



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 17 April 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] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Tuesday 20 March 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 20 March 2012 (ECM 47801216).
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 20 March 2012 (ECM 47801212).
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SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions



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: A report will be submitted to a future Council meeting dependent on outcomes of discussions with the Department of Planning on draft LEP 2010. This item has been initially addressed through the officer's report and Council resolution at 15 February 2011 Council meeting for a new Tweed Tree Preservation Order 2011, and interim protection measure for koala habitat.

19 October 2010

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

23 [CNR-CM] Tweed District Water Supply - Demand Management Strategy

686

Cr K Milne

Cr B Longland

RESOLVED that Council:

....

6. Develops a water friendly garden Policy.

Current Status: Policy development currently programmed for first half of 2012.

16 August 2011

ORDERS OF THE DAY

56 [NOM-Cr D Holdom] Non-Potable Water Harvesting in Commercial and Industrial Precincts

504

Cr D Holdom

Cr W Polglase

RESOLVED that the:

1. General Manager investigates and reports back to Council on a new Policy for Tanks (non potable water harvesting) in Commercial and Industrial Precincts within the Tweed Shire Local Government area.
2. Investigation to also consider retrofitting possibilities in existing Commercial and Industrial Precincts.
3. Possibility of any rebate schemes being implemented.

Current Status: Awaiting outcome following the implementation of the top 20 non-residential program. Anticipate that policy would follow in mid 2012.

24 January 2012

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

21 [EO-CM] Chinderah Bay Drive Foreshore Masterplan

35

Cr W Polglase

Cr P Youngblutt

RESOLVED that Council:

1. Endorses the Landscape Concept Plans for the Chinderah Foreshore Upgrade, as exhibited.
2. Reallocates a total of \$225,000 in the adopted Infrastructure Program 2011/2012 from the Chinderah Bay Drive foreshore upgrade (Wommin Bay Road to Chinderah Road) to fund additional cost of the roundabout and associated realignment works at the intersection of Chinderah Bay Drive and Wommin Bay Road.
3. Brings forward a report identifying where \$225,000 can be sourced for the completion of the Chinderah Foreshore Upgrade.

Current Status: Report to be prepared.

ORDERS OF THE DAY

43 [NOM-Cr K Milne] Albert's Lyrebird

NOTICE OF MOTION:

55

Cr K Milne

Cr D Holdom

RESOLVED that Council brings forward a report on the current situation for the Albert's Lyrebird and the merits of applying for this species to be listed as Endangered on the State and National Threatened species list.

Current Status: Report to be prepared.

46 [NOM-Cr K Milne] Light Rail Extension to Tweed Heads

NOTICE OF MOTION:

57

**Cr K Milne
Cr K Skinner**

RESOLVED that Council seeks urgent representations with the Cross Border Commissioner once appointed to discuss a range of issues relating to maximising benefits to the Tweed and NSW resulting from the Commonwealth Games being held in 2018, particularly around public transport issues.

Current Status: A suitable meeting is to be organised with the Cross Border Commissioner to discuss associated issues.

20 March 2012

MAYORAL MINUTE

a7 [MM-CM] Mayoral Minute - Mining Exploration Licenses, NSW Aboriginal Land Council

Motion 1:

136

Cr B Longland

RESOLVED that Council:

1. Seeks a meeting with the NSW Aboriginal Land Council as soon as possible to discuss their intentions with respect to the mining exploration license covering areas of the Tweed Shire.
2. Invites representatives from the Department of Primary Industries to address Councillors at a workshop on the regulatory framework and any current proposals relevant to the Tweed Shire.

Current Status: Letters being prepared.

REPORTS FROM DIRECTOR COMMUNITY AND NATURAL RESOURCES

23 [CNR-CM] Integrated Water Cycle Management (IWCM) Strategy - Status Report

166

Cr D Holdom
Cr K Milne

RESOLVED that:

....

2. Council Officers bring forward a report detailing the progress of the implementation of the Integrated Water Cycle Management Strategy actions in approximately 12 months as part of the six yearly Integrated Water Cycle Management review.
3. The General Manager arranges a workshop for Councillors with regard to the on exhibition Draft Tweed Urban Stormwater Quality Management Plan 2011 as reviewed.

Current Status: Workshop to be scheduled.

ORDERS OF THE DAY

50 [NOM-Cr D Holdom] Historic Commercial Uses of the Tweed River

192

Cr D Holdom
Cr P Youngblutt

RESOLVED that the General Manager investigates and reports back to Council on what business vessels are still operating on the Tweed River, as supplied in attachment form to Item 10 of the Ordinary Meeting held 21 February 2012, given the overview statement made to the attachment as follows:

"Other development applications previously assessed for commercial operations on the Tweed River that may have relevance to the current proposal include the following. Most of the applications were lodged for continuation of businesses following compliance action and as a result of the Council resolution of 6 December 2000 that sought development applications within 40 days from all commercial boating operators that did not have a current consent."

Current Status: Report to be prepared.

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MAYORAL MINUTE

3 [MM-CM] Mayoral Minute - Period from 04 March 2012 to 04 April 2012

SUBMITTED BY: Cr B Longland, Mayor



Civic Leadership

Councillors,

COMMITTEE MEETINGS

Attended by the Mayor

- 07 Mar 2012 - Murwillumbah Community Centre Management Committee Meeting - Murwillumbah Community Centre, Knox Park, Nullum Street (Cr Polglase also attended).
 - 15 Mar 2012 - Tweed River Regional Museum Advisory Committee - Coolamon Cultural Centre, Tumbulgum Rd, Murwillumbah.
 - 16 Mar 2012 - Sub-committee meeting, Margaret Olley Art Centre Steering Committee - Tweed River Art Gallery (Warren Polglase also attended as Foundation Chairman).
 - 21 Mar 2012 - Destination Tweed Board Meeting - Gold Coast Airport Boardroom, Level 1, Airport Central, 1 Eastern Avenue, Bilinga.
 - 22 Mar 2012 - Local Traffic Committee Meeting - Mt Warning Room, Murwillumbah Civic Centre.
-

INVITATIONS:

Attended by the Mayor

- 11 Mar 2012 - Allphones NSW Surf Lifesaving Championships Kingscliff 2012 - Cudgen Headland SLSC, Marine Parade, Kingscliff.
 - 16 Mar 2012 - Men's Shed Donation - Murwillumbah Men's Shed, Brae Park Water Treatment Facility, Sylvan St, Brae Park.
 - 18 Mar 2012 - Banora Point Upgrade Community Site Inspection - Site Office, Darlington Drive, Banora Point.
-

- 18 Mar 2012 - Official Launch of Seniors Week 2012 in Tweed Shire - Noble Lakeside Park, Monarch Drive, Kingscliff (also attended by Cr Warren Polglase).
- 21 Mar 2012 - Twin Town Friends Association Rock 'n Roll Dancing Exhibition - Tweed Civic Centre, Brett St, Tweed Heads (Cr Holdom also attended).
- 22 Mar 2012 - Seniors Week Luncheon - Lindisfarne Grammar Anglican School, Mahers Lane, Terranora.
- 23 Mar 2012 - 2012 Rising Stars Scholarship Presentation - Gold Coast Campus, Southern Cross Drive, Bilinga.
- 23 Mar 2012 - Tweed River Art Gallery (TRAG) Exhibition Opening, Tour de Force - TRAG, Mistral Road, Murwillumbah.
- 25 Mar 2012 - Seniors Week Closing Ceremony - Mountain View Retirement Village, Ingram Place Murwillumbah.
- 26 Mar 2012 - Pottsville Community Pre-school Morning Tea - Pottsville Community Pre-school, 35 Coast Road, Pottsville.
- 28 Mar 2012 - Bilambil Plastic Bag Free Launch - Bilambil Store, cnr Bilambil & Carool Rd.
- 28 Mar 2012 - TAFE Awards of Excellence 2011, Kingscliff & Murwillumbah Campuses - Twin Towns Services Club, Wharf Street, Tweed Heads.
- 30 Mar 2012 - Uki Public School, A Senior Citizen's Celebration Morning Tea - Uki Public School, Kyogle Road, Uki.
- 30 Mar 2012 - Potato Print Pop Up Launch - Verge, 13 Queen St, Murwillumbah.
- 30 Mar 2012 - Uki Touch Football Club Grand Final Night - Uki Sports Ground, Kyogle Road, Uki.
- 02 Apr 2012 - Roads and Maritime Services, Southbound traffic switch at Banora Point Upgrade - BPUA Site Office, Darlington Drive, Banora Point.
- 02 Apr 2012 - Private Citizenship Ceremony, 2 new citizens - Murwillumbah Civic Centre, Tumbulgum Rd, Murwillumbah.
- 03 Apr 2012 - Uki Residents Association Meeting re Clarrie Hall Dam - Uki Hall (Also attended by Crs Polglase and Skinner).

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

- 14 Mar 2012 - Tweed River Art Gallery (TRAG) Foundation Meeting - Marks Family Library, TRAG, Mistral Rd, Murwillumbah (Warren Polglase attended as Foundation Chairman).
- 15 Mar 2012 - Integrated Planning and Reporting consultation, Far North Coast Weeds / Rous / Richmond - Lismore Workers Club, Keen Street, Lismore (Cr Youngblutt attended).
- 21 Mar 2012 - Tweed / Byron Local Area Command Medals and Awards Presentation Ceremony - Tweed Heads PCYC, Florence Street, Tweed Heads (Cr Youngblutt attended).
- 21 Mar 2012 - NSW Long Term Transport Master Plan, Far North Coast Regional Forum - Lismore City Hall, 1 Bounty St, Lismore (Cr Skinner attended).

Inability to Attend by or on behalf of the Mayor

- 14 Mar 2012 - Caldera Environment Centre, Big Solar Campaign Launch - Imperial Hotel, Main Street, Murwillumbah.
- 30 Mar 2012 - 'Better Boating' cruise on the Tweed River by Healthy Waterways - Tweed Marina, River Terrace, Tweed Heads.

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by Councillor	Topic	Councillors For	Councillors Against	Proposed Workshop Date
14/03/12	Cr K Milne	Christie Walk, a piece of ecocity	Milne Van Lieshout	5 Remaining Councillors	Not proceeding
14/03/12	Cr Skinner	Flooding in Tweed Shire, risks and solutions - prior to the April Council Meeting	Skinner Milne Van Lieshout	4 Remaining Councillors	Not proceeding

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 12-14 Mar '12 - LGSA Tourism Conference - Hosted by Gunnedah Shire Council at Gunnedah Civic Centre (Cr Longland attended).
- 22-24 Mar '12 - 2012 Australian Local Government Women's Association (NSW) Conference - Dubbo Regional Theatre & Convention Centre, Dubbo (Cr van Lieshout attended).

Information on Conferences to be held

- 4-6 Jun 2012 - Shires Association of NSW Annual Conference 2012, 2012 - Sofitel Wentworth Hotel, 61-101 Philip Street, Sydney - *The theme will be 'Keeping the Local in Local Government' with the Conference program focusing on the role councils play in servicing their local communities. It is important to ensure the special needs of individual communities in regional and rural areas are met. The Conference will also discuss issues relevant to the future of NSW Local Government, including the Destination 2036 Action Plan, Constitutional Recognition of Local Government, the Murray-Darling Basin, mining, the NSW Planning Review and moving towards One Association to represent Local Government in NSW.* - Registration \$655 by 27 April plus flights and 2 nights accommodation
Refer:
http://www.lgsa-plus.net.au/resources/documents/draft_ongoing_PROGRAM_05032.pdf
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 9 Mar 2012 - Licence for Construction Purposes - SES Facility - Pottsville.
 - 15 Mar 2012 - Transfer Granting Easement - Licence Agreement over Road Reserve - Kirkwood Road, Tweed Heads South.
 - 16 Mar 2012 - General Manager Contract of Employment - David Keenan.
 - 21 Mar 2012 - Acquisition of Easement - Glencoe Road North Arm.
 - 23 Mar 2012 - Release of Restriction on Use - Seaside City Kingscliff.
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.2.

b. Budget/Long Term Finance Plan:

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

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.2.1 Priority decision making
- 1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan

RECOMMENDATION:

That:-

1. **The Mayoral Minute for the period 04 March to 04 April 2012 be received and noted.**
2. **The attendance of Councillors at nominated Conferences be authorised.**

UNDER SEPARATE COVER:

Nil.

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4 [MM-CM] Mayoral Minute - Delegated Authority to General Manager

SUBMITTED BY: Cr B Longland, Mayor



Civic Leadership

Councillors,

As an outcome of the retirement of the incumbent General Manager, Mike Rayner on Friday 27 April 2012 and the commencement of the appointed General Manager, David Keenan on Monday 30 April 2012, a number of procedural matters need to occur in relation to the position of General Manager.

In relation to the granting of delegated authority to the General Manager, Section 377 of the Local Government Act 1993, general power of the council to delegate, prescribes:

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#) ,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,

- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

As prescribed within this section of the legislation, it is proposed to revoke the delegations granted to General Manager Mike Rayner as at 29 April 2012 and authorise the delegations to General Manager David Keenan effective from 30 April 2012, which are included as an attachment to this minute.

Further, notwithstanding the fact that at the Extraordinary Meeting of Council of 27 February 2012, it was resolved to make an offer of appointment to the position of General Manager, which has been accepted, this appointment should be confirmed in accordance with the relevant section of the Local Government Act 1993.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.2.
Appropriate sections of the Local Government Act 1993.

b. Budget/Long Term Financial Plan:

Suitable allowance has been made in the estimates for the ongoing position of General Manager

c. Legal:

Not Applicable

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

RECOMMENDATION:

That:-

- 1. In accordance with Section 377 of the Local Government Act 1993, the delegations granted by Council to General Manager Mike Rayner be revoked effective 29 April 2012.**
 - 2. In accordance with Section 334 of the Local Government Act 1993, David Keenan be confirmed as General Manager effective from 30 April 2012.**
 - 3. In accordance with Section 377 of the Local Government Act 1993, delegated authority be granted to General Manager David Keenan effective from 30 April 2012.**
-

UNDER SEPARATE COVER:

- 1. Delegated Authority granted to the General Manager (ECM 48521910).**
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ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

5 [GM-CM] Second Round Applications for Financial Assistance 2011/2012 - Donations Policy - Remaining Allocation to Vibe Care Ltd

SUBMITTED BY: Communications and Marketing



Supporting Community Life

SUMMARY OF REPORT:

Through its Donations Policy, Tweed Shire Council recognises a 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.

At the last Council meeting on 20 March 2012, Council allocated \$9875 to eight community organisations in the Second Round Donations for 2011/2012 under the Donations Policy.

Officers were asked to review the capability and services provided by Vibe Care Ltd prior to consideration of the remaining allocation of \$2000. Vibe Care Ltd were reviewed and found to be a suitable and worthy recipient of Council's donation under the Policy.

RECOMMENDATION:

That Council allocates the balance of \$2000 in the Second Round Donations for 2011/2012 under the Donations Policy to Vibe Care Ltd.

REPORT:

Through its Donations Policy, Tweed Shire Council recognises a 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.

At the last Council meeting on 20 March 2012, Council allocated \$9875 to eight community organisations in the Second Round Donations for 2011/2012 under the Donations Policy.

Officers were asked to review the capability and services provided by Vibe Care Ltd prior to consideration of the remaining allocation of \$2000.

On 22 April 2012 a Council officer met with Vibe Care Ltd representatives at its premises in Tweed Heads in relation to its request for Council donation. It was observed that Vibe Care Ltd is providing a much needed low-cost food shopping service and the service appears to be meeting the needs of the disadvantaged target group, particularly pensioners and single parents.

As discussed with the Vibe Care Ltd representatives, they are agreeable for the equipment purchased with Council's funds to be handed over to another similar support service in Tweed Heads such as St Joseph's Youth Service or the Lunch With Friends program for their use should the Vibe Care Ltd discontinue to provide its service to the local community.

Vibe Care Ltd were reviewed and found to be a suitable and worthy recipient of Council's donation under the Policy.

OPTIONS:

Not Applicable.

CONCLUSION:

The balance of \$2000 in the Second Round Donations Policy 2011/2012 be allocated to Vibe Care Ltd.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies Version 1.2.

b. Budget/Long Term Financial Plan:

The amount allocated in the Second Round under the Donations Policy totalled \$9,875. The remaining allocation of \$2000 is available in the 2011/2012 budget donations funding, making a new total allocation of \$11,875.

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:

Nil.

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6 [GM-CM] In Kind Support for Festivals and Events

SUBMITTED BY: Communications and Marketing



Strengthening the Economy

SUMMARY OF REPORT:

In accordance with the Event Strategy 2011-2016 that was adopted by Council in June 2011, both financial assistance through the Festivals and Events Policy adopted by Council in October 2011 and in kind support will be given to events that help Council to meet the objectives of the strategy.

This policy outlines the ways in which Council can assist events with in kind support. In kind support from Council can include: the loan of items, assistance to events held on Council administered land and assistance to events with notifications to residents and promotions.

RECOMMENDATION:

That in accordance with the Event Strategy 2011-2016 in kind support will be given to events that help Council to meet the objectives of the strategy. In kind assistance can include: the loan of items, assistance to events held on Council administered land and assistance to events with notifications to residents and promotions.

REPORT:

In accordance with the Event Strategy 2011-2016 that was adopted by Council in June 2011, both financial assistance through the Festivals and Events Policy adopted in October 2011 and in kind support will be given to events that help Council to meet the objectives of the strategy.

This policy outlines the ways in which Council can assist events with in kind support.

In kind assistance can include:

Loan of items:

1. From Stores and Works such as safety cones, pickets, traffic barriers and other items to assist with traffic management.
2. Provide infrastructure items and equipment from Stores and Works if they are available such as security fencing.
3. Provide storage area for the larger community shared assets such as water barriers, equipment containers.
4. Where possible to deliver and pick up this equipment to where it is required.

Assist Events on Council administered land with:

1. Site preparations such as grass cutting, verge preparations in parks.
2. Safe road surfaces and help with planning courses on roads.
3. Advice on traffic planning to meet the Local Traffic Committee requirements.
4. Advice on producing events in a sustainable and environmentally friendly manner.
5. Contact with the waste wise events program of North East Waste Forum and allocation of additional bins and services in surrounding streets if required.
6. Access to power and water where it is available at minimal cost.
7. Access to public toilets with cleaning and supply of goods.
8. Advice on regulatory requirements for building temporary structures for events, provisions for food operations and licences for selling alcohol.
9. Advice on making events accessible to the community.
10. An Events Toolkit being developed for the Council's website with a range of event management guides, templates and links to assist event planning.
11. Event Workshops for local event organisers to assist with their professional development and provide an opportunity to network with other event organisers.
12. Help with submitting Community Event or Major Event Application Forms.

Assist events with notification to residents and promotion of the event through:

1. Access to put their event on the Council's Calendar of Events with a link to their website and contact details of the event organiser.
2. Discounted advertising rate in Tweed Link to provide notification and details about the event subject to conditions including the Tweed Link Policy.
3. Community display board for posters and leaflets at the Council Contact Centres in Murwillumbah and Tweed Heads.
4. Encouraging liaison with the local tourism authority Destination Tweed.

Acknowledgement of Council's in kind assistance will be the same as that outlined in the Festivals and Events Policy as per the 'Guidelines for Acknowledging Council' on the website.

OPTIONS:

Nil.

CONCLUSION:

It is recommended that Council adopts the In Kind Support for Festivals and Events Policy to establish the fiscal limits of Council's in kind contributions and ensure that this is seen as transparent, fair and equitable to all event organisers.

COUNCIL IMPLICATIONS:

a. Policy:

Festivals and Events Policy.
Events Strategy 2011-2016.

b. Budget/Long Term Financial Plan:

An allocation of \$10,000 has been provided in the 2012-2013 Budget.

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:

- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.2 Attract major events to the Tweed
- 3.1.2.1 Provide assistance and support for potential sports tourism and major events

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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

SUBMITTED BY: Building and Environmental Health



Supporting Community Life



Strengthening the Economy

SUMMARY OF REPORT:

In considering whether to approve the continued operation of markets on Council controlled land from 1 July 2012 for a period of three years it was resolved at the Reserves Trust meeting of 20 March 2012 that the Reserves Trust:

- 1. Offers an extension of time to the current market operators to operate the Kingscliff and Pottsville markets for a three month period.*
- 2. Brings forward a report on the possibility of prioritising locally produced goods and services, arts and crafts and organics.*

This report has been prepared in response for consideration of the Trust and Council.

Council does not directly operate or control the day to day market management and operation, but rather issues approvals to third party groups to perform this function. Market operators are required to conduct the markets in accordance with the relevant approval and the approved market management plan. That adopted plan is required to be prepared in accordance with Council's Market Management Plan Guidelines.

It is proposed that the Market Management Plan Guidelines be amended to include a specific requirement that priority be given to stall holders who sell locally produced goods and services, arts and crafts and organics. This requirement will then be specified in the approved market management plans and included as a condition on the relevant approval.

Background information is provided in this report about general market operation and restrictions which are applied over their operation.

It is further recommended that Council approves the calling of expressions of interest from persons wishing to operate the Kingscliff, Pottsville, Recreation Street Tweed Heads and Knox Park Murwillumbah markets from 1 July 2012 for a three year period.

RECOMMENDATION:

That Council:

- 1. Approves amendment to the Market Management Plan Guidelines to include a specific requirement that priority be given by market operators for participation by stall holders who sell locally produced goods and services, arts and crafts and organics.**
- 2. Offers an extension of time to the current market operators for a further three month period, if necessary.**
- 3. Approves the calling of expressions of interest from persons wishing to operate the Kingscliff, Pottsville, Recreation Street Tweed Heads and Knox Park Murwillumbah markets from 1 July 2012 for a three year period.**

REPORT:

In considering whether to approve the continued operation of markets at Pottsville, Kingscliff, Tweed Heads and Murwillumbah on Council controlled land from 1 July 2012 for a period of three years it was resolved at the meeting of 20 March 2012 that the Reserves Trust:

1. *Offers an extension of time to the current market operators to operate the Kingscliff and Pottsville markets for a three month period.*
2. *Brings forward a report on the possibility of prioritising locally produced goods and services, arts and crafts and organics.*

Council does not directly operate or control the day to day market management and operation, but rather issues approvals to third party groups to perform this function. Restrictions exist under Council Policy Vending of Food on Public Reserves which are imposed on the approved market operator under the relevant approvals. There are strict limitations imposed over the maximum number of food vans or businesses which sell 'conventional food and drink'. Market operators are also required to conduct the markets in accordance with the relevant approval and the approved market management plan. That plan is developed by the market operator and is required to be prepared in accordance with Council's Market Management Plan Guidelines.

In reviewing this matter advice has been sought from the current market approval holders for Pottsville, Kingscliff, Tweed Heads and Knox Park Murwillumbah. Each operator advised that they rarely have reason to reject a stall holder (except for non complying food vans or stall holders who may have previously been disruptive). Pottsville advised that they currently give priority to stall holders selling local produce and goods.

In response to the Reserves Trust resolution and to ensure that priority is given to the respective stall holders it is proposed that the Market Management Plan Guidelines be amended to include a specific requirement that priority be given to stall holders who sell locally produced goods and services, arts and crafts and organics. This requirement will then be specified in the approved market management plans and included as a condition on the relevant approval.

Additional Background Information Regarding Market Approvals and Operation

Restrictions regarding the sale of food have historically been established under Council Policy Vending of Food on Public Reserves Version 1.1. This Policy states:

Vending of Food on Public Reserves

Objective

To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.

Policy

Approval will not be given for the vending of food on Public Reserves, Streets and Roads within the Tweed Council area except in the following circumstances:

1. Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council's "Code for the Vending of Food at Markets and One-Day Events".
2. **Where Council approval has been granted for the conducting of a Market or similar on a regular basis on a reserve only "home made" or "home grown" produce may be sold, provided "home made" products are correctly pre-packaged and labelled and their sale complies with the "Code for the Vending of Food at Markets and One Day Events".**
3. **Where Council approval has been granted for the conducting of market or similar, on a regular basis on a reserve, then approval may be given for the sale of drinks provided there are no nearby retail outlets that may be affected and the sale of drinks complies with the requirements of the "Code for the Vending of Food at Markets and One Day Events".**

Restriction 2 above was intended to allow only the sale of food which is home made or home grown, which effectively excluded more 'commercial' types of food which may be sold from a 'food van' or food business (allowing traditional market products such as jams, preserves, cakes etc). In the past decade several reports were requested by Council about this matter, and Council subsequently permitted the operation of a limited number of food vans which sell 'conventional food and drink' at each of the four markets (four at Kingscliff, Recreation Street Tweed Heads and Knox Park Murwillumbah, and two at Pottsville). This was probably an acknowledgement that market patrons would like to buy a drink or food item in hot conditions and that sale of food often forms a major part of other market operations in the region.

Restriction 3 of the Policy was important in that it demonstrates Council's intention not to impact 'nearby retail outlets' when approving markets. However this requirement was superseded somewhat by Council resolutions to permit the operation of a limited number of food vans or businesses at each market over recent years.

In issuing previous approvals to operate the markets Council has imposed restrictions/conditions on the operators thus:

- No food shall be sold unless such food vendors comply with the NSW Food Authority's Food Handling Guidelines for Temporary Events, any other Council Policy and the NSW Food Act (2003). All food business operators shall maintain current notification with NSW Food Authority and be subject to Council's inspection program and any adopted fee. **Four (4) only approved food vans which sell conventional food and drink are permissible.** All such vendors should be registered with Council.
- The sale of goods shall be in accordance with the definition of "Market" contained in the Tweed Local Environmental Plan 2000.

- The markets are to be conducted in accordance with the approved **Plans of Management**. Updated/amended Plans of Management shall be submitted to Council if required in writing by Council. The location of the market within Council's reserve shall not be modified without the prior written consent of Council.

Importantly, the Market Management Plan Guidelines provided by Council to potential operators includes the following requirements:

The management plan shall ensure the markets are conducted so as:

- To **promote tourism and local goods/produce within Tweed Shire.**
- To **not impact adversely on existing established commercial outlets.**
- To protect local residential amenity.
- To **ensure all markets are conducted in accordance with current legislation and adopted Council policy (particularly regarding restrictions over the sale of food).**
- To minimise traffic conflict.
- To minimise impact on the environment.
- To ensure that appropriate public liability insurances are maintained by market operators.
- **Facilitate day to day operation of markets independently of Council.**

Tweed Local Environmental Plan 2000 (TLEP 2000) defines a market thus:

Market a temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets:

(a) which operates on one day of a week only, and

(b) which does not require the erection of permanent structures.

Council does not directly operate or control the day to day market management and operation, but rather issues approvals to third party groups to perform this function.

It can be seen from the information above that Council has historically imposed restrictions over the sale of food and produce which were intended to promote the sale of local produce and food, as well as 'cause minimum financial impact to nearby retail outlets'. These requirements are imposed via conditions on the approval document and requirements for the operators to address these matters in their adopted approved management plans.

Three of the four current approval holders are community based charitable groups. Once Council has issued an approval Council does not have involvement (other than perhaps as a regulator eg food hygiene or noise complaint) in day to day operations for liability reasons.

Strict enforcement of the above requirements would involve officers attending markets on weekends and performing a strict review of all food, produce and craft on sale. Determining the origin of all food, goods, produce or craft would be difficult and resulting regulatory action potentially time consuming and costly.

It is clear that the nature of public markets have changed over time. At one time they were a relatively small community based gathering where people did have the opportunity to sell smaller items of produce, crafts and brick-a-brac. Markets are now more commercial in nature with regular market stall holders attending multiple markets within several local government areas and selling their wares.

Whilst markets will and do include stall holders selling 'local' craft and food, there will also be marketeers who sell more 'commercial' items which are not produced locally. Ultimately markets are commercially driven to some degree in terms of the types of products offered for sale.

It is apparent from discussions with the current operators that they rarely have reason to reject a stall holder (except for non complying food vans or stall holders who may have previously been disruptive). Pottsville advised that they currently give priority to stall holders selling local produce and goods.

OPTIONS:

The following comments have been provided in previous reports to Council.

Issue No Further Approval for any Markets

Officers Comment

The markets are an attraction to visitors and residents and provide income sources to the operators and numerous stall holders involved.

Council to Operate and Administer the Markets

Officers Comment

It is most likely that additional staffing resources would be necessary to achieve internal management of markets. It is unlikely that income would totally fund this staffing. This is not necessarily a function which Council is seeking to perform and it can be performed adequately by private or community based service organisations.

Call for Expressions of Interest to Operate the Markets

Officers Comment

By opening up market management to competition (through calling expressions of interest), improvements in operation may be achieved as well as increased income to Council through competitive submissions. It is also possible that 'worthy' community organisations could successfully operate the markets, leading to income for those organisations. Three of the markets are currently operated by the Lions Club of Kingscliff, Pottsville Beach Neighbourhood Centre and the Police and Community Youth Clubs NSW.

Approve the Existing Operators with a New Approval

Officers Comment

The existing market managers of the Kingscliff, Pottsville, Knox Park Murwillumbah and Tweed Heads Recreation Ground Markets may seek to have their existing approvals to operate the Markets extended. However, it is appropriate that Council seek, through public expressions of interest, the most appropriate person or group to manage the Markets, rather than simply continuing to renew approvals with the existing managers. It may well be that following this process the existing managers are the successful applicants.

This type of competitive process may result in improvements in terms of payments to Council for use of the respective areas for markets, and also ensuring that the best possible management practices are adopted.

Council could adopt a much more active regulatory approach to markets, however this would have budgetary implications in terms of paying wages for staff to work weekends and perhaps any associated legal costs.

CONCLUSION:

In response to the Reserves Trust resolution and to ensure that priority is given to the respective stall holders it is proposed that the Market Management Plan Guidelines be amended to include a specific requirement that priority be given to stall holders who sell locally produced goods and services, arts and crafts and organics. This requirement will then be specified in the approved market management plans and included as a condition on the relevant approval.

Further, it is recommended that the Council approve the calling of expressions of interest from interested parties to conduct the markets for a three year period.

