



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

Councillors: P Youngblutt (Deputy Mayor)
D Holdom
K Milne
W Polglase
K Skinner
J van Lieshout

Agenda

Ordinary Council Meeting Tuesday 21 August 2012

held at Murwillumbah Cultural and Civic Centre
commencing at 10.30am

COUNCIL'S CHARTER

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

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CONFIRMATION OF MINUTES

- 1 [CONMIN] Minutes of the Ordinary and Confidential Council Meetings held Tuesday 17 July 2012 and the Extraordinary Council Meeting held Tuesday 7 August 2012

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).

1. Minutes of the Ordinary Council Meeting held Tuesday 17 July 2012 (ECM 53512277).
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 17 July 2012 (ECM 53505665).
 3. Minutes of the Extraordinary Council Meeting held Tuesday 7 August 2012 (ECM 54489419).
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SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions as at 21 August 2012



Civic Leadership

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.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 *Civic Leadership*
- 1.2.1 *Council will be underpinned by good governance and transparency in its decision making processes*
- 1.2.2.1 *Priority decision making*
- 1.2.2.1.1 *Council decisions will be in accordance with the Community Strategic Plan*

FOR COUNCILLOR'S INFORMATION:

16 February 2010

ORDERS OF THE DAY

57 [NOM-Cr K Milne] Tree Removal Approval

NOTICE OF MOTION:

114

Cr K Milne

Cr K Skinner

RESOLVED that a report be brought forward on an appropriate system that requires authorisation for tree removal on private lands such as implemented in other councils.

Current Status: Workshop conducted on 12 June 2012 and a report is to be prepared for a future Council meeting.

17 April 2012

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

7 [PR-CM] Sale of Goods and Services at Public Markets on Council Controlled Land

212

**Cr P Youngblutt
Cr K Milne**

RESOLVED that:

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4. The General Manager invites the Chief Executive Officer of Destination Tweed to a meeting regarding possible future options of Destination Tweed working with individual market operators to assist in growing the market profiles within the Shire and tourism in general.

Current Status: A meeting is to be organised.

15 May 2012

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

9 [PR-CM] Development Application DA10/0737 for Alterations to Existing Highway Service Centre Comprising Two (2) New Diesel Refuelling Points, Expansion of Truck Refuelling Canopy, New Truck Parking Area (36 New Bays) and the Replacement of Existing Truck

270

**Cr P Youngblutt
Cr J van Lieshout**

RESOLVED that this item be deferred for four (4) weeks, at the request of the applicant.

Current Status: The applicant has submitted the requested further information. A further report will be submitted to Council once this information has been assessed by Council officers.

26 June 2012

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

12 [PR-CM] Development Application DA11/0230 for an Eight (8) Lot Subdivision at Lot 2 DP 626198 No. 178 Byangum Road, Murwillumbah

343

**Cr J van Lieshout
Cr P Youngblutt**

RESOLVED that this item be deferred to allow the proponent meet with Council staff to discuss possible alternative plans for this site and that a report be brought back to the July Council Meeting.

Current Status: Following the June Meeting, Council officers met with the owners planning consultant. The owner has advised that he is willing to further investigate a revised subdivision layout in order to avoid the need for compulsory acquisition of a stormwater easement on an adjoining private property. It is therefore considered appropriate that Council further defer consideration of this development application to enable the applicant to lodge amended plans.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

27 [CNR-CM] Management and Dedication of Environmental Lands at Kings Forest and Cobaki

364

**Cr K Skinner
Cr W Polglase**

RESOLVED that this item be deferred for a Workshop to include the proponent, Council officers and Councillors.

Current Status: A Workshop has been held and awaiting further advice from the proponent with regard to management plan implementation costs, prior to submitting a report to Council.

ORDERS OF THE DAY

74 [NOM-Cr D Holdom] Promotional Banners Concept

NOTICE OF MOTION:

418

**Cr D Holdom
Cr K Skinner**

RESOLVED that the General Manager investigates and reports back to Council on the concept of promotional banners being utilised to promote events/festivals within selected areas of the Tweed as suggested by the Tweed Chamber of Commerce.

Current Status: Investigations currently underway.

88 [NOM-Cr K Milne] Street Tree Planting

NOTICE OF MOTION:

425

**Cr K Milne
Cr B Longland**

RESOLVED that Council brings forward a report on the adequacy of funding in Council's current Section 94 Developer Contribution Plan for Tweed Heads street tree planting, and the possibility of developing a Shire wide Section 94 Plan for the planting of street trees in the Shire's central business areas and particularly South Tweed Heads.

Current Status: A report to be prepared.

17 July 2012

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

36 [EO-CM] Compulsory Acquisitions of Land - Harrys Road, North Arm

470

Cr P Youngblutt

Cr K Skinner

RESOLVED that:

1. Council investigates the options and reports back with regard to financial implications with respect to acquisition of the subject land.
2. A Workshop be conducted regarding this matter prior to the August meeting.

Current Status: A Workshop has been conducted.

ORDERS OF THE DAY

57 [NOM-Cr B Longland] Tweed Heads Streetscape

NOTICE OF MOTION:

490

Cr B Longland

Cr D Holdom

RESOLVED that Council enter negotiations with the owners of the site at the corner of Bay and Wharf Streets, Tweed Heads, with a view to removal of the hoarding and remediation of the area in order to enhance the gateway public domain of Tweed Heads.

Current Status: Council staff to make further contact with the owner of the site and a report regarding the outcomes of that meeting will be submitted to a future Council meeting.

58 [NOM-Cr B Longland] Year Twelve Art Exhibition

NOTICE OF MOTION:

491

**Cr K Skinner
Cr P Youngblutt**

RESOLVED that Council brings forward a report on the establishment of an annual exhibition at the Tweed River Art Gallery for Higher School Certificate visual arts students to exhibit works to be nominated by each of the High Schools in the Tweed Shire.

Current Status: A report to be prepared for Council.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute - Period from 04 July to 04 August 2012

SUBMITTED BY: Cr B Longland, Mayor



Civic Leadership

Councillors,

COMMITTEE MEETINGS

Attended by the Mayor

- 4 July 2012 - Murwillumbah Community Centre Management Committee - Murwillumbah Community Centre, Knox Park, Nullum Street, Murwillumbah (also attended by Cr Polglase).
 - 12 July 2012 - Murwillumbah Museum Redevelopment Sub-committee - Coolamon Cultural Centre - Tumbulgum Road, Murwillumbah.
 - 01 Aug 2012 - Murwillumbah Community Centre Management Committee - Murwillumbah Community Centre, Knox Park, Nullum Street, Murwillumbah (also attended by Cr Polglase).
 - 03 Aug 2012 - NOROC Meeting - Kyogle Council, Kyogle.
-

INVITATIONS:

Attended by the Mayor

- 4 July 2012 - Tweed Business Advisory Board - Saltbar Beachbar & Bistro, Salt Village.
 - 4 July 2012 - Combined Tweed Rural Industries Meeting re Sandercocks Quarry Murwillumbah Showgrounds, Queens Road (also attended by Crs Polglase and Youngblutt).
 - 6 July 2012 - Murwillumbah Chamber of Commerce Breakfast - Greenhills on Tweed, 131 River Street, South Murwillumbah.
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- 6 July 2012 - NAIDOC Week March - Tweed Heads Civic Centre, Brett St, Tweed Heads.
- 6 July 2012 - NAIDOC Week Dinner Dance - Cudgen Leagues Club, Wommin Bay Road, Cudgen.
- 7 July 2012 - Murwillumbah Festival of Performing Arts, JJ Richards Memorial Scholarship Dance Performance - Murwillumbah Civic Centre, 3 Tumbulgum Rd, Murwillumbah.
- 9 July 2012 - Murwillumbah Rotary Club - Greenhills on Tweed, 131 River Street, South Murwillumbah.
- 10 July 2012 - Tweed Chamber of Commerce Meeting - Tweed Heads Bowls Club, Wharf Street, Tweed Heads (Crs Polglase and Skinner also attended).
- 11 July 2012 - 4CRB Radio Talkback with the Mayor - 4CRB Radio, Burleigh Heads.
- 11 July 2012 - Twin Towns Friends Lunch Meeting - Health and Community Care Centre, Minjungbal Drive, South Tweed.
- 14 July 2012 - Chinderah Scouts & Rotary Club of Tweed Heads South official opening of the Scouts new facilities - Scout Hall, Chinderah Rd, Chinderah (Cr Polglase also attended).
- 16 July 2012 - Special Meeting of Aboriginal Advisory Committee - Land Council Offices, Ourimbah Road, Tweed Heads West (Cr Holdom also attended).
- 16 July 2012 - Resident Awards Presentation - Mountain View Retirement Village, Ingram Place, Murwillumbah.
- 16 July 2012 - Cudgen Progress Association Meeting - Cudgen School, Collier Street, Cudgen (also attended by Crs Holdom and van Lieshout).
- 17 July 2012 - Kingscliff & District Chamber of Commerce Meeting - Cudgen Headland Surf Club, Marine Parade, Kingscliff (Cr Polglase also attended).
- 23 July 2012 - Tweed Heads Police & Community Youth Clubs (PCYC) AGM - PCYC, Florence Street, Tweed Heads
- 23 July 2012 - Business Breakfast with Gold Coast Mayor Tom Tate, Strategic Vision for the Gold Coast - Gold Coast Convention Centre, Broadbeach
- 24 July 2012 - Wharf Park Opening - Wharf Park, Tumbulgum Road, Murwillumbah (also attended by Crs Holdom & Youngblutt)
- 24 July 2012 - NSW Small Business Commissioner's (Yasmin King) 2012 Listening Tour - Greenhills on Tweed, 131 River Street, Murwillumbah (Crs Youngblutt, van Lieshout and Milne also advised their attendance)

- 25 July 2012 - Tweed Byron Life Education Action Group Ceremony in recognition of sponsors - The Centaur Primary School, Eucalyptus Drive, Banora Point
- 26 July 2012 - Meet and Greet with local representative of the Buddhist Council of New South Wales - Murwillumbah Civic Centre, Tumbulgum Rd, Murwillumbah
- 27 July 2012 - Opening of Next 2 Murrays Cafe - Main Street, Murwillumbah
- 27 July 2012 - Tweed River Art Gallery (TRAG) Friends' Gala Event: An evening with Michael Zavros - TRAG, Mistral Road, Murwillumbah (also attended by Cr Polglase)
- 29 July 2012 - Coal Seam Gas Lock the Gate Alliance Community Celebration - Crystal Creek Hall, Numinbah Road, Crystal Creek
- 30 July 2012 - Murwillumbah Rotary Club - Greenhills on Tweed, 131 River Street, South Murwillumbah.
- 01 Aug 2012 - Tweed Fresh Launch hosted by Destination Tweed - John Bradfields Farm, Limpinwood Road, Tyalgum Village
- 01 Aug 2012 - Lifebridge art exhibition opening - Tweed Coastal Framing and Design, Industry Drive, South Tweed
- 02 Aug 2012 - 2012 Regional Director's Excellence in Education Awards, Far North Coast and Southern Cross presentation ceremony - Banora Point High School, Eucalyptus Drive, Banora Point
- 03 Aug 2012 - Murwillumbah Chamber of Commerce Breakfast - Greenhills on Tweed, 131 River Street, Murwillumbah
- 04 Aug 2012 - Jimbos Sleepout fundraiser for the You Have a Friend organization - St Joseph's College Oval, Banora Point

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

- 13 July 2012 - Aboriginal Advisory Committee meeting - Minjungbal Museum, Tweed Heads South (Cr Holdom attended).
- 18 July 2012 - Twin Towns Friends Xmas in July - Twin Towns Services Club, Wharf Street, Tweed Heads (Cr Holdom attended).
- 20 July 2012 - Margaret Olley Art Centre Steering Committee meeting - Marks Family Library, Tweed River Art Gallery (Warren Polglase attended as a committee member).

Inability to Attend by or on behalf of the Mayor

- 8 July 2012 - The Caba Creative inaugural AGM - Cabarita Surf Life saving Club, Pandanus Parade, Cabarita Beach.

- 10 July 2012 - Serene Living re-launch - Tweed Heads Bowls Club, Cnr Wharf St and Florence St, Tweed Heads.
 - 18 July 2012 - First general members meeting, Tweed Heads Community Men's Shed - South Tweed Sports Club, 4 Minjungbal Drive, Tweed Heads South.
 - 19 July 2012 - Sub-committee meeting, Local Traffic Committee - Murwillumbah Civic Centre, 3 Tumbulgum Rd, Murwillumbah.
 - 19 July 2012 - Sub-committee meeting, Tweed River Regional Museum Advisory Committee - Coolamon Cultural Centre, Tumbulgum Rd, Murwillumbah.
 - 21 July 2012 - Tweed District Rescue Squad 40th Anniversary Dinner - Visions Room, Twin Towns Resort.
 - 27 July 2012 - Kingscliff & District Chamber of Commerce Networking Night - Cudgen Headland Surf Club, Marine Parade, Kingscliff
 - 29 July 2012 - Northern Rivers Symphony Orchestra Russian Programme - Tweed 27 July 2012 - Heads Civic Centre, Brett St, Tweed Heads
 - 29 July 2012 - Tyalgum Festival Concert - Tyalgum Community Hall, Coolman Street, Tyalgum
-

REQUESTS FOR WORKSHOPS:

Councillors did not request any new workshops in the period from 04 July to 04 August 2012.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any Conferences in the period from 04 July to 04 August 2012.

Information on Conferences to be held

There has been no advice of conferences for Councillor attendance prior to the 8 September election.

SIGNING OF DOCUMENTS BY THE MAYOR:

- 06 July 2012 - Application for Replacement Certificate of Title - Queensland Road Murwillumbah.
- 24 July 2012 - Transfer Releasing Easement - Seaview Road Banora Point.
- 27 July 2012 - Lease to Terranora Tennis Inc. - Henry Lawson Drive Terranora.
- 1 August 2012 - Deed of Agreement - Horizon Housing Solutions Inc.

COUNCIL IMPLICATIONS

a. Policy:

Code of Meeting Practice Version 2.2.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
- 1.2.2.1 Priority decision making
- 1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

RECOMMENDATION:

That the Mayoral Minute for the period from 4 July to 4 August 2012 be received and noted.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 4 [GM-CM] First Round Applications for Financial Assistance 2012/2013 - Donations Policy

SUBMITTED BY: Communications and Marketing



Supporting Community Life

SUMMARY OF REPORT:

Through the Donations Policy, Tweed Shire Council recognises the need to assist non-profit community groups, organisations and individuals who are interested in and are working towards the enhancement and the wellbeing of its residents and the Tweed.

Council advertises in the Tweed Link and invites applications for financial assistance from eligible organisations in accordance with its Donations Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and the end of February for the second round.

First round applications for financial assistance were invited under Council's Donations Policy and closed on 31 July 2012. Tweed Link advertisements calling for applications appeared in Issue 767, 3 July 2012.

RECOMMENDATION:

That Council:

1. **Allocates the First Round Donations for 2012/2013 under the Donations Policy as follows:-**

<u>Applicant</u>	<u>Amount</u>
Tweed River Classic Boat Regatta	\$750
Tweed Unlimited Arts	\$800
Cooloon Children's Centre Inc	\$1500
Combined Groups Neighbourhood Watch Tweed Valley	\$450
Tweed Hospital Pink Ladies	\$300
Chillingham Community Preschool	\$1500
Tweed Heads Community Men's Shed Inc.	\$560
Coolangatta Tweed Heads Legacy Laurel Club	\$1000
Tyalgum District Community Association	\$1000
Chillingham Voices Community Choir	\$1000
Mothers Milkbank Pty Ltd	\$1290
Gold Coast District Orchid Society Inc	\$500
Joey's Pouch Educational Child Care Centre	\$1500
Murwillumbah Potters Inc	\$650
TOTAL:	\$12,500

2. **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
- (a) **personal matters concerning particular individuals (other than councillors)**

REPORT:

Council has \$25,000 allocated in 2012/2013 budget for the Donations Policy. It is recommended that \$12,500 be allocated in the first round.

The following criteria are used to determine applications:

- No financial assistance will be given to privately owned businesses/companies.
- Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
- No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
- The funds are not to be used for a social activity for members of the organisation exclusively.

A panel of three senior staff and the Mayor, Councillor Longland reviewed the applications and agreed on the recommendations provided to Council for their consideration.

List of applicants for First Round Donations for 2012/2013:

Applicant	Amount	Summary
Tweed River Classic Boat Regatta	\$750	Towards running costs of the regatta at Condong on 6 October 2012. Volunteer run event.
Tweed Unlimited Arts	\$800	For a picture hanging system for gallery and work area.
Mumzbuzz	\$1500	Website to link businesses with a social network of activities, events for isolated mothers on the Tweed coast.
Cooloon Children's Centre Inc	\$1500	Towards running costs of annual Kids Fest promoting family support and involvement.
Combined Groups Neighbourhood Watch Tweed Valley	\$450	To add another school to School Watch program currently covers Banora Point, Uki, Fingal Heads.
Tweed Hospital Pink Ladies	\$300	For framing donated pictures, wool and fabric for making clothes for special care nursery and children's paint aprons.
Chillingham Community Preschool	\$1647	For second garden shed outside children's play area, to free up space for children's equipment and access in current shed.
Tweed Heads Community Men's Shed Inc.	\$950	Industrial vacuum cleaner (\$400) and kitchen equipment including BBQ (\$550)
Coolangatta Tweed Heads Legacy Laurel Club	\$700	Running costs for program of activities providing social contact for isolated aged in the Tweed.
Tyalgum District Community Association	\$2000	Contribution to bi-monthly newsletter and Spring Fair for Tweed rural village communities.

Applicant	Amount	Summary
Chillingham Voices Community Choir	\$2000	Towards hire of venue, orchestra and promotion cost of Three Choirs Festival, All Saints Anglican Church, September 2012.
Mothers Milkbank Pty Ltd	\$3110	Stainless steel to FDA standards workbench (\$740) and storage cabinet (\$550); fridge/freezer (\$1770) and fridge gauge and alarm (\$50)
Gold Coast District Orchid Society Inc	\$1000	Prize money encouraging participation by gardeners, Gold Coast Tweed.
Joey's Pouch Educational Child Care Centre	\$1750	Renovations to the outdoor learning area currently dark and in need of basic repairs and improvements.
Voice Weavers	\$2000	Towards speakers suitable for a cappella performance in outdoor venues.
Murwillumbah Potters Inc	\$650	For installation of a stainless steel sink for cleaning of pottery equipment and general use, in front of the tank stand.
Uki Kids Club	\$1500	Renovation of Out of School Hours room, enabling community groups to use as well.
Totals	\$30,007	

Background

List of recipients of Donations Funding 2011/2012:

First Round

Applicant	Amount	Summary
St Vincent de Paul Society	\$1000	For rent of a storage shed to hold supplies and equipment for disaster relief.
Voice Weavers Acappella Choir	\$1000	For portable amplifier to enable the choir to sing at different venues in the Tweed.
Murwillumbah Friendship Club	\$500	Assistance with activities for aged.
Caldera Institute for Sustainable Community Development	\$1000	Cost of fencing a community kitchen garden at the Salvation Army Centre in Banora Point.
The Merry Marions	\$100	Making handcrafted comforters for disturbed children and adults.
Tweed Shire Women's Service Inc	\$1000	Contribution to International Womens Day celebrations/Wonder of Women Awards Ceremony.
Coolangatta Senior Citizens Centre Inc	\$1150	To replace the hand basin taps in facilities with auto activation taps. Majority of members (73%) are from the Tweed.
Murwillumbah Community Men's Shed Inc	\$1000	To purchase of a computer and printer for Murwillumbah's Men's Shed.

Applicant	Amount	Summary
Tweed Valley Woodcrafters Association	\$1000	Assistance with purchasing dust extraction filters
Riding for the Disabled Tweed Valley Centre	\$1200	To assist with care of horses.
Friends of the Koala Inc.	\$1500	Assist with Koala Care Centre and Rescue Van
Mt Warning Community Preschool	\$1000	To fund the Rhapsodaisy Music Program for the children at the preschool.

Second Round

Applicant	Amount	Summary
Blind Citizens Australia (Tweed Branch)	\$875	For stationary, printer and toner cartridges to assist in operating support service for vision impaired
Northern Region SLSA Helicopter Rescue Service	\$2000	Updating the emergency egress air devices for air crews in case the aircraft is submerged
Bray Park Neighbourhood Watch	\$200	To assist with printing and delivery of 1600 newsletters to residents
Twin Towns Friends Assoc. Inc.	\$2000	To assist volunteers who provide support and company to the frail and lonely in Tweed Heads
Gold Coast Tweed Regional Committee of CAQ (Croquet)	\$300	Towards costs of programmes, postage, travel and promotion of the annual croquet tournament held predominantly in Tweed and Murwillumbah.
Friends of the Pound (Tweed) Inc	\$1000	To support the de-sexing voucher program for low income Tweed residents to de-sex their cat or dog at a subsidised cost.
Vibe Care Ltd	\$2000	Purchase commercial quality display freezers for the storage and distribution of food to 200 families in Tweed Heads.
You Have A Friend Inc	\$2000	For fuel for 3 vans used to provide meals and second hand clothes to homeless in the Tweed Shire and Coolangatta.
Tweed Heads PCYC	\$1500	PA for clubs band room, provides well equipped sound proof studio for wide range of users

OPTIONS:

Not applicable.

CONCLUSION:

The amount available for allocation in the First Round is \$12,500 the remaining amount of \$12,500 will be allocated in the Second Round.

COUNCIL IMPLICATIONS:

a. Policy:

Donations Financial Assistance Version 1.1.

b. Budget/Long Term Financial Plan:

An amount of \$12,500 is recommended for distribution in the First Round Donations 2012/2013. The total budget available is \$25,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities.
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
- 2.1.1.7 Build community resilience

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** – Assessment of the Donations Policy Funding First Round 2012/2013 (ECM54246854).
-

5 [GM-CM] Citizens Panel

SUBMITTED BY: Communications and Marketing



Civic Leadership

SUMMARY OF REPORT:

Tweed Shire Council adopted its Community Engagement Strategy (Version 1.0) in September 2010, to provide a guide on how the organisation will engage with community in Council's strategic planning and decision making processes.

One of the initiatives in the strategy was the creation of an 800-person Citizens Panel, an unbiased and statistically representative sample of the community to provide ongoing comment and general feedback on various issues for consultation.

To successfully provide a 'snapshot' of wider community opinion, it was essential the panel was statistically representative and randomly selected from a reliable source, not one of self-nomination.

Council wrote to the NSW Electoral Commissioner twice to request an electronic copy of the electoral roll for the exclusive purpose of randomly selecting citizens; however both requests were refused on grounds of public interest.

While an alternative method of selecting panel members has been investigated by Council and is outlined in the adopted Community Engagement Strategy it would not maintain the statistical integrity needed to achieve the reliable public opinion 'snapshot' the panel was intended to provide.

In addition, the significant resources and budget required to create and manage the citizens panel might be better directed to additional resources to enhance the consultation methods which have been successfully implemented by Council since the strategy was adopted.

A revised Community Engagement Strategy (version 1.1) is attached. The only amendments to the strategy include the removal of any reference to the Citizens Panel, an updated list of Council Committees, stronger definition and emphasis on 'Community Conversations', change 'Councillor Cuppa's' to 'Councillor Community Catch-ups' and updated Customer Service Centres to Customer Contact Centres.

RECOMMENDATION:

That Council:

- 1. Does not progress with the establishment of an 800-person Citizens Panel and considers additional resources to continue to improve community engagement across the organisation.**
- 2. Adopts the Community Engagement Strategy (Version 1.1).**
- 3. Removes the items 1.2.1.7, 1.2.4.1 and 1.2.4.2 from the Delivery Program 2011/2015 and Operational Plan 2012/2013.**

REPORT:

Achievements since the Community Engagement Strategy was adopted:

- Employment of a centralised Communications Officer - Community Engagement (International Association of Public Participation - IAP2 trained)
- Key input to strategic documents including the Community Strategic Plan and Annual Report.
- Establishment of yoursaytweed.com.au engagement website with six independently facilitated online forums attracting more than 460 registered users, 11,500 visitors and more than 10,500 document downloads including – Community Strategic Plan, Kingscliff Central Park Concept Plans, Youth Strategy, Tweed Housing Code, Delivery Program and Operational Plan and Improving Access and Inclusion in Tweed.
- Formulation of Communication Plans and Strategies for many of the organisation's major projects and strategic planning issues.
- Enhanced engagement for 'On Exhibition' and regulatory requirements
- Project management and evaluation of community engagement projects.
- Collaboration with other consultants and engagement professionals to ensure Council projects align with the Community Engagement Strategy.
- Coordination of 'Community Cuppas' – Councillors forum to engage with the public.
- Coordination of Round Tables with community leaders and ratepayer groups
- Development of podcasts, surveys and many other engagement tools to improve awareness.
- Improved use of technology as a communication tool and expanded use of social media including the adoption of Online and Social Media Policy.
- Incorporation of Community Engagement Strategy into Council's Project Management System.

The Community Engagement Strategy guided the engagement for the Community Strategic Plan 2011-2021, which earned Council an Excellence in Communication Award at the 2011 RH Dougherty Awards (NSW).

There will also be greater community engagement demands on Council if a proposed new planning system is introduced by the State Government. A Green Paper outlining the system proposes a Public Participation Charter to require community engagement during the strategic planning stages of Council activities.

Citizens Panel - Background

Tweed Shire Council adopted its Community Engagement Strategy Version 1.0 in September 2010, to provide a guide on how the organisation will consistently involve the community in Council's strategic planning and decision making process.

The creation of a Citizens Panel - to sample an unbiased and statistically representative portion of the community - was one of the key initiatives in the strategy. Detailed information about the panel and structure can be found in the Appendix of the adopted Community Engagement Strategy, under separate attachment.

It was proposed panel members would be recruited by randomly selecting residents' names from the electoral roll. However, legislation changes in 2004 have meant the NSW Electoral Commission now rarely provides copies of the electoral roll.

Council wrote to the NSW Electoral Commissioner twice, in May 2010 and August 2011, requesting a copy of the electoral roll to use for recruitment of members to the Citizens Panel. On both occasions, the NSW Electoral Commissioner refused Council's application to gain an electronic copy of the roll, on grounds of public interest.

As an alternative, Council considered conducting random selection from two databases:

- **Ratepayers:** In August 2011, Council adopted a revised Privacy Management Plan to include provisions for the organisation to use its ratepayer database to recruit Citizen Panel members. With an average of 2.4 people per home, ratepayer households represent more than 64,000 residents, which is approximately 75 per cent of the total Tweed population. The database also includes Tweed Shire's non-resident ratepayers.
- **Non-ratepayers residing permanently in the Tweed:** It was proposed that resident non-ratepayers who would like to be considered for selection through the random selection process to the Citizens Panel could register on the second database. A comprehensive promotion campaign would be conducted by Council to invite non-ratepayer residents to register on the database.

After further investigation, Council staff came to the conclusion the statistical integrity of a citizens panel by this method would not be sufficient to justify the resources required to form and manage the panel. This statistical integrity would be undermined by two main factors:

- The use of an existing ratepayer database could create a disproportionate number of Tweed property owners on the panel - affecting the demographic representation of the membership.
- A reliance on resident non-ratepayers to nominate for the second selection database would dilute the panel's emphasis on giving a voice to the 'silent majority'. Relying on people to nominate meant the second database was likely to be dominated by motivated residents who were already likely to participate in existing methods of engagement. This would be contrary to the panel's intention to achieve feedback from the broader community.

Alternatives for the youth component of the Citizens Panel should be considered following recommendations from the Youth Strategy 'Shout Out' which is currently in the community engagement stage and on yoursaytweed.com.au.

In addition, the expenses and resources to promote and establish the panel and maintain the ongoing statistical integrity would be considerable, and are not in the current budget.

CONCLUSION:

While an alternative method of selecting Citizen Panel members has been investigated by Council it would not maintain the statistical integrity needed to achieve the reliable public opinion 'snapshot' the panel was intended to provide. In addition, the significant resources and budget required to create and manage the citizens panel might be better directed to additional resources to further enhance the consultation methods which have been successfully implemented by Council under the Community Engagement Strategy.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy Version 1.0 to be replaced with Community Engagement Strategy Version 1.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 1.2.1.7 Implement Council's Community Engagement Strategy
- 1.2.4.1 Establish a Citizens Panel and appropriate support facilities to provide an additional source of community input to Councillor's decision making
- 1.2.4.1.1 Citizens Panel internet infrastructure built and added to the Council's website
- 1.2.4.2 Implement Council's Community Engagement Strategy
- 1.2.4.2.1 Implement Youth Panel as part of the Citizens Panel as one engagement method of the Community Engagement Strategy

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Revised Community Engagement Strategy 1.1 (ECM54636544)
 - 2. Adopted Community Engagement Strategy 1.0 (ECM54635487)
 - 3. Letters to and responses from NSW Electoral Commission (ECM54635503)
 - 4. Supporting letters from Local Government Shires Association and International Association of Public Participation (ECM54635505)
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6 [GM-CM] Code of Conduct Complaints 2011/2012

SUBMITTED BY: General Manager



Civic Leadership

SUMMARY OF REPORT:

Council's Code of Conduct Clause 12.33 states that:

The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- a) number of complaints received,*
- b) nature of the issues raised by complainants, and*
- c) outcomes of complaints.*

The following report provides an overview of the four Code of Conduct complaints received and outcomes resulting from the 2011/2012 reporting period.

RECOMMENDATION:

That Council receives and notes the Code of Conduct Complaint Report for the period 1 July 2011 to 30 June 2012.

REPORT:

Number of Complaints

Council received four Code of Conduct complaints for the period 1 July 2011 to 30 June 2012.

Two of the complaints related to alleged breaches of the pecuniary interest provisions of the Act and were therefore referred to the Division of Local Government. In both instances the Division advised there was insufficient evidence to establish a breach of the pecuniary interest provisions of the Act.

One further complaint was also referred to the Division of Local Government as it inferred that there had been improper dealings with developers. This matter was reviewed by the Division of Local Government, with no action being deemed necessary from the Division's perspective. This matter is currently the subject of mediation and consultation action being undertaken to resolve this matter.

The other complaint was dealt with by the General Manager, who determined there was no prima facie case when assessed against the complaint assessment criteria in section 13 of the Code of Conduct:

13 COMPLAINT ASSESSMENT CRITERIA

13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:

- a) whether there is any prima facie evidence of a breach of the code of conduct*
- b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager*
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith*
- d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct*
- e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police*
- f) whether there is an alternative and satisfactory means of redress*
- g) how much time has elapsed since the events the subject of the complaint took place*
- h) how serious the complaint is and the significance it has for council*
- i) whether the complaint is one of a series indicating a pattern of conduct.*

13.2 *Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.*

13.3 *If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 13.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.*

Nature of Issues raised by Complainants

The nature of the complaints can be summarised as:

Gifts and Benefits	1 complaint
Conflict of interest (pecuniary)	2 complaints
Improper dealings	1 complaint

Outcomes of complaints

One matter is currently the subject of ongoing mediation and consultation between the parties. The other matters were deemed to contain insufficient evidence to be progressed to an investigation or referral stage and were dismissed.

The number of complaints received in comparison to the previous years is as follows:

2011/2012	4
2010/2011	7
2009/2010	24

OPTIONS:

That Council receives and notes the report.

CONCLUSION:

That the report is received and noted in accordance with the requirements of Clause 12.33 of the Code of Conduct Version 1.8.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Conduct Version 1.8.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 1.2.1.4 Comply with Division of Local Government Strategic Task requirements

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

7 [GM-CM] Destination Tweed Quarterly Performance Report - April to June 2012

SUBMITTED BY: Business and Economic Development



Strengthening the Economy

SUMMARY OF REPORT:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly reports for the quarter 1 April to 30 June 2012. All financial information that is of a 'commercial in confidence' nature in this report has been provided in a confidential attachment.

This report recommends that Council endorses the 1 April to 30 June 2012 quarterly report from Destination Tweed.

RECOMMENDATION:

That Council

- 1. Endorses Destination Tweed's Quarterly Report for the quarter April to June 2012.**
- 2. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
 - (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:



Quarterly Report to Council April to June 2012

1. TOURISM MARKETING & PROMOTION

Engage with Industry:

- As a member of the Tourism Managers Group, the CEO maintains a high level of contact with the regions LGA's and Regional Tourism Organisation.
- Destination Tweed remains the lead agency for NSW in the Australia's Green Cauldron (AGC) National Landscapes Programme (NLP)
- Regular meetings with Destination NSW & Tourism Australia.
- Regular communications with Department of Resources, Energy and Tourism
- Relationship development with travel trade (retail, wholesale, ITA's, airlines, ITO's & DMC).
- Regular communication and attendance of industry forums such as ATEC and RTO.
- Ongoing marketing, product development and PR with members.

Survey Members & Operators:

DT surveyed its members and operators to ascertain current barriers and constraints to marketing and development. A number of factors were identified, primarily that members wished for a lower cost user pays membership base to access tool and skills as they need it as opposed to a higher cost all inclusive styled membership.

This reflects the varying stages of development the local tourist industry is in. More in-depth and comprehensive surveys will be carried out through the Business Retention and Expansion Survey.

Tourism Update:

- Network News sent to membership and stakeholders.
- Individual member meeting and updates provided by CEO.
- Small group updates conducted by CEO.

Identify Product / Experience / Infrastructure Gaps:

Through engagement of industry and consumer research DT have identified a number of gaps in the provision of services or product with which to fulfil the consumer experiences.

Through the Experience Development Strategies (EDS) developed for AGC, a number of regional and local issues were identified. The EDS will provide the future framework and rationale for much of the product development.

Partnership with both private and public entities are required to bridge the gap in the provision of such services and product developments. The commencement of the Strategic Tourism Investment Grants (STIG) will enable the development of a number of product development initiatives. This program will be rolled out from September onwards as part of the NLP

Greater partnership with Parks NSW and Parks Australia is required in order to deliver the required experiences in the natural environment. This is an ongoing process and will take a number of years to achieve.

Engage with Private Sector:

Through the course of daily operations DT are engaged with its members and the broader tourism and tourism related industries.

DT, through the activity for Economic Attraction, has met and progressed a number of development initiatives from the private sector such as

- Dive Pool
- Wave Garden
- Mooball Café
- Seagulls Theatre

DT has also been involved in the Regional Development funds from the Regional Partnership Program to develop regional packages utilising private sector operators. This is core and fundamental product development.

Develop Tweed Tourism Brand:

The Tweed Tourism brand is centred on the natural environment. The brand's identity and reinforcement is being developed and built around the marketing campaign. The current logo and corporate identities fit with this brand development strategy as does the sub-brands of Tweed Tourism and Tweed Business.

In regards to tag lines, these are elements that people unnecessarily deliberate on and research in terms of destination development; this indicates that consumers are not interested in regional tag lines. This is not the case from an National Tourism Organisation (NTO) perspective where taglines from Malaysia and Thailand have resonance that is achieved through massive expenditure. In a regional sense, it is the experiences that need to be developed and pushed to the fore front.

In simple terms, we need to build brand identify and product experiences before a tag line can be developed.

Develop Print Advertising:

DT continues to undertake print advertising in conjunction with marketing campaigns and cooperative marketing opportunities. This type of marketing is about developing the regions destination profile and the experiences contained within.

Develop & Produce Maps:

DT is in the process of consolidating content and designing a Tweed Touring Guide that includes experiences such as food, art, history and scenic trails into one brochure. Maps will be reproduced for this publication.

DT currently stocks a number of maps on the region.

Website Development:

DT website has been delivered. The integration into third party domains remain a source of concern, this relates to the querying of data from the Bookeasy data base via the Evolved API. This will be resolved within a few weeks of writing this report. Then the site will be live.

Develop and Produce Visitors Guide:

The Tweed Visitors Guide (TVG) is now underway. The production of this has been pushed back so that the brochure life covers the tourist season and is better aligned to the industry brochure year. It is expected that this will be distributed in October.

Develop and Produce Relevant Brochures:

DT is in the process of consolidating content and designing a Tweed Touring Guide that includes experiences such as food, art, history and scenic trails into one brochure.

DT are also producing a suite of brochures along with the above that provide a full range of promotional material for the regions key experiences. This will be matched in the TVG and on the website.

Fam Trips:

Destination Tweed engages Verve Consulting for Public Relations. A report is attached as Appendix 1.

Editorial / PR:

Destination Tweed engages Verve Consulting for Public Relations. A report is attached as Appendix 1.

Social Media:

DT continues to manage social media channels which are an important part of developing the destinations profile.

TOURISM MARKETING & PROMOTION TIMELINE

Action	Apr	May	Jun
Engage with industry			
Survey members and operators			
Tourism Update			
Identify product / experience / infrastructure gaps			
Workshops / forums for local industry			
Outline product / experiences investment opportunities			
Annual Forum to review products and experiences			
Engage with private sector			
Work with Council to support infrastructure improvements			
Develop Tweed Tourism Brand			
Develop print advertising			
Develop and produce maps			
Web Site development			
Develop and produce relevant brochures			
Develop and produce visitor guide			
Develop TVC			
Place Ads			
Run FAM trips			
Editorial / PR			
Social Media			

Tweed Tourism/Destination Tweed Website Analytics

Tweed Tourism/Destination Tweed website analytics for the April, May, and June quarter:

Site Usage	April	May	June	Total / Average
Number of visits	4607	5356	5603	15 566 (ttl)
Unique visits	3674	4103	4190	11 967 (ttl)
Time spent per visit	2.42	3.53	4.46	3.47 (av)
Page views per visit	3.86	3.50	3.73	3.69 (av)
Bounce rate	47.97%	52.11%	50.83%	50.30% (av)
New visits	74.63%	70.09%	68.96%	71.22 (av)

2. BUSINESS ATTRACTION

Engage with Local Business: Ongoing

DT CEO has been attending Chamber meetings and networking with local businesses. As well, the CEO now sits on local committees and is actively engaging with the business community.

Out of these meetings there is a clear need for a more formalised approach of collective communication with Council from Tweed industry as a whole, beyond the joint chambers. As such, DT are facilitating the development of the Tweed Business Advisory Board (TBAB) a small representative body made up of representatives from the combined chambers, manufacturing and industry.

The need for this was also identified by Tweed Shire Councillors in a recent Council meeting when they expressed their desire to meet quarterly with industry. The formation of TBAB is an important step in providing Council with a unified and informed view of the regions business needs.

Assist Local Business Explore NBN Opportunities:

DT has been involved with Council regarding the NBN, this is something that is raised with various industries that consume large amounts of bandwidth, engage in e-commerce or have an online presence. However, now that the region is on the waiting list, this has been moved backwards as a priority, but still in the planning.

Raise the Profile of Destination Tweed:

DT, through working with Australia Green Cauldron Development (Strategic investment grant program), Destination NSW, RDA and other local and state organisations has been promoting the region as a place of business, growth and opportunity.

Develop a Tweed Business Website:

The site for Tweed Business is active and live.

Develop and Maintain Marketing Material & Develop Customised Marketing Packages:

Collateral is completed and being distributed to relevant parties.

Collateral is effective to a point, DT have the 'hook' with nice imagery, good words that position the Shire as a potential place to invest or set up business. However DT does not have the 'drivers' that turn that interest in to a real prospect. These are outside of the control of DT and reside within council. Without these 'drivers' such as business start-up incentives, offsets, rebates or whatever mechanism is available for council to offer, then all DT has is collateral that has the ability to inspire people but not necessarily motivate them to move or invest in our region.

There is not a once size fits all, development of incentives that appeal and attract key markets identified in the Economic Attraction strategy adopted by council would enable DT to play a more effective role in.

Develop and Promote News Stories:

Destination Tweed engages Verve Consulting for Public Relations. A report is attached as Appendix 1.

Produce Annual Update on Tweed Economy

This is underway and will be made available to Council upon completion.

Hold Annual Economic Summit/Business Forum

Discussions were held with TBAB committee for their input and it was agreed to delay the timing of the forum to coincide with the 2012 Council Candidate announcements. TSC will be updated when this occurs.

Attend Trade Shows & Networking Events

- Country & Regional Living Expo in August 2012

- Chamber Networking Events
- Industry Forums

Meet with Media from Trade Publications:

This is an ongoing process to facilitate the promotion of the region as a place to do business.

Identify and Engage with Potential Investors:

DT has approached existing business within and outside of the region to set up and invest in expanding their operations to include the Tweed or to based their operations in the Tweed.

DT assists business in their application process for grant funding, and where appropriate will review grant funding applications. DT also assists in referring business to the NSW Government for relocation assistance packages and other business grants. However, since the closure of the NSW Trade & Investment office in Tweed Heads this partnership has slowed.

Provide Customised Information to Investors

DT continue to work with individuals and businesses interested in investing in the region or developing their existing business. Individuals are provided information based on their needs and requirements.

Hold regular meetings with State, RDA & Industry Reps:

Regular meeting have been held with various government departments and offices such as:

- ATEC
- Dept. Resources, Energy, Tourism
- Dept. Industry & Innovation
- EDA
- NSW Chamber
- Austrade

3. OPERATE VISITOR INFORMATION CENTRES

Provide visitor information services at Tweed Heads & Murwillumbah VICs:

It is important to note the visitor numbers listed below are taken from only two areas of the shire and register only those that come into the VIC. These figures should not be used to judge or compare effectiveness of marketing; they are a snap shot of a section of the market that travel to the region. Statistically sound data can be drawn from the NVS, IVS and room occupancy.

DT will be opening a VIC in Kingscliff; operations are expected to commence mid-august 2012

Movement in Visitor Numbers:

	2011/12	2010/11	Variance	2011/12	2010/11	Variance
	WHRC			Tweed Heads		
Sept Qtr	7238	7680	-5.76%	8721	9792	-10.94%
Dec Qtr	5442	5748	-5.32%	7507	7362	1.97%
Mar Qtr	5003	5211	-3.99%	7142	6765	5.57%
Jun Qtr	5854	5843	0.19%	6950	6916	0.49%
Total	23537	24,482	-3.86%	30320	30,835	-1.67%

- Murwillumbah had a slight increase in visitor numbers this quarter in comparison to same quarter last year by 0.19% and an increase of 17.01% compared to last quarter
- Tweed Heads had a slight increase in visitor numbers by 0.49% in comparison to the same quarter last year however had a decrease of 2.69% compared to last quarter

Visitor Number Comparisons for June Quarter 2012

MURWILLUM BAH	Total Numbers	% difference to March Quarter 2012	% difference to June Quarter 2011
TOTALS	5854	17.01%	0.19%
Local	1152	35.69%	35.21%
INTERSTATE			
NSW	1333	20.96%	-7.04%
QLD	1670	13.45%	-17.78%
VIC	443	34.24%	-2.64%
ACT	47	147.37%	30.56%
WA	101	8.60%	-9.82%
TAS	72	188.0%	-21.74%
SA	98	32.43%	-10.91%
NT	3	-86.96%	-70.00%
INTL			
US/Canada	93	-16.96%	34.78%
NZ	88	35.85%	-11.11%
UK	136	-28.04%	8.80%
Europe	350	-38.16%	7.36%
Africa	6	-33.33%	0%
Japan/Asia	242	284.13%	462.79%
Other	20	66.67%	53.85%

TWEED	Total Numbers	% difference to March Quarter 2012	% difference to June Quarter 2011
TOTALS	6950	-2.69%	0.49%
Local	744	-9.05%	-18.95%
INTERSTATE			
NSW	1558	2.77%	-1.52%
QLD	1138	-1.81%	-1.81%
VIC	1107	41.92%	13.31%
ACT	46	64.29%	0%
WA	240	101.68%	24.35%
TAS	97	56.45%	-17.09%
SA	242	55.13%	-7.28%
NT	18	28.57%	20.0%
INTL			
US/Canada	189	-49.19%	36.96%
NZ	393	73.89%	30.56%
UK	274	-48.30%	8.73%
Europe	635	-36.56%	-4.51%
Africa	22	29.41%	-26.67%
Japan/Asia	262	-13.25%	28.43%
Other	7	-83.33%	-84.44%

Commissions Earned:

- Commission revenue for the 4th quarter of the 2011/2012 financial year totalled \$9,093 which is over the budgeted figure of \$7,000. It is also higher than the same period last year by \$1,913. The higher result can be attributed to ticket sales for Murwillumbah and Tweed Theatre Companies.
- Commission revenue represents 10% of total booking value made
- 37% of bookings through the website were made online, an increase of 17% in comparison to the previous quarter. Once again the higher online bookings can be attributed to theatre company ticket sales.

Retail Revenue:

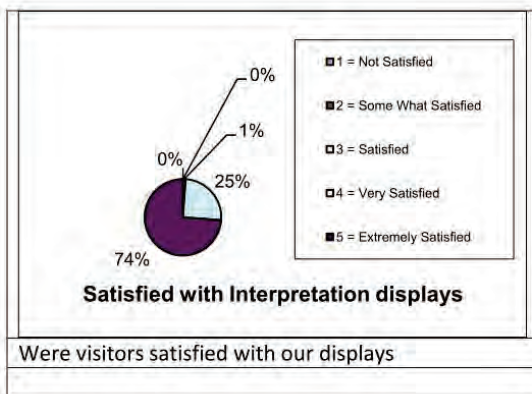
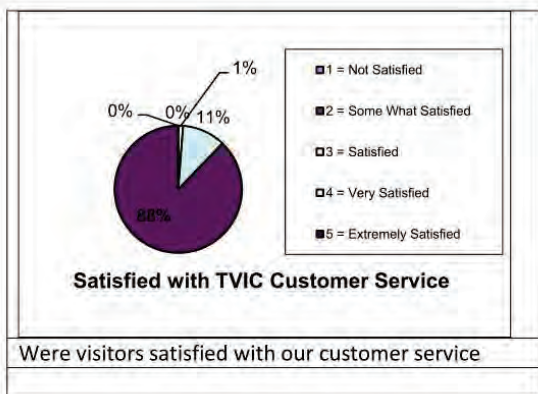
Apr-Jun 2012								
4th Quarter	Last Year	Budget	Variance		YTD	Last Year	Budget	Variance
15,186	14,425	15,500	-314		61,422	61,434	62,000	-578

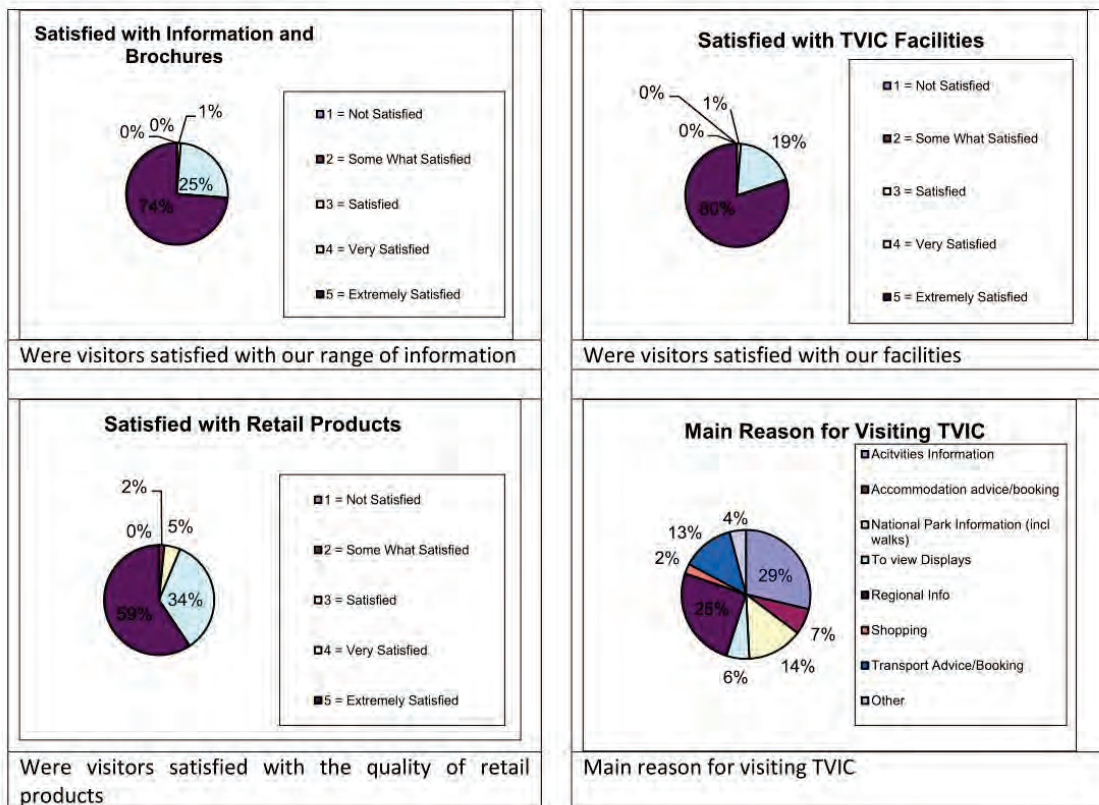
- Retail was down by 26.56% in Tweed Heads VIC compared to last year – and down by 28.17% compared to previous quarter
- Murwillumbah retail was up by 20.69% on last year’s figures – and up by 40.93% on previous quarter

Quality of Service At Visitor Information Centres:

Surveys for the last quarter, results show that 88% of visitors to the VIC’s were extremely satisfied, 11% very satisfied and 1% satisfied with the quality of customer service received. Majority of visitors surveyed were happy with the range of brochures and information provided as well as the interpretative displays

Most of the feedback was very positive this month with comments such as great place to visit, great visitor centre, staff are excellent, beautiful scenery, relaxing, green and peaceful. The negative comments were disappointment that Tweed River Art Gallery was closed as had taken overseas visitors there, poor signage for routes and distances.





Prepare and submit monthly VIC accreditation reports:

Reports sent to Aurora each month and include walk in stats, number of phone calls and number of email enquiries.

Prepare and submit annual VIC accreditation reports:

The renewal for the Murwillumbah accreditation was sent to Aurora in May.

