performance of the duty.

(5) *In this section:*

notified steps means:

- (a) *any steps that the Bush Fire Co-ordinating Committee advises a person to take under subsection (4), or*
 - (b) *any steps that are included in a bush fire risk management plan applying to the land.*
-
- *The Pottsville Waters Estate APZ is listed as high risk, in the Far North Coast BFRMP 2017; failure to maintain the APZ may result in negative effects of bushfire to structures along Royal Drive, being exposed to a greater level bushfire risk than currently exists.*
 - *The existing application provides an application using current legislated documentation.*
 - *The pre-release version of PBP 2018, is not legislated as yet.*
 - *Recent applications have been approved based on similar, exceptional circumstances for off-site APZs in the Pottsville locality / Tweed coastal fringe e.g. Elanora Ave, Elizabeth St, Coronation Ave, Tamarind Ave and many existing and recently approved estates.*

As stated in the original Council Report of 15 August 2019 (included below) it is considered that this application does not comply with the provisions for 'exceptional circumstances' under PBP 2006.

Council's obligations under Section 63 of the Rural Fires Act 1997 are to prevent the occurrence of bush fires on and minimise the danger of the spread of a bush fire on or from Council land. Council operates in accordance with Rural Fires Act 1997 and the Far North Coast Bush Fire Risk Management Plan. The Bush Fire Risk Management activities implemented to meet these obligations are done to prevent fire occurring and spreading from the publically owned and managed land.

These management activities are not developed or maintained with the intent of meeting the APZ requirements of adjacent assets or residential development.

With regard to other applications as indicated by the applicant (Elanora Ave, Elizabeth St, Coronation Ave, Tamarind Ave) it is noted that these sites do not adjoin Council owned and managed land as such a comparison for the purposes of this application is not appropriate.

Previous Summary of Report Presented to the Council Meeting of 15 August 2019

Council is in receipt of a development application seeking approval for the erection of a single storey dwelling to create a detached dual occupancy. The subject site is within an established residential area and is adjacent to community land being the Pottsville Wetland Bushland Reserve.

The site is mapped as being bush fire prone and the proposed additional dwelling relies on Council owned land at the rear of the site to provide the required asset protection zones (APZ) to comply with the provisions of Planning for Bush fire Protection 2006 (PBP). The Bush fire Risk Assessment Report submitted with the application relies on advice provided by Council that the community land to the rear of the site is managed as an APZ. As such the Bush fire Risk Assessment Report concludes that the proposal complies with the provisions of PBP

noting that the proposal relies on the community land to the rear of the site to provide the required APZs.

Council is the asset manager for the Pottsville Wetland Bushland Reserve and do not support the application on the basis that owner's consent was not requested or provided for the specific purpose of an APZ to benefit the proposal. Furthermore Council would not support granting owner's consent for the purposes of an APZ that benefits private development as this would burden Council with the liability and risk associated with ensuring maintenance standards are maintained for the life of the development.

Council considers the subject application as a case in point in a review of the issues associated with the current approach to assessing applications in which there is a reliance on public land for the provisions of APZs, and it is noted that the current approach is not in accordance with the provisions of PBP in which owner's consent of any land to be burdened with an APZ is to be submitted with a development application.

On the basis of the facts, it is considered that Council should not support providing owner's consent being provided for an APZ over public land to benefit the proposed additional dwelling.

As such this application is being recommended for refusal. The applicant has the option of resubmitting the application with an amended Bush Fire Assessment Report that demonstrates that the proposal can meet the provisions of PBP without the reliance on Council land for any APZ.

RECOMMENDATION:

That:

- A. Development Application DA19/0242 for the erection of dwelling to create detached dual occupancy and a detached garage and carport at Lot 38 DP 263730 No. 52 Royal Drive, Pottsville be refused for the following reasons:**
- 1. Council has not provided owner's consent for an asset protection zone on public land to benefit the development in accordance with Section 49 of the Environmental Planning and Regulation 2000.**
 - 2. The proposal does not meet the provisions of Section 3 of Planning for Bush Fire Protection 2006 in relation to the requisite asset protection zones.**
 - 3. The proposal is not in the public interest in that the proposal burdens public land for the benefit of private development.**
- B. ATTACHMENT 1 is 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:

Applicant: Mrs DS Gordon
Owner: Mrs Deborah S Gordon
Location: Lot 38 DP 263730 No. 52 Royal Drive, Pottsville
Zoning: R2 - Low Density Residential
Cost: \$112,832.10

Background

Council is in receipt of a development application seeking approval for the erection of a single storey dwelling to create a detached dual occupancy, and includes the demolition of an existing two car carport to enable development of a new detached garage and carport in its place. The proposed single storey dwelling comprises a kitchen/dining and living area, along with a study, two bedrooms, two bathrooms, internal laundry and covered rear verandah.

The proposed additional dwelling is to be constructed toward the rear of the site and no modifications to the existing single storey dwelling are proposed as part of the application.

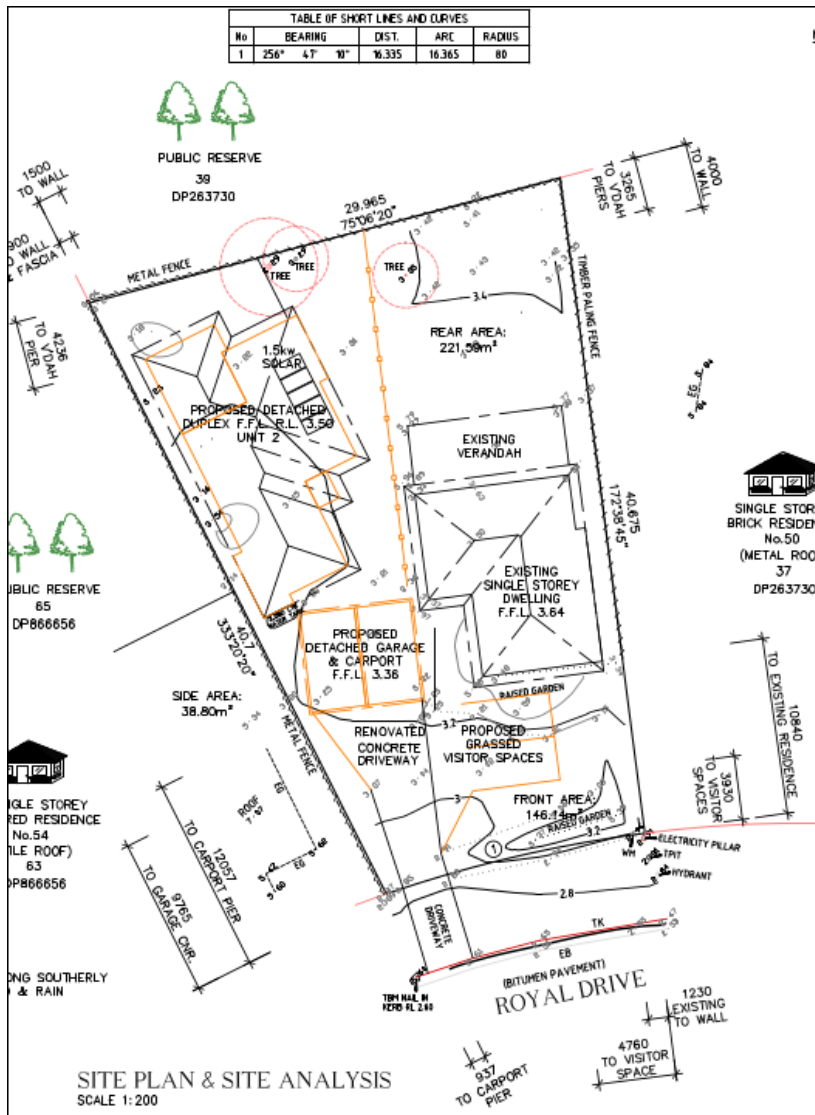


Figure 1 - Site plan

Of particular importance to the assessment of this application is the consideration of Asset Protection Zones (APZs) located on public land that are required for the proposal to comply with Planning for Bush Fire Protection 2006 (PBP). A detailed assessment of this matter is provided below whilst the balance of the report addresses the remaining matters for consideration under the EP&A Act.

Bush Fire Risk Assessment

The site is located within an established residential area of Pottsville and at the rear of the site is natural open space, known as Johansen Park. This land is part of the Pottsville Wetland Bushland Reserve which is community land categorised as natural area and managed by Council's Sustainability and Environment Unit.

The area is mapped as being Bush Fire prone and the residential lot that is the subject of this application is within the buffer area and located approximately 13m from the bush fire hazard being Vegetation Category 1.

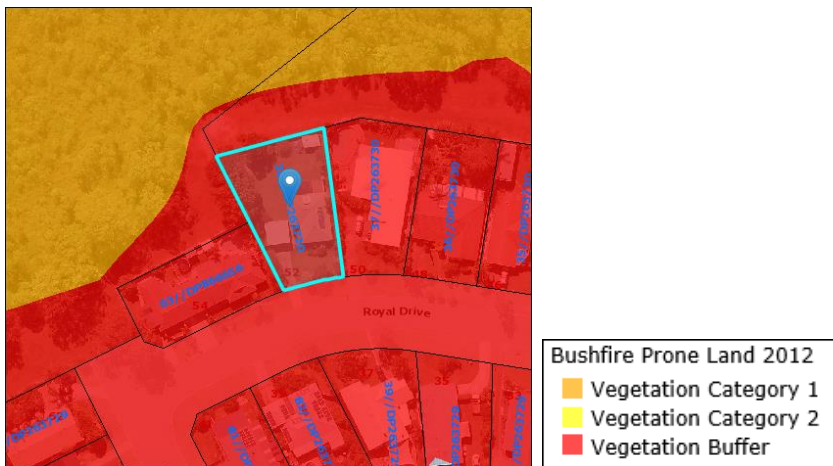


Figure 2 Bush fire mapping

The application is accompanied by a Bush Fire Risk Assessment which concluded that the proposal complies with the requirements of Planning for Bush Fire Protection (2006) for integrated development. The Bush Fire Report noted that prior to compilation of the report the bush fire consultant wrote to Council on 7 August 2018 requesting confirmation that Johansen Park is maintained as an asset protection zone, as indicated in the Far North Coast Bush Fire Risk Management Plan. Council confirmed in writing on 7 August, that:

"The area behind and to the north of this property is maintained as an APZ through a regular program of works and with a dedicated budget."



Figure 3 Existing APZ and Park Management Asset area from Council's GIS mapping

Based on this correspondence, the Bush Fire Report concluded that the proposal is able to meet the required constructions standard stating:

"The dwelling and associated buildings can be positioned to meet BAL-29 or lower which is able to meet the deemed-to-satisfy provisions of the National Construction Code (ASCB 2016) including the NSW variations or construction, pursuant to AS3959 and Planning for Bush Fire Protection 2006."

To achieve this the following Asset Protection Zones are observed to be existing on or adjacent to the site noting Council's correspondence that the area to the north and west of the subject site are confirmed to be managed as an APZ.

Hazard Direction	North	East	South	West	North-west Corner
Existing APZ	15m (3.1m on-site & 12m off-site)	To boundary	To boundary	>13m (on-site & managed APZ off-site)	14m (4m on-site & 10m off-site)
Min. Distance for BAL-29 (AS3959)	12m (3.1m on-site & >9m off-site)	To boundary	To boundary	To boundary	12m (4m on-site & >8m off-site)

Figure 4 Table 1 from submitted Bush Fire Risk Assessment report dated 3 December 2018

Note that to achieve compliance with the NCC and Planning for Bush Fire Protection (PBP) the proposal relies upon a 12m APZ to the north and north-west of the proposal with up to 9m of this APZ is on Council owned land as illustrated below:



Figure 5 Site analysis from Bush Fire Risk Assessment report dated 3 December 2018 showing APZ.

Planning for Bush Fire Protection 2006 includes provisions for infill development and for development where the required APZ cannot be accommodated wholly within the subject site.

Whilst existing roads, other buildings or managed properties can be considered as part of the APZ, the use of adjoining lands to meet APZ requirements will only be permitted in 'exceptional circumstances' for which the following principles should be demonstrated:

- *the existing form of development will obtain a better bush fire risk outcome than if the development did not proceed (e.g. through increased construction standards);*
- *the building line should be no closer to the hazard than neighbouring properties;*
- *the extensions should be no closer to the hazard than the existing building footprint;*
- *an upgrade of existing facilities may be required; and*
- *the proposal is an infill arrangement and site constraints do not allow APZ requirements to be met.*

The PBP states that an easement is to be created over any adjoining land for the APZ and owners' consent is required for the establishment of the easement. It is also noted that "*an increase in residential densities is not, by itself, considered an exceptional circumstance.*"

Appendix D of the submitted Bush Fire Risk Assessment proposes that the application meets the above principles for 'exceptional circumstances' for the following reasons:

- A better Bush Fire risk outcome will be achieved noting the proposal will meet BAL-29 standards, the entire property is to be managed as an IPA and the off-site APZ will be managed in perpetuity;

- The proposal is no closer to the Bush Fire hazard than neighbouring properties;
- The existing dwelling is recommended to be upgraded for ember protection;
- The proposal is infill development and complies with the objectives for infill development (above).

The specific objectives for infill development in the PBP are as noted above are:

- *ensure that the bush fire risk to adjoining lands is not increased;*
- *provide a minimum defensible space;*
- *provide better bush fire protection, on a re-development site, than the existing situation. This should not result in new works being exposed to greater risk than an existing building;*
- *ensure that the footprint of the proposed building does not extend towards the hazard beyond existing building lines on neighbouring land;*
- *not result in an increased bush fire management and maintenance responsibility on adjoining land owners unless they have agreed to the development; and*
- *ensure building design and construction enhance the chances of occupant and building survival.*

In summary the Bush Fire Risk Assessment concludes that the above objectives for infill development are met as follows:

- The proposal is unlikely to have any negative effects on adjoining land;
- The entire site is to be maintained as an Inner Protection Zone (IPZ) and defensible spaces are provided on site and off site on the managed land (confirmed by Council) to the rear;
- The preparation of a bush fire survival plan as advised will provide a better bush fire outcome than the current situation;
- The new proposal will be constructed to current bush fire standards which is a greater level of protection to the current situation;
- The setbacks of the proposal are consistent with the existing setbacks for other residential development along Royal Drive
- There will be no increase in management responsibility on adjoining land; and
- The building design provides a greater chance of occupant survival and appropriate evacuation routes area available.

One of the justifications cited above is the fact that the proposal will not be closer to the hazard than existing development. The minimum distance from the bush fire hazard to existing residential development is approximately 8m as shown below.



Figure 6 Existing residential development in the vicinity of Royal Drive with respect to the bush fire hazard (orange line)

The application was referred to the Rural Fire Service who reviewed the application plans and the Bush Fire Risk Assessment Report and raised no objection to the proposal subject to recommended conditions consent including the following in relation to APZs.

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

The application was also assessed internally by Council's Sustainability and Environment Unit who are the managers of the Pottsville Wetland Bushland Reserve to the rear of the site. The Sustainability and Environment Unit undertook an assessment of the proposal with respect to the principles for "Exceptional circumstances" for which APZ over adjoining land is considered to be an acceptable alternative solution. Following a discussion with other Units and Council Management considerate was agreed that the proposal does not comply with the principles of for *exceptional circumstances* for the following primary reasons:

- Council is responsible for the management of the adjacent Pottsville Wetland and do not accept maintenance of the nominated area to the standard prescribed in the Bush Fire Risk Assessment for the benefit of the proposed development noting:
 - A Bush Fire Management Plan prepared in accordance with PBP has not been prepared by the applicant and endorsed by Council;
 - The Far North Coast Bush Fire Risk Management Plan 2017 is not a Bush Fire Management Plan as referenced within the PBP specifically addressing the management of the proposed APZ to benefit the subject development.
- Council do not accept responsibility for the management of the proposed APZ across Council land in perpetuity and Council consent has not been issued for establishment of an APZ or easement;
- Whilst the development may be considered infill or other development under PBP, the site currently supports an existing dwelling. The proposal seeks to increase the density of development onsite. As noted under s3.3 'An increase in residential densities is not, by itself, considered an exceptional circumstance'.

The broader issue of burdening public land for the purposes of APZs for the benefit of private development has been considered as part of this DA, more specifically, the requirements of PBP, current practices in relation to the assessment of applications which rely on APZ over Council land and appropriate delegated authority in this regard, and the liability and risk burden to Council associated with ensuring that standards are met for the life of any development.

Council's current approach to this issue is consideration on merit and that previous decisions are made on confirmation of current maintenance only and do not specifically include owner (asset manager) consent, nor Council's capacity to ensure this management regime is maintained for the life of the development. Furthermore this approach does not address the other requirements of Section 3.3 of PBP with regard to legal arrangements, including maintenance agreements, nor the specified requirement that the benefiting property owner of the easement is responsible for maintaining the APZ. This approach currently places liability and risk associated with maintenance of the APZ upon Council.

In terms of the issue of APZ over public land with respect to the subject proposal, Section 3.3 of PBP (*Exceptional circumstances for APZs*) allows for merit based consideration of the use of adjoining lands to meet APZ requirements and the following provisions apply:

- *It is the developer's responsibility to negotiate with an adjoining landowner as part of the Development Application (DA) process to secure consent for the location of the APZ on adjoining lands and evidence of the consent is to be submitted with the DA;*
- *The DA must demonstrate that 'exceptional circumstances' apply to the land to be developed and if this is demonstrated, the requirement for an easement will be included to the consent conditions;*
- *The owner/occupier of the land who has benefited from the easement is responsible for maintaining the APZ;*
- *Easements should not be considered where the adjoining land is used for a public purpose, where vegetation management is not likely or cannot be legally granted (e.g. National Park, council bushland reserve, SEPP 14 or SEPP 26, critical habitat).*

With consideration to the above, the subject application is not consistent with the requirements of PBP in that Council consent has not been provided for an APZ benefitting the proposal, the proposal has not satisfactorily demonstrated that 'exceptional circumstances' apply to the land, and no easement for the purposes of an APZ have been created or will be considered over the Pottsville Wetland Bushland Reserve.

In review, it is considered that Council should not provide land owner's consent with respect to the nominated APZ over Council land.

On this basis, the application is being recommended for refusal.

Other Matters for Assessment

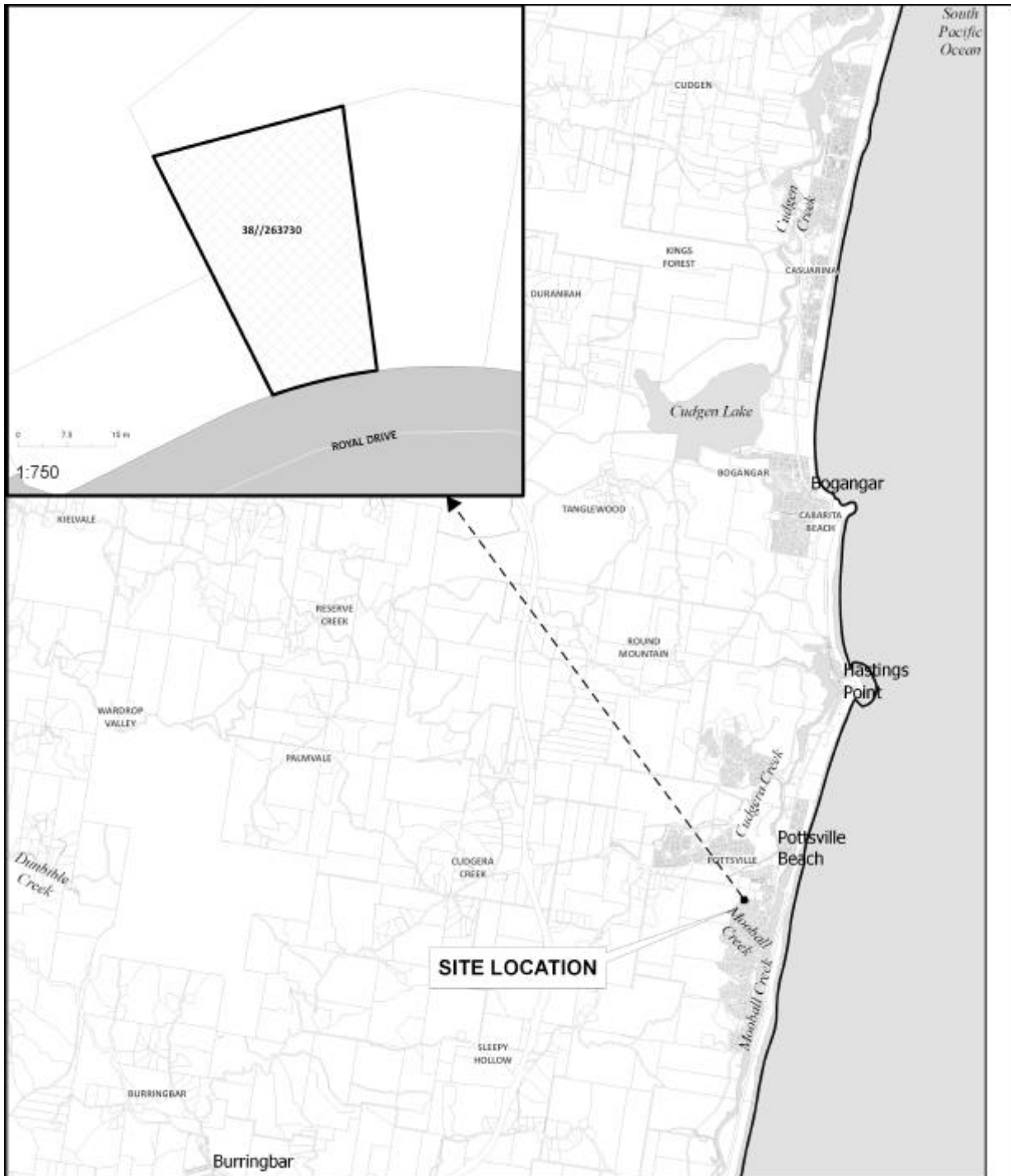
The proposal was assessed against all relevant planning instruments and found to be worthy of approval.