COUNCIL IMPLICATIONS:

a. Policy:

Vending of Food on Public Reserves Version 1.1

b. Budget/Long Term Financial Plan:

Council could adopt a much more active regulatory approach to markets, however this would have budgetary implications in terms of paying wages for staff to work weekends and perhaps any associated legal costs and is not recommended.

c. Legal:

Time and resources may be required if Council were to adopt a more active regulatory role.

d. Communication/Engagement:

Council has traditionally advertised for expressions of interest from any interested party who wishes to be considered to operate the markets. This is considered an open yet competitive process which identifies the most suitable market operator.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
 - 2.1.6 Provide social, economic and cultural initiatives which enhance access, equity and community well-being

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy
 - 3.1.6.1 Creative economy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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 March 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.	DA10/0411
Description of Development:	Boundary adjustment
Property Address:	Lot 11 DP 1054638 & Lot 12 DP 1054638 No. 51 Palmers Road, Terragon
Date Granted:	22/3/2012
Development Standard to be Varied:	Clause 20(2)(a) - Minimum lot size 40ha
Zoning:	1(a) Rural
Justification:	<p>Application seeks to create a lot within the 1(a) zone of 16.28ha which is below the required 40ha minimum lot size. The variation is greater than 10% (approximately 60% variation).</p> <p>Justification is that the non complying lot increases in size from 5.51 to 16.28ha while the larger lot is reduced from 64.44 to 48.76ha which remains above the 40ha standard.</p> <p>No additional dwelling entitlements are created by the proposal with the smaller lot at present having an entitlement and an approved dwelling (the entitlement will be extinguished as a result of this application however existing use rights will remain for the dwelling).</p>
Extent:	Approx 60% variation from prescribed maximum (16.28ha in 40ha zone)
Authority:	Tweed Shire Council under assumed concurrence

DA No.	DA11/0444
Description of Development:	68 lot subdivision (including 1 open space lot)
Property Address:	Lot 29 DP 1027531 & Lot 30 DP 1027531 Casuarina Way, Casuarina
Date Granted:	22/3/2012
Development Standard to be Varied:	Clause 21A(2)(a) - Minimum lot size 40ha
Zoning:	2(e) Residential Tourist
Justification:	<p>SEPP 1 Objection to the minimum 40ha requirement for land zoned 7(f) Environmental Protection. The eastern portion of the site incorporates a 20m wide strip of land zoned 7(f), which is approx 0.3518ha. No structure will be permitted in the 7(f) zone. Objectives of the standard will still be achieved. Concurrence has been granted.</p>
Extent:	Minimum 40ha is required in 7(f) zone. Approx 0.3518ha is proposed, which is only 0.0088% of the minimum lot size.
Authority:	Director General of the Department of Planning

DA No.	DA11/0619
Description of Development:	Two (2) storey dwelling and tennis court
Property Address:	Lot 166 DP 1099179 No. 54 North Point Avenue, Kingscliff
Date Granted:	2/3/2012
Development Standard to be Varied:	Clause 16 of TLEP and Clause 32B of NCREP
Zoning:	2(e) Residential Tourist
Justification:	<p>Council has received an application to construct a new two storey dwelling & tennis court on the subject property. The property is subject to Clause 34b of the North Coast Regional Plan.</p> <p>The shadow diagram submitted shows that the dwelling casts a shadow on the foreshore at the nominated times of 3pm mid winter and 6.30 pm midsummer. The dwelling is not very large compared to existing beach front dwellings in the street subsequently the shadow cast by the dwelling is has less of an impact on the foreshore that existing approved dwellings.</p> <p>Due to the minor nature of the shadow encroachment into the foreshore area and the minimal impact the shadow will have on the forshore area approval is recommended.</p>
Extent:	The shadow cast by the dwelling encroaches in to the foreshore by approximately 15-20m at 6.30pm mid summer.
Authority:	Tweed Shire Council under assumed concurrence

DA No.	DA12/0030
Description of Development:	Two (2) storey dwelling and in-ground concrete swimming pool in 2 stages
Property Address:	Lot 39 DP 1027531 No. 7 Bozier Court CASUARINA NSW 2487
Date Granted:	26/3/2012
Development Standard to be Varied:	Clause 16 of TLEP and Clause 32B of NCREP
Zoning:	2(e) Residential Tourist, 7(f) Environmental Protection (Coastal Lands)
Justification:	<p>Council has received an application to construct a new two storey dwelling on the subject property. The property is a beach front property in Casuarina and casts a shadow in the foreshore area and is subject to Clause 34b of the North Coast Regional Plan.</p> <p>The shadow diagram submitted shows that the dwelling casts a shadow on the foreshore at the nominated times of 3pm mid winter and 6.30 pm midsummer.</p> <p>The dwelling is predominately single storey with only a second storey master Bedroom located above the family room at the rear of the dwelling. Because of the small scale of the development the submitted shadow diagram shows only a minor encroachment of shadow into the foreshore land at the rear of the property.</p> <p>Notwithstanding this a large two storey dwelling (DA04/01623) exists on the property immediately to the south, No 8 Bozier Court.</p> <p>Because of the size of the dwelling on No 8 Bozier Court, the shadow cast by this dwelling into the fore shore will over shadow any shadow cast by the proposed dwelling on No 7 Bozier Court into the foreshore and approval is recommended.</p>

Extent:	The shadow cast by the dwelling at 6.30pm only extends approximately 4- 5 metres into the 7f zone.
Authority:	Tweed Shire Council under assumed concurrence

DA No.	DA12/0039
Description of Development:	Dwelling and swimming pool
Property Address:	Lot 356 DP 1087716 No. 29 Cylinders Drive, Kingscliff
Date Granted:	21/3/2012
Development Standard to be Varied:	Clause 32B(4)(b) - overshadowing
Zoning:	2(f) Tourism
Justification:	Council has received an application to construct a new two storey dwelling on the subject property. The property is a beach front property in Casuarina and casts a shadow in the foreshore area and therefore subject to Clause 34b of the North Coast Regional Plan.
Extent:	From the shadow plans provided the shadow cast by the dwelling will extend approximately 12 metres into the foreshore at 6.30pm mid summer.
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] Tweed Heads State Emergency Service (SES)

SUBMITTED BY: Building and Environmental Health



Supporting Community Life

SUMMARY OF REPORT:

Investigations have been completed to address the requirements of the Crown Lands Division in seeking the long-term tenure for the State Emergency Service (SES) Tweed Heads Unit. This report provides the results of the investigation and community consultation process and provides recommendations for the future accommodation of the SES.

RECOMMENDATION:

That Council:

- 1. Advises the Crown Lands Division, Department of Primary Industries - Catchment and Lands that a diligent investigation of Council-owned land has revealed no suitable alternative sites exist for the accommodation of the State Emergency Service (SES) Tweed Heads Unit;**
- 2. Advises the Crown Lands Division, Department of Primary Industries - Catchment and Lands of the results of the public consultation process that revealed that the majority of the community sought no alternatives/offsets for the loss of land for public recreation and open space;**
- 3. Commits to conducting further consultation with the Banora Point community to investigate the improvement of local public recreation facilities at Darlington Green and Darlington Drive Parklands; and**
- 4. Requests the Crown Lands Division, Department of Primary Industries - Catchment and Lands to progress the previous request to obtain long term tenure of the State Emergency Service (SES) at Lot 682 DP 41192 Pioneer Parade, Banora Point and seeking in-principle support to extend the current facilities.**

REPORT:

Lot 682 DP 41192 Pioneer Parade, Banora Point, is crown land for the purpose of public recreation and under the management of the Banora Point (R89237) Reserve Trust as notified by Government Gazette on 12 July 1974. The affairs of the Trustee are managed by Tweed Shire Council. The use of the site is shared between the State Emergency Service (SES) Tweed Heads Unit and Tweed Unlimited Arts (TUA). Both the SES and TUA have occupied the site for over 30 years.

The SES Tweed Heads Unit and Richmond Tweed Regional SES have identified an operational need to expand the Unit's existing facilities incorporating a Shire-wide operations/control centre and storage facilities. Under the provisions of the *State Emergency Service Act 1989*, Section 17 requires a council of a local government area to provide (free of charge) suitable training facilities and storage and office accommodation for the SES.

At Council meeting of 15 June 2010, Council resolved to endorse the permanent location of the SES Tweed Heads Unit at Lot 682 DP 41192 Pioneer Parade, Banora Point and to request the (then) Land and Property Management Authority (LPMA) to create an additional purpose for Crown Reserve 89237 for emergency service facilities to ensure the long term tenure of the SES facility.

Following further discussions with LPMA, now Crown Lands Division, Department of Primary Industries - Catchment and Lands, Council resolved the following:

"That Council:

- 1. Seeks a short term licence over Reserve 89237 for the purpose of Site Investigation for a term of 12 months.***
- 2. Undertakes a diligent investigation to determine whether there are suitable sites on Council-owned land in the Shire that might be utilised for SES purposes.***
- 3. Pursues public consultation to show either:***
 - (i) That there is a surplus of open space in the Terranora locality and Reserve 89237 that is not required for public recreation; or***
 - (ii) That Reserve 89237 is required for public recreation but alternatives/offsets proposed by Council for the loss of public recreation space are acceptable to the community; or***
 - (iii) That no alternatives/offsets are sought by the community for the loss of land for public recreation and open space; or***
 - (iv) That the community will not accept alternatives/offsets offered by Council for the loss of open space and alternative sites for the SES facility will be pursued."***

See Attachment 1 for a copy of the report.

The above items have now been addressed.

Item 1

A licence has been entered into and shall expire on 31 May 2012.

Item 2

A diligent investigation has been undertaken. Following discussions with the SES to identify the criteria for suitable site selection a search of Council-owned land within the Tweed Heads area was undertaken. The criteria for a site included a minimum allotment size of 5000m², flood-free, compatible zoning and land use activities, and maximum flood-free access to flood affected areas of Tweed Heads and the surrounding areas. The investigation revealed one potentially suitable site. (See **Attachment 2**)

Lot 10 DP719752 is a 6158m² allotment of community land currently forming the southern triangular portion of Ducat Street Park adjoining the Pacific Highway corridor to the west. The adjoining parcel to the east, is zoned 2(a) Low Density Residential, and is in private ownership utilised for commercial activities, being the car wash facilities. It provides good access to the Shire's main network corridor via the Kennedy Drive on and off ramps. The site is zoned 6(a) Open Space and the Plan of Management for the site does not preclude the siting of emergency service facilities.

Flood modelling of the area revealed however that access to the site would be impacted therefore further discussions with the SES Tweed Local Controller were conducted. It was revealed that the Kennedy Drive underpass at the roundabouts was significantly flood impacted (2-3m) during the 2005 flood event therefore precluding the site from being deemed suitable.

Item 3

To assist in fulfilling the requirements of Item 3 a month long community consultation process was developed and a community survey conducted to gather public opinion. The survey, information supporting the survey and the operations of the SES was disseminated through Council's website, at the Shire libraries of Murwillumbah, Tweed Heads and Kingscliff, at Council offices of Murwillumbah and Tweed Heads and through the Tweed LINK. A copy of the survey and supporting information is as attached (See **Attachment 3**).

An open day was conducted at the SES Tweed Heads Unit on Sunday 26 February 2012 between 10am and 2pm. Invitations to the Open Day were also specifically forwarded to surrounding residents and the Banora Point & Districts Residents Association. Shopping centre information stands were setup and supported by Council and SES staff, also on Sunday 26 February, at Banora Point Shopping Centre between 11:30am to 12:30pm and Flame Tree Park at 12:45pm to 1:30pm. Information stands were again setup on Wednesday 7 March 2012 at Tweed Mall between 10am and 12pm and Club Banora between 12:15pm and 1:30pm.

It was considered a further community meeting be held with residents potentially directly affected by the operations of the SES at the site. This was undertaken on Thursday 29 March 2012 commencing at 7pm and was attended by over 35 local residents representing over 17 of the 46 households invited.

The Survey

174 were completed. The survey results are attached. (See **Attachment 4**) 79.9% of the responses resided permanently in the postcode of 2486, that being north to Cobaki, west to Carool, east to Banora Point and south to Terranora.

97.1% of the respondents felt they understood the role of the SES with 82.8% indicating they were aware the land the SES were currently located on was land set aside for public recreation. 69.2% supported the SES in staying at the current location forming the view that the site was convenient and central for the operations of the SES, flood-free with good access to major road networks. 29.1% did not support the SES remaining on the site most of the opinion the site was too small, an unsuitable use for a residential area, held concerns for vehicular congestion along Pioneer Parade, and that the site should remain as a site for public recreation.

When asked if the site should be enhanced to provide public recreational facilities, should the SES be allowed to remain, 61.5% believed it was not necessary with 24.7% supporting the idea, 13.8% remained unsure. However 42.5% believed it necessary for other similar sites to be provided with better facilities, 36.2% did not and 21.3% remaining unsure.

51.7% of the responses believed Banora Point public open spaces were adequate for recreational purposes, 31.6% did not, with 16.7% unsure.

The survey also had provision for further comment from respondents. Comments received included:

- Recommending alternative site locations and amalgamation of emergency service organisations
- Objecting to any tree removal on the site
- Inadequate street parking during SES response operations to an emergency event
- Speeding vehicles and community safety
- Inadequate information provided with the survey
- Site considered too small and has no room for future expansion
- Traffic congestion is also an issue caused by the activities of the Tweed Unlimited Arts on open days and weekends.
- Provide a second access point

The Community Meeting

Those residents that were identified as being potentially directly impacted on by the operations of the SES on the site were invited to the community meeting. More than 35 residents attended the meeting, representing 17 of the 46 households identified.

The majority of the attendees held concerns for the operations of the SES on-site and reflected the concerns raised through the survey.

- Operations unsuitable for a residential area,
- Access & traffic congestion along Pioneer Parade during emergency events,
- Loss of local open space with no other available open space within the vicinity,
- Loss of on-site vegetation due to any further expansion, and

- Security and traffic safety.

Some residents indicated support for the on-going operations of the SES stating they tolerated the short-term inconvenience because of the valuable work the SES were doing for the community.

Other Responses

Council has received a petition signed by occupants of 10 of the local residences, 8 of which were represented at the Community Meeting. The petition did not support the presence of the SES at the site raising concerns for loss of local open space and traffic congestion.

The Banora Point & Districts Residents Association Inc. has also submitted an unsigned letter from the Secretary advising of the concerns expressed by their members due to the unsuitability of the site for SES operations within a residential area and traffic congestion along Pioneer Parade during emergency events thereby urging the Council to find a more suitable location elsewhere. The Association also raised concerns for the community consultation process by way of the questionnaire stating that they felt the questions "are very subjective and the public could be misled by their meaning".

The Tweed Unlimited Arts have however supported the continuing occupation of the SES on the site. The Arts community have highlighted their good working relationship with the Tweed Heads SES Unit and the co-operative relationship they have during emergency events. During such an event the Arts group offer their facilities for SES use. They have expressed their belief that the presence of the SES also provides security for the site and its facilities.

Potential Actions and Site Design Considerations

Prior to the community consultation process neither Council staff nor the SES members of the Tweed Heads Unit were aware of the strong concerns raised by the local community, Council not having held any records reflecting the matters raised. However the SES has been working to alleviate concerns raised regarding its operations.

1. Street congestion during an emergency event can be alleviated with the relocation of "out-of-area" assistance during significant events, such as the Australia Day Flood event, to a pre-arranged marshalling area that would accommodate larger vehicles and additional personal. The SES has already commenced negotiations with a number of potential land owners.
2. Street congestion and noise impacts from sand-bagging operations will also be undertaken off-site with the implementation of mobile temporary operations in strategic locations where residents in need of sand bags can obtain sand bags locally to protect their properties.
3. On-site design consideration with the extension of the existing facilities to incorporate the provision of more on-site parking for both the SES and TUA and improving current parking areas.
4. Traffic along Pioneer Parade will also be decreased with the reintroduction of a second access to the site off Kiora Street.

Local Open Space

Lochlomond Drive Drainage Reserve is a Tweed Shire Council Park located 280m to the west of the subject site. Public infrastructure at the site lists park seating. From the subject site the Park is accessible via Kiora Street and Birnam Avenue. (See **Attachment 5**)

Banora Green Darlington Drive and adjoining Darlington Drive Parks are directly north of Lochlomond Drive Drainage Reserve across from Darlington Drive. Public infrastructure at the site lists public toilets/showers, football posts and basketball hoops, park seating and bubblers. (See **Attachment 5**)

The Parks incorporate wetland areas and bird habitat, rainforest pockets, large flat playing areas and easy access.

Potential for any further enhancement of the site would need to be investigated.

Alternatives

Only one alternative exist to the current proposal to seek long term tenure for the SES. This would be to further investigate the purchase of a new site.

As a guide preliminary enquiries with the Lismore City Council revealed that construction costs for a similar facility recently completed for the SES with a comparable membership would cost approximately \$1.7 in 2012. The cost of purchase of land would be in addition to this figure and would need to meet the criteria set by the SES.

Conclusion

In developing the strategic direction for the Tweed Shire SES facilities extensive consultation was undertaken with the local and regional units of the SES. The SES strongly supports the current location for the Tweed Heads Unit.

Following consultation with the Tweed Shire community and more specifically the local community surrounding the current facilities it is evident whilst the majority of the community supports the current location there remains some strong opposition locally.

It is considered that improved on-site car-parking and provision of a second vehicular access to the site will alleviate traffic congestion and safety issues along Pioneer Parade, in addition to the SES's intention to better manage emergency events to ensure response operations are located off-site.

Further consideration can also be given at the design stage, for any future development, to ensure the site does not provide local traffic the ability for vehicular access through the site.

In addition the majority of the community considered that public recreation alternatives exist within the local area and therefore no alternative/offsets have been sought however a significantly minority have indicated the need for better facilities. Therefore further consultation with the community could be undertaken to further explore their needs.

OPTIONS:

1. Advise the Crown Lands Division that Council has completed the requested investigations and community consultation and Council now seeks to progress the previous request to obtain long term tenure of the SES at its current location seeking in-principle support to the request to also extend the current facilities.
2. Seek an interim licence for the SES Tweed Heads Unit to occupy the land whilst Council investigates and relocates the SES Tweed Heads Unit.

CONCLUSION:

A thorough investigation of the issues raised by Crown Lands Division has been undertaken. Full community support for the existing arrangements has not been forthcoming. However it is considered with the SES addressing operational needs for significant events in view of local community concerns and the addition of further design modifications to be incorporated into any further development proposal for the site many of the issues raised can be alleviated.

Currently only \$70 000 is allocated to the future development of the site.

In view of the financial implications and the ability to alleviate local concerns the preferred option is Option 1.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
State Emergency Services Act 1989.

b. Budget/Long Term Financial Plan:

Option 1 - \$0.5M.
Option 2 - \$1.1M - \$2.5M.

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
- 2.1.4 Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Council Report of 17 May 2011(ECM 48481035).
 2. Aerial Photograph (ECM 48481051).
 3. Survey and Supporting Information (ECM 48481052).
 4. Survey Results (ECM 48481053).
 5. Local Community Land Photographs (ECM 48481054).
-

10 [PR-CM] Planning Proposal PP11/0004 Draft Local Environmental Plan Amendment No. 96 Tweed City Shopping Centre

SUBMITTED BY: Planning Reforms

FILE REFERENCE: PP11/0004 Pt1



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting of 13 December 2011 resolved to proceed with a planning proposal for Tweed City Shopping Centre, with the conditional requirement for a prior execution of a costs and expenses agreement which has since been satisfied.

A contract for services was also entered into with Council's consultant, Parsons Brinkerhoff Australia, to assist in preparing a planning proposal, which is well underway.

Since then the proponent has purchased an additional adjoining property and wishes to include it within the planning proposal.

This report concludes that incorporation of the new property acquisition will further assist in the zoning rationalisation of the local area and lead to a more coordinated re-development of the area.

RECOMMENDATION:

That Council endorse Lot 5 in DP 830973, No. 24A Kirkwood Road, Tweed Heads South, to be incorporated into the current planning proposal PP11/0004, Draft Tweed Local Environmental Plan 2000 Amendment No. 96, subject to the prior written landowners consent of that property being provided.

REPORT:

Council at its meeting of 13 December 2011 resolved to proceed with a planning proposal for Tweed City Shopping Centre. The conditional requirement for a prior execution of a costs and expenses agreement was satisfied with execution occurring on 12 December 2011.

A contract for services with Parsons Brinkerhoff Australia was entered into on 20 February 2012 for professional services to assist in the preparation of the planning proposal, which is now well underway.

The proponent subsequently advised on 19 March 2012 that they had acquired a further property (refer illustration below), also zoned 2(b) Medium Density Residential and requests a reclassification to enable the rezoning to 3(b) General Business zones consistent with and to enable the coordinated expansion of the shopping centre.

The 'new' property, being Lot 5 in DP 830793 is a battle-axe property with a frontage of about 4.3m to Kirkwood Road, located on the north-eastern corner of the shopping centre site. The property supports a single-dwelling house with access off an adjoining private driveway, which also services the adjoining medium-density residential developments.



Figure 1 – Aerial photograph showing Lot 5 in DP 830793

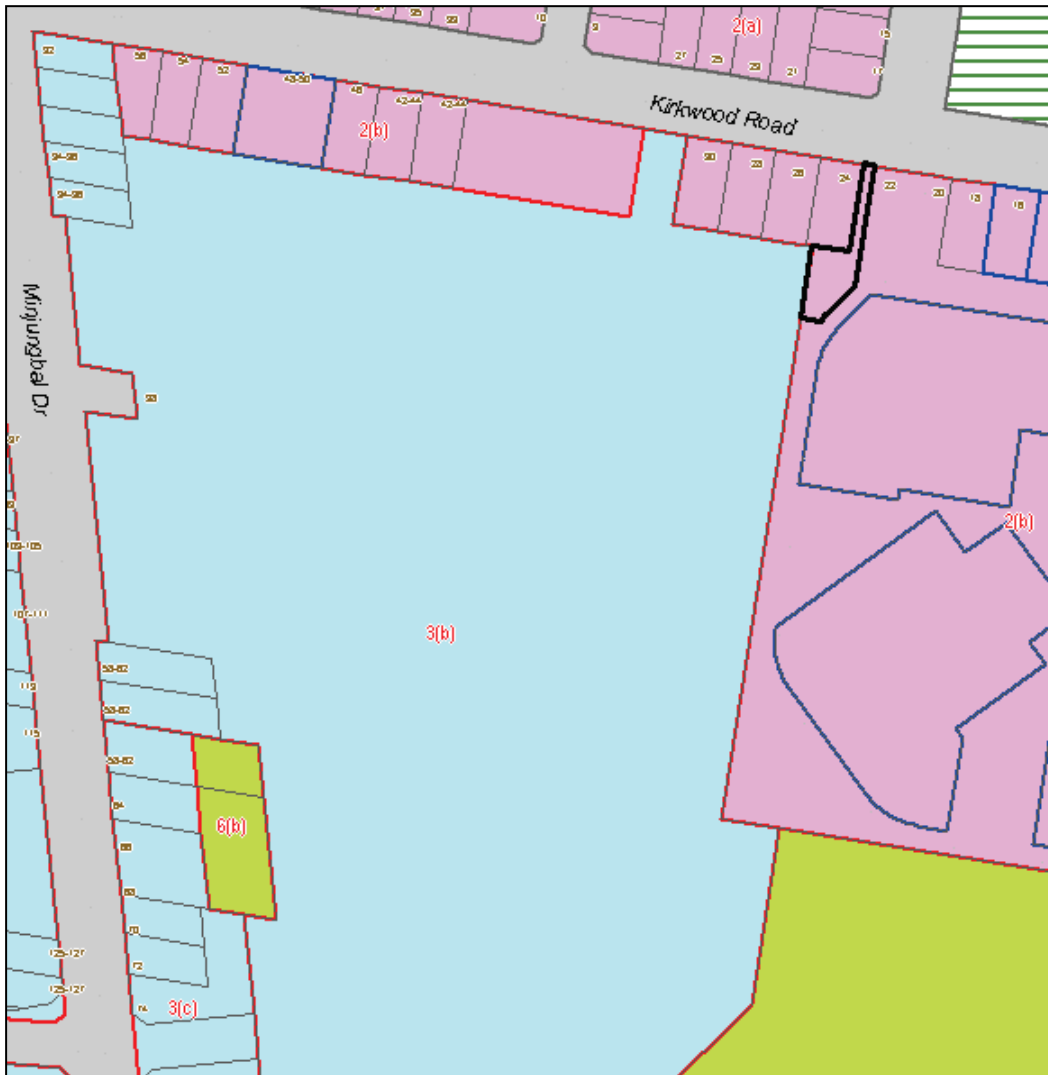
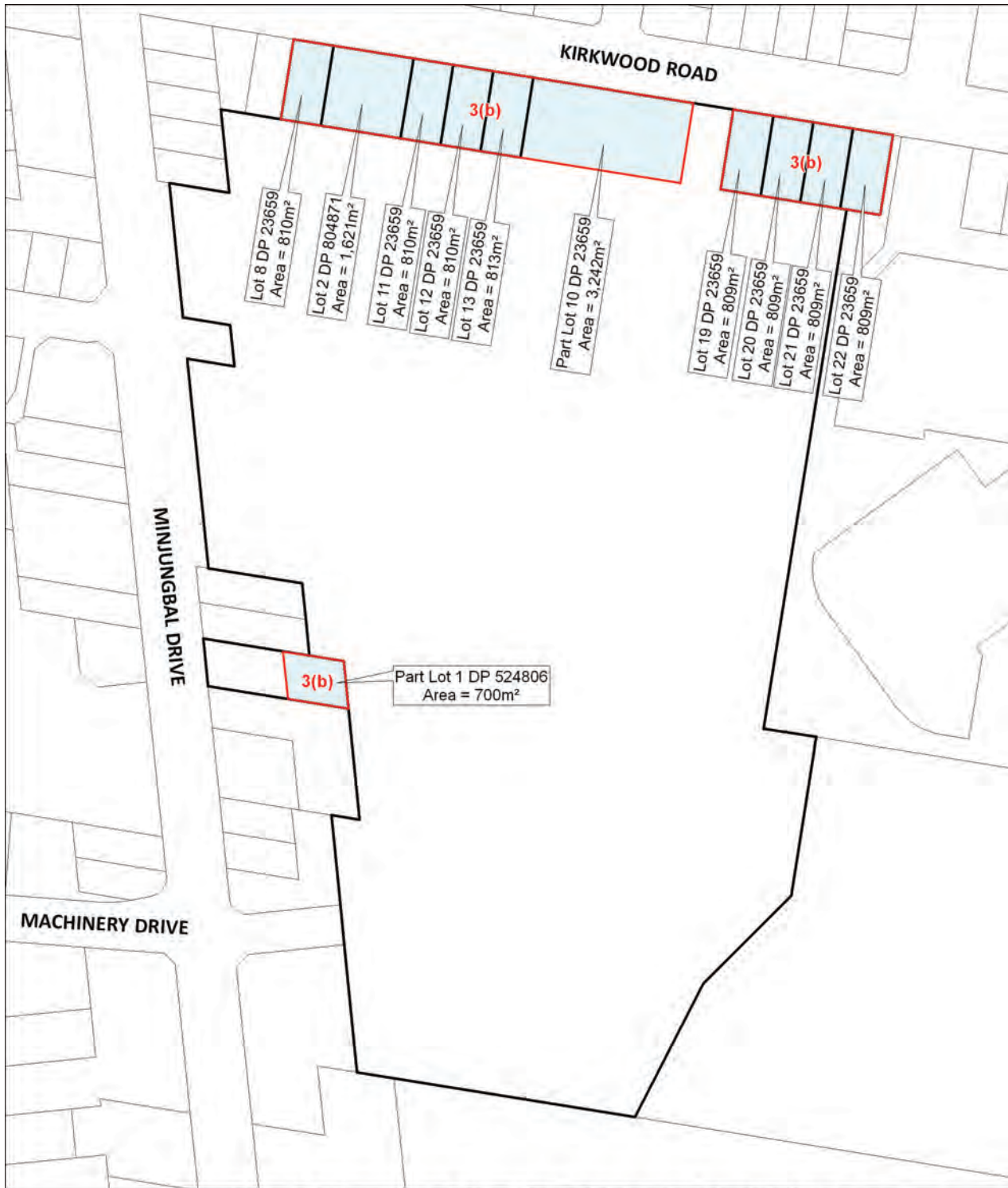


Figure 2 – location and zoning of Lot 5 in DP 830973.



Tweed Local Environmental Plan 2000 - PROPOSED AMENDMENT Figure 5

Planning Proposal PP11/0004 -- Stage 1 - Tweed City Shopping Centre

No.24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659)

No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No.62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

Affected Properties

3(b) General Business

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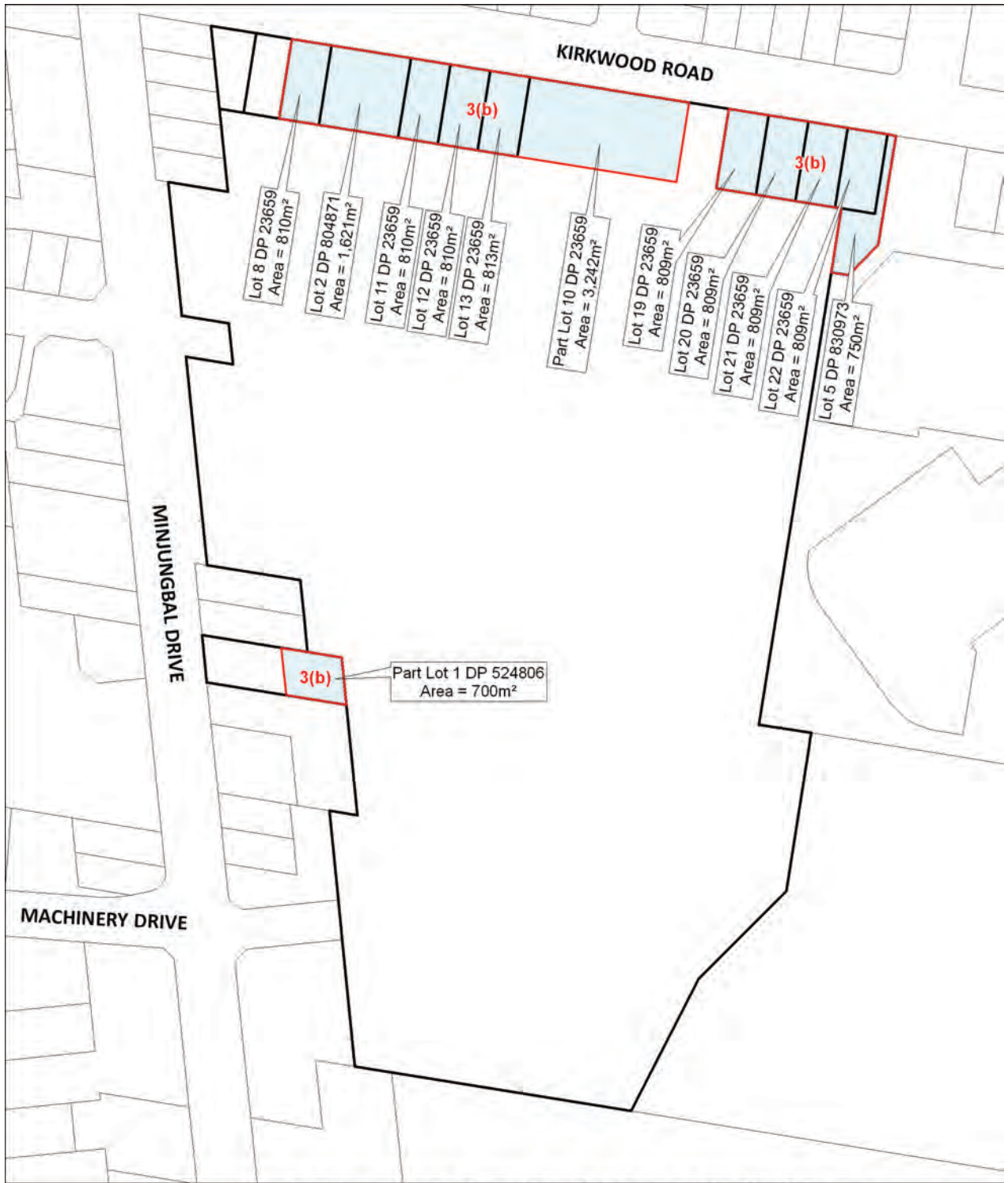
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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1954
Map (left of Australia, Zone 5)

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Figure 3 – Properties already in the planning proposal to be rezoned 3(b) General Business.