Deliver In-House Staff Training Via Weekly 5mot Modules:

Training covered in the April to June quarter included

- Risks & Accidents in the VIC's Part 2
- Banks
- Fire & Emergency, Operating a Fire Extinguisher
- Answering the Telephone
- Know Who Our Members Are
- Bundjalung People – Indigenous People of the Northern Rivers
- The History of the Tweed & Coolangatta
- First Impressions
- Accommodation Enquiries
- Confidentiality

Organise monthly operator famils for VIC staff and volunteers:

Famils conducted in the April to June quarter were to:

- Mt Warning B&B Retreat
- Rainforest Café
- Hosanna Farm Retreat
- Rainbow Bay Resort
- The Bay Apartments
- Tweed Ultima Apartments
- Poinciana Motel
- Windermere B&B
- Classic Picnic Boat Hire

Provide an Online Accommodation Booking Service:

Achieved

Promote Tourism Operator Services through the VIC's:

Achieved

Distribute Annual Tweed Visitor Guide through Established Outlets:

Achieved

OPERATE VISITOR INFORMATION CENTRES TIMELINE

Action	Apr	May	Jun
Provide visitor information services at Tweed Heads & Murwillumbah VICs			
Prepare and submit monthly VIC accreditation reports			
Prepare and submit annual VIC accreditation report			
To contain VIC costs using an appropriately trained workforce			
Deliver in-house staff training via weekly SMOT modules			
Deliver annual Aurora Research training			
Organise monthly operator famils for VIC staff and volunteers			
Provide an online accommodation booking service			
Promote tourism operator services through the VICs			
Distribute annual Tweed Visitor Guide through established outlets			
Produce annual Tweed Visitor Guide (in conjunction with marketing)			
Provide annual work programmes to Council			
Provide Quarterly Report to Council			
Present Progress Report to Council			

Appendix 1

VERVE CONSULTING/DESTINATION TWEED Inc
QUARTERLY PUBLIC RELATIONS & MARKETING REPORT – APRIL TO JUNE 2012

TOURISM PRODUCT DEVELOPMENT

INITIATIVE	ACTION
Member Assistance: Chillingham Bush Tucker	<ul style="list-style-type: none"> • Arranged for permissions for Chillingham Bush Tucker to use photos for their brochure free of charge
Member Assistance: Watersports Guru	<ul style="list-style-type: none"> • Wrote Tim's copy for Pacific Coast Touring Guide
MDBC Festivals Sub-Committee	<ul style="list-style-type: none"> • 30 May - Met with Kerry Turner to discuss progressing the concept of the Caldera Season of Festivals & Events • Reviewed actions and decisions to date and finalised Mission Statement, Vision, etc • Prepared revised Action Plan including list of potential expenses to establish Season 'on a shoe-string' • Kerry is currently sourcing quotes for expenses • <i>Next steps:</i> Once we have an idea of the costs involved, we will present to the Sub-Committee to discuss sourcing funds from sponsors and grant programs • Circulated information re NORTEC grants to relevant Festival Organisers • June 15 – Attended Festivals & Events Forum in Bangalow, hosted by Arts Northern Rivers
General Liaison Member	<ul style="list-style-type: none"> • 10 May - Attended Bill's members' night at Ultima • Sent follow-up email and touring guides to: <ul style="list-style-type: none"> - South Tweed Motor Inn - Tweed Central Motel - Nirvana - Tweed Ultima
Potential Liaison: Member Scott Rotumah	<ul style="list-style-type: none"> • 9 May – Meeting with Scott Rotumah and partner, Sascha, who received \$40,000 FORTO funding to establish indigenous surfing tours • They seem to be a fair way off getting the project to the starting point but have offered to provide whatever assistance they need in terms of PR when the time comes • Also spoke to Taphouse Group about including Scott's tours on their itineraries/activities for hostel guests and to Andy Reimanis re getting Scott's artworks into CAG
Member Liaison: Taphouse Group	<ul style="list-style-type: none"> • Met with Janelle Batt, marketing manager of Taphouse Group to explain what DT does and how we can assist
Member Liaison: Caldera Art Gallery	<ul style="list-style-type: none"> • Review of CAG marketing strategy
Touring Guides	<ul style="list-style-type: none"> • Revised Mt Warning Circuit touring drive and distributed to VIC

TOURISM MARKETING

INITIATIVE	ACTION
TRAVEL AGENTS FAMIL: UK Superstars	<ul style="list-style-type: none"> • Assisted in designing and arranging Tweed section of UK Aussie Specialists' Byron and Beyond famil • Group of 11 UK travel agents visited the region on May 1, focussing on the

	<p>Mt Warning View Circuit via Murwillumbah, Chillingham Bush Tucker, Tyalgum, Mavis Kitchen</p> <ul style="list-style-type: none"> Met with group to provide overview of the Tweed region
TRAVEL AGENTS FAMIL: Post-Australian Youth Travel Exchange	<ul style="list-style-type: none"> Designed and arranged Tweed section of Byron and Beyond famil for group of international agents who specialise in the youth market Group of 7 agents from Indonesia, South Korea, France, Indonesia and Brazil visited the region on May 3 and 5 Experiences/members showcased included Sheoak Shack, Fingal Headland/Cook Island, Babalou, Kingscliff, Watersports Guru, Rainforest Café, Murwillumbah YHA
TRAVEL AGENTS FAMIL: New Zealand TriState	<ul style="list-style-type: none"> Assisted in making arrangements for Tweed section of New Zealand TriState famil Attended lunch with agents to brief them on Tweed experiences
TRAVEL AGENTS FAMIL: UK Travel Agents	<ul style="list-style-type: none"> Assisted in making arrangements for Tweed section of ATEC famil coming up on June 17 Attended British travel agents famil to brief agents on the Tweed region
COLLATERAL COPYWRITING, EDITING & REVISION	<ul style="list-style-type: none"> Review and amendment of VIC Activities Listing Review and amendment of Yelgun Road Signage copy Review and edit of Byron & Beyond brochure copy
STRATEGY MEETINGS	<ul style="list-style-type: none"> June 7 - Attended Strategy Meeting at Murwillumbah office June 15 – Met with Bill Tatchell

TOURISM PUBLIC RELATIONS

Regional, National & International Media:

INITIATIVE	ACTION	OUTCOME
Chinese Media Famil	<ul style="list-style-type: none"> Finalised arrangements for famil group itinerary Met with group at Café D'Bar Famil completed 19/20 April 	<p>Publications represented include:</p> <ul style="list-style-type: none"> Guangzhou Daily – 1.85million circulation Guangzhou Times – 1.57million circulation Guangzhou Metro Daily – 800,000 circulation New Modern Magazine – 306,600 national Dayoo – internet site with 1.026million daily
Sample Magazine	<ul style="list-style-type: none"> Liaised with journalist to provide suggestions for Tweed producers to showcase in magazine 	Monitoring in progress
Escape / Get Up & Go freelancer: Sheridan Rogers	<ul style="list-style-type: none"> Pitched NuYu and Cabarita Ocean Retreat for stories in News Limited Escape and Get Up and Go Escape has already done a famil at Cabarita Ocean Retreat and we couldn't get either publication interested in NuYu at this stage 	No result
Calendar of Events	<ul style="list-style-type: none"> Distributed monthly Calendar of Events to all regional media 	
International Film	<ul style="list-style-type: none"> Liaised with location scout re possible 	Film shoot took place in early

<p>Crew: Animal Planet</p>	<p>filming locations for a two-hour Animal Planet special on people who look for Big Foot/Yowie, to be filmed in the Tweed</p> <ul style="list-style-type: none"> • Suggested various locations and operators, plus 11th Hour Catering for crew • US Producer came down to Fingal on May 4 to meet with artist-surfer, Scott Rotumah • Liaised with film crew during their shoot to see if we could source a 4WD for them 	<p>May. Tweed program to be broadcast internationally on Animal Planet Network in January 2013</p>
<p>Film Crew</p>	<ul style="list-style-type: none"> • Provided suggestions to another film crew who was looking for a 'gothic staircase' ... not sure what that's for!! 	
<p>Freelancer: Sheridan Rogers</p>	<ul style="list-style-type: none"> • Met with Sheridan Rogers to pitch various Tweed angles 	<p>No luck this time but she may be able to get interest on a few ideas with Escape later in the year</p>

Great Outdoors	<ul style="list-style-type: none"> Liaised with DNSW Destination Publicity Unit to pitch Tweed story leads to revamped Great Outdoors TV program 	
Holiday with Kids	<ul style="list-style-type: none"> Prepared editorial to be included in Holidays with Kids cooperative marketing campaign 	
Art & Music Group Media Famil	<ul style="list-style-type: none"> Prepared draft itinerary for proposed group media famil incorporating Caldera Art Gallery, Tweed River Art Gallery and Tyalgum concerts Liaised with relevant operators to source FOC products and services Distributed invitations to targeted media: <ul style="list-style-type: none"> Gold Coast Bulletin Paradise Magazine APN Newspaper Group's Explore travel section News Limited's Escape travel section 	
Pacific Coast Touring Route	<ul style="list-style-type: none"> Liaised with NRT and assisted in arrangements for writer's famil showcasing Northern Rivers Food & Wine Trail Operators included in final itinerary were Mavis' Kitchen, Mt Warning Spring Water, Chillingham Bush Tucker and Madura Tea 	<i>To be published as part of Central Coast to Northern Rivers Food & Wine Trail</i>
Gold Coast Bulletin – Bite	<ul style="list-style-type: none"> Pitched Flutterbies and Mavis' Kitchen for an upcoming feature on Top 10 desserts 	
FROM PREVIOUS INITIATIVES	<ul style="list-style-type: none"> New Zealand Herald famil 	New Zealand Herald – 15 May, 2012 <i>NSW: Me Time in Oz</i>

Local Media:

INITIATIVE	ACTION	OUTCOME
Event PR: Calendar of Events	<ul style="list-style-type: none"> Distributed monthly Calendars of Events to all local media 	Tweed Coast Weekly – 26 April, 2012 <i>May Events in the Tweed</i> Daily News – 26 April 2012 <i>Have you Got What it Takes</i> (Cabaret 360) Tweed Coast Weekly – 31 May, 2012 <i>Gone Fishing (front page)</i> <i>Greenback Tailor Fishing Competition (inside)</i>
Event PR: Crabbes Creek Film Society	<ul style="list-style-type: none"> Distributed information on film night to all local and regional print media Distributed interview pitch to Gold Coast & Northern Rivers radio stations 	Tweed Sun – 12 April, 2012 Event listing ABC Gold Coast Interview with event organiser

<p>Event PR: Tyalgum Festival of Classical Music</p>	<ul style="list-style-type: none"> • 18 April: Met with Alex Wilkinson and Randy Edwards to finalise arrangements for media launch on May 11 • Assisted Alex in arranging media launch to generate early publicity for this year's Tyalgum Festival of Classical Music. Activities included – <ul style="list-style-type: none"> - Writing press releases for media kit - Preparing running sheet and speech notes for most speakers - Reviewing Alex's speech notes - Liaising with guest speakers re final details - Distributing invitation and reminder to all media - Attending media launch and taking social photos - Distributing social photos to various media - Distributing post-event releases to non-attending media • Writing and distributing radio release 	<p>Northern Star Attended event</p> <hr/> <p>Daily News – 11 May, 2012 <i>All Sorts Gather to Launch Festival</i></p> <p>Daily News – 12 May, 2012 <i>Festival Launched</i></p> <p>Gold Coast Bulletin – 12 May, 2012 <i>Tyalgum tunes into the classics</i></p> <p>Northern Rivers Echo – 17 May, 2012 <i>Tyalgum Festival a Classic</i></p> <p>Echo – 16 May, 2012 <i>Music to their Ears</i></p>
<p>Event PR: Tyalgum Fashion Show</p>	<ul style="list-style-type: none"> • Wrote and distributed press release to all local and regional media 	<p>Daily News – 20 April, 2012 <i>Strutting the Tyalgum Catwalk</i></p> <p>Tweed Coast Weekly – 19 April, 2012 <i>Feast of Fashion</i></p> <p>Tweed Valley Weekly – 22 April, 2012 <i>Fashions to go on show at Tyalgum</i></p>
<p>Event PR: 2012 Mavis Kitchen Dinner Concert Series</p>	<ul style="list-style-type: none"> • Wrote press releases for each of four concerts and distributed to all local and regional media • Attended Concert No. 2 and took social pics • Forwarded social pics from Concert No. 1 to Coast Magazine and Ocean Road Magazine 	<p>Tweed Sun – 26 April, 2012 <i>Included in What's On listing</i></p> <p>Tweed Sun pg 2 – 26 April, 2012 <i>Musical Treat on the Mountain</i></p> <p>Daily News – 18 April, 2012 <i>Classics Come to Murwillumbah</i></p> <p>Tweed Coast Weekly – 19 April, 2012 <i>Foothills are Alive with the Sound of Music</i></p> <p>Tweed Valley Weekly – 22 April, 2012 <i>Foothills to be alive with the Sound of Music</i></p> <p>Tweed Sun – 24 May, 2012 <i>Show Stars Superb Woodwind Duo</i></p> <p>Tweed Sun – 14 June, 2012</p>

<p>Event PR: Battle on the Border</p>	<ul style="list-style-type: none"> • Distributed event listing to all local, regional and metro media • Distributed event listing to DNSW, Northern Rivers Tourism, Gold Coast Tourism, Connecting Southern Gold Coast • Wrote and distributed feature press release, along with supplied release re blind cyclists • Sent interview pitch to all relevant regional radio stations • Arranged for race organiser to be interviewed on Hot Tomato on the Saturday of the race 	<p><i>Sweet End to Dinner Series</i> Tweed Coast Weekly – 14 June, 2012 <i>Sweet Sounds at Mt Warning</i> Tweed Sun – 21 June, 2012 <i>Exotic Iranian Music</i></p> <hr/> <p>Tweed Sun pg 4 – 26 April, 2012 <i>Tandem Cyclists on a Mission</i> Gold Coast Bulletin – 18 April, 2012 <i>Cyclists to Battle on the Border</i> Tweed Coast Weekly – 26 April, 2012 <i>Gran Fondo Social Rides</i> Tweed Coast Weekly – 19 April, 2012 <i>Blind Cyclists take on the Fondo ride</i> Tweed Coast Weekly – 5 April, 2012 <i>Gearing up for social ride in the Tweed Valley</i> Tweed Valley Weekly – 22 April, 2012 <i>Cyclists on the Way</i> Daily News – 10 April, 2012 <i>Cycle for Charity in Gran Fondo</i> Northern Star – 10 April, 2012 <i>Cycle for Charity in Gran Fondo</i> Daily News – 28 April, 2012 <i>Top Cyclists Set for Battle</i> Northern Star – 28 April, 2012 <i>Top Cyclists Set for Battle</i> Gold Coast Bulletin – 18 April, 2012 <i>Tweed Tour's the Wheel Deal</i> Tweed Coast Weekly – 3 May, 2012 <i>Cycling Battle (front page)</i> <i>Battle on the Border (inside)</i> Tweed Sun – 3 May, 2012 <i>Surgeon saddles up for Tweed tour</i> Hot Tomato – 5 May, 2012 <i>Interview with Paul Burt on Outside program</i> Daily News – 8 May, 2012 <i>Battle on the Border photo</i></p>
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		<p><i>collage</i></p> <p>Daily News – 8 May, 2012 <i>Hundreds battle for cycle title</i></p> <p>Tweed Coast Weekly – 10 May, 2012 <i>Border Battle Rides to Victory</i></p>
<p>Event PR: Tim Draxl: Live in Tyalgum</p>	<ul style="list-style-type: none"> Assisted Solar in arranging media launch to announce Tim Draxl show coming up at Tyalgum in July. Activities included – <ul style="list-style-type: none"> Writing press releases for launch Revising speech notes and interview questions Distributing invitation and reminder to all local media Writing radio release Attending launch Distributing post-launch releases to non-attending media ... and a million other things!! Revamped press release to generate additional publicity 	<p>Daily News – 25 May, 2012 <i>From Opera House to Tyalgum</i></p> <p>Gold Coast Bulletin – 28 May, 2012 <i>Tim stars from the city to the bush</i></p> <p>Tweed Coast Weekly – 7 June, 2012 <i>From Sydney Opera House to Tyalgum Hall</i></p> <p>... plus more publicity in July</p>
<p>Event PR: Tyalgum Festival Fundraising Concert</p>	<ul style="list-style-type: none"> Prepared release re Tyalgum Festival Fundraising Concert on July 29 Distributed to all local, regional and Brisbane media 	<p>Gold Coast Bulletin – 21 June, 2012 <i>Musical Journey Through Time</i></p> <p>Daily News – 22 June, 2012 <i>Concert Promotes Sweet Sounds</i></p>
<p>General Issues: Tourism Attracting Asian media</p>	<ul style="list-style-type: none"> Bill interviewed by Gold Coast Bulletin Arranged follow-up interview with ABC North Coast Tried to arrange follow-up interview with NBN News but it didn't work out 	<p>Gold Coast Bulletin – 13 April, 2012 <i>Tweed Makes Play for Asian market</i></p> <p>ABC North Coast – 13 April, 2012 <i>Interview with Bill Tatchell</i></p> <p>Gold Coast Bulletin – 13 April, 2012 <i>Low-Key Tweed uses X-Factor to lure market</i></p>
<p>General issues: tourism Chinese media famil</p>	<ul style="list-style-type: none"> Arranged for Channel Nine Gold Coast news to meet Chinese media group and interview Bill re potential for Chinese market attraction 	<p>Nine Gold Coast News <i>Interview with Bill Tatchell and group interpreter</i></p> <p>NBN Gold Coast News <i>Interview with Bill Tatchell and group interpreter</i></p>
<p>General issues: tourism Brisbane Holiday Expo</p>	<ul style="list-style-type: none"> 	<p>Daily News – 5 April, 2012 <i>Tweed Marketed as a weekend escape</i></p>
<p>General issues: tourism Cycling</p>	<ul style="list-style-type: none"> 	<p>Daily News – 6 April, 2012 <i>On Your Bike</i></p>

General Issues: Volunteers' Week	Tourism	<ul style="list-style-type: none"> Wrote release highlighting contribution of DT's volunteers Distributed release to all media and invited Gold Coast Bulletin to attend Volunteers Week morning tea at Ultima 	<i>Bulletin journalist attended and interviews volunteer George at length but I can't find the clipping</i>
General Issues: International Famils	Tourism Agents	<ul style="list-style-type: none"> Wrote release for local media highlighting DT's work with the various international travel agent groups of late Distributed to all local media 	<p>Daily News – 18 May, 2012 <i>Taking Tweed to the World</i></p> <p>Tweed Coast Weekly – 24 May, 2012 <i>Destination Tweed Goes International</i></p> <p>Tweed Sun – 24 May, 2012 <i>Tweed Woos Agents with Natural Charm</i></p>
General Issues: Chinese Market	Tourism	<ul style="list-style-type: none"> Arranged for Bill to speak to Tweed Sun re attracting Chinese market Supplied image from Chinese media famil to Tweed Sun 	Tweed Sun – 10 May, 2012 <i>Special Guests Get a Taste of Tweed to take back to China</i>
General Issues: Miscellaneous	Tourism	<ul style="list-style-type: none"> Liaised with media to arrange various interviews with Bill 	<p>Daily News – 1 June, 2012 <i>Tourism Bodies Back CSG Freeze</i></p> <p>Daily News – 8 June, 2012 <i>Tatchell: Tweed Must Trade On</i></p>
Issues PR: Graham Stevenson		<ul style="list-style-type: none"> Liaised with Tweed Valley Weekly editor re negative comments about Destination Tweed from Graeme Stevenson Prepared Letter to the Editor Distributed to Tweed Valley Weekly 	<p>Tweed Valley Weekly – 6 June, 2012 <i>Letters to the Editor</i></p>
Destination Tweed PR: New Chair of DT		<ul style="list-style-type: none"> Prepared media release re Anne Duke's appointment as DT Chair Prepared appointment notice Prepared communication for members Distributed media release and appointment notice to all relevant media 	
Member Assistance: Tyalfest Concert	Gallery	<ul style="list-style-type: none"> Collated press clippings for Alex to supply to TRAG 	
Member Assistance: Mt Warning Park	Holiday	<ul style="list-style-type: none"> Distributed notice about visiting wildlife expert to all local media 	
Member Assistance: Outrigger Twin Towns		<ul style="list-style-type: none"> Discussed possibility of a State of Origin photo opp with Outrigger Timing not right for Outrigger – decided to shelve the idea until third match 	
Member Assistance: Mavis' Kitchen		<ul style="list-style-type: none"> Tried to get media interested in a photo opp when the Rolls Royce Club met at MK 	<i>Only got the word from MK about the visit as it was actually happening – on a Saturday ... when no media are working. No result on this one!</i>

BUSINESS MARKETING

INITIATIVE	ACTION
Business Marketing Kit	<ul style="list-style-type: none">• Researched and wrote copy for generic Tweed Business Marketing Kit• Prepared graphs from statistics
Industry Marketing Kits	<ul style="list-style-type: none">• Researched and wrote Industry Fact Sheets copy for tailored Business Marketing Kits• Prepared graphs from statistics

OPTIONS:

This report to Council presents the quarterly report from Destination Tweed which is required as part of their contract. The successful submission of this report in an appropriate format will endorse payment of their quarterly contract instalment for the next quarter in line with their contract.

1. **Endorse this Quarterly Report** - By endorsing Destination Tweed's Quarterly Report Council acknowledge and endorse the progress Destination Tweed have made to achieving the milestones outlined in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy; or
2. **Postpone Endorsement of this Quarterly Report** - If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

CONCLUSION:

It is recommended that Council endorses this quarterly report from Destination Tweed.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

This report fulfils Destination Tweed's reporting requirement under its current funding agreement.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.4 Market the Tweed as a destination for business and tourism
- 3.1.4.2 Facilitate the development of the Strategic Plan and Operational Plan for tourism promotion and economic development
- 3.1.4.3 Operate Visitor Information Centres at Murwillumbah and Tweed Heads
- 3.1.4.4 Establish a website to promote the Tweed as a destination and to attract visitors
- 3.1.4.6 Facilitate economic promotion and tourism development within the Tweed
- 3.1.4.7 Increase visitors to the Tweed

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment:** Destination Tweed Quarterly Financial Report – April to June 2012 (ECM54624872)
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REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
 - (a) the provisions of
 - (i) any environmental planning instrument; and
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,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 of 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.

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8 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

SUBMITTED BY: Director



Civic Leadership

SUMMARY OF REPORT:

In accordance with the Department of Planning's Planning Circular PS 08-014 issued on 14 November 2008, the following information is provided with regards to development applications where a variation in standards under SEPP1 has been supported/refused.

RECOMMENDATION:

That Council notes the July 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

REPORT:

On 14 November 2008 the Department of Planning issued Planning Circular PS 08-014 relating to reporting on variations to development standards under State Environmental Planning Policy No. 1 (SEPP1).

In accordance with that Planning Circular, the following Development Applications have been supported/refused where a variation in standards under SEPP1 has occurred.

DA No.	DA11/0628
Description of Development:	Alterations and additions to detached dual occupancy
Property Address:	Lot 3 Section 6 DP 17606 No. 14 Marine Parade, Kingscliff
Date Granted:	19/7/2012
Development Standard to be Varied:	Clause 16 - Heights of Buildings
Zoning:	2(b) Medium Density Residential
Justification:	Small portion of additions to existing dwelling has 3 storey component.
Extent:	1.8m section on SE elevation and 1.6m section on NW elevation.
Authority:	Tweed Shire Council under assumed concurrence

DA No.	DA12/0164
Description of Development:	Two storey dwelling and swimming pool
Property Address:	Lot 56 DP 1027531 No. 9 Harper Court, Casuarina
Date Granted:	3/7/2012
Development Standard to be Varied:	Clause 16 of Tweed Local Environmental Plan 2000 and Clause 32B of the North Coast Regional Environmental Plan 1988
Zoning:	2(e) Residential Tourist and 7(f) Environmental Protection (Coastal Lands)
Justification:	<p>Council has received an application to construct a single residence on the subject property. The property is beach front land in an approved residential subdivision. A SEPP No. 1 variation is sought to Clause 32B of the North Coast Regional Environmental Plan 1988 relating to overshadowing of waterfront open space. The proposed two storey dwelling will cast a shadow on the adjacent waterfront open space during the nominated times in the development standard.</p> <p>The Shadow encroachment cast by the development into the foreshore is considered only minor and will have minimal impact on the public's enjoyment of the foreshore land. The shadows cast only impacts on the coastal dune vegetation and do not reach the beach.</p>
Extent:	<p>The Shadow encroachment cast by the development into the foreshore is considered only minor and will have minimal impact on the public's enjoyment of the foreshore land. The shadows cast only impact approximately 20 metres into the coastal dune vegetation and do not reach the beach, which is approximately 125m from the rear property boundary.</p>
Authority:	Tweed Shire Council under assumed concurrence

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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9 [PR-CM] Community Based Heritage Study

SUBMITTED BY: Planning Reforms

FILE REFERENCE: GT1/LEP/2010/Heritage/CHS



Supporting Community Life

SUMMARY OF REPORT:

This report provides an update on the progress of the Tweed's Community Based Heritage Study and in particular the latter stages of that process, which comprised of public consultation and review.

The Study was commenced in 2004, initially capturing 405 potential heritage items, and between 2006-11 progress became intermittent as resource priorities were redirected to managing the NSW Government's State-wide planning reforms initiatives, in particular changes to exempt and complying policy and the Standard Instrument (Local Environmental Plans) Order 2006. In March 2011 Council appointed Ainsworth Heritage to consolidate the work completed up to that time and to finalise a study for the first stage of implementation into the Tweed Local Environmental Plan 2000 (TLEP 2000).

Issues raised during the public consultation of the Study are detailed in the report along with any amendments that were seen to be justified. With exception to recommendations 9.4 regarding the commencement of a local heritage assistance fund and 9.5 regarding the appointment of a heritage advisor, the report concludes that the Study, comprising of a recommended list of heritage and conservation items or areas, and supplementary documentation, is suitable for endorsement and inclusion in the TLEP 2000.

RECOMMENDATION:

That:

1. Council endorses the *Community Based Heritage Plan August 2012*, which includes a list of heritage items and areas for inclusion (Sections 5 and 6), Management Plan recommendations (Section 9 (with the exception of recommendation 9.4 and 9.5)), and the supporting documents, *Guide for Heritage Owners (Attachment B)* and *Guide for Council Staff (Attachment C)*, as amended and as outlined in this report and provided in Attachment 3;
2. Due to the absence of an allocation in Council's 2012/2013 Operational Plan and Budget, the commencement of Management Plan recommendations 9.4 – *Implementation of a Community Heritage Grants Scheme* and 9.5 – *Appointment of a Council Heritage Advisor* be deferred pending a further report for the incoming Council at the November Council Meeting;

- 3. In accordance with Sections 55 and 56 of the Environmental Planning and Assessment Act, 1979 an amendment to the Tweed Local Environmental Plan 2000 to list the items and areas within Schedule 2 (or the equivalent within the draft Tweed Local Environmental Plan under the provisions of the Standard Instruments (Local Environmental Plans Order) 2006 be prepared and referred to the Minister for Planning and Infrastructure for a Gateway Determination; and**
- 4. A further report on the Significant Tree Register linked to the Tree Preservation Development Control Plan, under the requirements of Clause 5.9 of the Standard Instrument (Local Environmental Plans) Order 2006 be submitted to Council, with the view for public exhibition and detailing a preferred process for the nomination and listing of significant trees.**

REPORT:

Background

The Community Based Heritage Study (CBHS) commenced in 2004 under the guidance of David Scobie Architects, together with a steering committee and group of dedicated volunteers. The CBHS considered, researched and assessed a total of 405 potential heritage items.

A report on the CBHS was considered by Council on 7 September 2005 at which time Council resolved to prepare an amendment to the Local Environmental Plan (LEP) to incorporate a list of 130 items and two conservation areas.

A draft LEP amendment was prepared and publicly exhibited from January – March 2007 along with the CBHS 2004. Council considered a report on the public exhibition and assessment of submissions on 21 August 2007 and resolved to amend the list of items and re-exhibit the draft LEP amendment.

At this time the progress of the CBHS 2004 stalled due to the preparation of the draft LEP under the directions of the Standard Instrument (Local Environmental Plans) Order 2006, competing priorities and limited resources.

In March 2011 Ainsworth Heritage were engaged to review, update and complete the CBHS and assist with its implementation, including:

- Whilst acknowledging the significant body of work previously undertaken, to review and update the information in the context of the newer legislative requirements and to provide further detail to the management plan recommendations;
- Review and update the list of proposed items and areas as previously resolved by Council. It is noted that Ainsworth Heritage were not engaged to assess any new items or areas; and
- Development of guidelines to assist both owners and Council staff to better understand the requirements, responsibilities and opportunities for heritage items and conservation areas.

A draft CBHS 2011, *Guidelines for Heritage Owners* and *Guideline for Council Staff* were reported to Council at the meeting of 13 December 2011, at which time Council resolved to publicly exhibit the draft CBHS 2011 and that the preparation of a draft Heritage Development Control Plan (DCP) be scheduled within the Planning Reform Unit's work program in its next review. Preparation of the DCP is currently programmed for the 2013-14 work period.

Public exhibition and consultation

At the meeting of 13 December 2011 Council resolved to publicly exhibit the draft CBHS 2011 for a minimum period of 56 days.

The public exhibition was held from 21 December 2011 through to 14 March 2012, an extended period of 84 days to accommodate the Christmas holiday period.

The draft CBHS 2011, *Guide for Heritage Owners* and *Guide for Council Staff* were supported by the fact sheet *Understanding Heritage* and all documents were available for viewing at Murwillumbah and Tweed Heads Civic Centres, Kingscliff Library, Uki CTC Building, and on the Council's website.

Approximately 500 individual letters advising of the public exhibition of the draft CBHS 2011 and including the *Understanding Heritage* fact sheet and the *Guide for Heritage Owners*, were sent out to all property owners of a current or proposed heritage item or within a current or proposed conservation area.

In addition, four information sessions were held within the community as follows:

- 7 February 2012 at Murwillumbah Civic Centre (9 attendees);
- 7 February 2012 Tweed Heads Civic Centre (8 attendees);
- 8 February 2012 at Uki Hall (9 attendees); and
- 8 February 2012 at Tyalgum Hall (18 attendees).

Articles on the CBHS 2011 and to assist the general understanding of heritage were included in the Tweed Link of 15 November 2011 (Introduction to the CBHS), 29 November 2011 (Murwillumbah Regent Theatre), 4 February 2012 (information sessions), 14 February (Lennon's Loo) and a media release on 31 January 2012 (information sessions).

Summary of Submissions

A total of 32 submissions were received in response to the public exhibition and consultation. Details of the submissions and the planning response to these are provided in Attachment 1 of this report.

In summary, the submissions included:

- Six submissions (representing five organisations) from community organisations;
- One submission was received by Mr Geoff Provest MP NSW Member for Tweed on behalf of the Burringbar community in support of the listing of the St Michael and All Angels Church, Burringbar;
- 23 submissions by individuals; and
- Two submissions by Departments of Tweed Shire Council.

Broadly the submissions may be summarised as follows:

- 12 submissions in support of the draft CBHS 2011, of which six were in support of the St Michael and All Angels Church, Burringbar (item 2520029);
- Three submissions relating to administrative matters and the process undertaken;
- 11 submissions objecting to the proposed listing as a heritage item or within a conservation area and/or the process;
- Eight submissions relating to the proposed listing within a conservation area (either Hartigans Hill, Tyalgum or Condong);
- Eight submissions suggesting corrections to the site listings or suggesting the listing of additional items (five); and
- One submission seeking further information.

A more detailed review of the submissions and recommendations is provided below:

Item 2520029 - St Michaels and All Angels Church, Burringbar

Six submissions were received in support and no submissions by way of objection. There is significant community interest in the listing of the church as a heritage item, which has been supported by a submission from Mr Geoff Provest MP NSW Member for Tweed on behalf of the Burringbar community.

Recommendation:

It is recommended that this item proceed to listing within the LEP as exhibited.

Request for listing as a State item

One submission was received from the Tyalgum Community Hall Association requesting assistance with the listing of the hall as a State item. There is a process managed by the NSW Heritage Branch, for instigating the assessment and listing of an item as State significant. This process is outside the scope of this study and process.

The State listing does not need to be nominated by Council, however, should Council wish to pursue listing of the hall as a State item, this would require nomination of this as a project on the Planning Reforms workplan. Alternatively the Tyalgum Community Hall Association may pursue the listing and Council may be able to provide assistance.

Recommendation:

The item proceed at this stage as a local listing within the LEP as exhibited.

Requests for additional listings

Requests were received for the listing of Eungella Primary School, a stand of native gum trees on the author's property at Bungalora, and the trees in Collier Street, Cudgen associated with the Cudgen Memorial.

The CBHS has taken the approach of not formally listing trees as a heritage item; rather it recommends Council commence a significant tree register. Notwithstanding, rows of trees in Colliers Street, Cudgen are related to the significance of the Cudgen War Memorial Cenotaph.

The school at Eungella has not been formally assessed against the significance criteria and as such cannot be included at this stage. It is recommended that this site be added to the list for periodic formal assessment and heritage listing update. It is recommended within the CBHS 2012 that to retain the currency of the heritage lists reviews occur every three years.

Recommendation:

Eungella Primary School be added to the list for periodic formal assessment and heritage listing update.

Council commence preparation of a significant tree register and assess the suitability of the above trees for listing.

Action:

The site card for the Cudgen War Memorial Cenotaph (item 2520434) has been updated to note the relationship of the trees to the site.

Submissions to correct information

One submission was received advising Council that the CBHS lists the author was a contributor to the 2004 study, however advises this is false.

Action:

In response, the author's name has been removed from the listing within Appendix A of the CBHS 2012.

One submission was received to correct the spelling of Mr E O'Keefe rather than Mr E O'Keefe on the site card Item 2520438 – Duranbah Public School Honour Roll.

Action:

This site card has been updated in accordance with a submission received.

One submission was received advising of incorrect discussion of Prospero Street as South Tweed, as it should be South Murwillumbah.

Action:

This has been corrected in the CBHS 2012.

A submission from the Uki and South Arm Historical Society noted that a survey may now be obtained for the remains of the Mebbin Springs Mill and made note of a number of suggested correction, as follows:

Actions:

The site card 2520413 for Harry Hatton's Fig Tree, Byangum has been amended to reflect that the tree was felled in April 2010. The CBHS 2012 has been amended to removed the item from the *Table 5.6 Items for the Register of Significant Trees* and added to *Table 5.10 Items Known to Have Been Lost Since Listing*.

The Rous River Bridge at Kynnumboom was listed in *Table 5.14 Items for recording only*; however, this has been replaced. This has been relocated to *Table 5.10 Items known to have been lost since listing*.

Item 2520455 Forestry Commission Bridge *Table 5.1 Items for inclusion* updated to include Mt Jerusalem Nation Park within the location.

Item 2520454 Stump and Springboard *Table 5.1 Items for inclusion* updated to include Mt Jerusalem Nation Park within the location.

The Historical Society also requested reconsideration of the listing of a number of items, as follows:

Item 2520512 Dip Site at Dungay is listed in *Table 5.16 Items removed after public comment*. The Society suggests as this was the first dip site in the State this should be reassessed for future listing.

Recommendation:

It is recommended that this be added to the list for periodic formal assessment and heritage listing update.

The shed at the rear of the General Store, Uki has a long history and the Historical Society has suggested consideration for future listing.

Recommendation:

It is recommended that this be added to the list for periodic formal assessment and heritage listing update.

One submission sought clarification on Lot 1 and part of Lot 2 DP 1079958 (road reserve with aerial cane conveyor belts) Item 2520508 - Condong Sugar Mill Conservation Area suggesting that this parcel be removed as it is the road reserve and appears to be an error.

All of Lot 1 and part of Lot 2 DP 1079958 (road reserve with aerial cane conveyor belts) fall within the Condong Conservation Area. The Condong Conservation Area recognises the history and significance of the sugar cane industry and settlement that has occurred around the industry. The cane conveyor belts are a key component of the sugar cane industry at this locality. Conservation areas generally do pick up streets and road reserves as the streets form an integral part of the streetscape character.

Recommendation:

It is recommended that the Condong Conservation Area proceed to listing as a conservation area within the LEP as exhibited.

Submissions challenging the validity of the Tweed history “Caldera to the Sea”, the naming of Mount Wollumbin and the CBHS process

Two submissions raised concern with the validity of the Tweed history “*Caldera to the Sea*”, the naming of Mount Wollumbin and process undertaken to develop the CBHS. These concerns are noted however, the history book was prepared and published outside of this process and Council is only acknowledging this existing reference. It is outside the scope of this project and of Council’s ordinary function to challenge the legitimacy of a literary work. Such a challenge to a literary work would normally be undertaken through professional literary processes.

Issues with the naming of “Mount Wollumbin” are outside the scope of this study and would be part of professional literary challenge to current documented history and works.

With regard to process the CBHS has been undertaken consistent with the requirements of the Heritage Branch “*Community Based Heritage Studies – A Guide*” current at the time. It is seen to be a legitimate exercise to reference literary works and publications and to rely on the authenticity and accuracy of them were they have not otherwise been contested in an appropriate literary review process.

Recommendations:

No amendment to the CBHS arising.

Submission regarding a significant tree register

One Submission noted the reference to a Significant Tree Register (STR) and noted that an option may be to include these items in a Tree Preservation DCP under Clause 5.9 of the Standard Instrument LEP.

A STR provides a way of identifying significant trees and their value/significance.

Recommendation:

It is recommended that a STR be managed and maintained and that the Tree Preservation DCP should make reference to the STR in order to ensure triggers for the consideration and protection of the trees.

Submissions providing history and significance information

Three submissions were received from the Caldera Environment Centre providing detailed information and photographs of some of the characteristics that have shaped the heritage and built environment of the Tweed. The submissions suggest that a development control plan may be a better option than listing of Tyalgum as a conservation area.

The significance of the Tyalgum conservation area is outlined following and the professional review recommends proceeding with the Tyalgum conservation area as exhibited. Notwithstanding, it is important that the Heritage DCP is prepared to provide the detailed historic, architectural and development contextual information for each of the conservation areas. The information within this submission will be of assistance in the development of the conservation area character and history as part of the DCP.

Recommendation:

No amendments to the CBHS arising from this submission.

Submissions subject to professional heritage review

Following internal review of the submission, nine submissions, relating to four proposed heritage items and two proposed conservation areas, were identified as warranting further review by a heritage professional.

Following an invitation to quote, in accordance with the Procurement Protocol, Ainsworth Heritage was engaged to review the nine submissions. Their report is provided in Attachment 2, and summarised as follows:

Item 2520431 - Cudgen Rock Walls

Two submissions were received objecting to the listing of the Cudgen rock walls.

The assessment finds “*Stone walls are relatively uncommon in Australia, but occur in specific regions where the geology produces ideal stone*” – the NSW North Coast is one of those regions and Dry Stone walls can be found across the area’s rural landscape.

“The rarity and heritage value of dry stone walls in Australia and within the North Coast area is thus a recognised significance”.

Recommendation:

The assessment finds that the Cudgen rock walls meet assessment criteria a) Historic, b) Associative, d) Aesthetic, f) Rarity and g) Representativeness and it is recommended the Cudgen Rock Walls proceed to listing as a heritage item within the LEP as exhibited.

Item 2520008 - Fingal Head Light House

The submission received with respect to this item sought the inclusion of the survey ground mark and a plaque adjacent to the lighthouse.

Assessment by Ainsworth Heritage finds “due to their isolated nature, lighthouses did not simply consist of the light tower, but involved a complex of buildings which supported the functions of the lighthouse and also served as a home and supply base for the lightkeeper. The site of the Fingal Lighthouse is such a complex, comprising the Light tower, footings of the lightkeeper’s house and survey plaque. Collectively, these items present a more thorough picture of the entire complex that once existed at Fingal Head”.

The footings of the lightkeeper’s house and survey plaque are located on the same lot and DP and, therefore, do not require additional listing, rather updating of the site card information.

Recommendation:

The assessment finds that the Fingal Head Light House meets assessment criteria a) Historic, b) Associative, d) Aesthetic and g) Representativeness and it is recommended that the Fingal Head Lighthouse be listed as a complex to include the light tower, the footings of the lightkeeper’s house and the survey mark. It is recommended that the Fingal Head Lighthouse proceed to listing as a heritage item within the LEP.

Item 2520409 - “Bungalora”

One submission was received by the owners of “Bungalora” objecting to the proposed heritage listing of the property based largely on the property not meeting the established criteria for significance.

“Historic residences are often the most represented type of historic building included on local heritage registers, as they represent the bulk of the heritage assets within local areas. Heritage registers aim to select a broad range of private residences for inclusion on the heritage register – from grand homesteads through to workers cottages, and also aim to include a sample of buildings representing all eras, styles and materials. Those selected are not necessarily the ‘best’ or ‘grandest’ examples, but represent well a type of building characteristic to an area at a certain time”.

The Ainsworth Report finds that “Bungalora” “fulfils this function as a representative example of a late nineteenth century timber farmhouse whose location on the crest of a hill and detailing demonstrate the social importance of its original owners. In addition, the house has historic connections to an early Tweed pioneer, Caleb Marks, which enhances its historic significance”.

Recommendation:

The assessment finds that “Bungalora” meets assessment criteria b) Associative, d) Aesthetic and g) Representativeness and it is recommended that “Bungalora” proceed to listing as a heritage item within the LEP as exhibited.

Item 2520568 - Hartigan’s Hill Conservation Area

Two submissions were received objecting to the listing of properties within the Hartigans Hill conservation area.

“The individual buildings that comprise a conservation area do not always each have sufficient significance to be listed as heritage items; however, collectively they are considered to possess a value worth retaining, often demonstrating consistent streetscapes, landscapes, building characteristics or the development of a certain area within a specific timeframe.

Buildings within a conservation area usually contribute to the quality of the area and the assumption is that while not all the buildings in such an area could be considered historically significant, the area as a whole has a quality worthy of protection.

The proposed Hartigan’s Hill Conservation Area fulfils the purpose of conservation areas: it demonstrates the range of architectural styles which is unique to this river town and represents how the common styles changed through time. Although there is a range of styles and building eras within the Conservation Area, collectively they present an aesthetically pleasing landscape containing streetscapes with consistent setbacks.

The scale and quality of the residences reflect the commercial strength and stability of a local economy dependent upon the timber and dairy industries during the late 19th to mid 20th centuries. There are good examples of traditional timber houses, brick and tile houses and the early use of fibro cladding on lightweight construction. The architectural styles include Federation, Filigree and Bungalow elements on buildings dating from the late Victorian, Federation, Edwardian and Inter-war periods”.

Recommendation:

The assessment finds that the Hartigan’s Hill Conservation Area meets assessment criteria a) Historic, d) Aesthetic and g) Representativeness and it is recommended the conservation area proceed to listing within the LEP as exhibited.

The report also recommends that to assist the ease of the long term management of the Conservation Area, each item within the area could be identified as Contributory, Neutral or Intrusive. This could be detailed as part of the Heritage DCP.

Item 2520516 - Tyalgum Conservation Area

Five submissions were received in response to the Tyalgum Conservation Area centred on the following concerns:

- Two submissions that the submitter's dwelling is a new dwelling and should not be part of the conservation area;
- Submission suggesting a range of basic principles for incorporation into a Tyalgum village/heritage DCP; and
- Support for the conservation area.

Assessment finds the conservation area "includes a range of built elements along the Main Road which beautifully represent the range of functions required by a small town, including commercial buildings, hotels, post offices, factories, public spaces, small workers cottages and large residences. Although there are some modern intrusions, overall the Main Street buildings are representative of Tyalgum's changing functions and needs throughout its history.

The proposed Tyalgum Conservation Area fulfils the purpose of conservation areas: it demonstrates the range of architectural styles and represents the how the common styles changed through time. Further, it represents the range of buildings required to service a small, isolated village, including commercial premises, hotels, residences (large and small), factories and public open spaces. Although there is a range of styles and building eras within the Conservation Area, collectively they present an aesthetically pleasing main street vista".

"Although some elements of the Conservation Area are not contributory items, having no historic value, it must be pointed out that future development on these sites still has the opportunity to create additional impact upon the Conservation Area. Therefore, though some residents believe that the conservation area should only include "historic" structures, that type of approach invalidates the function of a conservation area and is not a sustainable heritage approach, leading to the erosion of the significance of the Conservation Area."

Recommendation:

The assessment finds that the Tyalgum Conservation Area meets assessment criteria a) Historic, d) Aesthetic and g) Representativeness and it is recommended the conservation area proceed to listing within the LEP as exhibited.

The report also recommends that to assist the ease of the long term management of the Conservation Area, each item within the area could be identified as Contributory, Neutral or Intrusive. This could be detailed as part of the Heritage DCP.

Item 2520498 - Tyalgum General Store

One submission was received raising concern that the information on the site card may be incorrect and that some of the significance information may have been removed.

Assessment has confirmed and updated the description and significance.

Recommendation:

The assessment finds that the Tyalgum General Store meets assessment criteria a) Historic, c) Social, d) Aesthetic and g) Representativeness.

The Ainsworth Heritage Submission Review Report August 2012 provides information for the updating of the site cards for each of the reviewed items and areas. The site cards have been updated accordingly.

Miscellaneous corrections to the CBHS

Following internal review the following corrections were identified and made to the site cards:

Item 2520500 – Residence Campbell's

This item was listed incorrectly as Tumbulgum and has been amended to Tygalgah in the CBHS 2012.

Item 2520469 – Pottsville Beach Kiosk

This item was demolished in 2010/11. The item has been removed from *Table 5.1 Items for listing* and added to *Table 5.10 Items known to have been lost since listing*.

Item 2520196 – Norco Co-op Butter Factory and Item 2520505 Doon Doon and Commissioner's Creek War Memorial Roll

These two items were included in *Table 5.2 Items for listing – Dual Listings*, however they have been incorrectly linked together. Both are proposed as items for listing and have been moved to *Table 5.1 Items for listing*.

Item 2520420 – Fig Tree at Chinderah

The fig tree was felled in July 2012 and has been removed from *Table 5.6 Items for the register of significant trees* and added to *Table 5.10 Items known to have been lost since listing*.

Recommendations and amendments to the Guidelines

During the information sessions concern was raised over the triggers for a Statement of Heritage Impact Assessment (SOHI) as outlined in the *Guide for Heritage Owners* and *Guide for Council Staff*. The guidelines have been reviewed and edited. Minor works, exempt development, and legislated standard maintenance and repair (for State items) may be carried out routinely, however, when the works require a development application (DA) this triggers the requirement for a SOHI. In order to address concerns that the guidelines are forcing people to engage a heritage consultant, reference has been included to the NSW Heritage Branch Guideline *Statements of Heritage Impact* to provide further guidance for those people wishing to prepare their SOHI. It is noted that works of a more significant nature encourage the SOHI to be prepared by a heritage professional.

OPTIONS:

1. That Council endorses the Community Based Heritage Study 2012 and supports documentation as amended in Attachment 3 and proceed with the preparation of an amendment to the Tweed Local Environmental Plan 2000 to list the items and areas within Schedule 2 (or the equivalent within the draft Tweed Local Environmental Plan under the provisions of the Standard Instruments (Local Environmental Plans Order) 2006); or
2. That Council not endorse the Community Based Heritage Study 2012 and support documentation as amended in Attachment 3 or proceed with the preparation of an amendment to the Tweed Local Environmental Plan 2000 to list the items and areas within Schedule 2 (or the equivalent within the draft Tweed Local Environmental Plan under the provisions of the Standard Instruments (Local Environmental Plans Order) 2006).

CONCLUSION:

The CBHS has reviewed and updated the list of previously resolved heritage items and areas, provided greater detail to the management plan and developed guidelines for heritage owners and staff to assist with understanding the legislative requirements, responsibilities and opportunities for heritage items and conservation areas.

The CBHS and support documentation was public exhibited for three months in late 2011/early 2012 and 32 submissions were received. The overall response to the CBHS has been positive. Nine submissions relating to four heritage items and two conservation areas were referred for professional heritage review.

The Ainsworth Submissions Review Report has reassessed the significance of these areas in light of the submissions and has recommended proceeding with the listing of the four heritage items and two conservation areas.

The CBHS 2012 recommends listing a total of 124 heritage items and six conservation areas.

The CBHS 2012, *Guide of Heritage Owners* and *Guide for Council Staff* have been updated to incorporate corrections and submissions received in response to the public exhibition.

The endorsement of the CBHS 2012 will ensure a commitment to improving the understanding of the history and heritage values of the Tweed, and will ensure ongoing management and protection of the nominated items and areas.

Given that the local government elections are pending in September of this year and the need for future consideration of a funding allocation for recommendations 9.4 regarding the commencement of a local heritage assistance fund and 9.5 regarding the appointment of a heritage advisor, it is recommended that consideration of this important issue be deferred for a further report to Council in November.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Endorsing the CBHS will require preparation of an Amendment to the Local Environmental Plan and a Heritage Development Control Plan (DCP). The LEP amendment is scheduled within the Planning Reforms Unit Work Program for 2012-13, to be prepared in house. Preparation of the DCP has been programmed for 2013-14 with a budget of \$20,000.

Endorsing the recommendations of the CBHS Management Plan to seek Heritage Branch funding for a Heritage Advisor and commencement of a Local Heritage Assistance Fund will require Council to contribute budget funding at a dollar for dollar rate for the first 3 years, at current rates, a maximum of up to \$8,500 for the Local Heritage Assistance Funds and up to \$7,500.00 for appointment of a Heritage Advisor.

The Heritage Branch funding, at current rates, decreases to \$2 for \$1 for years 4 – 7. Grant funding applications open in October of each year.

A further report on the financial implications of the Management Plan recommendations 9.4 – *Implementation of a Community Heritage Grants Scheme* and 9.5 – *Appointment of a Council Heritage Advisor* will be prepared for the incoming Council.

c. Legal:

There are no legal implications at this time.

d. Communication/Engagement:

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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.2 Preserve Indigenous and Non-Indigenous cultural places and values
- 2.1.2.3 Conserve non-Indigenous heritage and values
- 2.1.2.3.1 Review of Community Heritage Study and advance statutory and policy processes for new heritage item listing in Council Local Environmental Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Summary of submissions (ECM 54490501)
 - 2. Ainsworth Heritage submissions review report (ECM 54488379)
 - 3. Final Community Based Heritage Study August 2012 (ECM 54489406)
 - 4. Guide for Heritage Owners v2 August 2012 (ECM 54490449)
 - 5. Guide for Tweed Council Staff v2 August 2012 (ECM 54490499)
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- 10 [PR-CM] Development Application DA03/0476.02 for an Amendment to Development Consent DA03/0476 for the Establishment of an Art Gallery/Coffee Shop to Include a Refreshment Room & Extend Trading Hours on Saturdays including the Option of Live Music at Lot 2 DP 575934 No. 17 Bambery Street, Fingal Head

SUBMITTED BY: Development Assessment

FILE NUMBER: DA03/0476 Pt4



Civic Leadership

SUMMARY OF REPORT:

This matter was previously reported to the Council Meeting of 17 July 2012.

The officers' report identified concerns in relation to the car parking issues relating to the use of the site, structures within the road reserve, trading hours and live music.

As such, Council resolved as follows:

“that this item be deferred to the August Council meeting to allow for a Workshop to include the proponent, Councillors and Council staff, to address the issues.”

A Councillors Workshop was held on 31 July 2012 and was attended by the applicant. At the Workshop the Councillors requested that Council officers investigate alternative off-site car parking to provide additional car parking spaces for the restaurant on an adjoining and adjacent public road reserve.

Council officers subsequently prepared a draft concept plan and preliminary cost estimate for car parking spaces to be provided in the road reserve along the Fingal Road frontage to the subject premises.

This proposal was forwarded to the applicant, who indicated concerns with the proposal. This addendum report has therefore been prepared to seek further direction from the Councillors on the options of either deferring the matter for further investigation or to reconsider the Council officers previous recommendation for the refusal of DA03/0476.02.

RECOMMENDATION:

That Council determines a preferred action on the following two options in respect of the Development Application DA03/0476.02 for an amendment to Development Consent DA03/0476 for the establishment of an art gallery/coffee shop to include a refreshment room and extend trading hours on Saturdays including the option of live music at Lot 2 DP 575934 No. 17 Bambery Street, Fingal Head:

OPTION 1

That the application be refused for the following reasons:

1. The proposed modification is not considered to be consistent with the provisions of Clause 8(1)(c) of Tweed Local Environmental Plan 2000, in that the deletion of onsite parking provisions would have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.
2. The proposed modification is not considered to be in accordance with the provisions of Council's Development Control Plan Section A2 – Site Access and Parking Code, in that onsite parking provisions are not being maintained.
3. The proposed modifications are considered not to be in the public interest, with regard to the precedent the proposal would set if parking requirements were removed.
4. The proposed modification to extend trading hours is not supported, given the non-compliance with existing approved trading hours.
5. The proposed modification to use the approved parking area for alternate uses is not supported, in that the area is required for on site car parking purposes.

It was also recommended that the applicant be formally advised in writing that:

- The three approved car spaces are to be reinstated on site;
- The use of live music on a Sunday is to cease;
- The development must comply with existing approved trading hours;
- A Section 138 application must be submitted to Council for approval within 60 days of the date of the written notification in relation to all structures within the road reserve;
- A development application must be submitted within 60 days of the date of the written notification in relation to all signage associated with the development.

OR

OPTION 2

This matter be deferred to provide the applicant with the opportunity to submit further details in response to Council's current compliance concerns, and that the officers submit a further report to Council's October meeting.

REPORT:

Applicant: Ms A McKay
Owner: Mr Richard B Steenson
Location: Lot 2 DP 575934 No. 17 Bambery Street, Fingal Head
Zoning: 2(a) Low Density Residential
Est Cost: Not Applicable

BACKGROUND:

As noted in the previous report on this matter to Council's meeting of 17 July 2012 (please refer to a copy of this report in Attachment 1), the application seeks the following:

- The deletion of the requirement for the provision of three on-site parking spaces (Condition 10);
- To use the parking area as an informal area for such uses as reception area, separated seating area for dog owners and smokers, dancing area, staff amenities, and community events such as exhibition openings also during inclement weather conditions; and
- Amend the trading hours of the business to 9.00pm on Friday and 8.00pm on Sunday (Condition 22).

Following a detailed assessment of the application, the application was recommended for refusal at the Council meeting of 17 July 2012, based on the following reasons:

1. *The proposed modification is not considered to be consistent with the provisions of Clause 8(1)(c) of Tweed Local Environmental Plan 2000, in that the deletion of onsite parking provisions would have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*
2. *The proposed modification is not considered to be in accordance with the provisions of Council's Development Control Plan Section A2 – Site Access and Parking Code, in that onsite parking provisions are not being maintained.*
3. *The proposed modifications are considered not to be in the public interest, with regard to the precedent the proposal would set if parking requirements were removed.*
4. *The proposed modification to extend trading hours is not supported, given the non-compliance with existing approved trading hours.*
5. *The proposed modification to use the approved parking area for alternate uses is not supported, in that the area is required for on site car parking purposes.*

It was also recommended that the applicant be formally advised in writing that:

- *The three approved car spaces are to be reinstated on site;*
- *The use of live music on a Sunday is to cease;*
- *The development must comply with existing approved trading hours;*
- *A Section 138 application must be submitted to Council for approval within 60 days of the date of the written notification in relation to all structures within the road reserve;*

- *A development application must be submitted within 60 days of the date of the written notification in relation to all signage associated with the development.*

Council resolved the following in respect of the officer's recommendation:

“that this item be deferred to the August Council meeting to allow for a Workshop to include the proponent, Councillors and Council staff, to address the issues.”

OUTCOME OF COUNCILLOR WORKSHOP:

In accordance with the Council's resolution of the July meeting, a workshop was held on Tuesday 31 July 2012 to discuss this matter further, between the Councillors, Council's staff and the applicant. A summary of the main issues discussed at the Workshop is provided below.

Staff parking

The applicant noted that staff parking could be provided on the driveway behind the existing residence. Council staff raised concern with there being no turn around facility, meaning the vehicles could not enter and leave the driveway in a forward direction. Vehicle stacking was also highlighted as an issue, with only two stack cars being allowed for staff under the provisions of DCP A2. Council staff noted that the four staff cars would result in three stacked cars on the driveway plus vehicles in the garage, as noted in Figure 1 below. The applicant noted that any issues could be managed by staff.



Figure 1: Estimated stacked parking provisions on driveway

Customer parking

The applicant re-iterated a concern for the safety of the restaurant customers in relation to the approved three on-site spaces. Other options were discussed, such as the area to the south of the premises adjacent to Bambergy Street.

The applicant acknowledged that the use of the three on-site spaces triggered additional car parking requirements. Council staff advised that the use of the three spaces for dining purposes would require an additional three spaces, resulting in four spaces in total, when taking into consideration the one space being required by the Gallery.

The applicant suggested an amendment to Contribution Plan 23 – Offsite Parking to allow her to pay a contribution for the four spaces, rather than providing on-site parking. The Council officers advised that whilst this option may be possible, there was no nexus to do so and as such would be difficult to support.

It was agreed that Council staff would investigate other options for parking in public areas adjacent to and adjoining the subject site.

Structures within the road reserve

Currently the applicant has a licence agreement for the use of the road reserve for the purpose of outdoor dining. One of the conditions (Condition 6) of the licence states that further approval is required prior to the installation of any permanent structures or fixture. The applicant noted that the structures were temporary, with the shade cloth being removed in winter. It was clarified that the pole structures holding the shade cloth up were permanent and required separate approval via a Section 138 application to Council. The Section 138 application would need to be accompanied by appropriate certification for all of the structures within the road reserve.

Trading hours

The applicant noted that the proposed extension of trading hours was going to be a trial, and was prepared to revert back to the approved trading hours if necessary.

Live music

The applicant requested that the restaurant be able to continue with live music on Sundays, as there was a concern of having to have to cancel bands/musicians that have already been booked for the venue. It was pointed out that the consent clearly stated that live music was only allowed on Saturdays. Any variation to that would require an acoustic report, particularly given the site is within a 2(a) residential area.

UPDATE OF ACTIONS SINCE WORKSHOP OF 31 JULY 2012:

Further to the Councillors Workshop held on 31 July 2012, Council's Engineering and Operations Division considered a series of options for providing car spaces for the current restaurant use on adjoining and adjacent public areas.

It was considered inappropriate to allocate these car spaces in the road reserve and car park area on the opposite side of Fingal Road. Alternatively, it was the officers' preference that the spaces be provided in the road reserve adjoining the frontage of the subject site along Fingal Road, as shown in Figure 2 below.

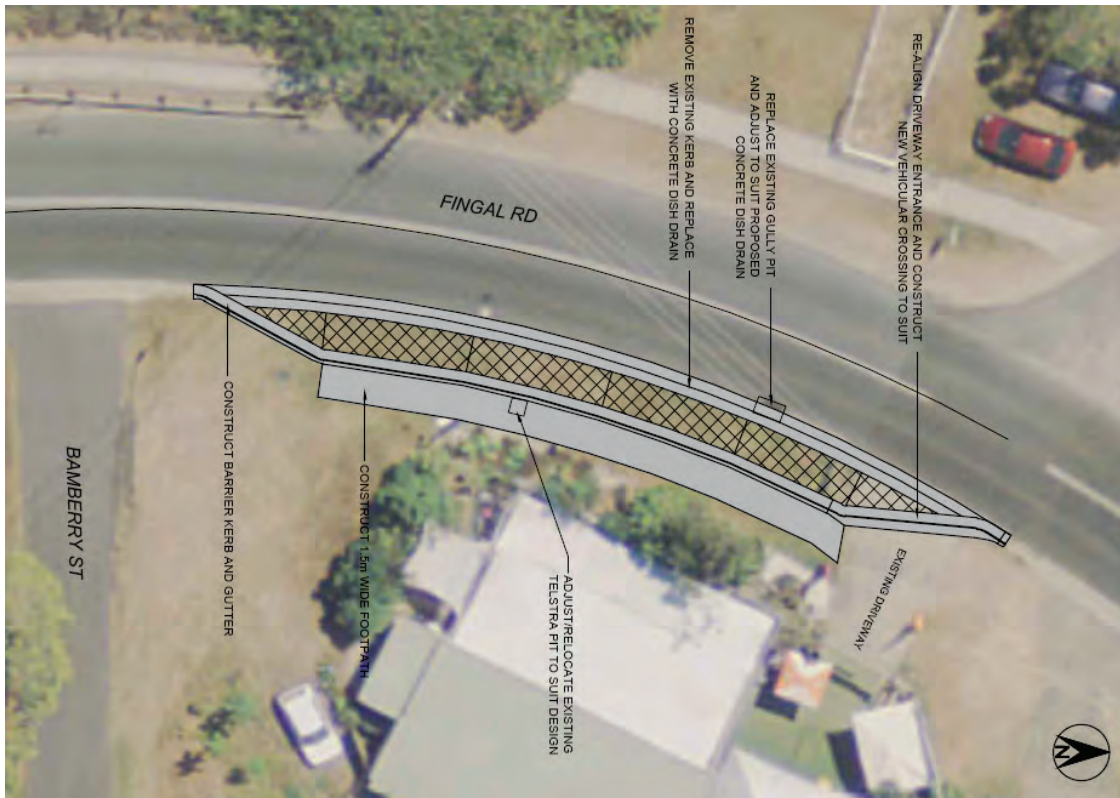


Figure 2: Possible location for customer parking

In terms of a way forward, it was considered appropriate to forward the abovementioned proposal to determine whether the applicant would be willing to consider a possible condition of an amended development consent, requiring the lodgement of a separate Section 138 road reserve application, and that the applicant commit to the payment of the construction of these spaces and associated road works. This process avoids the need to prepare an amendment to Council's Section 94 Plan, or a Voluntary Planning Agreement.