The proposed development meets the provisions of Section A1, Part A of the Tweed Development Control Plan 2008, which the exception of rear setback distances and ceiling heights. The variation to the rear setback will not impact the amenity of adjoining residential development and the proposal complies with the objectives of the rear setback controls. The proposed ceiling heights comply with Building Code of Australia Standards and as such each of the variations is supported. Further detailed assessment of the proposed variations are included in a later section of this report.

The proposal was notified to seven surrounding properties for a period of 14 days from Wednesday 17 April to Wednesday 1 May 2019. No submissions were received during this period.

The development application was referred internally to Council's Building Unit, the Waste and Wastewater unit and the Natural Resource Management unit. No issues have been identified by the specialist units, subject to the imposition of conditions of consent.

SITE DIAGRAM:



Site Plan

Lot 38 DP 263730
52 Royal Drive, POTTSVILLE



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Coordinate System - MGA Zone 56
Datum - GDA 94

Cadastre: 23/07/2019
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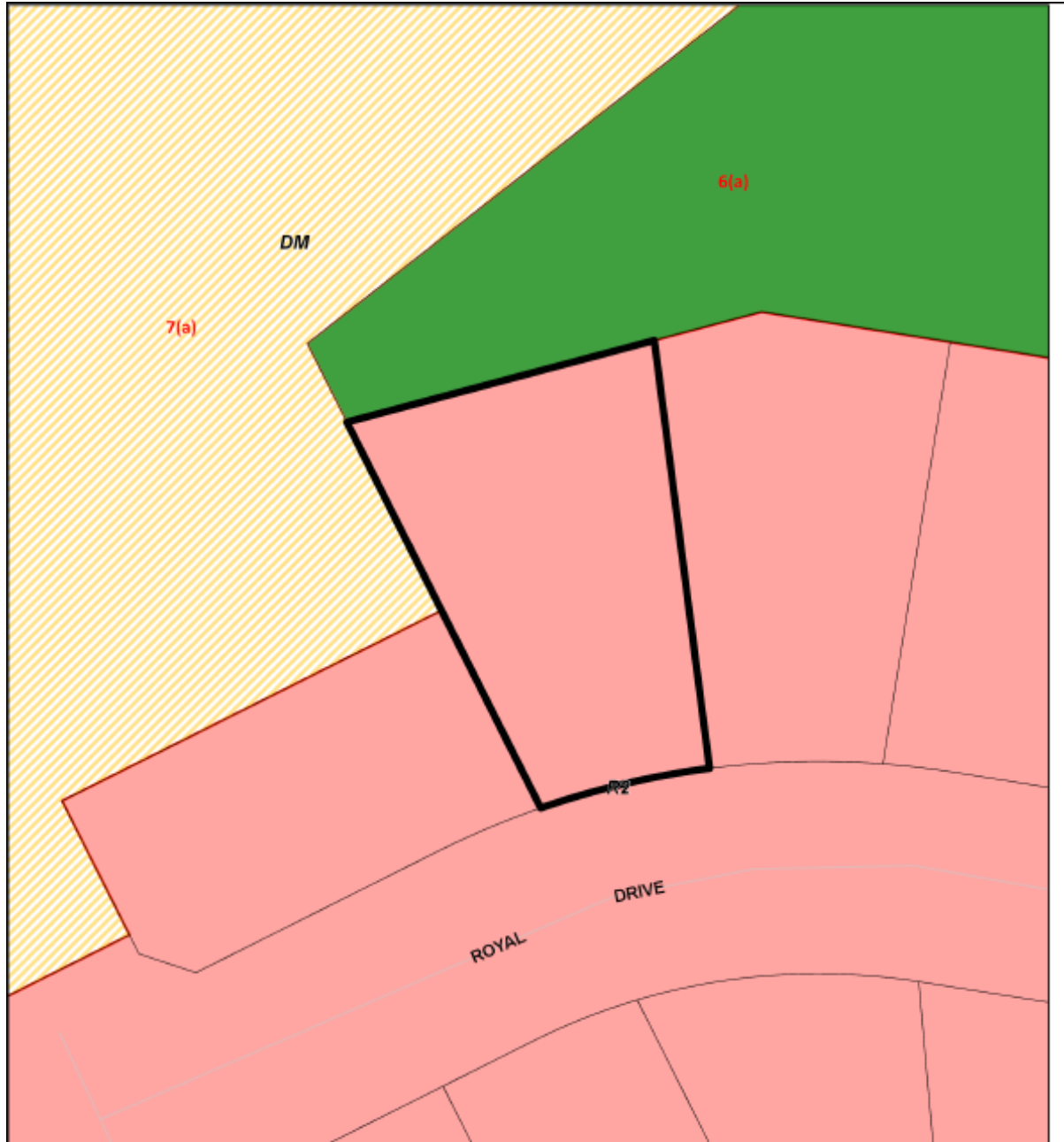
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TWEED
SHIRE COUNCIL

ZONING PLAN:



Subject Land Tweed Local Environmental Plan 2014 LEP 2000 (as at 2014)

Subject Land R2 Low Density Residential 6(a) Open Space

DM, Deferred Matter 7(a) Environmental Protection (Wetlands and Littoral Rainforest)

1:500 A4 Portrait
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 DO NOT SCALE
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 Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geocentric Datum of Australia 2004
 Grid: Map Grid of Australia, Zone 56

Site Plan - Local Environmental Plan

Lot 38 DP 263730
 52 Royal Drive, POTTSVILLE

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Date Printed: 23 July, 2019

AERIAL IMAGERY:



<p>1:500 A4 Portrait 0 10m DO NOT SCALE COPY ONLY - NOT CERTIFIED Map Projection: Universal Transverse Mercator Horizontal Datum: Geoidetic Datum of Australia 2004 Grid: Map Grid of Australia, Zone 56</p>	<p>Civic and Cultural Centre 3 Tamburlage Road Marrimbah NSW 2484 PO Box 818 Marrimbah NSW 2484</p> <p>TWEED SHIRE COUNCIL</p> <p>T (02) 8679 2480 (02) 8679 2472 F (02) 8679 2429 W www.tweed.nsw.gov.au E planning@tweed.nsw.gov.au</p>	<p>Aerial Photography April 2018</p> <p>Lot 38 DP 263730 52 Royal Drive, POTTSVILLE</p>	<p>© 2018 Imagery - Tweed Shire Council © Cadastre - Tweed Shire Council Boundaries shown should be considered approximate only</p>
<p><small>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council does not represent or warrant, expressed or implied, its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and it is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any expenditure a "Call before You Dig" enquiry must be made to 02 956 1336. The information contained on this document remains valid for 30 days only from the date of supply.</small></p> <p><small>Author: G. Smith - 02/18 Date Printed: 20 July, 2018</small></p>			

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

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

Tweed Local Environmental Plan 2014

Clause 1.2 – Aims of the Plan

The particular aims of the Tweed Local Environment Plan 2014 are to:

- 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 generally consistent with the aims of the Plan in that it provides housing for the community.

Clause 2.3 – Zone objectives and Land use table

The objectives of the R2 – Low Density Residential Zone are to:

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

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

The proposed development does not compromise the existing or desired future character of the local area and is consistent in nature to the surrounding development.

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

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

Clause 4.3 - Height of Buildings

The site is subject to a maximum building height of 9m as identified on the building height map.

The proposed dwelling has a maximum height of approximately 4.7m, thus complying with the maximum height limit permitted under this clause.

Clause 4.4 – Floor Space Ratio

The site is subject to a floor space ratio of 0.8:1 site.

The site has a total lot size of 922.9m². The proposed residential dwelling has a stated floor area of 132.6m² and the garage/carport has a stated floor area of 41.2m² based on the submitted plans. The existing dwelling has a stated floor area of approximately 102.1m². Therefore the proposal would result in a total floor area of 275.9m², which equates to a FSR of 0.33:1.

Accordingly, the proposal complies with the maximum floor space ration permitted under this clause.

Clause 4.6 - Exception to development standards

Not applicable as there are no variations to development standards proposed.

Clause 5.4 - Controls relating to miscellaneous permissible uses

Not applicable. The proposed development does not seek approval for any miscellaneous permissible uses.

Clause 5.5 – Development within the Coastal Zone

Not applicable as the site is not within the coastal zone.

Clause 5.10 - Heritage Conservation

The site is not mapped as a Heritage Conservation Area under this plan nor is it identified on mapping for the Aboriginal Cultural Heritage Management Plan. It is

noted that an Aboriginal Place of Heritage Significance is mapped under the Aboriginal Heritage Management Plan is known to occur about 75 metres to the north-east of the site. An AHIMS Basic search did not identify any known Aboriginal sites or place in or near the subject site.

Standards conditions of consent relating to the disturbance of Aboriginal objects or relics would be appropriate for any consent.

Clause 5.11 - Bush fire hazard reduction

The application is mapped as being bush fire prone however the proposal does not affect the application of this clause in relation to hazard reduction.

A full assessment of the bush fire risk of this proposal is included in a later section of this report.

Clause 7.1 – Acid Sulfate Soils

The subject site is mapped as containing Acid Sulfate Soils Class 3. The submitted plans indicate that minor disturbance to the soil only would be required at the subject site for the preparation of footings, slab, and connection of services.

As such, acid sulfate soil is not considered to be a key constraint for the proposed development and an acid sulfate soil management plan is not required in this instance.

Clause 7.2 - Earthworks

The submitted plans indicate that excavation works are limited to facilitate the support posts associated with the concrete slab. This is consistent with the cut and fill allowance for a flat site as outlined in Table 1 – Cut and Fill Requirements in DCP A1 – Part A.

Based on the extent of earthworks proposed, the proposal is considered to be compliant with the provisions of this clause.

Clause 7.3 – Flood Planning

The site is mapped as being affected by the Probable Maximum Flood (PMF) level. Given the extent of flooding exhibited to this site (PMF only) the proposal is considered to be generally acceptable having regard to the flood risk on the site.

Notwithstanding, a condition is recommended to ensure that the floor level is above the minimum design height.

Clause 7.4 - Floodplain risk management

Not applicable. The subject site is situated above the design flood level.

Clause 7.5 - Coastal risk planning

The subject site is not located on land identified as 'coastal risk' on the Coastal Risk Planning Map.

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 site contains sufficient permeable area to cater for stormwater runoff. Standard conditions of consent would be provided in this regard. The proposal is considered to be acceptable with respect to the requirements of this clause.

Clause 7.7 - Drinking Water Catchments

Not applicable. The subject site is not situated within a drinking water catchment.

Clause 7.8 – Airspace operations

No applicable. The subject site is not located within an area exposed to airspace operations.

Clause 7.9 - Development in areas subject to aircraft noise

Not applicable. The subject site is not located within an area affected by aircraft noise.

Clause 7.10 - Essential Services

The subject site is located within an existing established residential area with all requisite essential services available.

Other Specific Clauses

There are no other specific clauses applicable to the application.

North Coast Regional Plan 2036 (NCRP)

The proposal relates to the construction of an additional dwelling to create a dual occupancy an established residential area and as such full consideration under this Plan is not warranted. Regardless, the proposal is not inconsistent with the aims and objective of the NCRP 2036.

State Environmental Planning Policies

SEPP (Coastal Management) 2018

The subject site is mapped as being within the Coastal Environment Area and the Coastal Wetlands Proximity Area.

The objectives of the relevant clause are as follows:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

The proposal is considered to be consistent with the objectives of each clause.

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note. *The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.*

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless*

the consent authority is satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.

The proposal relates to residential development within an established residential area and in regard the proposal is not considered to result in significant impacts on the environmental values or water quality.

SEPP (Building Sustainability Index: BASIX) 2004

The proponent has provided an acceptable BASIX certificate and any approval will be conditioned for compliance.

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

There are no draft planning instruments applicable to the proposal.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

A complete A1 assessment has been undertaken and is available on the electronic development application file.

The proposal seeks two minor variations to the provisions of Section A1, Part A of the Tweed Development Control Plan 2008. The variations to Part A relate to the following items:

1. Rear setback distances
 - The proposed dwelling does not comply with the rear setback requirement of 12 metres (for lots greater than 900m² and building height over 4.5 metres)
 - The application seeks approval for a minimum rear setback of 4 metres
2. Minimum recommended ceiling heights
 - The proposed dwelling does not comply with the recommended minimum ceiling height of 2.7 metres
 - The application seeks approval for a minimum ceiling height of 2.55 metres

Rear Setback Distances – Assessment

Setbacks allow space for landscaping, retention of views, access to breezes, solar access and facilitate privacy and adequate separation between dwellings in residential areas. The objective of rear setbacks is to achieve open space to allow for landscaping and deep soil areas, water infiltration as well as providing private areas for external living, recreation and relaxation.

In accordance with Table 3 – Front and Rear Setbacks in Section A1, Part A of the Tweed Development Control Plan 2008, on lots greater than 900m² where the building is 4.5 metres in height or greater the minimum rear setback is 12 metres.



Aerial View and Site Layout

The proposal, as lodged, has demonstrated compliance with the objectives of the rear setback controls. While the proposed dwelling is shown on the submitted plans to have a minimum rear setback of 4 metres, the configuration of the site allows adequate space for landscaping, including deep soil zones, does not impact upon views from any neighbouring dwellings and is offset from neighbouring dwellings allowing access to breezes, good solar access and privacy. The rear setback is adjacent to a vegetated Council reserve and will not impact the generally amenity of existing residential dwellings, local views or the streetscape of Royal Drive.

Furthermore, the application was notified development and no objections were received regarding this application.

The variation is supported given the objectives of the rear setback are achieved and no objections were received regarding this application.

Minimum Ceiling Height - Assessment

In accordance with Section 4.6, Part A of the Tweed Development Control Plan 2008, a minimum ceiling height of 2.7 metres is encouraged for habitable rooms. The objectives

associated with this control include contributing to a consistent and attractive streetscape compatible with the surrounding residential context.

The submitted plans indicate ceiling heights of 2.55 metres. As such, a minor variation of 0.15 metres is being sought. It is important to note the proposed ceiling height of 2.55 metres is compliant with the National Construction Code of Australia, 2016. The proposed ceiling height is also 0.15 metres higher than the 2.4 metre ceiling height of the existing dwelling.

The variation is supported given the objectives of the minimum ceiling height are achieved, are consistent with existing development, will not impact on the streetscape and no objections were received regarding this application.

A2-Site Access and Parking Code

For dual occupancies, DCP A2 requires 1 space per dwelling plus provision for driveway parking of another vehicle (2 spaces per dwelling).

The proposal includes the construction of a detached garage and carport structure, providing covered parking for 2 vehicles. The submitted plans also indicate the provision of 2 additional grassed vehicle spaces at the front of the property. As such, each dwelling includes parking for two cars in accordance with the DCP A2 requirements.

In order to ensure that the two proposed grassed visitor spaces are retained for parking, for the life of the development, it is recommended that any approval include a condition requiring the footprint to be formalised through treatment with a grasscrete paver (or similar). This will ensure the permeability of the area is maintained while also ensuring the parking area is designated and cannot be landscaped in a manner preventing parking in the future.

A3-Development of Flood Liable Land

Residential development as Section A3 stipulates *“habitable areas of all residential buildings are to be at a level not less than Council’s adopted minimum floor level for development.”*

The subject site is PMF affected. The subject site ground levels range from RL 3.63m AHD to 2.91m AHD. The floor level for the proposed new dwelling is RL 3.5m AHD. As the Design Flood Level for this site is 3.1m AHD, flooding is not a concern for the proposed dwelling.

A11-Public Notification of Development Proposals

The proposal was notified to seven surrounding properties for a period of 14 days from Wednesday 17 April to Wednesday 1 May 2019. No public submissions were received during this period.

B21-Pottsville Locality Based Development Code

The subject site is located within the Pottsville Waters area specific strategy of the DCP. As such the specific objectives and controls of this area apply to the proposed development.

The Pottsville Waters area is indicated as being an established residential area with predominately single detached dwellings, with some multi-dwelling development to the north. The stated desired future character of the area is stated as being 'to maintain the existing residential character of the precinct providing a range of accommodation types' and 'where suitable, encourage an increase in density within walking distance of the commercial node'

There are four listed Built Form Controls in this precinct. The proposed development is assessed against these below:

1. *Buildings are to incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades.*

Adequate shading in the form of deep eaves and passive design is considered to be provided to the dwelling proposed under this application.

2. *Buildings, wherever possible, achieve a high degree of integration between indoor and outdoor spaces.*

The proposal includes the provision of a covered verandah area which is accessed from the living and dining room of this dwelling. This is considered to be in accordance with the above control.

3. *Landscape is integrated with built form and should be of a subtropical character with strong textures and colours & robust species.*

The landscaping proposed is considered to be in accordance with the above requirement.

4. *Buildings incorporate composite construction, combining lightweight and masonry elements, and avoid a predominance of brick and tile or tile and rendered masonry.*

The proposed development combines masonry brick materials and colour bond roof sheeting as opposed to tile.

In conclusion, the proposed development is considered to be generally in accordance with the provisions of this DCP and in particular the site specific controls and objectives for the Pottsville Waters area.

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

There are no planning agreements over the site.

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

Clause 92(1)(b) Applications for demolition

Minor demolition works are proposed as part of this application. Appropriate conditions of approval have been provided in this regard.

Clause 93 Fire Safety Considerations

Not applicable as the proposal relates to the construction of a new dwelling.

Clause 94 Buildings to be upgraded

Not applicable as the proposal relates to the construction of a new dwelling.

(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. It is considered that the proposal represents an appropriate development on land zoned for residential use and achieves an adequate spatial separation from the coastal foreshore. The proposal is generally consistent with the objectives of the Management Plan.

Coastal Zone Management Plan for the Tweed Coast Estuaries 2013

Not applicable to the development proposal as the subject site is not located within the vicinity of an estuary ecosystem and is unlikely to impact on waterways or biodiversity of waterways.

Coastal Zone Management Plan for Cobaki and Terranora Broadwater

Not applicable to the proposed development as the subject site is not located in the vicinity of the Cobaki or Terranora Broadwater.

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

Context and Setting

The site is relatively flat and is presently developed with a single storey three bedroom dwelling and detached double car carport, as well as an ancillary outbuilding. The vegetation on site is limited to landscaped trees, shrubs and lawn areas.

The site is bordered by a Council reserve (Johansen Park) to the north, north-west and low density single storey residential development to the south, east and south-west. The surrounding development is considered consistent with the existing and proposed development on the subject site.

The proposed dwelling is well situated to avoid any shading or amenity impacts on neighbouring dwellings, while allowing good solar access and natural ventilation. The existing streetscape will not be impacted by the proposed development.

Access, Transport and Traffic

No changes to the existing access is required to facilitate the proposal noting that a formal driveway crossover is provide from Royal Drive. The local traffic network has the capacity to accommodate the additional dwelling and the proposal is considered to be acceptable in this regard.