Tweed Local Environmental Plan 2000 - PROPOSED AMENDMENT Figure 5

Planning Proposal PP11/0004 -- Stage 1 - Tweed City Shopping Centre
 No.24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659)
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Affected Properties 3(b) General Business

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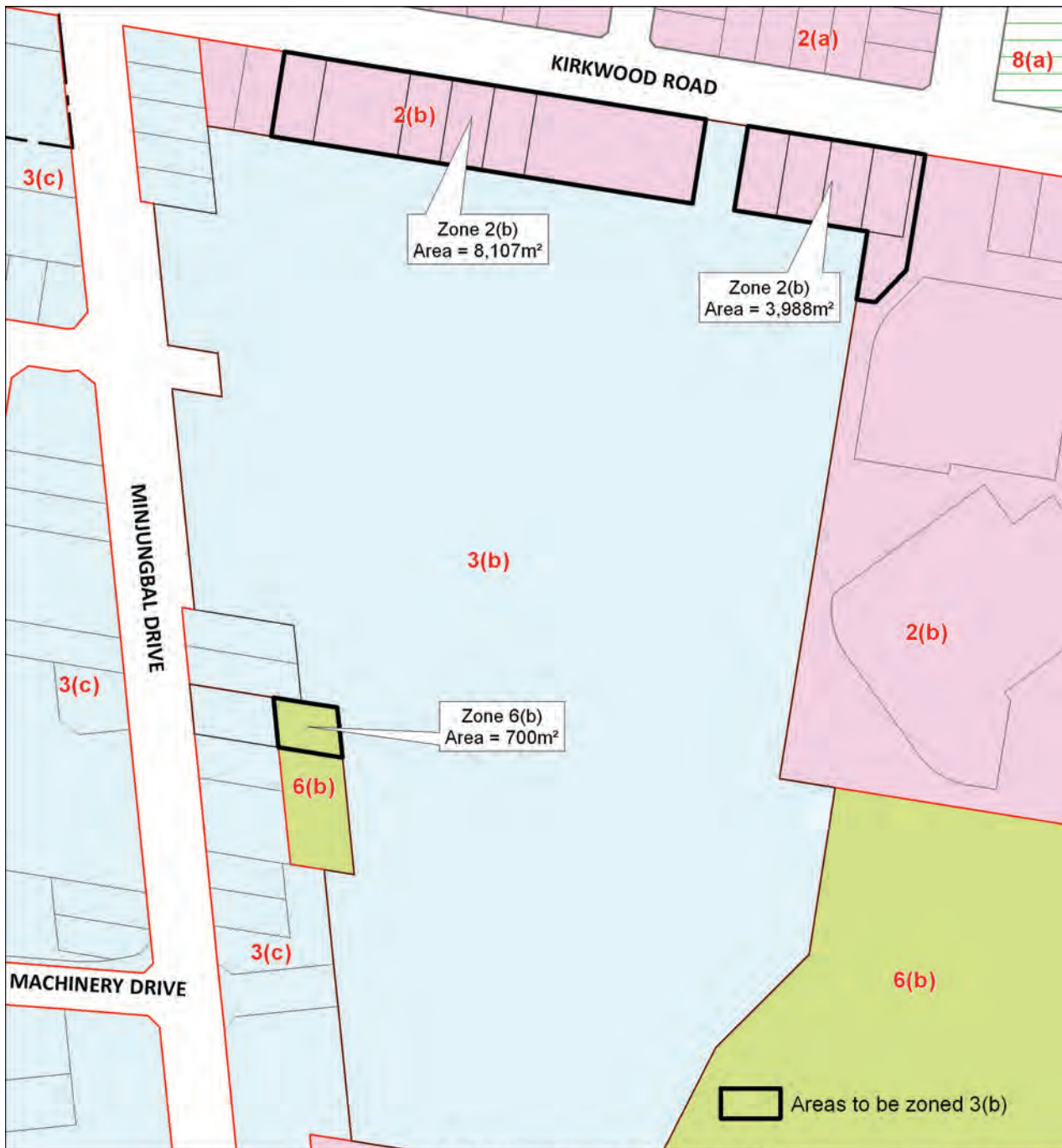
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 Horizontal Datum: Geocentric Datum of Australia 1984
 (see Map Grid of Australia, Zone 5)

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Figure 4 – Amended plan showing all properties to be rezoned under the amended planning proposal.



Tweed Local Environmental Plan 2000

Figure 3

Planning Proposal PP11/0004 -- Stage 1 - Tweed City Shopping Centre
 No.24-52 Kirkwood Road, Tweed Heads South (Lots 11-13 DP 23659, Lot 2 DP 804871, Lot 8 DP 23659, Lots 19-22 DP 23659)
 No.38 Minjungbal Drive, Tweed Heads South (Lot 6 DP 1119624) and No.62 Minjungbal Drive, Tweed Heads South (Lot 1 DP 524806)

ZONING	RESIDENTIAL	BUSINESS	INDUSTRIAL	ENVIRONMENTAL PROTECTION	NATIONAL PARKS & NATURE RESERVES
RURAL	2(a) Low Density Residential	3(a) Sub-Regional Business	4(a) Industrial	7(a) Environmental Protection (Wetlands and Littoral Rainforest)	8(a) National Parks and Nature Reserves
1(a) Rural living	2(b) Medium Density Residential	3(b) General Business	SPECIAL USES	7(d) Environmental Protection (Coastal Lands)	DEFER
1(b) Agricultural Protection	2(c) Tourism	3(c) Commerce & Trade	5(a) Special Uses	7(f) Environmental Protection (Coastal Lands)	defer
1(b2) Agricultural Protection	2(c) Urban Expansion	3(d) Waterfront Enterprise	OPEN SPACE	7(j) Environmental Protection (Habitat)	
	2(d) Village	3(e) Special Tourist (Jack Evans Boat Harbour)	6(a) Open Space		
	2(e) Residential Tourist		6(b) Recreation		
ADDITIONAL CONTROLS					
Clause 37 (Transmission Line Corridor)	Clause 41 (Heritage Conservation Area)	Clause 52 (Minimum Lot Sizes)	Clause 53 (Schedule 3 Item)		
Clause 38 (Future Roads)	Clause 52 (Existing and Future Dam Areas)	Clause 52 (Stormwater and Fill)	Clause 52 (Pottsville)		

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 Map (part of Australia, Zone 56)

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TWEED SHIRE COUNCIL

Figure 5 – Current LEP 2000 zoning map showing all properties in the planning proposal.

OPTIONS:

- A. Proceed with the planning proposal as it currently stands, not recommended.
- B. Include Lot 5 in DP 830973 in the planning proposal as it further rationalises the zoning in the area and will assist in with the redevelopment expansion of the shopping centre and is recommended.

CONCLUSION:

The incorporation of Lot 5 in DP 830973 further assists with the rationalisation of urban zonings in this area and provides a logical planning outcome.

Redevelopment and expansion of the existing shopping centre will increase access to a broader range of services, employment opportunities, and will further reinforce the area as the Tweed's principal commercial retail precinct.

In the long-term the expansion of the centre will likely lead to a reduction in car travel as Tweed resident's will be able to more readily service their retail needs from within the Shire, avoiding the need to travel further afield to places like Robina Town Centre, Pacifica Fair and the like. This is considered to be a sound sustainable, social and environmental outcome.

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
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community
- 1.5.3.1 Effective updating of Tweed LEP

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil

11 [PR-CM] Planning Proposal PP10/0001 - Lot 10 DP 1084319 "Boyds Bay Garden World Site", Tweed Heads West

SUBMITTED BY: Planning Reforms

FILE REFERENCE: PP10/0001 Pt3



Civic Leadership



Strengthening the Economy

SUMMARY OF REPORT:

This report seeks Council endorsement for an amendment to draft clause 53G under Tweed LEP 2000 as reported to Council on 20 September 2011.

The proponent for the planning proposal has requested that Council allow a gross floor space area of bulky goods retail development considerably higher (19,416m²) than that endorsed at the September Council meeting (a maximum of 10,00m²), arguing that employment generating development based around trade and industry is not a viable use for the site.

In September 2011 Council resolved to include a new clause 53G in the Tweed LEP 2000 which made specific provision limiting the gross floor area (GFA) of bulky goods retail development to 10,000 square metres.

Due to the relatively isolated location of the site, physical limitations to development, relative small size and controls to be imposed under a development control plan to be developed for the site, it is proposed that Council support an amendment to draft clause 53G which provides greater flexibility in determining the landuse composition of the site.

This report supports the proponent's request for providing a more contemporary commercial retail development aimed at providing more of a retail shopping destination, attracting both new business opportunities and customers into the Tweed.

By way of update to Council's resolution, also of September 2011, to place the planning proposal on public exhibition conditional upon receipt of Roads and Maritime Services (Formerly Roads and Traffic Authority) concurrence with the proposal and potential traffic impacts; Council is advised that due to the change in concept plan for the site and subsequent changes in trip generation rates from the site, the concurrence of RMS has not been received.

While it is anticipated that traffic matters will be resolved in the near future, should the matter remain unresolved a separate report will be presented to Council and the referral of the planning proposal to the Minister's 'Gateway Determination' system will be deferred.

RECOMMENDATION:

That Council in respect of Planning Proposal PP10/0001 – Lot 10 DP 1084319 “Boyds Bay Garden World site” Tweed Heads West approves an amendment to Draft Clause 53G in Tweed Local Environmental Plan 2000 (TLEP 2000) Amendment No. 93, as provided as Attachment 2 to this report.

REPORT:

This report seeks to amend the provisions of draft clause 53G under the Tweed LEP 2000 Amendment No.93 - 'Boyds Bay Business Park' in order to provide greater flexibility in the composition of landuses permissible on the site, and provide an update on traffic related matters.

On 20 September 2012 Council resolved that:

- "1. Council endorses the public exhibition of Planning Proposal (PP10/0001) for a change of land-use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G, at Lot 10 DP 1084319 Parkes Drive Tweed Heads West in accordance with point No.2 of this recommendation, subject to Council officers receiving prior advice from the NSW Roads and Traffic Authority and Council's Heritage Consultant in support of the Draft LEP Amendment described in this report;
2. Draft Tweed Local Environmental Plan 2000 – Amendment No. 93 – Boyds Bay Garden World Site, (Planning Proposal PP10/0001) for a change of land use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of the revised Clause 53G at Lot 10 DP 1084319 Parkes Drive Tweed Heads West be publicly exhibited for a minimum period of 28 days, in accordance with the Gateway Determination dated 6 September 2010 and clause 57 of the Environmental Planning and Assessment Act 1979; and,
3. Following public exhibition any public submission received in respect of the Draft Amendment No.93 is to be reported to Council along with any proposed amendments."

Traffic matters outstanding

While matters relating to the requirements of Council's Heritage Consultant have been adequately addressed, the proponent, at the time of writing this report, had not received endorsement of the proposal and associated traffic simulation study from Roads and Maritime Services (RMS), formerly the RTA.

Delays in finalising the traffic impact study have resulted from a request from the proponent, received on 7 March 2012 to vary the landuse composition from a broad mix of light industrial, commerce and bulky goods retail, to one which is predominantly bulky goods retail. The change in concept landuse is reflected in the changes to the trip generation rates presented in Figure 1 below. This data is being reviewed, along with other documentation, by the RMS.

Traffic generation rates for various landuses vary significantly, with retail generating substantially more traffic movements than commercial or industrial landuses. The change in landuse composition and therefore traffic generation rates needs to be fully addressed to ensure that appropriate road and intersection improvements are capable of handling the increased traffic flows. This is particularly important in this location due to its proximity to the Tugun Bypass, Kennedy Dive, and other potential development sites.

Council has previously endorsed the Draft LEP Amendment No. 93 being placed on public exhibition conditional upon receiving prior advice from the RMS in support of the concept and its likely demand however, at this stage the traffic impact modelling is still being worked through and is yet to be finalised and signed of by the Traffic Authority (RMS).

Figure 1: Extract from revised traffic generation rates for the proposed landuse composition on the site.

Land Use	Gross Floor Area (GFA) m ²	Agreed Traffic Generation Rate /100m ² GFA	Traffic Generation (trips /hr)	Total Trips (trips/hr)
Initial Land Use Composition				
Business Park	26,700	1.1	293.7	763 trips/hr
Bulk Goods	13,480	3.48	469	
Revised Land Use Composition				
Business Park	6,584	1.1	72.4	748 trips/hr
Bulk Goods	19,416	3.48	675.7	

Need for amendment of site specific LEP clause 53G

The proponent is seeking support for development of the site with a substantially increased component of bulky goods retail and therefore moving away from reliance on the Tweed Urban and Employment Land Release Strategy 2009 (TUELRS) for their strategic land-use justification, because it is more concerned and focused on a predominate land-use type being industry and commerce, not commercial retail.

A copy of the proponent’s amended request is provided as Attachment 1.

The kind of development now proposed is likened to the established Ferry Road Markets at Southport. Given its size of about 51,000 square metres and its location the site is targeted and designed as more of a ‘destination’ providing a range of uses that is likely to include cafes or restaurants associated with useable public open space. Whilst this is not currently depicted with any certainty in their concept plan discussion with the proponent has been on the understanding that a detailed site master-plan will need to be prepared for the DCP. It is generally accepted that the role of the current concept plan is test the upper threshold limits of development capability rather than providing a schematic concept of what will actually occur and be approved through the DCP and development application stage.

While the TUELRS acknowledges the need for diversification of landuses and employment opportunities in the delivery of employment land which could include industrial, business park and commercial/professional services styled developments, retail development, as mentioned above, was not, as stated in the Strategy, to the predominant land-use.

Notwithstanding the apparent inconsistency with Council’s Strategy, the Planning Proposal submitted to the Department of Planning and Infrastructure received a Gateway Determination supportive of a rezoning to 3(c) Commerce and Trade zone under the Tweed LEP 2000, in which the primary objective is:

“to provide for commercial, bulky goods retailing, light industrial and trade activities which do not jeopardise the viability or function of the sub-regional or business centres.”

In 2009, the TUELRs presented outcomes predicated upon the very best information at the time; however, Council is now privy to more detailed economic demand analysis provided by the proponent which suggests that the Tweed is currently experiencing an undersupply of bulky goods retail floor space which is anticipated to increase over the next 10 years.

While the site remains suitable for employment generating purposes, it is proposed that the composition of landuses possible on the site be varied to better reflect current market responsive economic drivers. It will also provide for new employment opportunities.

Apart from any specific reference to this site, the ability to be flexible in the composition of landuses on employment generating lands is seen as an important component of future strategic planning of the Tweed. The creation of a B7 Business Park zoning (under the Standard Instrument template), an improved translation to the current 3(c) Commerce and Trade zone is a format currently not available in the Tweed, but one which is seen as important for creating more employment generating opportunities and contemporary employment generating destinations.

Draft clause 53G ‘Boyd’s Bay Business Park’ was developed to provide Council with both certainty about the composition of development on the site, compatibility with adjoining and other employment generating developments in the Tweed, yet permit greater flexibility to meet prevailing market demands and trends.

While the proposed composition of the site has now changed significantly, the employment generating potential of the site has been retained if not improved, and given the small scale of the site in comparison to the established centres of Tweed Heads and Tweed Heads South the proposed use of the site will not likely to be significant or widespread. This can be further controlled through appropriate provisions in the DCP.

The Key Change Sought by the Proponent

Draft clause 53G as previously reported to Council made specific reference in one of the provisions to limit the gross floor area (GFA) of bulky goods retail development to 10,000m², with the additional requirement that the minimum area of any individual premises not being less than 2500m².

The proponent’s have since advised that their further economic and market evaluation of the site to sustain development of retail operations of the scale proposed in the Draft clause 53G would not be economically viable nor would the resultant development suit the current business demands. A request was made to increase the floor space of the commercial retail component to about 20,000m².

Figure 1 above shows a comparison between the floor space demands already resolved on by Council, and forming the basis of the current proposal, and those now sought as an amendment to the proposal.

In summary, the table shows that the collective floor area of all uses fundamentally the same. The substantial difference lies in the allocation of the space so that the bulky goods component increases from 13,480 to 19,416m² GFA and the business park component reduces from 26,700 to 6,584m² GFA. Looking at the total GFA difference between the two concepts it can be seen that current proposal has a GFA of 40,180m² whereas the amended concept has 26,000m², which is an overall decrease of 14,180m². This is not necessarily observable in the concept plans, most likely because the GFA or 'floor space' has been redistributed from more of a two-storey development to predominantly single-storey. This is not an ideal situation because it limits available land for landscaping, parks and the like, and the applicant will need to show a more balanced approach in preparing a site masterplan for the DCP.

The requested amendment represents a significant shift from a development dominated by a range of land-uses comprising commerce, industry and trade to a development dominated by commercial retail (bulky goods) and office space. This will result in a different building configuration also, as highlighted in the concept plans shown in Figure 2 and Figure 3 below.

Figure 2: Original concept plan based around development of a mixed use dominated by business park land-uses with an ancillary or subservient commercial retail element.



Figure 3: Revised concept plan based around development dominated by commercial retail (bulky goods) with ancillary office space.



In line with the general intention of providing greater flexibility in the planning and development of employment lands within the Shire and specifically in relation to this site and the particular locational constraints affecting the site it is proposed to modify draft clause 53G by removing sub-clause 6 which refers to maximum permissible floor spaces and insert into sub-clause 5 Development Control Plan provisions which require this matter to be dealt with in detail at the Development Control Plan and later the development application stage.

The inclusion of a site specific DCP and concept masterplan in clause 53G provides Council with the opportunity to be flexible in developing a plan for the site which is responsive to market indicators and provides detail relating to a range of considerations which will include the landuse mix.

It is proposed that draft clause 53G be amended by:

1. Amending the aims, and
2. Amending of objectives as they relates to consistency with the TUELRS, and
3. Insert a new subclause making 'shops' permissible in the zone, and
4. Insert requirements for the composition of landuses to be defined under the DCP, and
5. Remove sub-clause 6 as it relates to limitation on retail development.

A copy of the draft Clause as part of the Draft Tweed Local Environmental Plan 2000 (Amendment No 93) is provided as Attachment 2.

OPTIONS:

Options for consideration include:

- a) Endorse the proposed amendments;
- b) Maintain the current draft clause; or
- c) Resolve on an alternative to (a) and (b) above.

CONCLUSION:

The proponent has requested a variation in the proportion of the site covered by bulky goods retail development, presenting draft concept plans showing a gross floor area of about 20,000m².

While an increase in commercial retail (bulky goods) floor space is not entirely consistent with the general focus of the TUELRS the proponents request does not seem unreasonable nor totally out of step with the strategic development of key sites within the Tweed. This is supported in part for this site by it being relatively isolated, having a comparatively small site area for this kind of business park and because appropriate design considerations can be incorporated into the site specific DCP.

This report recommends that Draft clause 53G "Boyds Bay Business Park" in the Draft Tweed LEP 2000 Amendment 93 be amended to provide greater flexibility in the establishment of an appropriate land-use mix that takes into consideration the particular characteristics of the site.

Endorsing the recommendation is an acknowledgment that the proposal is not consistent with and is therefore not fully supported by the Tweed Urban and Employment Lands Strategy. It will also recognise that in prevailing economic conditions and changes in demand for services that the proposed development, as modified, is acceptable.

COUNCIL IMPLICATIONS:

a. Policy:

While this amendment is not wholly consistent with the TUELRs the recommendation of this report stems from a more detailed site specific investigation.

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
- 1.1.1.2 Advancement of the Council wide and Tweed City Centre Draft Local Environmental Plans (LEPs)
- 1.1.1.2.1 Prepare Draft LEPs in accordance with the sustainability objectives of the Environmental Planning and Assessment Act 1979 and other relevant legislation
- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.1.1 Supply of employment lands

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Applicant's submission for variation to land use composition (ECM 48439303).
 - 2. Draft Tweed Local Environmental Plan 2000 (Amendment No 93) (ECM 48439314).
-

12 [PR-CM] Response to a Notice of Motion - Sustainability Development Control Plan

SUBMITTED BY: Planning Reforms



Civic Leadership



Caring for the Environment

SUMMARY OF REPORT:

This report responds to a Notice of Motion brought forward by Councillor Milne that was endorsed by Council at its meeting of 11 October 2011 regarding the development of a Sustainability Development Control Plan for medium to large subdivisions utilising a sustainability assessment tool for subdivisions.

This report also considers the value of a sustainability assessment tool and concludes that there is presently no universal sustainability assessment tool available suitable to the Tweed context. Those tools that have been reviewed have been specifically tailored to suit the conditions within the limited areas of application for which they have been designed.

Developing a tool for the Tweed, while likely to have its benefits in the assessment of subdivisions, would likely be resource intensive and costly, and there are no examples indicating a notable benefit over using traditional controls through a Development Control Plan (DCP) from an assessment perspective.

This report recommends that whilst there are no existing tools appropriate for adoption, the Green Building Council's Community tool, which is still under development, could be more universally used by subdivision developers seeking green star accreditation. Further, there is opportunity when resources become available, to further build upon existing sustainability and urban design principles into Tweed Development Control Plan, Section A5 – Subdivision.

RECOMMENDATION:

That:

- 1. The report to a Notice of Motion - Sustainability Development Control Plan be received and noted.**
- 2. Council supports a review of Development Control Plan (DCP) A5 – Subdivision Manual, be undertaken, as soon as resources permit and to build upon existing sustainability and urban design principles.**

REPORT:

Council at its Meeting of Tuesday 18 October 2011 endorsed a notion of motion brought by Councillor Milne which stated:

"RESOLVED that Council brings forward a report on developing a Sustainability Development Control Plan for medium to large subdivisions utilising a sustainability assessment tool for subdivisions."

This report has been prepared in response to that notice of motion.

Existing Sustainability Tools

There is significant research on rating tools and policy advice currently available with regards to sustainability and the development of communities or more specifically urban release subdivision areas.

As part of the Green Building Councils Communities Green Star Rating Tool initiative, Aurecom Pty Ltd were commissioned to undertake a review of existing assessment and rating tools and assess them against a set of evaluation criteria. The purpose of this review was to determine if the GBCA could utilise an existing tool or suite of tools, or whether it was necessary to create a new rating tool. As part of that research, over 60 existing rating tools were interrogated against a number of principles including: enhanced liveability, economic prosperity, environmental responsibility, design excellence and leadership and governance.

The outcome of this research was that due to the varying contexts and specific set of criteria and indicators specifically developed for each of the 60 organisations, there was no one suitable existing tool (nationally and internationally) that appropriately considers all of the issues within the Green Star National Framework.

As part of the preparation of this Council report, three rating tools were reviewed for relevance or potential adaption for Tweeds context. These tools included:

- Landcoms Precinx Tool;
- Green Building Council's Communities Rating Tool, and
- VicUrbans Sustainable Communities Rating Tool.

Landcoms – Precinx

Released for internal (Landcom) use in 2009, Precinx is a mathematical diagnostic tool that aims to assist developers plan and design sustainable communities by modelling key environmental, economic and social indicators. It comprises six interdependent modules including:

- Onsite energy
- Embodied CO2
- Potable water
- Stormwater
- Housing diversity
- Transport.

These are then fed into four key performance indicators:

- Greenhouse gases (tonnes CO₂/year)
- Potable water (kL H₂O/year)
- Total affordability (\$/week)
- Vehicle hours travelled (hours/week)

Discussions with Landcom have indicated that Precinx is more of a design tool rather than an assessment tool. The tool has been designed to allow the user to test sustainability performance or outcomes by varying or calibrating inputs. The data sets which have been developed for Precinx relate specifically to the Sydney conditions in terms of climatic and infrastructure data.

Despite requests to procure the tool to test within the Tweed context, these requests have been denied due to the incompatibility of the data and mathematical modelling as it specifically applies to the Sydney condition. Notwithstanding this Landcom have extended an invitation for a Tweed Council delegation to visit Landcom offices in Sydney to get a first hand account of how the system operates followed by a site inspection of some of Landcoms more recent subdivision estates.

Despite the tool being calibrated to the Sydney condition, a further interrogation of the tool may reveal that a common set of indicators or sustainable design principles could be derived from the parameter indicators and adapted to the Tweed condition.

Green Building Council – Communities

Set for release mid 2012, Green Star Communities will be a voluntary rating tool which purports to provide best practice benchmarks and third-party verification of the sustainability of community and precinct-wide developments. As such it will largely be aimed at developers and designers seeking to verify sustainability and green credentials of subdivision and community development sites.

The GBC ratings tool will assess in six categories: Liveability; Economic Prosperity; Environmental Responsibility; Design Excellence and Leadership; Governance; and Innovation. Within each category a number of criteria are allocated points. To gain points for a credit, a project team must complete documentation requirements that demonstrate they have met the aims of the credit. The points assigned to each credit are tallied and translated into an overall single Green Star rating.

Without being able to view or operate the final green star communities rating tool, it is difficult to determine its relevance or adaptability for the Tweed context. As such it is recommended that upon the release of the tool, Council further interrogate its content.

If the GBC Communities rating tool becomes as well recognised in the industry as the other existing GBC Green Star Tools, it will be a valuable inclusion as part of a developer's subdivision application to Council or other consent authorities. The inclusion of a green star rating and supporting documentation of the proposed developments performance set against green star rating criteria would in many ways justify or verify compliance with best practice sustainability and design criteria.

Vic Urban Sustainable Communities Rating Tool

The VicUrban Sustainable Communities Rating Tool is an initiative from the 2004 VicUrban Sustainability Charter. As with most other state wide documents the overall aims and intent is broad. It sets out to establish a framework for the design and delivery process to assist with the creation of sustainable residential and mixed use communities. It also provides developers of new communities with a common design assessment framework based on the following five interrelated objectives:

- Community well being
- Housing affordability
- Commercial success
- Urban Design excellence
- Environmental Leadership

The VicUrban Sustainable Community Rating is a voluntary self-assessment framework comprising objectives and assessment tools for the development of new communities primarily at the project planning stage. The framework's performance measures aim to identify best practice for the development of new communities at different stages of a developments evolution.

During the early planning stage, as opportunities, constraints and vision for a community are established; developers can use the assessment tool to create a *Community Goal Setting Report*. The *Community Goal Setting Report or vision report* then provides the basis against which the development is monitored during the following design development and delivery stages. This establishes a 360 degree review process to ensure the original visionary and strategic objectives are translated and embedded throughout the design process (*source: www.sustainablecommunityrating.com*).

Whilst this sustainable communities rating tool is aimed primarily at the designing stages, the comprehensive framework of design principles, objectives and measurable targets could potentially be adopted or reviewed within the context of reforming DCP A5 – Subdivision Manual. This is particularly the case in terms establishing the more qualitative and community based elements of subdivision design to be considered along side of engineering and infrastructure centric objectives.

Relevance of a Subdivision Ratings Tool for Tweed Council

Many of the existing subdivision or community assessment rating tools have been developed for a specific scale (state-wide rather than localised) or for a specific location or climatic condition. The disjunct between scales, climatic and contextual locations means that many of the existing assessment tools are generally broad in intent and ineffectual by location. As such there is currently no one subdivision design or assessment tool in existence that is readily translatable to the Tweed condition.

The actual use of the subdivision ratings tools also needs to be considered in terms of Councils primary role in developing policy and assessing subdivision development applications. Most of the ratings tools are aimed at being initiated during the early phases of a development process. As such many of the existing ratings tools are aimed more at developers and designers as a design rather than as an assessment tool.

Given the complexity of most ratings tools, the development of one which is specific to the Tweed would give rise to a number of ongoing resource and maintenance considerations in terms of set up costs and data input of each new subdivision application. Further, in addition to potentially managing an assessment tool, Council would still need to process and provide a full merit assessment of any application against the existing planning framework. In this regard the assessment tool would only serve to supplement that process.

Most existing tools operate on an input of data which is then translated into a rating via a mathematic model based on qualitative and quantitative parameters. The very nature of this framework is therefore best suited as a design tool, where different components can be inputted and calibrated until a desired outcome is achieved. The relevance of a ratings tool for assessment where time and resource intensive data would need to be inputted by the consent authority to ensure parity, to determine star measure of a projects success or failure would somewhat undermine the original intent of embedding good design early in the process.

Notwithstanding the above there is one clear outcome that can be drawn from the review of subdivision ratings tools; that Council can more closely review the indicators and parameters used by the existing assessment tools, and translate these into key design principles which could be included within a future review of DCP A5 – Subdivision Manual.

CONCLUSION:

The notion that sustainability should integrate every aspect of Council's public service is embedded within the adopted Community Strategic Plan. As such, there is an underlying responsibility that appropriate principles of sustainable development are also strengthened and embedded within our strategic planning framework to meet a range of civic leadership and caring for the environment objectives and performance targets.

It is felt that the integration of contemporary best practice sustainability and urban design principles into the existing strategic planning framework will be far more effective than developing a stand alone Sustainability Development Control Plan / Assessment Tool for medium to large subdivisions. A stand alone sustainability document would ultimately be ancillary to existing documents and at times overlap or duplicate information currently contained within existing planning documents. This would in turn necessitate the need to then revise all other existing documents to remove the duplications and overlaps which would be a resource intensive process.

Reforms to the existing DCP A5 – Subdivision Manual to build upon existing sustainability and urban design principles will be one way to facilitate this sustainability outcome. The reforms could look at establishing a core set of contemporary best practice sustainability and urban design principles and establish an underlying methodology of undertaking a subdivision development within the Tweed. There is opportunity for any review of DCP A5 – Subdivision Manual to be a collaborative effort between the Divisions of Engineering and Operations and Planning and Regulations, when resources become available.

COUNCIL IMPLICATIONS:

a. Policy:

- Review Development Control Plan A5 – Subdivisions within the short term
- Review Tweed Urban and Employment Lands Release Strategy as part of the 5 year review cycle
- Initiate Local Growth Management Strategy.
- Submission to the Department of Planning with regards to the review of the Far North Coast Regional Strategy in the short term.

b. Budget/Long Term Financial Plan:

- Review budget requirements to review DCP A5 – Subdivision Manual with Planning Reforms and Engineering Services 2012/2013 budget
- Review budget requirements to initiate Tweed Local Growth Strategy.

c. Legal:

Not Applicable.

d. Communication/Engagement:

- Interdivisional consultation with regards to A5 – Subdivision Manual with broader industry and community consultation as part of the reforms process.

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
- 1.1.1.5 Assessment of new developments, subdivisions and building works (Development Engineering unit)
- 1.1.1.5.1 Assessment in accordance with the sustainability objectives of the Environmental Planning and Assessment Act 1979, Local Government Act 1993 and other relevant legislation
- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.3 Manage and regulate the natural and built environments

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

13 [PR-CM] Response to a Notice of Motion - Policy Obstacles and Opportunities for Roadside Stalls

SUBMITTED BY: Planning Reforms



Civic Leadership

SUMMARY OF REPORT:

This report responds to a Notice of Motion brought forward by Councillor Milne that was endorsed by Council at its meeting of 24 January 2012 regarding obstacles to, and options for encouraging the roadside sale of fruit and vegetables, within Council's land-use policy framework.

This matter was first reported to the Executive Management Team Meeting of 7 March 2012 where the recommended actions detailed in the report were approved.

This report recommends a number of actions aimed at improving the public awareness of roadside stalls and the development (approvals) process. It also recommends that no immediate policy be adopted in relation to changes concerning the expansion of the use of roadside stalls in additional zones. This will be further looked at in the drafting of the Standard Instrument LEP, which incorporates a new model definition and broadening of land where roadside stalls would be permitted.

RECOMMENDATION:

That Council:

- 1. Endorses the recommended actions within this report relating to roadside stalls comprising of:**
 - a) The short-term response for encouraging roadside stalls is to provide an information sheet that clearly sets out where they are permissible and the requirements for obtaining an approval,**
 - b) To foster greater knowledge and use of roadside stalls by establishing a tourist road map accessible through the Council's web site. This would comprise:**
 - A shire map pin pointing the location of the roadside stalls**
 - A drop-down box that would list the key produce sold**

- **A series of tourist drive maps based on the location of roadside stalls with interactive features such as a photograph of the stall, background about the owners and the history of the farming activity and a full list of the produce available from the stall.**
- c) **In response to the growing demand and relevance of urban agriculture, identifies a policy approach in the Planning Reform's work program for formal consideration.**
- d) **Provides specific actions and recommendations for increasing the awareness and general access to local produce as part of the Sustainable Agriculture Strategy currently being prepared.**

REPORT:

Councillor Milne's Notice of Motion - Endorsed by Council at its meeting of 24 January 2012,

"RESOLVED that a report be brought forward on:

1. *Potential obstacles in the current policies applying to road side fruit and vegetables stalls, and*
2. *Appropriate recommendations to improve these policies with the aim of encouraging such activities."*

The Tweed LEP 2000 defines the term as:

roadside stall

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.

There are probably four limbs to this definition that are noteworthy, the first three being:

- a. must be co-located on the property where the produce is grown;
- b. it relates to private property, that is, not the roadside-reserve as that is typically owned by Council and would breach point 'a';
- c. is restricted to an allowable area or space not exceeding 20m²; this has been interpreted to include the stall area where produce is exposed / sold and not including the carparking, turning areas, driveway or the like.