Council officers prepared a very preliminary cost estimate of just under \$60,000 for the construction of the four spaces, although this does include a more conservative estimate for the re-location of an existing Telstra pit, which may work out to be a lesser amount, depending on the complexity of the works.

The officers then forwarded a copy of the draft parking concept and preliminary cost estimate to the applicant.

The following response was received from the applicant:

"Thank you for your recent email. I greatly appreciate the efforts which you and your colleagues have made to address the parking issues at the Shack and thereby enable me to maintain my business (and I suggest an important community facility). As I have previously expressed to Council I am most certainly not trying to avoid my responsibilities in respect of any parking requirements at the Shack, and therefore am willing to consider any fair and reasonable option to achieve this.

I must admit that the parking area you have proposed has never been discussed as an option, and if I am to carefully consider the implications before reaching a decision I need additional information from you.

Your email states that the concept offered is a "viable solution", although no explanation is provided as to the basis for that conclusion. In order for me to respond I would appreciate the basis on which it is considered that this option is to be preferred.

My initial thoughts are that this option raises safety, amenity and financial concerns. These are as follows:

- 1. The parking area is on the in-side of a bend with double white lines in the centre of the road. In order for patrons to access the parking areas they will have to execute a turn somewhere along Fingal Road (eg at the boat ramp car park or at the junction with ??). This is not convenient and therefore there will be the temptation to cross the double lines illegally, thereby creating a traffic hazard.*
- 2. The proposed plans include a short length of footpath (which also requires the re-location of a telecom pit), when there is no footpath either side. There seems little point in this.*
- 3. Out-door dining in accordance with Council policy does not require the provision of any on-site parking. That policy is based on the principle that patrons will utilise existing public parking in the neighbourhood, as happens in Kingscliff and Murwillumbah. In the case of the Shack it is fair to assume from the comments made in the DAP notes that in granting the out-door dining licence that patrons would use existing parking facilities at the boat ramp. The distance and need to cross the road is no different to the situation at Kingscliff and Murwillumbah. Therefore, on what basis is the provision of any shortfall in on-site parking in that same parking area or in the vacant road reserve opposite the Shack unacceptable?*
- 4. The proposed parking on the front of the premises would block the riverside view which is the reason the business was created.*
- 5. There seems to be no reason to build another formalized parking area in an area that is already well supplied with parking. During our peak times (on Saturday evenings) the existing parking areas are rarely used by boaties or fishermen.*
- 6. The area across the road has never been used for anything other than parking.*

Once again thank for your commitment to securing a positive outcome to the parking at the Shack.”

It is evident from the applicant's response that an acceptable alternative to the current car parking issue affecting the operation of the current restaurant use has yet to be resolved. Given the need to address a number of more immediate compliance issues, further direction from Council is sought on a preferred way forward.

OPTIONS:

1. That Council support the officer's recommendation for refusal from 17 July 2012 meeting; or
2. That Council supports deferral of the matter, to provide the applicant with the opportunity to submit further details in response to Council's current compliance concerns, and that the officers submit a further report to Council's October meeting.

CONCLUSION:

As highlighted in the officers' report to 17 July 2012 Council Meeting, whilst the substantial community public support for the continuing restaurant operations is acknowledged, there are a number of unresolved compliance issues such as the provision of appropriate parking facilities, hours of operation and unauthorised structures which necessitate a preferred course of action from Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy - Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

The applicant has the option to appeal the matter in the Land and Environment Court should they be dissatisfied with Council's resolution.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Copy of the original report to the 17 July 2012 Council meeting (ECM 54633428)
-

11 [PR-CM] Development Application DA12/0067 for a Three Lot Subdivision at Lot 8 DP 635706 No. 149 Carramar Drive, Tweed Heads West

SUBMITTED BY: Development Assessment

FILE NUMBER: DA12/0067 Pt1



Civic Leadership

SUMMARY OF REPORT:

This development application is being reported to Council due to the Department of Planning's Circular PS08-014 issued on 14 November 2008 requiring all State Environmental Planning Policy No. 1 (SEPP No. 1) variations greater than 10% to be determined by full Council. In accordance with this advice by the Department of Planning, officers have resolved to report this application to full Council. The standard is varied up to 83.57%.

The SEPP No. 1 variation relates to Clause 20(2)(a) of the Tweed Local Environmental Plan 2000 (TLEP 2000) which states that consent may only be granted to subdivision of land within Zone 7(d) Environmental Protection (Scenic/Escarpment) if the area of each allotment created is at least 40 hectares (ha). Proposed Lot 3 has a total area of 9822m² (0.982ha) and is inclusive of the totality of 7(d) zoned land on the subject site (6570m²/0.657ha) in addition to 3252m² (0.325ha) of land zoned 2(a) Low Density Residential.

This land is currently located within a 1.081ha allotment (current Lot 8), the majority of which is zoned 7(d). An existing 83.57% variation to the abovementioned development standard currently relates to the site.

The applicant seeks consent for a three lot residential subdivision in order to locate two additional detached dwellings upon 2(a) zoned land. Proposed Lot 1 has an area of 502.5m² and proposed Lot 2 has an area of 485m². The existing variation to the development standard will remain unaltered following the proposed subdivision.

Concurrence was granted by the Director General in this instance for the following reasons:

- The proposed subdivision is appropriate to separate the land intended for residential development from the remainder of the current allotment; and
- The proposal is unlikely to cause any detrimental impacts to the surrounding area.

The proposal was not required to be notified or placed on public exhibition.

It is considered that the application is suitable for approval, subject to conditions.

RECOMMENDATION:

That Development Application DA12/0067 for a three lot subdivision at Lot 8 DP 635706 No. 149 Carramar Drive, Tweed Heads West be approved subject to the following conditions:

GENERAL

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

- Sheet 1 of 1 Ref: 2269PR/3 (Plan of proposed subdivision of Lot 8 in DP635706 at Carramar Drive Tweed Heads West) prepared by N.C. White & Associates and dated 9 March 2012

except where varied by the conditions of this consent.

[GEN0005]

2. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

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

[GEN0135]

4. In order to preserve the natural habitat of the site and surrounding areas, no occupant, tenant, lessee or registered proprietor of additional allotments created by this development consent or any part thereof may own or allow to remain on the site or any part thereof any dog (excluding any "assistance animal" as defined under the Companion Animals Act 1998 (NSW) and referred to in Section 9 of the Disability Discrimination Act, 1992 (Cth)).

Note: "assistance animal" means an animal (Disability discrimination-guide dogs, hearing assistance dogs and trained animals) of the [Disability Discrimination Act 1992](#) of the Commonwealth, but does not include a [working dog](#). Note: That section refers to a guide dog, a dog trained to assist a person in activities where hearing is required and any other animal trained to assist a person to alleviate the effect of a [disability](#).

[GENNS01]

5. No approval is granted for the removal of any Koala food or Koala use trees, being :Forest Red Gum (*Eucalyptus tereticornis*), Tallowwood (*Eucalyptus microcorys*), Swamp Mahogany (*Eucalyptus robusta*), Small-fruited Grey Gum (*Eucalyptus propinqua*), Blackbutt (*Eucalyptus pilularis*), Brush Box (*Lophostemon confertus*), Pink Bloodwood (*Corymbia intermedia*) and Grey Ironbark (*Eucalyptus siderophloia*). These trees must be protected throughout the development site during construction works and operational phases of the development.

[GENNS02]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

[PCC0275]

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

[PCC0285]

8. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

9. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

10. The proponent shall submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils Development Design and Construction specifications.

Services

- (a) Water and services are to be provided generally in accordance with Sketch no. 2 prepared by Cardno titled 'Water and Sewer service plan' dated 13 April 2012.
- (b) The existing water service for the existing dwelling on proposed Lot 3 is to be reconnected to the new main that will service proposed Lots 1 & 2. Details are to be shown on the application for a Construction Certificate.
- (c) The existing sewer pump station that currently services the existing dwelling on proposed Lot 3 is to be connected to the proposed new pressure sewer main, with a property boundary assembly. These details are to be shown on the application for a Construction Certificate.

[PCC0875]

11. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.
- (a) copies of compliance certificates relied upon
 - (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

[PCC0985]

12. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

[PCC1105]

13. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

PRIOR TO COMMENCEMENT OF WORK

14. 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]

15. Civil work in accordance with a development consent must not be commenced until:

- (a) a Construction Certificate for the civil work has been issued in accordance with Councils Development Construction Specification C101 by:

- (i) the consent authority, or
- (ii) an accredited certifier, and

- (b) the person having the benefit of the development consent:

- (i) has appointed a principal certifying authority,
- (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:

C4: Accredited Certifier - Stormwater management facilities construction compliance

C6: Accredited Certifier - Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and

- (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
- (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

- (c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

Note: For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with National Professional Engineers Register (NPER) registration.

[PCW0815]

DURING CONSTRUCTION

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

[DUR0005]

17. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

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

[DUR0205]

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

[DUR0815]

19. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

20. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

21. 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]

22. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

23. 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]

24. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

Water Reticulation, Sewer Reticulation, Drainage

Excavation

- (a) Bedding
- (b) Laying/jointing
- (c) Manholes/pits
- (d) Backfilling
- (e) Permanent erosion and sedimentation control measures
- (f) Drainage channels
- (g) Final inspection - on maintenance
- (h) Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

25. 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]

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

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

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

[DUR2375]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP3: 2 ET @ \$12150 per ET \$24,300

Sewer Banora: 2 ET @ \$5838 per ET \$11,676

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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

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

[PSC0165]

29. Section 94 Contributions

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

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

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

- (a) **Tweed Road Contribution Plan:**
13 Trips @ \$2860 per Trips \$25,614.02*
(\$2836 base rate + \$24 indexation)
S94 Plan No. 4
Sector4_4
- (b) **Open Space (Casual):**
2 ET @ \$526 per ET \$725.88*
(\$502 base rate + \$24 indexation)
S94 Plan No. 5
- (c) **Open Space (Structured):**
2 ET @ \$602 per ET \$830.76*
(\$575 base rate + \$27 indexation)
S94 Plan No. 5
- (d) **Shirewide Library Facilities:**
2 ET @ \$816 per ET \$1,126.08*
(\$792 base rate + \$24 indexation)
S94 Plan No. 11
- (e) **Bus Shelters:**
2 ET @ \$62 per ET \$85.56*
(\$60 base rate + \$2 indexation)
S94 Plan No. 12
- (f) **Community Facilities (Tweed Coast - North)**
2 ET @ \$1352 per ET \$1,865.76*
(\$1305.6 base rate + \$46.4 indexation)
S94 Plan No. 15
- (g) **Extensions to Council Administration Offices
& Technical Support Facilities**
2 ET @ \$1812.62 per ET \$2,501.42*
(\$1759.9 base rate + \$52.72 indexation)
S94 Plan No. 18
- (h) **Cycleways:**
2 ET @ \$460 per ET \$634.80*
(\$447 base rate + \$13 indexation)
S94 Plan No. 22

- (i) **Regional Open Space (Casual)**
2 ET @ \$1064 per ET \$1,468.32*
((\$1031 base rate + \$33 indexation)
S94 Plan No. 26
- (j) **Regional Open Space (Structured):**
2 ET @ \$3730 per ET \$5,147.40*
((\$3619 base rate + \$111 indexation)
S94 Plan No. 26

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

[PSC0175]

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

[PSC0725]

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

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

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

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

[PSC0735]

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

[PSC0825]

33. Prior to the issue of the Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval imposed under Section 100B of the Rural Fires Act 1997 on the consent.

[PSC0830]

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

- (a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- (b) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006" Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- (c) Positive Covenant over the subject land advising; the future lot owner/s for proposed Lots 1 & 2 shall install a private sewage ejection pump station to service the lot with reticulated sewer. The private sewage ejection pump station is to be installed to the boundary assembly kit prior to the issue of an Occupation Certificate or Interim Occupation Certificate.

Approval to Install the private sewage ejection pump station under Section 68 of The Local Government Act 1993 must be obtained from Tweed Shire Council prior to installation and prior to the issue of an Occupation Certificate or Interim Occupation Certificate.

Approval to Operate the private sewage ejection pump station under Section 68 of The Local Government Act 1993 must be obtained from Tweed Shire Council following installation and prior to the issue of an Occupation Certificate or Interim Occupation Certificate.

Maintenance of the private sewage ejection pump station is the owners responsibility and is to be managed by the owner in accordance with the conditions of Approval to Operate.

- (d) A restriction on the title of proposed lots 1 and 2 preventing dogs (excluding assistance dogs) from being kept on the lots.

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

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

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

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

[PSC0855]

36. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.

The following information must accompany an application:

- (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

37. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-

- (a) Compliance Certificate - Water Reticulation
- (b) Compliance Certificate - Sewerage Reticulation
- (c) Compliance Certificate - Drainage

Note:

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

[PSC0915]

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

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

[PSC1115]

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

[PSC1165]

40. Electricity

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

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

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

[PSC1185]

- 41. As a minimum the following restrictions as to user under Section 88B of the Conveyancing Act are to be created to Council's satisfaction:**

- (a) Restriction as to user regarding no dogs or cats. Burden: Proposed (new lot(s) created on the subject site). Benefit: Tweed Shire Council.

[PSCNS01]

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

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by N.C. White & Associates numbered 2269PR/3, dated 9 March 2012.
2. At the issue of subdivision certificate and in perpetuity the entire area of proposed Lots 1 and 2 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. At the issue of subdivision certificate and in perpetuity as asset protection zone of 20m or to the boundary where less than 20m (as approved under conditions of consent for DA03/0830) shall be established and managed around the existing dwelling on proposed Lot 3 as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
4. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over part of proposed Lot 3 requiring the provision of an asset protection zone (APZ) to the south-east of proposed Lot 2 for a distance of 21m from the potential building envelope on proposed Lot 2, as identified on the drawing prepared by Parameter Designs, numbered Sheet 1A 1257F (Amendment 3), dated 8 August 2011 (approved under DA11/0030). The APZ shall be managed 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'.
5. For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (eg. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area.

6. Any extension of electricity supply to service the proposed lots shall comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
7. Any gas connection to the existing dwelling(s) shall comply with the following requirements:
 - a) Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2008: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
 - b) All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and be shielded on the hazard side of the installation.
 - c) Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal.
 - d) Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.
8. Any reticulated water supply to the proposed Lots shall comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

REPORT:

Applicant: Mr D Evans
Owner: Mr David J Evans
Location: Lot 8 DP 635706 No. 149 Carramar Drive, Tweed Heads West
Zoning: 2(a) Low Density Residential and 7(d) Environmental Protection (Scenic/Escarpment)
Cost: N/A

BACKGROUND:

History

Current Lot 8 in DP 635706 was registered on 16 November 1983 with approval of subdivision certificate 147/83.

The current owner built a two storey dwelling within the 2(a) zoned portion of the site following approval of DA03/0830. Deck additions to the dwelling were completed in accordance with DA08/1129.

The applicant lodged an application for multi-dwelling development upon the site on 25 January 2011. This application (DA11/0030) proposed an additional two detached three storey dwellings on specific site areas within the 2(a) zoned portion of the land, south east of the existing dwelling. Development consent for the proposal was issued on 27 October 2011.

Since that date, the owner became aware that in order to progress with the approved multi-dwelling development, he would need to create Torrens title allotments to cater for specific site areas associated with each dwelling.

In this regard, lot areas submitted in this subdivision proposal match those approved by way of the multi-dwelling proposal, thus formalising the arrangement.

The Subject Site

The subject site with a total site area of 1.081ha is located in a low density residential area opposite a Council reserve and currently contains one two-storey dwelling. The site is irregularly shaped with a 240m frontage to Carramar Drive.

The land slopes steeply from Carramar Drive. Levels range from RL 2.5m on Carramar Drive to RL 12m upslope to the rear of the existing and proposed dwelling sites. The topography for the remainder of the site steadily increases to RL 20 to 25m to the north eastern boundary.

The north western tip of the densely vegetated 7(d) zoned portion of the site is located in a sensitive location with regard to State Environmental Policy Plan (SEPP) No. 71 – Coastal Protection and is within the SEPP 14 – Coastal Wetlands 100m buffer area.

The Proposed Development

The applicant seeks consent for a three lot residential subdivision. Land areas of the proposed lots are as follows:

- Lot 1 = 502.5m² – road frontage of 12.96m
- Lot 2 = 485m² – road frontage of 12.96m
- Lot 3 = 9822m² (retention of existing dwelling) – road frontage of 71.95m

The proposal includes:

- Subdivision of the site into 3 residential lots (Torrens Title).
- Connection of the proposed lots to reticulated sewer and water supply.
- Nomination of approved dwelling sites and building envelopes for proposed Lots 1 and 2.

No physical works are proposed on the site.

Section 64 and Section 94 Charges

Section 64 and Section 94 charges were applied to land use application DA11/0030 for the creation of two new dwellings on the site. However, a construction certificate for that proposal has not been issued (or lodged) and the contribution charge amount remains unpaid by the applicant. The current charge amount remains effective until 27 October 2012.

In light of the above, it is considered logical and appropriate to also levy Section 64 and Section 94 charges in association with this subdivision proposal, as there is a possibility, however unlikely, that DA11/0030 may not be enacted upon in the future. Should that be the case, there would be no mechanism for Council to recover such charges for the creation of two new allotments independent of a development application.

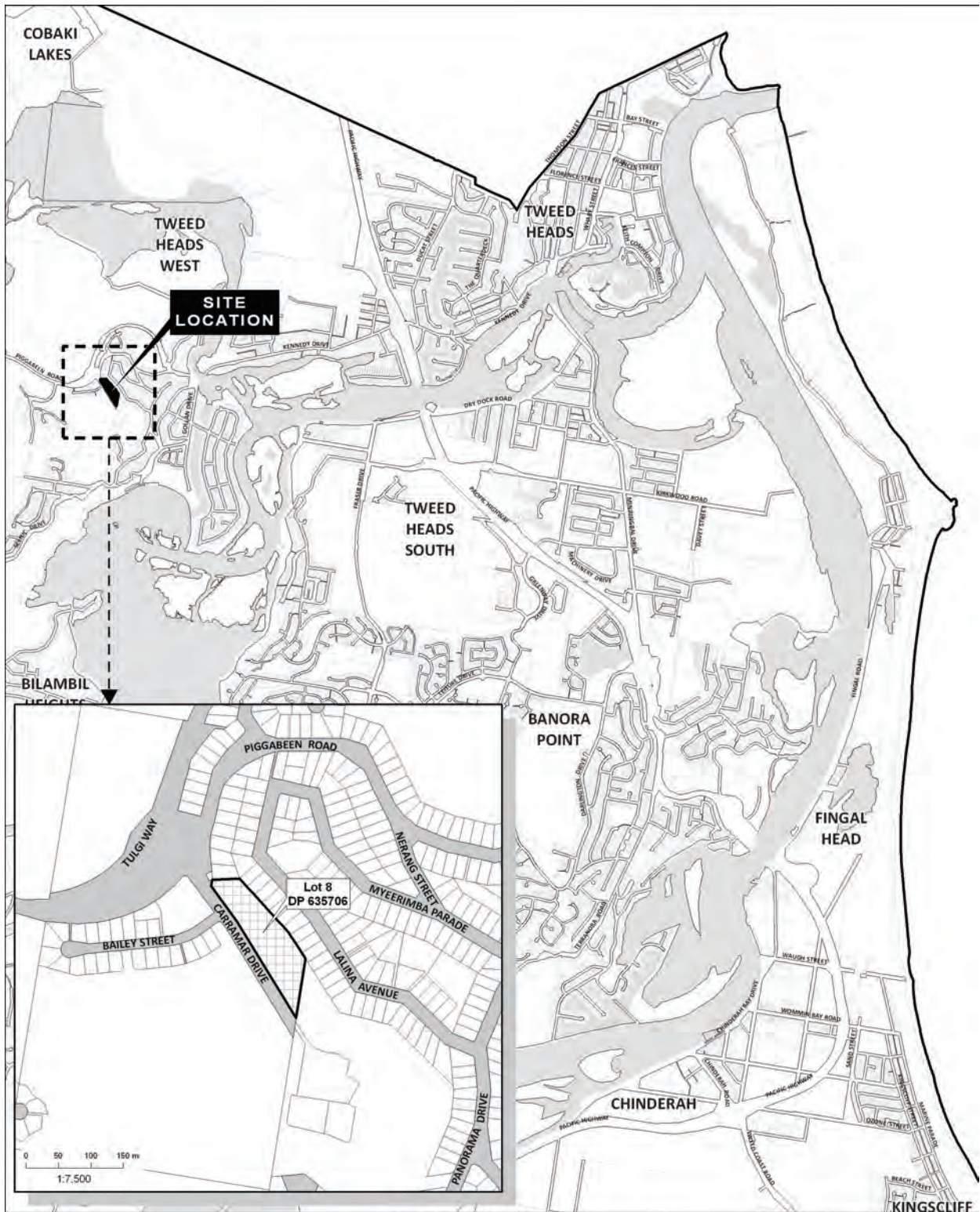
As such, the process is as follows:

- The applicant may arrange payment, prior to 27 October 2012 of the original contribution charges in accordance with Conditions 6 and 7 of the development consent for DA11/0030. Such payment would in effect, satisfy the requirement for payment of contributions in conditions attached to a development consent (should the application be approved) for this proposal, DA12/0067.
- Should such payment not be made by the specified date of 27 October 2012, the applicant may arrange payment of the contribution charges levied in association with this proposal, DA12/0067 (a recalculation of original contribution charges would effectively be consistent with these). Conditions 6 and 7 of the development consent for DA11/0030 would therefore be deemed satisfied.

Summary

Having regard to the site's characteristics, the site history, intended use, proximity of surrounding residential development, amenity issues and an assessment against SEPP No. 1 and Clause 20(2)(a) of the TLEP 2000 in particular, the proposed three lot subdivision is, on balance, considered suitable for the location and therefore the proposed development is recommended for approval.

SITE DIAGRAM:



Locality Plan

Lot 8 DP 635706

No. 149 Carramar Drive, Tweed Heads West

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

Cadastre: 18 July, 2012
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Boundaries shown should be considered approximate only.

0 0.5 1 Km
1:40,000 @ A4 Portrait
DO NOT SCALE
COPY ONLY - NOT CERTIFIED

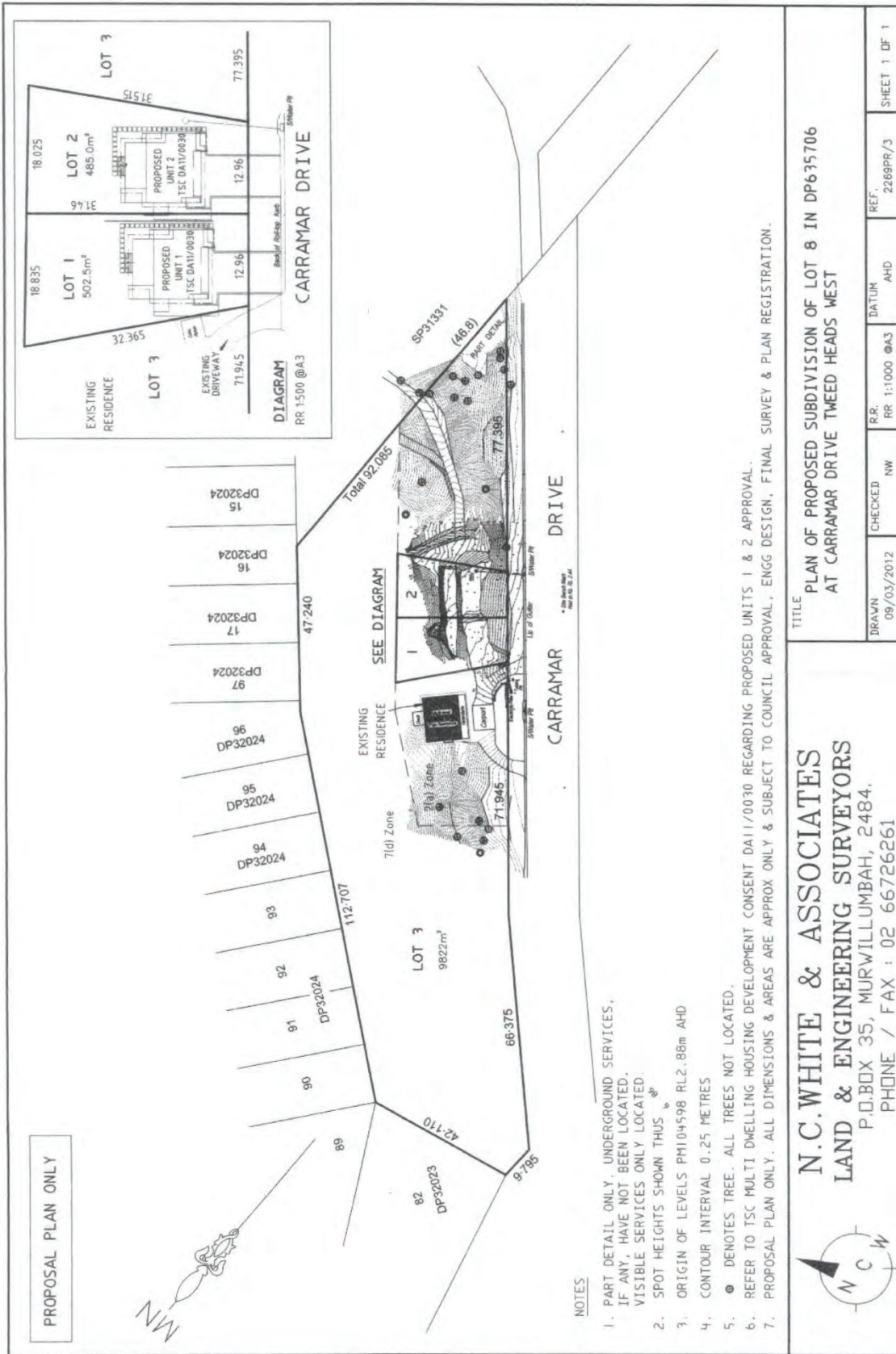
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Scale: Map Grid of Australia, Zone 56

GDA

Civic and Cultural Centre
3 Tumbulgun Road
Murwillumbah NSW 2484
PO Box 815
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 972
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au



DEVELOPMENT/ELEVATION PLANS:



TITLE PLAN OF PROPOSED SUBDIVISION OF LOT 8 IN DP675706 AT CARRAMAR DRIVE TWEED HEADS WEST			
DRAWN 09/03/2012	CHECKED NW	DATUM AHD	REF. 2268PPR/3
R.R. RR 1:1000 @A3			SHEET 1 OF 1

N.C. WHITE & ASSOCIATES
LAND & ENGINEERING SURVEYORS
 P.O. BOX 35, MURWILLUMBAH, 2484,
 PHONE / FAX : 02 66726261

- NOTES
1. PART DETAIL ONLY. UNDERGROUND SERVICES, IF ANY, HAVE NOT BEEN LOCATED. VISIBLE SERVICES ONLY LOCATED.
 2. SPOT HEIGHTS SHOWN THUS \odot .
 3. ORIGIN OF LEVELS PM104598 RL2.88m AHD
 4. CONTOUR INTERVAL 0.25 METRES
 5. \bullet DENOTES TREE. ALL TREES NOT LOCATED.
 6. REFER TO TSC MULTI DWELLING HOUSING DEVELOPMENT CONSENT DA11/0030 REGARDING PROPOSED UNITS 1 & 2 APPROVAL.
 7. PROPOSAL PLAN ONLY. ALL DIMENSIONS & AREAS ARE APPROX ONLY & SUBJECT TO COUNCIL APPROVAL, ENGG DESIGN, FINAL SURVEY & PLAN REGISTRATION.

CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

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

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the Plan

The proposal is consistent with the aims of the Tweed Local Environmental Plan 2000 (TLEP). The proposal represents sustainable economic development which is consistent with the area's environmental and residential amenity qualities.

Clause 5 - Ecologically Sustainable Development

The proposal is consistent with the principles of ecologically sustainable development. The carrying out of the development will not result in unacceptable cumulative impacts.

Clause 8 – Consent Considerations

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) *it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- (b) *it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and*
- (c) *it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*

In this instance, the zoning of the site most affected by the subdivision is 2(a) Low Density Residential, the primary objective of which is *to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity*. Lots 1 and 2 are located entirely within the 2(a) zone and Lot 3 includes 3252m² of land zoned 2(a).

The creation of the three lots is considered consistent with the primary objective of the 2(a) zone, in that the proposal maintains a low density and detached residential environment and adheres to the minimum lot size of 450m².

The remainder of the site is zoned 7(d) Environmental Protection (Scenic/Escarpment), the primary objective of which is *to protect and enhance those areas of particular scenic value to the area of Tweed, minimise soils erosion from escarpment areas, prevent development in geologically hazardous areas, and maintain the visual amenity of prominent ridgelines and areas*.

The subdivision does not propose works within the 7(d) zone, nor does it alter the existing area of land zoned 7(d). As such, the proposal is not inconsistent with the primary objective of zone 7(d).

Other relevant clauses of the TLEP 2000 have been considered elsewhere in this report and it is considered that the proposed subdivision generally complies with the aims and objectives of each.

The proposal is not considered to contribute to any unacceptable cumulative impact in the community due to the established residential nature of the subject area.

Clause 11 – Zone Objectives

The subject site is located within the 2(a) Low Density Residential and 7(d) Environmental Protection (Scenic/Escarpment) zones. The primary objectives of each zone and consistency of the proposal with the objectives has been outlined above.

Secondary objectives for the 2(a) zone allow for diversity of housing types and location of non-residential development that is domestically based. These objectives are not relevant to the proposed subdivision. Detached dwellings are intended for proposed Lots 1 and 2 and an existing detached dwelling will be located on proposed Lot 3.

The secondary objective of the 7(d) zone allows other development that is compatible with the primary function of the zone. As stated previously, no works are proposed within the 7(d) zone and the proposed subdivision does not impact upon the functioning of the land to meet zoning objectives.

It is submitted that the proposal, being a form of residential development within an established residential area is suitable in scale and form. The proposal is of a similar scale to existing development and is not considered to have any adverse effects on the character and amenity of the area.

Clause 15 - Essential Services

Although the site has access to all necessary services including water, electricity, sewer, telecommunications and stormwater, the existing dwelling has not taken advantage of water and sewer connections available to the allotment as they are some distance from the 2(a) zoned land.

As part of this application, the proposed lots are required to be connected to reticulated water and sewer. Detailed design regarding connection is to be supplied at construction certificate stage. This matter is discussed in more detail elsewhere in this report.

Clause 16 - Height of Building

A three storey height limit applies to this site. However, no buildings are proposed as part of the development application.

Clause 17 - Social Impact Assessment

The scale of this development proposal does not necessitate a social impact assessment.

Clause 35 - Acid Sulfate Soils

The majority of the elevated site is Class 5 land with a small portion of Class 2 land at the lower frontage. Following assessment of the impact of development upon Acid Sulfate Soils (ASS) in multi-dwelling development application DA11/0030, it was concluded that there will be no disturbance of ASS during the construction of the proposed detached dwellings. No physical works are proposed in association with the subdivision. As such, there are no constraints with regard to ASS and this clause is satisfied.

Specific Clauses

Clause 19 – Subdivision (General)

This clause allows subdivision to take place on the subject land with development consent.

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

The main objective of this clause is to prevent the potential for fragmentation of rural land that would lead to an adverse impact upon its agricultural and/or environmental character. It is also to prevent unsustainable development and to protect the area of Tweed's water supply quality.

Clause 20 provides for the subdivision in 7(d) zoned land if the area of each allotment created is at least 40 hectares. This application proposes to maintain the same 0.657ha area of 7(d) zoned land (along with 0.325ha of 2(a) zoned land) within a parcel with a total land area of 1.081ha.

There is no change to the land zoned 7(d). The land will be included in the proposed lot for the existing dwelling. No development is proposed on the land zoned 7(d). It is therefore the subject of a SEPP No. 1 Variation Report which has received the concurrence of the Director General and is discussed in full at a later stage within this report.

Clause 34 - Flooding

The road frontage of the subject site is situated in an area that is subject to Probable Maximum Flood (PMF) levels. There is no intention for physical works to take place on site in association with the subdivision. As such, measures to contain flood waters will not be impacted by the proposal.

It is noted that the intended developed portion of the site in accordance with DA11/0030 will be three storeys and as such, will provide adequate refuge for a PMF flood event, should it occur.

Clause 39 – Remediation of Contaminated Land

The objective of this clause is to ensure that contaminated land is adequately remediated prior to development occurring. The applicant has provided information to suggest that the site has not been subject to any potentially contaminating activities in the past.

A search of Council's Topography maps and records indicates the site has not been previously used for Agricultural purposes and therefore contamination is not considered an issue. Contamination is not considered to be a constraint.

Therefore, the proposal is considered compliant with the provisions of Clause 39.

Clause 39A – Bushfire Protection

The objective of Clause 39A is:

- to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets.

The development application was forwarded to the NSW Rural Fire Service on 15 March 2012 for consideration and comment, as the subject site is bushfire prone land. A response was received 5 April 2012. The Service recommended eight conditions to be attached to the development consent, should it be granted.

The conditions relate to Asset Protection Zones (APZ's) and Water/Utilities.

Clause 54 – Tree Preservation Order

Tree Preservation Order (TPO) 2004 affects the 7(d) zoned portion of the site. However, no vegetation removal is proposed on 7(d) land as part of the proposed subdivision. It has been confirmed that the proposed APZ's for the two new dwelling sites do not extend into the 7(d) portion of the land.

TPO 2011 came into effect on 22 February 2011 in order to preserve Koala habitat. The total site is covered by the part of the TPO that preserves the four specified Koala Food tree species (swamp mahogany, forest red gum, tallowwood and grey gum) and the majority of the 2(a) zoned portion of the site is identified as 'bushland affected' which means that no clearing can take place without development consent.

The subdivision does not propose the removal of vegetation.

Small camphor laurel trees and exotic species were approved to be removed as part of DA11/0030 to create site areas for the new dwellings. Several Brush Box eucalypts are to be retained within the defined APZ's.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 32B: Coastal Lands

Clause 32B of the North Coast Regional Environmental Plan (NCREP) is applicable to this proposal as the subject land falls under the jurisdiction of the NSW Coastal Policy.

- (a) Council is required to consider the NSW Coastal Policy 1997 when assessing applications for development to which the policy applies.
- (b) Council is also required to consider the Coastline Management Manual.
- (c) A consideration of the North Coast: Design Guidelines is required.
- (d) Public access to the foreshore must not be impeded.
- (e/f) Council is required to consider whether the development would result in overshadowing of beaches or adjacent open space.

The proposal is considered consistent with Clause 32B as it is deemed unlikely that it will impede public foreshore access to the beach or result in significant overshadowing of adjacent open space. The proposal does not contradict the strategic aims of the NSW Coastal Policy, the Coastline Management Manual or the North Coast: Design Guidelines.

Clause 43: Residential development

Clause 43 of the NCREP provides guidelines for Council when considering residential development. These controls include density, site erosion and environmental constraints on the land.

Site erosion will be minimised as there are no works proposed. The density of the proposed development has been maximised without adversely affecting the environmental features of the land.

SEPP No. 1 - Development Standards

As discussed, the applicant seeks to vary the development standard regarding minimum allotment size in the 7(d) zone for subdivision purposes as contained within Clause 20(2)(a) of the Tweed LEP 2000.

Clause 20(2) of the TLEP 2000 states that:

Consent may only be granted to the subdivision of land:

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

The applicant contends that *the only change to the land that is associated with this subdivision relates to the division of the part of the site that is within the 2(a) zone.*

A SEPP No. 1 submission may be supported where the applicant demonstrates that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case and specifies the grounds of that objection. The applicant must also demonstrate the consistency with the aims of the SEPP.

In support of the proposed variation, the applicant has provided the following:

- *The part of the site which is within the 7(d) zone is fixed and cannot be changed.*
- *In zoning the land or approving the creation of Lot 8 DP 635706, Council made the decision that the 7(d) zoned part need not comply with the 40ha minimum lot area development standard.*
- *Council has recognised the importance of the 2(a) zoned part of the site as an extension to the existing residential areas adjacent to the site and through the recent approval of a multi-dwelling housing development on part of the 2(a) zoned part of the land.*
- *It is appropriate to excise the part of the land on which the proposed dwellings are to be constructed and their approved curtilage areas from the remainder of the site.*
- *All of the 7(d) zoned part of the parent allotment is to be contained within proposed Lot 3.*
- *The 7(d) zoned part of the site is not proposed to be physically affected by this development application and the ecological and scenic values inherent in that part of the site are able to be protected.*
- *Proposed Lot 3 is not within a part of the Tweed's water supply catchment area and the proposal will not adversely affect water supply quality.*

Assessment of the applicant's submission:

The following assessment of the SEPP No. 1 is based on the principles set by Chief Justice Preston (*Wehbe v Pittwater Council [2007] NSW LEC 827*).

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

Chief Justice Preston has noted 5 ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. In this instance, the first option, being the objectives of the standard are achieved notwithstanding non-compliance with the standard has been adopted.

The objective of Clause 20(2)(a) of the TLEP is achieved despite the variation to the development standard pertaining to minimum allotment size. The objectives of this clause ensure there are no detrimental impacts to the ecological or scenic values of the land and prevent further fragmentation.

The proposed subdivision is minor and is consistent with surrounding development. It does not compromise the ecological or scenic value of the subject site.

The applicant's submission in relation to being well founded is supported.

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

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

The proposal provides for a Torrens Title subdivision that incorporates two new allotments and no unreasonable burden on public infrastructure.

It is not considered that the granting of this application would hinder the attainment of such objectives.

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

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

No public benefit issues are adversely affected by not being able to maintain the development standard in this case as it is already non-compliant and the degree of non-compliance will not intensify.

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

As stated previously in this report, concurrence was granted in this instance by the Director General for the following reasons:

- The proposed subdivision is appropriate to separate the land intended for residential development from the remainder of the current allotment; and
- The proposal is unlikely to cause any detrimental impacts to the surrounding area.

SEPP No. 44 – Koala Habitat Protection

The status of the site is Secondary Habitat (Class A) as per Figure 1 below. The subdivision does not propose removal of vegetation and as there are no physical works proposed, does not impact upon Koala habitat.



Figure 1: Secondary "A" Koala Habitat

Removal of vegetation to facilitate site areas in the 2(a) zone for the new dwellings on proposed Lots 1 and 2 was considered during the assessment of DA11/0030. As previously discussed, the application proposed removal of camphor laurel and exotic species only with retention of eucalypts.

It is important to note that some clearance of Black Butts and Brush Boxes (not specified as Koala Food Trees) may have taken place over the 2(a) portion of land in late 2010 prior to TPO 2011 coming into force on 22 February 2011.

Council provided advice to the applicant on 3 September 2010 stating that no TPO's were located over the 2(a) portion of the land and that the applicant should contact the Catchment Management Authority (CMA) to determine the permissibility of removing native vegetation on the steeply sloping areas of the site. The CMA advised the applicant that there was no impediment to removal of vegetation on the 2(a) zoned portion of the land.

The site is now protected by the 2011 TPO for both vegetation clearance of Koala Food trees and bushland clearance. The 2004 TPO also protects the 7(d) zoned land.

Major threats to Koalas include loss of habitat and dog attack. Where subdivision or additional dwellings are approved within Koala habitat areas (such as the subject site), the keeping of additional dogs (excluding 'assistance animals' as defined under the NSW Companion Animals Act 1998) should be prohibited and Primary and Secondary Koala habitat should be protected. Conditions of development consent have been applied to this effect.

SEPP No. 55 - Remediation of Land

Clause 7 of this policy provides that the consent authority must not consent to the carrying out of any development on land unless it has considered, among other things, whether the land is contaminated, based on a preliminary investigation of the land carried out in accordance with the Contaminated Land Planning Guidelines.

An assessment in this regard has concluded that contaminated land is not considered to be a constraint for the site. Therefore, the proposal is considered compliant with the provisions of SEPP 55.

SEPP No 71 – Coastal Protection

The subject land does not have frontage to the coastal foreshore reserve and therefore will not restrict public access to the foreshore. The development is consistent with the zone objectives of TLEP 2000, the requirements of relevant Council Development Control Plans and consistent with ESD principles and objectives. It is therefore considered that the proposal satisfies the matters for consideration under SEPP 71.

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

The shire-wide Draft Local Environmental Plan was placed on exhibition in 2010. The draft zones are R2: Low Density Residential and E2: Environmental Conservation.

The subdivision proposes site areas that satisfy the minimum requirements of 450m² in the R2 draft zone, similar to the current 2(a) zone. The balance of the site is draft zoned E2 Environmental Conservation. No development is proposed within that zone but a 40ha minimum lot size applies, similar to the current 7(d) zone.

Clause 4.6 (6) states that consent must not be granted under this clause for a subdivision of land in Zone E2 if:

- a. The subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- b. The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

In the case of this subdivision proposal, the development standard is varied considerably which would require the applicant to justify the contravention of the development standard and for concurrence of the Director-General to be obtained by the consent authority.

This is a similar process to that which is conducted under SEPP No. 1, which has been discussed above in this report.

It is therefore concluded that the subdivision proposal may be assessed as a form of development that would be considered favourably under the draft zoning provisions.

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

Tweed Development Control Plan

A3-Development of Flood Liable Land

As previously indicated in this report, the road frontage of the subject site is situated in an area that is subject to Probable Maximum Flood (PMF) levels. There is no intention for physical works to take place on site in association with the subdivision. As such, measures to contain flood waters will not be impacted by the proposal.

It is noted that the intended developed portion of the site in accordance with DA11/0030 will be three storey and as such, will provide adequate refuge for a PMF flood event, should it occur.

A5-Subdivision Manual

DCP A5 provides various guidelines for the subdivision of land and aims to facilitate “best practice” subdivision development in line with the policies of Council and the State. The DCP defines “subdivision” liberally as “the division of land into two or more parts” and includes the creation of lots in community title subdivisions. Parts of this DCP that are applicable to the proposal have been addressed below with the conclusion that subject to various conditions attached to this report the application is compliant with the provisions of this part of the DCP.

Council’s Development Assessment Engineer has assessed compliance of the proposal against Section A5.4 of this DCP – Urban Subdivision Design Guidelines and Development Standards and has concluded that subject to various conditions attached to this report the application is compliant with the provisions of this part of the DCP.

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

Clause 92(a) Government Coastal Policy

The subject land is governed by the requirements of Clause 92(a) Government Coastal Policy. The proposal does not pose a threat to coastal processes.

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

The subject site is not located within an area that is affected by this management plan.

Tweed Shire Coastline Management Plan 2005

The subject site is not located within an area that is affected by this management plan.

Tweed Coast Estuaries Management Plan 2004

The subject site is not located within an area that is affected by this management plan.

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

The subject site is not located within an area that is affected by this management plan.

(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 subdivision proposal enables use of the 2(a) zoned portion of the land to accommodate low density detached residential development. This is consistent with the existing residential character of the locality.

(c) Suitability of the site for the development

Surrounding Landuses/Development

Low density residential premises back on to the subject site over a steep rise to the north/north-west. Similar residential properties are located east of the site over Carramar Drive. Intensive aged care housing is located to the south east of the site at the end of Carramar Drive.

Flora and Fauna

The proposal does not impact upon sensitive environmentally zoned land which is part of the subject site.

Topography

Subdivision boundaries duplicate those approved as site areas in DA11/0030. Site area nomination took into account the placement of future dwellings on the land to minimise excavation and to conform to natural contours beyond the building envelope.

Future dwellings approved under DA11/0030 are located on a gradient of 30% to 35% requiring piered foundations over these gradients. Excavation is contained to the basement areas. The remainder of the site is at a similar slope, although the proposed driveways for the dwellings were approved at Council's maximum driveway gradient of 25% requiring excavations of 1m.

Geotechnical issues identified during assessment of DA11/0030 were resolved prior to approval.

Roads/Access/Traffic

Carramar Drive is an urban sealed two way access street in good condition with kerb and guttering. Access to the proposed lots is via Carramar Drive.

No footpaths are constructed in the vicinity of Carramar Drive and the construction of a footpath in isolation is not considered warranted.

The surrounding road network will not be affected by the creation of two additional allotments.

Water Supply

Council's reticulated water supply is available to the area. A 100mm water service is located at the intersection of Bailey Street and Carramar Drive which is a distance of 80m from the existing dwelling. The property has water connection, as the property is rated for a 20mm water service connection.

The proposed subdivision will require the 100mm water service to be extended to service the proposed allotments.

Sewer

Council's piped sewer infrastructure is available within the area. Council's enlighten system shows a 100mm sewer rising main on the same side of the road as the subject property.

The existing dwelling is currently connected into the existing sewer rising main from sewer pump station 2034. However, a sewerage reticulation system is required to be provided in order for the existing and future dwellings to feed into a single connection to Council's sewerage system.

Individual pump stations for the two additional lots are to be private pump stations, installed by the developer of each lot at the time of construction of the dwellings on the lots. The pump stations are to be pressure sewer pump stations suitable for use with a pressure sewer system. Council will take ownership of the pressure sewer system from the boundary assemblies to the discharge into Council's existing system.

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

The application was not required to be notified but was referred, as integrated development to NSW Rural Fire Service for comment. Conditions in relation to Asset Protection Zones and Water/Utilities were imposed.

(e) Public interest

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The development is considered to be in the interest of the general public.

OPTIONS:

1. That Council endorses the officers recommendation for approval of the development application with conditions; or
2. That Council refuses the development application, providing reasons for the refusal.

CONCLUSION:

The proposed three lot subdivision is consistent with the applicable environmental planning instruments, the Tweed Development Control Plan and policies. The proposal will not result in adverse cumulative impacts. It is considered the site is suitable for the development.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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12 [PR-CM] Development Application DA12/0132 for the Use of an Existing Shed as a Roadside Stall and Associated Signage at Lot 2 DP 739630 No. 4 Raven Place, Clothiers Creek

SUBMITTED BY: Development Assessment

FILE NUMBER: DA12/0132 Pt1



Civic Leadership

SUMMARY OF REPORT:

Consent is sought for a roadside stall to be operated within the prescribed 30m setback distance to a designated road under Clause 24 of the Tweed Local Environmental Plan 2000 (TLEP 2000). A State Environmental Planning Policy No. 1 (SEPP No. 1) objection has been submitted by the applicant in this regard as the roadside stall is located 8.7m from Clothiers Creek Road, a Council designated road. Planning officers have reviewed the SEPP No. 1 objection and consider that strict application of Clause 24 is unreasonable and unnecessary in the circumstances of the case given the minor nature of the proposed development and consequently the SEPP No. 1 objection should be supported.

Tweed Shire Council has assumed concurrence under SEPP No. 1 for this development standard, however the proposal requires referral to a full Council meeting for determination as the variation is in excess of 60%.

The roadside stall was established without consent and this Development Application is to regularise the use on the site. In addition, there are no Council records for the approval of the erection of the shed (constructed June 2011). The proposed roadside stall has a gross floor area of 18m² and will sell produce grown on the subject farm. A total of five car parking spaces have been supplied to the satisfaction of Council officers.

The application has been reviewed internally by Council's Development Engineering, Environmental Health and Building Services Units, as well the Road Safety Officer and appropriate conditions have been applied where relevant. Externally the Development Application has been reviewed by New South Wales Rural Fire Service (NSW RFS) who have also provided recommended conditions of consent.

Conditional approval of the application (inclusive of the SEPP No. 1 objection) is recommended.

RECOMMENDATION:

That:

1. **State Environmental Planning Policy No. 1 objection to Clause 24 of the Tweed Local Environmental Plan 2000 regarding setbacks to designated roads be supported and the concurrence of the Director-General of the Department of Planning and Infrastructure be assumed.**
2. **Development Application DA12/0132 for the use of an existing shed as a roadside stall and associated signage at Lot 2 DP 739630 No. 4 Raven Place, Clothiers Creek be approved subject to the following conditions:**

GENERAL

1. **The development shall be completed in accordance with the Statement of Environmental Effects and the following plans;**
 - **Site Plan, prepared by Darryl Anderson Consulting and dated March 2012, as amended in red;**
 - **Floor Plan, prepared by Darryl Anderson Consulting and dated March 2012, as amended in red;**
 - **Proposed Signage (Sheet 1 & 2), prepared by Darryl Anderson Consulting and dated July 2012, as amended in red;**
 - **Signage Location Plan, prepared by Darryl Anderson Consulting and dated June 2012, as amended in red;**

except where varied by the conditions of this consent.

[GEN0005]

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

[GEN0115]

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

[GEN0135]

4. **The development is to be carried out in accordance with Councils Development Design and Construction Specifications.**

[GEN0265]

5. **The development shall provide an all weather car parking facility capable of catering for a minimum of 5 vehicles in accordance with Council's Development Control Plan Section A2 - *Site Access and Parking Code*.**

[GENNS01]

6. **Appropriate erosion and sediment control shall be provided in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".**

[GENNS02]

7. Only primary products produced on the property on which the stall is situated are permitted to be sold from the roadside stall. All produce offered for sale from the roadside stall is to be whole i.e.: no sale of cut produce is permitted without prior approval from Council's General Manager or delegate.
8. The advertising signage is approved for a maximum of 15 years in accordance with the provisions of State Environmental Planning Policy 64 - Advertising and Signage.
9. The signage hereby approved shall not include any internal illumination, unless otherwise approved in writing by the General Manager or delegated officer.
10. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.
11. The stall shall not be adapted or used for any purpose other than a roadside stall without prior consent from Council's General Manager or delegate.

[GENNS03]

PRIOR TO COMMENCEMENT OF WORK

12. Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate.

[PCW0985]

13. Prior to commencement of work, application on shall be made to and approved by Tweed Shire Council under Section 138 of the Roads Act 1993 for the provision of a sealed driveway access, from the edge of the existing bitumen seal of Raven Place to the property boundary, in accordance with Council's Development Control Plan Section A2 - *Site Access and Parking Code* and Council's "*Driveway Access to Property - Part 1* " Design Specification June 2004.

The application must include copies of compliance certificates relied upon and details relevant to but not limited to the following:

- Driveway works
- Stormwater drainage
- Sediment and erosion control plans
- Location of all services/conduits

[PCWNS01]

DURING CONSTRUCTION

14. All proposed works are to be carried out in accordance with the conditions of development consent, approved Section 138 Application, drawings and specifications.

[DUR0005]

15. Construction work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Saturday from 7.00am to 6.00pm.

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

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

[DUR0205]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

- 17. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.**

[DUR0985]

- 18. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.**

[DUR1795]

- 19. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.**

[DUR1845]

- 20. Any damage caused to public infrastructure during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use of the roadside stall.**

[DUR1875]

- 21. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.**

[DUR1885]

22. The proprietor of the food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations by completing the "Notify a Food Business" form under the NAFSIS Heading on the following website www.foodnotify.nsw.gov.au or alternatively by contacting the NSW Food Authority on 1300650124.

[POC0625]

USE

23. 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]

24. Hours of operation of the business are restricted to the following hours:

* 8:30am to 5:30pm

[USE0185]

25. Prior to use of the car park, all works/actions/inspections etc required by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[USENS01]

26. Prior to use of the roadside stall, Council must undertake a final inspection of the works and be satisfied that all conditions of consent have been complied with.

[USENS02]

27. No containers, drums or other mobile equipment used in association with the business is to be stored outside of the roadside stall. Movement of such equipment into a watercourse may be considered as 'water pollution' under the *Protection of the Environment Operations Act 1997*.

28. Stormwater collected from the roof of any structures shall not be directed towards a watercourse. Discharge of piped stormwater has the potential to cause scouring, which may result in sedimentation and bank instability.

29. Only whole primary produced food products produced on the property are to be sold at the roadside stall. Food preparation for the purposes of sale is not permitted at the roadside stall. Food preparation includes the making of beverages and the cutting-and-wrapping of foods.

30. Staff at the roadside stall are to have access to toilet and hand washing facilities on the property at all times.

31. Any premises used for the storage and sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and other requirements of Council's authorised officer.

[USENS03]

NSW RURAL FIRE SERVICE CONDITIONS

Asset Protection Zones

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

1. At the commencement of building works and in perpetuity the property around the building as indicated below, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - north and east to the property boundary;
 - south for a distance of 10 metres; and
 - west to the bank of the adjacent watercourse.

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:

2. In recognition that no reticulated water supply is available to the development, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
 - a) Fire fighting water supply tank(s) shall be located not less than 5 metres and not more than 20 metres from the approved structure.
 - b) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.
 - c) New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting 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.
 - d) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
 - e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck. The Storz outlet fitting shall not be located facing the hazard or the approved structure.
 - f) The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
 - g) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
 - h) Any below ground fire fighting 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.
 - i) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.

- j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- l) Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.
- m) 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: Below ground dedicated fire fighting water supply tank(s) is defined as that no part of the tanks(s) is to be located above natural ground level.

Landscaping

- 3. Any landscaping of the development site is to be undertaken in accordance with Appendix 5 of Planning for Bush Fire Protection 2006.

REPORT:

Applicant: Mr L Slockee and Ms K Sontag
Owner: Mrs Kerry L Lowe
Location: Lot 2 DP 739630 No. 4 Raven Place, Clothiers Creek
Zoning: 1(a) Rural
Est Cost: Nil

BACKGROUND:

Tweed Shire Council has received a development application for a roadside stall at Lot 2 DP 739630, No. 4 Raven Place, Clothiers Creek, with road frontage to Clothiers Creek Road and Raven Place. Clothiers Creek Road is a Council designated road. The development application has been submitted in response to compliance action from Council relating to the unauthorised development and use of the roadside stall.

The proposed stall has a gross floor area of 18m², with an additional 6.75m² verandah to the front of the structure. There is also an area of approximately 200m² provided inside the property boundary for the purposes of carparking and access.

The stall proposes to sell fruit, vegetables and potted herbs that are grown on the subject allotment. Under the Tweed Local Environmental Plan 2000 (TLEP 2000) a roadside stall is defined as follows:

"a building or place not exceeding 20m² in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail."

On site inspection it was noted that additional products were available for sale at the roadside stall which did not meet this definition. The applicants were made aware of this and have provided an undertaking that the proposal is only to be operated as a roadside stall as per the above definition.

Signage has been proposed as part of this application with four 1m x 0.6m and one 0.7m x 0.6m chalkboard signs proposed at the property roadside boundary.

Proposed hours of operation are 8:30am to 5:30pm seven days a week. The roadside stall is to be staffed exclusively by the applicants.