Flora and Fauna

The proposed development Does satisfy Section 1.7 of the EP&A Act 1979 - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

(c) Suitability of the site for the development

Surrounding Landuses/Development

Having regard to the existing surrounding dwellings, it is considered that the proposed development, subject to the recommended conditions will not negatively impact the surrounding neighbours and general amenity of the neighbourhood.

As indicated in the report the proposed dwelling is setback from the road towards the rear of the lot and will not alter the existing streetscape of the site.

Natural Hazards – Bush Fire

Matters relating the bush fire hazard of the land is address in detail at the beginning if this report. In summary, regardless of assessment of the proposal provided by submitted bush fire Risk Assessment Report and support of the application by the RFS the application was determined not to fully comply with the provisions of PBP in that the proposal relies on APZ over public land for which Council owners consent was not provided.

Furthermore, Council do not support the owner's consent being provide for the application as the proposal would result in a burden on Council for the liability and the risk associated with ensuring maintenance standards are maintained for the life of the development.

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

No public submissions were received in relation to the proposal. The application was reviewed by the Rural Fire Service who raised no objection to the proposal and recommended conditions of consent relating to asset protections zones, water and utilities, and design and construction. These recommended conditions would be applied to any consent.

(e) Public interest

The proposal contributes to the provisions of housing of with Tweed Shire via infill development in an established residential area. The proposal is unlikely to result in a significant detrimental impact on the physical landscape or the environmental or cultural values of the land.

The proposal relies on Council land for asset protection zones to ensure the proposal complies fully with the provisions of Planning for Bush Fire Provisions 2006 however Council consent was not sought, nor is it to be provided, for this burden over Council land.

In this regard the proposal is not considered to be in the public interest as it burdens public land for the benefit of private development.

OPTIONS:

1. Refuse the application in accordance with the recommendation.
2. Grant owner's consent for an asset protection zone over Council land and grant in-principle support to report this matter to the next Planning Committee Meeting with draft conditions of consent to enable consideration for the application as proposed.

Option 1 is recommended.

CONCLUSION:

Further investigations are required in respect of a corporate approach to development applications and requests from development proponents for reliance on public land to meet asset protection zone (APZ) requirements for bush fire management.

The applicant has the option of resubmitting the application with an amended Bush Fire Assessment Report that demonstrates that the proposal can meet the provisions of PBP without the reliance on Council land for any APZ.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

- APZ area behind 52 Royal Drive, Pottsville - Approximate measurement 28m x 12m = 336msq.
- Unit rate for mowing 7 cents - Mowing height is under prescribed 100mm.
- The subject area is currently on a regular maintenance schedule and is serviced approximately 22 times a year.
- The current estimated cost to maintain the APZ behind this address on a yearly basis is \$517.44 (336 x .07 x 22).

The applicant has a right of appeal in the NSW Land and Environment Court in respect of any Council determination of this application, such an appeal may have budget implications for Council.

c. Legal:

The applicant has a right of appeal in the NSW Land and Environment Court in respect of any Council determination of this application.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Executive Leadership Team Report - Asset Protection Zones on public land (ECM 5997051)

REPORTS FROM THE DIRECTOR SUSTAINABLE COMMUNITIES AND ENVIRONMENT

17 [SCE-CM] Proposed Licence to Pottsville and District Men's Shed Inc of part Lot 301 on DP 1125090, Overall Drive, Pottsville known as Black Rocks Sports Field

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: Collaborator

SUMMARY OF REPORT:

At its meeting on 16 May 2019, Council resolved to:

- “1. In accordance with section 46 and 47 of the Local Government act 1993 and the Tweed Shire Council Generic Plan of Management for Community Land Categorised as a Sportsground, and Crown Land used as a Sportsground, May 2012 (“Plan of Management”):
 - (i) Publicly notify and exhibit the proposal to grant to Pottsville and District Men’s Shed Inc. (“Men’s Shed”) a licence of land, being the land to which the Licence Agreements between the Council and the Men’s Shed dated 30 March 2017 applies, for a period of 5 years commencing on 30 March 2022 with an option to renew for a further period of 5 years exercisable by the licensee (“Licence”);
 - (ii) Before granting the Licence, consider a further report concerning public submissions received in relation to the public notification of the proposal and further consider whether the Minister’s consent is required in order to grant the Licence.”

Council publicly notified and exhibited the proposed Licence from 4 June 2019 until 23 July 2019.

Council received 777 submissions from 849 signatories in response to the public notification and exhibition. 765 of the 777 submissions received were in support of the proposed Licence, and 12 submissions were opposed to the proposed Licence.

Council also received a response from the Biodiversity and Conservation Division of the Environment, Energy and Science (“EES”) Group which forms part of the Department of Planning, Industry and Environment, formerly the NSW Office of Environment and Heritage.

The EES response did not support or oppose the grant, but recommended that, prior to granting the Licence, Council should satisfy itself that various aspects have been considered.

Officers have considered the submissions received from the public, as well as the response received from the EES, and recommended to grant the Licence for the reasons set out in this report.

Section 47(5)(a) of the *Local Government Act 1993* (NSW) states that, if a person makes a submission by way of objection to a proposal to grant a licence, Council must not grant the licence except with the Minister’s consent.

Prior to granting the licence Council will need to seek the consent of the Minister.

RECOMMENDATION:

That:

- 1. Council applies to the Minister seeking consent to grant a Licence to the Pottsville and District Men's Shed of part Lot 301 DP 1125090, Overall Drive Pottsville, for a period of 5 years commencing on 30 March 2022 with an option to renew for a further period of 5 years;**
- 2. If the Minister consents to the grant of the Licence, Council grants the Licence; and**
- 3. If the Minister consents to the grant of the Licence, Council authorises the Mayor and the General Manager to have the Council seal affixed to the Licence.**
- 4. ATTACHMENTS 3 and 4 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:

At its meeting on 16 May 2019, Council resolved to:

- “1. *In accordance with section 46 and 47 of the Local Government Act 1993 and the Tweed Shire Council Generic Plan of Management for Community Land Categorised as a Sportsground, and Crown Land used as a Sportsground, May 2012 (“Plan of Management”):*
 - i) *Publicly notify and exhibit the proposal to grant to Pottsville and District Men’s Shed Inc. (“Men’s Shed”) a licence of land, being the land to which the Licence Agreements between the Council and the Men’s Shed dated 30 March 2017 applies, for a period of 5 years commencing on 30 March 2022 with an option to renew for a further period of 5 years exercisable by the licensee (“Licence”);*
 - ii) *Before granting the Licence, consider a further report concerning public submissions received in relation to the public notification of the proposal and further consider whether the Minister’s consent is required in order to grant the Licence.”*

Public notification and exhibition

Section 47(1) of the *Local Government Act 1993* (NSW) (“LG Act”) requires:

“... If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:

- a) *give public notice of the proposal (including on the council’s website), and*
- b) *exhibit notice of the proposal on the land to which the proposal relates, and*
- c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
- d) *give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person’s enjoyment of community land.”*

Section 47(2) of the LG Act specifies that:

“A notice of the proposal must include:

- *information sufficient to identify the community land concerned*
- *the purpose for which the land will be used under the proposed lease, licence or other estate*
- *the term of the proposed lease, licence or other estate (including particulars of any options for renewal)*
- *the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)*
- *a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.”*

Council publicly notified and exhibited the proposed Licence as follows:

- 4 June 2019 – notice in the Tweed Link;
- 5 June 2019 – notice in the Tweed Daily News;
- 6 June 2019 – notice in the Tweed Valley Weekly;
- 7 June 2019 – notice exhibited on the land (A4 paper attached to the door of the Men’s Shed);
- 11 June 2019 – letters sent to 13 adjoining landowners;
- 12 June 2019 – letter sent to interested party, the NSW Office of Environment & Heritage (“OEH”), now known as the Biodiversity and Conservation Division of the Environment, Energy and Science (“EES”) Group which forms part of the new Department of Planning, Industry and Environment.

An amended notice to clarify certain aspects of the proposed Licence was again publicly notified and exhibited as follows:

- 25 June 2019 – notice in the Tweed Link;
- 26 June 2019 – notice in the Tweed Daily News;
- 27 June 2019 – notice in the Tweed Valley Weekly;
- 25 June 2019 – notice exhibited on the land (corflute sign on front gate to Black Rocks Sports Field);
- 25 June 2019 – letters sent to 13 adjoining landowners;
- 25 June 2019 – letters sent to interested party, the NSW Office of Environment & Heritage;
- from 25 June 2019 to 23 July 2018 – displayed on Council’s “*What’s on Exhibition*” and “*Your Say Tweed*” webpages;

Submissions closed on 23 July 2019.

Public submissions were therefore open for a total of 49 days, exceeding the 28 day requirement set out in the LG Act.

Public submissions received

Section 47(3) of the LG Act states that “*Any person may make a submission in writing to the council during the period specified for the purpose in the notice*”.

The submissions received were:

	In support	Opposed	TOTAL
Submissions	765	12	777
Signatories	837	12	849

A table listing the submissions received is included as confidential attachments to this report. The attachment is confidential as it contains personal information (i.e. names and addresses) of submitters.

The submissions made in support of the grant of the Licence included submissions from 2 adjoining landowners and 9 organisations, namely:

- Pottsville and District Men's Shed;
- St Ambrose Primary School, Pottsville;
- Pottsville Beach Cricket Club;
- RSL Pottsville & District Sub-Branch;
- NXSports Community Foundation Limited;
- Secret Sounds Festival;
- Pottsville Beach Neighbourhood Centre;
- Ramtech Pty Ltd;
- Water Services Association of Australia.

The statements made in the submissions received in support of the Licence can be summarised as follows:

- the Men's Shed provides a necessary and valuable service to the community where men can come together to share, socialise, exchange life stories, share skills, make things etc, assisting both their physical and mental health and wellbeing;
- the items made by the Men's Shed benefit a wide range of community members, e.g. refurbishing a stool for an elderly lady, making possum catching boxes and bird boxes for Currumbin Sanctuary, making toys for less privileged children;
- the Men's Shed are extremely inclusive, e.g. people with disabilities who need extra support have been welcomed and assisted in being taught woodworking skills;
- koalas have been sighted at the site both before and after the operation of the Men's Shed, indicating that both can co-exist.

The submissions that were opposed to the grant of the Licence were received from 2 adjoining landowners and 1 organisation, Earth Learning Org.

Council also received correspondence from the EES Group, formerly the OEH. The response from the EES Group is attached to this report as a non-confidential attachment.

The EES response did not support or oppose the grant, but recommended that, prior to granting the Licence, Council should satisfy itself that various aspects have been considered.

The statements made in the submissions received that were opposed to the Licence, as well as the recommendations received from the EES Group, are summarised in a non-confidential table attached to this report.

Decision

Section 47(4) of the LG Act states that "*before granting the ... licence ... council must consider all submissions duly made to it*".

Council has considered the submissions received from the public, and has decided to grant the Licence for the following reasons:

1. There was overwhelming public support in favour of granting the Licence (i.e. 837 signatories in support versus 12 signatories who were against);
2. The Men's Shed provides a valuable community service that assists the physical and mental health and wellbeing of a wide range of community members; and

3. Council is satisfied that the grant of the Licence is consistent with all applicable environmental legislation.

Council's decision / reasons in response to each statement made in opposition to the Licence, as well as the recommendations listed by the EES Group, are summarised in a non-confidential table attached to this report.

Minister's approval

Section 47(5) of the LG Act states that:

"The council must not grant the ... licence ... except with the Minister's consent, if ... a person makes a submission by way of objection to the proposal".

As there were 10 submissions received by way of objection to the proposal, Council may only grant the Licence with the consent of the Minister.

Section 47(6) of the LG Act states that:

"If the council applies for the minister's consent, it must forward with its application:

- *a copy of the plan of management for the land*
- *details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision*
- *a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate*
- *a copy of the public notice of the proposal*
- *a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate*
- *if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years*
- *a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate."*

Council now seeks authorisation to apply to the Minister, in the manner set out above in s47(6) of the LG Act, for consent to grant the Licence.

OPTIONS:

1. Council applies to the Minister for consent to grant the Licence.
2. Council does not apply to the Minister, and does not grant the Licence.

CONCLUSION:

Council has considered the submissions received from the public, and believes that the Licence should be granted for the following reasons:

1. There was overwhelming public support in favour of granting the Licence (i.e. 837 signatories in support, versus 12 signatories against);
2. The Men's Shed provides a valuable community service that assists the physical and mental health and wellbeing of a wide range of community members; and
3. Council is satisfied that the grant of the Licence is consistent with all applicable environmental legislation.

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.

This report follows a public notification and exhibition process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|-------------------------------------|--|
| Attachment 1. | Letter 23 July 2019 from Biodiversity and Conservation Division of the Environment, Energy and Science Group within the NSW Department of Planning, Industry and Environment to Tweed Shire Council (ECM 5990304). |
| Attachment 2. | Summary of objections received and Council's decision / reasons in relation to each objection. (ECM 6042099). |
| <i>(Confidential)</i> Attachment 3. | List of submissions received in support of grant of Licence (ECM 5990324). |
| <i>(Confidential)</i> Attachment 4. | List of submissions received opposing grant of Licence (ECM 6031460). |
-

18 [SCE-CM] Park Naming - George Beattie Park

SUBMITTED BY: Parks and Active Communities

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3	People, places and moving around
3.2	Places
3.2.7	Parks and Gardens - To provide and manage quality and accessible public parks and gardens for the enjoyment and wellbeing of the community and visitors to the Tweed.

ROLE: **Provider**

SUMMARY OF REPORT:

At its meeting held 20 June 2019, Council resolved to call for comments regarding the naming of the park located in Bosun Boulevard, Oxley Cove, “*George Beattie Park*” in accordance with Council’s Naming of Council Parks and Sports Fields Policy.

At the close of comment, one submission with 85 signatures in support of the proposal was received. The submission also requested the park sign include an image of a seaplane in acknowledgement of George Beattie’s history of flying a ‘float plane’ in the area.

RECOMMENDATION:

That:

- 1. The park located in Bosun Boulevard, Oxley Cove, be named “*George Beattie Park*” in accordance with Council’s Naming of Council Parks and Sports Fields Policy.**
- 2. Signage be erected including an image of a seaplane.**
- 3. ATTACHMENT 1 is 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:

At its meeting held 20 June 2019, Council resolved to call for comments regarding the naming of the park located in Bosun Boulevard, Oxley Cove, “George Beattie Park” in accordance with Council’s Naming of Council Parks and Sports Fields Policy.

At the close of comment, one submission with 85 signatures in support of the proposal was received. The submission also requested the park sign include an image of a seaplane in acknowledgement of George Beattie’s history of flying a ‘float plane’ in the area.

OPTIONS:

1. Name the park located in Bosun Boulevard, Oxley Cove, “George Beattie Park” in accordance with Council’s Naming of Council Parks and Sports Fields Policy and erect signage including an image of a seaplane.
2. Do not name the park located in Bosun Boulevard, Oxley Cove, “George Beattie Park”.

CONCLUSION:

The proposed naming of the park was considered to be in accordance with the Naming of Council Parks and Sports Fields Policy when considered at the Council meeting held 20 June 2019. In response to the submission period, an 85 signature submission supporting the proposal was received with no objections. Accordingly, naming the park as proposed is in accordance with Council policy with demonstrated support from the community.

COUNCIL IMPLICATIONS:

a. Policy:

Naming of Council Public Parks and Sportsfields v2.0.

b. Budget/Long Term Financial Plan:

\$400 for a new park sign manufacture and installation; funded within annual parks operational budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

The proposed name change was advertised in accordance with the 'Naming of Public Parks Policy'.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential) Attachment 1. List of signatures and information supporting the park name (ECM 5993829).
-

19 [SCE-CM] Tweed Heads Cultural Plaza Redevelopment Project

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: **Provider**

SUMMARY OF REPORT:

The Tweed Heads Cultural Plaza redevelopment project is funded by the Australian Government through the Building Better Regions Fund and Tweed Shire Council on a 50:50 contribution basis.

The project is the final stage of the redevelopment of the Tweed Heads Cultural and Administration Centres and includes the external community car park, pathways and entrances to both the Administration and Cultural buildings and the outdoor space between the two buildings, as well as a technical upgrade of the Auditorium.

RECOMMENDATION:

That Council notes the progress report on the Tweed Heads Cultural Plaza and Auditorium Technical Upgrade project.

REPORT:

BACKGROUND:

Construction of the Tweed Heads cultural plaza works began in July 2019. These works are the final stage of the Tweed Heads Cultural Plaza and Auditorium Technical Upgrade Project that includes an enhanced plaza with improved accessibility, improved access to the library and an additional library reading room, greater energy efficiency and new equipment for the auditorium, and a social enterprise café jointly funded by the Australian Government's Building Better Regions Fund and Tweed Shire Council.

This report describes the various components of the construction work for the project which is being undertaken in stages to ensure that the various operations on site can continue to be open to the public as much as possible.

The Tweed Auditorium

The first phase of the project to be completed was the technical upgrade to the Auditorium which commenced in January 2019 and was completed in March 2019. The works undertaken included updating of sound and lighting equipment, fire safe stage curtains, installation of an audio loop to assist hearing impaired to enjoy performances and structural upgrades to address acoustic issues and load bearing for the stage lighting.

Post implementation monitoring of the Auditorium has measured a reduction of 80% per hour in energy use for lighting. The upgrades have also been welcomed by the main auditorium user groups as the improvements to the stage have enhanced functionality and performance scope.

Cultural Plaza

Construction of the cultural plaza, library reading room, and social enterprise café began in July 2019. The construction plans (Attachments 1 and 2) provide an outline of the contact scope.

The cultural plaza involves landscaping and universal access works to create an accessible forecourt area adjacent to the main entrance of both the Tweed Heads Administration Centre and the Cultural Centre (Library and Auditorium). The works will create an open area ensuring universal access to entrances and exits for both buildings including access to car parking at the nearest positions to the main entrances of the building. The plaza will become an outdoor area between the buildings that is amenable to public use for civic events, service from the Social Enterprise Café and as an extension of the foyers of both civic buildings. The plaza will continue to be an open air area between the buildings and will include shade structures, improved seating, lighting and legible pathways to the building entrances.

A feature of the plaza will be the installation of an entry Aboriginal Statement on the ramp balustrade and new exterior wall to the library reading room, which was developed in consultation with the Aboriginal Advisory Committee, a local artist and the Aboriginal Community Development Officer. The design, titled *Joongarah* will be etched into the glass and included in the construction contract (Attachment 3).

Social Enterprise Café

A social enterprise café will be established in the administration building to serve coffee, tea and snacks. This is a Tweed Shire Council Community Services project which will provide training and employment opportunities for young and older people, people with a disability and others who need support to enter the workforce.

Construction of the social enterprise Café is due for completion in October 2019. Subsequently the recruitment of staff, fit out of the equipment and establishment of operations will occur prior to an early 2020 opening.

Library

The new library reading room followed a review of the placement of the library return chute, which allowed a redesign of the verandah, stairs and ramp on the plaza side of the Library for ease of access that is integrated with the plaza and car parking works. The works will provide a quiet room within the library, which is separated from the main library room and also enhanced safety and security for those using the afterhours book returns chute.

The reading room and plaza will be completed in November 2019. It is anticipated that all areas will be open to the public in early 2020.

Parking and Universal Access

A range of communications, signage, and alternative support has been put in place to ensure people can find their way from parking to the buildings in order to minimise disruption and impact on site during the construction period. The Council contact centre is accepting library returns during business hours to limit the need for people to walk around the site from one building to another. Car parking restrictions have been put in place to increase the turnover of parking and to manage people from the hospital and adjacent club parking in the general parking area.

Communications with the public will continue to request their patience during the construction period as the work is for the purpose of improving access and amenity on site.

Tweed Heads Civic Centre redevelopment temporary parking.



OPTIONS:

1. That Council notes the progress report on the Tweed Heads Cultural Plaza and Auditorium Technical Upgrade project.

2. That Council requests additional information on the Tweed Heads Cultural Plaza and Auditorium Technical Upgrade project.

CONCLUSION:

The construction program for the upgrade of the Tweed Cultural Plaza and Auditorium upgrade is progressing within the timeframes of the funding contract. This essential work will ensure that this public place has universal access and greater amenity for civic events and purposes. The plaza will open to the public in 2020 with new options for the use of the space and integrated activities across the site.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

The Tweed Heads Cultural Plaza redevelopment project is funded by the Australian Government through the Building Better Regions Fund and Tweed Shire Council on a 50:50 partnership basis.

The original project budget, which was negotiated with the Federal Government was \$1,240,607. The sources of funds identified were \$563,909 from Building Better Regions Fund, \$563,909 matched funding from Tweed Shire Council and \$112,789 of "in kind" support to be provided by Tweed Shire Council.