It is these features above that operate to limit the encouragement or 'take-up' of roadside stalls generally. With a possible exception to point 'c' these features operate as a prohibition whereby a failure to comply with any one of them (a+b) results with the proposed use falling outside of the term and thus prohibited.

The exception to point 'c' may exist as it arguably operates as a development standard by virtue of it fixing a requirement or "standard". If that construction is correct, a roadside stall could be larger than 20m² if supported by a SEPP 1 objection and 'a'+ 'b' are satisfied.

The further important limb is 'd':

- d. primary products need to be produced on the land.

A general interpretation of the LEP as a whole alludes to a conclusion that "primary products" are the result of "agriculture".

The Tweed LEP 2000 defines the term as:

agriculture

includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like. It does not include forestry, or the use of an animal establishment or a retail plant nursery

If, accepting the general interpretation as correct, primary products are the result of “agriculture,” as that definition indicates it is, then there would be no practicality in permitting a roadside stall unless agriculture is also permitted.

The opportunity which presents itself on the face of this relationship between the terms would be to permit roadside stalls in zones where agriculture is allowed however, as touched briefly below there are likely to be sound reasons why that has not occurred previously.

The table below shows the zones where roadside stalls are currently permitted.

Tweed LEP 2000		
Zone	Permissibility Roadside stall	Note
1(a) Rural	✓	
1(b) Agricultural Protection	✓	
1(c) Rural Living	✓	
2(a) Low Density Residential	✗	
2(b) Medium Density Residential	✗	
2(c) Urban Expansion	!	cl 8(2) Pre-requisite
2(d) Village	✓	
2(e) Residential Tourist	✗	
2(f) Tourism	✗	
3(a) Sub-regional Business	✗	
3(b) General Business	✗	
3(c) Commerce and Trade	✗	
3(d) Waterfront Enterprise	✗	
3(e) Special Tourist (Jack Evans Boatharbour)	✗	
4(a) Industrial	✗	
5(a) Special Uses	✗	
6(a) Open Space	✗	
6(b) Recreation	✗	
7(a) Env Protection (Wetlands and Littoral Rainforests)	✗	
7(d) Env Protection (Scenic/Escarpment)	✓	
7(f) Env Protection (Coastal Lands)	✗	
7(l) Env Protection (Habitat)	✗	
8(a) National Parks and Nature Reserves	✗	

There are several zones where agriculture is permitted but roadside stalls are not. Those zones; 5(a), 6(a), 6(b), 7(a), 7(f) and 7(l) are neither ordinarily associated with agricultural activities nor are the primary objectives for each zone designed to encourage agriculture as the predominant (primary purpose) use.

Whether permitting roadside stalls within those zones is broadly acceptable or not is unclear and further research would be required. However, based on a preliminary review of where these lands are generally located, and their apparent current usage comprising; infrastructure, environmental protection and open space, it would seem very unlikely that permitting roadside stalls in these zones would result in a noticeable increase in the number of roadside stalls or result in greater access to local produce. If this view is incorrect and roadside stalls would lead to an increase then it is also probable that pressure would be put on the primary objective compromising the purpose of the zone, for example agricultural pursuit could lead to encroachment into / abutting sensitive environmental lands, may lead to further land clearing, a reduction in quality active open space or the like.

Rather than extending the use of the term into other zones with the risk of potentially affecting the primary purpose the better practice may be seen as to permit roadside stalls on land where the produce is not actually grown but, where the zoning permits agriculture anyway.

One of the issues that has been encountered in reviewing material for this report is that farmers who do not have access to a primary road consider that a low passing trade would make the cost of securing a DA approval, set-up and ongoing maintenance, not viable. Allowing a producer in that context to operate a roadside stall from an adjoining property with better access to a main road or to a greater extent access to a further property with that access would likely improve the viability of roadside stalls for producers.

This would require a significant change to the current definition and this can only occur through an amending LEP, which is very unlikely to occur in the current policy climate because the NSW Government's Standard *Instrument (local environmental plans) Order 2006* provides a mandatory definition for roadside stall that is in very similar terms; further ensuring the remoteness of a possible amendment as that would require a change in the legislation itself and would be characterised by a significant shift in the State's roadside stalls policy. This would have implications for all NSW councils.

However, the new definition does go some way to embodying the changes discussed above and will improve the desirability for some producers.

The DLEP defines the term as:

roadside stall

means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls. Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

Clause 5.4, as referenced in the note to the definition says:

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(8) **Roadside stalls** *If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.*

This new definition will make three noticeable changes:

- i. It permits the stall to be located on an “adjacent property,”
- ii. The gross floor area will increase from 20m² to 30m²; and,
- iii. The sale of “hand crafted goods” is also permitted.

Summarising the salient issues it can be seen that there are several policy limitations or obstacles:

- i. The definition of roadside stall is inclusive to those lands where produce is grown;
- ii. Roadside stalls are not universally permitted on land where agriculture is permitted and this seems to correlate with the primary objectives of those zones;
- iii. Broadening the permissibility of roadside stalls under the LEP would require further research and an amendment. It would however be inconsistent with the approach currently being pursued through the standard instrument LEP and would not likely be supported.
- iv. There would be no benefit in permitting roadside stalls on land where agriculture is also not permitted under the current LEP definition.
- v. Expanding into less traditional areas of urban agriculture requires a significant amount of research and policy development.
- vi. Other options for increasing access to local produce may exist beyond that provided by roadside stalls and this is discussed in greater detail below.

The following **recommended actions** stem from the assessment of the current policy framework above:

- a) The short-term response for encouraging roadside stalls is to provide an information sheet that clearly sets out where they are permissible and the requirements for obtaining an approval,
- b) To foster greater knowledge and use of roadside stalls by establishing a tourist road map accessible through the Council’s web site. This would comprise:
 - A shire map pin pointing the location of the roadside stalls
 - A drop-down box that would list the key produce sold
 - A series of tourist drive maps based on the location of roadside stalls with interactive features such as a photograph of the stall, background about the owners and the history of the farming activity and a full list of the produce available from the stall.
- c) In response to the growing demand and relevance of urban agriculture a policy approach is to be identified in the Planning Reform’s work program for formal consideration by Council.

- d) That the Sustainable Agriculture Strategy being prepared by the Natural Resource Management Unit be directed to provide specific actions and recommendations for increasing the awareness and general access to local produce.

OPTIONS:

Nil.

CONCLUSION:

There is no central way of improving the attractiveness of roadside stalls for primary producers or making local produce more widely available and accessible to the community.

The main areas where agriculture is most commonly found is within the rural and agricultural zoned areas of the Shire, which represent about 97,487.72ha (63.96%), comprising the Rural 1(a) & 1(c); Agricultural 1(b1) & (1b2).

Roadside stalls are therefore permissible on the majority of zoned land within the Shire.

Although the analysis shows that over 60% of the Shire is designated for rural and agricultural use in practice many of these properties, more so the rural zoned ones, have been urbanised, with rural lifestyle seekers taking advantage of the relatively small size of many of these blocks and building houses.

Preliminary assessment indicates that many of those are not producing fruit and vegetables above a domestic level, those that are seem to be in the minority. Nevertheless, unlike the urban zones and their myriad competing use for land supply, the rural and agricultural zoned lands are largely unfettered in their ability to farm and sell their produce by way of roadside stall.

The greatest obstacle that seems to present itself in the rural and agricultural zones is not so much the LEP restrictions, although it is acknowledged in this report that it is a contributing factor, or the need to obtain development approval but rather:

1. Genuine cases where access off the public road is not achievable or uneconomical, and
2. Where the position or location of the access is seen to be too remote from the public road to take advantage of passing trade.

There are key areas that can be improved on to alleviate those issues, including; improved access to information for primary producers on the process for gaining approval for a roadside stall, implementing the standard order LEP with its new definition, and providing useful information through a web portal to the broader community on where roadside stalls are located and what produce is available for sale.

This latter recommendation would be a useful tourism tool for encouraging day trippers to the Tweed to follow a roadmap of stalls maximising the enjoyment of their visit and contributing to the local produce economy.

This report recommends key actions for achieving the above.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No budget allocation exists for any policy development in this area.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.2 Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development
- 1.5.2.2 Planning Controls updated regularly

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

14 [PR-CM] Development Application DA11/0499.01 for an Amendment to Development Consent DA11/0499 for a Medical Centre Including Specialist Consultation (eg Speech Pathology), Pharmacy, Kiosk and Administration Facilities at Lot 5 DP 1113248; No. 33-35 Corporation Circuit, Tweed Heads South

SUBMITTED BY: Development Assessment

FILE NUMBER: DA11/0499



Civic Leadership

SUMMARY OF REPORT:

Council is in receipt of a S96(1A) Modification seeking approval to vary two conditions of consent that were imposed on DA11/0499 which approved a GP Super Clinic in Corporation Circuit, Tweed Heads South.

The first condition that the applicant has requested a variation to is Condition 16(a) which applied the S94 No. 4 Tweed Road Contribution

DA11/0499 approved 2 March 2012 requires the payment of \$419,559. This is based on 318.33 daily trips (as determined by the applicant's traffic report and Council S94 Plan No. 4) times the current TRCP rate of \$1318 (Version 6).

The applicant originally requested that the rate applied (\$1318) be reduced to \$656 which they claimed was the rate applicable as at the time of lodgement of the DA on 17 October 2011. This would have equated to a contribution of \$208,824. However the rate of \$656 was not the correct rate for the Tweed Heads South Sector and therefore this figure was never accurate and should never have been used as an estimate by the applicant.

The applicant was made aware of this matter and has since acknowledged the error and requested that the current S96 request the Tweed Road Contribution be reduced to \$936 (Version 5.2) which was the applicable rate at the time the DA was lodged (17 October 2011). This would have equated to a contribution of \$297,956.

S94 Plan No, 4 Tweed Road Contribution Plan Version 6 was adopted by Council on 24 January 2012 and became effective on 1 February 2012. At that time all previous versions of the plan (including Version 5.2) was repealed. Accordingly Council cannot lawfully apply the contribution rates as contained in Version 5.2 as this document no longer legally exists. This is demonstrated by Clause 94 B of the Environmental Planning & Assessment Act 1979 which states that

94B Section 94 or 94A conditions subject to contributions plan

- (1) *A consent authority may impose a condition under section 94 or 94A only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).*

This is not the first time that applicants have been subject to amended contribution plans. This occurs every new financial year, whenever the plans are updated, and as a result of the need for fees to be recalculated after 12 months from the original date of calculation. The developers of "The Point" at Hastings Point were affected by a similar amendment to the Tweed Road Contribution Plan and had to find additional funds to cater for the amendment.

The levying of contributions needs to occur lawfully and consistently to ensure all developers are treated equally. The only way for this to occur is for applications to be levied against the lawfully applicable contribution plan. In this instance the only lawful plan is S94 Plan No. 4 Tweed Road Contribution Plan Version 6 which results in the application being levied \$419,559 as nominated in DA11/0499.

The only lawful mechanism to assist the applicant is if Council resolved to fund the TRCP difference (\$121,603) as a result of adopting S94 Plan No. 4 TRCP Version 6 effective 1 February. However, this could set a precedent for other developers to apply for similar financial assistance.

The second condition that the applicant has requested a variation to is Condition 18 which requires a bond to rectify any non compliance with the conditions of this consent. The applicant has claimed that the bond would apply for the total cost of works and is unreasonable. The 1% is calculated on the cost of the public infrastructure constructed for the development not the private works. In other words no bond is required for works such as private buildings, private access ways, private sewer and water reticulation or private stormwater drainage. Council has consistently applied this condition on this basis for many years. Accordingly the bond would be relatively small given the minor public works proposed.

Council Officers have reviewed these requests and concluded that both conditions have been applied in accordance with standard Council processes and policies and accordingly the S96(1A) is recommended for only partial approval to clarify the interpretation of Condition 18 only. It is recommended that condition 16 remain unchanged.

The application has been called up to Council for consideration by Councillor Warren Polglase.

RECOMMENDATION:

That Development Application DA11/0499.01 for an amendment to Development Consent DA11/0499 for a medical centre including specialist consultation (eg speech pathology), pharmacy, kiosk and administration facilities at Lot 5 DP 1113248; No. 33-35 Corporation Circuit, Tweed Heads South be amended by:

- 1. Deleting Condition No. 18 and replacing it with Condition No. 18A which reads as follows:**

18A 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 constructed for the development (not less than \$1000).

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 Occupation Certificate is issued.

[PCC0275]

- 2. No amendment is recommended to Condition No. 16 as:**

- 1. Section 94B of the Environmental Planning & Assessment Act 1979 states that the Consent Authority may impose a condition under section 94 or 94A only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).**
- 2. Condition 16(a) has been applied in accordance with adopted S94 Plan No. 4 Tweed Road Contribution Plan (Version 6) and the plan does not permit variations.**
- 3. The proposed amendment to condition 16(a) is contrary to the general public interest.**

REPORT:

Applicant: Ausjendia Pty Ltd
Owner: Ausjendia Pty Ltd
Location: Lot 5 DP 1113248; No. 33-35 Corporation Circuit, Tweed Heads South
Zoning: 3(c) Commerce & Trade
Cost: \$4.1 Million

BACKGROUND:

DA11/0499 sought approval for a GP Super Clinic. The application was determined under staff delegation in March 2012. Following is an extract from the Delegated Assessment Report detailing the application:

"The application seeks consent for a GP Super Clinic.

The facility comprises a single storey building with at grade parking provided all around the structure.

The proposed uses within the clinic include the general practice clinic, dietician, psychology, speech pathology, dental, radiology, pathology, pharmacy, kiosk as well as administration and staff facilities.

The design incorporates a drop off area (at the front of the building) with a covered awning over the top and internal gates within the parking area to segregate the customer parking from staff parking.

The clinic is not an emergency centre rather it is a primary care facility operated by GP's in association with allied health professionals.

The operating hours will be 7.30am – 9pm Monday to Friday and 8.00am to 5.00pm on weekends.

The revised traffic report indicates that actual staff numbers will reach a maximum of 40. This includes student GP's that will work from the facility (which is a requirement of the federal funding as detailed below).

The application has been granted \$7M in federal funding specific to this site, use and building configuration."

The key issues for the application were carparking and site suitability in relation access to public transport. Despite a numerical non compliance with DCP Section A2 the application was supported on the basis of a revised traffic report received on 21 December 2012 which gave consideration to the operation of the facility in regards to student GP's and cross utilisation within the clinic.

Council has now received a S96(1A) application requesting to modify two conditions of the approved application.

1. Condition No. 16(a) which requires payment of a Tweed Road Contribution as follows:

Tweed Road Contribution Plan:
318.33 Trips @ \$1318 per Trips *\$419,559*
(\$1318 base rate + \$0 indexation)
S94 Plan No. 4
Sector2_4

The applicant is requesting that the rate applied be reduced to reflect the rates at the time of lodgement of the DA (17 October 2011) rather than the rates as applicable at the time of determination (2 March 2012). Council endorsed an amendment to the Tweed Road Contribution Plan 24 January 2012 which increased the applicable rates (effective 1 February 2012).

The applicant has stated that:

"In summary, unforeseen delays in determination of the application have resulted in the proposal being caught by the new contribution rates which were not budgeted for by the applicants on the basis of the indications that the application would be approved prior to the new rates coming into force.

In addition, the ability of Ausjendia Pty Ltd to fund the additional costs is extremely limited because of the Federal Funding requirements for the project. These include the fact that the Federal Government has a caveat over the land which would not allow mortgage of the property to borrow additional funds. In the event that the development does not proceed because of the additional contributions, there will be significant adverse social and economic impacts in the locality because opportunities for an integrated GP Super Clinic would be lost together with the resulting benefits of training opportunities and a bulk billing facility containing key health care professionals in one complex. In the current economic climate the loss of employment opportunities during the construction and operational phase would be significant."

2. Condition No. 18 which states:

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 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]

The applicant has stated that "based on an estimated cost of \$5 million the bond required by this condition equates to \$50,000".

The applicant is requesting this be reduced to \$1000 due to the applicant's financial constraints and Council's opportunity to apply other powers to enforce and remedy and conditions of consent.

Following is a **chronology of events** in association with DA11/0499, the Amended Tweed Road Contributions Plan and the current S96 (1A) Application

8 July 2011

The applicant attended Council's Development Assessment Panel meeting (pre lodgement meeting) to discuss the proposed GP Super Clinic. The minutes of this meeting were reasonably generic however two critical comments were made regarding parking:

"Carparking would need to comply with Tweed Shire Development Control Plan – Section A2 - Site Access & Car Parking Code. The proponents provided a preliminary carparking demand schedule which shows a requirement for 90 carparks. This is generally acceptable. Any departures from standard carparking rates in A2 will need to be justified in the application as would an application for a 20% ESD discount given the sites limited access to public transport."

"A future application should be accompanied by a traffic report that addresses traffic generation from the site and any likely impacts on the operation of the Corporation Circuit/Greenway Drive intersection."

17 October 2011

DA11/0499 lodged with Council for consideration. The application was required to be reviewed by eight Council Officers as follows:

- Town Planner
- Building Surveyor
- Environmental Health Officer
- Waste Management Officer
- Development Engineer
- Traffic Engineer
- Strategic and Assets Engineer (Water & Sewer)
- Social Planner

9 November 2011

The DA was publically exhibited for two weeks.

9 November 2011

The applicant was requested to provide additional information in regards to waste management.

10 November 2011

The applicant provided the waste management details as requested on the 9 November 2011.

11 November 2011

One objection to the development was received based on traffic, access and parking grounds.

15 November 2011 Council resolved to exhibit Draft Section 94 Plan No. 4 – Tweed Road Contribution Plan (TRCP) Version 6. In this report it stated that

Changes to contribution rates are summarised as follows:

Sector	Locality	Total Trip End Contribution inc Admin		Household Contribution (6.5 trip ends) inc Admin	
		Version 5.2	Draft Version 6	Version 5.2	Draft Version 6
		Indexed Rate	Base Rate	Indexed Rate	Base Rate
1	Tweed Heads	\$656	\$815	\$4,264	\$5,299
2	Tweed Heads South	\$936	\$1,318	\$6,084	\$8,567
3	Cobaki	\$999	\$1,377	\$6,494	\$8,952
4	Bilambil Heights	\$1,829	\$2,836	\$11,889	\$18,432
5	Terranora	\$1,527	\$1,988	\$9,926	\$12,924
	LAC1: 'Area E'	\$2,081	Deleted	\$13,527	Deleted
6	Kingscliff	\$861	\$1,137	\$5,597	\$7,387
7	Duranbah/Cabarita	\$955	\$1,145	\$6,208	\$7,440
	LAC2: Kings Forest Development	\$1,351	Deleted	\$8,782	Deleted
	LAC4: Casuarina	\$1,114	\$1,313	\$7,241	\$8,531
8	Pottsville	\$1,125	\$1,284	\$7,313	\$8,345
	LAC3: Koala Beach/Seabreeze	\$1,216	\$1,352	\$7,904	\$8,791
9	Murwillumbah	\$1,166	\$1,317	\$7,579	\$8,562
10	Rural - Inner East	\$1,601	\$1,807	\$10,407	\$11,745
11	Burringbar	\$1,124	\$1,252	\$7,306	\$8,139
12a	Rural - Inner North	\$2,358	\$2,928	\$15,327	\$19,035
12b	Rural - Inner West	\$2,062	\$2,239	\$13,403	\$14,556
13	Rural - Outer	\$2,366	\$2,534	\$15,379	\$16,470

The proposed development site is within Sector 2 at Tweed Heads South where the contribution rates were proposed to be amended from \$936 per trip end to \$1318 per trip end.

16 November 2011 The applicant was requested to provide additional information in regards to:

- Site suitability (having regard to the site's proximity to public transport).
- Revised plans demonstrating compliant driveway widths.
- Revised traffic report acknowledging the actual parking requirements in accordance with Tweed DCP Section A2 and justifying the departures based on predicted traffic movements.

22 November 2011 Council staff met with applicant to discuss Council's additional information request dated 16 November 2011.

23 November 2011 Draft S94 Plan No. 4 - Tweed Road Contribution Plan placed on public exhibition from 23 November 2011 – 15 December 2011. The Draft

proposed to increase the contribution rate from \$936.00 per trip to \$1318 per trip.

21 December 2011 The applicant provided a response to Council's request for additional information dated 16 November 2011 which included a revised traffic report for re-consideration.

16 January 2012 The applicant requested a status update on the DA and requested to review a set of draft conditions. In this regard Council staff prepared a response on 16/1/2012 which provided a status update on the assessment (which anticipated final engineering comments within 3 weeks) and advised that draft conditions cannot be provided to any applicant before determination.

24 January 2012 In regards to Draft Section 94 Plan No.4 Tweed Road Contributions Plan Council resolved as follows

"RESOLVED that Council:

- 1. Approves Draft S94 Plan No 4 – Tweed Road Contribution Plan Version 6 as exhibited to repeal and replace the existing version in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;*
- 2. Gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 6 of the Plan (CP4) comes into effect on the date of the notice."*

30 January 2012 The applicant asked whether there were any comments back on the amended traffic report.

1 February 2012 S94 Plan No. 4 Tweed Road Contribution Plan Version 6 came into force.

8 February 2012 Council staff prepared a response to the applicant's e-mail of 30 January 2012 which stated engineering comments would be finalised within days and that final assessment should follow quickly.

8 February 2012 Engineering comments were finalised.

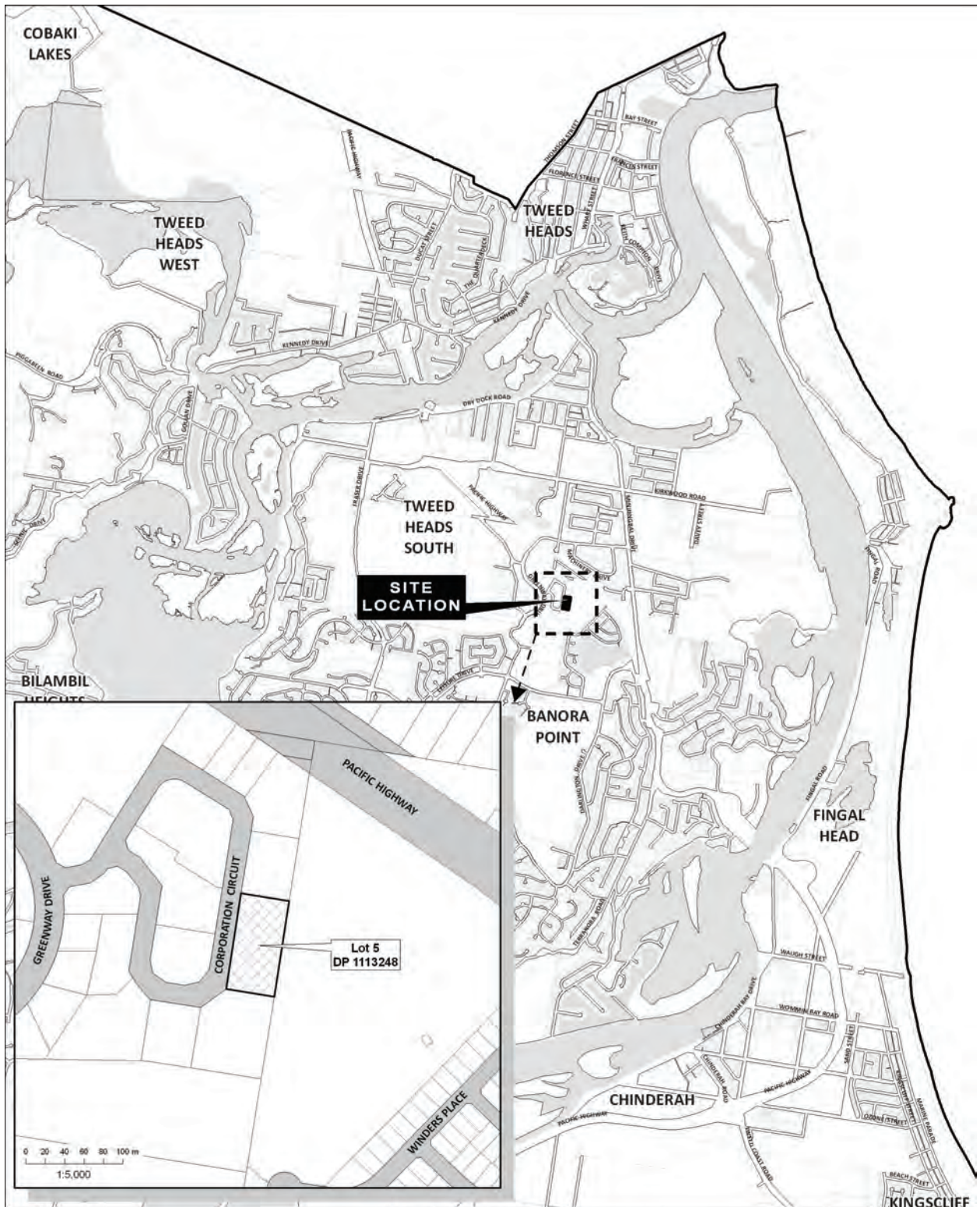
22 February 2012 Tweed Road Contribution figures were calculated by Council's Town Planner and Traffic Engineer.

29 February 2012 Delegated Assessment Report was finalised with all conditions of consent drafted.

2 March 2012 Delegated Assessment Report signed and official consent finalised and posted to the applicant.

21 March 2012 Current S96 (1A) lodged

SITE DIAGRAM:



Locality Plan
 Lot 5 DP 1113248
 No. 33-35 Corporation Circuit, Tweed Heads South

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 diagnostic 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 8150. The information contained on this document remains valid for 30 days only from the date of supply.

Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geoid, Datum of Australia 1984
 (to: Map Grid of Australia, Zone 56)

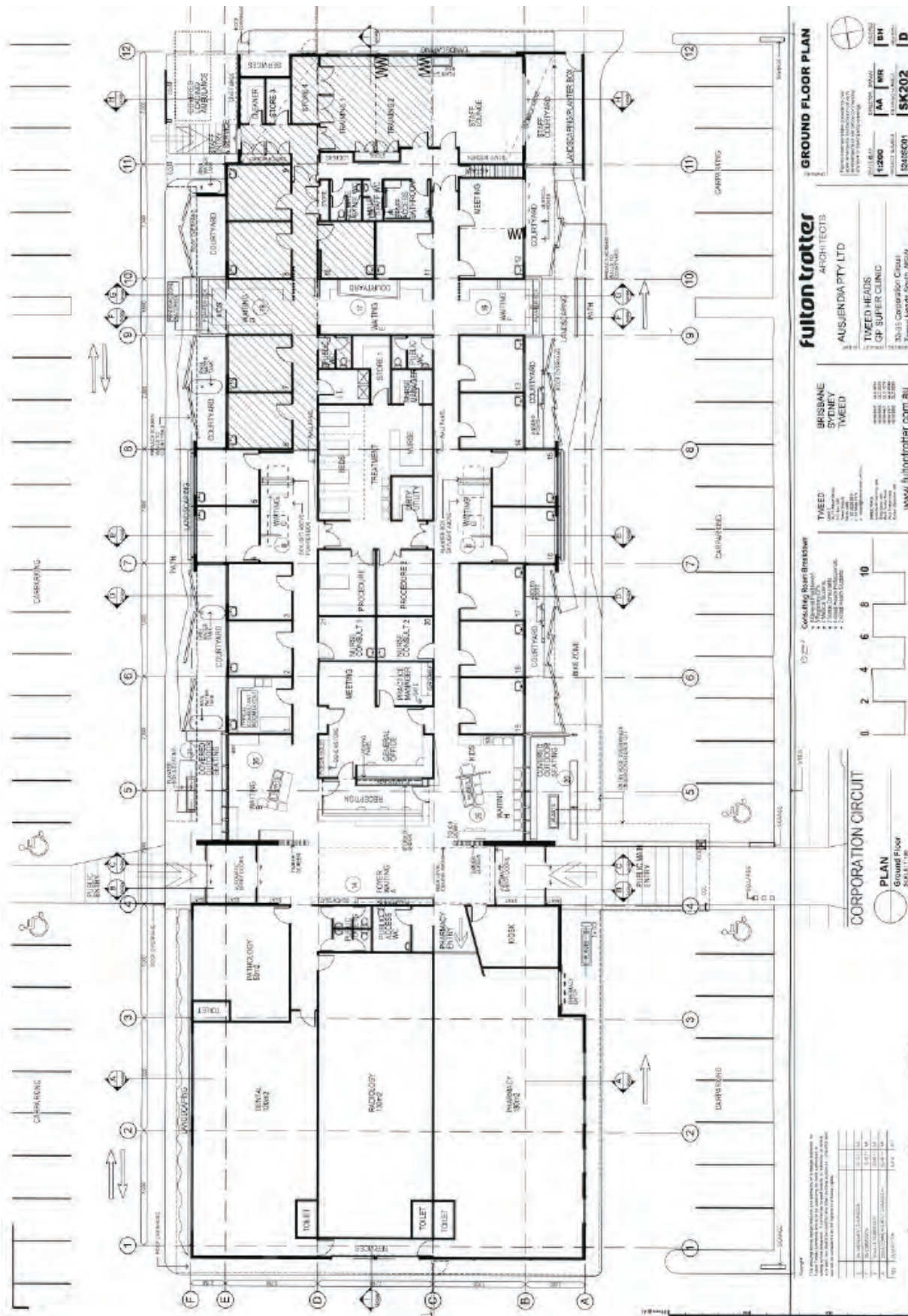
0 0.5 1 Km
 1:40,000 @ A4 Portrait
 DO NOT SCALE
 COPY ONLY - NOT CERTIFIED

Civic and Cultural Centre
 3 Tumbulgun 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 | planningreform@tweed.nsw.gov.au

TWEED
 SHIRE COUNCIL

Figure: 2 - 25/02/11/TN/DA/TEM/LATE/SHARED/APP/11/18/Map - LocalityPlan_3_A4(2).d

DEVELOPMENT/ELEVATION PLANS:



GROUND FLOOR PLAN

DATE: 11/2000
 DRAWN BY: AA
 CHECKED BY: WR
 PROJECT NO: 12418001
 SHEET NO: SK202

Fulton trotter
 ARCHITECTS
 AUSJENDIA PTY LTD
 TWEED HEADS
 GP SUPER CLINIC
 30-35 Corporation Circuit
 Tweed Heads NSW 2486

BRISBANE
 SYDNEY
 TWEED

TWEED
 101 TWEED ST
 TWEED HEADS NSW 2486
 PH: 07 2486 1111
 FAX: 07 2486 1112
 WWW.FULTONTROTTER.COM.AU

Consulting Room Breakdown

- 1. 1200000
- 2. 1200000
- 3. 1200000
- 4. 1200000
- 5. 1200000
- 6. 1200000
- 7. 1200000
- 8. 1200000
- 9. 1200000
- 10. 1200000

CORPORATION CIRCUIT

PLAN
 Ground Floor
 Scale: 1:100

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	11/2000	AA
2	ISSUED FOR PERMIT	11/2000	AA
3	ISSUED FOR PERMIT	11/2000	AA
4	ISSUED FOR PERMIT	11/2000	AA
5	ISSUED FOR PERMIT	11/2000	AA
6	ISSUED FOR PERMIT	11/2000	AA
7	ISSUED FOR PERMIT	11/2000	AA
8	ISSUED FOR PERMIT	11/2000	AA
9	ISSUED FOR PERMIT	11/2000	AA
10	ISSUED FOR PERMIT	11/2000	AA

CONSIDERATIONS UNDER SECTION 79C AND 96 (1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

S96 of the Act specifies that on application being made by the applicant a consent authority can modify the development consent only if it is satisfied that the proposed modified development is of minimal environmental impact, is substantially the same as the approved development and that all relevant consultations and submissions have been undertaken.

Having regard to these criteria the proposed amendments are considered capable of consideration within the S96 framework. The amendments are considered of minimal impact and will result in substantially the same development to that approved.

The proposed application did not require public notification (as S96(1A)'s do not require public exhibition in accordance with Tweed DCP Section A11) and accordingly no submissions were received that required consideration.