A SEPP No. 1 objection has been provided by the applicant in relation to Clause 24 – Setbacks to designated roads of the TLEP 2000. Clause 24 requires development for the purposes of a roadside stall within the 1(a) Rural zone to be setback a minimum of 30m from the designated road. The roadside stall is proposed to be located 8.7m from Clothiers Creek Road, a variation of 71%. As such, the application has been reported to Council for determination in accordance with the New South Wales Department of Planning and Infrastructure (DP&I) guidelines.

The development application was notified for a period of 14 days during which time no public submissions were received.

It is considered that the application is suitable for approval, subject to appropriate conditions of consent.

SITE DIAGRAM:



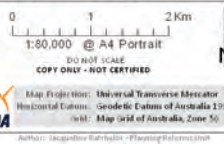
Locality Plan

Lot 2 DP 739630

No. 4 Raven Place, Clothiers Creek

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

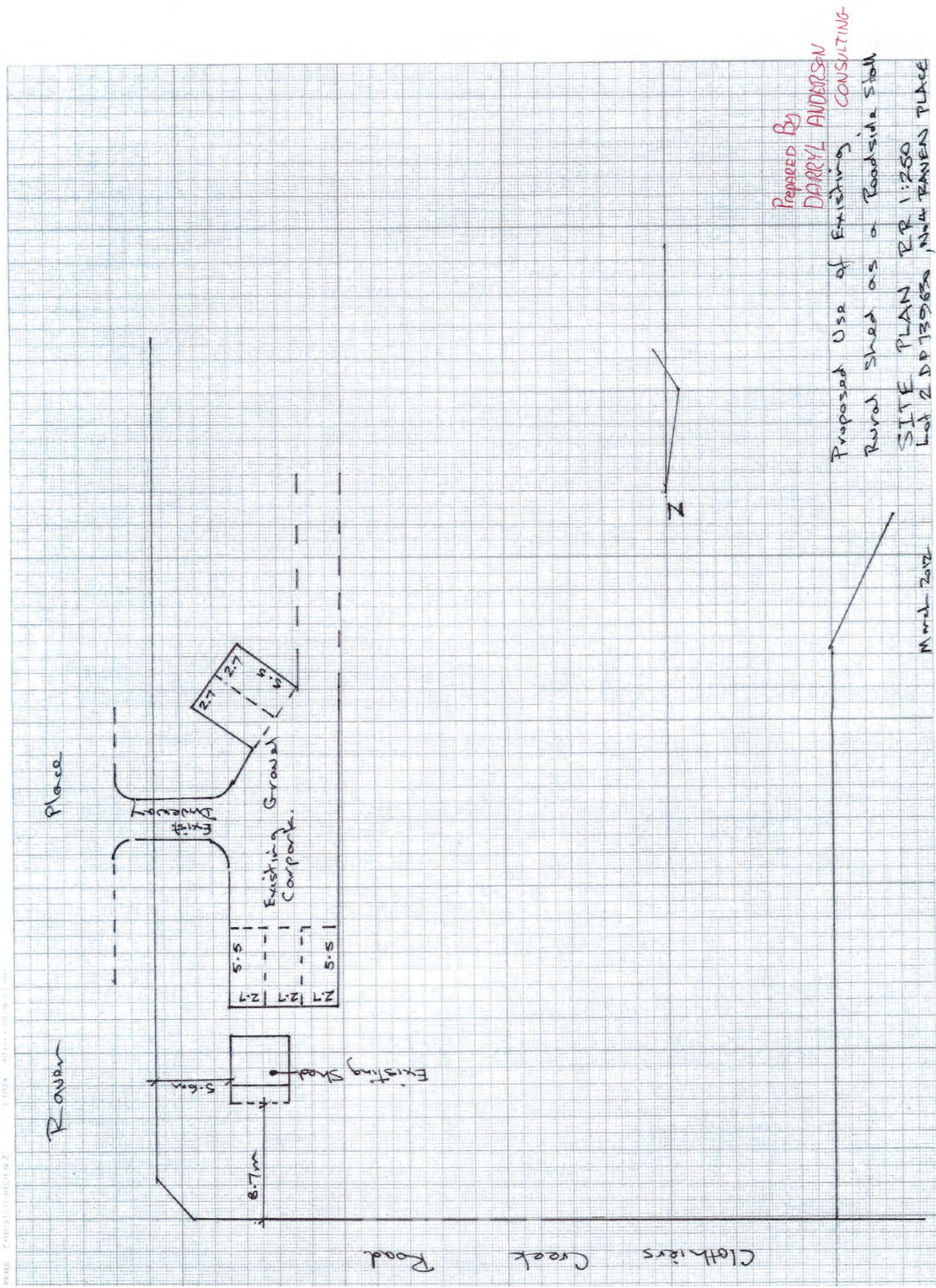
Cadastre: 30 July, 2012
 © Land and Property Management Authority (LPMA) & Tweed Shire Council.
 Boundaries shown should be considered approximate only.



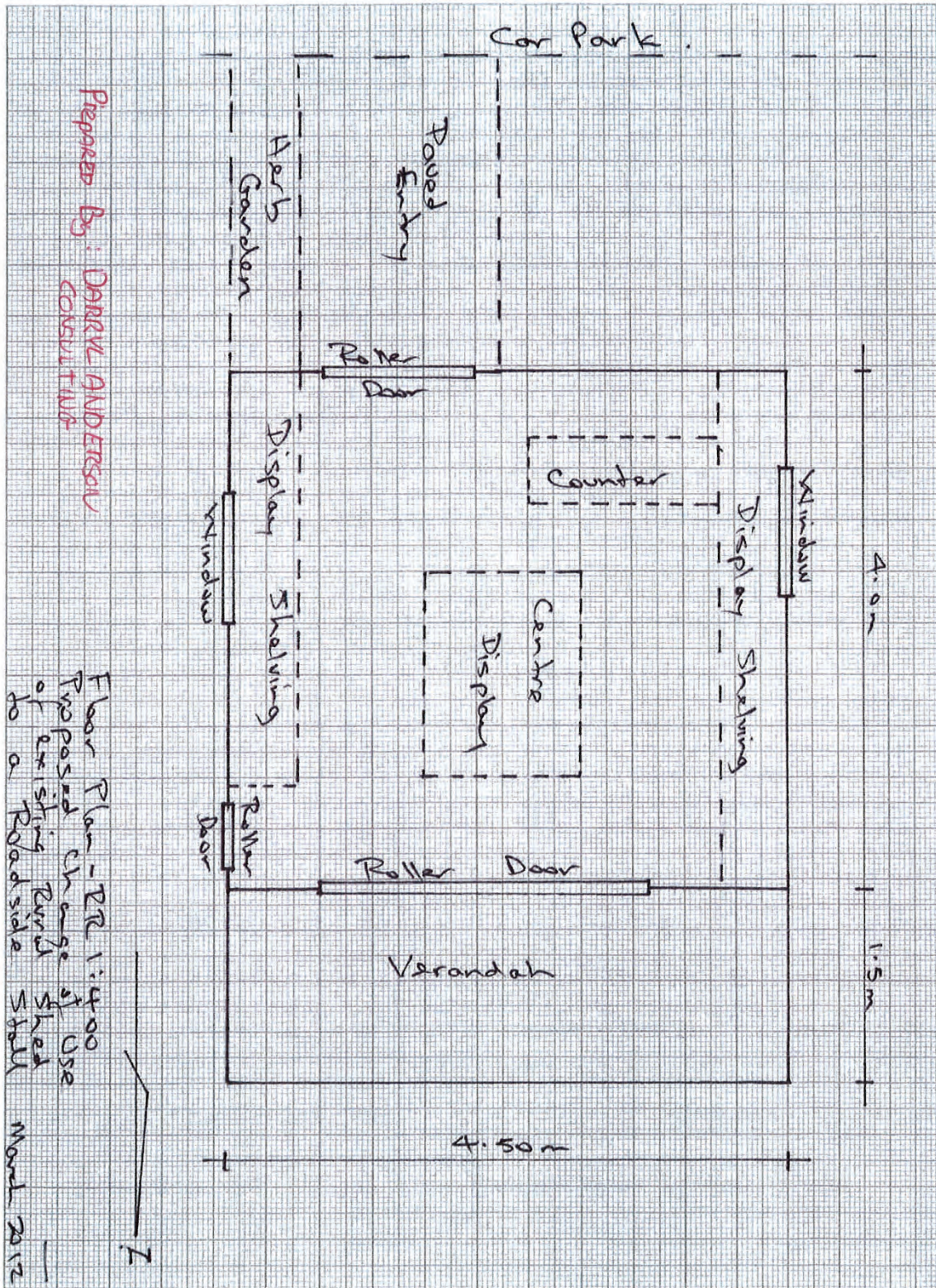
Civic and Cultural Centre
 3 Tumbulgum Road
 Murwillumbah NSW 2484
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 6670 2400 | 1300 292 872
 F | (02) 6670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au



DEVELOPMENT/ELEVATION PLANS:

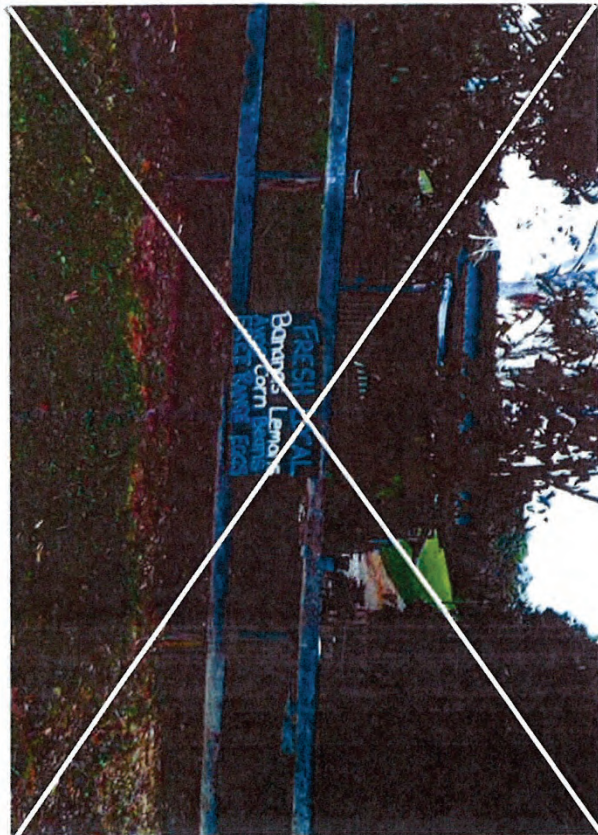
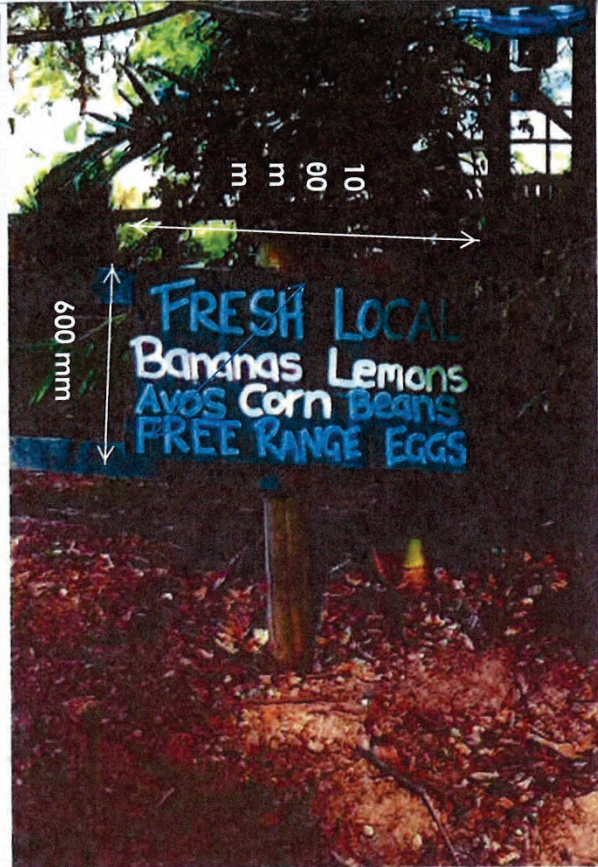


1mm Squares



Prepared By: DARRELL ANDERSON
CONSULTANTS

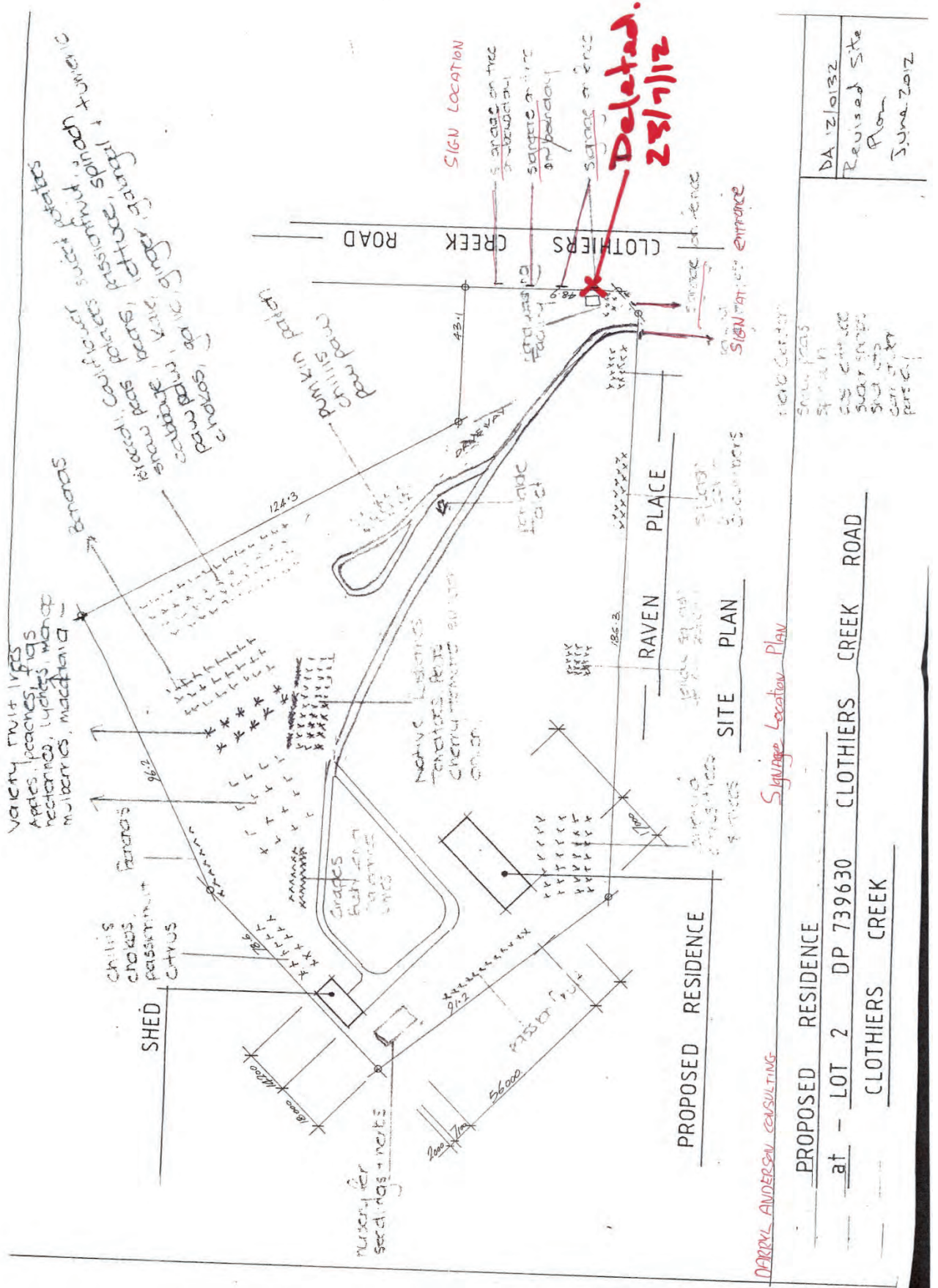
Floor Plan - RR 1:400
Proposed change of use
of existing Rungis shed
to a Roadside Shop
Monday 20/12



July 2012

Proposed Signage

DARRYL ANDERSON CONSULTING
Sheet 1 of 2



DARRYL ANDERSON CONSULTING

Signage Location Plan

PROPOSED RESIDENCE	PROPOSED RESIDENCE	DA 12/01/12
at - LOT 2 DP 739630	CLOTHIERS CREEK ROAD	Revised Site Plan
CLOTHIERS CREEK		June 2012

CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

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

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the plan

The subject development application is in keeping with the aims of the plan as the roadside stall encourages sustainable economic and cultural development whilst maintaining the environmental qualities of the area.

Clause 5 - Ecologically sustainable development

The proposal does not contravene the principles of ecologically sustainable development due to its minor scale and the nature of the roadside stall which only allows produce grown on the site to be offered for retail.

Clause 8 – Consent considerations

The consent authority may grant consent to development only if:

- a) it is satisfied that the development is consistent with the primary objectives of the zone within which it is located, and
- b) it has considered those aims and objectives of this plan that are relevant to the development, and
- c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.

The subject proposal is consistent with the primary objective of the zone, being a permissible use within the 1(a) Rural zone which maintains a rural use of the site. The proposal is considered to be consistent with the aims and objectives of the zone as it facilitates the sale of the primary products grown on the site and allows for the sustainable economic use of the site and the continued growth of produce. The subject proposal is not considered to result in any unacceptable cumulative impact on the community, locality, catchment or Tweed Shire as a whole due to its minor scale and nature. Approval of this application is not considered to set a precedent for further like applications as each would be assessed on its merits and likely require its own SEPP No. 1 objection. The proposal is considered to be consistent with this Clause.

Clause 11 – Zone objectives

Under the TLEP 2000, the subject land is zoned 1(a) Rural, within which a roadside stall is permissible with development consent (Item 2).

The provisions of TLEP 2000 require the proposed roadside stall have a maximum gross floor area (GFA) of 20m². The stall conforms with this requirement, having a GFA of 18m², although it is noted the building has a total area of 24.75m².

The objectives of the 1(a) Rural zone are:

Primary Objective

- To enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilization purposes and associated development.

- To protect rural character and amenity.

Secondary Objective

- To enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism.
- To provide for development that is not suitable in or near urban areas.
- To prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.
- To provide non-urban breaks between settlements to give a physical and community identity to each settlement.

The roadside stall (which meets the size criteria for the 'roadside stall' and is permissible with consent in the zone) is considered to accord with both primary objectives in that the development facilitates sustainable economic utilisation of natural resources and contributes to the rural nature and amenity of the local area. The proposal is also considered to accord with the secondary objectives in that it enables sustainable economic development which relies on the rural values of the land.

The proposal is considered to be consistent with Clause 11.

Clause 15 - Essential services

Reticulated water supply or sewerage is not available to the subject site. The applicant has indicated that water is to be provided via a 200 litre water tank adjacent to the roadside stall whilst an effluent treatment system has been installed on the site and connected to an approved shed at the south of the site (approximately 220m from the roadside stall).

The application has been reviewed by Councils Environmental Health Section who have commented that 'a food premises that sells whole primary produced food products only is not required to supply potable water for food preparation.' A recommended condition of consent has also been provided, requiring staff at the roadside stall to have access to a toilet and hand washing facilities.

It is considered that the proposal has adequate connection to essential services to serve the proposed development. This Clause is considered to be satisfied.

Clause 16 - Height of building

The roadside stall has a maximum height of 3m which is entirely consistent with the three storey residential height limit of the subject site outlined under this Clause.

Clause 17 - Social impact assessment

The proposal does not require the provision of a social impact assessment and is not considered to result in any significant social impacts, aside from potential economic returns for the owner.

Clause 35 - Acid sulfate soils

The subject site displays Class 5 Acid Sulfate Soils which require a management plan for any works within 500m of Class 1, 2, 3 or 4 land that are likely to lower the water table below 1m in adjacent Class 1, 2, 3 or 4 land. The site is not located within 500m of any other class of soils.

As this application relates to the use of an existing building as a roadside stall it is not considered that there would be any impact on Acid Sulfate Soils arising from this development. No further consideration with regard to Acid Sulfate Soils is required.

Other Specific Clauses

Clause 22 – Development near designated roads

Clause 22 of the TLEP 2000 requires Council to protect and improve the capacity, efficiency and safety of designated roads. The proposal relies upon Clothiers Creek Road for access, a Council designated road.

The following comments are offered by the applicant in relation to Clause 22(4):

"Having regard to the modest scale and nature of the development and its siting and access from Raven Place it is considered that the proposed development is not inconsistent with this Clause. Access is proposed off Raven Place via an existing driveway rather than the designated road. The intersection of Raven Place and Clothiers Creek Road provides adequate and safe access to the premises. The building is of modest scale and is not considered to detract from the landscape and scenic quality of the locality or the streetscape of Clothiers Creek Road."

Council's Road Safety Officer and Development Engineering Section have reviewed the application in this regard and returned no objections.

Accordingly, the proposal is considered to satisfy Clause 22 of the TLEP 2000.

Clause 24 – Set backs to designated roads

Clause 24 of the TLEP requires Council to control development along designated roads.

The provisions of Clause 24 require the proposed roadside stall be setback a minimum of 30m from the designated road (Clothiers Creek Road).

The roadside stall is located 8.7m from Clothiers Creek Road, and accordingly a SEPP No. 1 objection has been submitted. The details of the SEPP No. 1 objection have been discussed in detail further in this report, concluding that in this instance, the 30m setback development standard is considered unreasonable and unnecessary.

Clause 31 – Development adjoining waterbodies

This Clause applies to land that adjoins the mean high-water mark (or the bank where there is no mean high-water mark) of a waterbody. The subject roadside stall is located approximately 5m from an unnamed watercourse which traverses the site.

The clause requires consideration of the impacts of development on adjoining waterbodies, with particular emphasis on scenic quality, water quality, aquatic ecosystems, flora/fauna and public accessibility.

The roadside stall building has been previously established on the site and with the implementation of recommended conditions of consent relating to erosion and sediment control and water pollution it is considered that the proposal is considered to be acceptable. The application is therefore considered satisfactory with respect to the Clause.

Clause 39A – Bushfire protection

The subject site, including the roadside stall location are indicated as being bushfire prone on Councils Geographical Information System (GIS) mapping. The applicant has submitted a bushfire assessment which was referred to New South Wales Rural Fire Service (RFS) under Section 79BA of the Environmental Planning and Assessment Act 1979.

A response was received providing recommended conditions of consent relating to the maintenance of a protection area around the roadside stall. Subject to the application of these conditions on any consent, the proposal is considered to be in accordance with this Clause.

Clause 47 – Advertising signs

Five signs have been proposed in association with this application, being four 1m x 0.6m and one 0.7m x 0.6m board signs to the site boundary.

This is permissible in a rural zone under Clause 47 because it is directing the travelling public to what will be a lawful business, is considered to be of a reasonable size for such a purpose and relates to a lawful use of the land on which it is to be displayed.

The proposed signage is considered to be in keeping with the character of the locality and is not considered to adversely affect the locality in terms of appearance or size, will not detract from the rural character of the area and will not contribute to visual clutter though the proliferation of signs. The proposal is consistent with Clause 47.

The proposed roadside stall is considered to be generally consistent with the Tweed Local Environmental Plan, notwithstanding the SEPP No. 1 variation to Clause 24 (Setbacks to designated roads) which is discussed under SEPP No. 1 below.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 12: Impact on agricultural activities

The council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

The roadside stall and associated car parking area are minor in scale and located adjacent to the roadside boundary, minimising any impact on agricultural activities on the site. The proposal is generally consistent with Clause 12.

Clause 15: Rivers, streams and wetlands

On site inspection it was noted that there is a unnamed watercourse on the subject site located approximately 5m from the roadside stall. Research of topographic maps has indicated that this is an 'intermittent watercourse with fall'. It is considered that the subject roadside stall, which would offer for sale only primary produce grown on the property, should not result in any pollution of this watercourse.

In any event, recommended conditions of consent have been provided by the Environmental Health and Development Engineering Sections in order to ensure that there is no pollution or interference of this watercourse arising from the subject development.

No further consideration in this regard is required and the proposal is not considered to have any negative environmental impacts on the watercourse in terms of water quality, water flows or habitat loss.

The proposal is consistent with the applicable provisions of SEPP (North Coast Regional Environmental Plan) 1988.

Clause 47: Principles for Commercial and Industrial Development

Clause 47(2) requires consideration that land used for such development should be located where it can be adequately serviced by the transport system and is accessible from urban areas.

The subject site is within close proximity to a designated road that is approximately 4km from an access point to the Pacific Highway and 8km from the urban outskirts of Pottsville. In any event, it is envisaged that most of the custom to the roadside stall will arise from traffic passing the site and not through specific trips to the site. As such, accessibility to the site is considered to be acceptable and the proposal satisfies this clause.

SEPP No. 1 - Development Standards

This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Environmental Planning and Assessment (EP&A) Act 1979.

Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this, it may, with the concurrence of the Director-General, grant consent to the development application

The subject application contains a SEPP No. 1 objection with respect to the 30m setback required by Clause 24 (Setbacks to designated roads) of the TLEP 2000 for development of this nature within the 1(a) Rural zone. The application proposes an 8.7m setback to Clothiers Creek Road. The proposal constitutes greater than a 60% variation (i.e.: located closer than 12m to Clothiers Creek Road) and as such, the application is being reported to Council.

In *Wehbe v Pittwater Council* (2007) New South Wales Land Environment Court 827, Chief Justice Preston suggests that a consent authority must be satisfied of three matters before a SEPP No. 1 objection can be upheld:

- (1) That the objection is well founded and that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- (2) The granting of consent is consistent with the aims of SEPP 1
- (3) That clause 8 matters (in SEPP 1) are satisfied i.e.
 - Whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning.
 - The public benefit of maintaining the planning controls adopted by the environmental planning instrument.

Each of the three key matters are addressed by the applicant as follows:

- (1) ***That the objection is well founded and that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.***

We submit that the objectives of the standard are achieved notwithstanding non-compliance with the standard on the following basis:

Clause 24(1) of the Local Environmental Plan provides the following objective in relation to setbacks to designated roads.

(1) *Objective*

- *to control development along designated roads.*

The terms of Clause 24(1) of TLEP 2000 are not to preclude any building within 30m, but rather to 'control development'.

The implied objective of the 30m development standard is to facilitate possible future road widening, maintain the rural character of the locality and maintain a rural streetscape.

The relevant questions to properly assess whether the objectives of the standard are achieved notwithstanding non-compliance with the standard are as follows;

- a) *Will the proposed use of the existing building adversely impact on the ability for future widening of Clothiers Creek Road?*

Clothiers Creek Road is within a 20m wide road reserve and the southern edge the road formation is located approximately 9m from the alignment of the road reserve. Having regard to the existing zonings and land uses in the locality and the existing road geometry, it is highly unlikely that road widening will be required in the future and therefore a setback of 8.7m is considered to be adequate.

- b) *Will the use of the existing building as a roadside stall adversely impact on the rural character and amenity of the locality?*

The scale and external cladding of the building blend in with the existing landscape and the building is screened from Clothiers Creek Road by existing landscaping. It is therefore considered that the reduced setback will not be inconsistent with the objective of maintaining rural character and amenity.

- c) *Will the use of the existing roadside shed as a roadside stall impact on the rural streetscape?*

The design, scale and siting of the existing shed are such that it is not prominent and does not impact on the rural streetscape.

(2) That the granting of consent is consistent with the aims of SEPP 1

The aims and objectives of SEPP 1 are as follows:

"This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act."

Compliance with the 30m setback development standard would preclude a logical use of an existing shed in an appropriate location which is setback an adequate distance from the alignment of Clothiers Creek Road.

In this case, where the proposed development would not alter the status-quo, compliance with the development standard would hinder attainment of the EP&A Act's object to promote orderly and economic use and development of land in accordance with the zoning of that land and its physical capabilities.

(3) That clause 8 matters (in SEPP 1) are satisfied i.e.

- ***Whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning.***
- ***The public benefit of maintaining the planning controls adopted by the environmental planning instrument.***

In considering whether the proposal creates any matters of Regional or State planning significance or raises any issues in relation to the public benefit of maintaining the standard the following points are relevant.

- *A substantial setback of 8.7m is achieved;*
- *The building to be used is existing;*
- *The existing building is of very modest scale, discreetly located and does not detract from the landscape and scenic quality of the locality generally and Clothiers Creek Road in particular;*
- *Widening of Clothiers Creek Road is unlikely to be required because the existing road reserve is 20m wide and the existing southern carriageway edge approximately 9m from the southern alignment of Clothiers Creek Road;*

We conclude that the proposed development does not raise any matters of Regional planning significance and there is considered to be no public benefit in maintaining the standard.

Development Assessment Unit Comments

In addition to being satisfied that the SEPP No. 1 objection is well founded, the consent authority must be of the opinion that “granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3” and consider the matters in clause 8(a): “whether non-compliance with the development standard raises any matters of significance for State or regional environmental planning; and (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.

The aims of the policy are as follows:

“This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act”.

Sections 5(a) (i) and (ii) are as follows:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.

With respect to Sections 5(a) (i) and (ii) it is considered that the roadside stall does not hinder the proper management, development and conservation of any resources, in particular agricultural land that surrounds the subject site. The proposal is considered to have minimal environmental impacts whilst contributing to the economic welfare of the community and facilitating orderly and economic use of the subject site. Further, non compliance with the development standard is not considered to raise any matters of significance for State or regional environmental planning.

Chief Justice Preston notes that there is a public benefit in maintaining planning controls. However, the proposed non-compliance with Clause 24 of the TLEP 2000 is considered to be justified in this instance and is not likely to result in an adverse planning precedent. As such, the approval of this development application is unlikely to impact upon public benefit and the objection is considered to be well founded.

Based on the above, support of the subject SEPP No. 1 objection is considered appropriate in this instance.

SEPP No. 64 – Advertising and Signage

The SEPP outlines the following in regards provisions for signs within rural areas:

The advertisement relates to the land on which the advertisement is to be displayed, or to premises situated on that land or adjacent land, and

- (ii) *specifies one or more of the following particulars:*

- (A) *the purpose for which the land or premises is or are used,*

- (B) *the identification of a person residing or carrying on an occupation or business on the land or premises,*
- (C) *a description of an occupation or business referred to in sub-subparagraph (B),*
- (D) *particulars of the goods or services dealt with or provided on the land or premises.*

The subject signage is consistent with the requirements of the SEPP in that the signage is displayed on the premises to which the signage relates, and will serve to identify the goods or services dealt with or provided on the land or premises.

Clause 8 of this SEPP requires Council to assess whether proposed signage is consistent with the objectives of the policy, and compliant with Schedule 1 of the policy. Schedule 1 provides assessment criteria, as set out below:

1. Character of the area: The proposed signage is considered to be compatible with the existing character of this area and in this regard is an extension of the proposed use of the site. The proposal is not considered to negatively impact on the character of the area.
2. Special Areas: The subject site is not located in close proximity to any significant special environmental areas.
3. Views and vistas: The proposed signage is located to the site boundary and is not considered to obscure, compromise or dominate any important views or reduce the quality of vistas. The proposal is furthermore considered to respect the viewing rights of other advertisers.
4. Streetscape, setting or landscape: The subject signage at 1m x 0.6m and 0.7m x 0.6m is considered to be appropriate in terms of scale, proportion and form having regard to the existing streetscape and setting. The signage is not considered to contribute to visual clutter or proliferation of signs in the area or set a harmful precedent for similar development in the locality. Furthermore, the proposal is not considered to screen unsightliness, protrude above buildings or require ongoing vegetation management.
5. Site and building: The signage appears compatible with the size, scale and proportion of the subject roadside stall and site to which it is associated. Thus the proposal is not considered to impinge on any existing characteristics of the site or buildings. Further, the nature of the proposal does not lend itself to particular innovation; however, it is considered that the proposed sign is consistent with the requirements under Schedule 1 of the clause.
6. Associated devices and logos with advertisements and advertising structures: The content of the signage conveys the produce for sale on the site and is not considered to be excessive or inappropriate. The proposed signage does not contain any safety devices, platforms or lighting devices due to its uncomplicated nature.
7. Illumination: Not applicable. The subject signage is not to be illuminated.
8. Safety: The proposed signage is not considered to reduce the safety of any public road, pedestrians or cyclists as it does not protrude into the sight lines of the subject site or that of any adjoining lots. The signage is located at the site boundary and is not considered to obscure any sightlines or encroach onto the road reserve.

The proposed signage is considered to be consistent with the provisions of SEPP 64.

SEPP (Rural Lands) 2008

The SEPP outlines the following 'Rural Planning Principles':

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

Planning Comment:

The proposed roadside stall promotes sustainable economic activity on the subject site for the current capacity of the farm, as well as allowing for further productive use of the land for more intensive cropping purposes.

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

Planning Comment:

The subject proposal facilitates the continuation of agricultural activities on the subject allotment and is supportive of the increasing demand for consumers wishing to purchase primary produce.

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

Planning Comment:

The subject proposal maintains the rural use of the subject site and may facilitate further growth of the farm which has the potential to provide social and economic benefits through the employment of local workers and generation of profit for the landholders and cost effective local produce for consumers.

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

Planning Comment:

The proposed development is minor and is not considered to impact on the social, economic and environmental interests of the broader community.

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

Planning Comment:

The subject proposal, if approved, is not considered to result in a detrimental impact on any natural resource in the vicinity.

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

Planning Comment:

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

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

Planning Comment:

The proposal is minor and does not have any ramifications for rural housing.

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

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

The draft shire wide Tweed Local Environmental Plan 2010 zones the subject site RU2 – Rural Landscape and defines a roadside stall as “*a place or temporary structure used for retail selling of agricultural produce or handcrafted goods (or both) produced from the property in which the stall is situated, or from an adjacent property*”. The ‘retail floor area’ of a roadside stall must not exceed 30m².

A roadside stall remains permissible with consent in the RU2 – Rural landscape zone and the floor area of the subject proposal (18m²) is consistent with the 30m² maximum control for the ‘retail floor area’ of the stall under the draft shirewide Tweed Local Environmental Plan 2010. The proposal is consistent with this plan.

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

Tweed Development Control Plan

A2-Site Access and Parking Code

Under Development Control Plan (DCP) A2, no specific requirement for car parking associated with a roadside stall has been specified, with a note applied to ‘assess parking on its merits, with all parking to be within property boundaries’.

The submitted information indicates the provision of five car parking spaces adjacent to the roadside stall. It is also noted that staff parking will be provided away from the roadside stall, to the south of the site adjacent to the applicants existing shed.

The development application has been reviewed by Council’s Road Safety Officer and Development Engineering Section and comments received have indicated that the parking and access arrangements proposed are acceptable. Councils Development Engineering Section has provided a recommended condition of consent with respect to the proposal having an all weather car parking facility available.

It is considered that the roadside stall has adequate parking and access arrangements and as such the proposal is consistent with DCP A2.

A4-Advertising Signs Code

The application includes provision of five ‘chalkboard’ signs in total. These consist of four 1m x 0.6m signs to serve as business identification and advertise specific produce for sale as well as one 0.7m x 0.6m sign at the site entrance to indicate a parking area.

The DCP permits a maximum of five business identification signs per business premises (which will not be exceeded by the subject proposal) and specifies types of signs which are permissible and prohibited.

The following objectives are also provided for signage in rural areas:

- To preserve the rural amenity of the locality within which the sign is to be displayed;
- To eliminate the proliferation of signs;
- To ensure that those signs which are displayed are in character with the existing and likely future amenity of the rural locality;
- To minimise the visual impact of signs;
- To prevent distraction to motorists and a reduction in traffic safety on roads; and
- To coordinate tourism signs.

The subject signage is a permissible type of signage; however four of the signs exceed the maximum size (1.5m²) by 0.1m² (being 1m x 0.6m). This is considered to be a minor increase which will not have an adverse impact on the locality in terms of size or visual appearance.

The proposed signage is considered to be generally consistent with the objectives for signage in rural areas, and is to be located within the property. The proposed signage is considered to be consistent with DCP A4.

A11-Public Notification of Development Proposals

The proposal was notified to nearby landholders for a period of 14 days from Thursday 26 April 2012 to Thursday 10 May 2012. No submissions were received as a result of the notification process.

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

Clause 92(a) Government Coastal Policy

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

Clause 92(b) Applications for demolition

No demolition is proposed in the application.

Clause 93 Fire Safety Considerations

This application relates to the use of shed which was erected without Council consent as a roadside stall. The Development Application was reviewed by Councils Building Services Unit who have indicated that disability access is generally provided and that 'no building conditions required.'

As such, the proposal is considered to be acceptable having regard to the above Clause.

Clause 94 Buildings to be upgraded

This application does not propose the rebuilding, alteration, enlargement or extension of an existing building. Clause 94 is not relevant to the proposal.

(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.

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 Terranorra Broadwater (within the Tweed Estuary), this Plan is not considered relevant to the proposed development.

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

Context and Setting

The proposal is minor in scale and in keeping with the rural character of the subject locality, offering primary produce grown on the property for sale. No adverse impacts on the natural or built environment are envisaged in the locality, and the proposal has the potential to facilitate economic returns for the landholder and provide for future growth of a farming venture. The proposal is consistent with the context and setting of the locality.

Access, Transport and Traffic

The proposed access and parking arrangements have been reviewed by Councils Development Engineering Section and Road Safety Officer. No objections have been raised with respect to the development in this regard.

Recommended conditions have been provided requiring the applicant to upgrade the existing gravel driveway to a sealed surface. These are to be attached to any consent for the development application. The proposal is considered to be appropriate from an access and traffic point of view.

Farmland of State or Regional Significance

The subject site is located on land identified as Regionally Significant Farmland. Council has previously received correspondence from New South Wales Department of Primary Industries (NSW DPI) outlining that the Northern Rivers farmland mapping (to which the Regionally Significant Farmland mapping relates) was not intended to be used in assessing and determining individual development application, but rather to manage future growth and the preparation of LEP's. As such the proposal is considered to be acceptable having regard to its status as Regionally Significant Farmland.

Flora and Fauna/Natural Environment

The subject site is classified as 'highly modified/ disturbed' and 'not determined' under the Tweed Vegetation Management Strategy 2004.

Council's records do not contain any occurrences of threatened flora or fauna on the site. The subject application does not propose any vegetation removal, however conditions of consent provided by NSW Rural Fire Service does require an asset protection zone around the roadside stall building. The submitted Statement of Environmental Effects states that '*the site mainly contains Camphor Laurel trees and does not contain critical habitat or threatened species*'.

It is considered appropriate that a condition of consent be applied to any approval prohibiting the removal of any native/ threatened species without the appropriate approval. No adverse impacts are anticipated to flora or fauna as a result of the subject proposal.

Construction

The subject shed was constructed prior to the lodgement of this application and was constructed of a timber structure with Colourbond cladding. The development was reviewed by Councils Building Section who have advised that the proposal complies with Building Code of Australia (BCA) disability access and is structurally sound. No conditions of consent were recommended with respect to the structure.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The proposal is minor in scale and is considered to be generally consistent with surrounding land uses, much of which is pasture land or small crops and single dwelling houses.

Food Premises

The application was referred to Councils Environmental Health Section who provided comments and the following recommended condition of consent with respect to food premises. *'Only whole primary produced food products grown on the subject property are to be sold at the proposed roadside farm stall. Food preparation for the purposes of sale is not permitted at the roadside stall. Food preparation includes the making of beverages and the cutting-and-wrapping of foods'*.

Additional conditions have been applied with respect to the storage and sale of food and containers, drums etc associated with the roadside stall.

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

No public submissions were received with respect to this application.

The subject application was notified for a period of 14 days from Thursday 26 April 2012 to Thursday 10 May 2012. During this time no submissions were received with respect to the proposal.

(e) Public interest

The proposed roadside stall is considered to be consistent with all applicable planning controls and the SEPP No. 1 objection is considered to be well founded and warranted based on the circumstances of this particular case. The proposal is considered to be generally in the public interest as it will facilitate economic activity in the subject locality whilst remaining consistent with the rural land use of the area and compatible with the natural environment.

OPTIONS:

1. Approve the application in accordance with the recommended conditions; or
2. Refuse the development application for specified reasons.

CONCLUSION:

The subject application is considered to generally comply with statutory and policy requirements. Strict application of Clause 24 – Setbacks to designated roads of the Tweed Local Environmental Plan 2000 was considered unreasonable and unnecessary in this instance and the State Environmental Planning Policy No. 1 objection is considered to warrant support. The proposed development has been assessed against the relevant legislative provisions and standards and is not considered to have a significant impact on agricultural activities in the locality nor impact upon the social, cultural and environmental characteristics of the local environment.

Therefore the proposed development is recommended for conditional approval.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

13 [PR-CM] Development Application DA11/0456 for Additions to Existing Manufactured Home Estate Including 32 New Manufactured Home Sites, Recreation Area, Visitor Parking and Extension of Internal Road and Revegetation Work at Lot 193 DP 1014329 No. 34 Monarch Drive, Kingscliff

SUBMITTED BY: Development Assessment

FILE NUMBER: DA11/0456 Pt4



Civic Leadership

SUMMARY OF REPORT:

Council is in receipt of a development application for an extension to an existing manufactured home estate on Lot 193 DP1014329 No. 34 Monarch Drive, Kingscliff.

The extension is for 32 new manufactured home sites located on the northern side of the existing lake. The proposal includes construction of an internal road, recreation area, additional car parking, an acoustic fence located adjacent to Tweed Coast Road and revegetation/compensatory habitat.

The main issues raised during the assessment of the application include the following:

- Flooding impacts;
- Ecological issues;
- Noise impact from Tweed Coast Road on proposed manufactured homes;
- Amenity;
- Retaining walls; and
- Fill.

This application has been submitted for Council consideration in light of the substantial community response (130 submissions) to the public exhibition of this development application. The Division of Local Government has provided written confirmation that the subject proposal does not fall within the category of "controversial development application" under Local Government (General) Amendment (Caretaker Period Restrictions) Regulation 2012, and therefore the Council is in a valid position to determine this matter at this meeting.

The Council officers have conducted a thorough assessment of the relevant legislation and planning merits of this proposal and consider that the application is suitable for approval, subject to conditions of consent.

RECOMMENDATION:

That Development Application DA11/0456 for additions to existing manufactured home estate including 32 new manufactured home sites, recreation area, visitor parking and extension of internal road and revegetation work at Lot 193 DP 1014329 No. 34 Monarch Drive, Kingscliff be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects dated September 2011 prepared by Jim Glazebrook & Associates Pty Ltd (and additional correspondence), and plans listed in the table below, except where varied by the conditions of this consent.

Title	Date	Author	Drawing / Issue Number
Master Plan	23/07/2012	Zoran Architecture	MCU - 101 F2
Perimeter Reference Plan	23/07/2012	Zoran Architecture	MCU - 101 F2
Part Site plan 1	23/07/2012	Zoran Architecture	MCU-201 F1
Part Site plan 4	23/07/2012	Zoran Architecture	MCU - 204 F1
Part DCP - 1	23/07/2012	Zoran Architecture	MCU - 301 F1
Part DCP - 4	23/07/2012	Zoran Architecture	MCU-304 F1
External Work 1	23/07/2012	Zoran Architecture	MCU-401 F1
External Work 4	23/07/2012	Zoran Architecture	MCU-404 F1
Partial Site Plan (Fence Plan)	23/07/2012	Zoran Architecture	FEN01 F2
Partial Site Plan (Fence Plan)	23/07/2012	Zoran Architecture	FEN02 F2
Partial Site Plan (Fence Plan)	23/07/2012	Zoran Architecture	FEN03 F2
Landscape Plan		Deborah Carlile & Paul Mjatelski Pty Ltd	LSK01H
Landscape Plan		Deborah Carlile & Paul Mjatelski Pty Ltd	LSK04A
Landscape Plan		Deborah Carlile & Paul Mjatelski Pty Ltd	LSK02C
Landscape Plan		Deborah Carlile & Paul Mjatelski Pty Ltd	LSK03A

[GEN0005]

2. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

[GEN0045]

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

[GEN0115]

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

[GEN0135]

5. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.

[GEN0265]

6. Development of the proposed dwelling sites shall be carried out in accordance with the noise attenuation measures recommended in the report of Craig Hill Acoustics (ref: *Noise Level Impact Assessment - revision 3*, Craig Hill Acoustics 24 February 2012) and design drawings Zoran Architecture drawings MCU-101 F2; MCU-102 F2; MCU-201 F2; MCU-204 F2; MCU-301 F2; MCU-304 F2; MCU-401 F2; MCU-404 F2; FEN01 F2; FEN02 F2; and FEN03 F2 dated 23-07-2012.

Future construction and installation of the proposed manufactured homes shall also be carried out in accordance with the noise attenuation measures recommended in the report of Craig Hill Acoustics (ref: *Noise Level Impact Assessment - revision 3*, Craig Hill Acoustics 24 February 2012) except: a) "the Rw values given in Table 4.6 are the minimum values that are to be used; b) "windows rated at 30Rw or higher to be installed in all bedroom windows facing the track, on the adjoining property to the north, known as Lot 1 DP 227034.

[GENNS01]

7. Satisfactory compensation, generally as illustrated by Landscape Plan LSK04A by Zoran Architecture version A1.8.12 (minor amendment), must be provided for loss of habitat of high ecological value, evidenced by a Habitat Restoration Plan prepared in accordance with Council's draft *Guideline for the preparation and implementation of Habitat Restoration Plans*. The Habitat Restoration Plan must include, but not be limited to:

- a schedule and timing of on-ground works to be undertaken
- a signed contract or other evidence of commitment by the consent holder to fund the proposed habitat restoration works for a minimum period of five years and that the works will be completed by qualified and experienced ecological restoration. personnel.
- evidence as to how the agreed offset sites will be protected from future development.

[GENNS01]

8. A maximum of two bedrooms are permitted in each manufactured home.

[GENNS02]

9. Prior to the operation of the expanded manufactured home site, prior approval must be given by Council under section 68 of the Local Government Act.

[GENNS03]

10. Prior to the installation of any building or structure, prior approval must be given by Council under section 68 of the Local Government Act.

[GENNS03]

11. A manufactured home and associated structure must not be installed on a single dwelling site if the floor plan area of the manufactured home (together with that of any associated structure or other building or structure on the site) is more than two-thirds of the area of the site.

[GENNS04]

12. The manufactured home estate shall be designed, constructed and maintained in accordance with the requirements of Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

[GENNS05]

13. The proposed dwellings are to comply with the definition of a manufactured home. A manufactured home is a self-contained dwelling (that is, a dwelling that includes at least one (1) kitchen, bathroom, bedroom and living area that also includes toilet and laundry facilities), being a dwelling:
- a. that comprises one or more sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate; and
 - b. that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

14. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority PRIOR to the issue of a Construction Certificate.

[PCC0055]

15. Section 94 Contributions

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

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

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

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

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

(a) Tweed Road Contribution Plan:

124.8 Trips @ \$1146 per Trips \$143021

(\$1137 base rate + \$9 indexation)

S94 Plan No. 4

Sector6_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5.1.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

\\$Con_{TRCP - Heavy} heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

**Dist. average haulage distance of product on Shire roads
(trip one way)**

\\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

(b) West Kingscliff - Drainage:

1.725 HA @ \$56641 per HA \$97705.73

(\$5664.1 base rate + \$50976.9 indexation)

DCP Section B4

S94 Plan No. 7

(c) West Kingscliff - Open Space:

22.6656 ET @ \$2906 per ET \$65866

(\$1849 base rate + \$1057 indexation)

DCP Section B4

S94 Plan No. 7

(d) Shirewide Library Facilities:

22.6656 ET @ \$816 per ET \$18495

(\$792 base rate + \$24 indexation)

S94 Plan No. 11

- (e) **Bus Shelters:**
22.6656 ET @ \$62 per ET \$1405
(\$60 base rate + \$2 indexation)
S94 Plan No. 12
- (f) **Eviron Cemetery:**
22.6656 ET @ \$121 per ET \$2743
(\$101 base rate + \$20 indexation)
S94 Plan No. 13
- (g) **Community Facilities (Tweed Coast - North)**
22.6656 ET @ \$1352 per ET \$30644
(\$1305.6 base rate + \$46.4 indexation)
S94 Plan No. 15
- (h) **Extensions to Council Administration Offices
& Technical Support Facilities**
22.6656 ET @ \$1812.62 per ET \$41084.12
(\$1759.9 base rate + \$52.72 indexation)
S94 Plan No. 18
- (i) **Cycleways:**
22.6656 ET @ \$460 per ET \$10426
(\$447 base rate + \$13 indexation)
S94 Plan No. 22
- (j) **Regional Open Space (Casual)**
22.6656 ET @ \$1064 per ET \$24116
(\$1031 base rate + \$33 indexation)
S94 Plan No. 26
- (k) **Regional Open Space (Structured):**
22.6656 ET @ \$3730 per ET \$84543
(\$3619 base rate + \$111 indexation)
S94 Plan No. 26

[PCC0215/PSC0175]

16. Section 94 Contributions

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

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

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

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

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution shall be based on the following formula:-

$$\text{\$Con}_{\text{TRCP - Heavy}} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads
(trip one way)

$\text{\$Unit}$ the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PCC0225/PSC0185]

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

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

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP5: 19.2 ET @ \$12150 per ET \$233,280

Sewer Kingscliff: 24 ET @ \$5838 per ET \$140,112

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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

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

[PCC0265/PSC0165]

- 18. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the (public infrastructure - insert / delete as applicable) works as set out in Council's fees and charges at the time of payment.**

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

[PCC0275]

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

[PCC0285]

- 20. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.**

Detail of the proposed haul route is also to be submitted to Council for approval. Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No. 4 will be required prior to the issue of a Construction Certificate.

[PCC0465]

- 21. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.**

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

- 22. Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.**

[PCC0495]

23. Site filling and associated drainage is to be designed to address drainage on the site as well as existing stormwater flows onto or through the site, and minimising the impact of filling on local drainage. Detailed engineering plans of fill levels, perimeter and transverse drainage shall be submitted for Council approval by the Principle Certifying Authority.

[PCC0675]

24. Design detail shall be provided to address the flood compatibility of the development, including the following specific matters:

- a) Design flood level of RL 3.2m AHD
- b) Minimum habitable floor level for the dwellings of RL 3.7m AHD
- c) All dwelling sites shall be filled to a minimum of the design flood level
- d) Culverts shall be provided under the filled access road in general accordance with the approved plans, in order to convey flood waters for a range of flood intensities through the site without creating significant adverse impact on the locality.
- e) Acoustic treatment of the flood culverts under the filled access road must be designed to ensure that the inlet capacity of the culverts is maximised, so as to not create significant adverse impact on local flood behaviour. Clear, unobstructed flow widths to adjacent structures or fill batters must be provided and maintained around acoustic treatments such as lapped fences, to provide net equivalency to the culvert width at the inlet. The acoustic treatment must be certified as meeting acceptable acoustic and flood impact criteria by suitably qualified and experienced acoustic and hydraulic consultants.
- f) All dwelling sites created by the development must be serviced by a high level evacuation route, as defined by Council's Development Control Plan Section A3 - Development of Flood Liable Land. The construction certificate application must provide a plan of the identified route, including surveyed levels by a registered surveyor at appropriate intervals and critical locations along the route demonstrating compliance. If compliance cannot be demonstrated, the applicant shall undertake upgrades of Council roads and/or stormwater drainage so as to achieve a compliant high level evacuation route. These works may require separate approval(s), which must be obtained from Council prior to issue of a Construction Certificate for the development.

[PCC0705]

25. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

26. Prior to the issue of a Construction Certificate for civil works the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon

(b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure)

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

[PCC0985]

27. Permanent stormwater quality treatment shall be provided in accordance with the following:

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

[PCC1105]

28. A construction certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

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

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.
- [PCC1145]
29. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
- [PCC1155]
30. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the issue of a construction certificate.
- [PCC1195]
31. Submit to Council, for approval, a preliminary soil testing (acid sulfate soil) report, and acid sulfate soil management plan where the results of the preliminary soil testing indicates the presence of acid sulfate soils. All works shall comply with the approved plan.
- [PCCNS01]
32. Prior to the issue of a Construction Certificate the applicant shall submit design detail for the retaining structures to be erected on the site in accordance with AS 4678. A registered qualified structural engineer and a registered qualified geotechnical engineer shall provide the following details prior to approval;
- (a) Design detail for the retaining structures is to be supported by certification of adequacy of design from a qualified structural engineer.
- (b) A registered geotechnical engineer shall also provide a certification of adequacy to support the design of the proposed manufactured block concrete retaining walls, cantilevered footings and soil anchors based on the subsurface conditions of the lake, exported fill material, AS3798, AS4678 and any other geotechnical requirements.
- [PCCNS02]
33. Prior to issue of a Construction Certificate, a certification of adequacy is to be provided by a suitably qualified person to state the proposed retaining structure is capable of being submerged long term within the existing lake to support the proposed road, fill material and manufactured homes. Supporting evidence (including test results) from the manufacturer is to be provided with the certification.
-

[PCCNS03]

34. A Traffic management plan is to be provided prior to the issue of a Construction Certificate to address the following;
- Number of trucks proposed to enter and leave the site for both the filling and building works.
 - Source of fill material
 - Haul route for proposed fill material to the development site
 - Construction time frame for both filling and building works
 - Traffic control plan prepared by an RTA accredited person in accordance with AS1742 and RTA publication "Traffic at Work Sites" latest version.

[PCCNS04]

35. A detailed plan of landscaping containing no noxious or environmental weed species and with species selection guided by Council's native species planting guide at the following link: <http://www.tweed.nsw.gov.au/NativePlantGuide> is to be submitted and approved by Council's General Manager or his delegate prior to the issue of a Construction Certificate.

[PCCNS05]

36. Prior to issue of the construction certificate, the applicant is to submit a Habitat Restoration Plan in accordance with Council's draft *Guideline for the preparation and implementation of Habitat Restoration Plans* detailing environmental enhancement works across the site. The Habitat Restoration Plan must be approved to the satisfaction of Council's General Manager or his delegate prior to commencement of works.

[PCCNS05]

37. Prior to issue of the Construction Certificate, a Construction Environmental Management Plan must be prepared and approved by the General Manager or his delegate to detail mitigation measures for wader birds and other aquatic or terrestrial flora and fauna species known or predicted to occur on or adjacent to the site. The plan must include, but not be limited to, the following matters:
- a. Environmental safeguards (silt curtains, booms etc.) are to be utilised during retaining wall construction to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works.
 - b. Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless surrounded by sediment control measures.
 - c. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

38. Prior to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
- (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or

(b) **AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.**

(c) **WorkCover Regulations 2000**

[PCW0025]

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

[PCW0225]

40. **A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:**

(a) **a standard flushing toilet connected to a public sewer, or**

(b) **if that is not practicable, an accredited sewage management facility approved by the council**

[PCW0245]

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

(a) **showing the name, address and telephone number of the principal certifying authority for the work, and**

(b) **showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**

(c) **stating that unauthorised entry to the site is prohibited.**

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

[PCW0255]

42. **All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the General Manager or his delegate.**

Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of the Subdivision Certificate.

[PCW0375]

43. **Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site.**

The dilapidation reports shall take into consideration the findings of the original reports and provide to Council the written acceptance of the adjoining/adjacent owners confirming agreement that no damages have occurred/repairs carried out are acceptable.

[PCW0775]

44. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

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

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

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

[PCW0985]

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

[PCW1065]

47. Prior to commencement of works plans to be submitted and approved by Council, showing that passing bays will be provided along the access road in accordance with clause 21 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 - width of roads.