The breakdown of costs per element were Cultural Plaza and Reading Room \$846,000 Social Enterprise café \$85,007 and Auditorium Technical Upgrade \$196,812.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

A comprehensive consultation plan has been developed for this project. This has included stakeholder consultation with neighbouring facilities, libraries, auditorium users, staff, and contractors. Key messages to assist the community to understand the interim arrangements for parking and circulation on site, signage, information on Council's website and media releases. The project manager will continue to work with the team to manage this at different stages of the construction.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- | | |
|---------------|---|
| Attachment 1. | External Plaza Plan (ECM 6042468) |
| Attachment 2. | Plaza Upgrade Elevations (ECM 6042485) |
| Attachment 3. | Aboriginal Artwork - <i>Joongarah</i> (ECM 6042487) |
-

20 [SCE-CM] Tweed Community Services Business Plan 2018/2021

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
3.2	Places

ROLE: **Provider**

SUMMARY OF REPORT:

The attached Tweed Community Services Strategic Business Plan 2018/2021 is presented for Council information on the scope and direction for Tweed Community Services, following the endorsement of the Executive Leadership Team (ELT).

Business planning and financial modelling for the Tweed Community Services team began in 2016 when Community and Cultural Services undertook a study to research and review operational models and governance for Community Centres. Following this research, Council adopted the 'Guiding Principles for Community Centres' which included principles for public participation, planning, design and co-location, addressing community need, promoting social outcomes and providing a range of community services, activities and programs, and collaboration. The Community Centre Business Model Review endorsed by ELT also includes operational imperatives such as good governance and centre management and the adoption of good asset management practices.

An independent consultant was subsequently engaged to review the financial and workforce resources for the delivery of the Tweed Community Services programs and facilities as defined in Council's Community Strategic Plan 2013/2023. This report is the final presentation of the outcomes of the review and preparation of the Tweed Community Services Strategic Business Plan 2018/2021.

RECOMMENDATION:

That Council endorses Tweed Community Services Strategic Business Plan 2018/2021.

REPORT:

The attached Tweed Community Services Strategic Business Plan 2018/2021 is presented for Council information on the scope and direction for Tweed Community Services, following the endorsement of the Executive Leadership Team (ELT).

Business planning and financial modelling for the Tweed Community Services team began in 2016 when Community and Cultural Services undertook a study to research and review operational models and governance for Community Centres. Following this research, Council adopted the 'Guiding Principles for Community Centres' which included principles for public participation, planning, design and co-location, addressing community need, promoting social outcomes and providing a range of community services, activities and programs, and collaboration. The Community Centre Business Model Review endorsed by the ELT also includes operational imperatives such as good governance and centre management and the adoption of good asset management practices.

An independent consultant was subsequently engaged to review the financial and workforce resources for the delivery of the Tweed Community Services programs and facilities as defined in Council's Community Strategic Plan 2013/2023. This report is the final presentation of the outcomes of the review and preparation of the Tweed Community Services Strategic Business Plan 2018/2021 which provides information on the scope and direction for Tweed Community Services.

Staff positions within the Community Services team continue to be self-funded from revenue generated through facility hire, lease, or licence fees and funded programs such as My Aged Care and the National Disability Insurance Scheme (NDIS). The utilisation of hireable Council community facilities and the subsequent income generated is being monitored closely through the new online solution "Bookable". This will introduce opportunities to target marketing and promotion in order to increase utilisation and income. The self-funding model is based on the continuation of the Community Assistance Fund in the works carried forward reserve to deliver on approved strategic initiatives and to reinvest in the provision of community programs, social enterprises and the activation of Council's community facilities.

Community Services has been identified by the Tweed community as the fifth most important service and Community Facilities the ninth most important service provided by Council in the consultation for the Community Strategic Plan 2013/2023. It is imperative that a level of service is maintained and resourced appropriately with minimal risk to business continuity and to Council. The business plan is focused on ensuring sufficient resources to meet Council's contractual and legislative requirements in service delivery. This planning supports the Fit for the Future requirement for a more diligent approach to investing in the management in our facilities and utilises any surplus budget results to support strategic initiatives and reinvestment in the future success of Community Services and Community Facilities service streams.

OPTIONS:

1. Council notes and endorses the Tweed Community Services Strategic Business Plan 2018/2021.
2. Council requests further information on the Tweed Community Services Strategic Business Plan 2018/2021.

CONCLUSION:

Community Services has been identified by the Tweed community as the fifth most important service and Community Facilities the ninth most important service provided by Council in the consultation for the Community Strategic Plan 2013/2023. It is imperative that a level of service is maintained and resourced appropriately with minimal risk to business continuity and to Council. The business plan is focused on ensuring sufficient resources to meet Council's contractual and legislative requirements in service delivery. This planning supports the Fit for the Future requirement for a more diligent approach to investing in the management in our facilities and utilises any surplus budget results to support strategic initiatives and reinvestment in the future success of Community Services and Community Facilities service streams.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No additional budget requirements. Any increased expenditure is offset by income generated, with excess revenue reinvested into operational priorities and strategic initiatives.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The Plan was prepared by an external consultant with input from key community stakeholders, Council staff and in consultation with Council's Executive Leadership Team.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Tweed Community Services Strategic Business Plan
2018/2021 (ECM 6047361)

21 [SCE-CM] Placemaking and Public Art Policy

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

This report presents a draft Placemaking and Public Art Policy to replace the existing policy which was adopted in February 2014. The draft policy provides an integrated approach to placemaking and public art; updated definitions of key terms, including a description of three types of public art; and alignment with the NSW Government and Tweed Shire Council strategies and plans.

RECOMMENDATION:

That Council endorses the draft Placemaking and Public Art Policy for public exhibition for a period of 28 days, allowing 42 days for submissions.

REPORT:

In February 2014 Council adopted its Placemaking and Public Art Policy V1.3. The aim of the policy was 'to guide our approach to public art' and 'to formalise the process by which Council will manage and preserve existing and future cultural resources'. The existing policy contains out of date references, limited definitions of key terms, and there is a need to bring it in line with current strategies and plans from Council as well as the NSW Government.

To address these issues, an updated draft Placemaking and Public Art Policy has been developed. The proposed draft policy provides an integrated approach to placemaking and public art, updated definitions of key terms; including a description of three types of public art, alignment with the Tweed Shire Council Community Strategic Plan 2017-2027 and Cultural Plan 2018-2021, as well as the NSW Government Architect's *Better Placed Policy, Urban Design Guide for Regional NSW*, and the *NSW Cultural Infrastructure Plan 2025+*.

Consultation Plan

The draft policy has been developed by Council's Community and Cultural Services unit with support from an external consultant, Overton Creative. Internal consultations included a cross-Council workshop to educate on placemaking and public art and discuss the role it can play in delivering on a range of Council priorities. The policy was also informed through meeting with Council's Public Art Reference Group (PARG) and one on one meetings with relevant Council staff. The draft policy was presented at the Corporate Management Team meeting on 24 July 2019. Follow up meetings were held with those units expressing an interest to contribute to the draft policy.

In addition to internal consultation, the Tweed Regional Museum Advisory Committee and the Tweed Regional Gallery Advisory Committee and Tweed Regional Gallery Advisory Committee will be contacted when the policy goes on public exhibition with an invitation for members to provide feedback. The draft policy will be included on the agenda at the October meeting of the Aboriginal Advisory Committee.

Key Elements

The draft policy:

- Provides an integrated approach to placemaking and public art and encourages Council to work holistically to meet a range of priorities;
- Aligns with Council and NSW Government strategies and plans;
- Increases the focus on respecting history and heritage, including by documenting and preserving images and stories collected through placemaking and public art initiatives;
- Includes an updated description of the role and responsibility for Council's Public Art Reference Group, including a name change to that Group; and
- Distinguishes between three types of public art: ephemeral; temporary; and permanent. This will assist to plan for the ongoing maintenance of public art, and manage public art across the lifespan of a given work.

Implementation

Council's Placemaking and Public Art Reference Group will initiate a small scale pilot project each year for the next three years, with a \$10,000 budget, in order to build the organisational capacity and knowledge to deliver quality placemaking and public art within the Tweed. A

new placemaking and public art grant will be designed and reported to Council following Council's consideration and adoption of the policy.

OPTIONS:

1. That Council endorses the draft Placemaking and Public Art Policy for public exhibition for a period of 28 days, allowing a period of 42 days for submissions.

or

2. That Council requests additional information regarding the draft Placemaking and Public Art Policy.

CONCLUSION:

A revised Placemaking and Public Art Policy has been drafted to address issues with the existing policy, to align the policy with relevant Council and NSW Government strategies and plans, and to provide direction for Council's future engagement in the area of placemaking and public art. The draft Placemaking and public Art Policy has been developed to replace the existing policy which was adopted in February 2014.

COUNCIL IMPLICATIONS:

a. Policy:

Placemaking and Public Art Policy v1.3
Cultural Plan 2018-2021

b. Budget/Long Term Financial Plan:

Council has committed \$10,000 per year for the next three years from A2247 Cultural Development budget to deliver three placemaking and public art pilot projects. Council has committed \$8,373 from the A2247.0607 Placemaking and Public Art Grant towards an annual recurring art grant.

In addition, a budget of \$25,000 has been allocated from A2271 each financial year until 2021 to cover public art maintenance. After 2021 this will reduce back to a reoccurring annual budget of \$7,000.

c. Legal:

Nil.

d. Communication/Engagement:

Inform - We will keep you informed.

Internal consultations included a cross-Council workshop, a meeting with Council's Public Art Reference Group (PARG), and one on one meetings with relevant Council staff. The draft policy was presented at the Corporate Management Team meeting on 24 July. Follow up meetings were held with those units expressing an interest to contribute to the draft policy.

In addition to internal consultation, the Tweed Regional Museum Advisory Committee and Tweed Regional Gallery Advisory Committee will be contacted when the policy goes on public

exhibition with an invitation for members to provide feedback. The draft policy will be included on the agenda at the October meeting of the Aboriginal Advisory Committee.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Placemaking and Public Art Policy V1.4 (ECM6041541)

22 [SCE-CM] 2018 Year in Review Publication - Tweed Regional Gallery & Margaret Olley Art Centre

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: Provider

SUMMARY OF REPORT:

The Tweed Regional Gallery & Margaret Olley Art Centre has produced a publication highlighting the significant achievements of the Gallery's operations throughout 2018/2019.

RECOMMENDATION:

That Council:

- 1. Receives and notes the 2018 Year in Review publication.**
- 2. Endorses the use of the 2018 Year in Review publication as a promotional tool in marketing Tweed Regional Gallery and Margaret Olley Art Centre as a cultural facility of Council.**

REPORT:

The Tweed Regional Gallery & Margaret Olley Art Centre (TRGMOAC) has enjoyed continued success as a leading cultural facility in NSW in recent years. Frequently praised in media broadsheets, journals and sector publications for its innovative programming and professional staff, the Gallery attracts income through sector funding gateways and generates income through a variety of programs.

The Gallery has previously produced an annual report or an equivalent publication in 2016. Given the Gallery's prominent and impressive role and profile in the sector, the Gallery staff identified a need to produce a promotional publication highlighting the Gallery's achievements with the aim of attracting further funding and valuable partnerships into the future.

A need for a promotional and marketing tool was also identified by the Tweed Regional Gallery Foundation Ltd.'s Board of Directors as an ideal method of attracting further memberships to the organisation, and offering existing life members a suitable publication highlighting some of the outcomes of their philanthropy.

OPTIONS:

1. That Council acknowledges the publication and endorses its use as a valuable promotional tool in marketing Tweed Regional Gallery & Margaret Olley Art Centre as a cultural facility of Council.
2. That Council does not acknowledge the publication.

CONCLUSION:

This publication has considerable promotional value for the Gallery and is the means to acknowledge the critical support of volunteers, financial contributors and principal support organisations.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

The Review is an important tool to recognise and promote the support of the Gallery's many volunteers from our local community who give their time to support the operation of the Gallery and our programs. The Review also acknowledges donors from our community who support the Gallery's acquisition of artworks through contribution of funds and gifts through the Commonwealth Government's Cultural Gifts Program.

In addition, the Review recognises the valued and continuing support of community members and local businesses who subscribe through annual or lifetime membership donations to the Gallery’s principal support organisations, being the Friends of the Tweed Regional Gallery and Margaret Olley Art Centre Inc. and the Tweed Regional Gallery Foundation Ltd.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. 2018 Year in Review (ECM 6041887)

23 [SCE-CM] Acceptance of Grant - Tweed Estuary Erosion Stabilisation and Fish Habitat Rehabilitation

SUBMITTED BY: Sustainability and Environment

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: Provider

SUMMARY OF REPORT:

Council has been offered a grant of \$180,000 from NSW DPI Fisheries under the Flagship Fish Habitat Action Program to implement the Tweed Estuary Strategic Erosion Stabilisation and Fish Habitat Rehabilitation Project.

The project will address the issue of riverbank erosion and resultant fish habitat degradation, a process significantly affecting aquatic ecosystem values and socio-economic benefits, as well as road infrastructure in the mid and upper reaches of the Tweed River Estuary.

Council will use the information generated by the study to better plan for and prioritise investment in riverbank management, and to prepare and justify large scale grant applications for the implementation of future Tweed Riverbank stabilisation works.

RECOMMENDATION:

That:

- 1. Council:**
 - a. Accepts the grant of \$180,000 from NSW DPI Fisheries under the Flagship Fish Habitat Action Program to implement the Tweed Estuary Strategic Erosion Stabilisation and Fish Habitat Rehabilitation Project.**
 - b. Commits the required matching funding of \$30,000 from the Waterways Program and \$100,000 from the Roads Maintenance Program.**

- c. Votes the necessary income and expenditure into the budget.**
- 2. All documentation to be executed under the Common Seal of Council.**

REPORT:

Fish Habitat Action Grants are funded from the NSW Recreational Fishing Trust which directs funding generated by the Recreational Fishing Fee towards on ground actions to improve fish habitat and recreational fishing.

The Tweed Estuary Strategic Erosion Stabilisation and Fish Habitat Rehabilitation Project will address riverbank erosion and fish habitat degradation, a process significantly affecting aquatic ecosystem values and socio-economic benefits in the mid and upper reaches of the Tweed River Estuary. Erosion is degrading water quality and structural fish habitat within the proximity of its location and throughout the lower estuary. Riparian condition mapping undertaken in preparing the Draft Tweed Estuary Coastal Management Program has shown that over 50% of the Tweed Estuary banks are high or very highly disturbed through clearing and erosion.

This project will result in documentation of a strategic, prioritised program of works to address riverbank erosion in a manner that enhances fish habitat.

Part one of the project will involve a detailed investigation of severe riverbank erosion sites within the Tweed Estuary between Stott's Island and Murwillumbah (11.6km), and preparation of designs, costs, priorities and timeframes for implementation of stabilisation works that will enhance aquatic ecosystem service provision.

Part two of the project will deliver a first step in the on ground works component of the plan, implementing a portion of the highest priority works identified, with a budget of \$200,000.

Council has partnered with OzFish, a recreational fishing advocacy community group, and the NSW Soil Conservation Service, to secure the grant. Both of these organisations will be involved throughout the project to add technical expertise, and in the case of OzFish, increase community awareness of issues and outcomes.

Council is committing significant in-kind and cash resources to the project. In stage one of the project Council will commit \$30,000 from the Waterways Program budget toward the total cost of investigations of existing fish habitat and engineering assessments. In stage two of the project, Council will commit \$100,000 from the road maintenance fund toward the cost of riverbank erosion stabilisation works adjacent to the Tweed Valley Way.

OPTIONS:

1. Accept the grant, commit the required matching funds from the Waterways and Roads Maintenance Programs and vote the expenditure.
2. Do not accept the grant.

CONCLUSION:

Council, NSW Agencies and the community must improve management of Tweed Riverbank erosion, in particular, by working together to avoid implementing the traditional approach of crest to toe engineered rock stabilisation over a significant length of the upper to mid Estuary. It has also been demonstrated that the community is highly aware of and concerned about riverbank erosion, and is strongly supportive of addressing erosion with works that achieve fish habitat rehabilitation.

The work proposed in the Tweed Estuary Strategic Erosion Stabilisation and Fish Habitat Rehabilitation Project is the next step required to achieve the aims of the Tweed Riverbank Erosion Management Plan 2014, and will increase the level of detail in engineering assessment and cost estimation available to Council, which is necessary to seek funding through larger grant schemes that offer funding of the scale required to address erosion threats to the Tweed Valley Way and Tumbulgum Road.

Council has a proven track record in managing large scale and innovative erosion stabilisation projects that result in improved aquatic habitat outcomes. Recent completed works include sites in Murwillumbah and Nobbys Creek, as well as a site in Eungella which won a 2018 NSW Local Government Environment Awards.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Council is required to allocate a cash contribution to the project, as well as significant staff time to manage it and undertake a number of technical tasks.

In year one of the project \$30,000 will be allocated from the Waterways Program Budget and this has been identified as available using the annual budget and funds rolled forward for this specific purpose from the 2018-2019 financial year.

In year two of the project, 2020/2021 financial year, Council is required to allocate \$100,000 matching funds towards works that stabilise a high priority erosion site. This funding will be drawn from roads maintenance funds, and will be available from the block grant that is used for maintenance of regional roads.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

This project has been developed in consultation with Councils Tweed Coast and Waterways Committee, and addresses an issue identified as a high priority through community surveys undertaken in the development of the Tweed River Estuary Management Plan. A key partner to this project is OzFish, a community based recreational fishing advocacy group, and they will have input into many aspects of the project design, as well as assisting with promotion.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Funding deed for the NSW DPI Fisheries Flagship Fish Habitat Action Grant to implement the Tweed Estuary Strategic Erosion Stabilisation and Fish Habitat Rehabilitation Project (ECM 6037982)

REPORTS FROM THE DIRECTOR ENGINEERING

24 [E-CM] Classification of Land as Operational - 42 River Street, South Murwillumbah

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:

On 7 February 2019, Council resolved to purchase Lot 24 Section 9 DP 2974, 42 River Street, South Murwillumbah.

The resolution was made in consideration of the then draft Interim Policy for High Flood Hazard Areas, a proposal limiting further residential development in high hazard flood areas.

Settlement of the purchase occurred on 20 June 2019. The transfer of the land was finalised on 26 June 2019.

Section 31 of the *Local Government Act 1993* requires Council to classify all land held by it.

Prior to resolving to classify the land, Council must publish a notice of its intention to classify the land in a locally circulated publication. Such notice was published in the Tweed Link on 9 July 2019. No submissions were received in response.

It is recommended that Council approve the classification of the subject land as Operational Land in accordance with its obligations under the *Local Government Act 1993*.

RECOMMENDATION:

That Council, in accordance with section 31 of the *Local Government Act 1993*, classifies Lot 24 Section 9 DP2974, 42 River Street, South Murwillumbah, as "Operational Land".