Having regard to the applicant's submission the following assessment of the two proposed variations is undertaken.

Proposed Amendment 1 – Condition 16(a) Tweed Road Contribution Plan

The applicant in their S96(1A) documentation have not challenged Council's methodology for calculation of the applicable trips associated with the proposed development.

Accordingly it is assumed that all parties agree that the proposed development will trigger **318.33 daily trips**. This was based on the applicant's traffic report and Council's S94 Plan No. 4 rates.

The applicant has therefore requested that the development be charged at \$656 per daily trips which they claim was the rate applicable as at the time of lodgement of the DA (17 October 2011).

This is incorrect as the rate applicable at 17 October 2011 was \$936 per daily trips.

The applicant was made aware of this error and accordingly provided in writing that

“Further to our meeting last Friday I confirm that the correct TRCP rate in October 2011 is for Tweed Heads South which is \$936.00 per trip rather than \$656.00 per trip as referred to in the proposed amended Condition 16(a)A. therefore the correct amended contribution should be \$ 297,956.00 rather than \$ 208,824.00.

I trust that this now clarifies the matter.”

The applicant is therefore requesting that condition 16(a) be amended from

- \$419,559 (318.33 daily trips x \$1318 the current TRCP rate) down to
- \$297,956 (318.33 daily trips x \$936 the TRCP rate as at 17 October 2011)

This represents a difference of \$121,603.

The applicant has claimed that unforeseen delays in determination have resulted in the proposal being caught by the new contribution rates.

However, as can be seen from the chronology provided above, the application was assessed and determined in a normal timely manner. The applicant was required to provide additional and revised information particularly addressing traffic generation. Upon receipt of this information (21 December 2011) the application was assessed as quickly as possible given the Christmas period.

The applicant's request for Council to apply the S94 rates as at the time of lodgement of the DA is not considered lawful.

S94 Plan No, 4 Tweed Road Contribution Plan Version 6 was adopted by Council on 24 January 2012 and became effective on 1 February 2012. At that time all previous versions of the plan (including Version 5.2) were repealed. Accordingly Council cannot lawfully apply the contribution rates as contained in Version 5.2 as this document no longer legally exists.

This is demonstrated by Clause 94 B of the Environmental Planning & Assessment Act 1979 which states that

94B Section 94 or 94A conditions subject to contributions plan

- (1) A consent authority may impose a condition under section 94 or 94A only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).*

This is not the first time that applicants have been subject to amended contribution plans. This occurs every new financial year, whenever the plans are updated, and as a result of the need for fees to be recalculated after 12 months from the original date of calculation. The developers of "The Point" at Hastings Point were affected by a similar amendment to the Tweed Road Contribution Plan and had to find additional funds to cater for the amendment.

The levying of contributions needs to occur lawfully and consistently to ensure all developers are treated equally. The only way for this to occur is for applications to be levied against the lawfully applicable contribution plan. In this instance the only lawful plan is S94 Plan No. 4 Tweed Road Contribution Plan Version 6 which results in the application being levied \$419,559 as nominated in DA11/0499.

The only lawful mechanism to assist the applicant is if Council resolved to fund the TRCP difference (\$121,603) as a result of adopting S94 Plan No. 4 TRCP Version 6 effective 1 February. However, this could set a precedent for other developers to apply for similar financial assistance.

Were Council of the view to provide financial support to the project this would need to be addressed separately and would not affect the applicable charge under S94 Plan No. 4.

In addition to the above arguments presented by the applicant, Ausjendia Pty Ltd who are responsible for the project have submitted the following justification for the reduced S94 No. 4 payment:

"19 March 2012

Submission from Ausjendia Pty Ltd in relation to Road Contributions and Compliance Bond Required by Development Consent No. 11/0499 – Proposed GP Super Clinic at Corporation Circuit, Tweed Heads South

In July 2011, Ausjendia Pty Ltd (The Directors, Dr. Diane Blanckensee, Dr. Austin Sterne & Dr. Jennifer Soden are local Tweed Residents who have practiced medicine in the area for a combined total of more than 50 years) was the successful applicant for the Tweed Heads GP Super Clinic (to be known as Tweed Health for Everyone Super Clinic - THE Super Clinic) grant which provided federal government funds to build a GP super clinic in 33-35 Corporation Circuit, South Tweed Heads.

The GP Super Clinics National Program Guide 2010 states the following in regards to how a GP Super clinic should function:

- 1. Provide its patients with well integrated multidisciplinary patient centred care;*
- 2. Be responsive to local community needs and priorities, including the needs of Aboriginal and Torres Strait Islander peoples and older Australians in Residential Aged Care Facilities and community based settings;*
- 3. Provide accessible, culturally appropriate and affordable care to its patients;*
- 4. Provide support for preventive care;*
- 5. Demonstrate efficient and effective use of Information Management and Information Technology (IM/IT);*
- 6. Provide a working environment and conditions which attracts and retains its workforce;*
- 7. Is a centre of high quality best practice care;*
- 8. Post establishment, operates with a viable, sustainable and efficient business model;*
- 9. Support the future primary care workforce; and*
- 10. Integrate with local programs and initiatives.*

Ausjendia Pty Ltd requests that the road contribution of \$419,559 be reduced to the original budgeted amount of \$208,824 for the following reasons:

- 1. The **chronology** submitted by DA Consulting shows that the delays within council in determination of the DA have resulted in the development being caught by the new contribution rates.*
- 2. The **budget** for the THE Super Clinic is inflexible. The Department of Health & Ageing (DOHA) federal government funds will not be increased to account for this increased contribution amount, nor is Ausjendia Pty Ltd able to apply for a mortgage because the contract with DOHA does not allow this. There is a caveat over the property, held by DOHA. Personal funds from Ausjendia Pty Ltd have already been committed and expended in the budget.*
- 3. The THE Super Clinic represents a significant **public benefit** to the whole of the Tweed region in terms of public health provision. Added to this is **employment** of significant numbers of people in areas such as pharmacy, radiology, dentistry, nursing, reception and administration as well as GPs and Allied health professionals such as physios, speech therapy, psychology, dietetics etc. **Education & training** of future health professionals (doctors, nurses, allied*

health, pharmacy and dentistry) is a major focus of the THE Super Clinic as evidenced by the large area set out for this in the submitted plans.

Any reduction in available funds for the building will mean that a service or training area will need to be omitted.

4. The **current economic climate** is difficult and we are aware that this is key development in the provision of local employment for the building industry. Council might note that to date we have used almost all local consultants for design and planning of the THE Super Clinic and it is our intention that the builder will be drawn from a pool of local building contractors. We do not want this significant development (total spend of > 6.5 million excluding land) put at risk of failure.
5. The **timeline** for the federal funding is also tight and there are obvious political reasons for this. We have contracted to have the THE Super Clinic open before May 2013. We have already had minor delay due to the DA process. There has been one Super Clinic that has lost funding due to delay and we are very anxious that this does not occur in the THE Super Clinic - not least because of personal guarantees on the part of the three directors and the threat of full repayment to DOHA in the case of non-performance.
6. **Community support** for an interest in THE Super Clinic is enormous. In tendering for the THE GP Super Clinic, the directors of Ausjendia gathered more than 100 letters of support from such people as local community associations, service associations, schools, church groups, universities, businesses groups, public health and medical and allied health practices who all recognise the importance of this new concept that we have been fortunate to be able to create in the Tweed area. The financial burden of the extra \$200,000 + imposed by the new charges is risking the viability of THE Super Clinic and would severely disappoint many members of our local community.

In conclusion, for the above reasons, Council if requested to reduce the road contributions to \$208,824 (sic – as discussed above this difference is \$121,603) and reduce the bond required under Condition 18 of the Development Consent to \$1,000.00."

The above submission does not change the lawful application of S94 Plan No. 4 and accordingly the proposed amendment is not recommended.

Proposed Amendment 2 – Condition 18 Compliance Bond

The applicant had assumed that the required 1% Compliance Bond was based on the total cost of the development.

Council's Coordinator Development Engineering has advised that the 1% is calculated on the cost of the public infrastructure constructed for the development not the private works. In other words no bond is required for works such as private buildings, private access ways, private sewer and water reticulation or private stormwater drainage. Council has consistently applied this condition on this basis for many years. Accordingly the bond would be relatively small given the minor public works proposed.

To clarify the situation it is recommended that Condition 18 be amended to read as follows:

18A 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 constructed for the development (not less than \$1000).

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 Occupation Certificate is issued.

[PCC0275]

OPTIONS:

1. Partially approve the S96(1A) as recommended to modify Condition 18 only and refuse any amendment to condition 16(a).
2. Partially approve the S96(1A) as recommended to modify Condition 18 only and Council resolve to fund the TRCP difference (\$121,603) as a result of S94 Plan No. 4 TRCP Version 6 effective 1 February.
3. Refuse the application.

CONCLUSION:

The applicant has requested two variations to a recently approved development. The first variation to the applicable Tweed Road Contribution is not considered lawful and is accordingly not supported. However the second amendment is considered reasonable to clarify some ambiguous wording within Condition 18. Accordingly the application is recommended for a partial approval.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Finance Plan:

Reducing the applicable Tweed Road Contribution is not considered lawful and could also affect the budget for S94 Plan No.4.

The only lawful mechanism to assist the applicant is if Council resolved to fund the TRCP difference (\$121,603) as a result of adopting S94 Plan No. 4 TRCP Version 6 effective 1 February. However, this could set a precedent for other developers to apply for similar financial assistance.

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:

- 1. Delegated Assessment Report DA11/0499 (ECM 48519850).
 - 2. Development Consent DA11/0499 (ECM 48519851).
 - 3. 24 January 2012 Council Report - Amendment to Section 94 Plan No. 4 - Tweed Road Contribution Plan (ECM 48527165).
-

15 [PR-CM] Development Application DA11/0527 for an Attached Dual Occupancy at Lot 21 DP 1124438; No. 27 Charles Street, Tweed Heads

SUBMITTED BY: Development Assessment

FILE NUMBER: DA11/0527



Civic Leadership

SUMMARY OF REPORT:

Council is in receipt of a Development Application for the construction of an attached dual occupancy development on the above mentioned site. The site is currently vacant, with site levels reflecting the retained benching evident from a dwelling house that previously existed on the site. The proposed dual buildings would be constructed in a mirror reverse layout and would comprise a lift and two (2) double garages. Level 1 would comprise garages and pedestrian entries for each dwelling; Level 2 would comprise two (2) secondary bedrooms per dwelling, laundries and bathrooms with direct access to the rear of the building; and Level 3 would comprise the master bedrooms, kitchen and living areas with balconies oriented to the east.

The proposed development comprises non-compliances with Clause 16 of the Tweed Local Environmental Plan (LEP) in relation to building height. The applicants propose that the development comprises two (2) storeys however, Council Officers are of the opinion that the proposed development incorporates elements of a three (3) storey building. A SEPP 1 objection has since been submitted to Council however the objection reiterates that the development proposes two habitable levels, constructed on top of a basement garage.

One (1) submission was received and one (1) late submission with concerns relating to: land stability and impact of construction on adjoining properties (44 and 46 Charles Street); traffic congestion and overlooking from proposed balcony. The issues raised in these submissions are not considered to warrant refusal of the application.

The proposed development is considered to constitute a prominent three (3) storey building in a two (2) storey height limit zone. Further, it is considered that the SEPP 1 objection has failed to address this variation and that, should the development proposal be approved, it would be detrimental to the character of the surrounding area and set an undesirable precedent for similar development in the locality.

Further, the development proposes a Floor Space Ratio (FSR) of 0:80:1 as opposed to 0:65:1, as detailed further within this report. This variation to the FSR controls heightens Council's concerns in relation to the overall bulk and scale of the proposed building, in relation to the capacity of the site.

The following report addresses the issues and reasons for recommending refusal of the proposed development.

RECOMMENDATION:

That Development Application DA11/0527 for an attached dual occupancy at Lot 21 DP 1124438; No. 27 Charles Street, Tweed Heads be refused for the following reasons:

- 1. The proposed development comprises a three (3) storey building in a zone with a two (2) storey height restriction. The proposed development does not comply with Clause 16 of the Tweed Local Environmental Plan 2000.**
- 2. The proposed development, by reason of its three (3) storey height, is considered to be inconsistent with the majority of surrounding development in the locality, which consists predominantly of one (1) and two (2) storey buildings. The development application has failed to justify the proposed variation to the applicable development standard in relation to building height. Therefore the proposed three (3) storey building is not consistent with the aims of the State Environmental Planning Policy No. 1 (Development Standards) and the SEPP 1 Objection to vary the development standard is not well founded or justified in this instance.**
- 3. The proposed development, by reason of its height, scale and bulk, would be inconsistent with the character and appearance of surrounding residential development, that predominantly consists of one (1) and two (2) storey residential development and, if approved, would set a harmful precedent for similar development in the locality. The proposed development would therefore be contrary to the objectives of Clause 4, Clause 8, Clause 11 and Clause 16 of the Tweed Local Environmental Plan 2000; Clause 32B and Clause 43 of the North Coast Regional Environmental Plan and the aims and objectives of the State Environmental Planning Policy (SEPP) 71.**
- 4. The proposed development comprises variations to the Tweed Shire Council Development Control Plan (DCP) Section A1, Part B (Residential and Tourist Code) in relation to the impact of the scale and height of the proposed building on streetscape amenity, dominance of garages, sunlight access, basement garage provisions, lack of integration of internal and external outdoor space and in relation to floor space ratio for attached dual occupancy development. The proposal therefore fails to adequately comply with the Tweed Development Control Plan Section A1 Part B.**
- 5. The Tweed Development Control Plan 2008 requires a Floor Space Ratio of 0:55:1 for an attached dual occupancy development where the dwellings cover more than 50% of the site. The development proposes a Floor Space Ratio of 0.80:1 which does not comply with the requirements of the Tweed Development Control Plan 2008.**

REPORT:

Applicant: Mrs M Kozak and Mr K Kozak
Owner: Mr Krzysztof Kozak & Mrs Maria Kozak
Location: Lot 21 DP 1124438; No. 27 Charles Street, Tweed Heads
Zoning: 2(b) Medium Density Residential
Cost: \$500000

BACKGROUND:

Council is in receipt of a development application that seeks consent for the construction of an attached three-storey dual occupancy development at 27 Charles Street, Tweed Heads.

Each of the dwellings run lengthways through the site with an easterly orientation. Access is from Charles Street by way of two (2) double garages. Level 1 would comprise garage parking for two (2) vehicles per dwelling and pedestrian access to the two levels of living above. Level two comprises two (2) bedrooms oriented to the front of the buildings with separate bathroom/toilet and laundry with patio to the rear; Level three comprises an open plan kitchen / living and dining area with access to covered balconies at the front of the building and master bedroom located to the rear.

The subject site is trapezoidal in shape with a frontage to Charles Street to the east of approximately 16m. The site has a width of 16m and an average length of 27m, creating a total site area of 452m². The property comprises a steep slope from the RL 37m AHD at the Charles Street frontage, to RL 43m AHD to the rear. Vehicular access to the site would be directly from Charles Street.

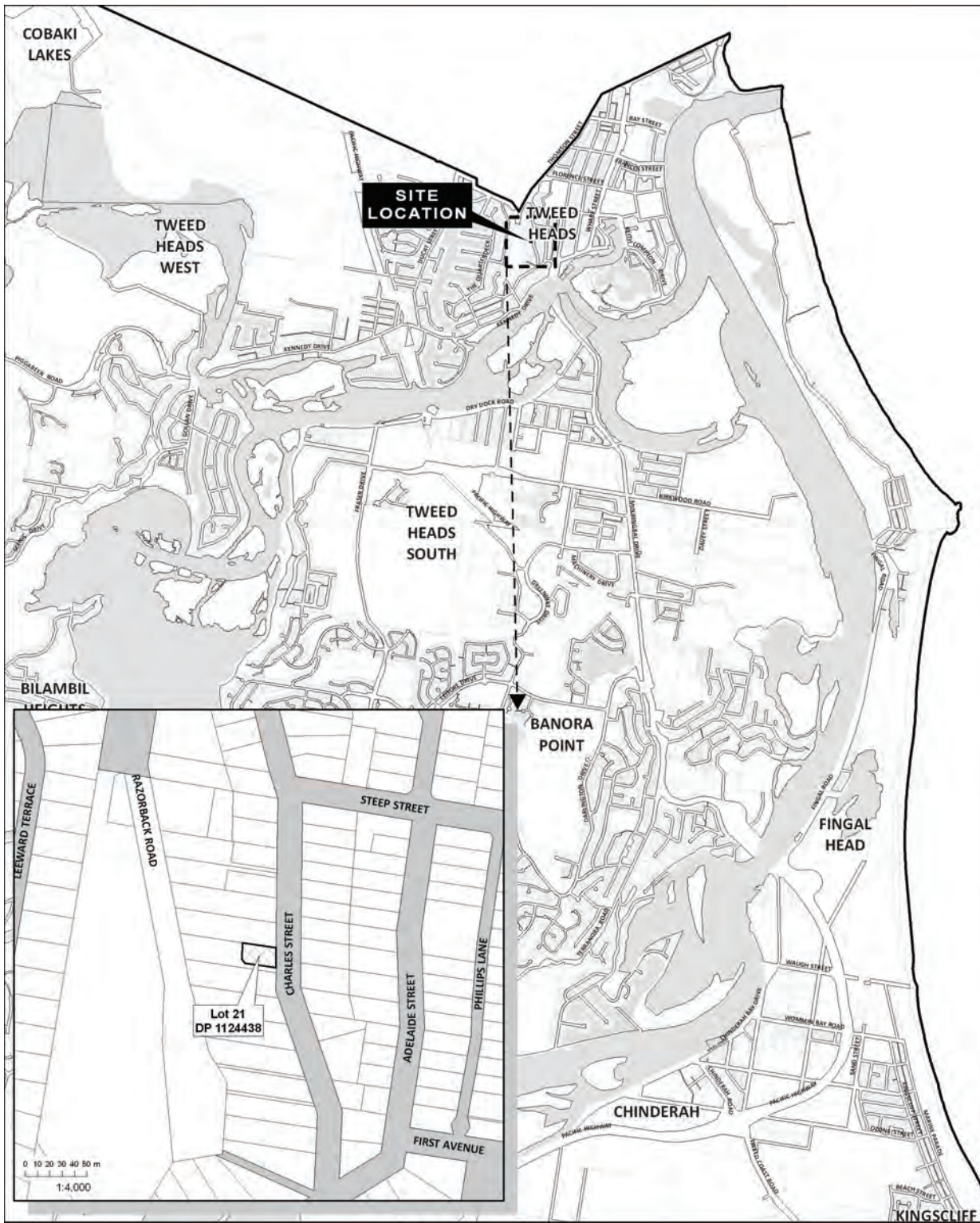
The property to the rear of the site (No 27A Charles Street) is currently vacant, rectangular in shape and accessed to the south of the site via a narrow, one-way right of access. The adjoining properties to the north and south of the subject site are two storey single dwellings.

The proposed development has been presented to Council as a two (2) storey building with, according to the proponent, Level 1 comprising 'basement' parking. This issue is explored in further detail within this report however Council Officers consider that the parking areas cannot be defined as a basement as the proposed buildings clearly represent three (3) storeys from the street frontage in a zone restricted to two (2) storeys.

On this basis a SEPP 1 Objection has been submitted to Council. Within the SEPP 1 Objection, the proponent has advised that the proposed development does in fact constitute a two (2) storey building – as the two habitable levels are constructed above a basement garage. Council Officers stipulate that the building is in fact three (3) storeys for the reasons addressed further within this report.

The proposed development was advertised for a period of two (2) weeks, during which two submissions (one late) were lodged against the application.

SITE DIAGRAM:



Locality Plan

Lot 21 DP 1124438
No. 27 Charles Street, Tweed Heads

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 2100. The information contained on this document remains valid for 30 days only from the date of supply.

Cadastral: 02 April, 2012
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Boundaries shown should be considered approximate only.

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1:40,000 @ A4 Portrait
DO NOT SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1984
Scale: Map Grid of Australia, Zone 58

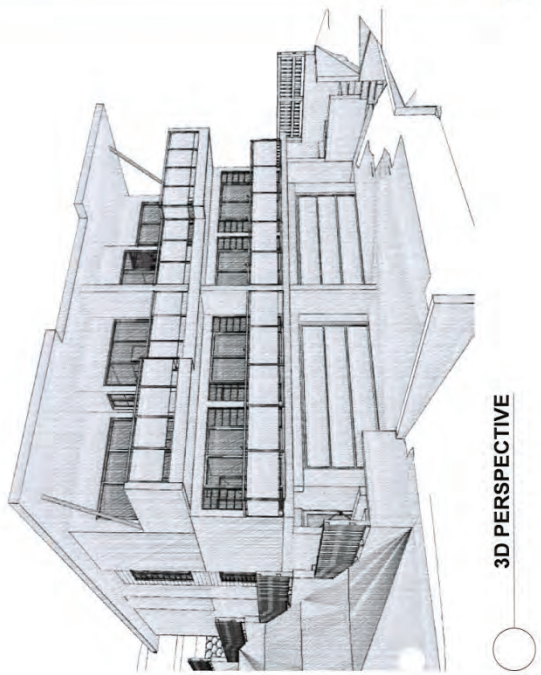
Civic and Cultural Centre
3 Tamburlage Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484
T | (02) 6670 2400 | 1300 292 872
F | (02) 6670 2429
W | www.tweed.nsw.gov.au
E | planning@tweed.nsw.gov.au



DEVELOPMENT/ELEVATION PLANS :

DEVELOPMENT APPLICATION	
PROPOSED 2 x ATTACHED DWELLINGS LOT 21 DP 1124438 27 Charles Street Tweed Heads NSW	
DRAWING INDEX	
DRAWING NO.	DRAWING NAME
DA 1.00	COVER SHEET - SITE LOCATION PLAN
DA 1.01	SITE PLAN - SECTION THRU DRIVEWAY
DA 1.02	SERVICES SURVEY PLAN
DA 1.03	SITE ANALYSIS PLAN
DA 2.01	LEVEL 1 FLOOR PLAN
DA 2.02	LEVEL 2 FLOOR PLAN
DA 2.03	LEVEL 3 FLOOR PLAN
DA 2.04	ROOF PLAN
DA 3.01	ELEVATIONS
DA 3.02	ELEVATIONS
DA 4.01	SECTIONS
DA 4.02	SECTIONS
DA 5.01	SHADOW DIAGRAM PLAN
DA 6.01	IMPERVIOUS AREA-DSZ PLAN-LANDSCAPING CONCEPT PLAN
DA 7.01	GARAGE DESIGN LAYOUT RATIONALE

(07) 5536 9020
 mail@ptdarchitects.com.au
 www.ptdarchitects.com.au
 Pat Twohill Designs P/L
 Suite 5/133 White St
 Tweed Heads, NSW 2485
 ABN 98 480 308 082



Made ready, all dimensions and levels shown shall be based on the ground surface, unless otherwise indicated. Any error and omission to the contrary shall be the responsibility of the client. No liability shall be accepted for any error and omission to the contrary.

Site levels are shown as ground only. All proposed works are shown as ground only. No liability shall be accepted for any error and omission to the contrary.

At the time of printing, all drawings have been prepared by TREVETT (PVT) LIMITED, a registered civil engineer (No. 1104370) and a registered structural engineer (No. 1104370) under the Engineering Council (UK) registration system. TREVETT (PVT) LIMITED is a company limited by guarantee and is registered in England (No. 3082727). The company is not responsible for any error or omission to the contrary.

All work to comply with Building Code of Australia and all other applicable codes and standards. It is the responsibility of the client to ensure that all work is carried out in accordance with the relevant codes and standards. No liability shall be accepted for any error and omission to the contrary.

For TREVETT (PVT) LIMITED, the design of this drawing is based on the information provided by the client. It is the responsibility of the client to ensure that all information is correct and up-to-date. No liability shall be accepted for any error or omission to the contrary.

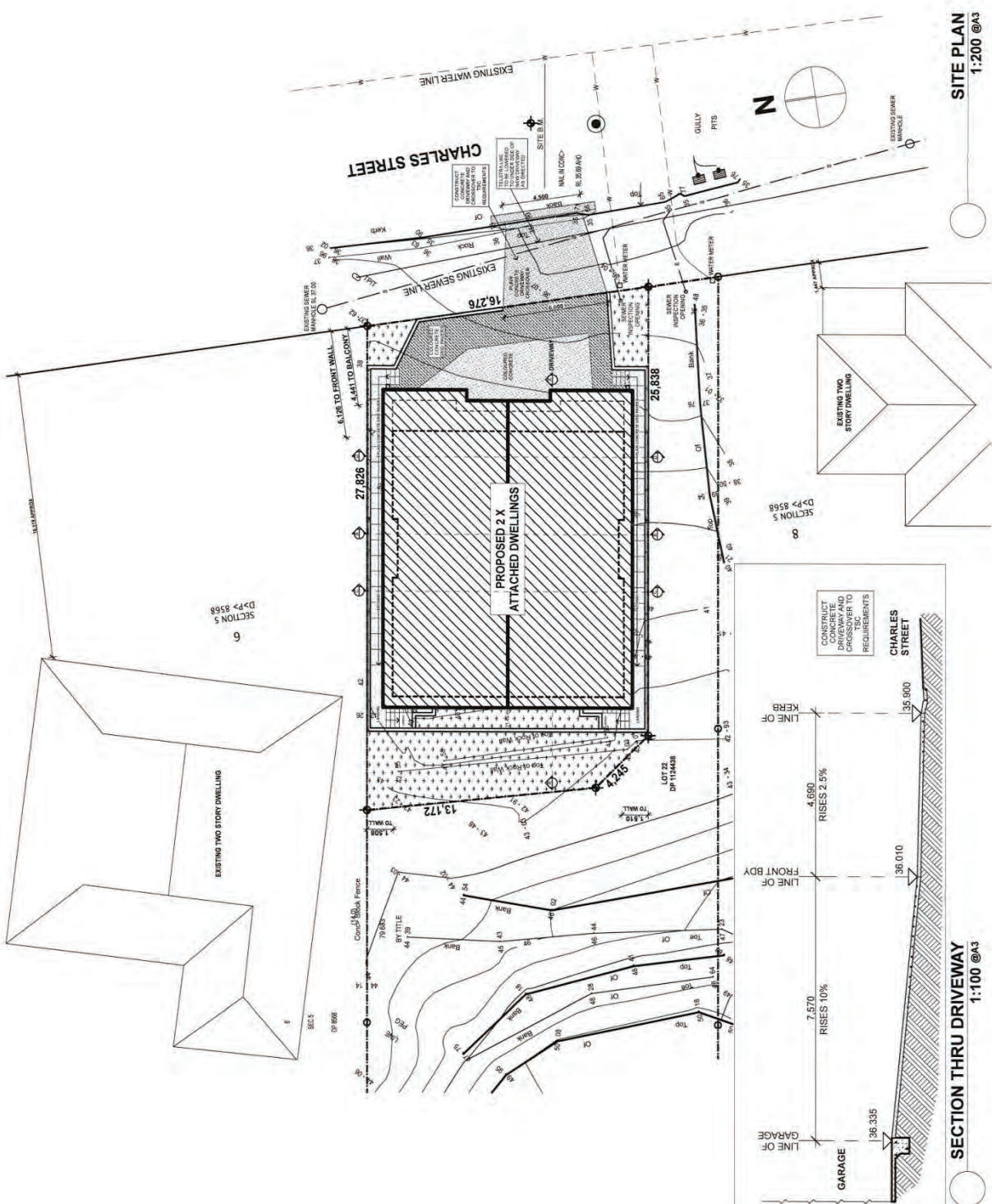
DATE: AMENDMENTS:

No.	DESCRIPTION	DATE

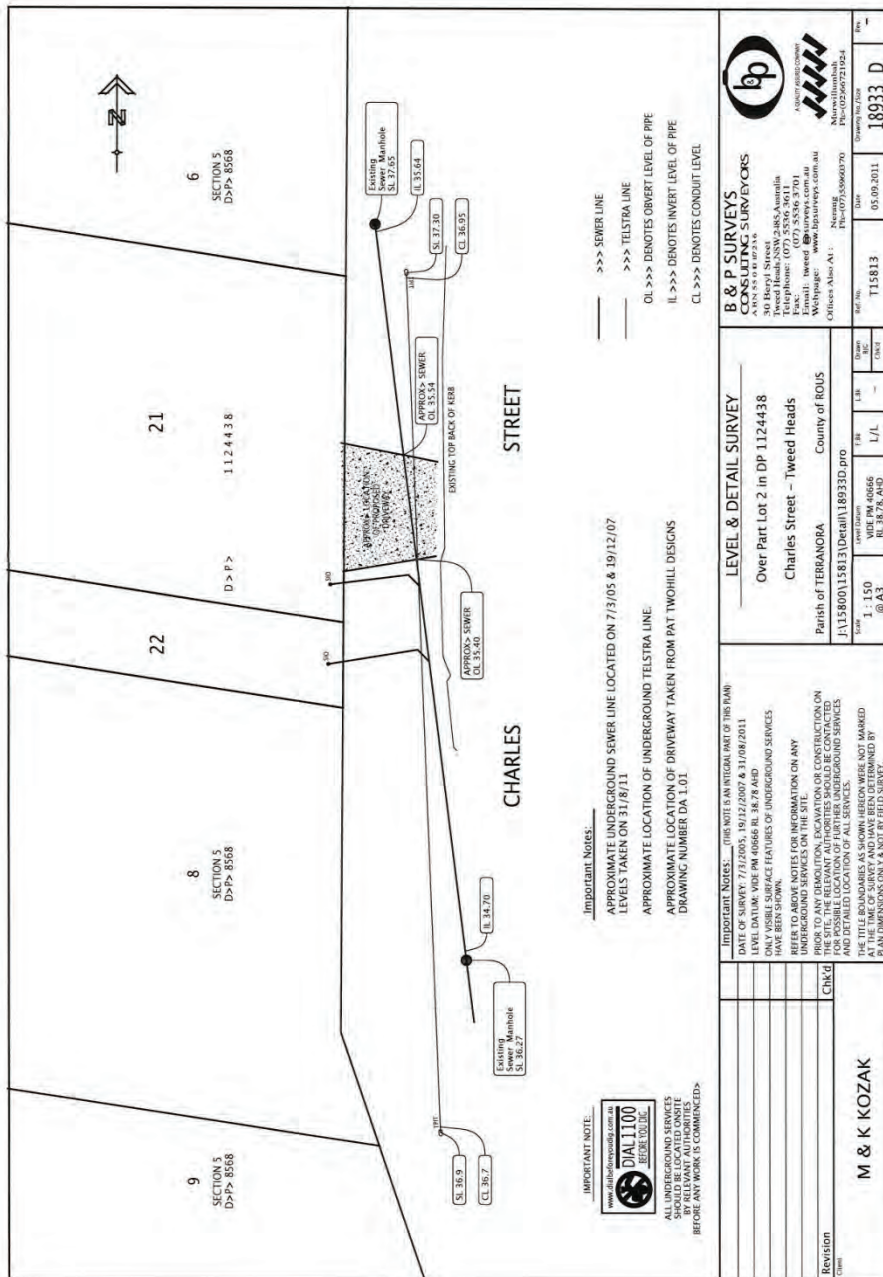
021 338 6000
 8621 DUNDAS STREET
 PORT MELBOURNE VIC 3207
 TREVETT (PVT) LIMITED
 CIVIL ENGINEERING
 STRUCTURAL ENGINEERING

Client Name: K.M. KOZAK
 PROJECT: PROPOSED 2 ATTACHED DWELLINGS
 LOT 2 DP 115448
 1611 CHARLES STREET
 PORT MELBOURNE
 VIC 3207

Drawing Title: SITE PLAN, SECTION THRU DRIVEWAY
 Code as shown: Date:
 Drawn by: M.K. Checked by: P.A.T.
 Scale: DA
 Project No: 1611 Drawing No: DA 1.01
 File: 1611_SitePlan_170711