[PCWNS01]

48. Commencement of works in accordance with the Schedule of Works within the approved Habitat Restoration Plan must be demonstrated prior to clearing of the Swamp Oak Floodplain Forest, Banksia Woodland or freshwater wetland vegetation within the development site.

[PCWNS02]

DURING CONSTRUCTION

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

[DUR0005]

50. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Friday from 7.00am to 5.00pm.

No work to be carried out on Saturday, Sundays or Public Holidays.

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

[DUR0205]

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

A. Short Term Period - 4 weeks.

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

B. Long term period - the duration.

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

[DUR0215]

52. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

53. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.

[DUR0235]

54. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.

[DUR0255]

55. 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]

56. 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]

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

[DUR0405]

58. 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 Occupational Health and Safety Regulation 2001.

[DUR0415]

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

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

[DUR0765]

60. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

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

[DUR0815]

62. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

63. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

64. 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]

65. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

66. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

67. A concrete footpath with a minimum width of 1m is to be provided along the full length of the proposed road and along the northern boundary as per plan titled Master Plan, sheet MCU-101 Issue F2, prepared by Zoran Architecture dated 23/07/2012.

[DUR1735]

68. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

[DUR1795]

69. 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]

70. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation Certificate.

[DUR1955]

71. 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]

72. 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 blow from the site.

[DUR2185]

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

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

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

[DUR2375]

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

[DUR2425]

75. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request.

[DUR2435]

76. 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]

77. 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 NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

78. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

79. 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:-

- * 43.5°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]

80. **Vegetation clearing at all locations shall be limited to the minimum necessary for the developments to proceed, and all works sites, stockpile areas, storage facilities and vehicle parking and maintenance areas shall be located on already disturbed land, avoiding any necessity for the clearing of native vegetation for these activities. The applicant is to demonstrate that the trees being retained on the site and on any adjacent land have been protected in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites.***

[DURNS01]

81. **All erosion and sedimentation controls shall be maintained in accordance with the report of Baclon Pty Ltd (ref: Engineering Impact Assessment Proposed Lakeside Villa Development dated 5 September 2011) or to a different standard as required by the General Manager or his delegate, throughout the period of construction and any environment restoration works.**

[DURNS01]

82. **Each dwelling site must be numbered or identified and its site boundaries clearly delineated, and the site identification must be conspicuous.**

[DURNS02]

83. **Internal access road(s) to be speed limited to 15kmh and signed accordingly.**

[DURNS03]

84. **The provision of one additional car parking space for the disabled is required. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code.**

[DURNS04]

85. **The following geotechnical requirements are to be addressed during construction;**

(a) Level 1 geotechnical testing

ALL earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

(b) Grid settlement plates

A series of geotechnical grid settlement plates are to be installed across the site and monitored during filling and for a period after the filling has been completed to measure any settlement which will occur as a result of the proposed development, as recommended in the geotechnical report prepared by Shaw Urquhart titled Geotechnical assessment in response to Tweed Shire Council letter dated 6 December 2011" prepared by Shaw Urquhart dated 27 March 2012.

The period of time for geotechnical monitoring after filling is complete is to be nominated by the geotechnical engineer.

A certificate from a registered Geotechnical Engineer certifying that settlement has terminated and the development will not be comprised by any further settlement is to be provided to the Principle Certifying Authority after completion.

(c) Filling works

All filling works shall be in accordance with the geotechnical report titled "Geotechnical assessment in response to Tweed Shire Council letter dated 6 December 2011" prepared by Shaw Urquhart dated 27 March 2012."

[DURNS05]

86. The retaining structures are to be designed, inspected and certified by a qualified structural engineer experienced in structures.

[DURNS05]

87. All access roads must be adequately lit between sunset and sunrise.

[DURNS05]

88. Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, *Electrical Installations* (known as the Australian/New Zealand Wiring Rules).

[DURNS05]

89. A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD;

[DURNS05]

90. Fire hydrants shall be designed, installed and commissioned in accordance with AS2419.1 - 2005 Fire Hydrant Installations"

[DURNS05]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

[POC0005]

92. Prior to the issue of an Occupation Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the civil works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act as set out in Councils Fees and Charges current at the time of payment which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

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

[POC0205]

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

[POC0745]

95. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

96. The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Lands Titles Office prior to issue of an occupation certificate.

[POC0855]

97. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the issue of an Occupation Certificate.

[POC0865]

98. Prior to the issue of an occupation certificate, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

99. Prior to the occupation or use of any building a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

100. An Occupation Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[POCNS01]

101. All retaining walls in excess of 1.2m are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Occupation Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

102. Upon completion of all works on the site and prior to the issue of an Occupation (including interim) / Subdivision Certificate, a final Dilapidation Report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general condition including the structural condition of the adjoining buildings / sites, infrastructure and roads.

The dilapidation report shall take into consideration the findings of the original report and provide to Council the written acceptance of the adjoining / adjacent owners confirming agreement that no damages have occurred / repairs carried out are acceptable.

[POC0825]

103. Easements to drain water benefitting Council shall be created over the flood culverts and the connecting flow paths between Tweed Coast Road and Noble Lake.

[POCNS01]

104. The existing easement for a sewer rising main 3m wide (created under DP 836315) located in the north west corner which is no longer in use is to be extinguished. Documentary evidence for the extinguishment of the easement is required prior to issue of the Occupation Certificate.

[POCNS02]

105. A qualified engineer shall provide engineering certification for the retaining structures prior to the issue of an Occupation Certificate.

[POCNS03]

106. Certification by a qualified engineer that the civil and road works have been constructed under their supervision in accordance with the approved engineering plans and specifications prior to the issue of an Occupation Certificate.

[POCNS04]

107. Geotechnical engineering certification is to be provided for the proposed development to certify that settlement has terminated and the development will not be comprised by any further settlement. The settlement plate information is to be provided with the geotechnical certification to validate settlement has stopped prior to the issue of an Occupation Certificate.

[POCNS05]

108. Primary weeding and/or planting and establishment must be completed in accordance with the Schedule of Works within the approved Habitat Restoration Plan prior to issue of any Occupation Certificate for the site.

[POCNS05]

USE

109. 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]

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

[USE0155]

111. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{Aeq}) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

112. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

[USE0225]

113. Timber decks over the existing lake shall be constructed of hardwood and shall not be treated with oils, paints, detergents or other chemicals.

[USENS01]

114. All retaining walls in excess of 1.2m are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Occupation Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the Occupation Certificate.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

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

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

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

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

Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

GENERAL TERMS OF APPROVAL FOR WORK REQUIRING A CONTROLLED ACTIVITY APPROVAL UNDER THE WATER MANAGEMENT ACT 2000

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA11/0456 and provided by Council: (i) Site plan, map and/or surveys (ii) Structural design and specifications (iii) Vegetation Management Plan (iv) Works Schedule (v) Erosion and Sediment Control Plan (vi) Soil and Water Management Plan (vii) Rehabilitation Plan Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the lake identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Works Schedule (iii) Erosion and Sediment Control Plan (iv) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	N/A
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	N/A
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the lake or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
13	N/A
Disposal	
14	N/A
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A
River bed and bank protection	
22	N/A
23	N/A
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

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

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:

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

2. An emergency and evacuation plan is to be prepared for the whole estate that complies with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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:

3. Dwellings 1, 2 and 27 to 30 shall comply with section 5 (BAL 12.5) Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection.
4. Dwelling 31 shall comply with section 6 (BAL 19) Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection.
5. Dwelling 32 shall comply with section 7 (BAL 29) Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

REPORT:

Applicant: Baclon Pty Ltd
Owner: Baclon Pty Ltd Trading as Noble Lakeside Australia
Location: Lot 193 DP 1014329 No. 34 Monarch Drive, Kingscliff
Zoning: 1(a) Rural
Cost: \$9,633,000

BACKGROUND:

The subject site is zoned Rural 1(a) pursuant to the Tweed Local Environmental Plan 2000 (TLEP 2000).

A summary of relevant consents is provided below:

- 12 April 1996 - Development consent issued for the erection of manufactured homes estate.
- 7 March 1989 - Development consent for an artificial waterbody was issued (87/430 Noble Caravan park Resort, comprising 396 caravan sites in six cluster locations, associated facilities and artificial lakes). This consent was granted by the Minister.
- The existing artificial lake was formed to provide fill for building platforms at the Q100 flood level. The caravan park component of the 1989 Consent was never constructed.
- March 1992 - a development application was lodged to fill certain land east of the property (DA92/353) which was at the time, in the same ownership. The additional eastern filling was to alter certain existing drainage channels on the land and to construct new perimeter drainage channels to the east. The proposal was a designated development. The eastern drains would drain independently of the property. Consent was granted by the Minister to this application in March 1993. Condition 10 of this consent required surrender of the 1987 Consent and provided a "retrospective recognition of an existing lake (Noble Lake)" and a Lake Management Plan to regulate future water quality in Noble Lake.
- 7 January 1993 - The 1989 Consent for the caravan sites and lake was surrendered, which extinguished any right to use the property for any purpose or any buildings or caravans.
- 12 April 1996 - Development consent for a manufactured home estate (95/442) was approved, providing for 234 sites in 7 stages, including an administration centre, community facilities and managers residence. The consent related to the whole land and the area around the perimeter of the lake was proposed to become 'open space for recreation' for the proposed manufactured home estate development. Landscaping was proposed around the shore of the lake.
- 10 December 1999 – Development Consent (No. K99/1447) was granted for a twenty additional sites at the existing manufactured home estate. This resulted in a total of 254 home sites.

- A s96 application to amend Development Consent 95/442 was received to create an additional home site to allow the erection of a manufactured home. The application was refused and subsequently appealed by the applicant in the Land and Environment Court. In 10 January 2005, the Court dismissed the appeal and the refusal was upheld. The Court found that resident's amenity would be adversely affected by the proposed dwelling as the character of the entrance to the estate would be fundamentally and seriously changed by the proposed dwelling. The loss of open space and views beyond the entrance were important and integral elements of the entry vista.
- November 2009 – Council received a Joint Regional Planning Panel (JRPP)/development application (DA09/0727). The proposal sought approval for the addition of 45 new manufactured home sites on the northern side of the on-site lake/artificial waterbody. Each new home is proposed to be constructed off-site and transported and installed on the property. Each manufactured home will contain two bedrooms and a study or media room as well as a garage. The proposal also comprises a single storey community recreation hall with a gross floor area of 90m², including associated swimming pool, facilities and outdoor terrace overlooking the lake. The application was recommended for deferred commencement approval by Council officers, however, the JRPP refused the application for the following reasons:
 1. *In accordance with Section 79(c) (1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is considered to have a detrimental impact on the natural and built environment and detrimental social and economic impacts in the locality as the development will result in:*
 - *Loss of visual amenity for existing residents in the development because of loss of vegetation and change of view to urban environment;*
 - *Loss of amenity for existing residents due to loss of access to the nature walk;*
 - *Loss of amenity for existing residents due to increased noise from the proposed residences affecting the open space on the southern side of the lake;*
 - *Loss of visual amenity to adjoining properties due to the impact of the proposed fill, retaining walls and noise attenuation fencing;*
 - *The proposed community building will have a setback of only 20m to Tweed Coast Road and is therefore out of keeping with adjoining properties and other developments;*
 - *The impact of retaining walls. Council's design specifications specify that the maximum height of retaining walls & batters is 2.4m. The application is not in accordance with Council's specifications due to the excessive fill and height of retaining walls;*
 - *There is insufficient information to demonstrate that the development will not have a negative impact on flooding affecting neighbouring properties; and*
 - *The noise level impact assessment indicates noise from the adjacent trotting track will exceed background noise levels by 10dBa.*

2. Pursuant to Section 79C(1)(C) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the proposed development for the following reasons:
- The proposed development will have a negative impact on the natural environment as the site is of ecological significance as part of a regional wildlife corridor and in providing habitat for wading birds and other wetland species, a number of which are listed as threatened on the Schedules of the Threatened Species Conservation Act 1995 and all existing vegetation is proposed to be removed.
 - A geotechnical report addressing the potential impacts of the development has not been provided. It is uncertain if the site is suitable for the development.
 - The design of the internal road as a combined road and walkway will adversely affect the safety and amenity of all residents.
 - The development requires excessive fill and alteration to the natural landform and the proposed cantilevered buildings overshadowing the lake which demonstrates that the proposal is an overdevelopment of the site.

Council was served notice of a Class 1 Appeal against the JRPP determination (proceedings number 10857 of 2010 in the NSW Land and Environment Court).

The JRPP was an intervener in this case.

LAND AND ENVIRONMENT COURT - OUTCOME

The hearing commenced on-site on 1 March 2010 and was listed to run for two days.

During the course of the first day, it became apparent that the hearing would most likely need to be extended for another three to four days given the complexity of various matters.

The proceedings were however, discontinued at the end of the first day.

This means that the Court made no decision in respect of the development application and the JRRP refusal still stands.

SITE AND SURROUNDS

The site is described as Lot 193 DP1014329 and is located at 34 Monarch Drive, Kingscliff. It has an area of approximately 21.9 hectares and includes a large artificial lake on the northern portion of the site.

The site is relatively flat, with the land adjacent to the northern boundary at approximately RL 1.7m AHD with the site sloping down towards the lake to approximately RL 0.70m AHD.

The allotment is currently improved with 254 existing manufactured homes, an existing community building, internal roads, services and a recreational hall.

Vegetation on site include slash pines, lawn and common garden species, mid open forest (located on the northern bank of the western section of the lake), low open woodland (around the northern bank) and aquatic vegetation around the banks of the lake.

Land to the north of the site is zoned 1 (a) Rural (containing dwelling house and horse stables and training track) and 5(a) Sewerage Treatment/Turf under TLEP 2000 and contained Council's former sewerage treatment plant. This site is currently being remediated as Council's sewerage treatment plant has been relocated to another nearby site in Chinderah. Land to the east of the site is zoned 5(a) Drainage and comprises of a drainage corridor. Further east, beyond the drain is residential land zoned 2(c). Land to the south of the site is comprised of rural land zoned 1(a) and 7(l) Environment Protection. Land to the west of the site is also zoned Rural 1(a) and 1(b2). The western boundary of the site adjoins Tweed Coast Road.

Overall, the surrounding character of the area as viewed from Tweed Coast Road is dominated by the pines on the boundary of the existing manufactured homes estate and rural land surrounding Tweed Coast Road. The character of the area around Monarch Drive is low density residential.

PROPOSAL

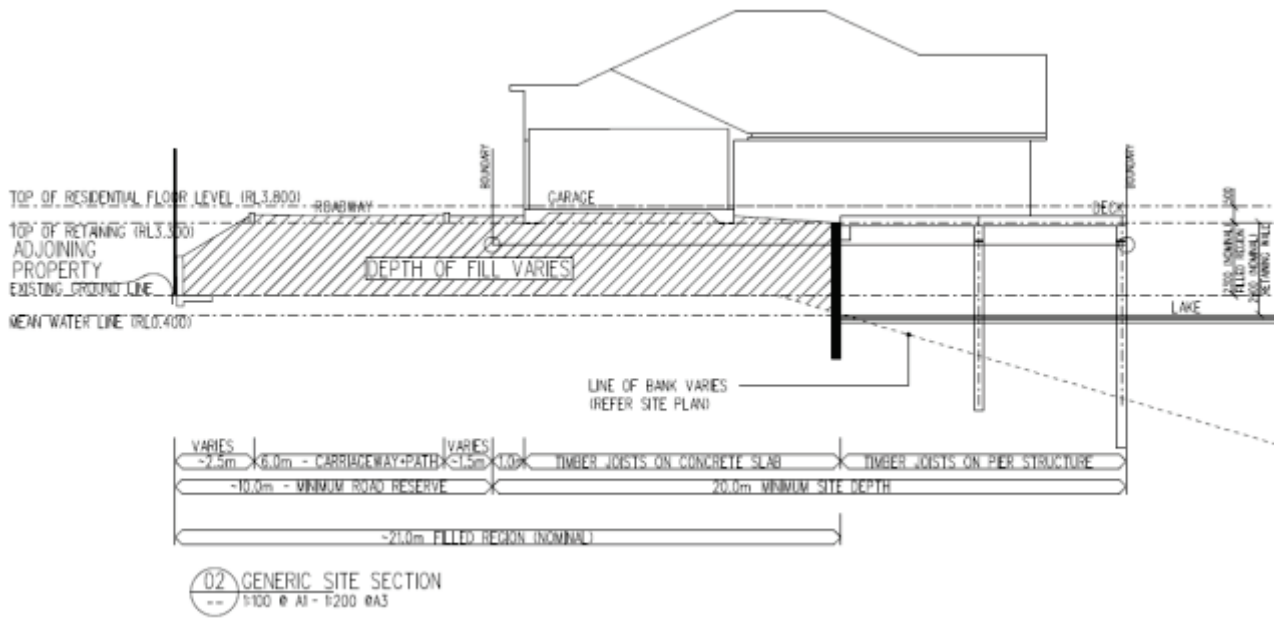
The proposal seeks the addition of 32 new manufactured home sites located on the northern side of the on-site lake/artificial waterbody. Each new home is proposed to be constructed off-site and transported and installed on the property. Each manufactured home will contain two bedrooms and a study or media room as well as a garage.

The proposal also comprises an internal road from Monarch Drive, recreation area, additional car parking, and emergency access point from Tweed Coast Road, an acoustic fence located adjacent to Tweed Coast Road and revegetation/compensatory habitat.

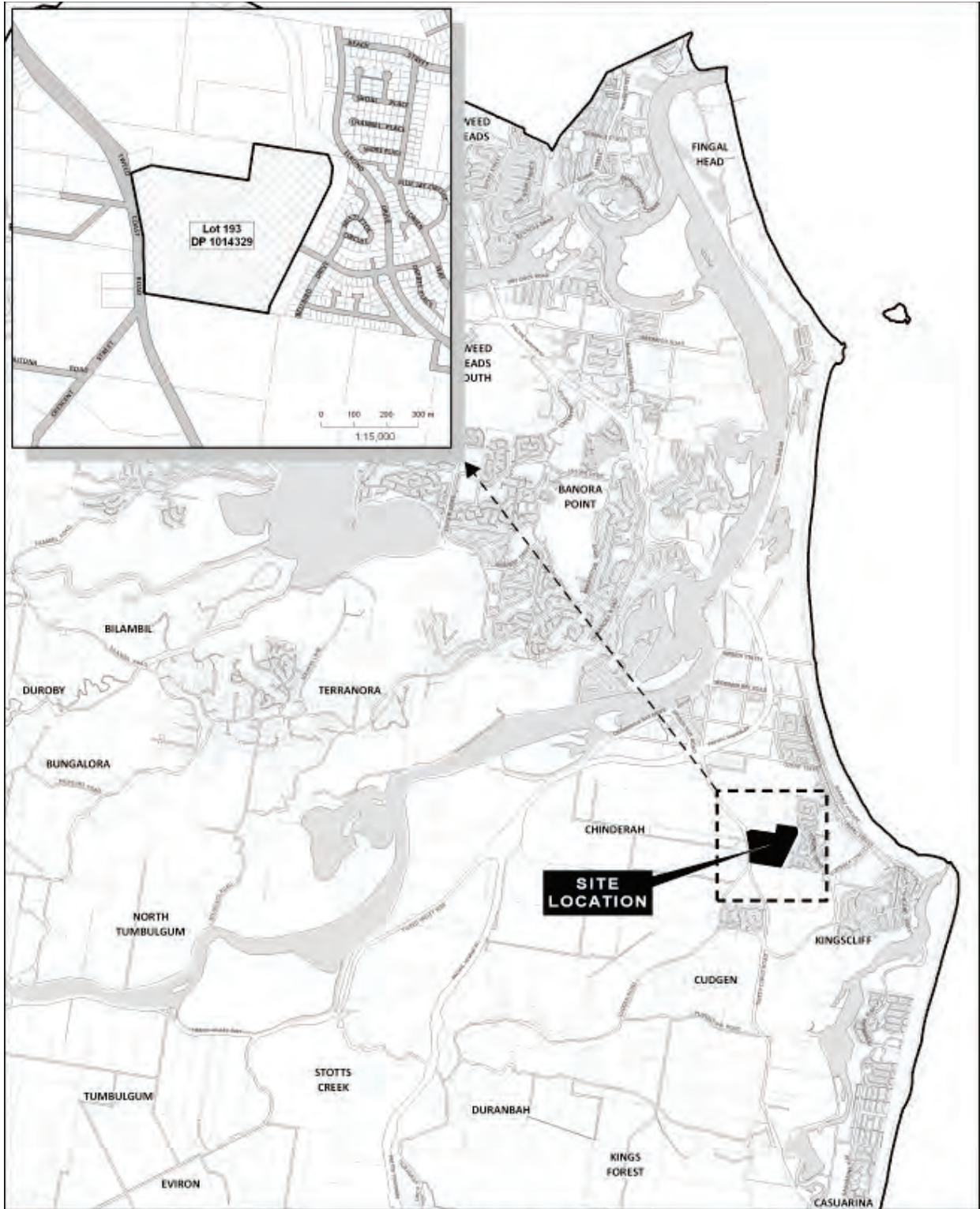
The proposed additional dwellings will use this access and continue through the existing internal road network, from Les Noble Drive along the north-west boundary and the northern perimeter of the lake.

The proposal includes filling and retaining walls around the north and western boundary of the lake to support the internal access road and to achieve a flat surface for dwelling platforms. Fill height ranges from approximately 2m to approximately 3m.

Each of the 32 manufactured dwellings will be partially cantilevered over the existing lake and in part supported by fill material, retaining walls and pier structures. The fill is required for dwellings to achieve Council's design flood level of 3.2m AHD and minimum habitable floor level of 3.7m AHD. The fill is to be supported by retaining walls 2.9m in height above the water line (with approximately 1.4m of retaining wall remaining below the water line), with the pier foundations located in the lake itself. Reference is made to the diagram below which details a generic section from the proposed retaining wall on adjoining northern property boundary to the piers located within the lake and the level of fill proposed.



SITE DIAGRAM:



Locality Plan
 Lot 193 DP1014329
 No. 34 Monarch Drive, Kingscliff

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council neither represents or warrants in any way, explicitly or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability, including without limitation, liability in negligence for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general public and is to be considered indicative and approximate only. It should not be used for survey or construction purposes and you should consult a 'Dial before you Dig' enquiry prior to calling 811. The information contained on this document remains valid for 10 days only from the date of issue.

Cadastral: 10 August, 2012
 © Land and Property Management Authority (LPA) & Tweed Shire Council.
 Boundaries shown should be considered approximate only.

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 1:60,000 @ A4 Portrait
 PRINT SCALE
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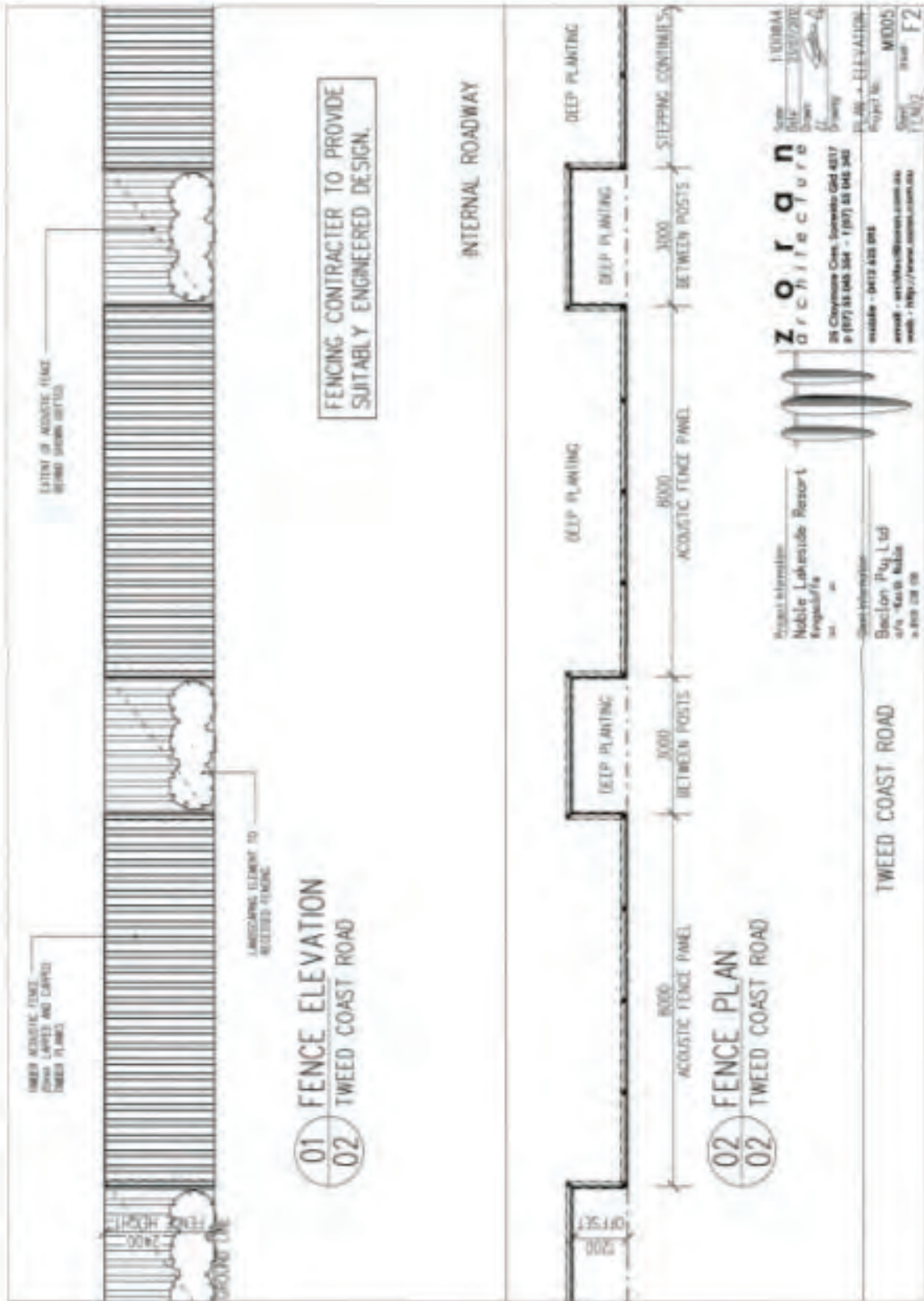
GDA
 The Horizontal National Triangulation Network
 for Use in NSW - Tweed Shire of Australia 1984
 and 1988 Edition of Australia Zone 56

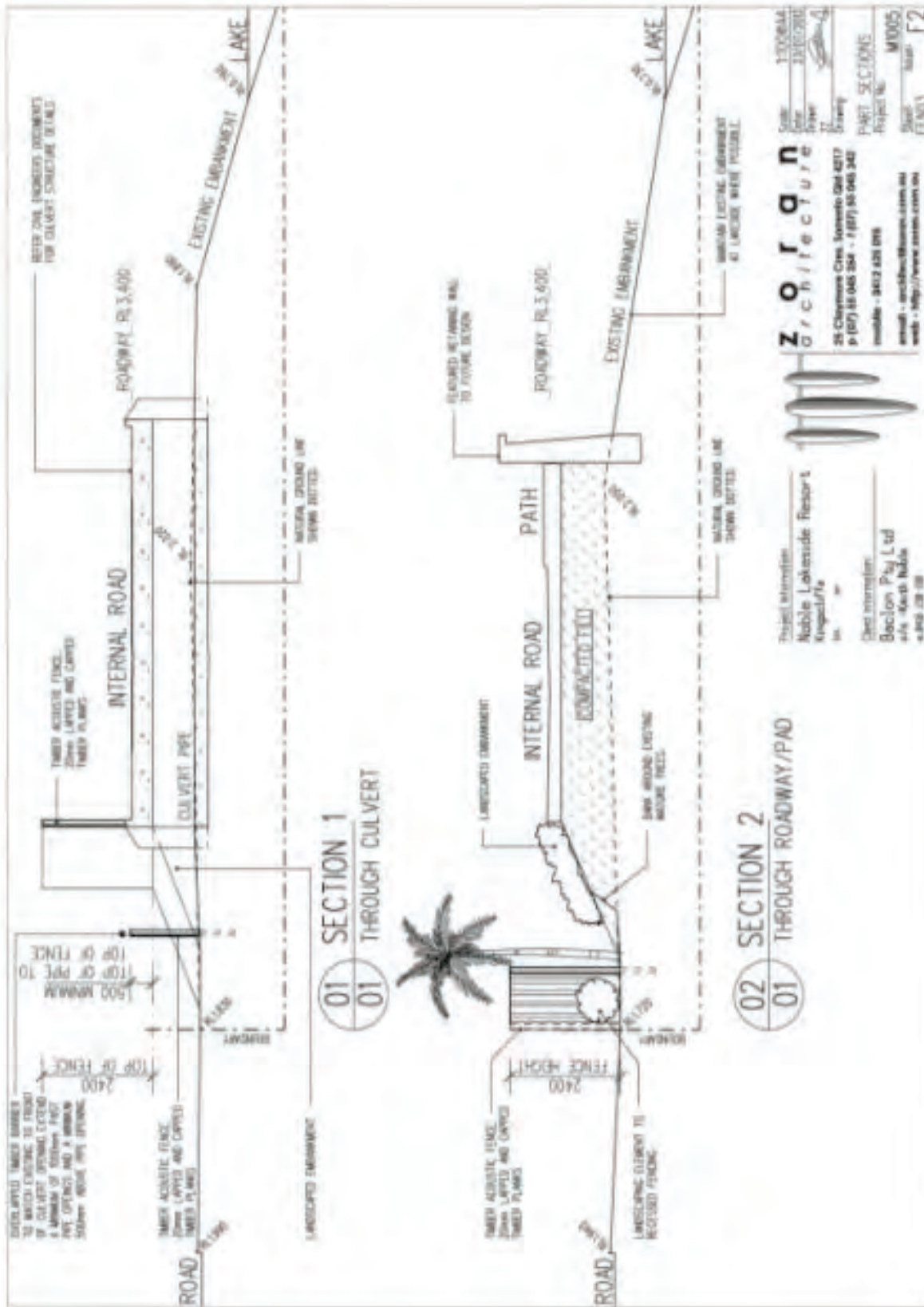
Civic and Cultural Centre
 5 Harrington Road
 Murumbidgee NSW 2454
 PO Box 916
 Murumbidgee NSW 2454
 T | (02) 6670 2400 | 1800 292 872
 F | (02) 6670 2429
 W | www.tweed.shire.nsw.gov.au
 E | planning@tweed.shire.nsw.gov.au



DEVELOPMENT/ELEVATION PLANS:









PERMISSIBILITY AND EXISTING USE RIGHTS

The subject site is zoned 1(a) Rural and under the current TLEP 2000, manufactured home estates are prohibited in the 1(a) zone.

On 12 April 1996, development consent for a manufactured home estate (95/442) was approved (under the previous LEP), providing for 234 sites in 7 stages. As such, the proposal to construct an additional 32 manufactured homes on the site relies on existing use rights.

An assessment of the existing use rights was undertaken pursuant to the previous development application for 45 manufactured homes sites (DA09/0727). Council accepted the applicants Barrister's findings (Mr Patrick Larkin, applicants Barrister), with the proposal to extend the manufactured homes estate considered permissible (through existing use rights) and assessment of the proposal is limited to those matters under section 79C, excluding those relating to the provisions of any environmental planning instrument or any development control plan. That is, the clauses of any environmental planning instrument any clauses of any development control plan also have no force.

CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

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

Tweed Local Environmental Plan 2000 (TLEP 2000)

Clause 4 - Aims of the Plan

Not applicable due to existing use rights, refer advice above.

State Environmental Planning Policies

Not applicable due to existing use rights, refer advice above.

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

Not applicable due to existing use rights, refer advice above.

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

Tweed Development Control Plan

Not applicable due to existing use rights, refer advice above.

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

Clause 92(a) Government Coastal Policy

It is considered that the proposal will be consistent with the Coastal Policy, subject to conditions in relation to flora and fauna, erosion and sediment control and flooding impacts.

Clause 92(b) Applications for demolition

No demolition is proposed.

Clause 93 Fire Safety Considerations

Not applicable, no change of use proposed within an existing building.

Clause 94 Buildings to be upgraded

Not applicable, all proposed buildings are new buildings.

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

Tweed Shire Coastline Management Plan 2005

The site is not covered by the policy.

Tweed Coast Estuaries Management Plan 2004

The site is not covered by the policy.

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

The site is not covered by the policy.

- (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

Despite the loss of vegetation proposed, the proposed additional manufactured homes are in keeping with the character of the existing manufactured home estate.

Whilst the character of the manufactured homes is in contrast to the adjoining rural land to the north and west of the site, the boundary between the adjoining rural site and the manufactured home site runs perpendicular to Tweed Coast Road and will not be visually prominent.

Access, Transport and Traffic

Access to the development is from Monarch Drive. Monarch Drive is a 10m wide urban collector road with kerb and gutter. An internal private road network servicing the estate connects with Monarch Drive. Access to the additional proposed manufactured dwellings is located off the internal road system (Les Knoble Drive). An addition to the internal road system is proposed to service the additional dwellings and is located along the western and northern boundaries of the lake.

The new road is proposed to have a 6m pavement width within a 10m road reserve for the allocation of services.

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (The Regulations) is applicable for road design. The Regulations defines the proposed internal road as a major access road (as it services more than 30 dwelling sites). The Regulations require that major access roads are required to be two-way access with a paved width of 6m. The application complies with this requirement.

The applicant has proposed an emergency access road at the western boundary of the site, which is also proposed as a temporary access to facilitate construction.

Designated Roads

Tweed Coast Road is listed as a designated road within Council's TLEP 2000. Clause 24 of the TLEP 2000 requires moveable dwelling parks to have a minimum setback of 50m to designated roads. The proposed manufactured home sites will have a setback of 50m to Tweed Coast Road, even though the setback requirements in Clause 24 are not strictly applicable given existing use rights.

The intent of the setback requirements is to ensure protection of visual amenity and adequate traffic safety and efficiency along designated roads.

No engineering issues are raised in relation to impacts on the efficiency of Tweed Coast Road, or the temporary access proposed during construction.

In terms of visual impacts, the applicant has advised that the frontage of the site will be landscaped and fenced and will be suitably screened, limiting visual prominence from Tweed Coast Road. In addition, the proposed acoustic fence has been suitably designed to reduce visual impact on road users of Tweed Coast Road.

The proposed setback is considered acceptable.

Bus routes/Shelters

It is noted that the next public transport service is via a bus stop 200m from the entrance of the site. This is considered to be an adequate outcome.

Pedestrians/Footpaths/Cycleway

No footpaths, cycleways or internal pedestrian walkways have been documented within the application. It is proposed that pedestrian use the low-speed internal access roads.

Traffic Generation/Assessment

An engineering report has been submitted with the application prepared by Opus and dated 5 September 2011.

In accordance with the traffic generation rates from Tweed Shire Council's Section 94 Plan No. 4 Tweed Road Contribution Plan Version 5.1 Table 7.1, the daily trip rate used from the Tweed Road Contribution Plan is 3.9 vehicles. The additional 32 manufactured dwellings will create an additional 124.8 vehicle trips per day. It is not considered the additional dwellings will affect the surrounding traffic network.

Construction Traffic

Construction traffic to the site will be approximately 48 trucks per day for a period of 7 weeks. This is based on 29,500m³ of imported fill material with a truck and trailer capacity of 20m³ also including a 20% bulking factor on the fill material. 1800 vehicle trips/truck movements (accounting for two way traffic movements, including the empty truck returning to the fill source) will occur every day to the estate to fill the site. This equates to six truck deliveries every hour, eight hours a day (7am to 5pm), five days a week for 7 weeks. This will create temporary amenity and noise issues for the existing residents in the manufactured home estate.

It is recommended that conditions are imposed to limit the impacts on the residents during construction. Construction vehicles will only access the site from a temporary point on Tweed Coast Road, further reducing the impacts on existing residential amenity.

Conditions are recommended to ensure a suitable and approved fill source is utilised.

Parking/Manoeuvring

The Regulations provide visitor car parking rates for manufactured homes estates as follows:

	No. of Dwellings	Space required	Total space required	Total space provided
Manufactured Homes	312	1 per home	32	32
Visitor/Disabled Parking	32	Minimum 8 required	8	16
Total`			40	48

The proposal complies with the Regulations.

Flora and Fauna

Council's Natural Resource Management (NRM) Unit have assessed the proposal and recommended appropriate conditions.

Ecological Values

The site is of ecological significance as part of a regional wildlife corridor and in providing habitat for wading birds and other wetland species, a number of which are listed as threatened on the Schedules of the *Threatened Species Conservation Act 1995*. Vegetation communities include Banksia woodland with regenerating littoral rainforest understorey, Swamp Oak woodland (partly cleared), some saline wetlands including mangroves at the northern extent of the site, as well as freshwater wetlands.

A vegetation community conforming in most aspects to the Scientific Committee determination for the Endangered Ecological Community (EEC) *Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions* is present and has been checked on site in terms of the suite of existing species, position on the floodplain and saline nature of surrounding waters and groundwater. However, the soil type is generally sandy and thus a determination that the EEC is present on the site is open to challenge. The applicant has agreed that terrestrial vegetation is significant and offered acceptable compensation.

The presence of vegetation communities conforming to the Scientific Committee determination for the EEC *Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions* is considered likely, however, is not certain due to the following statement within the Scientific Committee determination: "Artificial wetlands created on previously **dry** land specifically for purposes such as sewerage treatment, stormwater management and farm production, are not regarded as part of this community, although they may provide habitat for threatened species". It is not certain where water bodies are created on formerly **wet** land as applies in this case, whether the EEC determination may be applied.

Rehabilitation and Restoration

Approximately 220 native trees are proposed for removal over an area of around 5000m² to facilitate the development, as well as areas of terrestrial regeneration and wetland areas along the lake shore containing reeds and sedges. Whilst the loss is likely to have short-term impacts on local fauna foraging and possibly roosting use, compensation and restoration is proposed as follows:

- A total of 1250 native trees and shrubs area to be replanted in currently grassed areas totalling some 5000m²;
- Some 400m² of freshwater wetlands is proposed to be established through excavation and planting just beyond the current lake shore; and
- A billabong area will be retained and restored in the north-east corner. This area is particularly important as it connects with a bushland area being restored by Council to the north, and with scattered trees and groundcovers along the Kingscliff Drainage Canal to the south.

Overall it is considered that compensatory habitat is adequate to offset the loss in the longer term and this aspect has been conditioned.

Impact Assessment

Having regard to the ecological values and assessment it is considered that the proposal is unlikely to result in a significant impact on threatened species, populations or ecological communities.

The retention of important areas, removal of exotic species and the compensation offered and conditioned hereunder will allow continued use of the site as part of a wildlife corridor and in particular of wading species.

Fill and Retaining Walls

Council's Engineers have assessed the proposal and recommended appropriate conditions.

Retaining Walls

It is understood that the wall will be a free standing cantilevered structure, independent of the proposed dwellings, and that the dwellings will not be in contact with the wall. Minor settlements or rotation of the wall, should they occur, will have no effect on the integrity of the dwellings. The dwellings will be supported on piles and on the fill platform behind the wall. The wall will therefore be supported on piles and the fill platform behind the wall. The wall therefore is subject to surcharge loads from the dwellings and these will need to be taken in account in the local stability and structural design of the wall.

Settlement

The settlement due to filling and structural loads is estimated at a maximum of 63 to 73mm. The settlements in the sand are expected to occur rapidly and be completed within a few weeks following construction. The clay settlements are due to compression of the over consolidated clay and may take longer to complete.

Long term creep consolidation will occur but is expected to be relatively uniform across the site.

The retaining walls, piles and fill platform will all experience settlement from the deeper loose and firm soils.

It is recommended that a grid of settlement plates be installed across the site and monitored during filling and for a period thereafter to measure the actual settlements which occur due to the development. The period of time is to be nominated by the geotechnical engineer.

Settlement due to the filling and structural loads is estimated to be between 29mm and 63mm with between 16mm and 44mm of this occurring in the loose sand layers. Settlement in the loose sand layers is expected to occur during construction and be largely completed with a few weeks of completion of construction.

Long term settlements due to the site filling after construction is completed are therefore expected to be in the order of 20mm with 5mm to 10mm differential settlement between the piled section and the filled section.

Allowable Bearing Capacity

The report states that 'assuming the wall footing will be founded at 0.5m depth and allowing for buoyancy effects due to the shallow water table, the foundation in its current condition is assessed to have an allowable bearing capacity of 100kPa. This is insufficient as it is understood that the wall design requires the foundation to have an allowable bearing capacity of 200kPa.

The report recommends three options to gain sufficient bearing capacity of 200kPa:

- The 0.5m of medium dense sand below the wall footings can be densified using vibration compaction techniques;
- The wall footing can be supported on short piers extending through the medium dense sand and into the dense sand 0.5m below; or
- The wall can be founded at a greater depth. This however would require significant dewatering to facilitate construction.

The current foundation soils along the wall alignment are assessed to have an allowable bearing capacity of 100kPa. If the rock block retaining wall is founded at 0.5m depth, to achieve the design allowable bearing pressure of 200kPa will require the soil profile in the upper 0.5m below the footing to be compacted to a dense condition. Alternatively the footing can be supported on short piers extending into the dense sand approximately 0.5m below the footing level.

Global Stability

The global stability of the proposed retaining wall has been assessed using the computer program SLOPE/W. A number of conservative assumptions have been made to simplify the assessment including:

- Any contribution of the piles to improving the global stability of the lake edge has been ignored;
- Any contribution of the tie-backs in reinforcing the wall backfill has been ignored; and
- The fill has been assumed at RL 3.8m with a 10kPa surcharge for buildings and traffic loading.

The slope stability analysis indicate that a factor of safety of about 1.5 against a non-circular type slope stability failure requires a footing width extending 2.25m behind the toe of the wall. The factor of safety for conventional circular slip surface is estimated to be about 1.9. This is considered adequate. Therefore to achieve adequate factors of safety for global stability, the rock block retaining wall will need to be founded on a footing which extends 2.25m behind the toe of the wall.

Flooding and Impact of Fill and Acoustic Fence

Council's Planning and Infrastructure Engineers have assessed the proposal and recommended appropriate conditions.

According to the acoustic fence design, the fence runs along the property boundary but has been realigned to run over the large culverts provided through the access road in the north western corner of the site. This generally overcomes the hydraulic concerns, however still allows noise penetration through the culverts themselves.

To address this issue, the plans show landscaped earth mounds around the culvert inlets. The acoustic consultant supports this measure but requires the mounds to be significantly larger than has been proposed by the architect. The acoustic consultant has also nominated alternate treatments, being lapped fence sections or rubber inserts in the culverts. The applicant stated that they prefer the fencing alternative.

The problem for assessment is that there is little detail of the treatment options, and there is no hydraulic assessment of the alternatives. The mounding option is not preferred as it requires significant maintenance and would be difficult to secure in perpetuity. The use of rubber inserts would need hydraulic verification, and is prone to failure by blockage. The fencing option can be considered provided this left adequate openings. Overall the applicant has failed to provide the integrated design approach to solving this problem that was clearly required at the meeting of 13 July 2012.

Additional detail of the lapped fence option has been provided, however, this does not clearly show the extent of openings available to water flow. However, this is considered a viable approach, subject to further detail and certification by relevant experts with the construction certificate application.

Socio Economic Impacts

The Statement of Environmental Effects (SEE) included a socio-economic impact assessment (prepared by Jim Glazebrook and Associates Pty Ltd, September 2011). It identifies that the proposal would provide employment for the construction and housing industry and an additional stock of housing to accommodate population growth in the older age group. It also recognises that there would be an incremental increase in demand for services and facilities, most of which the proponent would contribute towards through section 94 contributions.

The proposal is considered to create a positive socio-economic impact.

(c) Suitability of the site for the development

Surrounding Landuses/Development

As identified above, the proposal adjoins rural land. It is proposed to treat the interface between the manufactured homes and the rural land with landscaping, retaining walls and fencing. Potential noise impacts from the adjoining trotting track will be mitigated through acoustic treatment in the dwellings.

Topography

The site is relatively flat and slopes down to the existing lake. The area to be filled has an average existing surface level of RL 0.70m AHD at the shoreline of the lake and varies to approximately RL 1.06 to 1.94m AHD at the northern boundary.

Availability of Services

Council's reticulated potable water supply is available to the area and has adequate capacity to allow for the proposed additional manufactured homes. Recommended conditions of consent require the provision of service in accordance with Council's Standards. Telecommunication and electricity services are provided to the site.

It is necessary for the applicant to obtain a section 68 approval to construct and to operate a sewage ejection system.

It is proposed that a condition requiring a 68 approval also include the requirement to demonstrate that the total sewage ejection system from both the existing and proposed development will operate satisfactorily.

Existing Title Restrictions

The land is burdened by the following restrictions:

- 3m wide easement for rising main located in the north west corner;
- 1m and 3.75m easement for electricity purposes;
- Right of carriageway with variable widths;
- Restriction to user - direct vehicle access to Chinderah Road is prohibited other than occasional access for the purpose of moving manufactured homes.

Council's water and sewer systems engineer has advised previously under DA09/0727, that the easement for the rising main in the north-west corner is no longer required due to construction of the new sewerage treatment plant. A condition is imposed recommending that this be relinquished. No other modifications to the title are required.

Acid Sulfate Soils (ASS)

The site is listed as class 3 on the Council's ASS Planning maps, which is relevant to works below 1 metre below the natural surface.

The applicant acknowledges that the proposed development may expose acid sulfate soils through the excavation of retaining wall footings. The applicant has also acknowledged that a preliminary investigation is required but has not carried out that investigation.

Given that the applicant has acknowledged that ASS may be present, a condition is recommended to ensure that soils investigation/testing be completed and that an Acid Sulfate Soils_Management Plan is submitted for approval prior to issue of a Construction Certificate.

Contaminated land

Pursuant to DA09/0727 the applicant was requested to provide information regarding decommissioning of the Old Cudgen Dip Site. An email was provided from the Division of Primary Industries which confirms that the site has been remediated and is 'suitable for standard residential use'. There should therefore be no impact on the subject site. Also the NSW Department of Primary Industries (DPI) website advises that the dips site is listed as 'Remediated'. In addition to this the property owner (Keith Noble) provided an undated statutory declaration to the effect that the site has not been subject to contaminating activities since 1963 (year which ownership took effect).

Council's Environmental Health Officers advised that no further information or action is required in regards to the dip sites.

Noise Assessment

The applicant had submitted a *Noise Level Impact Assessment – revision 1* (ref: Craig Hill Acoustics 30 June 2009). The assessment considered noise impacts on the proposed manufactured home sites from both road traffic and the adjacent trotting track. The assessment report also gave information in relation to 'modelled' traffic noise increases over a 10 year time frame.

Appropriate conditions are recommended to ensure the development shall be carried out in accordance with the noise attenuation measures recommended in the report of Craig Hill Acoustics.

The proposed design of the acoustic fence is considered acceptable.

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

The development application was notified and advertised for a period of 30 days from Wednesday 12 October 2011 to Friday 11 November 2011. A total of approximately 130 submissions were received. The main issues raised by the submitters are the same issues raised for the previous application DA09/0727. The table below includes the issue raised, the applicant's response and Council's response subject to DA09/0727 and an additional response relating to this proposal.

Issue	Applicants Response	Council Officer Comment DA09/0727	Council Officer Comment DA11/0456
<p>Area north of the lake was advertised as a nature walk and many residents purchased for this reason.</p>	<p><i>"It is always open for an owner to alter a development in response to changing circumstances. In this case it was the relocation of the Sewerage Treatment Works. As long as a development complies with relevant legislation and potential impacts can be satisfactorily managed, then there is no planning reason to restrict a development on this basis. The proposed development meets the criteria of complying with legislation and satisfactorily managing impacts."</i></p>	<p>The internal layout of the proposal was not part of an approved masterplan or concept plan.</p> <p>The Act allows for modifications, additions or extensions to existing use.</p>	<p>Council's comment to this issue remains unchanged.</p>
<p>Loss of walking trail through natural area. Loss of health benefits associated with the nature trail.</p> <p>Amenity values associated with the lake and surrounds will be lost.</p>	<p><i>"The informal walkway north of the lake will be replaced by a pathway constructed as part of the new road. Therefore there will be no loss of exercise area and a continual link around the lake will be retained. Landscaping adjacent to the dwellings and along the northern boundary will result in a pleasant streetscape. There is ample open space on the site."</i></p>	<p>It is acknowledged that the 'nature trail' is highly valued and utilised by the residents and provides amenity values to the site.</p> <p>Notwithstanding, the loss of the nature trail and associated amenity is considered acceptable in this case given:</p> <ul style="list-style-type: none"> - the proposal complies with legislative open space / community facilities requirements. - Areas for walking are available around the southern side of the lake. - Areas for walking are also available in the surrounding locality. - The proposal includes additional provision of community facilities. - The amenity of the estate will continue to be of a high standard given the remaining open 	<p>Council's comment to this issue remains unchanged, other than the proposal to update the existing communities facilities building, is not part of this application, and will be addressed through a future application to Council.</p>

Issue	Applicants Response	Council Officer Comment DA09/0727	Council Officer Comment DA11/0456
		<p>space and lake areas proposed to be maintained on the site.</p> <ul style="list-style-type: none"> - Only private, not public open space areas are affected. 	
<p>Over-development of the site.</p>	<p><i>"The MHE Regulation requires that 10% of the site must be set aside for recreational or other communal activities. The proposal substantially exceeds this requirement. It therefore seems implausible to argue that the proposal is an overdevelopment of the site. Furthermore, Tweed DCP 2008 Section B4 – West Kingscliff indicates that special residential development (eg. MHE estates) generally have a density of 24 dwellings per hectare. This proposal would result in a density of 14.3 hectare, well within this standard."</i></p>	<p>Council officers agree with the applicant's comments on this matter.</p>	<p>Council's comment to this issue remains unchanged.</p> <p>In addition, the proposal seeks approval for a reduced number of sites being 32 sites with the application no longer seeking approval for a community building.</p>
<p>The development is prohibited.</p>	<p><i>"The development is permissible with consent. Refer to legal advice."</i></p>	<p>The proposal has existing use rights. Council officers accept the legal advice provided in this regard.</p>	<p>Council's comment to this issue remains unchanged.</p>
<p>The proposal is contrary to section 96 of the EP&A Act.</p>	<p><i>"This is not relevant. The application is not for modification of the consent."</i></p>	<p>Section 96 of the Act is not relevant to this proposal.</p>	<p>Council's comment to this issue remains unchanged.</p>
<p>Flooding and drainage impacts on adjacent and surrounding land.</p>	<p><i>"These impacts can be satisfactorily managed. Refer to Engineering Impact Assessment in SEE and attached letter from Opus."</i></p>	<p>Conditions are recommended to ensure that impact of filling is minimised. Traverse drainage (to accommodate 100 year flood levels) are required to be provided at all locations where the fill obstructs flow paths. Easements benefiting upstream land shall be created over such flow paths and structures. Detailed engineering plans of fill levels, perimeter and transverse</p>	<p>Council's comment to this issue remains unchanged.</p>

Issue	Applicants Response	Council Officer Comment DA09/0727	Council Officer Comment DA11/0456
		drainage shall be submitted for council approval.	
Impacts on water quality.	<i>"These impacts can be satisfactorily managed. Refer to Engineering Impact Assessment in SEE and attached letter from Opus."</i>	Several conditions are recommended to ensure management of erosion and sediment control and waste and potential pollutants.	Council's comment to this issue remains unchanged.
Effect on flora and fauna.	<i>"Refer to Flora & Fauna Assessment and additional information provided by James Warren & Associates (attached). This issue is satisfactorily addressed."</i>	It is recommended that deferred commencement conditions require compensatory habitat planting. Refer to Schedule A of the recommendation.	The proposal is considered to satisfy effects on flora and fauna, through proposed compensation areas.
Noise impact on residents during construction.	<i>"As with any construction work that could potentially create noise impacts, it is expected that conditions of consent would limit construction hours and require maximum noise limits for construction machinery / vehicles."</i>	Conditions are recommended to reduce impacts from construction, through limited hours and noise levels.	Council's comment to this issue remains unchanged.
Require buffer of 50m between 1(a) zoned rural land and urban land. Impact of noise on livestock from construction and residents. Impact on rural amenity.	<i>"This is a unique situation where existing use rights apply. There are no planning controls applying to the site which require a specific buffer. Therefore, the development must be assessed on merits. As potential impacts can be satisfactorily managed, no increase in setbacks is seen as justified."</i>	The conflict between rural and urban land uses can be addressed through provision of level distances, landscaping and acoustic treatment of dwellings. The impact of noise on livestock from the development is considered to be negligible given the traffic noise levels already coming from Tweed Coast Road.	Council's comment to this issue remains unchanged.
Visual impacts on views across the lake.	<i>"It is acknowledged that the outlook across the lake would alter. However this is not expected to be detrimental. The distance between the existing dwellings on the site and the proposed new dwellings varies from 130m to 200m (approximately). The proposed dwellings are low set, well designed"</i>	The comments made by the applicant are accepted. Impacts on views are reduced given the distance between the existing residents and the proposed dwellings. Further, it is noted that the lake is privately owned and not part of a foreshore or waterbody adjoined by public open	Council's comment to this issue remains unchanged. In addition, the proposal seeks approval for a reduced number of sites being 32 sites with the application no longer seeking approval for a community

Issue	Applicants Response	Council Officer Comment DA09/0727	Council Officer Comment DA11/0456
	<i>and of high quality finishes. The visual impact would be acceptable.”</i>	space.	building.
<p>Increase in traffic within Noble Park and surrounding streets.</p> <p>Concern with one way in and one way out.</p>	<p><i>“Concern is raised regarding potential noise increase from additional vehicles within the estate and associated traffic / pedestrian conflicts, as well as potential impacts on surrounding streets. The design of roads within Noble Lakeside Park results in such low traffic speed environment that there would be negligible impact on amenity. There are no upright kerbs so pedestrians can easily move off the road when vehicles approach. The Engineering Impact Assessment in the SEE demonstrates that the traffic increase will not impact on the functional capacity of the surrounding streets.”</i></p>	<p>The width of the proposed road complies with the requirements of the Regulations for the number of dwellings it services.</p> <p>Council's standards do not apply to the internal road layout. The applicant has identified that emergency access will be provided in the north-eastern corner around the lake to the south.</p>	<p>Council's comment to this issue remains unchanged.</p>
<p>Concerns with the consultation process.</p>	<p>The applicant advised that plans of the proposed development were made available in the site office for residents to view. Residents were advised that if the majority supported the proposal and it was approved, funds would be available to upgrade existing facilities in the park. However, for this to occur, the applicant advised that the rentals must be upheld at market value to ensure costs of maintaining the facilities are met.</p>	<p>The application was notified and advertised in accordance with the requirements under the Environmental Planning and Assessment Act.</p>	<p>Council's comment to this issue remains unchanged.</p>

Agency Submissions

Office of Water

The application is integrated development due to proposed works within close proximity of a waterway.

The Office of Water provided a 'Stop the Clock' letter requesting further information on the stormwater treatments associated with the proposed development to be upgraded to include a bio-retention system to address the risk to the water quality of Noble Lake.

The Office of Water reviewed response information provided by the applicant and has provided General Terms of Approval (refer to recommended conditions).

Rural Fire Service

The proposal is located in a bushfire prone area and the Rural Fire Service has assessed the proposal and provided conditions.

(e) Public interest

There are no other matters of public interest considered applicable.

LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005 (LGMHER)

Clause 6 of the Regulation requires that the estate comply with Division 3 of the Regulation and Council is not to issue a Section 68 approval where compliance does not exist. The applicant states that the proposal complies with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. A suitable condition will be applied requiring a Section 68 approval to be obtained prior to installation of any structures and compliance with the Regulations.

OPTIONS:

1. Approve the application subject to recommended conditions; or
2. Refuse the application and provide reasons for refusal.

The Council officers recommend Option 1

CONCLUSION:

Council has received a development application for 32 additional manufactured homes at the existing estate at Lot 193 DP1014329, situated at No. 34 Monarch Drive, Kingscliff. The main issues associated with the proposal are potential for impacts from amenity, noise, flooding, fill and on-site vegetation. Conditions are recommended to mitigate potential impacts on the natural and built environments.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Finance Plan:

Not Applicable.

c. Legal:

If the applicant is not satisfied with the determination a right of appeal exists in the NSW Land and Environment Court.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations
- 1.1.1.3 Assessment of new developments (Development Assessment unit)

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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14 [PR-CM] Kingscliff Police Station Redevelopment Proposal - Update on Land and Environment Court Judgement

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA11/0257 Pt3



Caring for the Environment

SUMMARY OF REPORT:

The Kingscliff Police Station proposal Class 4 appeal proceedings were held before Justice Biscoe on 19 July 2012. The development consent for the proposal was overturned on a legal technicality regarding the notification notice that was issued to adjacent land owners.

Council entered a submitting appearance for the appeal. An agreement regarding costs has been reached between Council, UGL Services Pty Ltd (representing the NSW Police Force) and the Tweed Business Residents Focus Group Inc.

RECOMMENDATION:

That the report on the Kingscliff Police Station Redevelopment Proposal - Update on the Land and Environment Court Judgement be received and noted.

REPORT:

The development consent for the proposed redevelopment of the Kingscliff Police Station was overturned by the NSW Land and Environment Court in proceedings brought by the Tweed Business and Residents Focus Group Inc. (TBRFG). The judgement is provided in the attachments.

The application was recommended for refusal however the Northern Joint Regional Planning Panel resolved to approve the application subject to conditions.

The development is not classified as designated development as such the action brought by a third party can only be for a breach of a procedural matter and not on the merits of the development.

The TBRFG raised two issues with the Court as follows:

1. The subject property was not identified correctly in the notification letter; and
2. The description of the development in the notification letter did not permit an understanding of the scale of the proposed police station.

The first point was not successful however the Court agreed with the second claim.

In summary the Court found that the notification letter should have included the demolition of the two police houses on the site and if it did the adjacent residents would have had a better understanding of the proposal.

Whilst the Court's decision is respected it is difficult to understand how inclusion of the dwelling demolition in the notice would have informed the recipients of the size of the police station. The only way this could have been ascertained is by viewing the plans which is what the notice advises the recipients to do.

The successful challenge means that the police station development consent is invalid and cannot be acted upon. The unsuccessful parties are required to pay costs. An agreement has been reached with UGL Services for Council and UGL Services to pay 50 per cent each of the costs of TBRFG.

It is understood that Council's share will be around \$20,000 plus Council's own costs which were minimised given the submitting appearance and watching brief given to Council's solicitors. The final costs incurred by Council have yet to be finalised, but are likely to be in the vicinity of \$20,000 to \$30,000.

The solicitors representing UGL Services have foreshadowed that they will seek damages against Council however this is a separate issue and Council's insurers have been advised.

OPTIONS:

1. That the report on the Kingscliff Police Station Redevelopment Proposal be received and noted.

CONCLUSION:

The development consent for the proposed redevelopment of the Kingscliff Police Station has been declared invalid due to a notification technicality and costs arrangement has been agreed between the parties.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The legal costs fall within budget.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4 Caring for the Environment

4.1 Protect the environment and natural beauty of the Tweed

4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations

4.1.2.2 Review compliance issues

4.1.2.2.1 Provide effective response to compliance issues

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. NSW Land and Environment Court Judgement of 26 July 2012 (ECM 54429638)
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REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

15 [CNR-CM] Budd Park River Bank Stabilisation and Landscape Upgrade

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

This report describes the recommended option for stabilisation of the river bank and enhancement of the existing park landscape in Budd Park, Murwillumbah.

Details of community consultation are provided as well as a summary of the feedback received.

Information on the relevant approvals, project timing and funding are also provided.

RECOMMENDATION:

That Council proceeds with a comprehensive approach to the stabilisation of the eroding river bank in Budd Park, incorporating enhancement of the existing park landscape by re-contouring the river bank and improving park access adjacent to the Tweed River Bridge.

REPORT:

Introduction

At the Council meeting of February 2012, Council received a report on the proposed Budd Park River Bank Stabilisation and Landscape Upgrade Project and resolved as follows:

Council undertake a process of consultation to allow the community to provide feedback on its preferred option to undertake stabilisation of the Budd Park river bank.

Staff have completed community consultation, finalised all aspects of design, completed the process of reviewing environmental factors and are working towards having the project tender documentation prepared upon receipt of all relevant project approvals.

This report seeks Council's approval to proceed with the project.

Public consultation

The key messages incorporated into community consultation were as follows:

- The riverbank at Budd Park is being seriously affected by erosion and must be upgraded to protect public safety and amenity.
- There are two options for the upgrade:
 1. A minimal \$300,000 project to stabilise the bank, with minor landscaping.
 2. A more comprehensive \$450,000 upgrade, which includes stabilising the bank and re-contouring the park to enhance views of and ability for people to interact with the river.
- Do you want Council to spend the extra money to create a revitalised Budd Park, capitalising on a unique opportunity to highlight Tweed River as a feature of the area?

Fact sheet distribution

Council hand delivered fact sheets to a number of businesses in central Murwillumbah. The fact sheet (included as attachment to this report) provided details of the project and the options being considered by Council to stabilise the river bank. The fact sheet included a survey form to provide feedback to Council as to a preferred option. Fact sheets were available from Murwillumbah and Tweed Civic Centres.

Web site

A link to a dedicated Budd Park Redevelopment web page was created on Council's web site on 5 March 2012. The web page provided a general background to the project and links to a fact sheet, survey form (using survey monkey), design plans (including 3D images of the proposed final outcome), and a podcast.

Tweed Link articles

An article was published in the Tweed Link advising the broader community about the proposed development and seeking community input into the two design options. The article was published in issue number 750 on 6 March 2012.

Media releases

A media release was distributed to Council's media subscription list advising interested parties of the proposed development and seeking community opinion into the preferred option.

Community associations

- Council staff attended a meeting of the Murwillumbah Ratepayers Association to present details of the project and answer questions relating to it.
- An email was sent to the Murwillumbah Chamber of Commerce offering to present the project at one of their meetings however this offer was not taken up.
- A meeting was arranged on-site with members of Caldera Environment Centre to go over the project and its impacts.
- A meeting was held on-site with staff and management of the Rainforest Information Centre.

Outcomes of consultation

Following the community consultation a total of 33 submissions were received, 30 of which indicated a preference for Option 1, the more comprehensive approach to stabilisation of the river bank and enhancement of the adjacent park. Two submissions showed a preference for Option 2, being the minimum works required to stabilise the eroding bank. One submission questioned the need to undertake bank stabilisation using rock revetment.

A detailed submission from Caldera Environment Centre was received which questioned the need to employ a rock armour approach to stabilise the riverbank. It was proposed that rehabilitation with appropriate local native plants would address naturally occurring erosion. The proposed project was described as being unnecessarily expensive and not the most sensible, attractive, efficient or sustainable way of spending scarce environmental resources.

The preferred approach submitted by Caldera Environment Centre is consistent with best practice riverbank management when rehabilitating areas of bank erosion in natural or rural settings. However, it is considered that the scale of planting that would be required to provide confidence in arresting erosion within Budd Park, would not be consistent with the established role that the park plays as open space in the centre of Murwillumbah.

Staff and management from the Rainforest Information Centre expressed concerns that the proposed re-routing of traffic through the car park would increase conflict between vehicles and pedestrians. The traffic flow identified was primarily patrons of the Riverview Hotel, and steps have been taken to remove this flow of traffic.

It is considered that there has been a clear expression of preference for the more comprehensive plan to stabilise the riverbank and upgrade the Budd Park landscape. As such, this is the option that Council is recommended to adopt through this report.

It is noted however that consultation will not have been 100% effective in engaging all members of the community who may have strong views on the works that will occur in this area. When construction commences, the first task will be removal of a stand of mature vegetation dominated by a large mango tree that is located on the riverbank immediately adjacent to erosion. Council should expect there to be some degree of protest regarding removal of this vegetation, and the scale of earth works that will be undertaken in the location.

Project Design

It is recommended that Council proceed with the option that includes a major re-contour of the existing riverbank to establish a level bench closer to the river surface. This will create more space within the park where people can be close to and interact with the river. An

early impetus for considering this approach was to reduce the height, cost and visual impact associated with building a full bank height rock wall in this location.

Work required to stabilise the river bank will have significant impacts on the park's existing visual character. As noted, a significant stand of trees growing right on the bank will have to be removed, as will a number of trees between the existing Rainforest Information Centre car park and the river.

The small access road linking the Rainforest Information Centre car parks will need to be realigned. Access to the car park between the Riverview Hotel and the Rainforest Information Centre will be retained by routing traffic through the existing Rainforest Information Centre car park and constructing a small section of new road. These aspects of design can be seen on sheet no. 301 of the design plans attached to this report. The location of features to be removed is included in figure 1 below.

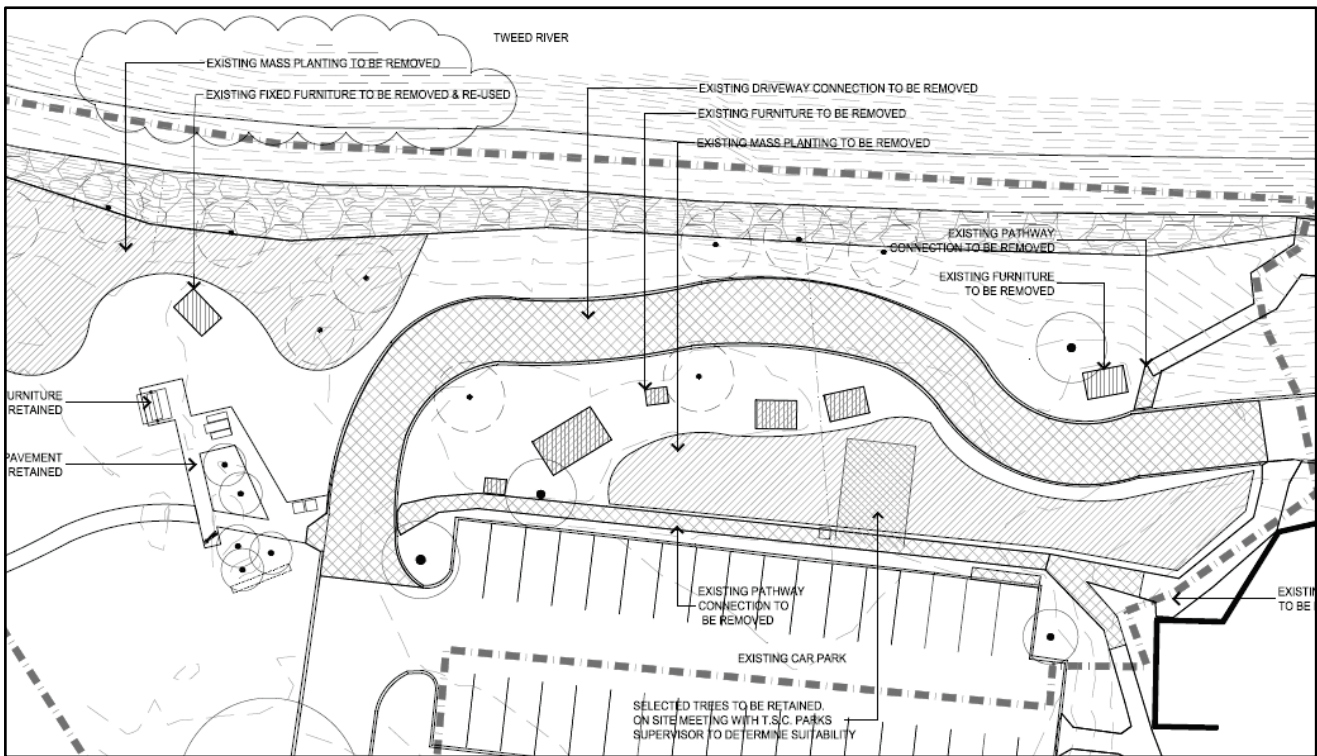


Figure 1. Areas of vegetation and existing roadway to be removed as part of riverbank stabilisation works. The roadway and riverbank vegetation must be removed under both options considered to stabilise the river bank.

The realigned access road location is shown in the figure 2 below.

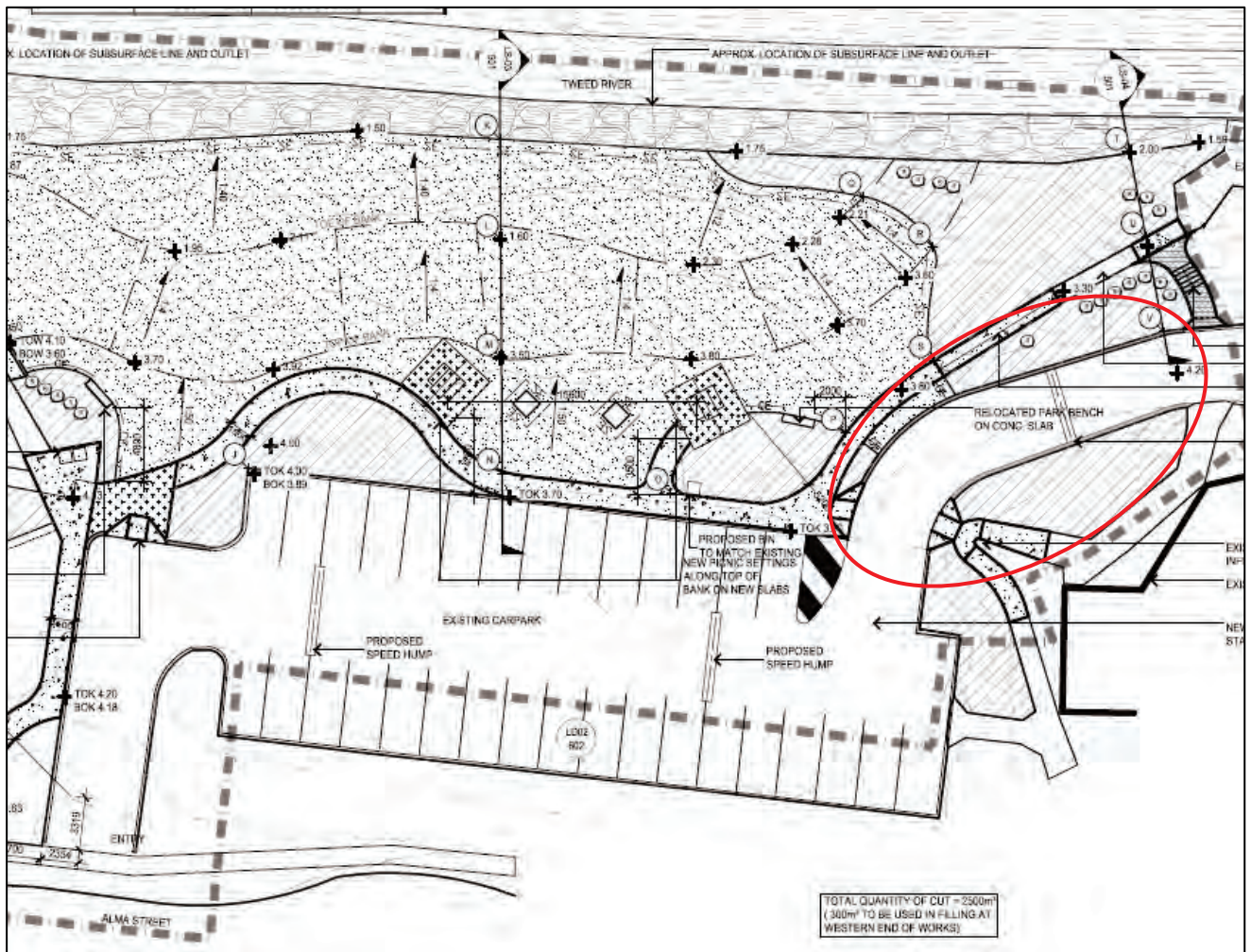


Figure 2. The new connection into the car park behind the Rain Forest Information Centre is circled in red.

The scale of earth works required creates the opportunity to enhance park furniture, landscaping and pedestrian access. A significant outcome will be an increase in the visibility of the river from within the park and adjacent areas.

In addition to the bank stabilisation works, Recreation Services are upgrading access into the park and along the water's edge. The existing steps near the Tweed River bridge are being removed and the area regraded to create a gentle grass bank, served by a sweeping pathway that arcs from the road down towards the river. Once at the embankment additional seating will be installed to take in the views with the proposed pathway looping back up through the park in the direction of the Rainforest Information Centre. The intent of the arcing pathway is to create an informal amphitheatre that has the potential to accommodate a small concert or outdoor performance

Future investments in Budd Park will include the replacement of the existing toilet block with a disability compliant facility, and upgrading the pathway beneath the bridge connecting with South Murwillumbah.

The works proposed at this time do not address the full extent of the river bank erosion occurring within Budd Park. Less severe erosion occurring in the more upstream part of the park will be addressed in the future when funds become available.

Two computer generated images of the proposed outcome are included below, Figure 1, the view from the north side of the river near the backpackers hostel, and figure 2, from the existing pontoon in the river at Budd Park.



Figure 3 - View from north side of river



Figure 4 - View from existing Budd Park pontoon

Review of Environmental Factors and Approvals Process

Staff from Council's Engineering Services Division have prepared a Review of Environmental Factors to examine and take into account all matters affecting the environment through construction of the proposed project.

The proposed development is permissible without consent under Part 3, Division 12 (Parks and other public reserves), Clause 65; and Part 3, Division 25 (Waterway or foreshore management activities), Clause 129 of the *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure).

Subsequently, the proposed riverbank stabilisation and park embellishment works have been assessed under Part 5 of the EP&A Act, with TSC's Development Assessment Unit being the consent authority.

The assessment concluded that the proposal to undertake riverbank stabilisation and park embellishment works is unlikely to result in any significant adverse impact on the environment, and that it should be approved subject to appropriate safeguards being put in place during construction.

Project Timeline

Project approvals are anticipated by the end of September 2012, and tenders will be sought for rock supply and the landscape component of works immediately after this. It is envisaged that construction could commence in November, with an 8 - 10 week construction program. If delays are incurred, works may be held back until the drier time of year in 2013.

OPTIONS:

If Council does not support the recommendation of this report, two alternative options are available:

1. **Do Nothing.** The implications of this would be ongoing erosion of the Budd Park river bank. If funds are directed to other projects, it is highly unlikely that sufficient funds could once again be accrued by the Waterways Program to undertake the scale of works required to address erosion in the area of concern.
2. **Undertake minimal works.** The minimum works required to stabilise the bank includes constructing a uniform height rock wall, as opposed to contouring the river bank. The bank above the rock revetment would remain high and steep and would be planted densely with native grasses (Lomandra). This option would still require realigning the existing access road and removal of vegetation on the river bank to permit stabilisation of erosion. Minor landscaping works will be undertaken to rehabilitate construction impacts and replace some park furniture. The estimated cost of this work would be \$300,000.

CONCLUSION:

The approach proposed for river bank stabilisation and park landscape enhancement is in keeping with Strategy 4 of the Murwillumbah locality plan, which has an objective of creating a walkable, connected centre that focuses on the river.

The design proposed involves considerable earthworks, but in doing so obviates the need to construct a very high rock revetment wall in this location, with its own implications of cost and visual impact.

There has been a period of community consultation associated with the project aimed at informing people of the impacts of the project and gauging support for extra investment in the site to increase its visibility and function. While the response numbers were low, there was a clear preference expressed for the more comprehensive approach to works.

The proposal will significantly change the existing visual character of Budd Park, however it is considered that the impact will be positive, and will lead to the Tweed River becoming a more prominent feature within the visual landscape of Murwillumbah.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Cost Estimate and Funding

The bulk earth works and rock revetment component of the project is proposed to be constructed by Council, with landscaping by contractors.

The estimate for the project is \$410,830.

Funding for the project will come from the budget of the Tweed River Estuary Management Program. Funds have been accumulated and held for a number of years for the purpose of completing these works in Budd Park. Contributions to the project will also be coming from Parks and Recreation Services, in order to undertake access improvements as described, and from funds received from State Government and held by the Works Unit for post flood rectification of damaged stormwater infrastructure.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.4 Prepare, review and implement coastal zone and catchment management plans

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Proposed River Bank Enhancement and Park Upgrade (ECM 54574466).
 2. Fact Sheet (ECM 54575502)
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16 [CNR-CM] River Health Grants

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

This report provides Council with details of proposed investments in river and riparian management, through implementation of the River Health Grants Program. The goal of this project is to improve the quality of Tweed Waterways by subsidising works on private properties, for example by revegetation, weed control and provision of off stream water for cattle. The source of funding for this program is the Water Unit mandatory dividend for water and sewerage.

RECOMMENDATION:

That Council approves the proposed River Health Grants included within this report.

REPORT:

Since June 2006 Council has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition. The goal of this program is to enhance the environmental condition of Tweed waterways and improve the water quality of raw water extracted for treatment at Bray Park.

The River Health Grants Program has been successful in attracting a diverse range of landholders, from traditional farmers to rural lifestyle property owners. Projects included for endorsement through this report will provide positive outcomes in the restoration of tributaries to the Tweed Rivers and Bilambil Creek.

In each case of funding, an agreement with land holders will be signed that details Council's contribution to the project and the commitments and responsibilities of the land holder. Each grant is based on the agreement that the landholder will contribute significantly to the project, in most cases by undertaking agreed works, with materials supplied by Council.

The River Health Grants program has been very well received by the community and has made an immediate improvement in the riparian conditions of treated areas.

A significant project in this report is the Goodall property located on the confluence of the Oxley River and the Tweed River at Byangum. This project is anticipated to proceed in stages due to the large scale of revegetation committed to by the landowner. This stage represents the initial site preparation and includes significant in-kind money contribution by the landowner, including \$7,700 to control camphor laurel on planned revegetation zones. Council seeks to fund bank stabilisation works at an area which is actively eroding contributing significant sediment loads less than 2km upstream of the water extraction infrastructure on the Tweed River. This work is an important first stage in a commitment by the landowner to revegetate the full 1km Oxley River frontage which will significantly improve bank stability and downstream water quality.

It is proposed to support landholders with additional River Health Grants as detailed below.

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Jackson	Tweed River	760	Bush regeneration in riparian zone of mid Tweed River - project includes follow up control of cats claw creeper and madeira vine.	\$2,160
Palmer	Eungella	510	Bush regeneration of disturbed gully, including replanting native trees, shrubs and groundcovers	\$1,476
Goodall	Byangum	1000	Restoration of river bank; includes camphor laurel control, bank stabilisation, revegetation and commitment to further staged revegetation works by landowner.	\$12,718

CONCLUSION:

The projects nominated for approval in this round of river health grant agreements all include significant in-kind contributions from the property owners. Projects will achieve the aims of the River Health Grants Scheme, and are in accord with the Water Supply Catchment Stream Bank Protection Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Water Supply Catchment Stream Bank Protection Version 1.2.

b. Budget/Long Term Financial Plan:

Funded through river health grants scheme.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.5 Revegetate riparian zones
- 4.1.2.5.1 River health grants on private land

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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17 [CNR-CM] Proposed Biodiversity Grants

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

On 27 January 2009 Council unanimously approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire.

Each year since 2009 the community group Caldera Art has received \$5,000 under this program to assist them with the Caldera Art project. With the assistance of Council, the Caldera Art project has become a major annual regional event aimed directly at promoting the region's biodiversity values. The purpose of this report is to seek Council's approval to grant Caldera Art Inc. \$5,000 to assist with the delivery of the Caldera Art 2012 project.

RECOMMENDATION:

That Council approves the donation of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2012 project.

REPORT:

On 27 January 2009 Council approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire. This initiative represents an important component of Council's Biodiversity Program.

The Biodiversity Grant Program supports projects that contribute to the following ecological priorities within Tweed Shire:

1. Rehabilitation of degraded habitats
2. Restoration of previously cleared areas
3. Threatened species recovery
4. Management of threatening processes
5. Monitoring and research

Applications under the program can be made throughout the year and are assessed using the following criteria:

1. Ecological benefits (eg. ecological status, multiple ecological priorities, contribution to State and regional biodiversity targets etc)
2. Value for money (including in kind contributions, external funding)
3. Technical capability and applicant track record
4. Site security (preference will be given secure sites eg. conservation covenants, Environmental Protection zones etc)
5. Ongoing maintenance requirements
6. Spread of projects across ecological priorities and the Shire (including projects funded from other sources)

Each year since 2009 the community group Caldera Art has received \$5,000 under this program to assist them with the Caldera Art project. With the assistance of Tweed Shire Council, the Caldera Art project has become a major annual event.

The total budget estimate for Caldera Art 2012 is \$47,800. The purpose of this report is to seek Council's approval to grant Caldera Art \$5,000 to fund, in part, the ArtFest, the Tweed River Festival and the Awards components of the Caldera Art 2012 project.

OPTIONS:

1. Council approves the expenditure of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2012 project.
2. Council does not approve the expenditure of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2012 project.

CONCLUSION:

The proposed grant will contribute to the Biodiversity Grant Program priorities 3 and 4 above and meets selection criteria 1, 2 and 3. Through art, this project will educate the community on biodiversity protection and management. It will contribute significantly to Council's Environment Education and Capacity Building Program.

COUNCIL IMPLICATIONS:

a. Policy:

This program is consistent with the adopted Tweed Vegetation Management Strategy 2004 and the Council resolution of 27 January 2009 which established the Biodiversity Grant Program.

b. Budget/Long Term Financial Plan:

Funding for this project is to be sourced from the existing Biodiversity Program budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.2 Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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18 [CNR-CM] Tweed's Top 100 Water Saving Program for Business and other Non-residential Water Users

SUBMITTED BY: Water



Supporting Community Life

SUMMARY OF REPORT:

The purpose of this report is to update Council with the launch of the Tweed's Top 100 water saving program for business and other non-residential water users. This program is a component of Council's Water Supply Demand Management Strategy.

RECOMMENDATION:

That:

- 1. Council notes the implementation of the Tweed's Top 100 water saving program and the provision of financial support of up to \$1,000 to participants, to design, construct and install water saving changes as part of this program.**
- 2. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) and (c) of the Local Government Act 1993, because it contains:-**
 - (a) personnel matters concerning particular individuals (other than councillors).**
 - (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:

Council has launched a new program to work with high water users in the Shire and help them to adopt more efficient water use practices. Water users that have been identified as one of the top 100 non-residential water users in the shire are being invited to participate in the Tweed's Top 100 program, which aims to reduce water use by businesses and other non-residential water users. Participants will receive assistance to implement a water saving project, including a free water assessment, support, promotion opportunities and financial assistance.

A total of up to \$1,000 is available to each business/water user to design, construct and install water saving changes, including installation associated costs. Any additional costs will be borne by the participant.

The Tweed's Top 100 water users that have been identified from water consumption figures are listed in the confidential attachment. Please note that the Tweed's Top 100 does not include Council's properties such as buildings, parks and gardens, or Council managed caravan parks, as these are the focus of a separate demand management project, the Council's Own Top 20 program.

The Tweed's Top 100 began in July 2012 following a launch and an invitation only workshop for Top 100 businesses/water users.

Over the next few months, Council will contact each business/water user identified in the top 100 and invite them to participate in the program. There will be an initial visit of each interested premises, followed by a free walk-through water assessment looking at water fixtures like toilets, taps and showers and current water using practices. The assessment team will make suggestions about ways to cut back on water use and together with the business/water user a plan of action or project will be drawn up, identifying possible measures to reduce water use. At this point in the process, businesses/water users can either decide to participate by agreeing to the water saving changes, or opt out.

Once the business/water user agrees to participate, a detailed plan and quotes for the works will be forwarded to the Water Unit for acceptance. The plan will specify the exact works that will be carried out and what will be eligible for funding. Support funding is then released in stages and is available for six months, from the day that the business/water user agrees to participate.

Once the customer agrees to make some water saving changes, 50 per cent of the financial assistance (up to \$500) is available immediately to get the project started, and can be paid once invoices for the works are received. A further 50 per cent (\$500) is released after the agreed works have been completed and inspected by Council. Promotional stories and media coverage from the works carried out may be used to share with other businesses and the wider community.

Any project that Council agrees can reduce water use is eligible for assistance. When one of the Tweed's Top 100 hosts a water visit, they will be offered a water assessment or check-up that will help find ways to save water. If the proposed project is replacing town water with recycled water, rainwater or grey-water, this water must be treated to a standard that meets all current guidelines and legislative requirements.

The project must also be:

- cost effective, with clear, ongoing and sustainable outcomes.
- directly related to the efficient use of town water.
- capable of completion within six months.
- resourced sufficiently to ensure that the identified savings will be ongoing, addressing issues such as ongoing maintenance and staff time.

Funding is only available to each business/water user for the six-month period after they agree to participate. After that time, the funding will then be offered to the business/water user with the next highest water use, to allow others to participate and for Council to meet its water saving targets.

Businesses who are on the Top 100 list and who express an interest in participating earlier than scheduled, will take priority.

Council will be provided annual updates about participation, sustainable business practices and behaviours achieved, estimated water savings and future opportunities for the Tweed's Top 100.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The Tweed's Top 100 program is wholly funded from the Demand Management budget. The three year Implementation Plan for the Demand Management Strategy, including resources and budget, was adopted by Council at its meeting on 17 May 2011.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Council staff will work with individual Top 100 participants to provide a site specific water use assessment and develop a water saving project, eligible for funding as part of the program.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - Listing of the Tweed's Top 100 non-residential water users. (ECM 54573334)
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19 [CNR-CM] Indigenous Public Art Program Funding Variation for 'Goorimahbah - Place of Stories'

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

SUMMARY OF REPORT:

Council is in receipt of correspondence dated 27 June 2012 from the Department of the Prime Minister and Cabinet Cooffs Harbour - Office for the Arts informing Council of an extension of time to complete an Indigenous public art installation at 'Goorimahbah - Place of Stories' which requires Council's acceptance and approval to affix its seal to the Standard Funding Agreement.

RECOMMENDATION:

That Council:

- 1. Accepts the funding variation for the Indigenous Public Art for 'Goorimahbah - Place of Stories' project from the Department of the Prime Minister and Cabinet Cooffs Harbour - Office for the Arts.**
- 2. Executes all necessary documentation under the Common Seal of Council.**

REPORT:

Council is in receipt of correspondence dated 27 June 2012 from the Department of the Prime Minister and Cabinet Cofts Harbour - Office for the Arts informing Council of an extension of time to complete an Indigenous public art installation at 'Goorimahbah - Place of Stories' which requires Council's acceptance and approval to affix its seal to the Standard Funding Agreement.

At the meeting of 26 June 2012 it was resolved in part that Council:

"4. Accepts the extension of time granted by the Indigenous Culture Support Fund to extend the project from 1 July 2012 to 30 September 2012 to develop an alternate proposal for the Goorimahbah precinct."

The documents requiring seal of Council set out the updated milestones and reporting requirements of the funding body.

OPTIONS:

1. Accept terms of variation and execute under seal of Council.
2. Not accept terms of variation and return \$62,000 to the Indigenous Culture Support Fund.

CONCLUSION:

It is recommended that Council adopt Option 1.

COUNCIL IMPLICATIONS:

a. Policy:

Placemaking and Public Art Policy Version 1.2.

b. Budget/Long Term Financial Plan:

There is currently \$80,811.19 from general revenue unexpended in the Goorimahbah budget and \$62,000 in unexpended grant funding.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.2 Preserve Indigenous and Non-Indigenous cultural places and values
- 2.1.2.4 Preserve Indigenous cultural places and values
- 2.1.2.4.1 Install "3 Brothers" at "Goorimahbah – Place of Stories" (Jack Evans Boat Harbour) -subject to external funding

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Variation of Agreement, Department of the Prime Minister and Cabinet Coffs Harbour - Office of the Arts (ECM 54592717)
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20 [CNR-CM] Temporary Licence for Access to Council Land - Tweed Heads West Wastewater Treatment Plant

SUBMITTED BY: Community and Natural Resources



Civic Leadership

SUMMARY OF REPORT:

In 1996 Council approved an industrial subdivision in Banora Point, within a parcel immediately to the west of the Tweed Heads West Wastewater Treatment Plant.

Access to the approved subdivision was to be created by the purchase of Council land for the dedication of a road, which has been completed, and the road is named Hakea Drive.

The developer, Feitelson Group of Companies (Feitelson), intends to commence filling the site, however Hakea Drive has not been constructed and Council has received a request from Feitelson to access their site from a temporary access along the northern boundary of the Council parcel.

The temporary access, and other amendments to the consent, will be sought under a s96 application to be lodged by Feitelson.

There is no objection, as landowner, to the temporary access and it is recommended that Council approve granting a licence for a temporary access over Council land subject to the developer obtaining approval for the s96 application.

The licence will commence from the date of the s96 approval and will be for a term of two years.

It is also recommended that Council sign the s96 application as landowner, as the application incorporates the proposed access within Council owned land, Lot 1 DP 1011625.

RECOMMENDATION:

That :

- 1. Council approves granting a licence for a temporary access to Feitelson Holdings Ltd and Garbind Pty Ltd over Lot 1 DP 1011625, for a term of two years, at a peppercorn rental, subject to Feitelson Holdings Ltd and Garbind Ltd obtaining section 96 approval for the access.**
 - 2. Council provides landowner's consent to the section 96 application; and**
 - 3. The licence be executed under the Common Seal of Council.**
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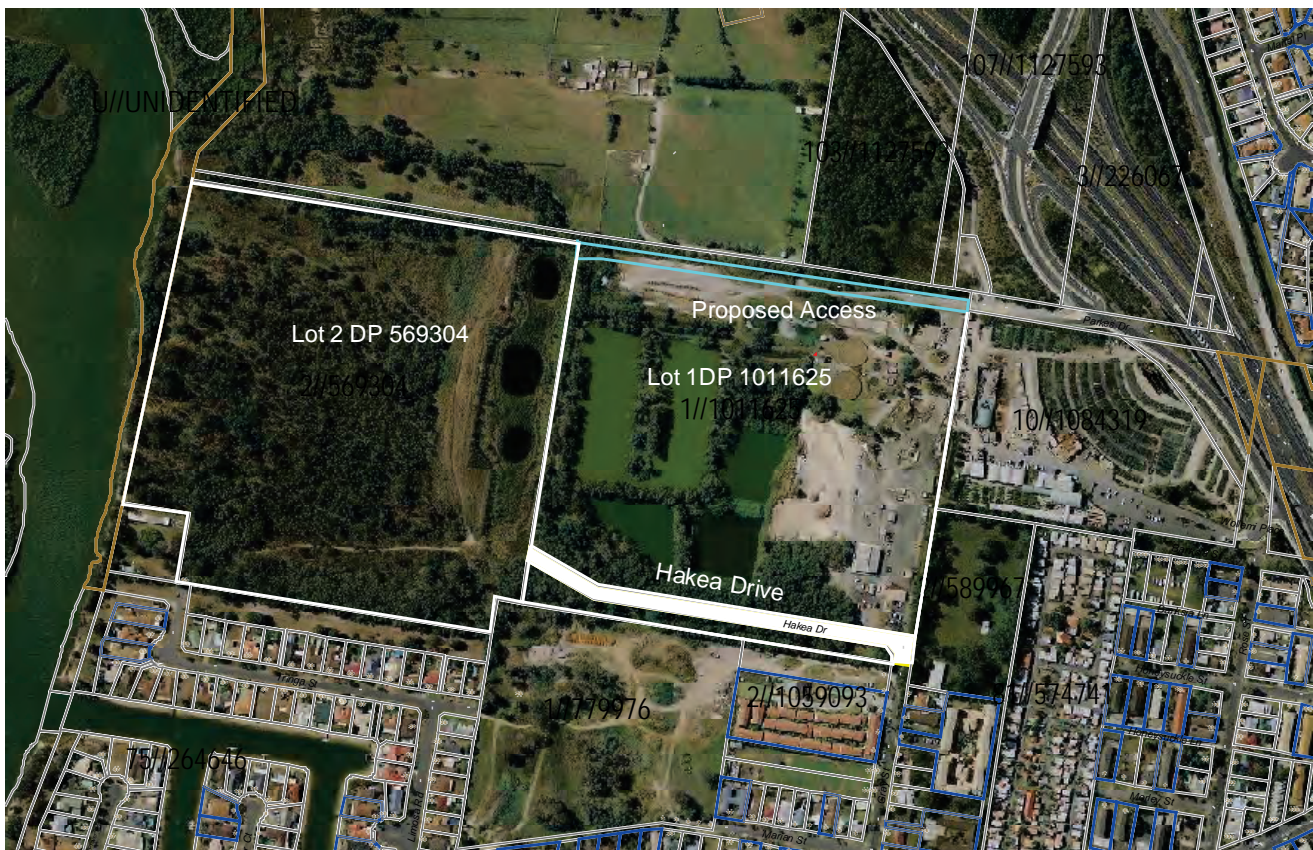
REPORT:

In 1996 Council approved an industrial subdivision on Lot 2 DP 569304 in Banora Point, adjacent to the current Tweed Heads West Wastewater Treatment Plant, on Lot 1 DP 1011625.

Access to the approved subdivision was, pursuant to condition 1A of the approval, to be created by the purchase of Council land for dedication as a road. The land was purchased for the sum of \$120,000. A plan of subdivision of Lot 1 607299 (the parent parcel) was registered in March 2000 as DP 1011625, creating and dedicating the road reserve, which has been named Hakea Drive.

Feitelson intend to commence filling Lot 2 for the approved industrial subdivision, however Hakea Drive has not been constructed. Council has received a request from Feitelson for a temporary access to Lot 2 along the northern boundary of the Council parcel.

The plan below shows the two parcels and the proposed access along the northern boundary of Lot 1 DP 1011625, Hakea Drive (hatched) cuts across the southern half of Lot 1:



The initial approval was for Feitelson to dredge Cobaki Creek (on the parcel's western boundary) to provide the required fill for the site, but the developer now states that this will no longer be viable and intends to utilise fill to be trucked in from other sources, generating the necessity for a s96 application, which will include the proposed alternate access to Lot 2.

The s96 application will be assessed on its merits and relies on landowner's approval for the temporary access.

The licence will be subject to Feitelson obtaining approval for the s96 application, to commence on the date of that approval, for a term of two years. Feitelson will bear the costs of constructing and maintaining the access within the Council parcel.

As the land is operational land, there are no statutory restraints to granting the licence.

OPTIONS:

1. To approve the granting of a licence to Feitelson for a temporary access.
2. To not approve the granting of a licence to Feitelson for a temporary access.

CONCLUSION:

There is no objection, as landowner, to the temporary access and it is recommended that Council approve the granting of a licence for a temporary access over Council land subject to the developer obtaining approval for the s96 application.

The licence will commence from the date of the s96 approval and will be for a term of two years.

It is also recommended that Council sign the s96 application as landowner, as the application incorporates the proposed access within Council owned land, Lot 1 DP 1011625.

FINANCIAL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A peppercorn rental is proposed for this temporary access on the basis that the landowner has previously purchased from Council permanent access to the site for the amount of \$120,000.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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21 [CNR-CM] Tweed Southern Boat Harbour Licences - Commercial Operators

SUBMITTED BY: Natural Resource Management



Civic Leadership

SUMMARY OF REPORT:

The Tweed Southern Boat Harbour Wharf, constructed in 2004 by Council, has been fully utilised under licence agreements with commercial operators since it was completed.

Council leases the waterway from the Crown and sub-licences the berths, with the Crown's consent, to the commercial operators.

The original licences have expired and the operators have indicated that they wish to enter into new licences to continue their operations from the facility.

The quantum of licence fees paid do not exceed \$150,000, therefore the caretaking provisions, nor the procurement requirements, are triggered.

To facilitate the ongoing total occupation of the wharf, it is recommended that Council offers the current licensees a term of three years, with an option at a further term. The licence fee for the first term to reflect a CPI increase from the current agreements and that a market rental will apply if the options for a further term are exercised by the operators.

RECOMMENDATION:

That Council:

- 1. Approves entering into licence agreements with commercial operators for berths at the wharf at the Southern Boat Harbour, Tweed Heads;**
- 2. Approves entering into a licence agreement with the Tweed Heads Charter Boats Association Incorporated for the communal booking office adjacent to the wharf at the Southern Boat Harbour; and**
- 3. Executes all documentation under the Common Seal of Council.**

REPORT:

The Tweed Southern Boat Harbour Wharf, constructed in 2004 by Council, has been fully utilised under licence agreements with commercial operators since it was completed.

Council leases the waterway from the Crown and sub-licence, with the Crown's consent, to the commercial operators.

The commercial operators' operations were approved by Council and included a condition that they were to operate from the facility when it was completed.

The original licence terms have expired and the operators have indicated that they wish to enter into new licences to continue their operations from the facility.

The quantum of licence fees paid do not exceed \$150,000, therefore the caretaking provisions, nor the procurement obligations, are triggered.

To facilitate the ongoing total occupation of the wharf, it is recommended that Council offers the current licensees a term of three years, with an option at a further term. The licence fee for the first term to reflect a CPI increase from the current agreements and that a market rental will apply if the options for a term are exercised by the operators.

Booking Office

A booking office was constructed to provide an onsite office to facilitate the development of the businesses operating from the wharf. The operators' association entered into a licence which runs with the same term as the licence berths to assist in the administration of the facility.

The booking office has been occupied under a peppercorn rental to reflect Council's support in the establishment of the wharf at the Southern Boat Harbour.

It is recommended that Council approves a licence to the Tweed River Charter Operators Association for a peppercorn rental for a term of three years and an option for a further three years.

OPTIONS:

1. To enter into licence agreements with the current licensees.
2. To advertise for expressions of interest for a licence to allow other interested commercial operators to express their interest.

CONCLUSION:

The facility has retained the original licensees, excepting for one operator who sold her interest to another operator, and the relocation of the NSW Maritime Services to another facility. The facility remains fully occupied notwithstanding a general downturn in business from the global financial crisis over the last three years, and difficult climactic conditions over the same period.

As Council requires the operators to operate from the Southern Boat Harbour Wharf, Council is obliged to maintain the availability of berths to the current operators.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Income from these licences is required to fund loan repayments and maintenance of the marina.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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22 [CNR-CM] Lease to Lifebridge East Inc. (formerly Tweed Respite) - Turnock Street Kingscliff

SUBMITTED BY: Community and Cultural Services



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 18 October 2011, Council resolved to enter into a lease with Tweed Valley Respite Service Inc. (now known as Lifebridge East Inc.) as a vehicle for the repayment of loan monies for the refurbishment and extension of aged care facilities at Turnock Street, Kingscliff.

Lifebridge (as they refer to themselves) has advised Council that they no longer require the loan as the works were undertaken with their own funds. However, they still require tenure for their occupation of the site and seek to enter into a lease at a peppercorn rental of \$1 per annum to assist them with their provision of aged care and respite services.

It is recommended that Council continues to demonstrate its support to Lifebridge East Inc. for the aged care and respite services they provide within the Tweed Local Government Area and approves entering into a lease for a term of twenty years at a peppercorn rental within Lot 2 DP 1041750.

RECOMMENDATION:

That:

- 1. Council approves entering into a lease agreement for a term of 20 years over part of Lot 2 DP 1041750 at Turnock Street, Kingscliff for a peppercorn rental.**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

At its meeting held on 18 October 2011, Council resolved to enter into a lease with Tweed Valley Respite Service Inc. (now known as Lifebridge East Inc.) as a vehicle for the repayment of loan monies for the refurbishment and extension of aged care facilities at Turnock Street, Kingscliff.

Lifebridge (as they now call themselves) has advised Council that they no longer require the loan as the works were undertaken with their own funds. Their letter dated 27 July 2012 includes an expression of their appreciation of Council's offer of the loan, is included below.

However, they still require tenure for their occupation of the site and seek to enter into a lease at a peppercorn rental of \$1 per annum to assist them with their provision of aged care and respite services.

It is recommended that Council continue to demonstrate its support to Lifebridge East Inc. for the aged care and respite services they provide within the Tweed local government area and approve entering into a lease for a term of twenty years at a peppercorn rental within Lot 2 DP 1041750.



27 July 2012

Mr. David Oxenham
Via email to
davido@tweed.nsw.gov.au

Dear David,

RE: LEASE – CUDGEN RD SITE – KINGSCLIFF

I am writing regarding the lease agreement between Tweed Shire Council and Lifebridge East Inc. (formerly Tweed Valley Respite Service Inc.) concerning "The Cottage" site at Cudgen Rd, Kingscliff.

Following a special Board meeting today, 27th July 2012, I can confirm the following:

1. Lifebridge East Inc. has been able to fund the renovation and refurbishment of "The Cottage" from its own funds, and therefore will not be accepting the offer of the loan from Council for \$495 000; and
2. Lifebridge would like to amend the lease document to state that we will pay \$1 per annum in rent.

It would be much appreciated if you would arrange to have the lease document amended to reflect the decisions above, as well as issue the lease in the name of Lifebridge East Inc.

I would like to take this opportunity, on behalf of the Board and Management of Lifebridge, to thank Tweed Shire Council for the offer of the loan. It has been very much appreciated.

I also enclose for your reference documentation regarding the organisation's name change to Lifebridge East Inc.

Thank you very much for your assistance.

Yours faithfully,

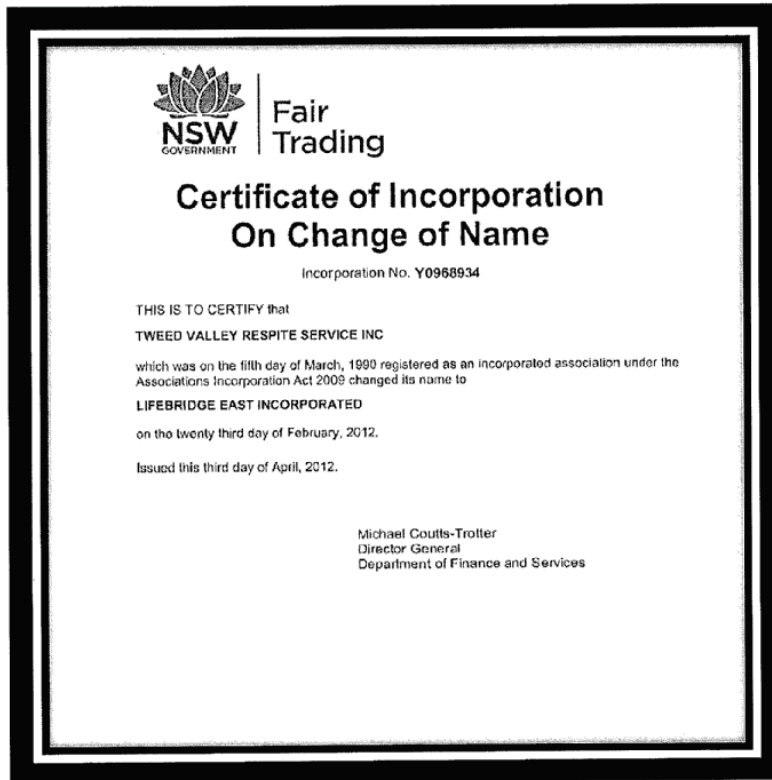
Rebecca Mussett
Chief Executive Officer

Lifebridge East Inc.
PO Box 51
MURWILLUMBAH NSW 2484
t 1800 043 186
information@lifebridge.org.au
www.lifebridge.org.au

Business Services
Jack Williams Place
DUNGAY NSW 2484
t (02) 6672 0900
f (02) 6672 5333
admin@lifebridge.org.au

Aged Care Services
The Cottage, Cudgen Road
KINGSCLIFF NSW 2487
t (02) 6672 2267
f (02) 6674 2019
agedcare@lifebridge.org.au

Disability Services
Jack Williams Place
DUNGAY NSW 2487
t (02) 6672 0900
f (02) 6672 5333
admin@lifebridge.org.au



OPTIONS:

1. Approve a lease on the terms sought and grant the lease.
2. Not approve the lease.

CONCLUSION:

Lifebridge East Inc. has operated on site since mid-1990's with Council support, providing a service that meets a community need, it is recommended that Council continue its support by granting a long term tenure at a peppercorn rental.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The funds set aside for the loan are now available for alternate utilisation.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.2 Complete land acquisitions including valuations

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

23 [EO-CM] Council Land Review

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 15 May 2012, Council resolved to adopt the following:

"RECOMMENDED that Council adopts Option 1 as set out in the body of the report."

To fulfil the requirements of this resolution, it is necessary for Council to resolve to execute all necessary documentation under the Common Seal of Council.

RECOMMENDATION:

That:

1. Council in fulfilling all of the requirements of Minute 320 of 15 May 2012, resolves to execute all necessary documentation under the Common Seal of Council.
2. The Attachment be treated as confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

At its meeting held on 15 May 2012, Council resolved to adopt the following:

"RECOMMENDED that Council adopts Option 1 as set out in the body of the report."

To fulfil the requirements of this resolution, it is necessary for Council to resolve to execute all necessary documentation under the Common Seal of Council.

OPTIONS:

1. To resolve to execute documentation under Common Seal to fulfil the requirements of Minute 320 of 15 May 2012;
2. To not resolve to execute documentation under Common Seal to fulfil the requirements of Minute 320 of 15 May 2012.

CONCLUSION:

As Council has commenced actions arising from Minute 320 it is necessary to resolve to execute the documentation required to effect the resolution.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment** - Excerpt from Confidential Minutes of Council meeting held 15 May 2012 (Minute 320) (ECM 54589473).
-

24 [EO-CM] Release of Positive Covenants and Easements Created in DP 1079124 and DP 1066484

SUBMITTED BY: Design

FILE REFERENCE: DA08/1141



Civic Leadership

SUMMARY OF REPORT:

The approval for Stage 6 of the SALT development for a 37 lot subdivision of Lot 940 DP 1079124 was granted on 18 June 2009 (DA08/1141)..

Conditions 7 and 8 of the development consent for the development state that positive covenants and easements to drain water created in prior plans may be extinguished, and Council has now received a request from the developer to extinguish same to facilitate the issue of subdivision certificates to enable subdivision plans to be registered.

These covenants and easements are no longer required and it is recommended that Council approve the release of these constraints and resolve to execute all necessary documentation for their release.

RECOMMENDATION:

That Council:

- 1. Approves the extinguishment of Positive Covenant firstly referred to in DP 1079124;**
- 2. Approves the extinguishment of Positive Covenant secondly referred to in DP 1079124 subject to receipt of an approved validation statement as required by consent condition 58 of DA08/1141;**
- 3. Approves the extinguishment of Easement to Drain Water variable width and Easement to Drain Water 14 wide within Lot 940 DP 1079124 created within DP 1066484; and**
- 4. Executes all documentation under the Common Seal of Council.**

REPORT:

Approval DA08/1141 for Stage 6 of the SALT development for the subdivision of Lot 940 DP 1079124 into 37 lots was granted on 18 June 2009.

Conditions 7 and 8 of the consent provide that positive covenants and specific easements created in prior plans over Lot 940 may be extinguished subject to compliance with conditions of consent for the subdivision of Lot 940. Council has now received a request from the developer to extinguish same to facilitate the application for subdivision certificates to allow the new subdivision plans to be registered.

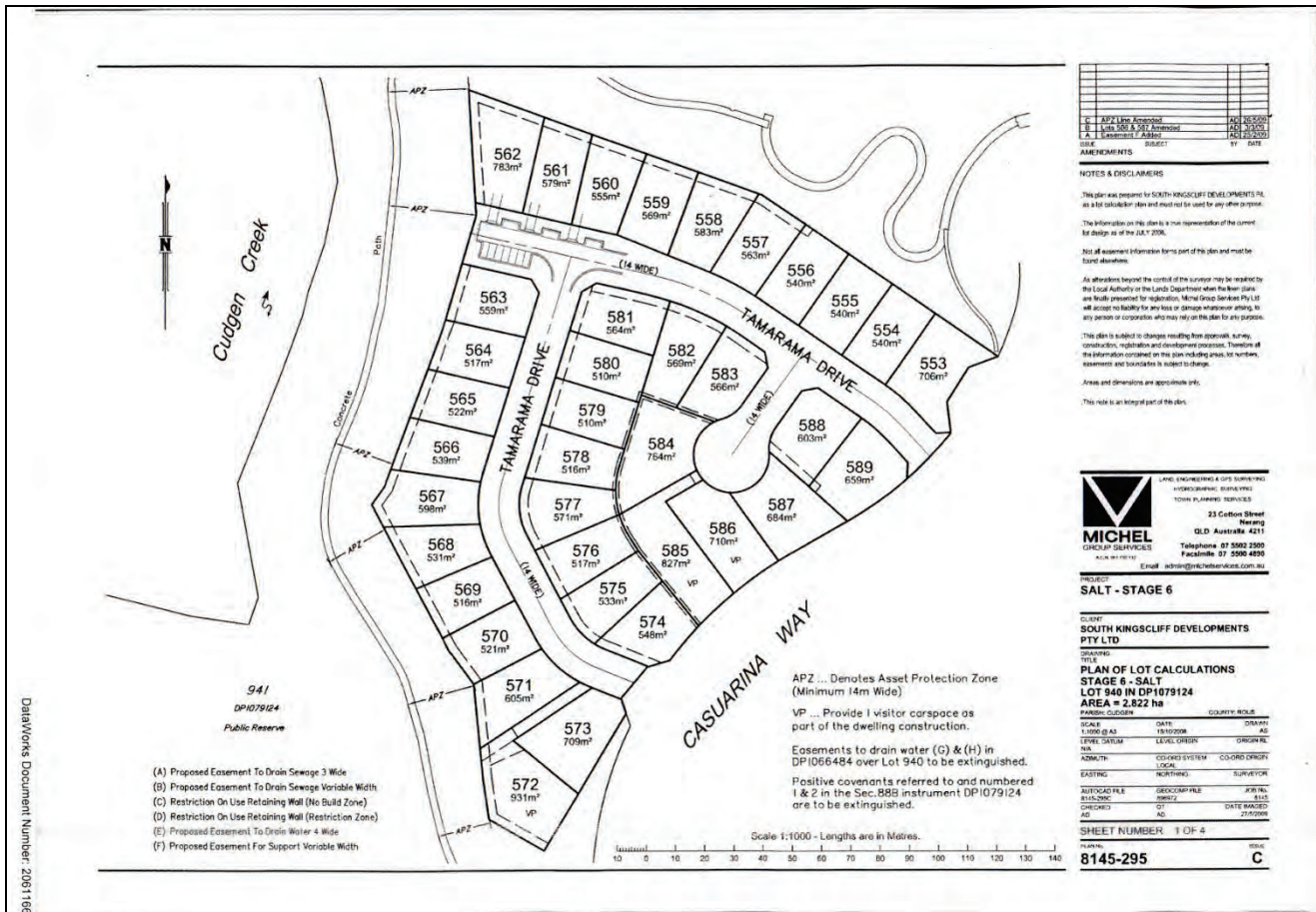
Positive Covenants

Consent condition 7 states:

“Positive Covenants referred to and numbered 1 & 2 in the Section 88B Instrument of DP 1079124 may be extinguished.”