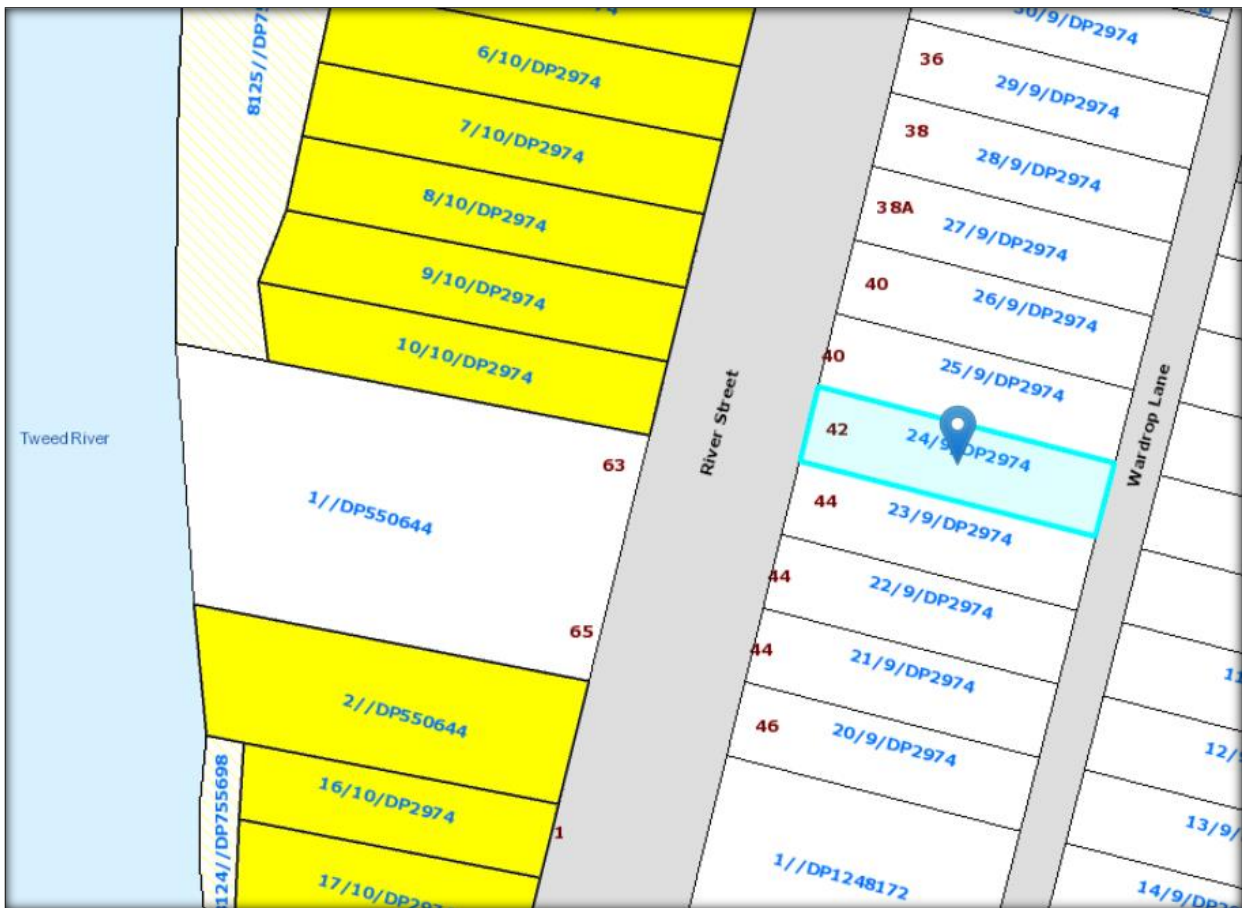
REPORT:

On 7 February 2019, Council resolved to purchase Lot 24 Section 9 DP 2974, 42 River Street, South Murwillumbah.

The resolution was made in consideration of the then draft Interim Policy for High Flood Hazard Areas, a proposal limiting further residential development in high hazard flood areas.

Diagram 1 below shows the location of the property.

Diagram 1 – 42 River Street, South Murwillumbah



Settlement of the purchase occurred on 20 June 2019, and the registration of the transfer for the land was finalised on 26 June 2019.

Section 31 of the *Local Government Act 1993* (LG Act), requires Council to classify all land held by it within three (3) months of the date of transfer to Council. Failure to classify land intended to be classified as Operational Land will result in the land being automatically classified as Community Land, and will limit the use of the land pursuant to section 35 of the LG Act.

It is intended to classify 42 River Street, South Murwillumbah, as Operational Land to reflect the operational nature of the land and to enable its use for operational purposes associated with the High Flood Hazard Areas.

Prior to resolving to classify the land, Council must publish a notice of its intention to classify the land in a locally circulated publication. Such notice was published in the Tweed Link on 9 July 2019, with a submission period of 4 weeks. This period expired on 6 August 2019. No submissions were received.

OPTIONS:

As the classification of land is a statutory obligation under section 31 of the LG Act, there are no alternative options available regarding this matter. The property is to be utilised for operational purposes associated with the High Flood Hazard Area, and as such, is required to be classified as Operational Land.

CONCLUSION:

Council is required to classify all land held by it pursuant to section 31 of the LG Act. The intention of this report is to satisfy that statutory obligation.

It is recommended that Council approves the classification of 42 River Street, South Murwillumbah, as Operational Land.

COUNCIL IMPLICATIONS:

a. Policy:

Classification of Land pursuant to section 31 of the LG Act.

b. Budget/Long Term Financial Plan:

No future budget implications arise from this report.

c. Legal:

Section 31 of the LG Act sets out the statutory requirement to classify land as Operational Land.

d. Communication/Engagement:

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

Advertised in the Tweed Link on 9 July 2019 seeking written submissions from the public.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [E-CM] RFO2018141 Design and Construct Uki Water Treatment Plant

SUBMITTED BY: Water and Wastewater

Valid



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:

Request for Offer RFO2018141 was called for the Design and Construction of the Uki Water Treatment Plant to provide safe potable water supply for Uki and surrounding community.

At the time of closing two Offers were received.

The evaluation of the offers 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 RFO2018141 Design and Construction of the Uki Water Treatment Plant:

1. Council awards the Contract RFO201814 to Aquamanage Environmental Pty Ltd (ABN 18 151 268 156) for the amount of \$2,129,721.00 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.
3. 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 and Previous Council Resolution

Offer RFO2018141 was called for the Design and Construction of the Uki Water Treatment Plant to provide safe potable water supply for Uki and surrounding community whilst maintaining full operational capacity of the Existing Water Treatment Plant.

The existing Uki Water Treatment Plant is located on Tweed Shire Council owned land bordering the Tweed River, Lot 2 DP1002893, at 11 Old Convent Rd, Uki NSW.

Grant funding of \$325,000 has been provided through Department of Lands Safe and Secure Water Program. The remaining funding will be made available from the Water Fund.

Under the Offer RFO2018141 Council went to the open market with Offers closing on 22 May 2019. Nine offers were received and evaluated in accordance with Evaluation plan dated 9 May 2019. Most offers were non-conforming as alternate offers were submitted. The conforming offers submitted were not competitively priced. Many offers contained significant qualifications and departures.

Council, at its meeting 20 June 2019, resolved

“In respect to Contract RFO2018141 Design and Construction of Uki Water Treatment Plant:

- 1. Council declines to accept any offer in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005; and*
- 2. Council enter into negotiations with Aquamanage Environmental Pty Ltd (ABN 18 151 268 156) and Trility Pty Ltd (ABN 48 053 122 562) with the results of the negotiations reported to Council for a decision.”*

Council invited revised offer submissions from both Aquamanage Environmental Pty Ltd and Trility Pty Ltd, with revised offers submitted on 12 July 2018.

Offer Submissions

At the closing time for Offer Submissions, two Offers were recorded as below:

Bidder	ABN
Aquamanage Environmental Pty Ltd	18 151 268 156
Trility Pty Ltd	48 053 122 562

Offer Evaluation

Non-priced criteria were assessed as conforming during the initial offer phase and were not re-assessed in the second offer phase. The revised offer submissions were assessed on the merits of their individual design proposals and their value for money.

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

Position
Project Manager - Contracts
Senior Engineer – Capital Works
Engineer – Treatment & Catchment

Both companies provided revised offers which conformed with the offer requirements and included proposed building concept designs detailing the building size, elevations and materials. Both bidders proposed the same membrane filtration package and similar pumps.

Further offer evaluation details are included in the confidential attachment – Offer Evaluation Report.

Evaluation Summary

The offer from Aquamanage Environmental provided innovative ways to reduce operational noise and identified other cost saving approaches. Aquamanage Environmental's offer is also the most competitively priced and is therefore deemed as the most advantageous option for Council.

OPTIONS:

That Council:

1. Awards the Contract (RFO2018141) to Aquamanage Environmental Pty Ltd ABN 18 151 268 156 for the amount of \$2,129,721.00 (exclusive of GST) and the General Manager be granted delegated authority to approve appropriately deemed variations to the contract with those variations be reported to Council at finalisation of the contract.
2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

Aquamanage Environmental Pty Ltd provided the most competitively priced conforming offer and is deemed as the best value option for Council for RFO2018141.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.7.

In accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Grant funding of \$325,000 has been provided through Department of Lands Safe and Secure Water Program. The remaining funding will be made available from the Water Fund.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018141 - Offer Evaluation Report (ECM 6047907).

26 [E-CM] RFO2019074 Small Site Retail Electricity Supply

SUBMITTED BY: Infrastructure Delivery

mhm



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

ROLE: **Leader**

SUMMARY OF REPORT:

Council operates approximately 350 sites consisting of office buildings, sewer pump stations, water pump stations, commercial buildings and recreational facilities (parks, public toilets, public BBQ facilities). These sites require a reliable supply of electricity to operate and provide services to the community. The sites are described as Small Sites in electrical terms due to their power consumption profiles.

Council has an existing small site electricity supply agreement that will expire on 31 December 2019. A new contract agreement is required before the expiry date to ensure continuity of supply at competitive rates.

Request for Offer RFO2019074 has been prepared for the purpose of engaging a suitably qualified and experienced provider to supply retail electricity for Council operated sites within Tweed Shire. A number of options including green power products and carbon credits have been requested so that alternatives can be compared.

At the time of closing, three Offers were received.

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

RECOMMENDATION:

That in respect to Contract RFO2019074 Small Site Retail Electricity Supply:

1. Council awards a contract to ERM Business Energy ABN 87 126 175 460 at the Schedule of Rates offered (with an indicative 36 month budget cost of \$2,723,000 excl 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. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Purpose of Report

Council operates approximately 350 sites consisting of office buildings, sewer pump stations, water pump stations, commercial buildings and recreational facilities (parks, public toilets, public BBQ facilities). These sites require a reliable supply of electricity to operate and provide services to the community. The sites are described as Small Sites in electrical terms due to their power consumption profiles.

Council has an existing small site electricity supply agreement that will expire on 31 December 2019. A new contract agreement is required before the expiry date to ensure continuity of supply at competitive rates.

Offer Background

Request for Offer RFO2019074 has been prepared for the purpose of engaging a suitably qualified and experienced provider to supply retail electricity for Council operated sites within Tweed Shire.

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 Councils Procurement Protocol.

The Offer was officially advertised on Tuesday 18 June 2019 in The Sydney Morning Herald and made available on Council's website on the same date. The Offer was also advertised in the Brisbane Courier Mail and Gold Coast Bulletin on 15 June 2019.

Offer Addendums

Notice to Bidders No.01 was issued on 21 August 2019 to provide Bidders with Council's site tariff profile and historical consumption data over the last two years.

Offer Submissions

Offer submissions closed at 4:00pm (local time) on Wednesday 5 September 2019 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The Tender Box was opened by Councils delegated Officers after 4:00pm (local time) and the following Offers were recorded:

Bidder	ABN	Offered Amount (incl GST)
Energy Australia	99 086 014 968	Schedule of Rates
ERM Business Energy	87 126 175 460	Schedule of Rates
Origin Energy	33 071 052 287	Schedule of Rates

Offer Evaluation

Offers were evaluated as per the Offer Evaluation Plan dated 4 September 2019. Council's Offer Evaluation Panel was made up as follows:

Position
Project Manager Contracts (Chairperson)
Finance Officer
Senior Engineer - Capital Works, Water and Wastewater

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

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

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

Evaluation Summary

ERM Business Energy achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

OPTIONS:

That Council:

1. Awards a contract to ERM Business Energy ABN 87 126 175 460 at the Schedule of Rates offered (with an indicative 36 month budget cost of \$2,723,000 excl GST).
2. Declines to accept any of the offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

Council has an existing small site electricity supply agreement that will expire on 31 December 2019. A new contract agreement is required before the expiry date to ensure continuity of supply at competitive rates.

Request for Offer RFO2019074 has been prepared for the purpose of engaging a suitably qualified and experienced provider to supply retail electricity for Council operated sites within Tweed Shire.

ERM Business Energy achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

It is recommended that contract RFO2019074 Small Site Retail Electricity Supply is awarded to ERM Business Energy ABN 87 126 175 460 at the Schedule of Rates offered (with an indicative 36 month budget cost of \$2,723,000 excl GST).

It is also recommended that Council does not invest in green power premiums and instead continues with recommendations from Council's Renewable Energy Action Plan (REAP) to invest in behind the meter solutions such a solar generation and refurbishment projects that reduce consumption from the grid.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.7 and in accordance with Local Government (General) Regulations 2005.

b. Budget/Long Term Financial Plan:

Provision for RFO2019074 Supply of Small Site Electricity costs are included in the annual operational Budgets of the relevant Council Division (Asset Owner).

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2019074 - Offer Evaluation Report (ECM6048371)

(Confidential) Attachment 2. RFO2019074 - Offer Evaluation Scoring Sheet
(ECM6048364)

27 [E-CM] RFO2018095 Bray Park Water Treatment Plant Membrane Filter Replacement

SUBMITTED BY: Water and Wastewater - Operations

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:

Bray Park Water Treatment Plant (WTP) supplies treated water to approximately 90,000 people across the Tweed region. Bray Park WTP was upgraded to operate as a membrane filtration plant in 2010. Detailed investigations have been completed and have determined that the Bray Park WTP membranes are approaching the end of their serviceable life and should now be replaced.

A Request for Offer was prepared for the purpose of engaging a suitably qualified and experienced provider to design, supply, install and commission new ultra-filtration membranes at Bray Park WTP.

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 RFO2018095 Bray Park WTP Membrane Filter Replacement:

- 1. Council awards a contract to SUEZ Water Technologies & Solutions Pty Ltd ABN 84 001 221 941 for the amount of \$2,296,430.00 (excluding 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:-**
- (c) **information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

Background

Bray Park Water Treatment Plant (WTP) supplies treated water to approximately 90,000 people across the Tweed region. Bray Park WTP was upgraded to operate as a membrane filtration plant in 2010. The filter membranes have an expected life of 7 years before they are scheduled to be replaced.

Detailed investigations have been completed and have determined that the Bray Park WTP membranes are approaching the end of their serviceable life and should now be replaced. Typically membrane deterioration accelerates as membranes age and this deterioration will result in a reduced water quality if the membranes are not replaced.

Offer Background

A Request for Offer document was prepared for the purpose of engaging a suitably qualified and experienced provider to design, supply, install and commission new ultra-filtration membranes at Bray Park WTP.

Offer Submissions

Offer submissions closed at 4:00pm (local time) on Wednesday 4 September 2019 in the Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484 and electronic offer box eTender system which was available online at: <http://www.tweed.nsw.gov.au/>.

The Tender Box and eTender system was opened by Councils delegated Officers after 4:00pm (local time) and the following Offers were recorded:

Bidder	ABN
Suez WTS	84 001 221 941
Evoqua Water Technologies	52 165 060 168
Scinor	Not Provided
Akvotek	60 609 331 008

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. Offers were evaluated as per the Offer Evaluation Plan approved on 17 May 2019.

The details of the price and non-price evaluation are included in Attachment 1 - Offer Evaluation Report. The Offer Evaluation Report is CONFIDENTIAL in accordance with Section 10A(2):

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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.

Evaluation Summary

The Offer submitted by SUEZ Water Technologies & Solutions Pty Ltd achieved the highest overall evaluation score and provides the following key advantages:

- Replacement is simple, being like for like, no physical changes are required, no Programmable Logic Controller(PLC) changes are required and no re-training of staff, minimizing the time spent on site and minimising short term risk;
- The product has a demonstrated performance history at Bray Park, of 10 years, and so there is confidence in the capability of the product, minimising long term risk associated with fouling and sludging of membrane modules;
- The replacement will be completed with assembled cassettes (each with 64 membrane modules) being provided direct from the manufacturing facility, minimising manual handling of membrane modules and minimizing risk of membrane damage.

The Offer submitted by Suez is therefore deemed as the most advantageous Offer for Council.

A financial assessment by Equifax Australasia Credit Ratings Pty Ltd indicated that Suez WTS had satisfactory financial capacity to undertake the contract.

OPTIONS:

That Council:

1. Awards a contract to SUEZ Water Technologies & Solutions Pty Ltd ABN 84 001 221 941 for the amount of **\$2,296,430.00** (excluding GST).
2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

This Request for Offer has been prepared for the purpose of engaging a suitably qualified and experienced provider to design, supply, install and commission new ultra-filtration membranes at Bray Park WTP.

SUEZ Water Technologies & Solutions Pty Ltd achieved the highest overall assessment score and is therefore deemed as the most advantageous option for Council.

It is recommended that Council awards a contract to SUEZ Water Technologies & Solutions Pty Ltd ABN 84 001 221 941 for the amount of **\$2,296,430.00** (excluding GST).

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.

b. Budget/Long Term Financial Plan:

Funds have been allocated in 2019/2020 Water Fund budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018095 Offer Evaluation Report (ECM 6048380).

REPORTS FROM THE EXECUTIVE MANAGER FINANCE, REVENUE AND INFORMATION TECHNOLOGY

28 [FRIT-CM] Resource Support - April, May, June Quarter 2019

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 Resource Support for the period April to June 2019 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total Resource Support of \$135,024.39 for the period of April to June 2019.

REPORT:

Council maintains a register of Resource Support (in kind and real donations). Details of Resource Support for the period April to June 2019 are reproduced as follows:

Resource Support - April to June 2019

Amount	Recipient	Donated Item	Date
Financial Assistance			
\$50.00	Returned Services League of Australia	Donation - Anzac Day Book Voucher	10/04/2019
\$1,850.00	Gold Coast Catchment Assoc.	Sponsorship - Sustainability Symposium - Student Day	11/04/2019
\$7,700.00	Cudgen Headland Surf Life Saving Club	Event Sponsorship - 2019 Council SLSC Championships	17/04/2019
\$4,000.00	Shelly Martin	Budget Allocation - Tweed Local Heritage Assistance Fund	15/05/2019
\$14,855.00	Marine Rescue Point Danger	Budget Allocation - Annual Donation	22/05/2019
\$10,000.00	Surfing Australia	Event Sponsorship - 2019 Australia SAE Surf Championships	29/05/2019
\$10,000.00	Tweed Valley Rural & Community Advancement Co-op	Community Sponsorship Policy2018-2019	12/06/2019
\$5,000.00	Victory House Rehabilitation Program (Vibe Care Ltd)	Community Sponsorship Policy2018-2019	12/06/2019
\$5,000.00	Support for New Mums Inc	Community Sponsorship Policy2018-2019	12/06/2019
\$2,600.00	Public Art Theatre	Community Sponsorship Policy2018-2019	12/06/2019
\$7,000.00	Cabarita Youth Service Inc	Community Sponsorship Policy2018-2019	12/06/2019
\$15,236.00	Westpac Life Saver Rescue Helicopter	Budget Allocation - Annual Donation	26/06/2019
\$4,173.00	Cabarita Beach Surf Lifesaving Club Inc	Budget Allocation - Annual Donation	27/06/2019
\$4,173.00	Fingal Rovers Surf Lifesaving Club Inc	Budget Allocation - Annual Donation	28/06/2019
\$6,262.05	International Riverfoundation	Budget Allocation Balance	30/06/2019
\$97,899.05			

Goods, Services and/or Materials

\$34.37	Tweed Land Care Committee	Printing and Copying	April/May/June
\$71.09	Tweed Heads Historical Society	Printing and Copying	April/May/June
\$138.32	Murwillumbah Historical Society	Printing and Copying	April/May/June
\$47.40	Friends of Tweed Regional Museum	Printing and Copying	April/May/June
\$30.00	Uki and South Arm Historical Society	Charity Waste - Dumping Fees	April/May/June
\$269.80	Pottsville Community Centre	Charity Waste - Dumping Fees	April/May/June
\$1,827.80	On Track Community Programs Inc	Charity Waste - Dumping Fees	April/May/June
\$950.00	RSPCA Animal Shelter	Charity Waste - Dumping Fees	April/May/June
\$1,352.80	Salvation Arm	Charity Waste - Dumping Fees	April/May/June
\$49.40	Tweed Coast Community Baptist Church	Charity Waste - Dumping Fees	April/May/June
\$3,283.20	St Vincent De Paul	Charity Waste - Dumping Fees	April/May/June
\$4,415.60	Tweed Palliative Care	Charity Waste - Dumping Fees	April/May/June
\$2,804.40	Tweed Valley Op Shop	Charity Waste - Dumping Fees	April/May/June
\$319.20	Agape Outreach Inc	Charity Waste - Dumping Fees	April/May/June
\$494.00	You have a Friend	Charity Waste - Dumping Fees	April/May/June
\$49.40	Banora Point Community Baptist Church	Charity Waste - Dumping Fees	April/May/June
\$16,136.78			

Provision of Labour and/or Plant & Equipment

\$2,774.20	Life Education Van Relocation	Provision of Labour & Council Plant	April/May/June
\$145.13	RSL - Anzac Day	Provision of Labour & Council Plant	26/04/2019
\$2,919.33			

Amount	Recipient	Donated Item	Date
Rates			
\$293.04	Twin Towns Policy and Community Youth Club	Water Usage	09/04/2019
\$113.39	Twin Towns Policy and Community Youth Club	Sewer Usage	09/04/2019
\$406.43			
Tweed Link Advertising			
\$101.40	Community Notices - Chinderah District Residents Assoc	Advertising	April/May/June
\$67.60	Community Notices - Fingal Head Community Assoc Inc	Advertising	April/May/June
\$101.40	Community Notices - Kingscliff Ratepayers & Progress Assoc	Advertising	April/May/June
\$67.60	Community Notices - Cabarita Beach/Bogangar Residents Assoc	Advertising	April/May/June
\$169.00	Community Notices - Casuarina, Seaside & Salt Residents Assoc	Advertising	April/May/June
\$202.80	Community Notices - Banora Point & District Resident Assoc	Advertising	April/May/June
\$709.80			
Room Hire			
\$1,752.00	Tweed Heads Hospital Auxiliary	Room and Hall Hire	April/May/June
\$90.00	Banora Point & District Residents Assoc. Inc	Room and Hall Hire	April/May/June
\$195.00	South Sea Islanders Community	Room and Hall Hire	April/May/June
\$3,720.00	Murwillumbah Theatre Company Inc	Room and Hall Hire	April/May/June
\$154.00	Northern Rivers Symphony Orchestra Inc	Room and Hall Hire	April/May/June
\$292.00	Twin Towns Friends Association	Room and Hall Hire	April/May/June
\$10,750.00	Banora Seniors - Fun Activities	Room and Hall Hire	April/May/June
\$16,953.00			
\$135,024.39	Total Resource Support - 4th Quarter (April, May, June 2019)		

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.