<p>Please verify all dimensions and levels before construction. All dimensions and levels are to be taken from the datum shown on the drawings. Any errors in dimensions or levels are the responsibility of the client. The client is advised that the drawings are prepared by a registered professional engineer and are not to be used for construction purposes without the approval of the relevant authority. The client is advised that the drawings are prepared by a registered professional engineer and are not to be used for construction purposes without the approval of the relevant authority. The client is advised that the drawings are prepared by a registered professional engineer and are not to be used for construction purposes without the approval of the relevant authority.</p>	<p>DATE: _____ AMENDMENTS:</p>
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SERVICES SURVEY PLAN
1:200 @A3

M & K KOZAK
1150 WILSON ROAD
TWEED HEADS NSW 2486
TEL: 07 5586 3700
FAX: 07 5586 3701
EMAIL: info@kozak.com.au
www.kozak.com.au

B & P SURVEYS CONSULTING SURVEYORS
30 Beryl Street
Tweed Heads NSW 2486 Australia
Tel: 07 5586 3700
Fax: 07 5586 3701
Email: info@bnp.com.au
www.bnp.com.au

LEVEL & DETAIL SURVEY
Over Part Lot 2 in DP 1124438
Charles Street - Tweed Heads
County of ROUS
Parish of TERRANORA
J:\15800\15813\Detail\18933D.dwg

Revision
Checked: _____
Date: _____

Scale
1:200 @A3

Sheet No.
18933 D

Date
05.09.2011

Drawn by
T15813

Checked by
L/L

Project No.
J:\15800\15813\Detail\18933D.dwg

Client
M & K KOZAK

SITE ANALYSIS



OPPORTUNITIES

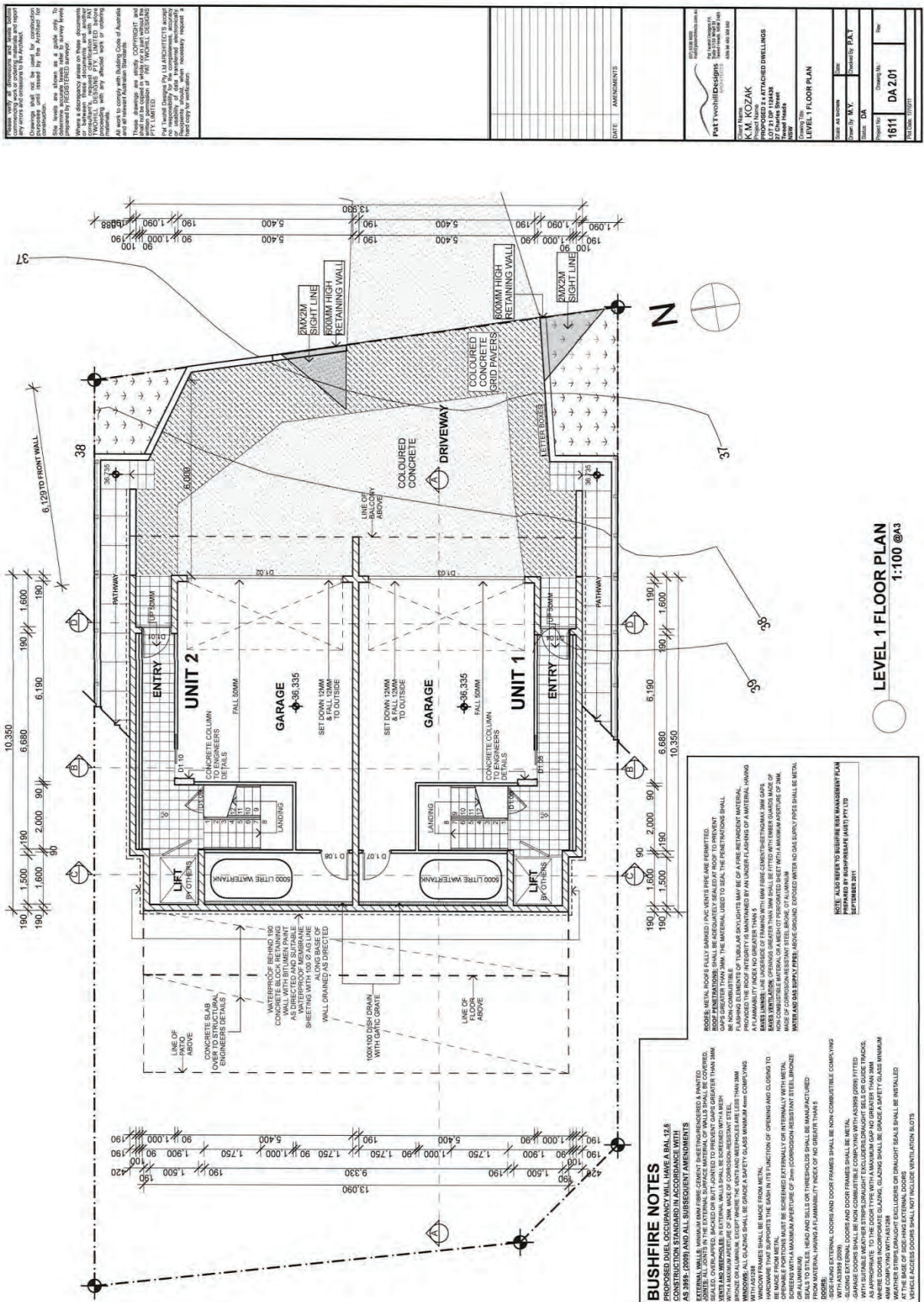
- MAINTAIN & ENHANCE CHARACTER STREETSCAPE
- MAINTAIN SOLAR ACCESS TO ADJACENT PROPERTIES
- IMPROVE ENVIRONMENTAL QUALITY OF STORM WATER RUNOFF
- IMPROVE LANDSCAPING TO STREET FRONTAGE
- CAPTURE VIEWS TO THE RIVER AND COASTLINE
- INCREASE URBAN DENSITY
- RECYCLE WATER IN AN URBAN SITUATION
- CAPTURE COOLING BREEZES FROM ELEVATED SITE
- MAINTAIN SCENIC BACKGROUND

CONSTRAINTS

- BUSHFIRE PRONE
- SITE AND VEHICLE ACCESS
- SLOPING TOPOGRAPHY
- BUILDING SETBACKS
- 2B ZONE



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PROJECT:	1611 DA 1.03									
DRAWING TITLE:	PROPOSED DWELLINGS									



LEVEL 1 FLOOR PLAN
1:100 @A3

These drawings are made in accordance with the Building Code of Australia and all relevant Australian standards. Where a discrepancy arises on these documents between the drawings and the specifications, the drawings shall prevail. Where a discrepancy arises on these documents between the drawings and the specifications, the drawings shall prevail. Where a discrepancy arises on these documents between the drawings and the specifications, the drawings shall prevail.

Project Name: K.M KOZAK
Project No: 1611
Drawing No: DA 201
Scale: 1:100 @A3
Date: 16/11/11

PARTIAL DESIGN
K.M KOZAK
1611 DA 201
LEVEL 1 FLOOR PLAN

DATE: 16/11/11
AMENDMENTS

DATE: 16/11/11
AMENDMENTS

DATE: 16/11/11
AMENDMENTS

DATE: 16/11/11
AMENDMENTS

DATE: 16/11/11
AMENDMENTS

PLEASE NOTE: All dimensions, notes, and details are to be used for construction purposes only. The contractor is responsible for verifying all dimensions and details on site. Dimensions shall not be used for construction purposes unless they are specifically noted as such. Dimensions shall be verified by the architect for construction purposes.

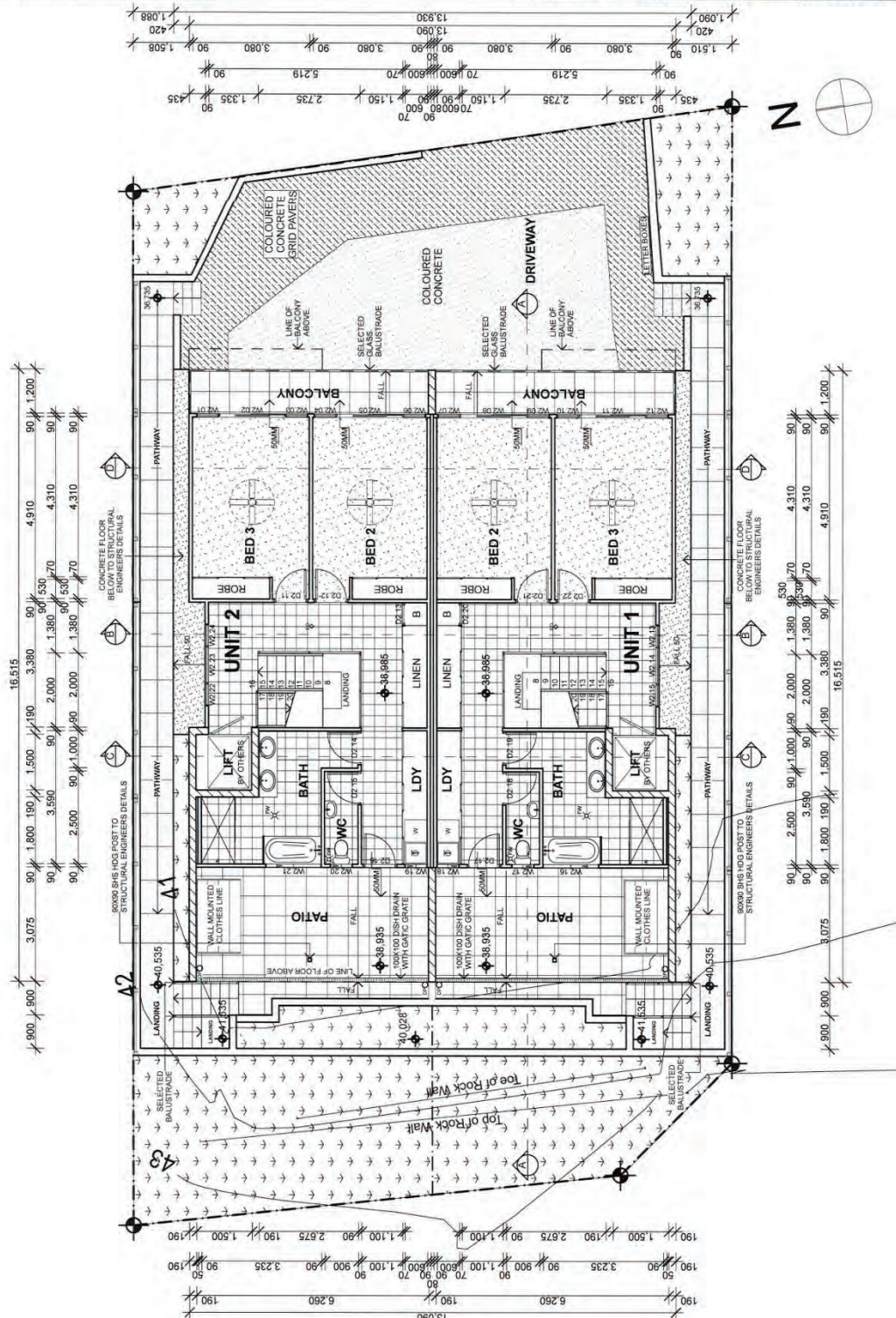
Site levels are shown as a guide only. To determine the actual site levels, the contractor shall refer to the site survey prepared by a registered surveyor.

Where a discrepancy exists on these documents, the contractor shall refer to the architect for clarification. The architect's interpretation shall prevail over any other interpretation.

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These drawings are shown as a guide only. The contractor shall refer to the site survey prepared by a registered surveyor for the actual site levels.

PAI (Paci Design Pty Ltd) ARCHITECTS accept no liability for any errors or omissions. It is the responsibility of the client to ensure that all necessary permits and approvals are obtained before construction commences.

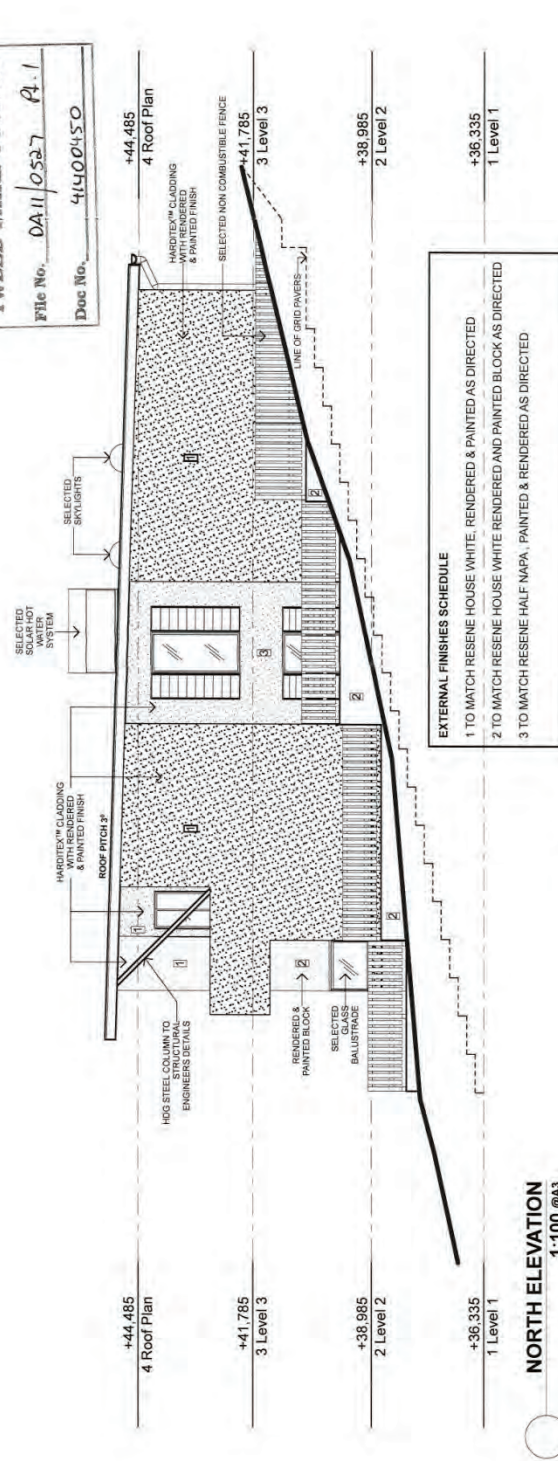


LEVEL 2 FLOOR PLAN
1:100 @A3

Scale as shown	Client
Drawn by: MEY	Checked by: PAI
Issue: DA	
Project No: 1611	Drawing No: DA 2.02
Title: LEVEL 2 FLOOR PLAN	
Project Name: K.M. KOZAK	
Project Address: LOT 21 SP 154488	
Project Location: [Address]	
Date: [Date]	
Sheet No: [Sheet No]	
Total Sheets: [Total Sheets]	

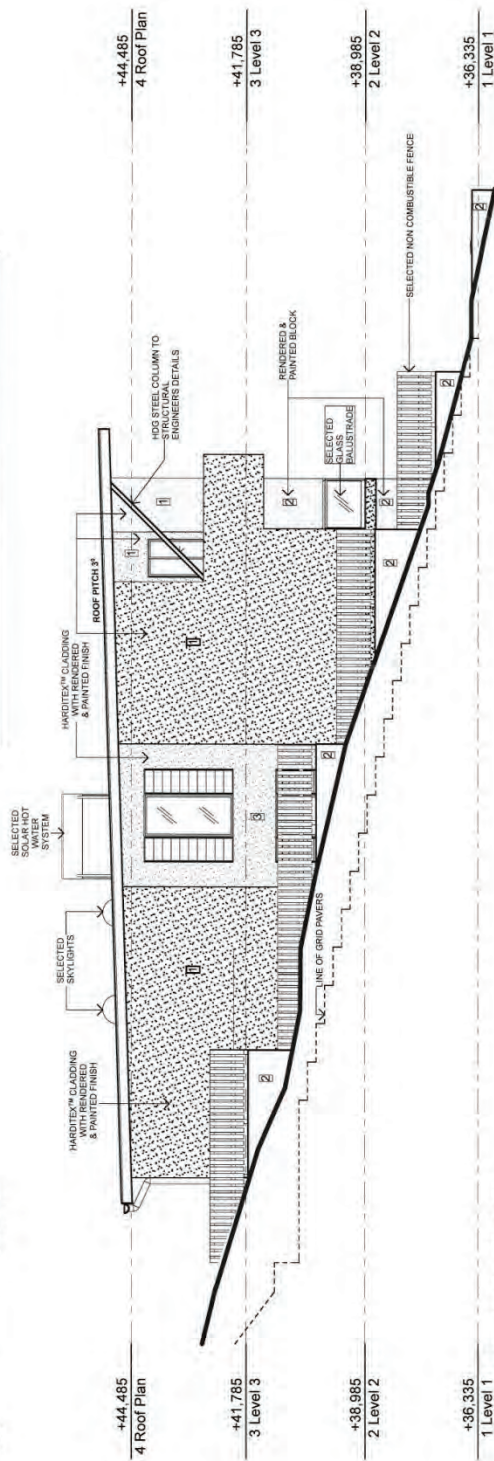
TWEED SHIRE COUNCIL
 File No. DA11/0527 Pt. 1
 Doc No. 41400450

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EXTERNAL FINISHES SCHEDULE

1	TO MATCH RESENE HOUSE WHITE, RENDERED & PAINTED AS DIRECTED
2	TO MATCH RESENE HOUSE WHITE RENDERED AND PAINTED BLOCK AS DIRECTED
3	TO MATCH RESENE HALF NAPA, PAINTED & RENDERED AS DIRECTED



DATE	AMENDMENTS
P.M.T. Twinkl Designs 1/41 South Street, Tweed Heads NSW 2486 Australia Phone: 07 5533 8888 Email: info@twinkl.com.au	
K.M. KOZAK Project Name: STANFORD DWELLING Lot 21 of SP 124248 1/41 South Street, Tweed Heads NSW 2486	
NORTH ELEVATION, SOUTH ELEVATION	
Drawn by	Checked by
Designed by	Reviewed by
Project No.	Drawing No.
1611	DA 3.01
Scale	Date
DA	

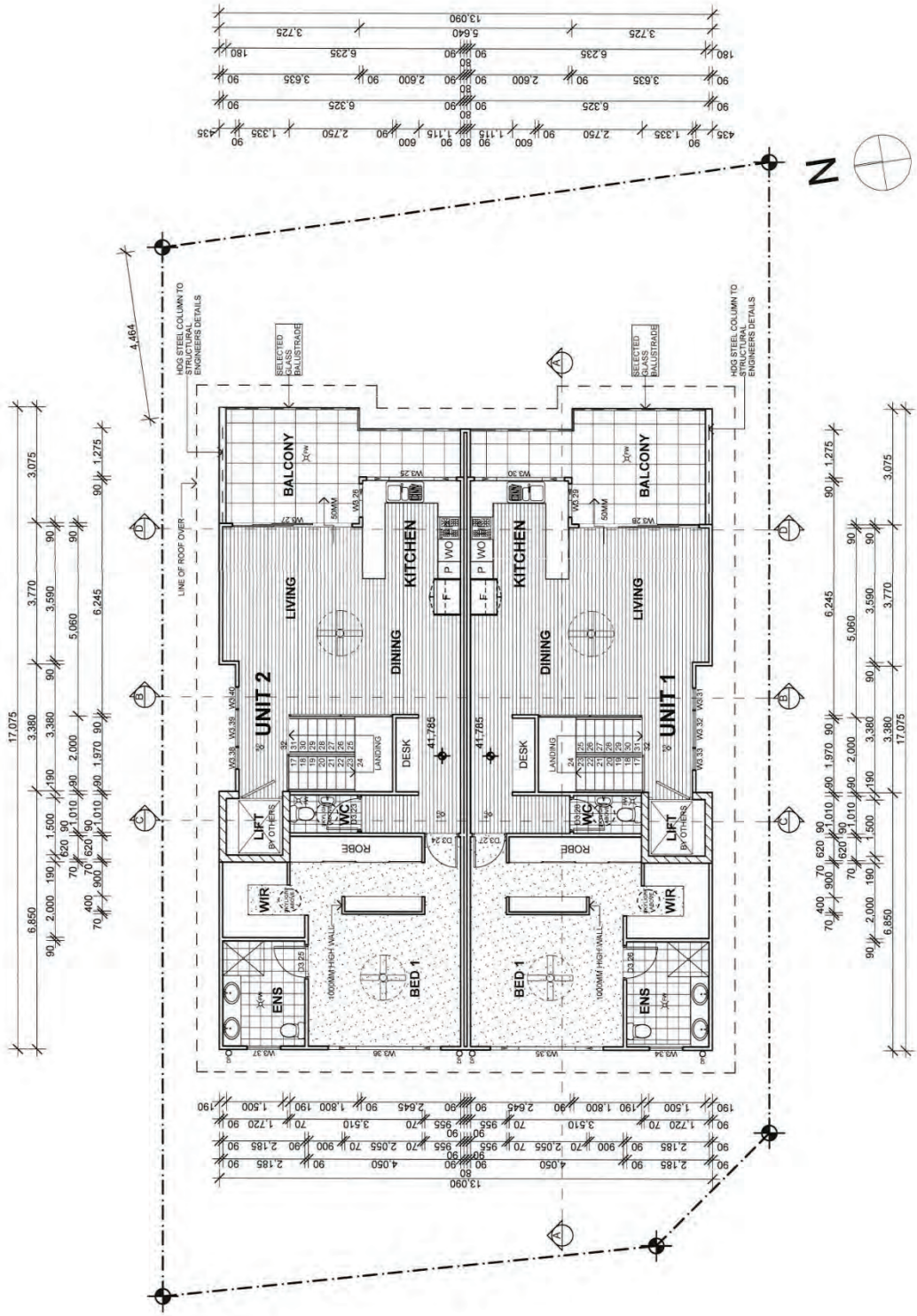
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All work to comply with Building Code of Australia. The architect or engineer is not responsible for any errors or omissions in this drawing. The architect or engineer is not responsible for any errors or omissions in this drawing. The architect or engineer is not responsible for any errors or omissions in this drawing.

PAI Twinkl Designs Pty Ltd
 11/1111 Sturt Street
 Adelaide SA 5000
 Australia
 Tel: 08 8333 3333
 Fax: 08 8333 3333
 Email: info@twinkl.com.au
 Website: www.twinkl.com.au

Client Name: K.M. KOZAK
 Proposed Attached Dwelling
 Lot 21 DP 11448
 Level 3 Floor Plan
 Drawing No: 1611 DA 2.03
 Date: 17/04/12



LEVEL 3 FLOOR PLAN
 1:100 @A3

Persons supply all information and shall retain responsibility for the accuracy of the information. The Architect shall not be held responsible for any errors or omissions in the information provided. The Architect shall not be held responsible for any errors or omissions in the information provided. The Architect shall not be held responsible for any errors or omissions in the information provided.

Site levels are shown on a grid only. In the event of a discrepancy between the site levels and the levels shown on the drawings, the levels shown on the drawings shall prevail.

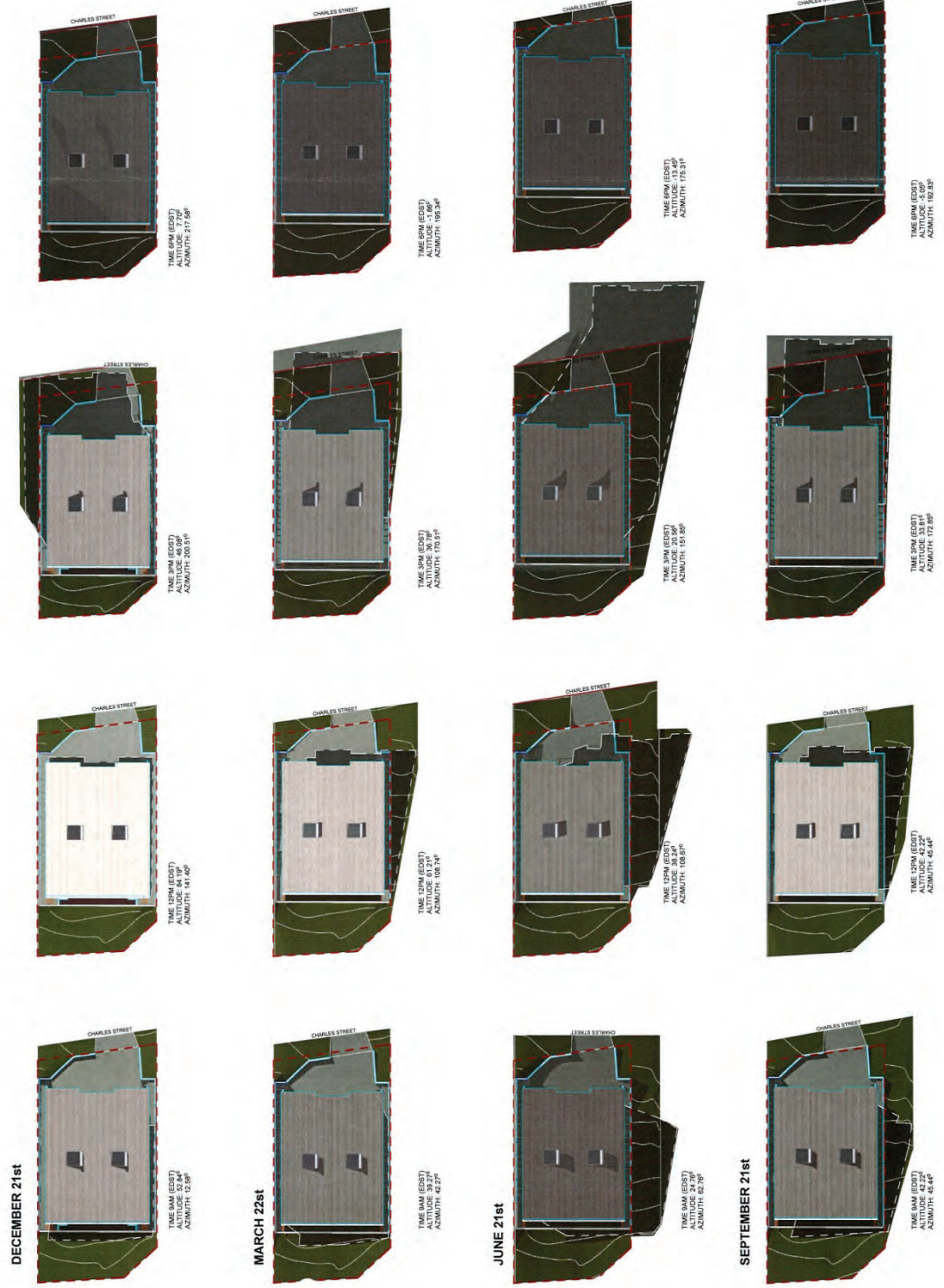
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PAI Twohill Design Pty Ltd ARCHITECTS
 1/111 WILSON STREET
 SYDNEY NSW 2000
 PH: (02) 9550 1111
 FAX: (02) 9550 1112
 WWW: www.pai.com.au

Project Name: K.M. KOZAK
 Project No: LOT 21 DP 112426
 Project Address: 1/111 WILSON STREET
 SYDNEY NSW 2000
 Drawing No: SWALLOW DIAGRAM PLAN

Scale: AS SHOWN
 Date: 16/11/11
 Drawn by: K.M. KOZAK
 Checked by: P.A.T.
 State: NSW
 Project No: 1611
 Drawing No: DA 5.01
 Title: SWALLOW DIAGRAM PLAN



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

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

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the Plan

A principle aim of the Plan is to ensure:

The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced [and] to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

The proposed development is of a relatively minor nature and scale and is not likely to impact on the character of the Tweed as a whole. The proposed dwellings are of a contemporary design that provide an interesting variety of materials and, in general, would not be incompatible with the surrounds or the area's environmental and residential amenity qualities. However, when viewed from the street, the development comprises a three (3) storey development in an area restricted to a height limit of two (2) storeys.

On this basis it is considered that the development does not comply with the LEP and that the SEPP 1 Objection has failed to take into consideration the resultant visual impact that the proposal would have on the character and amenity of the surrounding area nor that, should the development be approved, it would set an undesirable precedent for similar development in the future.

This clause also requires that development complies with the zone objectives. This is addressed below.

Clause 5 - Ecologically Sustainable Development

The intent of this clause is to provide for development which is compatible with principles of ecological sustainable development (ESD) including the precautionary principle, inter-generational equity, ecological and environmental factors.

It is considered that the scale and nature of the proposed dual occupancy development is minor and, as the site has already been substantially cleared of vegetation, would not conflict with principles of ESD.

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.*

It is considered that the development would be consistent with the primary objectives of the 2(b) Medium Density Zone. The subject site is located in an established residential area and it is generally considered that the proposed dual occupancy development would not have an unacceptable impact on the area of Tweed as a whole.

However, the development comprises a three (3) storey building in a zone limited to a height limit of two (2) storeys. As detailed further within this report, it is considered that the application details has failed to demonstrate why a relaxation in the two (2) storey height should be allowed in this instance or the detrimental impact that the proposal would have on the character and amenity of the immediate locality, which is, in general, characterised by one and two storey buildings. It is therefore considered that the development is inconsistent with the clause.

Clause 11 – Zone Objectives

The subject site is located within the 2(b) Medium Density Residential Zone. The objectives of which are as follows:

Primary objectives:

To provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.

Secondary objectives:

To allow for non-residential development which supports the residential use of the locality.

To allow for tourist accommodation that is compatible with the character of the surrounding locality.

To discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.

Whilst the proposal meets the requirement for the provision of medium density housing it is considered, by reason of the dominant three (3) storey building height, that the proposal would fail to result in a good urban design outcome and would not be in keeping with surrounding streetscape character.

Whilst medium density development is encouraged in the zone, this should not be a cost to the visual amenity and character of the surrounding area.

Clause 15 - Essential Services

The primary objective is to ensure that development does not occur without adequate measures to protect the environment and the community's health.

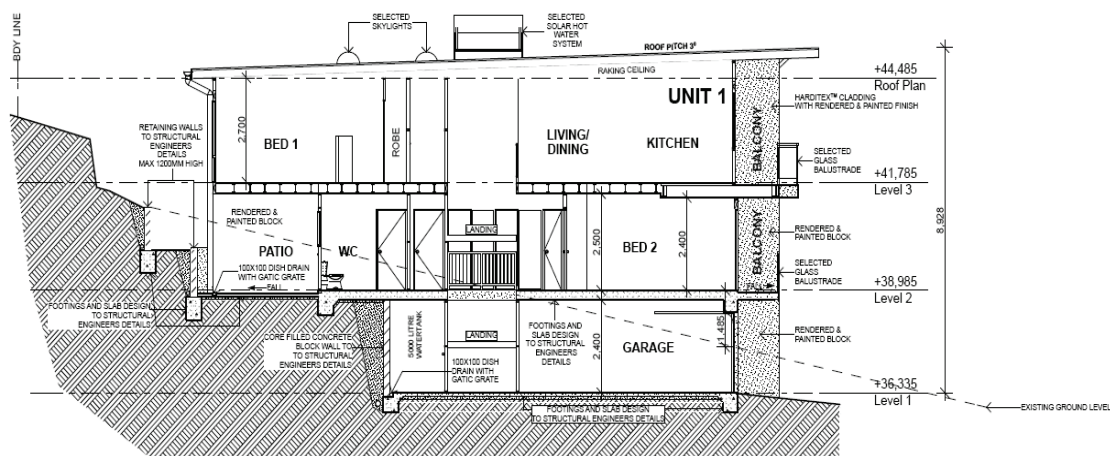
The subject site has existing access to essential services. The dwellings will be connected to Council sewer and water. Accordingly, the proposal is consistent with the provisions of this clause.

Clause 16 - Height of Building

Clause 16 aims to ensure that the height and scale of development is appropriate to its location, surrounding development and environmental characteristics of the land. Clause 16 of the TLEP provides a two-storey height restriction over the subject site.