Positive Covenant number 1 relates to the creation of at least 4 car parking spaces and a Right of Carriageway allowing public access within Lot 940 to adjoining parkland containing an existing cycle and pedestrian pathway.

Stage 6 creates 10 public car spaces at the western end of proposed Tamarama Drive, see the plan of subdivision of Lot 940 below:



The provision of the car parking spaces satisfies the intent of the covenant, which as Council officers have agreed, was simply intended to ensure the public, as well as Council, had access to the park to the west.

Positive Covenant number 2 relates to the potential presence of radioactive material at depth within Lot 940 and the requirement for remediation in the event of any future development of the parcel.

Council's Environment and Health Unit had no objection to the removal of this covenant, subject to compliance with the Remediation Action Plan (RAP) that applied to the land.

The RAP referred to above is the Stage 6 SALT Radiation Investigation and Remediation Action Plan, prepared by Cardno MBK, dated 16 February 2009 which, under consent condition 58, must be complied with to the satisfaction of the General Manager or his delegate.

Condition 58 of the consent provides:

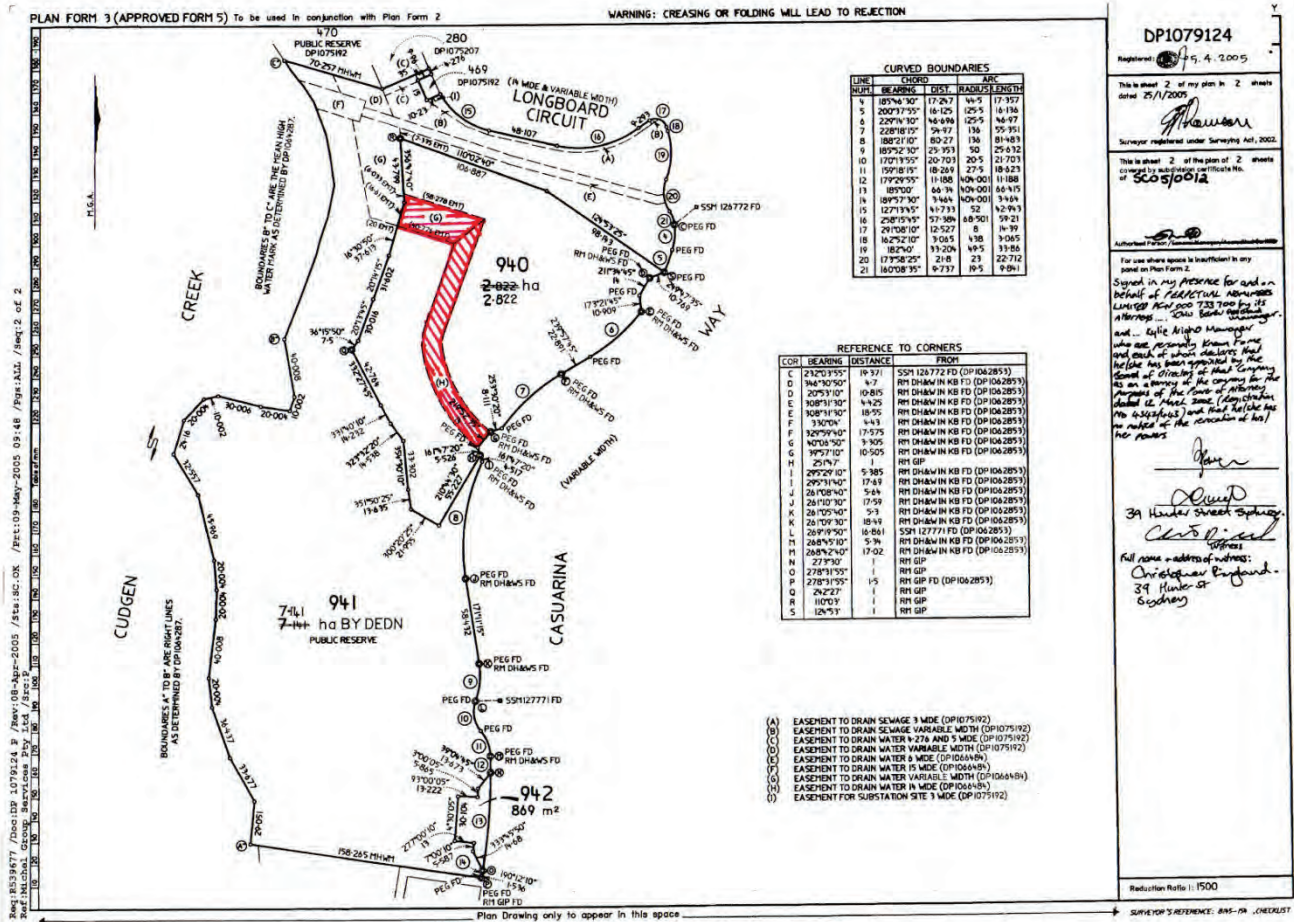
“Prior to the issue of a subdivision certificate a validation statement from a suitably qualified person shall be submitted to the satisfaction of the General Manager with respect to the radiation monitoring and the placement of materials throughout Stage 6. That statement shall clearly establish the depth and radioactive nature of any material imported to the site and the depth of “clean” material placed at the surface (including plans). The statement shall conform that that (sic) excavations and disturbances have been monitored by a suitably qualified consultant and that all radioactive materials to the watertable depth have been remediated to a maximum level of 0.35uGy/hr and that surface levels for all residential areas do not exceed 0.2uGy/hr. The statement shall confirm that all works have been completed in accordance with the approved RAP and that the site is suitable for the proposed use.”

The validation statement will satisfy the RAP, and consent condition 58, when it has been received as part of the subdivision certificate application documentation. Upon such receipt, the positive covenant can be extinguished. It is recommended that the extinguishment of this positive covenant be approved subject to the receipt of an approved validation statement.

Drainage Easements

The drainage easements within Lot 940 and referred to as (G) and (H) in DP 1079124 were created in DP 1066484 as a temporary corridor for the conveyance of overland flow to an infiltration basin. Stage 6 of the SALT development replaces the overland flow within Lot 940 with a piped drainage network and an overland flow path within the road reserve to be created.

A copy of DP 1079124 is shown below, with the easements to be extinguished within Lot 940 highlighted. It is clear that the current drainage easements within Lot 940 will be replaced with the proposed road reserve, shown as Tamarama Drive in the plan shown above. (Note that “Tamarama Drive” relates only to the east-west proposed road reserve, the north-south proposed road reserve will be called “Bundeena Street”, approved by Council in June 2009).



Both the positive covenants and easements were created for the benefit of Council, the documents creating them also empowered Council to release, vary or modify the positive covenants and the easements.

These covenants and easements are no longer necessary and it is recommended that Council approve the release of these constraints and resolve to execute all necessary documentation to effect their extinguishment.

OPTIONS:

1. To approve the extinguishment of the positive covenants and drainage easements: or
2. To not approve the extinguishment of the positive covenants and drainage easements.

CONCLUSION:

As Council officers have assessed the requirements for the creation and subsequent extinguishment of both the positive covenants and easements, there is no obstacle to approving the extinguishment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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25 [EO-CM] Street Renaming - Brookers Road, Upper Crystal Creek

SUBMITTED BY: Design

FILE REFERENCE: GS5/1 Part 7



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting of 26 June 2012 resolved to publicise its intention to rename Brookers Road at Upper Crystal Creek to **Bookas Road** and allowed one month for objections to the proposal.

Whilst there were no objections received to the renaming of this road the original applicant did respond to clarify that the name used should be **Booka Road** and not Bookas Road. The addition of the "s" without an apostrophe to the name Booka changes the meaning of the word. Please refer to the letter attached to the report as a confidential attachment.

The guidelines set down by the Geographical Names Board and Council's policy on Street Naming states that no apostrophes are to be used in Street names.

It would therefore be recommended that the name "**Booka Road**" be adopted for the renaming purposes of Brookers Road, Upper Crystal Creek.

RECOMMENDATION:

That

1. Council adopts the name "**Booka Road**" for renaming purposes of Brookers Road, Upper Crystal Creek,
2. The renaming of the public roads be gazetted under the provisions of the Roads (General) Regulation, 2008 and the Roads Act, 1993.
3. The ATTACHMENT is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains:-
 - (a) personnel matters concerning particular individuals (other than councillors).

REPORT:

Council at its meeting of 26 June 2012 resolved to publicise its intention to rename Brookers Road at Upper Crystal Creek to **Bookas Road** and allowed one month for objections to the proposal.

Further to the public notice placed in the Tweed Link, all land owners with properties adjacent to Brookers Road, who may possibly be affected by the changing of the street name were contacted. No objections were received from any of these land owners. Verbal advice was received from one property owner who conducts a business on Brookers Road stating that they agreed completely with the change of street name to Booka Road.

Whilst there were no objections received to the renaming of this road the original applicant did respond to clarify that the name used should be **Booka Road** and not Bookas Road. The addition of the "s" without an apostrophe to the name Booka changes the meaning of the word. Please refer to the letter attached to the report as a confidential attachment.

The guidelines set down by the Geographical Names Board and Council's policy on Naming of Roads states that no apostrophes are to be used in Street names.

One letter supporting the change of name was received and is also attached to this report as a confidential attachment.

OPTIONS:

1. Adopt the name as Booka Road, as per the recommendation.
2. Adopt the name as Bookas Road, which is not recommended.

CONCLUSION:

It would therefore be recommended that the name "**Booka Road**" be adopted for the renaming purposes of Brookers Road, Upper Crystal Creek.

COUNCIL IMPLICATIONS:

a. Policy:

Policy on Naming of Roads.

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.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.5 Undertake road naming

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. **Confidential Attachments** - Correspondence (ECM 54583008).
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26 [EO-CM] EC2012-015(B) Provision of a Master Key Security System

SUBMITTED BY: Contracts



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting of 17 April 2012 resolved to appoint Border Locksmiths and API Services & Solutions as Preferred Suppliers for the provision of an integrated master key security system to service a range of operational facilities such as Water / Sewer Pump Stations , Parks and Reserves , depot Sheds, Quarries , Work Sites etc.

The nominated suppliers Border Locksmith and API Services & Solutions have submitted formal tender submissions for the supply of an integrated master key security system.

RECOMMENDATION:

That Council:

1. **Awards the contract EC2012-015 (B) for the Provision of a Master Key Security System and Salto Access Control System Service and Support to Border Locksmiths for the service arrangement as listed in Schedules A and B.**
2. **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
 - (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret.**

REPORT:

Council at its meeting of 17 April 2012 resolved to appoint Border Locksmiths and API Services & Solutions as preferred suppliers for the provision of an integrated master key security system to service a range of operational facilities such as Water / Sewer Pump Stations, Parks and Reserves, Depot sheds, Quarries, Work Sites etc. The current master key system has been in operation for approximately twenty (20) years and is nearing the end of its operational security effectiveness and has increasing financial costs to maintain a poor performing system.

The Abloy Protec 2 and Galaxy products offered by Border Locksmiths and API Services & Solutions were the identified security products that offered the desired functionality, level of security and patented life expectancy required to upgrade Council's master key security system.

Prior to seeking formal tender submissions a presentation was given by each company to the selection panel to clarify the requirements of a master key security system to service Council's needs and to demonstrate the features of the Abloy and Galaxy security products.

The Galaxy security products were identified as offering the desired features to satisfy the requirements to upgrade Council's master key security system.

Formal submissions were subsequently requested from each company for the supply of the Galaxy Master Key Security System. In addition Border Locksmiths and API Services & Solutions were also requested to submit tendered rates to provide service and support for the Salto security system that services the Murwillumbah Civic Centre.

The service arrangement will be for a three (3) year period with a possible further two (2) year extension option.

Submissions to EC2012-015 (B) Provision of Master Key Security System closed on 18 July 2012.

Evaluation

The Evaluation of submissions was conducted by Council's Works Engineer, Recreation Services Technical Officer and Engineering Administration Supervisor. A copy of the Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the submissions, the disclosure of which would be likely to prejudice the commercial position of the submitters if it was provided. The information identifies the submitters in relation to the evaluation of the products offered by each submitter. If disclosed, the information would be likely to prejudice the commercial position of the submitter in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

Based on the evaluation contained in the Confidential Attachment, it is recommended that Border Locksmiths be awarded the service arrangement for the Provision of a Master Key Security System and Salto Access Control System Service and Support.

OPTIONS:

Not Applicable

CONCLUSION:

That Council accepts the recommendation that Border Locksmiths be awarded the service arrangement for the Provision of a Master Key Security System and Salto Access Control System Service and Support.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

Provision will need to be made in operational budgets to provide for the progressive rollout of new security lock and keying system.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate "value for money" criteria into Tender Evaluation Plans

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment A** - EC2012-015(B) Provision of Master Key Security System (ECM 54630180).
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27 [EO-CM] Crown Land - Hill Street, Tweed Heads

SUBMITTED BY: Recreation Services



Supporting Community Life

SUMMARY OF REPORT:

Council has received a request from the Department of Primary Industries - Catchments and Lands to consider adding a small Crown Reserve and a closed road to Reserve 91637 of which Council is the appointed manager of the Reserve Trust.

Reserve 91637 Tweed Heads is bounded by Eden Street and Hill Street and includes the proposed site of the Tweed Regional Museum. The proposed addition to this Reserve is Reserve 82208 which was the site of a former Fisheries cottage which has been demolished. The closed road reserve runs between the two Reserves.

RECOMMENDATION:

That Council notifies the Department of Primary Industries - Catchment and Lands that it agrees to add Reserve 82208 being Lot 508 DP 755740 and Lot 7092 DP 1095767 being a closed road reserve to Reserve 91637 managed by Tweed Shire Council as appointed manager of the Tweed Heads Reserve Trust.

REPORT:

Council has received a request from the Department of Primary Industries - Catchments and Lands to consider adding a small Crown Reserve and a closed road to Reserve 91637 of which Council is the appointed manager of the Reserve Trust (reproduced below).



Department of
Primary Industries
Catchments & Lands

Mr Mike Rayner
General Manager
Tweed Shire Council
PO Box 816
Tweed Heads NSW 2484

36 Marina Dve
PO Box J4291
Coffs Harbour Jetty NSW 2450
Contact: Phil Fogarty
ph 6691 9611
fax 6651 9975
e-mail phil.fogarty@lands.nsw.gov.au
mobile 0413 852 544
www.lands.nsw.gov.au

12 December 2011
Doc11/148250
GF91R32

Dear Mike

**Re: Reserve 82208 for Fisheries Purposes, Lot 508 DP755740
Former Fisheries Cottage Hill St Tweed Heads**

The former Fisheries Cottage in Hill St Tweed Heads was demolished earlier this year because the structure became derelict and was occupied by itinerants.

The site was under the control of the former Department of Primary Industries (NSW Fisheries) and it is now appropriate that the reserve for Fisheries Purposes be revoked and alternative management be arranged.

In considering options for future management Council has been briefed on Lands' proposal for a future redevelopment for residential purposes, consistent with the zoning. However as an interim measure it would be logical to add the subject land into the adjoining reserve for public recreation which is managed by Council as the appointed manager of the Tweed Heads (R91637) Reserve Trust.

At the same time it would be logical also to add Lot 7092 DP1095767 being a closed road.

The above mentioned parcels are shown on the attached diagram by red cross-hatch and heavy red outline respectfully.

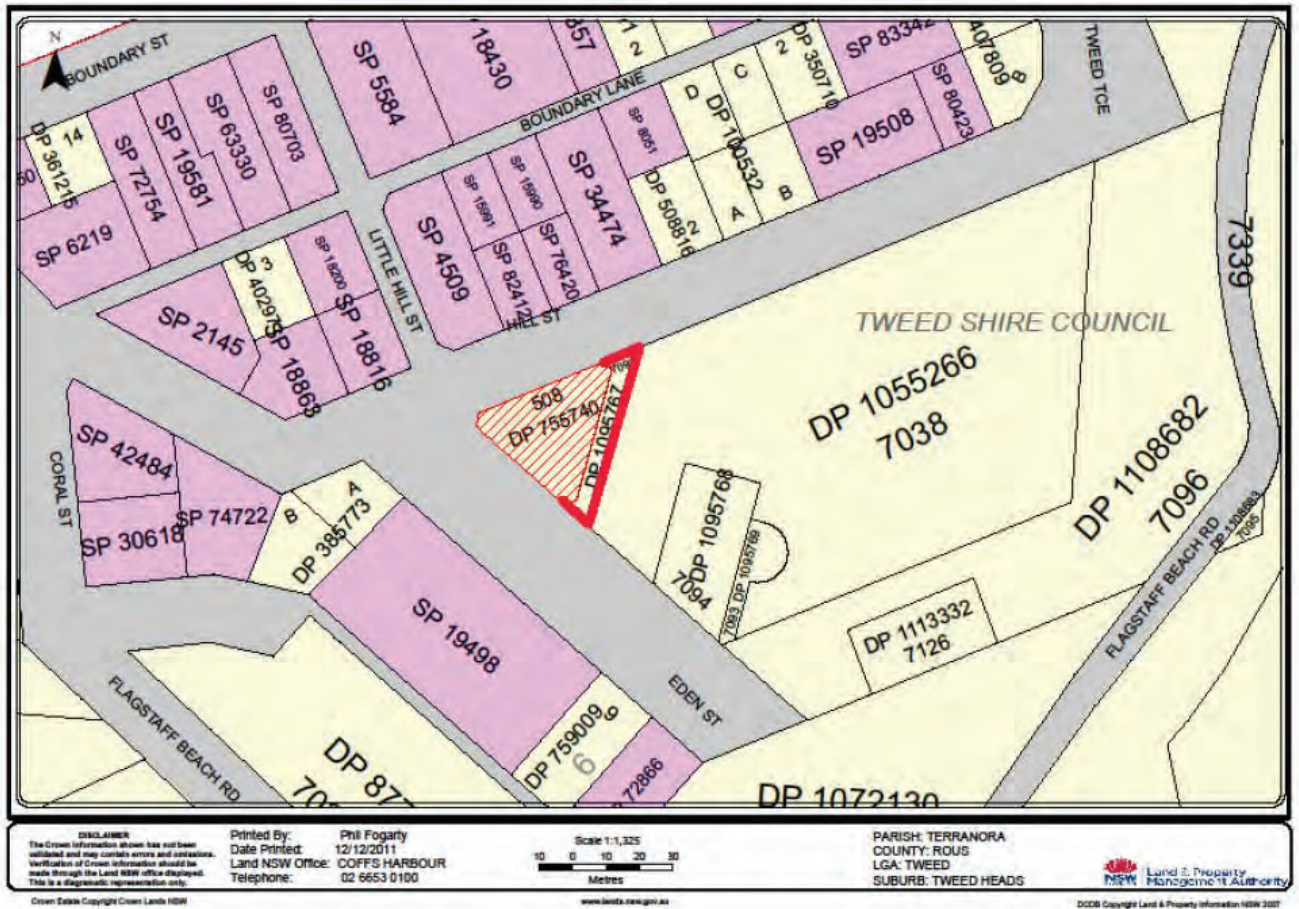
Would you please consider this request to add the subject lands to the lands managed by council for public recreation to ensure the land is lawfully used and occupied under the Crown Lands Act.

Thank you in anticipation.

Yours sincerely

A handwritten signature in black ink that reads 'P. Fogarty'.

Phil Fogarty
Project Manager, Regional Projects
Crown lands Division, Far North Coast



Council has maintained Reserve 82208 for many years and so the proposed addition of the Reserve to the Council managed Reserve will have minimal impact on Council resources.

OPTIONS:

Council can either agree to the request to add Reserve 82208 to Reserve 91637 or refuse the request.

COUNCIL IMPLICATIONS:

- a. **Policy:**
Corporate Policy Not Applicable.
- b. **Budget/Long Term Financial Plan:**
- c. **Legal:**
Not Applicable.
- d. **Communication/Engagement:**
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

28 [EO-CM] Wilson Park Update

SUBMITTED BY: Recreation Services



Supporting Community Life

SUMMARY OF REPORT:

At its meeting held 20 September 2011, Council resolved that:

"Council:

- 1 Seeks funds from the State Government and the Roads and Traffic Authority for replacement of the tennis court area and further embellishment of Wilson Park*
- 2 Prepares two redevelopment plans for Wilson Park, one including a tennis court and one excluding a tennis court based on a \$100,000 budget, The two plans to be presented to the community for comment.*
- 3 Liaises with the Banora Point Upgrade Alliance to coordinate the design and planning for Wilson Park in accordance with part 2 of this resolution."*

This report provides Councillors an update on the status of this resolution.

RECOMMENDATION:

That Council receives and notes the Wilson Park Update report.

REPORT:

At its meeting held 20 September 2011, Council resolved that:

"Council:

- 1 *Seeks funds from the State Government and the Roads and Traffic Authority for replacement of the tennis court area and further embellishment of Wilson Park*
- 2 *Prepares two redevelopment plans for Wilson Park, one including a tennis court and one excluding a tennis court based on a \$100,000 budget, The two plans to be presented to the community for comment.*
- 3 *Liaises with the Banora Point Upgrade Alliance to coordinate the design and planning for Wilson Park in accordance with part 2 of this resolution."*

FUNDING

With reference to point one, the resolution was tabled at a Banora Point Upgrade Alliance meeting where it was noted by NSW Transport Roads and Maritime Services (RMS) that the tennis court is outside their scope of works and so they would not consider contributing to its reinstatement. It is understood that discussions regarding funding with RMS and the Ministers office are on-going.

OPTIONS

Council's Landscape Architect developed two design options in consultation with the Banora Point Upgrade Alliance (BPUA) which were placed on exhibition inviting comment. One design proposed refurbishment of the existing tennis court and the other an alternate multi-use area.

The result from the feedback was 53.3% (24 responses) in favour of the multi-purpose option and 46.7% (21 responses) in favour of the tennis court option. Whilst there is a slight bias toward the multi-purpose option, the numbers are considered inconclusive. The two options and community survey results are included in the attachments to this report.

Of particular relevance to the discussion are the submissions from RMS and the Banora Point Residents Association (The Association). Whilst the RMS acknowledge that they have been included in a number of discussions between Council and the Banora Point Upgrade Alliance (BPUA) in developing the two options, they lodged a submission in which they request further discussions with Council to resolve a number of concerns including road safety, maintenance access issues and contributions from the RMS. Both submissions are included in the attachments to this report.

The Association is of the opinion that 8 Laura Street directly to the east of the Wilson Park tennis court was purchased by the alliance to replace the loss of Wilson Park (ref attached map). The Association requested that Council consult with RMS to come to an agreement for this property to be handed to the community to form part of Wilson Park. The addition of this land to Wilson Park would create the opportunity for both options to be accommodated. This request has been forwarded to RMS for consideration

ADDITIONAL LAND PARCELS

The Sexton Hill deviation/by pass has resulted in a proposal for dedication of public land by RMS and the BPUA. The reason for the proposals in part is because the new alignment cuts through the original Wilson Park, which was Crown Land under Council Administration.

Attached is a map indicating the location of the 4 parcels of land under discussion.

The land parcels of interest are:

1. 60 and 62 Pacific Highway. Dedication is proposed by DRMS/BPUA. The dedication of this land is supported as it adds value to the existing park.
2. 8 Laura St. Dedication is proposed by DRMS/BPUA. This lot is a sloping drainage area with no added value to the park or Councils open space network. It presents a liability with no benefit.
3. 2 Oyster Point Road. This is the lot the Association requested be dedicated to the community. This lot is owned by DRMS/BPUA and proposed for sale as residential land.
4. The 'landbridge' over the road will be integrated into the new Wilson Park and while ownership of the bridge structure must remain with DRMS, some arrangement for management responsibility for the land on top needs to be made.

Included in these discussions are issues associated with required boundary changes and determination of how land will be dedicated i.e. Crown Land or Community Land.

SUMMARY

Discussions are continuing between Council and the various agencies to resolve issues of land management, dedication and tenure that may ultimately determine the final design of Wilson Park. It is understood that the Association is also pursuing the dedication of 2 Oyster Point Road and funding for refurbishment of the tennis court through various avenues.

In the interim, Council's Landscape Architect is exploring options to convert the tennis court into a multi-purpose court which may provide a compromise to suit all stakeholders. Discussions on the design and management of the park will continue with BPUA and the Association.



8 Laura Street L4 DP565331
 DRMS/Alliance propose to dedicate remnant land to Council

New freeway (indicative only)

Road removed for additional parkland

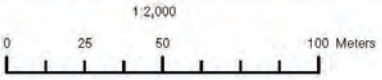
Landbridge as part of Wilson Park


62 Pacific Highway L676 DP257489
 60 Pacific Highway L2 DP833698
 DRMS/Alliance propose dedication to Council

2 Oyster Point Road L509 DP755740
 Banora Point Residents Assoc. request this be added to Wilson Park

Crown land under State Admin Lot 538 DP128780
 Area of compensatory habitat for the highway works

Sexton Hill bypass
 Possible additional land for Wilson Park



 Wilson Park

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Subdivision Manual:

- Tweed Development Control Plan A5
- Development Design Specification D14 - landscaping Public Space

b. Budget/Long Term Financial Plan:

\$100,000 has been allocated in the 2012/2015 budget. Additional external contribution will be required to complete landscaping.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.6 Park improvements program

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Submissions and Community Survey Results (ECM 54623829).
 2. Plans (ECM 54634435).
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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

29 [TCS-CM] Pecuniary Interest Return - Designated Person

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

A Council Officer within three months of becoming a designated person must complete and lodge with the General Manager an initial pecuniary interest return. The General Manager is then required to table the return at the first meeting of Council held after the last day for lodgement of the return.

RECOMMENDATION:

That the Pecuniary Interest Return for a Designated Person for the period 30 April to 30 June 2012 as tabled be received and noted.

REPORT:

A Council Officer within three months of becoming a designated person as prescribed under Section 441 of the Local Government Act 1993, must complete and lodge with the General Manager an initial pecuniary interest return. The General Manager is then required to table the return at the first meeting of Council held after the last day for lodgement of the return.

Section 449(1) of the Local Government Act 1993 requires the General Manager to obtain a return from a designated person, within three months of becoming a designated person.

Section 450(A) of the Local Government Act 1993, requires the General Manager to table such returns at the first meeting of Council held after the last day of lodgement of the returns, which in this case was received on 30 July 2012.

The return relates to the period 30 April 2012 to 30 June 2012 and will be tabled at the council meeting and is available for inspection by members of the public.

OPTIONS:

Not applicable.

CONCLUSION:

Not applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Not applicable.

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Sections 449 and 450A of the Local Government Act 1993.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
 - 1.2.1.4 Comply with Division of Local Government Strategic Task requirements
 - 1.2.1.4.1 Undertake internal program and reporting to ensure Strategic Tasks are completed and timeframes met

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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30 [TCS-CM] Expression of Interest - Community Membership on Council Committees

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

As a consequence of the September 2012 election, community representation on the nominated Council Committees will conclude and an expression of interest will be called for community members to serve on these committees for the next four years, coinciding with the term of the elected Council.

Council committees are listed in the body of the report.

RECOMMENDATION:

That the:

- 1 Expression of Interest process for Community Membership on Council Committees be endorsed.**
- 2. Current community members serving on Council Committees be written to and thanked for their input, enthusiasm and contribution over the last four years and advised that Expressions of Interest are now open to serve on a Council Committee during the determined period within the 2012/2016 Council Term.**

REPORT:

As a consequence of the September 2012 election, community representation on nominated Council Committees will conclude and an expression of interest will be called for community members to serve on these Committees for the next four years, coinciding with the term of the elected Council. The expression of interest process will close on Friday 21 September 2012, which will then enable the newly elected Council to consider community representation on these committees, early in its term and enable the committees to move forward with their objectives and functions.

Community members are invited to serve on the following Committees over the term of the newly elected Council, until September 2016:

- Aboriginal Advisory
- Audit *
- Australia Day
- Banora Point Community Centre
- Community Cultural Development
- Equal Access Advisory
- Flood Plain Management
- Sports Advisory
- Tweed Coastal
- Tweed River
- Tweed River Regional Art Gallery Advisory
- Tweed River Regional Museum Advisory

* It should be noted that the term of the Audit Committee Independent members will commence in November 2012, as per the terms of the Audit Charter.

This Expression of Interest process is based upon the existing committee structure being retained, though it will be made clear that the newly elected Council may choose to alter the committee structure and that some or all of these current Committees may alter over the 2012/2016 council term.

The terms of reference for each of these Committees will be available on Council's website (and in hard copy as required) to enable interested members of the community to review and determine if they would like to participate in the Committee's operations.

The existing members of Council Committees are to be acknowledged for their input, enthusiasm and contribution over the last four years. This interaction with community members has aided in the smooth operations of the Committees and has been a practical example of applying the terms of the Community Engagement Strategy of empowering, involving and collaborating.

OPTIONS:

1. Expressions of Interest to be called for community members to serve on the nominated Committees.
2. Expression of Interest process be deferred pending a review of Committees and their respective terms of reference or charter by the newly elected council.

CONCLUSION:

That the:

- 1 Expression of Interest process for Community Membership on Council Committees be endorsed.
2. Current community members serving on Council Committees be written to and thanked for their input, enthusiasm and contribution over the last four years and advised that Expressions of Interest are now open to serve on a Council Committee during the determined period within the 2012/2016 Council Term.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable, but meeting procedure and objectives applied in accordance with the Terms of Reference or Charter of the Committee.

b. Budget/Long Term Financial Plan:

Expenditure associated with the operation of the various Committees is contained within the approved budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Empower-We will give the community greater opportunity to participate in a transparent flow of information and feedback to Councillors who have been empowered as the Community representatives to make decisions in accordance with the Local Government Act 1993.

Involve/Collaborate-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council's decisions.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.4 Involve communities including youth, elderly and aboriginal groups in decision making that affects their area and the wider Tweed community
- 1.2.4.3 Administer community based Advisory Committees

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Attachment 1 - Expression of Interest Form for Community Membership on Council Committees (ECM 54637610).
 2. Attachment 2 - Terms of Reference and/or Charter for the Council Committees, provided in alphabetical order (ECM 54638646).
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31 [TCS-CM] Corporate Quarterly Report - 1 April to 30 June 2012

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 April to 30 June 2012 is presented for consideration by Council.

This report and accompanying attachments detail the progress of the 2011/2012 Operational Plan Activities up to 30 June 2012.

RECOMMENDATION:

That Council endorses the Corporate Quarterly Report as at 30 June 2012.

REPORT:

At the Council meeting held Tuesday 21 June 2011 the Operational Plan 2011/2012 was adopted and a reporting structure developed which is based upon four themes identified below:



Civic Leadership - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



Supporting Community Life - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



Strengthening the Economy- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



Caring for the Environment - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

OPTIONS:

Not Applicable.

CONCLUSION:

An undertaking given through the overarching Community Strategic Plan, was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the fourth and final quarterly report on the progress of the 2011/2012 plan.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Being reported in accordance with requirements associated with Integrated Planning and Reporting Framework.

b. Budget/Long Term Financial Plan:

In line with the impacts of the adopted Operational Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.3.1 Regular reviews of progress of Delivery Program

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Quarterly Report - Civic Leadership (ECM54488385)
 - 2. Quarterly Report - Supporting Community Life (ECM54488382)
 - 3. Quarterly Report - Strengthening the Economy (ECM54488386)
 - 4. Quarterly Report - Caring for the Environment (ECM54488384)
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32 [TCS-CM] Delivery Program Six Monthly Progress Report - 1 January to 30 June 2012

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

As a requirement of section 404(5) of the *Local Government Act 1993* (NSW) and the Integrated Planning and Reporting Framework, council must highlight in a six monthly progress report all principle activities identified in the Delivery Program that are not meeting expected performance targets. The Quarterly Corporate Report, which is reported separately, highlights progress across all activities.

The delivery of key actions in the 2011/2015 Delivery Program are monitored by performance indicators that ensure principle activities are completed within the planned timeframe and allocated budgets. Performance outcomes are reported to Council on a six monthly basis in the form of an exception report.

RECOMMENDATION:

That Council notes the Six Monthly Progress Report detailing principle activities from the 2011/2015 Delivery Program that have not met expected performance targets for the period 1 January to 30 June 2012.

REPORT:

At the Council meeting held Tuesday 21 June 2011 the Operational Plan 2011/2012 was adopted and a reporting structure developed which is based upon four themes identified below:



Civic Leadership - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



Supporting Community Life - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



Strengthening the Economy- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



Caring for the Environment - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

In establishing the Community Strategic Plan, Council gave an undertaking to provide six-monthly progress reports (July-December and January-June) detailing achievements and progress in meeting stated targets and objectives in the Delivery Program.

The Delivery Program Six Monthly Progress attachments are presented as an exception report which outlines only those key actions and activities that are not meeting the key performance indicators (KPI) and targets as at 30 June 2012 and are represented as follows:

- No activity
- Partial target achieved
- Target not achieved

OPTIONS:

Not applicable.

CONCLUSION:

Council will provide an Annual Report (July-June) including audited financial reports to the community. In addition Council will provide six-monthly progress reports (July-December and January-June) detailing achievements and progress in meeting stated targets and objectives in the Delivery Program.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

In accordance with requirements of the Integrated Planning and Reporting Framework.

b. Budget/Long Term Financial Plan:
As per the impacts of the Delivery Program.

c. Legal:
Not Applicable.

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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.3.1 Regular reviews of progress of Delivery Program

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Delivery Plan Exception Report - January to June 2012 (ECM 54488383).
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33 [TCS-CM] Community Strategic Plan End of Term Report

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

The outgoing elected body of Council must prepare a final end of term report detailing achievements in implementing the strategic direction of the Community Strategic Plan 2011/2021, over the term of the Council. This report is to be prepared and presented to the community in the same year as council elections in accordance with section 428(2) of the Local Government Act 1993 (NSW). With the Local Government Election to occur on 8 September 2012, the outgoing Council is now required to prepare and present this report.

As Council instigated the Integrated Planning and Reporting Framework from 1 July 2011 and therefore the outgoing elected body of Council has only had the opportunity to implement the first year of the Community Strategic Plan 2011/2021, the final end of term report not only contains achievements and contributions of the Council from the last financial year, but also includes those over the four year term.

An exception report has also been included in the End of Term report to detail activities that have not met their expected target or key performance indicator. The exception report details impediments and, where appropriate, proposed actions.

RECOMMENDATION:

That the:

- 1. Community Strategic Plan end of term report be received and noted.**
- 2. End of Term report be distributed and publicised after 8 September 2012 Local Government elections.**
- 3. End of Term report be included as an addendum to the Annual Report.**

REPORT:

The Tweed Shire Council Community Strategic Plan 2011/2021 has led the direction of Council works and activities over the last financial year. Council has reported on its progress in meeting the community strategic direction through a series of quarterly and half yearly reports during the last financial year.

In addition to this regular progress reporting by Council the outgoing elected body must prepare a final end of term report detailing achievements in implementing the strategic direction of the Community Strategic Plan 2011/2021, over the term of the Council. This report is to be prepared and presented to the community in the same year as council elections in accordance with section 428(2) of the Local Government Act 1993 (NSW) and will inform the new Council on the progress to date of the achievements from the Community Strategic Plan. With the Local Government Election to occur on 8 September 2012, the outgoing Council is now required to prepare and table this report.

As Council instigated the Integrated Planning and Reporting Framework from 1 July 2011 and therefore the outgoing elected body of Council has only had the opportunity to implement the first year of the Community Strategic Plan 2011/2021, the final end of term report not only contains achievements and contributions of the Council from the last financial year, but also includes those over the four year term. A copy of the end of term report is included as an attachment.

An exception report has also been included in the End of Term report to detail activities that have not met their expected target or key performance indicator. The exception report details impediments and, where appropriate, proposed actions.

Summary of Key Achievements

Year/s	Summary of Key Achievements
2008/2009	<ul style="list-style-type: none">• Kyogle Road realignment• Perch Creek and Giddys bridge replacement• Tweed Regional Aquatic Centre (TRAC)• Multi-level car park, Murwillumbah• Visitor Information Centre, Tweed Heads
2009/2010	<ul style="list-style-type: none">• Commencement of Tweed/Byron Bush Futures Project• Smartphone applications• Arkinstall Park Masterplan• Cudgen Creek boardwalk• Bray Park Water Treatment Plant• Murwillumbah and Kingscliff CCTV• eHousing Pilot Project
2010/2011	<ul style="list-style-type: none">• Chillingham Village - plastic bag free• AR Bluett Award• Community Engagement Strategy• Stage 1 - Jack Evans Boat Harbour• Arkinstall Park - netball courts and car parking• Bray Park cycleway• Piggabeen bypass• Tweed Solar Community Program• Kingscliff Beach erosion works

Year/s	Summary of Key Achievements
2011/2012	<ul style="list-style-type: none">• Recycling Facility, Chinderah• Tumbulgum, Stokers Siding and Crabbes Creek Villages - plastic bag free• Community Strategic Plan 2011/2021• Hosted 2011 Archibald Prize• Tyalgum Water Treatment Plant• Banora Point Wastewater Treatment Plant• Burringbar/Mooball Sewerage Scheme• Commence construction of Murwillumbah Community Centre• Commence planning of Margaret Olley Arts Centre• Expansion of Tweed River Regional Museum, Murwillumbah• Opening of Pottsville Beach Neighbourhood Centre• Low cost housing project, Fraser Drive, Tweed Heads• Supported 2012 Surf Lifesaving Championships, Cudgen Headland Surf Club• Synthetic hockey pitch, Murwillumbah• Commence Kirkwood Road extension• Bilambil - plastic bag free

Following election of the Council in September 2012, the Integrated Planning and Reporting cycle will be revisited, commencing with a review of the Community Strategic Plan.

OPTIONS:

Not applicable.

CONCLUSION:

A final report on achievement in meeting the objectives of the Community Strategic Plan is presented by the outgoing elected body of Council along with other achievements from the four year term.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

In accordance with Section 428(2) of the Local Government Act 1993 (NSW)

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
 - 1.2.1.4 Comply with Division of Local Government Strategic Task requirements
 - 1.2.1.4.1 Undertake internal program and reporting to ensure Strategic Tasks are completed and timeframes met

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. End of Term Report, September 2008 - August 2012 (ECM 54578677).
-

34 [TCS-CM] Funding for Emergency Services

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

A discussion paper titled "Funding our Emergency Services" has been prepared by the NSW Treasury and the Minister for Police and Emergency Services to invite community comment on alternative options for collecting the Emergency Services Levy used to fund the three Emergency Services agencies of Fire and Rescue NSW, Rural Fire Service and the State Emergency Service.

Council's submission is outlined in the report.

RECOMMENDATION:

That Council's submission in response to the "Funding our Emergency Services" Discussion Paper July 2012 be forwarded to the NSW Government.

REPORT:

Overview

The following information has been extracted from the "Funding our Emergency Services" Discussion Paper July 2012.

New South Wales' fire and emergency services include Fire and Rescue NSW (FRNSW), the NSW Rural Fire Service (NSW RFS) and the NSW State Emergency Service (NSW SES).

The budgets of fire and emergency services are currently funded by the insurance industry, local governments and the State Government. The insurance industry is required to contribute 73.7 per cent; local governments contribute 11.7 per cent and the State Government contributes 14.6 per cent from consolidated revenue. The total amount of funding is determined through Budget processes each year, based on the costs of these services.

The combined contributions from local government and the insurance industry are referred to as the Emergency Services Levy (ESL). As one of the costs faced by local governments, the ESL contributes to higher local government rates and charges. For the insurance industry the ESL is allocated between individual companies in proportion to their market shares of certain types of insurance. In turn, the insurance companies pass on their shares of the ESL to their customers in the form of higher premiums. A discussion paper titled "Funding our Emergency Services" has been prepared by the NSW Treasury and the Minister for Police and Emergency Services to invite community comment on alternative options for collecting the necessary funds.

The Henry Tax Review (Australia's Future Tax System) and the NSW Independent Pricing and Regulatory Tribunal's review of State taxes both concluded that taxes on insurance should be removed.

The current system for funding the emergency services has a number of serious weaknesses, as it is:

- Inefficient and discourages people taking out insurance
- Unfair as the ESL is only paid by people with insurance
- Out of step with practice in other States.

Taxing insurance may lead to non-insurance and under-insurance. Insurance helps people deal with the inevitable consequences of fires, floods and other emergencies. The tax system should not discourage people from protecting their assets by adding additional costs to the system.

The current system is also unfair. People who are not insured or are under-insure do not contribute, or fully contribute, to the ESL and the majority of the costs of emergency services, but nevertheless receive the same coverage as those who are insured. New South Wales has a higher rate of non-insurance when compared to the other States. Only around 64 per cent of NSW households had contents insurance in 2009-10, compared to 74 per cent in the rest of Australia. The ESL should be spread across all households.

Most States and Territories have stopped taxing insurance to fund their fire and emergency services. Victoria is shifting to a property based levy in 2013 and Tasmania funds only 30% of its fire and emergency service costs with an insurance tax.

A property based levy offers potential improvements in how revenue for emergency services is collected. Property owners benefit from the provision of emergency services, whereas insurers are actually in the business of managing risks.

A property based levy could be fairer and more transparent as all households and businesses in the State would contribute to the cost of emergency services.

There are a range of options for how a replacement property levy could be calculated across property classes (i.e. residential land, commercial land, or rural land) and between different parts of New South Wales. Households and businesses that currently purchase insurance would benefit from the removal of the emergency services levy, but the final outcome for households and businesses would depend on their circumstances, including the combined effect of reductions in insurance costs and the incidence of a property levy.

In choosing between different schemes, there are trade-offs between complexity and efficiency, and the financial impacts on different households and businesses.

Submission

In response to the discussion paper, the following response is provided:

- 1. Which of the following revenue sources associated with emergency services funding should be replaced by a property levy:**
 - a. The emergency services levy payments by insurers and the associated stamp duty;**
 - b. Local government contributions; or**
 - c. The portion of emergency services funding currently provided from general NSW government revenue?**

A property levy should replace (a) - the ESL (Emergency Services Levy) on insurance premiums:

Council agrees that the use of insurance premiums as a base for revenue collection is inequitable and needs amendment to a broader base.

It should be noted that the level of building insurance in NSW is at a high level - 95% and the removal of the ESL from insurance premiums does not appear to have a significant impact on the proportion of households without contents insurance - Figure 2 - i.e., the reduced premiums do not result in any great take-up of contents insurance.

and (b) - Local Government contributions.

Council would argue that emergency services are the responsibility of the NSW State Government and that the current funding and administrative arrangement is convoluted and inconsistent between the three emergency services and councils.

Councils have little contact or operational relationship with the FRNSW other than through the Local Emergency Management Committee strategic planning and the payment of the contributions. Funding approval and facility requirements leads to more contact with the RFS, which has a history from both Local and State government; whilst the operational contact and relationship with the SES can be significant.

One funding, facilities/equipment and administrative model needs to be developed and applied to the emergency services agencies - preferably by the State government. An overhaul of the structure for the provision of Emergency Services needs to be undertaken similar to that of NSW Marine Rescue. Extensive savings can be made in administration, provision of training and accommodation needs. Examples can demonstrate where RFS and SES facilities are provided independently but could be better utilised if shared. A better administered single Service would be more professional and accountable in managing public monies.

An alternative broad based equitable levy which would be applicable to all households, be they a property owner or tenant, would be to apply the levy to electricity accounts as a fixed quarterly amount. This method also has a much stronger capacity for debt recovery and incentive to pay as the service can be denied upon non-payment, unlike most services provided by local government. Across the State outstanding rates vary from 3-9% - this will impact on the cash requirements needed to fully meet the annual ESL through any broad based property tax.

2. Should a property levy be raised as a fixed amount per property, as a proportion or percentage of property value, or some combination of the two?

From a simplistic view each property and its occupants are capable of receiving the same emergency service regardless of the value of the property or the number of occupants - i.e., the property/contents and lives can be protected. By contrast the level of emergency services needed to protect larger properties with multiple occupants such as non strata title units would require a higher use of the emergency services (i.e., multiple tankers) than a single residential property.

The debate over the ability to receive the emergency service versus the level of services received is a contentious issue. It is apparent that many different levy combinations are used by the various states around the country with no clear consensus. As a result, and for administrative ease, Council supports a fixed amount per property but differing in geographical zones (discussed in question 4.)

The fixed amount per property would also alleviate the 3 to 4 year cycle of potential significant changes in any ad valorem levy as a result of new land values being issued to councils by the Department of the Valuer General.

It is assumed that non-rateable lands will be subject to the ESL.

3. Should different rates of tax be applied to different property types?

Council does not support any differentiation based on property type. All land/premises are capable of receiving emergency services in relation to the 4 themes of provision (property, person, economic and environment) regardless of value and the number of occupants. The current breakup of contributions by property type - Figure 5 - is simply a reflection of the number and amount of insurance cover at this point in time and should not be used as a principal for taxation distribution. The efficiency of a fixed amount per property regardless of property type is supported.

The proposal of having the levy distributed by call-outs is not supported as these will be subject to change from year to year - and therefore the levy amount per property would also be subject to change, nor the expensive and contentious hazard risk option.

4. Should different tax rates be applied in different parts of the state? If revenue amounts are zoned geographically, where should the boundaries of those zones be?

An assessment should be undertaken to identify zones in consideration of the current budgets of the three services. This could be extrapolated from the current Emergency Service Levy contributions of local government areas. It should not be based on fire districts, flood-prone or bushfire-prone areas as each of the services provide additional services beyond the simplicity of these boundaries.

Council therefore supports a fixed amount per property but differing in geographical zones. The fixed amount per zone should be based on the cost of emergency services provided within that zone. Metropolitan areas for example would require a greater portion of FRNSW expenditure; a minimal portion RFS and perhaps a consistent portion of SES expenditure as compared to rural areas which would have little or no FRNSW, higher RFS and similar SES expenditure. The geographical zones could therefore be based on the mix of the expenditures of the three emergency services.

<i>Metropolitan</i>	<i>High FRNSW-(70%) Low RFS-(0%) Similar SES-(25%)</i>
<i>Large Regional Centres with rural fringe</i>	<i>High medium FRNSW-(20%) Low medium RFS-(10%) Similar SES-(25%)</i>
<i>Small Regional Centres with rural fringe</i>	<i>Low medium FRNSW-(10%) High medium RFS-(20%) Similar SES-(25%)</i>
<i>Rural</i>	<i>Low/no FRNSW-(0%) High RFS-(70%) Similar SES-(25%)</i>

Under this arrangement the higher expenditure services such as FRNSW are recovered from the higher density/property areas that the FRNSW covers and vice versa.

5. Should some proportion of emergency services funding be raised as an annual charge on vehicle registration.

Although this method of taxation is as inefficient as the current ESL on insurance premiums, it is necessary that some proportion of emergency services funding be met by Government authorities and businesses which are currently non rateable but still add to the costs, and benefit from, emergency services. Having some of the cost met through an annual registration charge would ensure that Government and Company Fleet vehicles contribute.

6. Should pensioners receive concession rates for a new property levy that funds emergency services?

There is currently no provision for pensioner concession on insurance premiums other than through normal market competition. If pensioner concessions were to be introduced this would create a relative increase in the ESL for non pensioners than is currently the case.

Additionally, the elderly are less likely to be able to assist themselves in an emergency and will potentially utilise the services more than other demographic.

It is also worthy of note that the income taxation system in Australia has progressively higher rates of taxation the more you earn. To subsidise any costs of any disadvantaged group would lead to a distortion of the marginal tax rates until such time as the tables are reset.

Further, pensions and welfare policies in general are the province of State and Federal Government. It is difficult to comprehend why Local Government in NSW is already forced to fund 45% pension rebates on rates and charges when the policy is primarily the responsibility of other tiers of government. Equally confusing is the fact that the dollar amount of pension rebates applicable to Local Government have not changed or been indexed since 1992.

7. How should the revenue target be set each year to take account of changing costs of fire and emergency services?

Unless there is a significant variation in the expenditure budget of emergency services due to new initiatives/requirements (for which there would be community consultation/advice) it is assumed that the total budget movements from year to year would only be impacted by salary and CPI increases which can generally be estimated in advance. Council supports the collection of estimated expenditures, adjusted in following year/s by the actual cost inflators - similar to the distribution of the Financial Assistance Grant by the NSW Local Government Grants Commission.

This support is based on independent cost inflators only - it does not endorse adjustments to the levy based on budget over expenditures by the emergency services agencies - this is a risk rightly borne by the State government.

An additional issue influencing any revenue target concerns the differing budget cycles of Local Government and State Government. The current practice of basing the first two Emergency Services contributions (July/September) on the previous year and then adjusted to budget figures for contributions three (December) and four (March) cannot continue under the new proposals. If Local Government is to collect ESL at rates instalment time, it will not be in a position to amend the instalment amounts in line with any amendments to the emergency services budgets notified in December. The amount to be collected needs to be set to coincide with the Local Government financial year.

8. Should revenue from a land based levy be collected by local governments or the Office of State revenue?

Council concedes that the most efficient mechanism for the collection of the ESL is through Local Government. However it is argued that the ESL should not be included on the Council Annual Rates and Charges Notice but rather on a separate NSW Government notice administered by Local Government that could also include the NSW Waste and Environment Levy, any proposed Ambulance Levy and other levies/taxes that the state government deems a) to be more efficiently collected by Local Government or b) provides a more equitable taxation regime.

If Local Government were to be the collection agency for the NSW Government, a number of issues would need to be resolved. 1) the differing budget/collection cycles as discussed in question 4, 2) the administrative cost to Local Government and the amount of fee for service, 3) the apportionment of receipts and bad debts between Council rates and the NSW Government levies, 4) the timing and reconciliation of payments from Local Government to the NSW Government.

The separate NSW Government notice would more clearly distinguish for the ratepayer the costs and responsibilities of infrastructure and services between local and state governments.

Additionally, a separate notice provides for the option of having any unpaid amounts due to the State Government to be pursued through the Office of State Revenue. This is an important issue as any state government levy included on the Council rate notice would not qualify to accrue as a debt against the property unless changes were made to the Local Government Act.

9. Is a transitional period required for adjustment of the emergency services levy, and if so how long should any funding gap arising from a transitional period be recovered?

It is clear that some form of transitional arrangement will be needed to ensure consumers don't pay double or delay insurance payments. A transitional period of 12 months could commence on 1 July 2013 with the new arrangements commencing 1 July 2014. Any payment received after 1 July 2013 would only attract the ESL levy from the day of the policy/policy renewal until the expiry of the ESL on insurance premiums at 30 June 2014.

10. What arrangements are needed to ensure that any reductions in insurance taxes are passed on to consumers?

The experience from Western Australia and South Australia suggests that the highly competitive insurance market will regulate itself with no forms of collusion or extra profit making. However, Council would also support the suggested role of IPART in monitoring and reporting on the insurance industry through any adopted changes.

Additional Comments

Consideration should be given as to whether Councils' were ever granted approval to raise rates to initially fund emergency services. If a specific rate increase for emergency services has never been approved then no reduction in general income should apply and the funds should be made available for other purposes.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council generally supports the view that taxes on insurance is inefficient and inequitable. The implementation of a property based levy would broaden the tax base, however would impose the collection of this revenue on Local Government.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The "Funding our Emergency Services" Discussion Paper July 2012 is primarily aimed at a more efficient mechanism for the collection of the Emergency Services Levy. It is unclear at this point of any financial impacts to Council's budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
 - 1.3.1.1 Implement Revenue Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. "Funding our Emergency Services" Discussion Paper July 2012 (ECM 52879027).
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35 [TCS-CM] AC2009-073 Provision of Legal Services Extension of Appointment

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting held on 15 September 2009 appointed legal providers to Category 1 - Planning, Environmental and Local Government Law, Category 2 - Commercial/Property Law and Local and District Court matters for a period of 3 Years in accordance with Tender AC2009-073.

Council Officers are currently reviewing the manner in which legal services are to be delivered in the future. The review will not be finalised by 15 September 2012 and to enable Council Officers time to completely assess all options, it is suggested that Council extends the appointment of the current legal panel for the provision of legal services until 31 March 2013.

RECOMMENDATION:

That Council extends Tender AC2009-073 for the provision of legal services by the currently appointed legal panel, until 31 March 2013.

REPORT:

The review is assessing the overall cost of legal services and to explore whether there could be alternative methods of delivering legal services to Council. The principal areas that the review is focussing upon relate to Planning and Environmental Law.

The proposed extension of time will allow for a more comprehensive review to be undertaken.

OPTIONS:

The review will provide council with some alternative forms of the provision of legal services.

CONCLUSION:

Council Officers are currently reviewing the manner in which legal services are to be delivered in the future. The review will not be finalised by 15 September 2012 and to enable Council Officers time to completely assess all options, it is suggested that Council extends the appointment of the current legal panel for the provision of legal services until 31 March 2013.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy Version 1.4.

b. Budget/Long Term Financial Plan:

Legal Expenses are allowed within the 2012/2013 Budget.

c. Legal:

Expenditure during the extension period is not expected to exceed \$150,000 and trigger tendering requirements.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

36 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 July 2012

SUBMITTED BY: Financial Services



Civic Leadership

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$161,320,651** invested as at **31 July 2012** and the accrued net return on these funds was **\$720,381** or **5.36%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 July 2012 totalling \$161,320,650.68 be received and noted.