29 [FRIT-CM] Monthly Investment Report for Period Ending 31 August 2019

SUBMITTED BY: Financial Services

mhm



Making decisions with you

We're in this together

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Making decisions with you
- 2.2 Engagement
- 2.2.5 Financial Services - To collect and manage Council funds and provide information and advice to support sound financial decision-making.

ROLE: **Leader**

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$356,896,273.00** invested as at **31 August 2019** and the net return on these funds was **\$1,222,284.97** or **4.11%** annualised for the month. (Note: this is actual income received during the month, not accrued interest)

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 August 2019 totalling \$356,896,273.00 be received and noted.

REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Executive Manager Finance, Revenue and Information Technology, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$356,896,273.00** invested as at **31 August 2019** and the net return on these funds was **\$1,222,284.97** or **4.11%** annualised for the month. (Note: this is actual income received during the month, not accrued interest)

1. Ethical Investments

Australian Ethical Classification \$186,400,000 which represents 54.8% of the total portfolio <i>Source: Australian Ethical</i>
Market Forces Classification \$161,150,000 which represents 46.3% of the total portfolio <i>Source: Market Forces</i>
Major Differences <ul style="list-style-type: none">Australian Ethical classify NAB and Westpac as non-fossil fuel lending institutions but not ANZ or CBAMarket Forces classify ANZ as non-fossil fuel lending institution but not CBA NAB or Westpac

2. Economic Commentary

Australian and World Economy and Cash Rate

At its 3 September 2019 meeting, the Reserve Bank of Australia (RBA) decided to leave the cash rate unchanged at 1.00 percent.

The outlook for the global economy remains reasonable, although the risks are tilted to the downside. The trade and technology disputes are affecting international trade flows and investment as businesses scale back spending plans due to the increased uncertainty. At the same time, in most advanced economies, unemployment rates are low and wages growth has picked up, although inflation remains low. In China, the authorities have taken further steps to support the economy, while continuing to address risks in the financial system.

Global financial conditions remain accommodative. The persistent downside risks to the global economy combined with subdued inflation have led a number of central banks to reduce interest rates this year and further monetary easing is widely expected. Long-term government bond yields have declined and are at record lows in many countries, including Australia. Borrowing rates for both businesses and households are also at historically low levels. The Australian dollar is at its lowest level of recent times.

Economic growth in Australia over the first half of this year has been lower than earlier expected, with household consumption weighed down by a protracted period of low income growth and declining housing prices and turnover. Looking forward, growth in Australia is expected to strengthen gradually to be around trend over the next couple of years. The outlook is being supported by the low level of interest rates, recent tax cuts, ongoing spending on infrastructure, signs of stabilisation in some established housing markets and a brighter outlook for the resources sector. The main domestic uncertainty continues to be the outlook

for consumption, although a pick-up in growth in household disposable income and a stabilisation of the housing market are expected to support spending.

Employment has grown strongly over recent years and labour force participation is at a record high. The unemployment rate has, however, remained steady at 5.2 per cent over recent months. Wages growth remains subdued and there is little upward pressure at present, with strong labour demand being met by more supply. Caps on wages growth are also affecting public-sector pay outcomes across the country. A further gradual lift in wages growth would be a welcome development. Taken together, recent labour market outcomes suggest that the Australian economy can sustain lower rates of unemployment and underemployment.

Inflation pressures remain subdued and this is likely to be the case for some time yet. In both headline and underlying terms, inflation is expected to be a little under 2 per cent over 2020 and a little above 2 per cent over 2021.

There are further signs of a turnaround in established housing markets, especially in Sydney and Melbourne. In contrast, new dwelling activity has weakened. Growth in housing credit remains low. Demand for credit by investors continues to be subdued and credit conditions, especially for small and medium-sized businesses, remain tight. Mortgage rates are at record lows and there is strong competition for borrowers of high credit quality.

It is reasonable to expect that an extended period of low interest rates will be required in Australia to make progress in reducing unemployment and achieve more assured progress towards the inflation target. The Board will continue to monitor developments, including in the labour market, and ease monetary policy further if needed to support sustainable growth in the economy and the achievement of the inflation target over time.

(Source: RBA Monetary Policy Decision)

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with NSW Office of Local Government guidelines with approximately 79% of the portfolio held in cash and term deposits. Term deposits and bonds are paying average margins over the 90 day bank bill rate. The benchmark 90 day bank bill rate hit a low of 0.96% pa during the month.

Bank demand for term deposit funds has waned as overseas wholesale funding alternatives become less expensive in conjunction with a global falling interest rate outlook. At the same time Australian Prudential Regulation Authority (APRA) imposed mortgage lending restrictions have loosened meaning some increased demand for depositor's funds. Banks are also using debt issuance (bonds) as a less expensive source of funds than term deposits.

Many "cash at call" rates are at levels below the RBA cash rate. The historic low cash rate and long-term bond rates are translating to lower total investment yields. This continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories out-performed the UBS 90 day bank bill benchmark this month. The investment portfolio again benefited this month from some longer-dated, higher yielding bonds and recently purchased short-term term deposits. Longer-dated bonds and term deposits and are being replaced with short-dated term deposits. Overall, the investment portfolio has returned a weighted average 1.08% pa above the 90 day UBS bank bill index for the last month.

3. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	47.76%*	Minimum 40%
More than 365 days and less than 3 years	35.44%	Maximum 60%
3 years and less than 5 years	16.80%	Maximum 35%
Portfolio Total	100.00%	

**Note: Some of Council's Bond Portfolio is included with longer dated maturities i.e.>1 year<5 years however this type of investment can generally be liquidated within two (2) business days*

4. Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings			Short-Term Credit Ratings		
Credit Ratings	Investment Policy Limit	Portfolio	Credit Ratings	Investment Policy Limit	Portfolio
AAA Category	100%	1.30%	A-1+	100%	12.75%
AA Category	100%	26.56%	A-1	100%	11.49%
A Category	60%	15.40%	A-2	60%	15.41%
BBB Category	20%	12.61%	A-3	20%	0.00%
Unrated	10%	1.40%	Unrated	10%	3.08%

5. Investment Summary

General Fund

Corporate Fixed Rate Bonds	4,748,502.50	
Floating Rate Notes	73,647,771.50	
Asset Backed Securities	0.00	
Fund Managers	0.00	
Term Deposits	103,999,999.00	
Call Account	11,500,000.00	193,896,273.00

Water Fund

Term Deposits	65,000,000.00	
Fund Managers	0.00	65,000,000.00

Sewerage Fund

Term Deposits	98,000,000.00	
Fund Managers	0.00	98,000,000.00

Total Investments	356,896,273.00
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It should be noted that the General Fund investments of **\$193 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 & Information Technology
Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

- (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
 - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or*
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*

(b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*

(2) *The report must be made up to the last day of the month immediately preceding the meeting."*

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Investment Report Pack for Period Ending 31 August 2019
(ECM 6051603).

REPORTS FROM THE EXECUTIVE MANAGER PEOPLE, COMMUNICATION AND GOVERNANCE

30 [PCG-CM] Compliments and Complaints Analysis Report for the period 1 April 20 30 June 2019

SUBMITTED BY: Corporate Governance

mhm



Behind the scenes

Providing support to make it happen

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Behind the scenes
4.1	Assurance
4.1.1	Governance - To provide assistance to Councillors and support for Council to operate within its legal framework.

ROLE: **Leader**

SUMMARY OF REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge the compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

The Compliments and Complaints Analysis Report for the Period 1 April 2019 to 30 June 2019 identifies compliments and complaints and is provided for the information of Council.

RECOMMENDATION:

That the Compliments and Complaints Analysis Report for the period 1 April 2019 to 30 June 2019 be received and noted.

REPORT:

The Compliments and Complaints Handling Policy contains a quarterly reporting requirement. The Policy is designed to:

- Ensure compliments and complaints received are appropriately recorded;
- Recognise and acknowledge the compliments Council receives;
- Deal with complaints in a fair and equitable manner; and
- Increase the level of customer satisfaction with the way feedback is handled, and in the delivery of services and systems.

There are many instances where Council is complimented on the broad range of services it provides to the community, often in the form of a follow up phone call, written thank you or certificate of appreciation. These occasions highlight when Council has met or exceeded citizen expectations. Information about the compliments Council receives often goes unrecognised because, unlike complaints, they require little action. However Council values its staff and compliments are an important feedback mechanism on organisational performance as well as a good sign of an engaged and active community.

Under the Compliments and Complaints Handling Policy the following applies:

"What is a Complaint?"

A complaint is an expression of dissatisfaction, made in respect to:

- *A Council Officer's role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.*
- *The quality of service provided by council.*
- *Council failing to act upon a request from the public.*
- *The policies adopted by council.*
- *Dissatisfaction with Council's action following the lodgement of a request for service (management through Council's customer request management system) or a request for information (managed through Government Information Public Access Act)."*

"What is not a Complaint?"

- *A request for service is covered by the customer request management (CRM) process. Examples are; reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues.*
- *A request for information or an explanation of a policy or procedure.*
- *Objections to a development application before Council determination or appeals in relation to the determination by council.*
- *Concerns raised regarding decisions of the elected council."*

It is not a request for service (customer request management), or information, or an explanation of a policy or procedure, or objections to a development application before Council determination.

A complaint analysis report is presented to Council, detailed by type and outcomes/actions on a quarterly basis, without personal identifying particulars of complainants or associated persons or properties.

The complaint type has been categorised in accordance with the Council's organisational structure. This methodology assists in monitoring the effectiveness of Council's handling of complaints and improving service delivery.

Council received **54** Compliments for the period 1 April 2019 to 30 June 2019, as follows:

Council Division	Ref	Details of Compliment	Comments
Office of the General Manager	1.1	General Manager <i>1 Compliment</i> Thank you to staff in various areas associated with the organisation of Anzac Day commemorations.	Noted by General Manager.
People, Communication and Governance	2.1	Communication & Customer Experience Section <i>14 Compliments</i> Complimenting Staff on helpful and efficient service and having an understanding of the issues.	Noted by Supervisor and referred to nominated Staff.
	2.2	Corporate Governance Nil.	Nil.
Finance, Revenue and Information Technology	3.1	Financial Services Nil.	Nil.
Planning and Regulation	4.1	Development Assessment and Compliance Unit <i>5 Compliments</i> Complimenting Staff on efficient service including information provided at a DAP meeting.	Noted by Division Director and Unit Manager.
	4.2	Building and Environmental Health Unit <i>2 Compliments</i> Complimenting staff on great service.	Noted by Division Director and Unit Manager.
	4.3	Regulatory Services Unit <i>2 Compliments</i> Advising service was great and problem has been fixed.	Noted by Division Director and Unit Team Leader.
Engineering	5.1	Roads and Stormwater Unit <i>11 Compliments</i> Thanking Staff for quick response, great maintenance jobs.	Noted by Unit Manager and referred to relevant Staff.
	5.2	Water and Wastewater Unit <i>1 Compliment</i> Compliment for after-hours service.	Noted by Unit Manager.
Community and Natural Resources	6.1	Recreation Services Unit <i>11 Compliments</i> Thanking Staff for excellent maintenance – mowing, trees, cleaning and buildings.	Noted by Unit Manager and referred to nominated staff.

Council Division	Ref	Details of Compliment	Comments
	6.2	Tweed Regional Gallery 3 Compliments Thank you for assistance with recent visit and a wonderful publication 'A Shared Obsession'.	Noted by Gallery Director.
	6.3	Community and Cultural Services Unit 1 Compliment Congratulations on arranging music in the park.	Noted by Unit Manager.
	6.4	Waste Services Unit 2 Compliments Great service at the Refuse Tip and delivering a new bin caddie.	Noted by Unit Coordinator.
	6.5	Tweed Holiday Parks Unit 1 Compliment Thank you for an amazing stay at the Kingscliff Holiday Park.	Noted by Unit Coordinator.

Council received **12** complaints for the period 1 April 2019 to 30 June 2019, as follows:

Council Division	Ref	Details of Complaint	Comments
Office of General Manager	1.1	Filming of a TV Commercial at Hastings Point Lodging a complaint that the headland area at Hastings Point was closed off for filming, no signs, should not be commandeered by a film company.	Completed Detailed response sent advising that public access to the beach is not restricted and that a Council Officer was on site to manage any complaints.
	1.2	Development Application DA19/0265 Lodging a formal complaint regarding the processing of the above development application for a boundary adjustment.	Completed Detailed email response sent, providing the complainant with a response to the concerns raised.
	1.3	Jacaranda Avenue Tweed Heads West Significant number of emails relating to the removal of a tree and plants from the complainant's and neighbours property and the interaction with Council Staff.	Completed The contents of the emails were investigated. Responses were sent detailing information from Council's records
People, Communication and Governance.	2.1	Noise Complaints – Murwillumbah Been pursuing noise issue for almost five years and have achieved nothing except that the low frequency and loud hammering noise is coming from 148 Tweed Valley Way.	Completed Emails have been received and sent pertaining to this complaint and in particular how further complaints will be managed in accordance with Council's Managing Unreasonable Conduct Policy.
	2.2	Development Application DA08/0269 Lodging a formal complaint regarding the processing of the above development application for a pontoon.	Completed Detailed email response sent, advising that the complaint has been investigated in accordance with Council's Compliments and Complaints Policy and Procedure and that no action will be taken with the complaint.

Council Division	Ref	Details of Complaint	Comments
Planning and Regulation	3.1	145 Kennedy Drive Tweed Heads Lodgement a complaint concerning inconsistent advice given by Council's Health and Building Unit.	Completed Email sent apologising for the inconsistent advice and including there is no need to submit an application for the modification.
	3.2	Pioneer Parade Banora Point Concerned that Council has not followed guidelines of the NSW Companion Animal Act in dealing with a barking dog.	In Progress Further investigation to be undertaken, with a response to be provided to the complainant.
	3.3	Parking Infringement Procedure Complaining about a targeted photo while driving and then being forced to be pull over as a result of a vehicle marked by the Tweed Shire Council.	Completed Matter investigated by Acting Team Leader Compliance. The vehicle identified in the complaint was not issued an infringement.
Community and Natural Resources	5.1	Queen Street Fingal Requesting Council to implement an exclusion zone at the rear of their properties where Dune Care volunteers are not to go.	Completed Detailed email sent advising of Council's relationship with Fingal Head Coastcare and that the land at the rear of the properties in under the care and control of Council.
	5.2	Henry Lawson Drive Terranora Outlining concerns that trees should not have been trimmed as they were not obstructing the pathway.	Completed Complainant contacted advising that the pruning was required for the clear vision of vehicles and pedestrians.
	5.3	Clifford Crescent Banora Point Disappointed that Council has not acted on my complaint for the neighbours to cut down very tall grasses and weeds.	In Progress Overgrown Notice issued, partially complied. Follow up action in progress, complainant advised.
	5.4	Stotts Creek Landfill Complaining about a recent customer service experience at the landfill.	Completed A response email sent addressing the complainant's concerns.

OPTIONS:

1. Receive and note the Compliments and Complaints Analysis Report for the period 1 April to 30 June 2019.
2. Do not receive and note the Compliments and Complaints Analysis Report for the period 1 April to 30 June 2019.

CONCLUSION:

Compliments and Complaints received during the Period 1 April to 30 June 2019 as required by the Compliments and Complaints Handling Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Compliments and Complaints Handling v1.4

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.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

31 [SUB-TCWC] Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 August 2019

SUBMITTED BY: Sustainable Communities and Environment

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 August 2019 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 August 2019 be received and noted.

REPORT:

The Minutes of the Tweed Coast and Waterways Committee Meeting held Wednesday 14 August 2019 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; Lindy Smith; Robert Quirk; Ian Berger; Sam Dawson; Jane Lofthouse; Tom Alletson.

Apologies:

Jonathan Yantsch; Bill Fenelon; Stewart Brawley; Bruce Peate; Marama Hopkins; John Harbison.

Minutes of Previous Meeting:

Moved: David Cranwell

Seconded: Robert Quirk

RESOLVED that the Minutes of the Tweed Coast and Waterways Committee meeting held Wednesday 12 June 2019 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. North Byron Parklands Approval

Tom provided an overview of the conditions of approval that have been applied to the waste water management system at North Byron Parklands, noting the requirement to undertake both ground and surface water monitoring in association with the activity. However, it was confirmed through a conversation with North Byron Parklands management that the on-site waste water management component of the development approval had been withdrawn, and that waste water from festivals is still being collected and taken to an offsite facility for treatment. As such, water quality monitoring relating to wastewater management has not commenced on the site.

BA2. Log Walls - Mooball Creek

Tom summarised the status of the project noting that a tender process to purchase timber had recently been completed. The current construction timeline proposed is during September, however Tom advised that if there was any risk that this would spill into the school holidays (28 September) the work would be postponed until mid-October. Bill Hoskins requested that Tom meet with the Dune Care Group post works to check vegetation.

Agenda Items:

A1. Tweed Estuary CMP

Tom provided an update on the project including details of the exhibition period and public information sessions. The plan will be on exhibition in September and October with public information sessions on 19 and 25 September.

Ben asked Tom what level of confidence he had in agencies supporting actions attributed to them in the plan? Tom noted that there are very few actions in the plan attributed to parties other than Council, however there had been comment received from key agencies on the plan (Crown Lands, Fisheries, Office of Environment and Heritage) and that all referenced external organisations would be provided with further opportunity to comment on actions affecting them.

Tom also provided an update on a project initiated by Council's Water Unit which will develop a water quality and ecosystem response model for Rous and Tweed Rivers. This is being undertaken to allow analysis of the best options for disposal of treated effluent from the future upgrade of the Murwillumbah waste water treatment plant. Council has engaged the NSW Department of Environment, Energy and Science to undertake this work.

A2. Tweed Coastline CMP Update and Workshop

Jane provided the committee with work sheets to be filled in to allow identification of key coastal issues for inclusion in the Tweed Coastline CMP Scoping Study.

A3. Tweed River Water Ski Race

Tom advised the committee that while having been invited to address the committee, Greg Ebsworth of Boyds Bay Houseboats was not attending the meeting to share concerns and observations regarding the Nev Wilson Memorial Ski Race. Pending information supplied at the NSW Maritime Services race debrief, Greg may elect to take up his invitation to address the Committee.

Ian Berger gave an overview of Nev Wilson Ski Race, which was held on the Tweed River on 10 and 11 August. Observations included details of:

- Details of river closures and impact on business.
- ½ day closure
 - Murwillumbah to Stotts Saturday
 - Murwillumbah to Fingal Sunday

Cr Milne noted that a more effective application process has been requested for next year and noted that there is a lack of consistency with Council's event strategy and character zones in CMP.

Tom was requested to, if possible, bring a copy of the Review of Environmental Factors and notes of the NSW Maritime debrief to the next meeting.

A4. Marine Vegetation Migration - Sea Level Rise

Tom presented overview of results of the CMP mapping project that relates to planning for long term migration of marine vegetation in response to sea level rise.