The proponent considers that the development proposes two (2) habitable levels, constructed on top of a basement garage and therefore complies with Clause 16 of the TLEP. However, Council is of the opinion that the proposed development incorporates two three (3) storey buildings as detailed further within this report.

Firstly, the proponent advises that the 'finished ground level' of the site is RL 37.5m AHD, with the floor immediately above that point being RL 38.985m AHD and that, on this basis, the garage does not exceed 1.5m in height and is therefore not defined as a storey, as illustrated in the following diagram:



Section of proposed dual occupancy development indicating proponents version of existing and finished ground level

However, it is considered that the 'finished ground level' is in fact RL 36.335m AHD, in accordance with the following definition contained within the TLEP:

Finished ground level, in relation to land, means the following (and, if more than one of the following paragraphs applies in relation to the land, whichever is the highest):

- (a) *The natural ground level of the land that was the level of the land at the appointed day, or the level of the land after such earthworks (excluding any basement excavations) as are consented to by the consent authority, whichever is the lower,*

There have been no earthworks 'consented to' which are lower than the level of the land as it was on the appointed day and the proposed parking area is not considered to be defined as a 'basement', as detailed further within this report. Therefore this exclusion does not apply.

- (b) *The level of the land approved by the consent authority as the finished ground level of the land prior to the commencement of Tweed Local Environmental Plan 2000 (Amendment No 46),*

No earthworks have been consented to by the consent authority prior to the appointed day and therefore point (b) does not apply.

- (c) *If the land is within an area identified by the Council as flood liable land, the level of the land after filling the land in accordance with the consent authority to the adopted design flood level under Section A3.*

The land is not flood prone and therefore point (c) does not apply.

On this basis the finished ground level is considered to be RL 36.335m AHD (i.e. the *level of the land after such earthworks (excluding any basement excavations) as are consent to*) and not the 'existing' ground level of RL 37.5m AHD. This results in the space between the finished ground level and the floor immediately above being approximately RL 2.4m AHD.

The TLEP defines a 'storey' as:

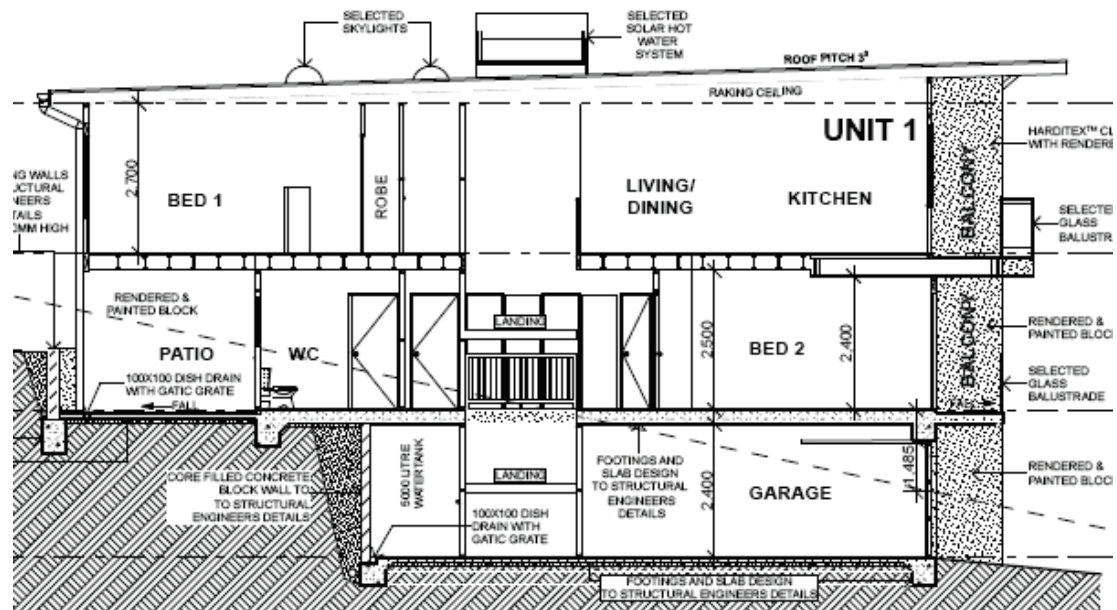
- (a) *The space between two floors, or*
- (b) *The space between a floor and any ceiling or roof immediately above it, or*
- (c) *Foundation areas, garages, workshops, storerooms and the like, excluding access paths to basement areas, where the height between the finished ground level and the top floor immediately above them exceeds 1.5 metres in height.*

A storey which exceeds 4.5 metres for residential buildings is counted as two storeys.

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

As the space between the finished ground level and the floor immediately above is in excess of 1.5 metres in height, it is considered that the garage parking area constitutes an additional storey.

Further, as detailed in the diagram below, three (3) storeys of the building are intersected by the same vertical line and therefore, the building is considered to constitute three storeys.



Section of proposed dual occupancy development

The applicants consider that the proposed development constitutes two (2) storeys, by virtue of Point (a) (as detailed above), that excludes basement excavations in the definition of finished ground level.

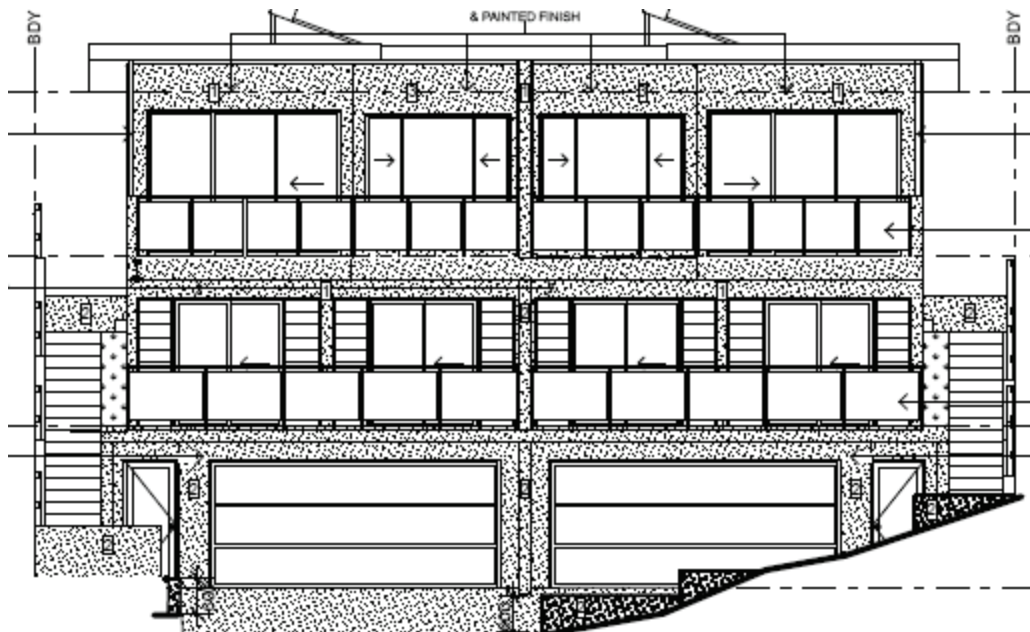
The proponent advises that the parking area is a basement as *it would be excavated into the hillside such that the rear of the structure would be completely below the level of the land and the front of the structure would be at its highest point no more than 1.485m above the level of the land as it is today*. The applicants have further advised that the parking areas would be a *storey of a building partly underground*, and is therefore consistent with the Macquarie Dictionary definition of a basement.

However, Council is of the opinion that the development does not comprise a basement parking area. This is primarily because the parking areas shown on the subject plans are clearly exposed to the street (at a similar level to the street) and the elevation can then be viewed as a distinct three (3) storey building (with garages and a Level 1 and Level 2 protruding beyond the wall of the parking area below).

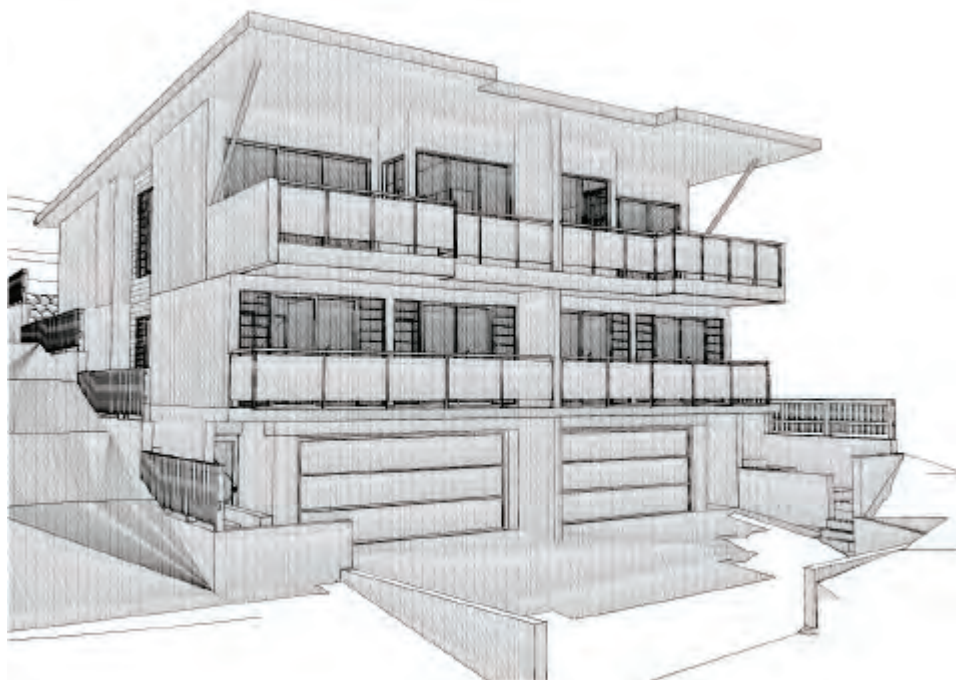
Council acknowledges that the proponent has utilised the standard definition of a basement from the Macquarie Dictionary definition, however this definition is not written in a planning sense and fails to acknowledge case law from the NSW Land and Environment Court, as further detailed within this report.

Of note at this point is a NSW Court of Appeal decision (Port Stephens Council v Chan Industrial Pty Limited & Anor [2005] NSWCA 232 dated 19 July 2005) clarifies Council's concerns in relation to building height and how this is measured. The Judgement advises that the 'clear object of the height control in the zones to which it applies is [...] to control issues of privacy and overshadowing [...] as well as visual bulk of the completed building'.

In relation to 'finished ground level', the Judgement advises that this should be 'construed as a reference to the finished ground level which abuts the completed building at any point along its external walls'. On this basis the proposed building, in Council's opinion, represents a three (3) storey building as the garages would be accessed from street level, as shown in the following diagrams:



Front (east) elevation in plan form



3D perspective of proposed dual occupancy development

Council is therefore of the opinion that the development proposes a three (3) storey building. On this basis a SEPP 1 Objection to vary the development standard in relation to building height has been requested.

The SEPP 1 Objection however reiterates the applicants position in relation to the definition of finished ground level and basement and that the proposed development does constitute a two (2) storey building (i.e. two habitable floors that are constructed on top of a basement).

It is considered that the proponent has not adequately justified the variation to the development standard or expressed to Council that a complying development cannot be achieved on the site. Further, should the proposed development be approved it would be out of character with the majority of surrounding single and two storey built development and would set a harmful precedent for similar three storey development in the locality.

On this basis a recommendation of refusal for the proposed development is put forward.

Clause 17 - Social Impact Assessment

Clause 17 of the TLEP requires a social impact assessment for development types likely to have a significant social impact in the locality. The criteria for a socio-economic assessment to be provided is 50 units for multi dwelling housing. Therefore, the applicant has not provided an assessment in this regard.

Clause 35 - Acid Sulfate Soils

Clause 35 of the TLEP provides for the management of acid sulfate soils. The land has been identified as having Class 5 acid sulfate soils. Council's Environmental Health Services has reviewed the proposal and has provided no objections with this regard.

Other Specific Clauses

Clause 39A – Bushfire Protection

The subject site is partially bushfire prone and therefore this clause applies. The development application was referred to the NSW RFS who have advised that they were not in a position to properly assess the application due to the lack of supporting evidence that clearly demonstrates the vegetation to the south would perform as a managed vegetation structure in the event of a bush fire.

The applicants were requested to provide such detail to Council. The RFS have since provided recommended conditions in relation to the maintenance of asset protection zones, connection of gas, design and construction and landscaping to be in accordance with the *Planning for Bush Fire Protection 2006* document.

Clause 54 – Tree Protection Order

The site is subject to Council's 2011 Tree Preservation Order (Koala Habitat mapping) and on this basis this clause applies. The site has been substantially cleared of vegetation and will not result in the loss of any known koala feed trees and does not form part of a broader area of vegetation. It is considered that the proposal would be unlikely to impact on Koala habitat.

State Environmental Planning Policies

SEPP (North Coast Regional Environmental Plan) 1988

Clause 32B: Coastal Lands

Clause 32B of the NCREP is applicable to this proposal as the subject land falls under the jurisdiction of the NSW Coastal Policy. The Policy specifically seeks to identify, protect and promote the aesthetic qualities of both natural and built environments. Further, the Policy states that in assessing development application proposals:

- (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) Council is required to consider whether the development would result in overshadowing of beaches or adjacent open space.

The proposal is considered not to be inconsistent with Clause 32B (a), (b) (d) and (e) as it is deemed unlikely that it will impede public foreshore access to the beach or result in significant overshadowing of adjacent public open space.

However, consideration of the proposal raises concerns in relation to several design principles of the North Coast: Design Guidelines that apply to all future coastal development, as follows:

- *Ensure development responds sensitively to the density and scale of the existing settlement;*
- *Ensure planning and development respond to the local topography and climate;*
- *In multi-dwelling development, provide a street entry for each dwelling, avoid battle-axe, villa-style development and design appropriately to topography, climate and aspect;*
- *Reinforce original subdivision patterns and streetscapes that characterise the settlement, maintain consistent setbacks from front and rear of lots in low density areas and continuous street and awning edges along core streets/perimeters of major blocks.*

It is considered that, by virtue of the subsequent bulk and height of the proposed three (3) storey building, the development would not respond to the density and scale of the majority of surrounding development and would adversely impact on the visual amenity of the area. As detailed further within this report, the development also proposes a significant variation to the maximum allowable Floor Space Ratio. This exemplifies Council's concerns in relation to the overall scale of the proposed building in relation to the capacity of the site.

Whilst it is appreciated that the development has taken the topography of the site into consideration, it is considered that by further stepping the building back and eliminating the three (3) storey element, particularly at the street frontage, would ensure that the building responded to the scale of surrounding development.

It is considered that the proposed development, in its current form, does not reinforce existing streetscape character and would set a harmful precedent for similar development within the locality.

Clause 43: Residential development

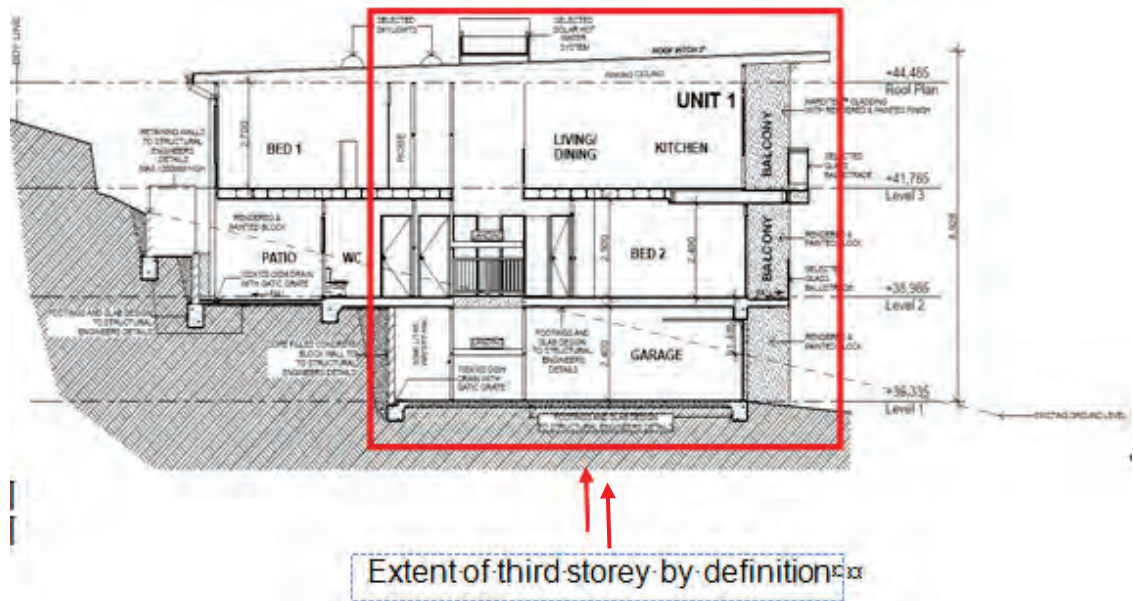
As a dual occupancy development, the proposed density is considered to be a reasonable response to the land use character of the area. However, the development would be regarded as a three (3) storey building from the street that proposes a significant variation to the maximum allowable FSR control, which, by reason of the resultant height and bulk, would negatively impact on the character and visual amenity of the surrounding area, which predominantly consists of two-storey, low density residential development.

The proposal is therefore considered to be inconsistent with the relevant provision of Clause 43 of NCREP 1988.

SEPP No. 1 - Development Standards

SEPP No. 1 enables Council to assume the Director's concurrence to a variation to a development standard where it is considered that strict adherence is both unnecessary and or unreasonable in the circumstances of the case.

The area of non-compliance is shown diagrammatically below:



As discussed previously the applicant has submitted a SEPP No. 1 Objection to vary the number of storeys permitted on the site. Whilst it is evident that the proponent disagrees with Council's position with regard to the number of proposed storeys in the building, the applicant's justification for the variation is summarised as follows:

Applicant's submission:

Are the objectives of the standard achieved notwithstanding non-compliance with the standard?

The proposed development proposes two habitable levels, constructed on top of a basement garage. (We consider the garage to be a basement since it is to be excavated into the hillside such that the rear of the structure will be completely below the level of the land and the front elevation of the structure will be at its highest point no more than 1.485m above the level of the land as it is today, which is the finished ground level of the site).

Accordingly, the proposed building will provide only two habitable floors that are above the existing level of the land. On this basis we submit that the development is of a height and scale that is appropriate to its location.

Two storey buildings are located on the properties either side of the subject site. A three storey building is located opposite the site (No. 29 Charles Street) [...]. On this basis we submit that the development is of a height and scale that is in context with the surrounding development.

The subject site contains steeply sloping land [and it] is therefore necessary to cut the driveway into the existing levels to access the proposed basement garage. On this basis we submit that the development is of a height and scale that is in context with the environmental characteristics of the land.

Is the granting of consent consistent with the aims of SEPP 1?

Compliance with the development standard would preclude the development of this site for the purpose of a dual occupancy development as encouraged by the 2(b) Medium Density zoning.

The proposed buildings is set on the high side of the street and due to the steeply sloping nature of the site the driveway to the basement garage must be excavated to allow access. The resultant impact on the amenity of the streetscape is that the garage doors will be visible, even though they will be no more than 1.5m above the existing ground level and technically do not comprise an additional storey as access to basement areas is excluded from the definition of 'Storey'.

[On this basis ...] strict compliance with Council Officers' interpretation of the development standard would hinder attainment of the EP&A Act's object to promote orderly and economic use [...].

Are clause 8 matters (in SEPP 1) satisfied (i.e. does the noncompliance raises matters of State or Regional planning significance and is there public benefit of maintaining the controls)?

It is submitted that strict adherence to Council Officer's interpretation of the development standard is unreasonable and unnecessary in the circumstances of this case for the following reasons:

- Basement garage protrudes more than 1.485m above the existing ground level (which as previously discussed is also the defined 'Finished Ground Level') and therefore does not constitute a storey;*
- As it is necessary to gain vehicular and pedestrian access to the basement the driveway and pedestrian access adjacent to the basement is to be excavated;*
- We submit that this is normal practice that is consistent with the exclusion in the definition of storey;*
- The proposed development is consistent with the anticipated development of this site and the immediate area and is not considered to be significant, nor inconsistent with the objectives of Clause 16 of the TLEP.*

Conclusion

It is considered that upholding of the Objection would be consistent with the aims of the SEPP No 1 in that strict compliance with Council Officers' interpretation of the development standard would unreasonably preclude the appropriate development of the site in accordance with the medium density development controls.

Notwithstanding that the proposal will present as three levels to the street, this is considered to be of no consequence since appropriate landscaping is provided at the front corners of the site and the building will present as only two storeys to the side boundaries and only one storey to the rear. The maximum height of the building is only 1m – 2m above the ground level at the rear of the site.

We conclude that upholding the Objection is considered to be in the public interest and consistent with the objects of the Act.

Assessment of the Applicant's Submission

The NSW Land and Environment Court has established a new test to determine the appropriateness of a SEPP 1 application. The Chief Justice stated that:

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

The Chief Justice then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy:

1. ***The objectives of the standard are achieved notwithstanding non-compliance with the standard;***

Clause 16 of the TLEP 2000 aims to ensure that the height and scale of development is appropriate to its location, surrounding development and environmental characteristics of the land.

The majority of surrounding development consists of one or two storey residential buildings with the exception of No. 46 Charles Street (opposite the subject site) that consists of elements of a three (3) storey building. This particular Development Application for a proposed three (3) storey residence (K99/1599) was approved by Council providing that the top point of the roof did not exceed 4.5 metres above the level of the footpath at the kerb, at the mid-point of the allotment so as to reduce the overall building height and bulk of the building. The garage parking area is considered to form a 'basement' in this instance, as it is located below street level and therefore has a reduced visual impact from the street.

Notwithstanding the development at No. 46 Charles Street, it is considered that the majority of surrounding development within the immediate vicinity constitutes one (1) or two (2) storey buildings. Where there are other examples of three (3) storey elements within surrounding development (the proponent has put forward No. 68 and No. 72 Charles Street), such buildings are stepped down the slope of the site and present as single or two storey buildings at the street frontage. Council is of the opinion that the overwhelming character of residential development in the locality is that of one or two storey buildings.

The proposed development, with two (2) double garages at street level and two habitable levels atop, would clearly be viewed as a three (3) storey building (approximately 9m in height) from the street. Further, it is considered that no amount of landscaping would reduce the overall height, bulk or scale of the proposed building. The proposal would therefore be inconsistent with the majority of surrounding development and, if approved, would set a harmful precedent for similar three (3) storey development in the future.

It is therefore considered that the proposal would be inconsistent with the height and scale of surrounding development and would contravene the objective of Clause 16 of the TLEP.

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

The objective and purpose of the standard is relevant to the proposed dual occupancy development, which seeks to ensure that the height and scale of development is appropriate to its location, surrounding development and environmental characteristics of the land and to ensure that every Development Application is assessed against the objectives of this clause to ensure a consistent and transparent approach in decision making.

The proponent has put forward that, due to the steeply sloping nature of the site located on the high (western) side of Charles Street, compliance with the standard would not be feasible and would prohibit any dual occupancy development on the site. However, Council is of the opinion that a complying design may be achieved by stepping elements of the building back into the site. An alternate complying design has not been provided to Council with this regard.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The underlying objective of the standard is to ensure that the height and scale of development is appropriate to surrounding development. The proponent has put forward that compliance with the standard would preclude the development of this site for the purpose of a dual occupancy development and that compliance would be unreasonable, given the medium density zoning and the physical capabilities of the site.

Should the development be approved, it would set a harmful precedent for three (3) storey development within the locality. As previously detailed, Council is of the opinion that the area is characterised by one and two storey residential buildings. On this basis it is considered that compliance with the standard is reasonable and necessary in this instance.

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

As previously detailed there are some examples of buildings with elements of three (3) storeys within the locality however, such buildings are generally stepped down into the slope of the site and present as one or two storeys from the street. Council is of the opinion that the majority of surrounding development consists of one and two storey buildings.

As the development presents itself as a three (3) storey building at the street frontage it would have a harmful impact on neighbourhood character, by reason of its bulk and scale, and would set a harmful precedent for similar development in the locality.

The proponent has also provided to Council an example of a Development Application (DA07/0411) for a three (3) storey building at 18 Tweed Coast Road, Hastings Point that was approved by Council in a zone within a two (2) storey height limit zone. The assessment of the proposed development failed to identify a breach of the definition of storey in this instance. This scenario however is slightly different to the current proposal as the location of the breach at Hastings Point was in the middle of the allotment and not adjoining the primary frontage.

A search of Council's records has indicated that this appears to be an isolated incident and should not be used as grounds for precedence.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The subject site is located within a residential zone that has a height restriction of two (2) storeys to ensure development is responsive to the steeply sloping topography and to reduce bulk and scale of new development. It is considered that the land zoning in relation to building height is reasonable in this instance.

Where the grounds of objection are of a general nature and would be applicable to many sites in the locality, approval of the objection may create an adverse planning precedent. Preston CJ noted that there is a public benefit in maintaining planning controls and a SEPP 1 objection should not be used in an attempt to effect general planning changes throughout the area.

With this regard, approval of the proposed development would set a precedent for three (3) storey buildings in a zone restricted to a (2) storey height limit. The public benefit of maintaining the planning controls in this regard relates to the preservation of the general neighbourhood character, maintaining views from public vantage points as well as from private dwelling houses, ensuring development is responsive to site topography and reducing the overall visual impact of development along the ridgeline.

Having regard for the applicants SEPP 1 justification and the Courts assessment criteria, the proposed SEPP 1 is considered unreasonable in these circumstances. Therefore it is recommended that the SEPP1 objection is not supported and concurrence to the variation to the number of storeys not assumed in this instance.

SEPP No 71 – Coastal Protection

Clause 8 of the Policy details sixteen matters for consideration for land within the coastal zone. The application is considered, in general, to satisfy the matters for consideration in that the development proposes a dual occupancy development within an established residential zone.

However, it is considered that the proposed three (3) storey height and resultant bulk and scale, would not be appropriate in its location, which is predominantly characterised by one or two storey buildings. Whilst the proponent has argued that the sloping site leaves no opportunity for reducing the overall scale of the development, it is considered that this does not adequately justify a building of this scale and proportion. Once again this is heightened by the proposed significant variation to the maximum allowable Floor Space Ratio controls, as detailed further within this report.

It is therefore considered that the proposal would be inappropriate in design and in its relationship with the surrounding area. The proposal would therefore be inconsistent with the aims of the policy.

SEPP (Building Sustainability Index: BASIX) 2004

BASIX certificates were submitted demonstrating that the proposal meets the required targets.

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

The Tweed Local Environmental Plan 2010 is yet to be formally gazetted by Council. However in this Draft LEP the site is located within the R3 – Medium Density Residential Zone. Within the R3 zone an Attached Dwelling is permitted with consent.

The subject site is located within a zone with a height restriction of 9 metres. The subject building measures approximately 9.5m in height. However, Clause 4.3 (Height of Buildings) states that development proposal should ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity and to limit the impact of the height of a building on the existing natural and built environment. With this regard it is considered that the proposed three (3) storey building would be detrimental to neighbourhood character and the surrounding built environment.

However, as the Draft LEP has not yet been adopted this document is not, at the time of writing, a material planning consideration.

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

Tweed Development Control Plan

A1-Residential and Tourist Development Code

In general the proposed development is compliant with the controls detailed within the A1 Code in relation to building setbacks, building separation and provision of deep soil zones. Variations to a number of controls are put forward, as detailed below:

Streetscape character, external living areas and sunlight access,

However, the overall height and scale of the proposal, coupled with the dominance of the double garages on the ground floor, is considered to be inconsistent with surrounding development and detrimental to the streetscape character and appearance.

It is considered that reducing the height of the building, by stepping the building back into the site would ensure compliance with the two (2) storey height limit. Further, the internal reconfiguration (for example: reducing or removing Level 1 patio and setting services to the rear of the building; reconfiguring service, landing areas and lifts; reducing bedroom size on Level 2; providing light wells to staircases; reducing roof over Level 2 balconies and so on) may provide greater opportunity for integration between the internal and external living areas, improve solar gain and overall unit amenity.

There may also be opportunity to step back one unit from the other to reduce the dominance of the proposed double garages and improve solar gain from the north east.

Basement carparking

The proponent advises that the development comprises two storeys over a basement garage however there has been no consideration for the control that sets out standards for basement carparking (i.e. *basement carparking cannot extend more than 1m above ground level where it faces a public street or public space*).

The carparking area clearly extends more than 1m above ground level where it faces Charles Street and the development would therefore not satisfy the requirements of this control in relation to basement carparking.

Garages

The ground floor comprises two double garages only and is therefore dominated by an enclosed and blank frontage, with habitable rooms located on the upper floors. Drawings illustrating how the mandatory controls in relation to the dominance of garages have been submitted, indicating that, given the steeply sloping and constrained nature of the site, setting the garages behind the front of the building line is not achievable. The proponent advises that alternative options were considered for the garage entries, but none were considered feasible and that, as a design solution, garage entries were designed to present as a 'base' to the building with a contemporary door to improve presentation.

In general this variation is considered to be justified, given the sloping nature of the site, however it is considered that the dominance of the garages, coupled with the two upper floors immediately above, increase the bulk and scale of the proposed development.

Cut and fill

A variation in regard to cut and fill has been requested. The proposal would provide 1.2m high retaining walls within 900mm of the side boundaries. Given that excavation to the site is generally minimal with the existing land formation generally being contained within the building footprint, it is generally considered that this variation is justified in this instance.

The proponent advises that the design of the development balances the need to minimise building bulk, provide view sharing and reduce external retaining. Whilst the overall bulk of the building has been reduced by back filling into the site, the scale and height of the building when viewed from the street would be considerable.

Floor Space Ratio

An additional variation is requested in relation to Floor Space Ratio (The proponent advises that the FRS is 0:73:1 as opposed to 0:55:1 for an attached dual occupancy).

Council's calculations show the floor area of the building (excluding balconies and garages) to be approximately 364m². As the site area measures 452m² the FSR is calculated to be 0:80:1. This equates to a variation of an additional 116m² of floor space to that specified in the DCP.

The proponent has stated that as the development accords with key controls relating to building setback, impervious area, deep soil zones and provides a high standard architectural design, that this variation is justified. Given the constrained nature (both in size and topography) of the site, a minor variation to the mandatory controls is in some respect considered justified.

However, the development proposes a variation of approximately 116m² of floor area which is significant, particularly given the large balcony areas and double garages in addition to this. This considerable variation to FSR highlights Council's concerns in relation to the overall bulk and scale of the building. The limited area for deep soil zones and external living areas; the dominance of the driveway and reduced landscaping in the front setback; the proximity of the building to the boundaries of the site as well as the overall height of the building signifies that the overall scale of the development exceeds the capacity of the site.

A2-Site Access and Parking Code

Section A2 of the DCP requires a total of two (2) parking spaces per unit plus provision for driveway parking of another vehicle. The proposed development provides a double garage for each unit as well as an additional parking space per unit, located on the driveway.

The proposal therefore complies with Section A2 of the DCP.

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

Clause 92(a) Government Coastal Policy

The proposed site is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. The subject site 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),

Not applicable to the proposed development.

Tweed Shire Coastline Management Plan 2005

Not applicable to the proposed development.

Tweed Coast Estuaries Management Plan 2004

Not applicable to the proposed development.

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

Not applicable 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

Whilst the contemporary design and appearance of the buildings may not necessarily be in keeping with surrounding development, it is considered that they would provide a modern contrast and contribute to visual amenity and design interest within the locality.

However, as previously detailed within this report, the height and scale of the proposed development, coupled with the dominance of the double garages, would be detrimental to the visual amenity and character of the surrounding area.

Access, Transport and Traffic

As previously detailed within this report adequate parking and access is provided for the proposed dual occupancy development, with the proposed access way being 6m in width which complies.