REPORT:

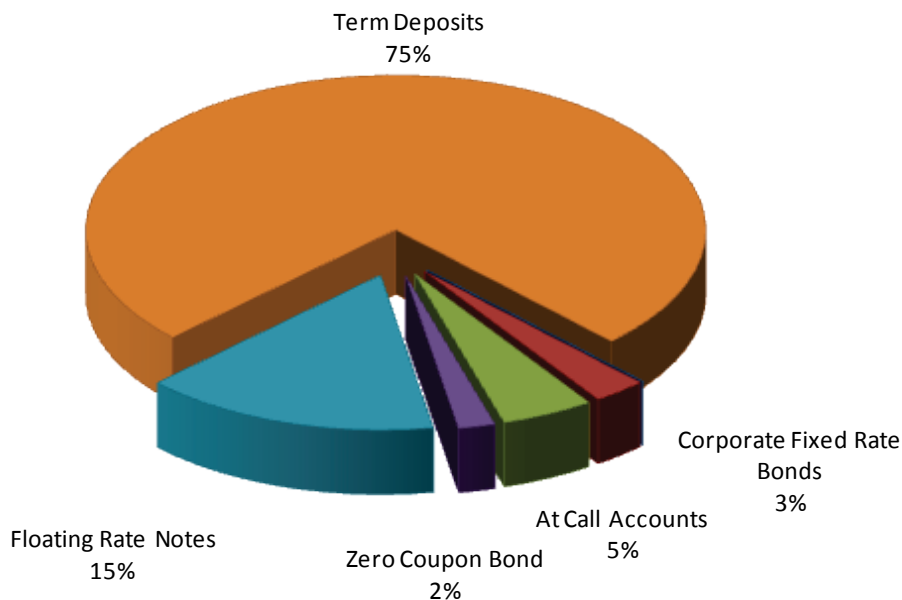
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1. Restricted Funds as at 1 July 2011

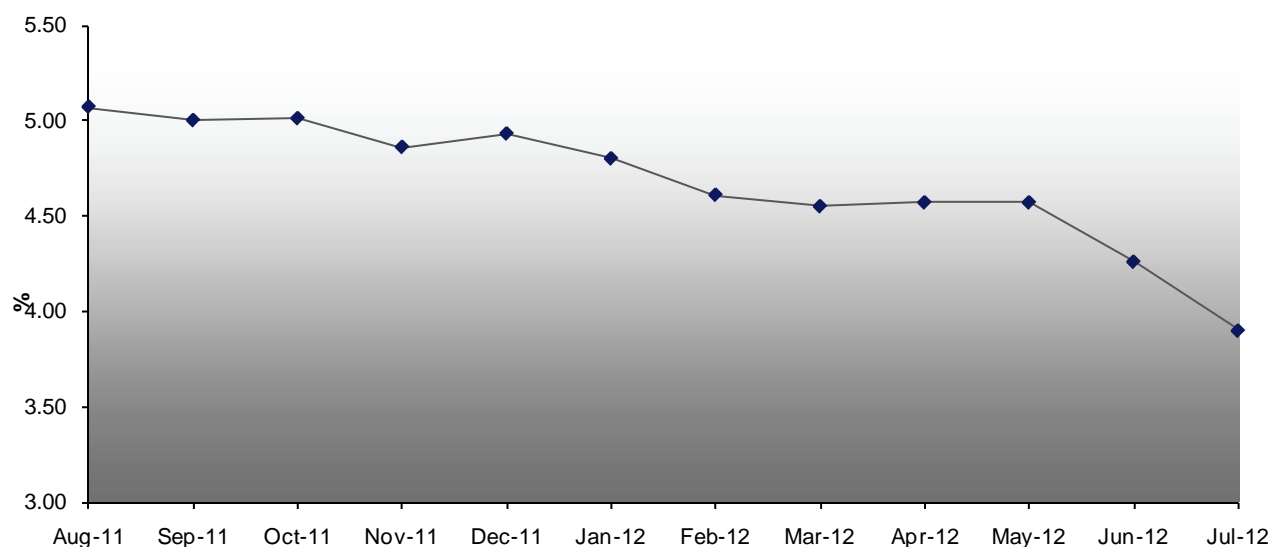
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted	2,864	10,137	61,173	74,174
Crown Caravan Parks	12,430			12,430
Developer Contributions	27,770	15,770		43,540
Domestic Waste Management	8,373			8,373
Grants	3,395			3,395
Internally Restricted	16,613			16,613
Employee Leave Entitlements	2,199			2,199
Grants	3,404			3,404
Unexpended Loans	6,488			6,488
Total	83,536	25,907	61,173	170,616

Note: Restricted Funds Summary next update September 2012

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Direct Securities

Counterparty/ Product Name	Face Value	Market Value	% Return on Face Value	Investment Type	Final Maturity Date
AMP Bank	2,000,000.00	2,003,154.00	4.61	FRN	06/06/2014
ANZ Bank	1,000,000.00	1,057,500.00	8.65	Fixed Rate Bond	22/04/2013
Bank of Queensland	2,000,000.00	2,014,640.00	4.91	FRN	06/06/2013
CBA	1,000,000.00	996,960.00	5.06	FRN	02/08/2016
CBA	2,000,000.00	1,993,920.00	5.06	FRN	02/08/2016
CBA Retail Bond	1,000,000.00	982,500.00	4.56	FRN	24/12/2015
CBA Retail Bond	498,250.00	491,250.00	4.56	FRN	24/12/2015
CBA Retail Bond	492,500.00	491,250.00	4.56	FRN	24/12/2015
CBA/Merrill Lynch Zero Coupon Bond	4,000,000.00	3,092,280.00	7.28	Fixed Rate Bond	22/01/2018
Heritage Bank	1,325,000.00	1,376,940.00	7.25	Fixed Rate Bond	20/06/2017
Macquarie Bank	1,000,000.00	1,007,184.00	5.43	FRN	13/03/2014
National Australia Bank	1,000,000.00	1,016,320.00	4.78	FRN	19/12/2014
National Australia Bank	1,000,000.00	1,001,650.00	5.01	FRN	05/11/2015
National Australia Bank	2,000,000.00	2,001,200.00	4.71	FRN	21/06/2016
Rabobank	1,000,000.00	989,440.00	4.58	FRN	20/04/2015
Rabobank	1,000,000.00	978,710.00	5.24	FRN	27/07/2016
Rabobank	1,000,000.00	978,710.00	5.24	FRN	27/07/2016

Counterparty/ Product Name	Face Value	Market Value	% Return on Face Value	Investment Type	Final Maturity Date
Suncorp Metway	2,000,000.00	2,015,200.00	4.75	FRN	06/12/2016
Suncorp Metway	2,000,000.00	2,011,180.00	4.63	FRN	26/05/2014
Suncorp Metway	1,000,000.00	1,000,550.00	5.01	FRN	23/04/2015
Suncorp Metway	2,000,000.00	2,001,100.00	5.01	FRN	23/04/2015
Westpac Bank	2,000,000.00	2,021,602.68	4.81	FRN	09/11/2015
Westpac Bank	1,000,000.00	1,017,410.00	5.15	FRN	20/02/2017
Total	33,315,750.00	32,540,650.68	5.25		

ABS = Asset Backed Security
 Bond = Fixed Rate Bond
 CDO = Collateralised Debt Obligation
 FRN = Floating Rate Note

5. Term Deposits

TERM DEPOSITS SORTED BY MATURITY AS AT 31/07/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
06-Aug-10	07-Aug-12	Adelaide Bendigo Bank (Aug 2012)	2,000,000.00	732	6.600
08-Feb-12	07-Aug-12	AMP (RIMSEC)	1,000,000.00	181	6.000
05-Aug-11	07-Aug-12	MEB	1,000,000.00	368	6.300
08-Feb-12	08-Aug-12	AMP Bank (RIMSEC)	1,000,000.00	182	6.000
14-Feb-12	13-Aug-12	ING (RIMSEC)	1,000,000.00	181	6.000
14-Feb-12	14-Aug-12	ING (Curve)	2,000,000.00	182	6.000
18-May-12	20-Aug-12	Westpac (Feb 2016)	2,000,000.00	94	4.848
22-May-12	20-Aug-12	Suncorp Bank	3,000,000.00	182	5.400
23-May-12	21-Aug-12	ME Bank (Curve)	1,000,000.00	90	5.380
28-May-12	27-Aug-12	NAB (RBS) (Aug 2015)	2,000,000.00	91	4.733
28-Feb-12	28-Aug-12	ING (RIMSEC)	2,000,000.00	182	6.040
31-May-12	31-Aug-12	IMB (Dec 2013)	2,000,000.00	92	4.683
30-May-12	04-Sep-12	ING (RIMSEC) (matures Sept 2012)	1,000,000.00	97	4.583
13-Mar-12	18-Sep-12	ME Bank (Curve)	1,000,000.00	189	6.000
11-Jul-12	11-Oct-12	Westpac (Jan 2016)	8,000,000.00	92	4.805
17-May-12	16-Oct-12	BOQ	4,000,000.00	152	5.450
08-Dec-11	11-Dec-12	NAB (Dec 2012)	2,000,000.00	369	6.950
31-Jul-12	29-Jan-13	Suncorp TD (Jan 2013)	5,000,000.00	182	5.180
22-Mar-11	19-Mar-13	Adelaide Bendigo Bank (Mar 2013) interest on maturity	1,000,000.00	728	6.500
17-May-11	21-May-13	Investec Bank (May 2013) interest on maturity	1,000,000.00	735	7.100

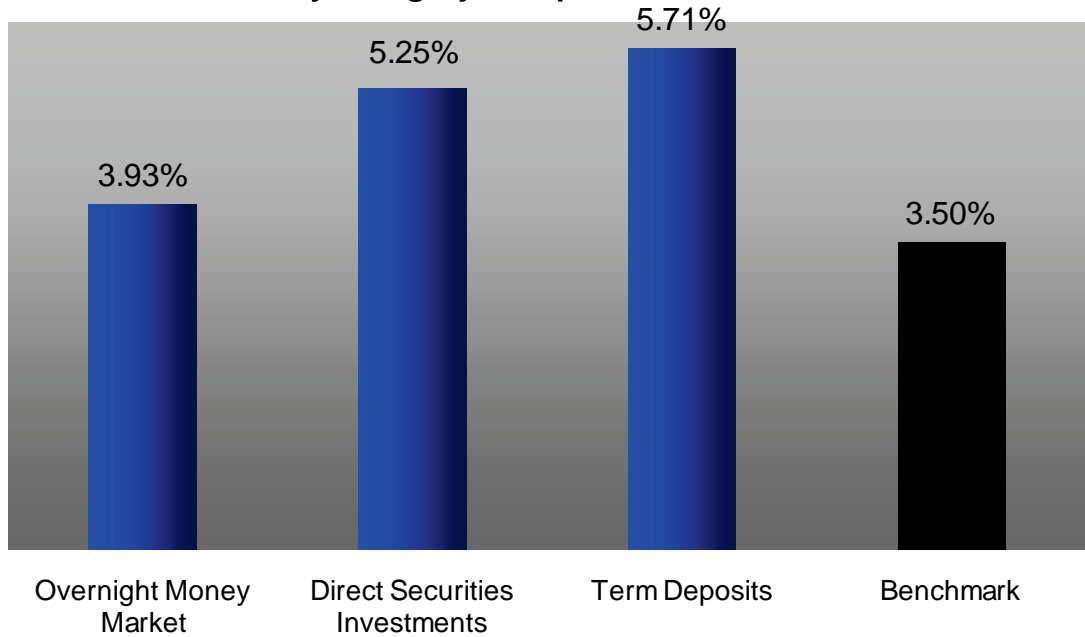
TERM DEPOSITS SORTED BY MATURITY AS AT 31/07/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
21-Jul-12	23-Jul-13	Suncorp Metway (RBS) (July 2013) annual interest	1,000,000.00	366	7.300
12-Aug-10	13-Aug-13	BOQ (RBS) (Aug 2013) annual interest	2,000,000.00	1097	7.050
01-Sep-10	02-Sep-13	NAB (Sept 2013) annual interest	4,000,000.00	1098	6.520
22-Mar-11	25-Mar-14	BOQ (Mar 2014) annual interest	1,000,000.00	1099	6.750
22-Mar-11	22-Mar-16	RaboDirect (RIMSEC) (Mar 2016) annual interest	1,000,000.00	1827	7.150
14-Feb-12	13-Aug-12	ING (RIMSEC)	1,000,000.00	181	6.000
14-May-12	14-Aug-12	Westpac (Nov 2014)	2,000,000.00	92	5.110
16-May-12	16-Aug-12	NAB (Aug 2012)	1,000,000.00	90	5.630
21-Feb-12	21-Aug-12	ING (Curve)	1,000,000.00	182	6.050
30-Aug-11	30-Aug-12	AMP Bank (CURVE) (Sept 2013) annual interest	500,000.00	365	6.000
30-Aug-11	30-Aug-12	AMP Bank (CURVE) (Sept 2013) annual interest	500,000.00	365	6.000
07-Jun-12	11-Sep-12	ING (RIMSEC Sept 2012)	2,000,000.00	96	4.645
17-Feb-12	18-Sep-12	BOQ	2,000,000.00	214	6.000
04-Jul-12	04-Oct-12	BOQ (matures Apr 2014)	2,000,000.00	92	5.060
21-Mar-12	24-Oct-12	ING (RIMSEC)	2,000,000.00	217	6.100
30-May-12	27-Nov-12	Rural Bank (Curve)	2,000,000.00	181	5.340
01-Jun-12	04-Dec-12	NAB	2,000,000.00	186	5.230
03-Jul-12	28-Dec-12	Westpac	2,000,000.00	178	5.200
03-Jul-12	08-Jan-13	NAB	2,000,000.00	189	5.170
31-Jul-12	05-Feb-13	BOQ	2,000,000.00	189	5.200
22-Mar-12	26-Mar-13	NAB (Mar 2013) annual interest	1,000,000.00	369	6.380
26-Jul-12	26-Jul-13	RaboDirect (Curve)	1,000,000.00	365	5.200
26-Jul-12	26-Jul-13	RaboDirect (Curve)	1,000,000.00	365	5.400
10-Apr-12	08-Jul-12	Westpac (matures Apr 2016) quarterly interest	2,000,000.00	89	5.562
14-Feb-12	07-Aug-12	Suncorp Metway	4,000,000.00	175	6.000
28-May-12	11-Aug-12	NAB (RBS) (matures Aug 2015) quarterly interest	2,000,000.00	91	4.733
14-May-12	13-Aug-12	BOQ (matures Nov 2013)	2,000,000.00	91	5.280
09-Aug-11	14-Aug-12	AMP Bank (CURVE)	1,000,000.00	371	6.100
22-May-12	21-Aug-12	Heritage Bank	2,000,000.00	91	5.500
23-Feb-12	28-Aug-12	Suncorp Metway	1,000,000.00	187	6.020
04-Jun-12	03-Sep-12	NAB (Sept 2012)	5,000,000.00	91	4.480
08-Jun-12	10-Sep-12	Investec Bank (RIMSEC) (matures Jun 2014)	1,000,000.00	94	5.493

TERM DEPOSITS SORTED BY MATURITY AS AT 31/07/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
30-May-12	11-Sep-12	Bankwest	2,000,000.00	104	5.300
13-Mar-12	11-Sep-12	Rural Bank (Curve)	2,000,000.00	182	5.950
19-Jun-12	23-Oct-12	BOQ (matures Oct 2012)	4,000,000.00	126	5.250
11-Nov-11	11-Nov-12	RaboDirect (Curve) annual interest	1,000,000.00	366	6.400
17-Jul-12	13-Nov-12	BOQ	3,000,000.00	119	5.150
24-Jul-12	20-Nov-12	NAB	2,000,000.00	119	5.070
10-Jul-12	15-Jan-13	Suncorp Metway	3,000,000.00	189	5.150
07-Feb-12	07-Feb-13	RaboDirect (Curve) (Feb 2015) annual interest	1,000,000.00	366	6.000
04-Mar-12	05-Mar-13	Westpac annual interest	2,000,000.00	366	6.350
23-May-12	28-May-13	RaboDirect (FIIG)	2,000,000.00	369	5.350
			121,000,000.00		5.71
			0.00	cross-check	

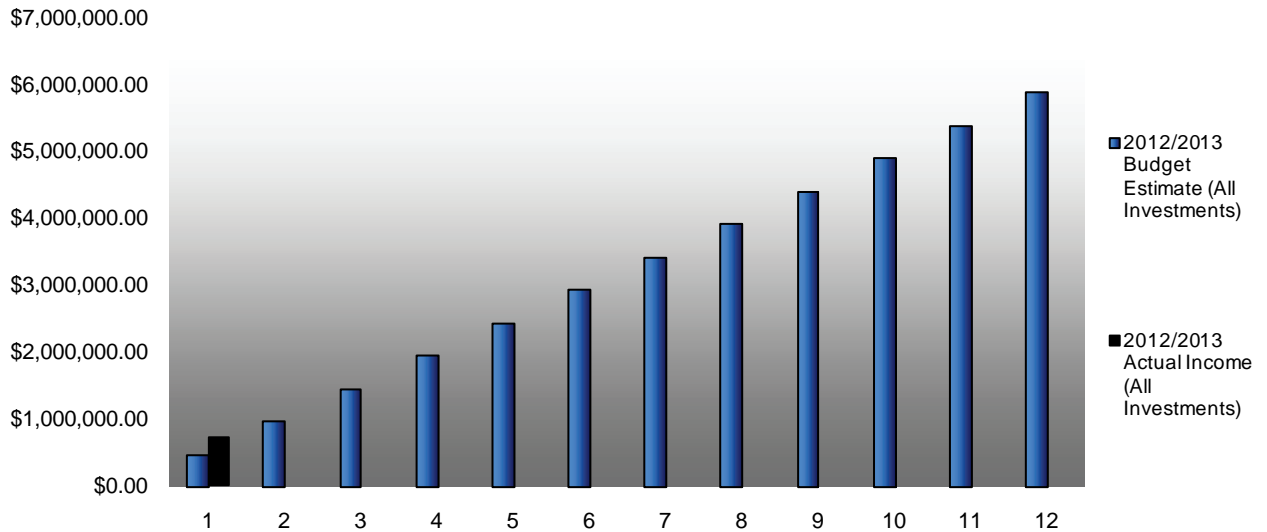
6. Performance by Category

Category	Face Value	Market Value	Average Return	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$7,780,000.00	\$7,780,000.00	3.93%	0.43%
Direct Securities Investments	\$33,315,750.00	\$32,540,650.68	5.25%	1.75%
Term Deposits	\$121,000,000.00	\$121,000,000.00	5.71%	2.21%
Benchmark	\$162,095,750.00	\$161,320,650.68	3.50%	Benchmark 30 Day UBS Bank Bill Index

Performance by Category Compared with Benchmark



7. Total Portfolio Income Year to Date



8. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	1.23%	A-1+	100%	16.52%
AA Category	100%	24.06%	A-1	100%	21.59%
A Category or below	60%	5.55%	A-2	60%	16.66%

BBB Category or below	20%	5.55%	A-3	0%	0.00%
Unrated	10%	5.75%	Unrated	10%	3.09%

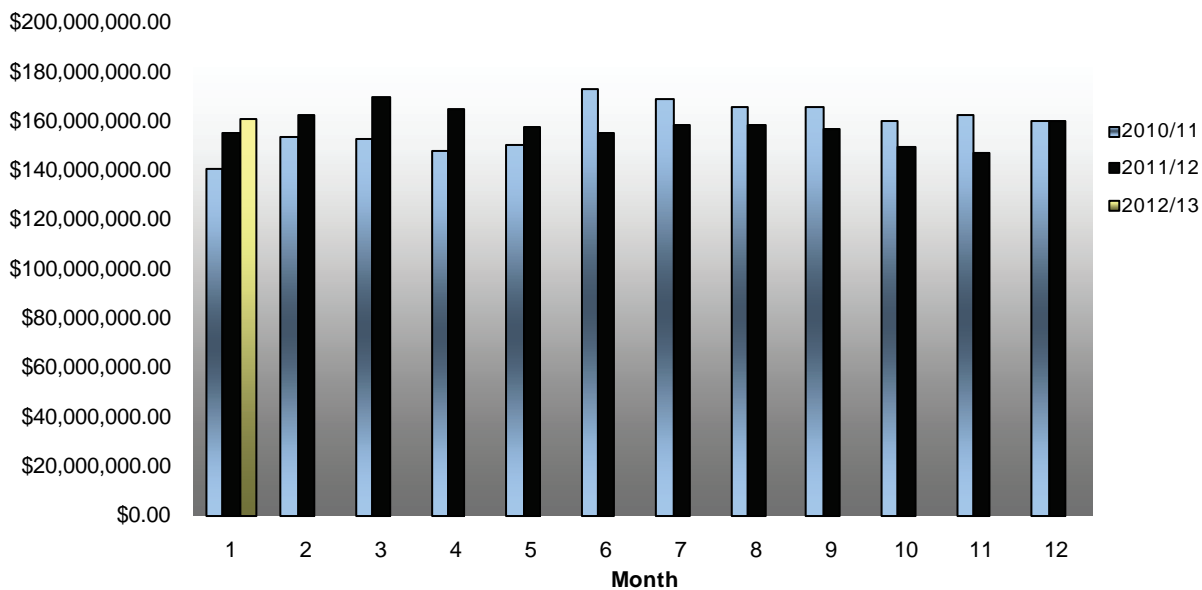
9. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	57.84%	Maximum 100% Minimum 40% of portfolio
Between 365 days and 2 years	12.34%	Maximum 60%
Between 2 years and 5 years	27.35%	Maximum 35%
Between 5 years and 7 years	2.47%	Grandfathered investment. Outside current policy limit
Total	100.00%	

10. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

11. Monthly Comparison of Total Funds Invested



12. Section 94 Developer Contributions - Monthly Balances and Receipts Report for Period Ending 31 July 2012

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	4,073,071	-
02	Banora Point Western Drainage	518,193	-
03	Banora Point West/ Tweed Heads South Community Facilities	37,676	-
04	Tweed Road Contribution Plan	11,880,875	113,622
05	Local Area Open Space	856,424	987
06	Street Tree Planting in Residential Areas	154,269	-
07	West Kingscliff Opens Space & Drainage	483,193	-
10	Cobaki Lakes Open Space & Community Facilities	(786)	-
11	Shire Wide Library Facilities	1,513,716	693
12	Bus Shelters	51,690	53
13	Eviron Cemetery	(38,721)	105
14	Mebbin Springs Subdivision - Rural Road Upgrading	77,996	-
15	Community Facilities	355,362	1,159
16	Emergency Facilities - Surf Lifesaving	327,214	-

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
18	Council Administration & Technical Support	1,224,789	3,499
19	Kings Beach/Casuarina/Kings Forest	721,073	-
20	Seabreeze Estate - Open Space	651	
21	Terranora Village Estate - Open Space & Community Facilities	26,703	-
22	Shirewide Cycleways	357,436	-
23	Shirewide Carparking	1,966,335	-
25	Salt Development - Open Space & Car Parking	874,093	-
26	Shirewide/Regional Open Space	2,763,310	4,111
27	Tweed Heads Masterplan Local Open Space & Streetscaping	59,451	-
28	Seaside City	21,201	-
90	Footpaths & Cycleway	-	-
91	DCP14	93,341	-
92	Public Reserve Contributions	114,660	-
95	Bilambil Heights	456,442	-
Total		28,969,658	124,229

13. Economic Commentary

Australian Cash Rate

The Reserve Bank of Australia (RBA) left the official cash rate at 3.50% pa at its 7 August meeting. The Board judged that, with inflation expected to be consistent with the target and growth close to trend, and with a continuing subdued international outlook, the stance of monetary policy remained appropriate.

The RBA noted previously that Europe would remain a potential source of adverse shocks. Europe's economic and financial prospects have again been clouded by weakening growth, heightened political uncertainty and concerns about fiscal sustainability and the strength of some banks.

Over the past month there has been a broad range of good and bad outcomes in Australian economic data while there appears to be some stabilisation in the European situation for the time being, meaning that the RBA is likely to sit on the sideline as it assesses the impact of previous changes to the setting of monetary policy.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 80% of the portfolio held in term deposits or cash at call.

Term deposit and bond rates have fallen considerably but continue to provide above benchmark returns while minimizing capital risk.

All investment categories including cash at call out-performed the UBS 30 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 1.43% pa above the 30 day UBS bank bill index for the last 12 month period.

Source: Oakvale Capital Limited & Governor of the RBA

14. Investment Summary as at 31 July 2012

GENERAL FUND

CORPORATE FIXED RATE BONDS	7,541,920.00	
FLOATING RATE NOTES	24,998,730.68	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSIT - LOAN 104 OFFSET	0.00	
TERM DEPOSITS	52,000,000.00	
CALL ACCOUNT	7,780,000.00	92,320,650.68

WATER FUND

TERM DEPOSITS	27,000,000.00	
FUND MANAGERS	0.00	27,000,000.00

SEWERAGE FUND

TERM DEPOSITS	42,000,000.00	
FUND MANAGERS	0.00	42,000,000.00

TOTAL INVESTMENTS		161,320,650.68
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It should be noted that the General Fund investments of \$92 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 Cl. 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.



**Chief Financial Officer
(Responsible Accounting Officer)**

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Investment Version 1.6.

b. Budget/Long Term Financial Plan:

In accordance with Budget Projections.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.35 Council funds are invested in accordance with legislation requirements and Council Policy
- 1.3.1.35.1 Council funds are invested to provide maximum returns whilst having due regard to risk

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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37 [TCS-CM] In Kind and Real Donations - April to June 2012

SUBMITTED BY: Financial Services



Supporting Community Life

SUMMARY OF REPORT:

Details of in kind and real donations for the period April to June 2012 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total donations of \$138,136.57 for the period April to June 2012.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period April to June 2012 are reproduced as follows:

Financial Assistance

Amount	Recipient	Donated Item	Date
\$113,461.51	Cabarita Beach Surf Life Savings Club	DA Fees (Council Resolution) - Budget Allocation	16/04/2012
\$10,000.00	Murwillumbah Cricket Club	Extensions to Club House at Rabjones Sportsfields	02/05/2012
\$2,000.00	Vibe Care Ltd	Second Round Donations 11/12	02/05/2012
\$500.00	Rotary Club of Alstonville Inc	Sponsorship - Science & Engineering	06/06/2012
\$2,000.00	Tweed Aboriginal Co-operative Society Ltd	Donation - NAIDOC Celebrations	20/06/2012
\$450.00	Koori Kids Pty Ltd	Donation - NAIDOC Celebrations (School Initiatives)	20/06/2012
\$393.82	International River Foundation	Budget Allocation - Balance	30/06/2012
\$128,805.33			

Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$96.00	Hatton Family - Byangum	6 Trees	10/05/2012
\$96.00			

Provision of Labour and/or Plant & Equipment

Amount	Recipient	Donated Item	Date
\$4,607.46	Life Education Van Relocation	Provision of Labour & Council Plant	April/May/June
\$410.80	RSL - Anzac Day Parade	Provision of Labour & Council Plant	April
\$5,018.26			

Rates

Amount	Recipient	Donated Item	Date
\$150.15	Twin Towns Police & Community Youth Club	Sewer Usage	13/06/2012
\$358.90	Twin Towns Police & Community Youth Club	Water Usage	13/06/2012
\$509.05			

Tweed Link Advertising

Amount	Recipient	Donated Item	Date
\$43.20	Various Community Notices	Advertising	03/04/2012
\$210.60	Various Community Notices	Advertising	10/04/2012
\$162.00	Various Community Notices	Advertising	17/04/2012
\$151.20	Various Community Notices	Advertising	24/04/2012
\$108.00	Various Community Notices	Advertising	01/05/2012
\$64.80	Various Community Notices	Advertising	08/05/2012
\$64.80	Various Community Notices	Advertising	15/05/2012
\$251.10	Various Community Notices	Advertising	22/05/2012
\$294.30	Various Community Notices	Advertising	29/05/2012
\$64.60	Various Community Notices	Advertising	05/06/2012
\$429.30	Various Community Notices	Advertising	12/06/2012
\$142.83	Various Community Notices	Advertising	19/06/2012
\$205.20	Various Community Notices	Advertising	26/06/2012
\$2,191.93			

Room Hire

Amount	Recipient	Donated Item	Date
\$113.50	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	01/06/2012
\$113.50	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre	02/06/2012
\$72.00	Tweed Heads Hospital Fashion Parade	Room Hire - Tweed Heads Civic Centre	20/05/2012
\$227.00	Tweed Heads Hospital Fashion Parade	Room Hire - Tweed Heads Civic Centre	21/05/2012
\$25.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	02/04/2012
\$50.00	Blind and Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	16/04/2012
\$25.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	07/05/2012
\$50.00	Blind and Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	14/05/2012
\$50.00	Blind and Vision Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre	18/06/2012
\$30.50	Twin Towns Friends	Room Hire - South Tweed HACC	11/04/2012
\$30.50	Twin Towns Friends	Room Hire - South Tweed HACC	09/05/2012
\$50.00	Twin Towns Friends	Hall Hire - South Tweed Heads Community Hall	16/05/2012
\$91.00	Twin Towns Friends	Hall Hire - South Tweed Heads Community Hall	24/05/2012
\$84.00	Tweed Heads Hospital Auxillary	Room Hire - Tweed Heads Meeting Room	02/04/2012
\$84.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	14/04/2012
\$84.00	Tweed Heads Hospital Auxillary	Room Hire - Tweed Heads Meeting Room	07/05/2012
\$84.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	12/05/2012
\$84.00	Tweed Heads Hospital Auxillary	Room Hire - Tweed Heads Meeting Room	04/06/2012
\$84.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	09/06/2012
\$84.00	South Sea Islanders Meeting	Room Hire - Tweed Heads Meeting Room	23/06/2012
\$1,516.00			

\$138,136.57 Total Donations 4th Quarter (April, May, June 2012)

OPTIONS:

Not Applicable.

CONCLUSION:

For Councillor information and inclusion in Annual Report.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies Version 1.2

b. Budget/Long Term Financial Plan:

As per Budget estimates.

c. Legal:

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

38 [SUB-EAAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 June 2012

Venue:
Banora Point Community Centre.

Time:
10.00am

Present:
Ron Douglas (Chair), Una Cowdroy, Karen Collins, Cr Dot Holdom, Vic Sparks, Milena Morrow (Vice Chair), Ben Dierikx, Bev Kelso.

Apologies:
Lee Clark, Trevor Harris, Cr Phil Youngblutt.

Arkinstall Park Project

Guests: Steve Twohill (TSC Project Manager Arkinstall Park), Ian Bentley (TSC Landscape Architect)

A briefing was provided on the Arkinstall Park Project to provide committee members with an opportunity to make suggestions and ask questions about accessibility. Due to the number of matters raised Steve Twohill recommended that a longer workshop be organised for July so that the project can be properly informed and the access matters can be included. Karen Collins to organise date and advise members.

Minutes of Previous Meeting:

Moved: Cr Dot Holdom

Seconded: Milena Morrow

RESOLVED that the Minutes of the Equal Access Committee meeting held Wednesday 18 April 2012 be accepted as a true and accurate record of the proceedings of that meeting.

Outstanding Matters Report:

1. Access issues at St Joseph's Primary School, Tweed Heads

Trevor Harris visited the site and does not feel that there is an access problem or a problem for emergency vehicles entering school. This matter will be discussed again at the June meeting when Bev Kelso (the member who raised this issue) is present.

Bev clarified that a curb ramp is required on Francis St so that there is access from the set down through the front gate on Francis St. There is a student at the school who uses a wheelchair and there is inadequate access at the moment. Bev recommended that Trevor Harris speak with the Principal of St Josephs in order to resolve the matter.

2. Flood Safe Brochure

An email has been sent to the Tweed Shire Council's Emergency Response Education Officer requesting information about how to proceed with changes to the brochure design. A further email was sent to Brian Sheehan from SES who replied that on reprint the

recommended changes to the pamphlet to assist people with vision impairment would be made. This item is closed.

3. Guidelines for Tweed Tourist Parks on assistance animals

Ben Dierikx is preparing a draft document for the committee's appraisal. This will be tabled at the next meeting.

4. Education for Tweed City Staff on guide dogs and assistance animals

Karen Collins contacted the manager of Tweed City on behalf of the EAAC and offered to provide education for staff to raise awareness about the issues affecting people with disabilities. This follows an incident reported to the EAAC about the treatment of a person with a guide dog by security staff at Tweed City. The Tweed City Manager was receptive to the offer and will contact Karen Collins to confirm.

5. Access is good for business

This item will be addressed through the access and inclusion action plan.

Agenda Items:

1. Access and Inclusion Policy and Action Plan

Update provided by Karen Collins. Draft issues papers informed by the data collected in the community consultation have been completed and submitted for approval to Council Executive. Papers were shown but not distributed to the committee.

2. All Access Playground

Update provided by Karen Collins. All Access Playground Working Group was convened and met for the first time on June 19. Briefing was provided by Recreation Services and draft Working Group Terms of Reference were developed.

3. Tweed Link monthly access news

The first edition in June was published with some response from the community. The July edition will continue the winter theme of accessible footpaths focusing on people parking across drive ways.

4. Access funds

To be circulated with minutes

5. Access funds

To be circulated with minutes

General Business

1. Regional forum for Equal Access Committees, 7 May

Notes from the regional forum were circulated. From the forum Cr Dot Holdom proposed through the Equal Access Advisory Committee the following recommendation:

RECOMMENDATION:

Moved: Dot Holdom

Seconded: Ron Douglas

1) That as part of the ongoing official Tweed Shire Council induction process (which new and returning Councillors will undergo post elections on September 8):

- An induction workshop on Access and Inclusion
 - The workshop be scheduled and conducted no later than the end of February 2013
- 2) The Equal Access Advisory Committee organises a forum/workshop for private certifiers on matters pertaining to access and inclusion
 - 3) The Equal Access Advisory Committee organises and conducts a forum/workshop on access and inclusion with Executives of all Business Chambers of Tweed Shire

The next regional forum will be in Lennox Head on 20 August. Attendance and travel arrangements were discussed.

2. Accessible Arts Forum

A report from the Accessible Arts Forum was circulated. Karen Collins proposed that the Equal Access Advisory Committee provide some seeding funding to Studio Aperio, a newly formed community group of parents in Murwillumbah that was a direct result of the Accessible Arts Forum. The committee proposed providing \$2000 to Studio Aperio for venue hire and other expenses incurred for the set up of the inclusive dance and drama classes.

RECOMMENDATION:

Moved: Ben Dierikx

Seconded: Milena Morrow

That Council provides \$2000 to Studio Aperio for venue hire and other expenses incurred for the setup of the inclusive dance and drama classes funded from the Access Budget.

3. Bus stop on Kirkwood Road opposite Broadwater Village

Bill McKennariey from Blind Citizens Australia has raised the issue of the bus stop which services residents of Broadwater Village. The bus stop needs to be renovated in order to facilitate the access of 13 residents with disabilities. Trevor Harris advised that the current bus stop cannot be fixed as it is not large enough for wheelchair turning circle. Trevor advised by email that the bus stop is included in the general upgrade planned for Dry Dock Road. The committee will seek Trevor's advice on the time frame for this work and advise the residents.

4. Sailability

Karen Collins tabled an email from Sailability requesting funds to complete a storage facility. The committee requested that Karen make contact with Sailability and find out more information and report back before making a decision about funding allocation.

5. Accessible car parking bays at Tweed Mall

Bev Kelso raised the matter regarding these parking bays collecting water during rain events making it difficult for people with disabilities to exit vehicles. Una Cowdroy advised the committee that she had experienced this situation herself. The committee requested that the matter be referred to Trevor Harris for advice on an appropriate approach to address this matter.

6. Certificate IV Access Consulting

Karen Collins is undertaking this qualification with support from Council. The second block of the course is from 25-29 June.

7. Improving access to businesses in Murwillumbah

The access and inclusion community consultation showed that lack of access into businesses is a big issue in Murwillumbah. As a response Cr Dot Holdom proposed that the Access Committee implement a partnership program with Murwillumbah businesses to

improve access. The partnership program would invite businesses in Murwillumbah to respond to an expression of interest to improve accessibility (heritage issues will be taken into consideration). The successful business, chosen by the Access Committee, would receive financial assistance from Access Committee funds of up to \$5000 and be promoted as good practice example in the community. This strategy will be included in the Access and Inclusion Action Plan.

Moved: Cr Dot Holdom

Seconded: Ron Douglas

8. Final Equal Access Advisory Committee meeting for the current term

Karen thanked committee members for their support and encouragement of her role as a new member of Council. Karen explained that an expression of interest to reform the committee would be circulated after the Council elections in September.

Ron Douglas thanked the committee for their hard work and dedication over the current term.

A special vote of thanks went to Cr Dot Holdom for her commitment and action in the cause of access and inclusion for people with disabilities and her support of the Equal Access Committee.

The meeting closed at 12.30pm

Next Meeting: To be advised.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

General Business Items

1. Regional forum for Equal Access Committees, 7 May

1) That as part of the ongoing official Tweed Shire Council induction process (which new and returning Councillors will undergo post elections on September 8):

- An induction workshop on Access and Inclusion is held.**
- The workshop be scheduled and conducted no later than the end of February 2013.**

2) The Equal Access Advisory Committee organises a forum/workshop for private certifiers on matters pertaining to access and inclusion.

3) The Equal Access Advisory Committee organises and conducts a forum/workshop on access and inclusion with Executives of all Business Chambers of Tweed Shire.

2. Accessible Arts Forum

That Council provides \$2000 to Studio Aperio for venue hire and other expenses incurred for the setup of the inclusive dance and drama classes funded from the Access Budget.

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**39 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday
19 July 2012**

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Ray Wilson, NSW Police, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Paul Brouwer, Mr Leon McLean, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Cr Barry Longland, Cr Kevin Skinner, Mr Danny Rose, Mr Thomas George MP, Member for Lismore, Mr Geoff Provest, MP, Member for Tweed.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee meeting held 21 June 2012 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] Schedule of Outstanding Resolutions - 19 July 2012

1. [LTC] Chinderah Bay Drive, Chinderah (Item B4)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM33214307; Traffic - Committee; Speed Zones; Chinderah Bay Drive

SUMMARY OF REPORT:

From Meeting held 19 May 2011 (Item B4)

Request received for a reduction in the speed limit to 50km/h on Chinderah Bay Drive, Chinderah.

"Speed Limit is currently 60kph and is too high with the pedestrian traffic at the Fish Shop, slow-moving tourist traffic, continued accidents on Jenner's corner."

The Chairman advised that this be listed on the Schedule of Outstanding Resolutions.

COMMITTEE ADVICE:

That the RTA be requested to conduct a speed zone review of Chinderah Bay Drive, Wommin Bay Road, Waugh Street and Phillip Street with a view to reducing the 60kph zones to 50kph.

Current Status: That Item 1 from Local Traffic Committee meeting held 17 May 2012 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 19 May 2011- Item B4).

2. [LTC] Kennedy Drive, Tweed Heads - Tweed Street Audit (Item B5)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 19660428; Traffic - Committee; Pedestrian Crossings; Traffic - Safety; Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

From Meeting held 23 September 2010 (Item B5):

Request received for the provision of a safe crossing for people near Kennedy Plaza. It is reported that "*since the opening of the new bypass the traffic is horrific and pedestrians can wait up to 15 minutes*". It is also reported that "*motorists making illegal right hand turns into Kennedy Plaza also contribute to traffic congestion*".

Kennedy Drive near Kennedy Plaza carries over 20,000 vehicles per day, which is significant. A marked pedestrian crossing was located in this vicinity prior to the installation of the traffic signals at Ducat Street. This crossing was removed on request from the Roads and Traffic Authority of NSW as the signals provided a much safer crossing point for pedestrians. The signals are located approximately 200m west of the middle of the shopping centre. There is also a pedestrian underpass connecting residents on the southern side of Kennedy Drive to the shopping centre.

The pedestrian warrant for a marked or signalised pedestrian crossing would not be met at this location.

Council's crash database shows 6 reported crashes occurred in the vicinity of Kennedy Plaza between 2004 and 2009, none of which involved a pedestrian.

The Roads and Traffic Authority of NSW Representative advised that the Roads and Traffic Authority of NSW were investigating the Ducat Street/Kennedy Drive signals which will include the Kennedy Plaza area. It was suggested that this matter be listed as an Outstanding Resolution until the Roads and Traffic Authority of NSW have finalised their investigation. This investigation may include the possibility of the inclusion of a pedestrian refuge, which is the subject of concern.

COMMITTEE ADVICE:

That Kennedy Drive, Tweed Heads South be listed on the Outstanding Resolutions report.

From Meeting held 21 June 2012:

Draft plans of proposed changes on Kennedy Drive at Kennedy Plaza were distributed. The plans show a pedestrian refuge and continuation of centre chevron markings across the driveway access to the Plaza. Design options were considered to provide protected right turns into the Plaza however this was not geometrically possible.

The Committee requested that an amended design be considered that extended the raised centre median across the driveway to prevent right turns from Kennedy Drive into the Plaza, noting that this is consistent with the consent for the Plaza and would address current non-compliance with right turn restrictions. It was noted that the raised centre median would also eliminate right turns out of the Plaza which are currently permitted.

This option will be investigated further by Council officers and this item will remain on the Schedule of Outstanding Resolutions.

Current Status: That Item 2 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 21 June 2012 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 September 2010 (Item B5).

3. [LTC] Clothiers Creek Road, Clothiers Creek (Item B4)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 37021766; Traffic - Committee; Traffic - Speed Zones; Access to Property - Driveways; Directional Signs; Clothiers Creek Road; Raven Place; Condor Place

SUMMARY OF REPORT:

Request received in relation to the speed of vehicles travelling on Clothiers Creek Road, Clothiers Creek in particular between Raven Place and Condor Place.

"Lately we've seen many vehicles overtaking over double unbroken lines in front of our property and also between Raven's Place and Madura Tea. This practice is a recipe for disaster as the sections of road where this occurring are only short and have restricted vision because of blind corners.

There are four road intersections, in excess of forty private driveways, two major businesses between Farrant's Hill Road and the Pacific Hwy interchange.

1. *We'd like to see the speed limit dropped to 70km/h between Nunderi and the Highway which could possibly bring the majority of motorists down to 80km/h.....*
3. *Some signage erected to alert motorists of concealed driveways (at present there's only one.....)*

.... We believe the existing speed limit on our section of road excessive due to the amount of traffic that travels, exits and enters every day."

On 25 November 2010 the Committee considered an item that related to various speed zoning issues across the Shire, including Clothiers Creek Road. The Committee advised as follows:

"That speed zone reviews for the following roads be referred to the Roads and Traffic Authority of NSW:

1. *Fraser Drive (between Botanical Circuit and Terranora Road)*
2. *Clothiers Creek Road*
3. *Tomewin Road, the 100km/hr zone just outside of Murwillumbah"*

The outcomes of a speed zone review on Clothiers Creek Road has yet to be received from the Roads and Traffic Authority of NSW.

COMMITTEE ADVICE:

That the speed zone review request for Clothiers Creek Road of 25 November 2010 for the Roads and Traffic Authority of NSW be placed on the Schedule of Outstanding Resolutions.

Current Status: That Item 3 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 21 June 2012 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 22 September 2011 (Item B4).

4. [LTC] Murwillumbah Primary School - Parking (B5)

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 5758792; Schools - Murwillumbah Primary; Traffic - Committee; Traffic - General; Traffic - Parking Zones; Traffic - School Zones; Parking - Infringement Notices; Eyles Avenue; Condong Street; Prince Street; Riverview Street

SUMMARY OF REPORT:

Request received in relation to the difficulty with parking in and around the Murwillumbah Primary School, particularly for people with large families and young babies.

It has also been reported that:

"buses park in a car park zone in Eyles Avenue in front of the "No Parking" zone. In the morning it is a Bus Zone but not in the afternoon. Two buses can fit in this zone so you can imagine how many cars would be the equivalent. This week in our school newsletter parents were warned by the bus companies not to park in their Bus Zones because it is dangerous and fines are heavy. I also think having buses through Eyles St is very congested and dangerous. What about disabled car parking for that matter?"

A plan of the existing parking and bus zones associated with the school was submitted to the meeting.

COMMITTEE ADVICE:

That:

1. Council officers initiate further consultation with the school principal, P & C and bus operators regarding traffic movements around Murwillumbah Primary School.
2. Murwillumbah Primary School be placed on the list of Outstanding Resolutions.

From Meeting held 21 June 2012:

The Committee was advised that bus operators have discussed this matter and in principle support removal of bus zones in Condong Street if the school frontage of Eyles Avenue, can be entirely dedicated to bus parking during bus drop off and pick up times. Council officers will need to verify the street width in this area.

Current Status: That Item 5 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 21 June 2012 remain on the list of Outstanding Resolutions

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 19 April 2012 (Item B5).

5. [LTC] Cooley Street, Bogangar (B6)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 46772205; Traffic - Committee; Parking - Illegal; Directional Signs; Pedestrian Safety; Driveways; Traffic - Parking Zones; Traffic - Safety; Traffic - School Zones

SUMMARY OF REPORT:

Request received in relation to parking congestion and infringements in Cooley Street, Bogangar.

"I am writing in regard to the continual congestion and blatant disregard for the road rules and safety of both children and adults in Cooley Street, Bogangar on school days. The Bogangar Primary School has a "walk-through" gate access at the end of Cooley Street but due to the fact that many residents with children at the school would have to traverse the Coast Road to the roundabout at Sandalwood Rd and then return Coast Road to access the school parking bays, a large majority has decided that Cooley Street is a much better option for the drop off and pick up of their children.

....There appears to be a large majority that insists on parking in the cul-de-sac section of the street and leaving the vehicle to either pick up or drop off their child, which action poses a considerable safety and illegal parking situation. I have also witnessed vehicles parking across all driveways in the street blocking access and exit to the occupiers of the properties. As there is a large majority of parents driving large 4WD vehicles I feel this is also a considerable safety issue, as Cooley Street is a narrow street and the capacity of these vehicles to turn at the cul-de-sac is nearly impossible thus presenting a situation where the 4WD must reverse towards the entrance/exit gate of the school, at which time many children are entering or exiting."

Council officers have visited the site on similar occasions and reported that there is no significant issue in regard to parking associated with the school.

COMMITTEE ADVICE:

That:

1. Parking issues associated at Bogangar School on Cooley Street continue to be monitored and the school be consulted on the issue of pedestrian access.
2. This item be listed on Outstanding Resolutions.

Current Status: That Item 6 from Local Traffic Committee meeting held 21 June 2012 be placed on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 19 April 2012 (Item B6).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

Nil.

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Hastings Road, Bogangar

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 52916402; 53124478; Traffic - Committee; Traffic - Parking Zones; Hastings Road, Bogangar

Request received in relation to vehicles parking all day in front of shops in Hastings Road, Bogangar.

"At present Woolworths are building their new shopping centre directly behind my shop.

Hastings road at the moment is like a mine site. There are trucks and machinery everywhere.

There are five shops in Hastings Road all together and we only have one park each in front of the shop, so not much parking at all.

Now some of the workmen, which is many are parking all day in front of the shops and across the road in front of the villas. So only leaves one car width to drive down the street.

Our businesses are suffering with the amount of work going on here let alone the workmen taking our parks for our customers.

We would like some signs so that parking was limited to 10 minutes."

COMMITTEE ADVICE:

That the issue of parking on Hastings Road be referred to Council's development compliance officers to discuss the issues raised with the developers of the Woolworths development in Cabarita.

B2 [LTC] Lennox Circuit, Pottsville

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 51747343; Traffic - Committee; Traffic - Roundabouts- Traffic - Safety; Traffic - Speed Zones; Lennox Circuit; Seabreeze Boulevard

Request received in relation to the intersection of Lennox Circuit and Seabreeze Boulevard, Pottsville.

"On a daily basis there are near misses with vehicles and pedestrian traffic at this intersection. Listed below are the safety hazards at this junction:

1. *Cars parked on and around the apex the corner*
2. *Trees planted around the apex of the corner with branches creating blind spots*
3. *Pedestrian traffic crossing over at the intersection at the junction*
4. *Blind spots for drivers making a right hand turn into Lennox Circuit*
5. *Speeding drivers going up and down Lennox Circuit pas the previous North Real Estate Land Office and continuing out of the subdivision*
6. *Vehicles travelling down hill (past the land office) towards the junction and the area where pedestrians crossover also have to encounter blind spots around the apex of the corner which reduces their stopping time and distance, once identifying that they may be forced to stop to prevent an incident*
7. *School children/general pedestrians/handicapped people on motorized scooters are forced to cross the road through the middle of the junction to gain access to the walkway that links up with Narooma Street due to where the entering and exiting of the footpaths are situated*
8. *Vehicles proceeding along Seabreeze Boulevard are required to nearly proceed $\frac{3}{4}$ of the way through the Lennox Circuit junction before they can make a safe right hand turn into Lennox circuit due to the hazards listed above.*

If a roundabout and maybe a pedestrian crossing was to be placed at this junction it would force all drivers to adhere to the road safety rules and may avoid a nasty incident happening at this junction."

Traffic Committee has previously considered similar complaints at this location. Double centre lines have been installed recently on Lennox Circuit to assist in delineating turning points. A new pedestrian crossing point should be considered in this year's Footpath Program.

COMMITTEE ADVICE:

That:

1. Council officers consider in this year's Footpath Program, subject to funding, extending the footpath on the north side of Lennox Circuit for approximately 50m towards Seabreeze Boulevard and include the installation of pram ramps.
2. The four trees on the inside of the curve on Lennox Circuit be trimmed to increase sight distance in consultation with Council's traffic engineer.

3. Council writes to the Body Corporate of 3-15 Lennox Circuit, Pottsville advising that vehicles parking within 3m of double centre lines is contrary to the NSW road rules and may be enforced.

B3 [LTC] Mayfield Street, Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 50192742; 50192743; 50192744 Traffic - Committee; Traffic - Parking Zones; Parking - Illegal; Mayfield Street

Request received in relation to parking problems on Mayfield Street, Murwillumbah with driveways and business access in the street being compromised.

The Committee will be provided with B-double turning templates for this street at the meeting.

COMMITTEE ADVICE:

That:

1. Council officers liaise with business operators to discuss any modifications to driveways on Mayfield Street, Murwillumbah that could be undertaken to improve access to property.
2. Council officers consult with business owners to advise on parking regulations.

B4 [LTC] Frances Street, Tweed Heads

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 52531311; 53121311; Traffic - Committee; Pedestrian - Safety; Pedestrian - Crossings; Frances Street, Wharf Street; Powell Street

Request received for consideration to be given to relocating the pedestrian crossing in Frances Street to between Wharf and Powell Streets, Tweed Heads.

"This crossing is currently situated near a Service Station and in front of the Cook's Endeavour Motor Inn. This motel is occupied mainly at weekends and infrequently during the week. There are few units on this particular block who would use this crossing.

This crossing would serve the residents in the area better if it could be relocated to the eastern corner of Francis and Powell Street. There is already kerb access in the footpath at this location for prams, walkers etc. A large number of units are occupied by elderly people in the area between Frances Street and Florence Street. They shop at Tweed Centro with their walkers, scooters and trolleys and it is quite dangerous crossing over to the shopping centre without a pedestrian crossing here. This crossing is used also by people at the Tweed Hospital to shop at Tweed Centro. It is our understanding that additional units are being developed in this area for seniors.

It if is not viable to relocate the current pedestrian crossing we would suggest that consideration be given to an additional pedestrian crossing at the above suggested location (i.e. eastern side of Cnr Francis and Powell Street) because of great concerns that an elderly resident will be struck if such a crossing is not provided."

Observations at this site indicate that the warrants would not be met for the pedestrian and vehicle traffic volumes to install a marked pedestrian crossing.

COMMITTEE ADVICE:

That:

1. No further action be taken in regard to the installation of a pedestrian crossing east of Powell Street on Frances Street.
2. Council considers extending the footpath on Frances Street from Powell Street towards the marked crossing in future programs.

B5 [LTC] Tweed Valley Triathletes Season 2012/2013

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 53174616; Traffic - Committee; Sport & Rec - General; Bicycle Matters - General; Roads - General; Car Parks - Murwillumbah; TRAC; Tumbulgum Road; Cane Road; Queensland Road; Murwillumbah Street; Wharf Street; Racecourse Road; Old Ferry Road

Request received for permission to use roads for the Tweed Valley Triathletes season commencing Saturday 22 September 2012 and concluding Saturday 23 March 2013.

"The senior (adult) course, as well as the swim leg in the pool, comprises a 10 km cycle and 4km run. The cycle and run leave from the Tweed Regional Aquatic Centre. The cycle leg consists of a circuit which includes Tumbulgum Rd, Cane Road, Queensland Road, Murwillumbah St and Wharf St. The run leg goes along Tumbulgum Rd and then onto Racecourse Rd for 1km and returning the same way.

The Intermediate (adult) course includes a 7km cycle leg along Tumbulgum Rd, Racecourse Rd, Queensland Rd, Murwillumbah St and Wharf St and a 2km run leg from the pool to the Tumbulgum Rd/Racecourse Rd intersection and return.

The Junior course includes a 3km cycle along Tumbulgum Rd, part way along Racecourse Rd and return and a 1km run to the Old Ferry Rd/Tumbulgum Rd intersection and return.

Our 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 members are on the road between 6:05am and 7:10am. Junior members are on the road between 7:30am and 8:00am. At these times of the day there is little traffic."*

There are no road closures proposed for these events and all riders are instructed to obey the road rules.

It is recommended that the Committee raise no objection to the events subject to standard conditions, Police approval and provision of a satisfactory Traffic Management Plan which include transition area arrangements.

COMMITTEE ADVICE:

That the Committee raises no objection to the Tweed Valley Triathletes events for the 2012/2013 season from 22 September 2012 and concluding on 23 March 2013, subject to standard conditions and Police approval.

B6 [LTC] School Zone Flashing Lights Initiative

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 51562725; Traffic - Committee; Traffic - Safety; Traffic - School Zones; Crystal Creek Public School; Terranora Primary School; Numinbah Road, Crystal Creek; Terranora Road, Terranora

Advice received in relation to school zone flashing lights being progressively installed as part of the government's \$17M four year roll-out. Roads and Maritime Services (RMS) selects school zone sites for the roll-out on an ongoing basis to maximise road safety in school zones that need it most.

The latest roll-out for schools in this area is at:

- Numinbah Road at Crystal Creek Public School
- Terranora Road at Terranora Public School

COMMITTEE ADVICE:

That the Committee notes this report in relation to the installation of School Zone flashing lights at Numinbah Road, Crystal Creek Public School and Terranora Road at Terranora Public School.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 23 August 2012 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.05am.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

Nil.

40 [SUBCOM] Reports/Minutes from Subcommittees and Working Groups

Reports/Minutes from Subcommittees and or Working Groups not requiring a decision of Council are attached to the Business Paper for the information of Councillors.

UNDER SEPARATE COVER:

1. [SUBCOM] Minutes of the Aboriginal Advisory Committee Special Meeting held Monday 16 July 2012 (ECM 53893499).
 2. [SUBCOM] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 19 July 2012 (ECM 53893503).
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ORDERS OF THE DAY



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 *Civic Leadership*
- 1.2.1 *Council will be underpinned by good governance and transparency in its decision making processes*
- 1.2.2.1 *Priority decision making*
- 1.2.2.1.1 *Council decisions will be in accordance with the Community Strategic Plan*

41 [NOM-Cr J van Lieshout] Equestrian Pad - Tomewin Road, Dungay

NOTICE OF MOTION:

On the 12 September 2008 the Tweed Shire Council advised the owners of the Tomewin Road that a proposed 300mm high equestrian pad would not require a Development Application. In view of that advice a request was sent to the Department of Water and Energy in Murwillumbah by the proponents for a “controlled activity approval” for an equestrian pad to the height of 600mm. The Department then approved the activity on the 2 December 2008 without the required development application. Therefore a “*retrospective development application*” should have been requested however in view of the time which has elapsed since the construction of the pad – the General Manager has advised that, that requirement is no longer valid.

Councillor J van Lieshout moves that, considering the impact which would result through any adverse flooding in the Dungay Creek area to neighbouring properties and in particular to the cane growing industry:

1. A flood study be conducted by the Tweed Shire Council as a priority to indicate whether the equestrian pad would cause undue impact through redirected water flows caused by the equestrian pad – unauthorized fill between the house – constructed shed and equestrian pad.
 2. That the height of the equestrian pad be reduced to 300mm.
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QUESTIONS ON NOTICE

42 [QoN-Cr D Holdom] Augmentation - Tweed District Water Supply

QUESTION ON NOTICE:

Councillor D Holdom asked:

Can the General Manager please advise in simple terms; who would pay for the proposed augmentation of the Tweed District Water Supply and what role, including funding, the State and Federal government would have?

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

1 [CNR-CM] Ageing Disability and Home Care Funding Variation - Emergency Response Interim Funding

REASON FOR CONFIDENTIALITY:

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.



Supporting Community Life

2 [CNR-CM] Kingscliff Sewage Treatment Plant - Tweed Coast Road, Chinderah

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.



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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

3 [EO-CM] EC2012-112 Supply Installation and Commissioning of a Cremator

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.



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4 [EO-CM] EC2007-085 Cudgen Creek Footbridge Claim Without Prejudice against the Contract

REASON FOR CONFIDENTIALITY:

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (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.



Supporting Community Life

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES IN COMMITTEE

5 [TCS-CM] Speed on Tweed 2010 - Outstanding Track Build Debt

REASON FOR CONFIDENTIALITY:

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

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



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