It was suggested that it would be good for Tom to attend a Floodplain Committee meeting and update that committee on the tidal inundation mapping project and matters relating to marine vegetation migration.

Following discussion it was proposed that a new action be included in the CMP, that being, to determine:

- what will be impact of sea level rise on the total amount of marine vegetation in the Tweed estuary?
- will existing and future migration areas be enough to maintain a viable area of marine vegetation so that estuarine ecosystem services will be maintained?

It was noted that current work being undertaken by NSW Fisheries through the Marine Estate Management Strategy is looking at this issue and may provide information relevant to the enquiries.

Lindy provided an overview of the impact of aviation development at Gold Coast Airport on saltmarsh at Cobaki Broadwater. It was advised that in impact assessment documents describing impacts on saltmarsh, that the area of saltmarsh impacted at Cobaki was expressed as a proportion of total saltmarsh in the northern rivers, as opposed to saltmarsh in the Tweed. As such, the predicted proportional impacts appeared to be less than has been experienced in the local system.

It was noted that this area has been highlighted as sensitive and worthy of protection since 1992. Despite all the plans and policies, the great opportunity for marine vegetation migration represented by the area has been lost due to aviation development. This highlights the threat that saltmarsh is under, and has been a failure of process.

Moved: Robert Quirk

Seconded: Ian Berger

RESOLVED that Jane and Tom liaise with Crown Lands to get a status report on the environmental condition of crown land at Cobaki Broadwater and the results of environmental monitoring, particularly as relates to any conditions of approval for aviation infrastructure, and that Crown Lands be invited to Tweed Coast and Waterways Committee to present the information.

Tom to check with Lindy on possible contacts.

General Business:

GB1. Algae Farm DA

Tom noted that the algae farm DA had been received by Council and that staff from Sustainability and Environment would be making a submission on it. Tom offered to provide a copy of the Environmental Assessment to the Committee. Robert Quirk elected to receive one.

GB2. David Cranwell - Pottsville Issues

David noted his thanks for repairs to the walkway at Ambrose Brown Park and requested that Council fix the walkway and potholes at the shell track, Hastings Point.

GB3. Water Management at the Jet Boat Racecourse at Round Mountain

Cr Cherry enquired into conditions of approval regarding discharge of water following races at the Jet Boat track at Round Mountain. Tom advised that he has read the conditions of approval in the past and recollected that water quality monitoring prior to release of water to the environment was required. Enquiries would be made with relevant Council staff and/or the race organisers to check if these conditions are being adhered to.

GB4. Polyfluoroalkyl Substances (PFAS) Contamination at Gold Coast Airport

Lindy Smith advised that recent monitoring and reporting on PFAS has shown high levels in Coolangatta Creek and the ocean. The Airport Community Advisory Group is trying to get detailed site assessment undertaken.

GB5. Sustainability Awards

Jane Lofthouse highlighted Council's Sustainability Awards and encouraged committee members to submit a nomination.

Next Meeting:

The next meeting of the Tweed Coast and Waterways Committee will be held Wednesday 9 October 2019.

The meeting closed at 12.30pm.

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 (ECM 4316118).

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.

32 [SUB-TSYC] Minutes of the Tweed Shire Youth Council Meeting held Wednesday 14 August 2019

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around

Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 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 14 August 2019 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 14 August 2019 be received and noted.

REPORT:

The Minutes of the Tweed Shire Youth Council Meeting held Wednesday 14 August 2019 are reproduced as follows for the information of Councillors.

Venue:

Council Chambers, Murwillumbah Civic and Cultural Centre

Time:

4.00pm

Present:

Jazmine Cooke (Tweed River High School); Ari Cummins (Banora Point High School); Cassandra Pollard (Pacific Coast Christian School); Will Fitzgibbons and Jaidah Fergus-Mackie (Lindisfarne Anglican Grammar); Jasper Tiffen (Murwillumbah High School); Scarlett Magnus and Jacob Wilson (St Joseph's College)

Guests:

Mayor of Tweed Shire, Cr Katie Milne; Stephanie Papadopoulos (Manager Corporate Governance); Robyn Grigg (Manager Community and Cultural Services); Debbie Firestone (Program Leader - Sustainability); Kirsty Andrew (Public Programs and Audience Development); Chantelle Howse (Coordinator Community Development); Jessica Fielding (Senior Participation Advisor - North Coast, Office of the NSW Advocate for Children and Young People)

Ex-Officio:

Sylvia Roylance (Community Development Officer - Families and Youth); Shane Davidson (Executive Officer); Lisa Bailey (Minutes)

Apologies:

Joshua Carpenter and Ryan Thomas (Banora Point High School); Conner Insull, Noemi Suter, Amanda Widen-Battaglini and Maddie Idle (Kingscliff High School); Madeline Mangueret (Pacific Coast Christian School); Shelby Johnston and Nava Bergman (Murwillumbah High School)

Troy Green (General Manager); Tracey Stinson (Director Sustainable Communities and Environment);

Chairpersons Welcome

Jasper Tiffen, as Chairperson of the Committee, welcomed everyone to the meeting.

Aboriginal Statement

Mayor of Tweed Shire, Cr Katie Milne 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."

Youth Council Meeting Agenda Items:

A1. Housekeeping

A brief overview of the amenities and the evacuation procedures for the Council Chambers, Murwillumbah Civic and Cultural Centre was carried out.

A2. Confirmation of Minutes from meeting held Wednesday 8 May 2019

Moved: Scarlett Magnus

Seconded: Jazmine Cooke

RESOLVED that the Minutes of the Tweed Shire Youth Council Committee meeting held 8 May 2019 be accepted as a true and accurate record of the proceedings of that meeting.

A3. Receipt of Petitions regarding an Emerging Community Issue

Nil this meeting.

A4. What's On Exhibition

Nil this meeting.

A5. Youth Council update on Attendance at Conferences and Events

Scarlett Magnus (St Joseph's College) - Kokoda Challenge Youth Program

Scarlett is taking part in the program which aims to educate people on the Kokoda campaign of World War II. Scarlett recently completed a 60km walk and is planning to complete the full 96km walk in the coming weeks. *Cassandra Pollard of Pacific Coast Christian School* has also completed a 5km run as part of the program with fundraising proceeds going to the RSL.

Jazmine Cooke - Tweed River High - Youth Parliament

Jazmine attended the second meeting of Youth Parliament in Sydney. Jazmine is a member of the Environmental Committee who developed a Bill to ban single use plastic bags. The objectives included items such as: an implementation plan; and an education program to raise awareness of the effects of using single use plastic. The Bill was passed and will be debated in parliament.

A6. Report from Council Officers

6.1 Debbie Firestone - Sustainability Awards 2019

Debbie introduced the awards as a program to recognise sustainability initiatives across the Shire. There are three categories: Regenerative Agriculture, which is for farmers who are investing back into land, producing food, supporting habitat and transitioning to sustainable farming techniques; Wildlife Habitat and Conservation, which is for private residents, Landcare etc. to recognise people who are taking action on their own land and those working in groups; and the third category is General, which is an opportunity for individuals, schools, households etc. to tell us what they are doing to reduce waste, power consumption, use more food organic waste / composting. The more stories and evidence of different elements of sustainability the nominees can discuss will improve chances of winning a category, but will also inspire others to do the same.

Members are encouraged to connect with their networks to consider any initiatives that could be nominated. There will also be a one day workshop: 'Make Change Happen' for those who are environmental champions. This will be an opportunity for people to come together to

support each other, and to gain support and assistance to improve their projects. A flyer promoting the awards has been circulated to all members for information and promotion.

6.2 Kirsty Andrew - Planning Joint Museum and Library Youth Programs

The Museum is partnering with the Tweed Shire Libraries on a pilot program to offer joint public programs to the community. These programs could be events, activities, should be open to the public, free, and relate to Tweed Shire. The pilot will run for 12 months and organisers are wanting these programs to be as innovative and exciting as possible. Kirsty noted the Museums and Libraries are safe spaces for young people and we want to activate these spaces. Some examples are events within the Museum for slam poetry or theatre performances. There are skills development opportunities also as Kirsty explained 'Take Over Day'. Young people undergo training to learn how to operate these facilities. This is not shadowing staff, it is actual work experience.

A social media campaign will begin week commencing 19 August and members are asked to like, comment and share with their networks. Ideas for programming can be made by comment on Facebook, private messaging or emailing using the links in the online campaign.

6.3 Chantelle Howse - Tweed Shire Youth Council Evaluation Report

Chantelle commented on the recent interviews conducted by Greg Betts with Youth Council members, teachers and council officers. The outcome of these interviews has now been provided and the report is under review. Recommendations will be presented to the General Manager in the coming weeks and will be followed by a report to Council. Chantelle requested members review this report once it is in the public domain and will discuss further at a future meeting.

A7. Community Guest Speaker - Jessica Fielding, Office of the NSW Advocate for Children and Young People

Jessica introduced the Office as a small, independent government agency that works to protect children by promoting and regulating quality, child safe organisations and services. Government agencies, when preparing new policy, approach the Office to gather feedback from young people on the relevance of new policy. Consultation always takes place in group activity and outcomes are provided to decision makers. Examples of some of the current issues: diversity; city planning; suicide; bullying; community inclusion. Consultations are often video recorded as this is a much more powerful method of response and feedback, than sending a written report. This year's Youth Week Event topic was 'Child Safe Organisations' with an ongoing project titled 'End Violence Against Children'. Reports are available on the website for anyone interested in reviewing: <https://www.acyp.nsw.gov.au>

Jessica also informed members of the website 'our local': www.ourlocal.nsw.gov.au. This site was established to assist young people to connect with services and events in their local area, such as: sporting events; theatre performances; school contact details; health care centre locations.

Members were also encouraged to apply to participate in the NSW Youth Advisory Council. Applications are typically opened around September / October each year. This is a great opportunity to have your voice heard by the Advocate for Children and Young Persons - Mr Andrew Johnson, with direct connections to other ministers.

Youth Councillor Workshop:

1. School Community Project Presentation

St Joseph's College - Scarlett Magnus and Jacob Wilson
Take Action

Have teamed up with Mobile Muster to set up a phone recycling box. Young people have a great concern with plastic pollution and the team want to encourage and inspire others to reduce the current levels of pollution, protect the environment and prevent hazardous materials from entering the environment. The team will be creating a one minute film to increase awareness of recycling electronic device parts, how to update software easily (to reduce the current short life span of devices). This will be done in collaboration with the school's creative arts and environmental groups. They will be entering a nationwide competition with a prize pool of \$15,000 sponsored by Planet Ark. It was suggested by the Mayor that the video be uploaded to Council's website once the entry is complete. The team noted the muster is completely free, including the collection of any full boxes which is managed by Mobile Muster.

2. Youth Council Reports - School Community Project Updates

Tweed River High: implementing a Mini Green team at Tweed Heads South Primary School. The Mini Green team is now meeting independently and is going well. Students continue to reduce power consumption by turning off lights etc. Jazmine will be suggesting the placement of a battery and mobile phone collection point as the next steps in the project and is also reviewing the 'Bottle Top Collection' program to create prosthetic limbs.

Banora Point High School: Primary school Blue Light Disco was held at the Tweed PCYC about three weeks ago and the event was a great success with over 200 people in attendance. Now planning the high school age event with the emphasis on being a gathering of young people in a safe, drug and alcohol free environment.

Pacific Coast Christian School: Recycle bins are now in place in each classroom. Will now move on to preparing a waste reduction program.

Lindisfarne Anglican Grammar: The proposal to run 'Save-A-Mate' (SAM) drug and alcohol information session with students was not accepted by the School so the team is now brainstorming a new idea. Students have also been working with the school's Sustainable Café which is now opening twice each term. All items are biodegradable and sustainable. The team is hoping to add a beach clean-up day to support the sustainability aspects of the Café. All profits from the café go towards other environmental/sustainable programs at the school i.e. installation of solar panels.

Murwillumbah High School: Will be continuing with the 'U R OK' Day hoping to hold the event in October for Mental Health month. Also investigating people's use of public transport with a focus on safety in regard to the use of seat belts. Data will be gathered by way of informal survey.

Banora Point High School: Fishing Line Debris Bin update. Sylvia provided an update on behalf of Josh. Tweed Valley Wildlife Carer's have sent through data updates for March through to June which are showing a significant decline in wildlife rescue. It is thought this is directly attributable to the installation of the debris bins. Positive feedback is coming in from

the community and a number of government departments have made contact with both Council and Tweed Valley Wildlife Carers to gather more information about the program.

3. Late Item - Homelessness

Robyn Grigg apologised for presenting a late item, which is complex in nature. The item was presented on behalf of Cr Cooper who was unable to attend the meeting. Tweed Shire Council is one of the first in the state to implement a Homeless Policy. We partner with a range of local agencies, state governments and internally at Council to help support people who don't have a roof over their heads. People in the community have differing views and ideas on how to manage this complex issue. Robyn circulated information on behalf of Cr Cooper which presents a suggested initiative to reduce homelessness and members are asked if they could consider the idea and provide feedback. Cr Cooper is holding a community meeting on 20 August in the Canvas and Kettle Meeting Room, commencing at 6pm. Members are welcome to attend and bring along any other members of the community who might be interested in hearing about the initiative.

4. Climate Crisis

It was proposed by Jazmine Cooke that Youth Council, as a group, recommend that Council declare a 'Climate Crisis'. As this proposal was made during the informal session of the meeting such a recommendation cannot be made at this time. All members of the committee asked that this be noted with consideration being given to presenting at a future Community Access meeting.

5. National Youth Event Dates 2019

5.1 Wear It Purple Day - Friday 30 August

Sylvia advised headspace COMPASS will be screening 'Gayby Baby' on Friday 30 August at 5.30pm, \$5 entry at Hoyts Tweed City. Following the movie will be a discussion panel themed Voice: Young People Being Heard and Valued.

5.2 headspace Day (National Mental Health Week) - 10 October

5.3 Diversity Walk - 26 October 2019

Commencing Bay Street Tweed Heads at 11am. The walk will move through the streets, up to the border marker and back around. Entertainment, food and guest speakers are planned to be held in Jack Evans Boat Harbour at the conclusion of the walk.

5.4 Visit by Minister for Regional Youth - Bronnie Taylor

The NSW Government has committed to doing a Regional Youth Strategy, with the top priority of health and wellbeing. Sylvia is reviewing the schedule for regional visits with the aim of ensuring Youth Council members have the opportunity to meet with the Minister.

5.5 St Vincent de Paul - Fred's Place Sleepout - Thursday 29 August

To be held at Seagulls Club car park in support of the homeless service. Information is available on their website.

General Business:

Mayor of Tweed Shire, Cr Katie Milne informed members of the work being done on Christmas decorations for the Murwillumbah area. Workshops will be held to gather community involvement. It is hoped the decorations can be made from recycled products eg. old CDs etc.

Next Meeting:

The next meeting of the Tweed Shire Youth Council Committee will be held Wednesday 13 November 2019, Tweed Heads Administration Building, Harvard Room, 21 Brett Street, Tweed Heads.

The meeting closed at 6.05pm.

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.

33 [SUB-LTC] Minutes of Local Traffic Committee Meeting held 22 August 2019

SUBMITTED BY: Roads and Stormwater



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 22 August are reproduced in the body of this report for the information of Councillors.

These minutes have been circulated to members for concurrence and the advice from Roads and Maritime Services and NSW Police has been obtained.

RECOMMENDATION:

That:

1. The Minutes of the Local Traffic Committee Meeting held 22 August 2019 be received and noted; and
2. The Executive Leadership Team's recommendations be adopted as follows:

A1 [LTC] Tweed Valley Triathletes September 2019 to March 2020

That the proposed Tweed Valley Triathletes 2019 to 2020 Season be supported subject to the following conditions:

1. ***NSW Police approval being obtained.***
 2. ***Endorsement of the event by Bicycle NSW or Cycling QLD.***
 3. ***Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.***
 4. ***Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.***
-

5. ***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 first event for the season. 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.***
6. ***Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.***
7. ***Adequate public liability insurance being held by the event organiser.***
8. ***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.***
9. ***Consultation with emergency services and any identified issues addressed.***
10. ***Arrangements made for private property access and egress affected by the event.***
11. ***The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.***
12. ***The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.***

A2 [LTC] Coral Street, Tweed Heads

That:

1. ***An accessible parking space be installed in Coral Street, Tweed Heads in the vicinity of Lovers Rock Park, including appropriate signage and linemarking.***
2. ***An accessible parking space is not supported in the vicinity of the public toilets at Duranbah Beach.***
3. ***The existing no parking on the east and west side on Coral Street near the cul-de-sac bulb be replaced with yellow no stopping lines to improve traffic flow.***

REPORT:

The Minutes of the Local Traffic Committee Meeting held 22 August 2019 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.30am

PRESENT:

Committee Members: Katherine Boulton, Roads and Maritime Services of NSW, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed Cr James Owen (via video conference).

Informal: Mr Ray Clark (Chairman), Miss Alana Brooks, Mr Shane Davidson, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Snr Constable Chris Davis, NSW Police, Janelle Saffin MP, Member for Lismore.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MIN1 [LTC-MIN] Confirmation of Previous Minutes Meeting held 25 July 2019

RESOLVED that the Minutes of the local Traffic Committee Meeting held 25 July 2019 be adopted as a true and accurate record of proceedings of that meeting, with Amendment to Item **A3 Twin Towns Triathlon 2019-2020**:

SCHEDULE OF OUTSTANDING RESOLUTIONS

SCH1 [LTR-SOR] Schedule of Outstanding Resolutions - 22 August 2019

From Meeting held 25 July 2019

B1 [LTC] Bakers Road, Byangum

ORIGIN:

Roads & Stormwater

FILE NO: ECM5687631: Traffic - Committee: Weight of Vehicles: Bakers Road, Byangum.

SUMMARY OF REPORT:

Applicant's Information:

The applicant would appreciate if the 'Traffic and Road Safety Committee' consider requesting a vehicle weight limit of 14.5 tonnes on Bakers Road in Byangum.

The road has many blind corners, trees near the edge of the road and steep drop offs. Recently there has been an increase in very large water tankers using this road and making it extremely dangerous.

There has been some feedback on social media about how this road has become more dangerous.

Attached is a heavy vehicle trip planner showing the recommended route through Murwillumbah. It also shows some of the tight blind corners on Bakers Road.

Officer's Comment:

There is no evidence of the increase in heavy vehicle movements on Bakers Road and it is recommended that traffic volumes surveys be carried out to determine the actual number of heavy vehicles. However, it would be unlikely that heavy vehicles would use this road to bypass Murwillumbah town centre. Google Maps indicates that it would take longer and increased distance using Bakers Road to get to the roundabout at Alma Street at Tweed Valley Way.

COMMITTEE ADVICE:

That:

1. **Traffic surveys be carried out on Bakers Road, Byangum to determine the extent of heavy vehicle use and these surveys be brought back to the Committee upon completion.**
2. **Bakers Road, Byangum be added to the Schedule of Outstanding Resolutions.**

Current Status: *That Bakers Road Byangum (B1) from Local Traffic Committee meeting held 25 July 2019 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 28 February 2019 (Item B1).

B4 [LTC] Fraser Drive, Banora Point

ORIGIN:
Roads & Stormwater

FILE NO: ECM5785148; Traffic - Committee; Fraser Drive – Banora Point; Harrier Street; Speed Zones

SUMMARY OF REPORT:

Request received for a reduction of the 80km/h speed limit on Fraser Drive.

Applicant's Information:

The applicant is concerned that the speed limit is inconsistent and inappropriate given the adjacent developments.

Officer's Comment:

The 80km/h section on Fraser Drive is approximately 1km in length from Harrier Street to just north of Vintage Lakes Drive. There is 60km/h sections north and south of this speed zone.

A review of the five year crash history found one non-injury and one injury crash, both single vehicle run off road.

The new developments accessing Fraser Drive have 2 intersections which have been designed for an 80km/h speed zone.

The Chairman requested that this item be added to the Schedule of Outstanding Resolutions.

COMMITTEE ADVICE:

That:

- 1. The request for a reduction of the 80km/h speed limit on Fraser Drive, Banora Point be referred to the Roads and Maritime Services, who are the authority on speed limits in NSW.**
- 2. This item be placed on the Schedule of Outstanding Resolutions.**

Current Status: *That Fraser Drive, Banora Point (B4) from Local Traffic Committee meeting held 25 July 2019 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 2 May 2019 (Item B4).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES - MURWILLUMBAH

A1 [LTC] Tweed Valley Triathletes September 2019 to March 2020

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5937958|; Traffic - Committee; Festival/Events - Other; Bicycle Matters; Cane Road, Murwillumbah and Tyalgah; Charles Street, George Street, Martin Street, Murwillumbah Street, Queensland Road; Reynolds Street, Tumbulgum Road, Wharf Street, York Street, Murwillumbah; Racecourse Road, Murwillumbah and Tyalgah

SUMMARY OF REPORT:

Applicant's Information:

The application is submitted to use roads in the Tweed Shire for the Tweed Valley Triathletes season commencing Saturday 21 September 2019 and concluding Saturday 21 March 2020.

The transition area is the Council parking area on the western side of the Civic Centre and the area adjacent to the side entrance to the main pool.

Cycle / Run Management Plan

- Adult and teenage members are on the road between 6:05am and 7:15am. Junior members are on the road between 7:30am and 8:00am. At these times of the day there is little traffic.
- The 14km and 7km rides have all left hand turns.
- All members are instructed to adhere to NSW road rules, including Stop Signs.
- Bicycles must meet strict safety standards.
- Functioning front and rear lights are required for all events
- Helmets that meet Australian design rule standards must be worn.
- Triathlon Australia rules apply including no drafting and no packs forming during cycle legs
- Road signs are displayed at the northern side of Elders Corner entrance to the car park on Tumbulgum Rd, the northern side of the Racecourse/Tumbulgum Rd intersection, the eastern side of the Tumbulgum Rd/ Cane Rd intersection, on the northern side of the Cane Rd/Queensland Rd and on the western side of the Queensland Rd/Murwillumbah St intersection
- During Junior events adults are placed at the council car park entrance/exit, at the Tumbulgum Rd/Reynolds St intersection and at intersections on the circuit. Adults direct children to pull over and stop if the traffic is not clear. Adults do not direct motorists.
- Adults ride with the juniors to ensure they comply with road rules.
- Tweed Valley Triathletes Inc. is covered by Public Liability Insurance through Triathlon Australia Inc.
- All households along the course and the circuit receive information explaining the times the roads in the vicinity are to be used and inviting feedback. Advertisements are placed in print media at the beginning of the season explaining the course and the dates and times our club will be using the roads.

The full Race Calendar for the 2019/2020 season is attached and the dates are as follows:

2019

September (Saturdays)

21 September (seniors/Intermediates)

28 September (seniors/Intermediates)

October (Saturdays)

5 October (seniors/Intermediates)

12 October (seniors/Intermediates)

19 October (seniors/Intermediates and Tri-Mites)

26 October (seniors/Intermediates and Tri-Mites)

November (Saturdays)

2 November (seniors/Intermediates and Tri-Mites)
9 November (seniors/Intermediates and Tri-Mites)
16 November (seniors/Intermediates and Tri-Mites)
23 November (seniors/Intermediates and Tri-Mites)
30 November (seniors/Intermediates and Tri-Mites)

December (Saturdays)

7 December (seniors/Intermediates and Tri-Mites)
14 December (seniors/Intermediates and Tri-Mites)
21 December (seniors/Intermediates and Tri-Mites)
28 December (seniors/Intermediates)

2020

January (Saturdays)

4 January (seniors/Intermediates)
11 January (seniors/Intermediates)
18 January (seniors/Intermediates)
25 January (seniors/Intermediates)

February (Saturdays)

1 February (seniors/Intermediates and Tri-Mites)
8 February (seniors/Intermediates and Tri-Mites)
15 February (seniors/Intermediates and Tri-Mites)
22 February (seniors/Intermediates and Tri-Mites)
28 February (seniors/Intermediates and Tri-Mites)

March (Saturdays)

7 March (seniors/Intermediates and Tri-Mites)
14 March (seniors/Intermediates and Tri-Mites)
21 March (seniors/Intermediates) and Tri-Mites presentation
28 March senior and intermediate presentation

Officer's Comment:

There has been little if any complaint to Council in relation to the conduct of these events previously and subject to standard conditions the request should be supported.

RECOMMENDATION TO COUNCIL:

That the proposed Tweed Valley Triathletes 2019 to 2020 Season be supported subject to the following conditions:

- 1. NSW Police approval being obtained.**
- 2. Endorsement of the event by Bicycle NSW or Cycling QLD.**
- 3. Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.**
- 4. Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.**

5. 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 first event for the season. 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.
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
7. Adequate public liability insurance being held by the event organiser.
8. 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.
9. Consultation with emergency services and any identified issues addressed.
10. Arrangements made for private property access and egress affected by the event.
11. The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.
12. The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.

FOR VOTE - Cr James Owen, Ms Katherine Boulton, Roads & Maritime Services, Mr Rod Bates on behalf of Mr Geoff Provest, MP Member for Tweed

DELEGATIONS FOR REGULATORY DEVICES - TWEED HEADS

A2 [LTC] Coral Street, Tweed Heads

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5852647; Traffic - Committee; Parking Zones; Accessibility Matters; Coral Street

SUMMARY OF REPORT:

This report is resubmitted to the Committee, previously being on the Schedule of Outstanding Resolutions from meeting held 25 July 2019 and originally Item A5.

Applicant's Information:

My concern is the lack of "accessible" parking spaces around Duranbah Beach and Point Danger. Comparing our situation with that over the border, at Rainbow Bay there are 2 "accessible" parking spaces on Marine Parade adjacent to Ward Street, another 2 parking spaces on the corner of Marine Parade and Snapper Rocks Road and another at the end of Snapper Rocks Road, making a total of 5 within 200 metres along the beach front.

At Point Danger at the Lighthouse the only 2 "accessible" parking spaces available are on the Qld side of the border. There are 2 parking spaces on the NSW side for "Emergency Vehicles" however I have rarely seen any vehicles parked in these spaces.

At Duranbah Beach there are no “accessible” parking spaces. I would like the Tweed Shire Council to consider allocating an “accessible” parking space at the end of Coral Street at Lover’s Rock Park and also at the VMR building (only toilets at Duranbah Beach). I have personal reasons for requesting these spaces however what has made me take this issue up is that the Tweed Shire Council granted the World Surf League a licence to conduct a surfing event at Duranbah Beach for 5 days and I spoke to 3 disabled people who had difficulty accessing the competition area. They were visitors to Tweed Heads and could not understand why our community did not consider their needs. As you may be aware the Federal Government has announced a Royal Commission into the Disability Sector and I think our community should step up and consider their needs.

Officer's Comment

It was noted that there were no accessible car parking spaces to access the Lovers Rock Park. The end of Coral Street has been closed for filming for the past few months. Council's Road Safety Officer and Ageing and Disability Officer will meet on site and identify the most suitable accessible parking space in this vicinity. This location was discussed at the Equal Access Advisory Group meeting and supported.

There are 2 accessible parking spaces in the car park at Point Danger which are considered adequate for the number of spaces in this area.

Further assessment will be undertaken as to the suitability of installing an accessible parking space near the public toilets that service Duranbah Beach.

The Chairperson requested that this item be placed on the Schedule of Outstanding Resolutions.

Officer's Comments 22 August 2019:

The parking area outside the public toilets at Duranbah Beach have been assessed and are not accessible therefore installing an accessible parking space would not be appropriate. An accessible space could be installed but the cul-de-sac bulb near Lovers Rock Park would need some minor modifications including changing the existing no parking zone to a no stopping zone and installing a kerb ramp.

RECOMMENDATION TO COUNCIL:

That:

- 1. An accessible parking space be installed in Coral Street, Tweed Heads in the vicinity of Lovers Rock Park, including appropriate signage and linemarking.**
- 2. An accessible parking space is not supported in the vicinity of the public toilets at Duranbah Beach.**
- 3. The existing no parking on the east and west side on Coral Street near the cul-de-sac bulb be replaced with yellow no stopping lines to improve traffic flow.**

FOR VOTE - Cr James Owen, Ms Katherine Boulton, Roads & Maritime Services, Mr Rod Bates on behalf of Mr Geoff Provest, MP Member for Tweed

A3 Terranora Road was moved to Section B - Item B7

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE - MURWILLUMBAH

Nil.

GENERAL TRAFFIC ADVICE - TWEED HEADS

B1 [LTC] Tom Merchant Drive and Seabreeze Boulevard, Pottsville

ORIGIN:

Roads & Stormwater

FILE NO: ECM6011073; ECM6011469; Traffic Committee; Traffic Linemarking; Traffic Safety; Traffic School Zones

SUMMARY OF REPORT:

Applicant's Information:

Request that Council consider the installation of a "Give Way" or "Stop Sign" at the intersection of Tom Merchant Drive and Seabreeze Boulevard, Pottsville (in the vicinity of the childcare centre and gymnasium) as a traffic calming measure.

Request for a solid yellow "No Standing" line be delineated on the corners of Tom Merchant Drive and Seabreeze Boulevard, Pottsville as vision is impaired if people park their cars too close to the corner.

Applicant claims that all traffic (including vehicle traffic, bicycle riding, scooter riding and walking traffic) has increased in and around the new childcare centre and gymnasium. They have been encouraging families to walk or ride to childcare as way of reducing the traffic within the Seabreeze Estate, however some families are hesitant due to vehicles driving at quite a speed from Tom Merchant Drive. Applicant claims that most drivers do not even slow down as they turn on to Seabreeze Boulevard or from Seabreeze Boulevard onto Tom Merchant Drive.

Officer's Comment:

Tom Merchant Drive is a terminating road and there is no ambiguity that the drivers exiting onto Seabreeze Boulevard must give way. The request for a stop sign should not be supported as the minimal sight distance for a give way sign is available.

COMMITTEE ADVICE:

The request for a give way sign or a stop sign on Tom Merchant Drive at Seabreeze Boulevard is not supported.

B2 [LTC] McKissock Drive, Kingscliff

ORIGIN:

Roads & Stormwater

FILE NO: ECM6012802; Traffic Committee; Traffic Parking Zones; Bus Services General; Walter Peate Reserve Sports Field.

SUMMARY OF REPORT:

Applicant's Information:

Requesting a bus zone sign for the end of McKissock Drive, off Murphys Road. During event days eg: school, zone and district athletics carnivals there can sometimes be up to eight buses dropping off and picking up in the bottom turnaround. Parents and spectators park in the turnaround which then creates turn around problems for the buses. There is plenty of parking along the road edge for cars and trying to get up to eight buses picking up students whilst manoeuvring around up to ten cars does pose its difficulties. The sign would only need to be a bus zone during event days.

Officer's Comment:

The request would be difficult to implement and enforce with regulatory signage due to no strict definition for an event within the NSW road rules. It is noted that a bus zone of considerable length is on Wommin Bay Road adjacent to the sports fields and this could be utilised for drop-off or pick ups.

COMMITTEE ADVICE:

That the installation of bus zone parking on McKissock Drive is not supported as the existing bus zone on Wommin Bay Road should be used.

B3 [LTC] Casuarina Way (between Windsong and Avoca Streets) Casuarina

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5989979; ECM 6026217; Traffic - Committee; Traffic - Linemarking; Safety; Casuarina Way; Windsong Street; Avoca Street

SUMMARY OF REPORT:

Applicant's Information:

The applicant has requested traffic calming for Casuarina Way between Windsong Street and Avoca Street advising that it is the only stretch of road for 5km from Kingscliff North to South of Coles at Casuarina that has a broken white line and it is a straight stretch so turns this section of road into an overtaking lane or drag strip.

Mr Williams has an appointment to address the Committee.

Officer's Comment:

The section of Casuarina Way from the roundabout at Windsong Way to roundabout at Banzai Street is 830m in length. There is a roundabout approximately half way along the section at Ocean Avenue. Speed surveys conducted in 2016 approx. 180m north of Windsong Way indicate that the 85th percentile speed was 58km/h.

There are lengths of the road (240m south of Ocean Ave, 150m north of Ocean Ave) where the dividing line is a broken separation line.

Dividing barrier lines shall be used to create no-overtaking zones where there is restricted overtaking sight distance due to horizontal or vertical curves or where a hazardous condition exists.

The minimum overtaking sight distance is 150m on roads with a 50km/h signposted speed.

The Committee noted that the minimum sight distance requirements on Casuarina Way between Windsong Street and Avoca Street are met and the installation of dividing barrier lines on Casuarina Way between Windsong Way and Banzai Street is not required.

The applicant attended the meeting on 22 August 2019 and submitted a detailed presentation of possible options.

The presented options were reviewed and pedestrian refuges are generally used when there are significant pedestrian movements and the traffic volumes require road crossing in two stages. To improve safety for pedestrians at the crossing points, installing medians on their southbound approaches would narrow the road and provide improved sight distances for pedestrians.

COMMITTEE ADVICE:

That:

- 1. The installation of roadside medians on Casuarina Way for southbound approaches to the pedestrian crossing points north and south of Ocean Avenue be considered under existing Council programs or external grants.**
- 2. Additional pedestrian warning signage be installed as soon as practicable on both approaches to the crossing points north and south of Ocean Avenue and a similar type of treatment be considered for the length of Casuarina Way.**

B4 [LTC] Dianella Drive, Casuarina

ORIGIN:

Roads & Stormwater

FILE NO: ECM 5981156; 6023464; Traffic - Committee, Linemarking, Parking Zones, Safety; Pedestrian Safety; Dianella Drive, Casuarina

SUMMARY OF REPORT:

Applicant's Information:

Request received for yellow 'no stopping' lines across the driveways at numbers 12 and 14 Dianella Drive due to high parking demand associated with the Spice Den Restaurant.

Officer's Comment:

Prohibitive parking is generally not supported for driveway accesses unless there is significant road safety risks. The driveways are clearly defined and it should be noted that rangers and other officers have reported non-compliance with the existing signage and line marking in this area. Installing additional yellow no stopping lines may not result in increased compliance.

COMMITTEE ADVICE:

The installation of yellow no stopping lines at the driveways of 12 and 14 Dianella Drive, Casuarina is not supported.

B5 [LTC] Dulguigan Road, North Tumbulgum

ORIGIN:

Roads & Stormwater

FILE NO: ECM 6013170; ECM5960501; Traffic - Committee; Safety; Speed Zones; Heavy Vehicles; Dulguigan Road, North Tumbulgum, Kynumboon, Dulguigan, Urliup

SUMMARY OF REPORT:

Applicant's Information:

Following risks identified in a heavy vehicle route assessment the Tumbulgum Community Association has requested a reduction in speed limit from a default 100km/h to 80km/h.

Officer's Comment:

The road has a number of heavy vehicle movements to access Hy-tech quarry. The speed limit for trucks on Dulguigan Road is 60km/h. The 85th percentile for cars on the straight sections of Dulguigan Road is approximately 86km/h.

The Chairperson requested that this item be moved to Schedule of Outstanding Resolutions to allow for review by Roads and Maritime Services.

COMMITTEE ADVICE:

That the request for speed limit reviews on Dulgiugan Road be referred to the Roads and Maritime Services, who are the authority on speed limits in NSW, being:

- 1. 100km/h speed limit for light vehicles be reduced to 80km/h**
- 2. 60km/h speed limit for heavy vehicles be reduced to 50km/h**

B6 [LTC] Soorley Street, Tweed Heads South

ORIGIN:

Roads & Stormwater

FILE NO: ECM 6003720; Traffic - Committee; Linemarking; PN 12413; Soorley Street

SUMMARY OF REPORT:

Applicant's Information:

Request received in relation to the Freedom Aged Care driveways at 1-3 Soorley Street, Tweed Heads. It is reported that there is a 4.5m distance between their driveways and trucks park in this area regularly leaving it difficult for staff and residents to exit the driveway.

It is requested that a yellow line be added to this 4.5m strip making it a 'No Parking' zone.

Officer's Comment:

There is enough space between the driveways for a small vehicle to park and the driveways are wide enough for exiting motorists to position themselves to enhance sight distance. Prohibitive parking is generally not supported for driveway access unless there is a significant safety concern.

COMMITTEE ADVICE:

That the installation of a yellow no stopping line between the driveways at 1-3 Soorley Street, Tweed Heads is not supported.

B7 [LTC] Terranora Road, Terranora

ORIGIN:

Roads & Stormwater

FILE NO: ECM6013266; Traffic Committee; Terranora Road, Terranora; Traffic Safety; Traffic School Zones

SUMMARY OF REPORT:

Applicant's Information:

Background

Following a road safety audit of the school zone, a safety issue was identified on Terranora Road. Parents queuing on Terranora Road to access the school pick up and drop off zone are blocking through traffic and motorists are crossing double centrelines around a curve to continue eastbound. From observations, it is estimated that this issue occurs for twenty minutes each school afternoon. The school pick up and drop zone is currently not functioning optimally because parents/carers are waiting in the area twenty minutes before the bell, causing unnecessary queuing on Terranora Road.

Officer's Comment:

To address this issues, a 'No Stopping' zone could be installed from the school drop off and pick up zone to Federation Drive. This would provide no queuing opportunities on Terranora Road. Consequences of this treatment may be:

- Clear path for through traffic on Terranora Road.
- Increased circulation and u-turning on Terranora Road to access the pickup and drop off zone.
- School is encouraged to more efficiently manage the pick-up and drop off zone.
- Increased need for Police and Parking Ranger enforcement of 'No Stopping' zone.
- Change of behaviour where parents park in the shopping centre carpark in Henry Lawson Drive to pick up students.
- Increased use of public and active transport as parking and pick up is less convenient.

Another option is to remove the turning lanes on Terranora Road to access Shamara Road and move the double centrelines across to provide a legal queuing opportunity for parents/carers. The school have requested consideration of this option. This treatment would

require the removal of parking to the west of the public bus zone. Consequences of this treatment are:

- Clear path for through traffic on Terranora Road.
- Convenient queuing opportunity may increase the use of the drop off and pick up zone, increasing the length of the queue and problems in the future.
- The school pick up and drop off zone continues to operate inefficiently.
- Parents/carers more likely to use pick up and drop off rather than use public transport or park and walk.
- Motorists travelling westbound on Terranora Road can go around motorists waiting to turn right into the pickup and drop off zone.
- No right or left turn lanes into Sharmara Road.
- The cost to remove existing line marking and install new line marking.

There are other options such as a small section of no stopping line between Shamara Road and the pick-up and drop off zone. However, this would still encourage undesirable passing manoeuvres.

The Chairman requested that this item be moved to the B section of the Minutes.

COMMITTEE ADVICE:

That a meeting be convened to discuss options to improve parking and traffic arrangements around Terranora Public School with stakeholders, including Department of Education Infrastructure representatives, Roads & Maritime Services, NSW Police, School representatives, and Council officers.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held Thursday 26 September 2019 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 12:50pm.

EXECUTIVE LEADERSHIP TEAM COMMENTS:

A1 [LTC] Tweed Valley Triathletes September 2019 to March 2020

Nil.

A2 [LTC] Coral Street, Tweed Heads

Nil.

EXECUTIVE LEADERSHIP TEAM RECOMMENDATIONS:

A1 [LTC] Tweed Valley Triathletes September 2019 to March 2020

That the proposed Tweed Valley Triathletes 2019 to 2020 Season be supported subject to the following conditions:

1. **NSW Police approval being obtained.**
2. **Endorsement of the event by Bicycle NSW or Cycling QLD.**
3. **Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.**
4. **Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.**
5. **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 first event for the season. 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.**
6. **Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.**
7. **Adequate public liability insurance being held by the event organiser.**
8. **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.**
9. **Consultation with emergency services and any identified issues addressed.**
10. **Arrangements made for private property access and egress affected by the event.**
11. **The event be conducted and signposted (where applicable this supersedes signposting in accordance with RMS Guide to Traffic Control at Worksites) in accordance with the current RMS Guidelines for Bicycle Road Races to ensure consistency across the network.**
12. **The event organiser is to ensure that any proposed roads or pathways used for the event have been assessed and are fit for purpose.**

A2 [LTC] Coral Street, Tweed Heads

That:

1. **An accessible parking space be installed in Coral Street, Tweed Heads in the vicinity of Lovers Rock Park, including appropriate signage and linemarking.**
2. **An accessible parking space is not supported at this time in the vicinity of the public toilets at Durambah Beach.**
3. **The existing no parking on the east and west side on Coral Street near the cul-de-sac bulb be replaced with yellow no stopping lines to improve traffic flow.**

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice v3.0.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C1 [E-CM] Consolidation of High Flood Hazard Land at 6082 Tweed Valley Way, Burringbar

REASON FOR CONFIDENTIALITY:

Personal matters relating to the subject landowner's family and details of a potential transaction between Council and the 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: -

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer

mhm



Leaving a Legacy

Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.2 Asset Protection
- 1.2.1 Floodplain Management - To manage the risk of flooding and its impacts for property owners and the community.

ROLE: **Leader**

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