Cumulative Impacts

The approval of this development application, in Council's opinion, would set a undesirable precedent for similar development within the locality and within the Shire as a whole. The purpose of the LEP and other relevant planning policy is to ensure development is consistent with the surrounding built form and provides liveable and sustainable development and makes a positive contribution to surrounding residential and visual amenity.

As previously detailed, whilst there may be examples of other buildings that comprise three (3) storey elements in the vicinity of the site, Council is of the opinion that the proposal, which clearly would read as a three (3) storey building from Charles Street, and, coupled with the overall scale and bulk of the building, would be inconsistent with the overwhelming majority of built form in the locality and would set an undesirable precedent for similar development in the future.

(c) Suitability of the site for the development

Topography

The development does take consideration of the topography of the site and, given the steeply sloping nature of the site, Council appreciates that strict compliance with Clause 16 of the LEP as well as the mandatory controls in relation to Floor Space Ratio may present difficulties in relation to building design and financial viability of the proposal. However, it is considered that there may be possibility to further step the building back into the site (by reducing the footprint of Level 1 and 2; and internal reconfiguration for example) to ensure that the two (2) storey control is adhered to and the overall height and bulk of the building, particularly when viewed from the street, is reduced.

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

Two (2) submissions were made in response to the notification process. The main concerns related to the impact of the construction phase to surrounding properties (No. 44 and No. 46 Charles Street); increased traffic congestion from Steep Street to Adelaide Street and in relation to overlooking from the front balcony back towards the living area of No. 29 Charles Street.

Site stability

Council's Development Engineer has reviewed the proposed development and has provided no objection in relation to slope stability. Excavation of the site is minimal and generally the existing landform would be contained within the building footprint. Providing the retaining walls are certified by a suitably qualified Structural Engineer no further consideration with this regard was required.

Traffic congestion

The development proposes adequate onsite carparking to accommodate the proposed dual occupancy development, in compliance with the requirements of Section A2 of the DCP.

Overlooking

The proposed upper floor balcony (Level 2) would be set back from the neighbouring property (No. 29 Charles Street) by approximately 8m and separated by a right of carriageway. This would therefore limit the potential for overlooking, noise or disturbance to the adjacent property. Further, the proposed balconies predominantly overlook Charles Street itself and the front garden aspect and side living room of the neighbouring property (No. 29 Charles Street). It is not considered that overlooking would cause an unacceptable impact to the residential amenity of the occupants of the adjacent property so as to warrant refusal or redesign of the proposed development.

(e) Public interest

It is considered that the proposed dual occupancy development would not impact on the public or community interests. However, as detailed, the three (3) storey height of the proposed development would, if approved, set a harmful precedent for similar, undesirable development in the future.

OPTIONS:

1. Refuse this application in accordance with the recommendation for refusal.
2. Grant in-principle support for the proposal, and that the officers bring back a further report to Council with possible conditions of development consent.

CONCLUSION:

As detailed within this report it is considered that the proponent has not justified the SEPP 1 Objection for a variation to the development standard in relation to building height. Council is of the opinion that the development proposes a building of three (3) storeys and that, by reason of its height, bulk and scale, would be inconsistent with surrounding built development and would have a detrimental impact on the character and appearance of the surrounding area. Council is also of the opinion that a compliant design may also be achieved without precluding a dual occupancy development on the site and that the proponent has failed to demonstrate that a compliant two storey building could not be achieved in this instance.

Should the development be approved, it would set an undesirable precedent for further, unjustified variations to the applicable development standard in relation to building height.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

The proposed development could potentially set an unwarranted precedent for the variation to building height limits contained in the relevant planning policy documents, without sufficient justification with this regard.

b. Budget/Long Term Finance 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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16 [PR-CM] Review of Local Government Engagement with the NSW Rural Fire Service

SUBMITTED BY: Building and Environmental Health



Supporting Community Life

SUMMARY OF REPORT:

The Local Government and Shires Association of NSW has developed a discussion paper in response to the ongoing concerns expressed by councils in relation to their engagement with the NSW Rural Fire Service (RFS).

The discussion paper outlines the past and present engagement of Local Government with the RFS and proposes options for the future:-

- Option 1 – Retract Local Governments operational involvement with the RFS.
- Option 1A – Merging the two fire services (*RFS and Fire and Rescue NSW*).
- Option 2 – Retaining current arrangements with process improvements.
- Option 3 – Local Government recovering bushfire responsibilities.
- Option 4 – Maintain status quo.

This report highlights the LGSA issues and options as outlined within the Paper.

RECOMMENDATION:

That Council advises the Local Government and Shires Association of NSW of its support for Option 1 – Retract Local Governments operational involvement with the Rural Fire Service.

REPORT:

The Local Government and Shires Association (LGSA) of NSW have developed a discussion paper in response to the ongoing concerns expressed by councils in relation to their engagement with the NSW Rural Fire Service (RFS).

The discussion paper outlines the past and present engagement of Local Government with the RFS and proposes options for the future.

All councils engaged with the RFS are requested to:

- comment on their current engagements with the RFS.
- identify issues/problems commonly arising.
- highlight any current arrangements that are considered effective; and
- comment on the range of options presented in the discussion paper and/or present alternative options.

The discussion paper was circulated to Councillors on 3 April 2012.

The following are extracts from the LGSA discussion paper:

"Local Government plays an important role in the provision of fire services throughout NSW.

NSW councils hold a variety of often conflicting views about the operational structure of the NSW Rural Fire Service (RFS). Many councils are dissatisfied with the current situation.

Throughout the evolution and growth of the RFS, arrangements were progressively implemented between the RFS and councils. However, the existing arrangements are proving to be problematic, complex and inequitable. Increasingly councils are expressing growing frustration with their relationship with the RFS."

"Snapshot of the RFS

Under the Rural Fires Act (NSW) 1997 and the Rural Fires Regulation (NSW) 1997, the RFS was formed as a single state level/managed agency.

The RFS structure comprises of:

- *The RFS head office split into the following directorates:*

*Executive Services;
Operational Services;
Regional Services;
Infrastructure Services; and
Membership and Strategic Services;*

- *4 regional offices;*
- *49 district offices;*
- *126 RFS districts; and*
- *2039 RFS brigades.*

During 2010/11, the RFS received \$257 million in funding, attended 18,830 incidents, used 70,448 volunteers, and employed 920 staff with employee expenses totalling \$93,327,000 (salaries, leave, superannuation, payroll tax, etc).

Councils and volunteers have raised concerns about the RFS's escalating staff numbers and associated costs particularly within the RFS middle management and at the RFS head office. Over the five years from 2006/07 to 2010/11, RFS staff numbers increased from 685 to 920, a 34.3% increase, and employee expenses increased from \$59,950,000 to \$93,377,000, a 55.7% increase."

LGSA ISSUES

The following issues have been highlighted by the LGSA in the discussion paper:

Local Government engagement with NSW Rural Fire Service

Facilities

"Issues: Councils have expressed frustration that there is no set standard for facilities. On the one hand, the RFS can impose on councils to build a facility to their choice with no effective consultation, rational or standard to back up the RFS decision. On the other hand, in areas of NSW which are limited in resources, the lack of a minimum standard is beneficial."

Equipment

"Issue: As councils technically own the equipment but have no control over its management/use, many councils had issues with equipment insurance, especially when the equipment is damaged when used for fire fighting outside of council's district or used for non bushfire fighting activities."

"Issues: Councils have expressed frustration with the process for determining the level of equipment and vehicles in their district. The purchase of equipment and vehicles is decided through the district budgeting process which councils are consulted on. However, in some regions the consultation process has been described as tokenistic as council's requests/opinions are overridden by the RFS."

It is the Associations view that the RFS should take over the ownership, management, and maintenance of all RFS equipment and facilities, with the NSW Government purchasing the facilities and equipment in a once up reimbursement payment to councils. The NSW Government already owns land, facilities and equipment across NSW through other agencies and has established systems for financial and administrative management. Expanding this model to the RFS will remove duplication and complications between the NSW Government and Local Government."

Bush Fire Management Committee (BFMC)

"Issue: If Local Government fully retracts its engagements with the RFS, there may be implications for the future role and structure of BFMCs."

Operational support

"Issue: Councils have concerns regarding the interpretation by the RFS of 'council managed lands' which prevents them from getting reimbursement when assisting to fight fires on private land. However, this interpretation varies between NSW regions."

Financial arrangements

"Issues:

- Process of determining the RFS budget allocations – The process of determining the RFS contributions is split into stages and between district and state budget requirements. Firstly, the council provides the RFS (in conjunction with District RFS) with a 'bid' for activities and equipment in their area (district budget). Secondly the RFS provides the council an estimate of probable expenditure for the RFS annual contribution (consisting of estimated district budget and estimated state budget). The RFS then advises council of the actual contribution which is invoiced by the Ministry for Policy and Emergency Services as part of the ESL. Reimbursements for maintenance, some state and volunteers services/program , and others are included in the final actual contribution.
- Timing of advice for actual contributions – Councils finalise their budgets in March/April for the following financial year. Included in councils' budgets is an estimate of the contributions to the RFS (provided by the RFS in around February). However, councils are not advised of their actual contribution until midway through the next financial year (often in around December). In previous years, actual contribution increased significantly and unexpectedly from estimated contribution causing budgetary problems for councils and, in some areas, forced a reduction of other community services to cover the increase in RFS contributions (the problem of the timing of actual contribution advice is caused by the timing of the State budget which is outside of the RFS's control).
- Circular funding arrangements – Often the assistance provided by councils to the RFS is reimbursed (e.g. maintenance, building fire control centres, etc). However, as councils then pay 11.7% of the reimbursement in the following year into the RFS District budget, the funding for an item can take a circular flow between council and the RFS accounts over a number of years. Additionally, councils are required to carry the debt on behalf of the RFS while waiting for reimbursements. In some cases councils needed to obtain loans and had to pay interest charges without reimbursement from the RFS. These arrangements are cumbersome and cause considerable confusion.
- Inadequate advice – Councils often express frustration with the lack of advice from the RFS regarding funding and expenditure allocations (e.g. new equipment not included in the original probable estimate).
- Accounting errors – In previous years, the final actual contribution advice from the RFS to councils was fraught with accounting errors (either with state-wide accounting errors and/or district accounting errors)."

Grants

"Issue: Councils are required to be the sponsor for RFS grants provided to private properties and, as such, are delegated the liability."

Planning controls and development applications in bushfire prone areas

"Issues: The Associations have raised concerns with the RFS and the Department of Planning and Infrastructure about the above changes as the new practice could undermine best practice where councils and private certifiers lack the required expertise in assessing applications in bushfire prone areas. In response, the RFS has committed to providing further training to councils and develop an assessment tool.

Councils have advised of the need to update/amend the 'Planning for Bush Fire Protection' (Blue Book).

Part of the requirements for development in bushfire prone areas is the establishment of an Asset Protection Zone (APZ). While it is the responsibility of the property owner to maintain the APZ, compliance and who is responsible for compliance activity remains an issue."

Local Liaison Committee

"Issues: Concerns have been raised regarding the representation, communication and purpose of the Local Liaison Committees for councils and volunteers. It has been reported that the RFS often dominate these meetings with excessive focus dedicated to RFS plans and actions which is external to council and volunteer involvement and dilutes the purpose for local representation, coordination and consultation."

Council bushfire responsibilities as land managers

"Issues: Councils have conveyed concerns regarding the provision of training to use the RFS BRIMS system, the useability of the BRIMS program, and the level of administration required to enter data into BRIMS."

LGSA OPTIONS

The following options have been put forward by the LGSA:

"Options for Future Local Government Engagement with the RFS

It should be first noted that opting to retract Local Government's operational involvement with the RFS would not relieve councils of the obligation to fund the RFS through the Emergency Services Levy (ESL)...

It is important to recognise that, even with Local Government retracting its involvement with the RFS agency, councils will continue to support and encourage their local RFS volunteers. It is essential that volunteers are not negatively affected by any proposed changes. However, it appears that volunteers and communities would benefit from a centralised state agency managing and consistently delivering the full range of RFS activities, rather than from the current disjointed roles and responsibilities for each organisation and area. However, there is considerable debate around this topic.

The crux of this discussion paper is to look at the range of engagements with the RFS; what works, what does not work, what should be retained and what should be passed to the RFS. Under Option 1, Local Government will need to identify what areas of engagement with the RFS to retract from and what areas to retain (whether for legislative or continuity reasons).

As the RFS evolves there appears to be an increase in the demands on councils' resources with greater complexity to the arrangements. It is envisaged that in future years the state/RFS imposed requirements will become increasingly burdensome.

Option 1 – Retract Local Governments operational involvement with the RFS

Under option 1, the RFS would centrally take over all budget, administration, assets and project management of the RFS units, rather than having councils partly providing these functions on behalf of the RFS. Additionally, this would remove the hidden costs and burdens outside of the ESL imposed onto councils with these functions. It is often viewed that the NSW Government should restructure the RFS to be a state-wide fully managed agency similar to other state government departments.

The ownership of council owned RFS assets and infrastructure could be transferred to the RFS. This may involve the NSW Government paying a one up payment to councils or councils donating the facilities and assets to the RFS with the proviso that the land is not to be sold by the NSW Government but reverted back to council if the land is no longer used for bushfire services.

The NSW Government already owns land, facilities and equipment across NSW through other agencies and has established systems for financial and administrative management. Expanding this model to the RFS will remove duplication and complications between the NSW Government and Local Government.

Under option 1, councils would still be able to provide supplementary voluntary support (e.g. funding, equipment, services) to their local RFS units without the current pressure and heavy-handed requirements of the NSW Government and RFS head office.

Removing the requirements imposed by the RFS on councils to deliver services on their behalf would allow councils to focus on the delivery of core functions.

However, as part of removing councils' involvement in the RFS the following could occur:

- *Councils may lose their input into the development of the local RFS budgets and the levels of services provided in their communities.*
- *If equipment and facilities were transferred to the RFS and the NSW Government did not reimburse councils for their proportions of the ownership of the asset or the value of land, councils would experience financial loss. However, the financial burden to maintain and replace equipment and facilities would be removed in the future.*
- *There is concern that volunteerism could be affected by removing the partly localised management of the RFS units and centralising the service with the NSW Government. Historically, volunteers enjoyed the community aspect of RFS and increasingly the RFS volunteer associations are voicing frustration with the increasing role of the RFS head office (please see the Rural Fire Service Association and the Volunteer Fire Fighters Association websites).*
- *A comprehensive change management program would be needed to assist councils, RFS, volunteers and the community with the new arrangements.*

Option 1A – Merging the two fire services

The question of whether the two fire services (RFS and Fire and Rescue NSW) should be merged is frequently raised. It is argued that a merger could provide economies of scale, operational and administrative efficiencies and better coordination of resources. There is a sound basis for these arguments.

Under this scenario, it is likely that council engagement with the enlarged fire service would be limited to that currently experienced with Fire and Rescue NSW.

However, in funding terms the merging of the two fire services is largely irrelevant to councils. Potential cost savings may be reflected in reductions in the ESL, but this is not guaranteed. Also, it would not resolve the funding issues. It also raises questions of how Local Government would be involved in bushfire management.

Option 2 – Retaining current arrangements with process improvements

Option 2 aims to enhance the status quo of the current arrangements with the RFS. Part of option 2 is the need to develop clear targets for improvement in the current arrangements that are causing concerns for councils.

Councils often remark that the current relationship between the RFS and councils is reminiscent of a 'master and servant' relationship with the RFS dictating to councils. Through option 2 a 'Partnership' culture would need to be developed between the RFS and Local Government in order to enhance interaction, understanding, communication, consultation, and process improvements benefiting both organisations, volunteers, and the community...

Option 3 – Local Government recovering bushfire responsibilities

Historically, councils had a large involvement in the delivery of bushfire services in NSW. The NSW Government has progressively transferred the delivery of many of these services to the expanding RFS which has created a 'half pregnant' approach to roles and responsibilities for bushfire management in NSW.

If councils recovered the range of bushfire responsibilities from the RFS, councils would have a greater control of the local expenditure and level of services delivered within their areas.

As part of recovering bushfire responsibilities the following impacts for councils, volunteers, and community would need consideration:

- *Council would have greater liability for bushfire mitigation and response activities.*
- *The loss of cost benefits from state wide purchasing power.*
- *Councils would need to increase their resources, capacity, and the expertise of council staff.*
- *Risks to the consistency of RFS volunteer training across NSW.*
- *Maintaining standardised bushfire fighting equipment and systems across RFS.*
- *The coordination resources in large scale or inter-state emergencies.*

- *The development of a change management program to assist in the adjustment for councils, RFS, volunteers, and the communities.*

Option 4 – Maintain status quo

Option 4 would retain the current arrangements with the RFS and the Associations would not advocate amendments to the current arrangements."

COUNCIL ARRANGEMENTS

Most of the issues and frustrations raised by the LGSA in the discussion paper are relevant to Tweed Shire Council. As stated, the existing arrangements are proving to be problematic, complex and inequitable.

Facilities, Equipment, Bush Fire Management Committee, Operational support

- There are ten (10) established RFS Units within the Shire: Uki, Kunghur, Tyalgum, Crabbes Creek, Cudgen, Tweed Coast, Burringbar, Chillingham, Bilambil and Murwillumbah; with the Rural Fire Control and Training Centre located also at Murwillumbah. Council annually audits these facilities and carries out maintenance as required. Cleaning services are also provided to the Control and Training Centre.

The recorded total value of the building assets within Tweed Shire is \$858 000 with the ownership of the various land parcels being spread across private (1), State (3) and Council (2-Community land and 5-Operational land).

- Equipment is vested in Council with registers being maintained by the RFS and provided to Council as agreed under the provision of the Service Level Agreement.
- Council plays an active role on the Bush Fire Management Committee with both staff and Councillor members attending. It is perceived that Council will continue to play a role in risk management planning both as a land manager and community leader in whatever format that would be proposed.
- Operational Support during a bushfire emergency incident is provided to the RFS on a needs basis. Council officers raise no issues to the provision of the resources nor any concerns for the reimbursement process for the services provided.

Financial Arrangements

The financial arrangements as outlined within the LGSA issues reflects the issues that Council faces. Council will recall the increase in RFS contributions of \$65,863 for the 2011/12 budget was advised in November 2011 requiring a significant change in the December Budget Review.

Further to this, councils are not consulted by the State when new equipment policies are introduced. This is frustrating when the policies are implemented resulting in significant increases to the previously "agreed" expenditure.

Council provides financial services to the RFS under the provisions of the Service Level Agreement.

Planning controls, bushfire land managers

Council Planning and Regulation staff undertakes a range of complex assessments when processing development applications. The RFS provided much welcomed training to Council planning staff in November 2011 on request. Communication and service levels have greatly improved with the establishment of the Contact Centre at the RFS Coffs Harbour office. However there is a recognised need for the *Planning for Bush Fire Protection* to be reviewed.

The issue of development compliance with RFS conditions of consent continues to be a concern. Resources prohibit Council staff not actively pursuing compliance reacting on a complaint basis only. It is considered this is a concern reflected across any condition of consent that has been imposed by another authority where it falls upon Council to regulate.

OPTIONS:

- Option 1 – Retract Local Governments operational involvement with the RFS.
- Option 1A – Merging the two fire services (*RFS and Fire and Rescue NSW*).
- Option 2 – Retaining current arrangements with process improvements.
- Option 3 – Local Government recovering bushfire responsibilities.
- Option 4 – Maintain status quo.

CONCLUSION:

Due to the current arrangements that has the RFS service responsibilities split between Local and State Governments, it is recommended that a more transparent and efficient system be implemented through the proposed Option 1 – Retract Local Governments operational involvement with the RFS.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
RFS Service Level Agreement.

b. Budget/Long Term Financial Plan:

2011/12 RFS contribution is \$200,863.

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
- 2.1.4 Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads
- 2.1.4.4 Provide support and participate in emergency management arrangements

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. A copy of the breakdown of the estimates for 2012/2013 (ECM 48533451).
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REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

17 [CNR-CM] Waste Minimisation and Management Development Control Plan Section A15

SUBMITTED BY: Waste Management



Supporting Community Life

SUMMARY OF REPORT:

Following a Council resolution at its meeting on 21 February 2012, the Draft Waste Minimisation and Management Section A15 of the Tweed DCP was placed on public exhibition for a 28 day period, which closed on 4 April 2012. Two submissions were received during the exhibition period, one being for the inclusion of a 360L recycling bin and the other regarding construction and demolition waste disposal. No other submissions were received.

It is now proposed that the Waste Minimisation and Management Section A15 be adopted and included in the current Tweed Development Control Plan. A copy of the Waste Minimisation and Management Section A15 is attached to this report.

RECOMMENDATION:

That Council adopts and includes the Waste Minimisation and Management Section A15 in the current Tweed Development Control Plan.

REPORT:

Following a Council resolution at its meeting on 21 February 2012, the Draft Waste Minimisation and Management Section A15 of the Tweed DCP was placed on public exhibition for a 28 day period. This exhibition period closed on 4 April 2012 with two submissions being received. An internal submission was received from the Coordinator Waste Management for the inclusion of a 360L recycling bin option following Council resolution to offer a 360L recycling bin option at its 20 March 2012 meeting. As a consequence the proposed Waste Minimisation and Management Section A15 will be amended from the exhibited version so as to include the 360L recycling bin option. Another submission was received from the NSW Environmental Protection Authority (EPA) concerning proof of suitable waste disposal from construction and demolition contractors. It was noted that this requirement was actually included in the draft DCP section which satisfied the EPA concerns. No other submissions were received.

The proposed DCP chapter is based on a Model Waste Not DCP Chapter that was produced by the NSW Government Department of Environment and Climate Change. Information in the proposed Tweed Waste Minimisation and Management Section of the DCP has been developed to suit the needs of Tweed Shire. It is based on four themes:

- Avoiding unnecessary resource consumption
- Recovering resources for reuse
- Recovering resources for recycling or reprocessing
- Disposing of residual waste (as a last resort)

Council currently receives financial payments through the NSW Waste and Sustainability Improvement Payment (WaSIP) program which assists programs that improve resource recovery and promote environmental outcomes. To be eligible to continue to receive WaSIP, Council is required to commit to meeting both the ongoing and current years Standards. One of the 2011/2012 WaSIP standards is that Council is required to adopt a 'Waste Not' DCP or policy of similar nature by 31 May 2012.

OPTIONS:

1. Council adopts and include the Waste Minimisation and Management Section A15 in the current Tweed Development Control Plan.
2. Council refuses to adopt and include the Waste Minimisation and Management Section A15 in the current Tweed Development Control Plan.
3. Council amends the proposed the Waste Minimisation and Management Section A15 and seek further public comment from the community and/or specific stakeholders.

CONCLUSION:

Adoption of the Waste Minimisation and Management Section A15 will encourage resource recovery, and ensure the provision of adequate waste management practices for new development. It will also satisfy NSW Government requirements and ensure Council's continued receipt of WaSIP.

COUNCIL IMPLICATIONS:

a. Policy:

The proposed Waste Minimisation and Management Section A15 be inserted into the current Tweed Shire Council Development Control Plan

b. Budget/Long Term Financial Plan:

Nil.

c. Legal:

Failure to adopt a Waste not DCP by 31 May 2012 may result in loss of financial payment through the WaSIP program.

d. Communication/Engagement:

The Draft DCP Chapter has been placed on public exhibition for 28 day period seeking public submissions. Two submissions were received during the exhibition period.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.4 Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand
- 2.3.4.2 Provide strategic direction to improve resource recovery

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. Proposed Waste Minimisation and Management Section A15 of Tweed DCP (ECM 48429705)
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18 [CNR-CM] Additional support to Students Using Sustainable Strategies Forum 2012

SUBMITTED BY: Waste Management



Supporting Community Life

SUMMARY OF REPORT:

The Students Using Sustainable Strategies (SUSS) Forum is a collaboration of organisations working with secondary schools to learn, discuss and implement actions to improve the environmental impact of schools across the northern rivers area.

Its aim is to build the capacity of students (Years 7-10) and accompanying teachers to undertake and implement sustainable conservation strategies within their schools and their communities.

Council, along with four other Northern NSW Councils through the North East Waste Forum, currently contributes a combined \$1000 to the SUSS Forum each year. This year however, additional funding assistance is being sought due to a rise in costs to run the program. Additional sponsorship is being sought to the tune of \$200, \$500, or \$1000.

RECOMMENDATION:

That Council provides an additional \$200 financial support through the Waste Management Budget to the Students Using Sustainable Strategies Forum in 2012.

REPORT:

The Students Using Sustainable Strategies (SUSS) Forum is a collaboration of organisations working with secondary schools to learn, discuss and implement actions to improve the environmental impact of schools across the northern rivers area. This year NSW National Parks and Wildlife Service are hosting the SUSS Forum.

Its aim is to build the capacity of students (Years 7-10) and accompanying teachers to undertake and implement sustainable conservation strategies within their schools and their communities.

The specific objectives are to:

- Increase student and teacher awareness of best practice resource use, waste and resource recovery, water use and preservation, energy use and climate change implications, and conservation and protection of biodiversity, so these measures can be implemented in schools.
- Increase understanding of the connection between waste, water, energy and biodiversity conservation within the context of sustainability.
- Increase skills in implementation of simple waste, water and energy conservation techniques on school grounds (and at home) to assist the development of the School Environmental Management Plan (SEMP).
- Develop support networks amongst students and teachers attending the SUSS Forum.
- Create links and networks between schools, local councils, government agencies, Aboriginal nations, communities and land councils, and land and resource management agencies to support SEM development including the implementation of action plans.

Council, along with four other Northern NSW Councils through the North East Waste Forum, currently contributes a combined \$1000 to the SUSS Forum each year. This year however, additional funding assistance is being sought due to a rise in costs to run the program. Funds are used to subsidise students to attend the SUSS Forum and pay for direct costs in running the Forum.

To date two high schools in Tweed Shire are confirmed to attend the SUSS Forum, and a further two have expressed interest but are yet to confirm at the time of this report.

OPTIONS:

Not provide the additional \$200.00 funding to the SUSS Forum.

CONCLUSION:

Students from schools located in Tweed Shire have been participating in the SUSS Forum for several years. Participating students are tasked with returning to the school to develop and implement School Environmental Management Plans. Council already contributes funds to the SUSS Forum through the North East Waste Forum.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Linkages with the Environmental Education Program.

b. Budget/Long Term Financial Plan:

Funded by Waste Budget.

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
- 2.3.4 Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand
 - 2.3.4.2 Provide strategic direction to improve resource recovery
 - 2.3.4.2.1 Education programs to promote understanding and behavioural change in the community

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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19 [CNR-CM] Green Infrastructure - Renewable Energy

SUBMITTED BY: Director



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting of 19 April 2011 resolved as follows:

that Council investigate Green Infrastructure projects for local renewable energy options for Tweed Shire, to prepare for consideration in future Regional Development Australia funding applications, and include funding for this investigation into the upcoming budget.

Additionally Council at its meeting of 20 March 2012 resolved as follows:

that Council brings forward a preliminary report on the potential of developing hydro power or micro hydro systems.

The following report provides a history of action and investigations undertaken by Council and what opportunities for renewable energy are considered worthy of pursuit. At the time of the above resolution the Regional Development Australia Fund (RDAF) round 1 program were offering significant contributions to capital projects with limited matching contribution from the applicant. The grant requirements have since changed and recently the round 2 guidelines require a contribution of 1:1 for projects up to \$5million and 1:2 for projects greater than \$5million. The support of a renewable energy project through the RDAF program would therefore require a matching contribution from Council.

Below is a summary of renewable energy programs undertaken or considered within the Tweed Shire.

1. Clarrie Hall Dam Mini Hydro-Electric Scheme
2. Mt Nullum Wind Farm
3. Extraction and Utilisation of Landfill Gas, Stotts Creek Landfill
4. Condong Mill Co-Generation Facility
5. Tweed Shire Solar Community Program
6. Caldera Economic Transition Program - Renewable Energy Development Project
7. WaSIP Action Plan - 10 Kw Solar Power Installation Sustainable Living Centre
8. Miscellaneous - various renewable energy projects undertaken by Council

It is the officers view that a cautionary approach be taken to any new proposals to pursue large scale renewable energy projects. Councils interest would be better served investing in asset based energy efficiency projects and small scale renewable energy installations. It is unlikely that any of these projects would meet the requirements of the RDAF.

RECOMMENDATION:

That Council:

- 1. Receives and notes the report on Green Infrastructure - Renewable Energy.**
- 2. Notes the change to the funding arrangements under the Federal Government Regional Development Australia Fund (RDAF).**
- 3. Supports the following three large scale renewable energy projects:**
 - a. Clarrie Hall Dam Mini Hydro-Electric Scheme - following determination and or completion of Augmentation strategy for Tweed District Water Supply.**
 - b. Extraction and Utilisation of Landfill Gas, Stotts Creek Landfill - extension of scheme as required.**
 - c. Condong Mill Co-Generation Facility - monitor and provide support as appropriate**
- 4. Continues to support the installation of small scale solar PV systems as opportunities arise on new and old Council and community buildings**

REPORT:

Council has investigated and implemented various renewable energy projects. Below is a summary of these and what future opportunities may be available.

1. Clarrie Hall Dam Mini Hydro-Electric Scheme.

In 2004 SMEC Australia Pty Ltd was commissioned to provide a feasibility study and a business plan for a proposal to install and operate a mini hydro-electric plant at Clarrie Hall Dam. The feasibility study determined that a modest sized hydro-electric power plant consisting of two 100 kilowatt self contained turbine generators was feasible.

SMEC completed a business plan for the proposal which detailed the financial implications. Five expected scenarios of population growth and rainfall were investigated with regard to potential electricity generation with one of these scenarios investigated in detail.

Under this scenario the payback period for the installation is 10 years if a loan is not obtained and inflation is not considered, and 14 years if a 15 year loan at an interest rate of 6.7% is required for the capital cost together with 2.5% pa inflation.

Council at its meeting 20 April 2005 subsequently resolved:

that Council proceeds with the detailed design and procurement of a mini hydro-electric plant at Clarrie Hall Dam and allocates \$450,000 in the 2005/2006 water budget for this purpose.

At the end of 2005 an application was made to the NSW Department of Energy Utilities and Sustainability to complete this project under a grant program entitled Energy Savings Fund Round 1. The application was not successful.

Whilst included in the 05/06 budget the project did not eventuate primarily due to the low exchange rate between the Australian Dollar and the Japanese Yen, which was a significant risk highlighted in the report. There was the possibility of the raising of Clarrie Hall Dam and therefore modifications required to the outlet structure which would require relocation of the hydro plant. From a dam management perspective there was also the concern and risk related to unnecessarily releasing water to run the turbines.

The procurement of a micro hydro-electric plant has not been included in subsequent budgets. It is the officer's current recommendation that any future decision on the installation of a mini hydro scheme be delayed until the Council adopts a clear strategy for the augmentation of its water supply.

2. Mt Nullum Wind Farm

In 2003 Council Officers undertook preliminary discussions with the regional power authority with a view to establishing a wind farm within the Shire. The most suitable location for this being the top of the escarpment on Mt Nullum on Council owned land. This site had the benefit of high exposure to favourable wind patterns along with the disadvantages of poor access, and impact on bushland and visual amenity. Enquiries were made in regard to the establishment of a 40 metre wind monitoring tower however due to various reasons unknown to the author this project did not proceed past the preliminary concept stage.

3. Extraction and Utilisation of Landfill Gas, Stotts Creek Landfill

Following an investigation and tender process Council at its meeting of 6 February 2002 resolved:

that Council:

- 1. Accepts the tender offer from Landfill Management Services Pty Ltd for the Extraction and Utilisation of Landfill Gas from Stotts Creek Landfill.*

This agreement is for Landfill Management Services Pty Ltd (LMS) to harvest landfill gas from Stotts Creek Landfill current and future cells and either improve the environmental performance of the gas by flaring or producing electricity by combusting the gas through a renewable energy facility. The agreement term is for 30 years until 3 June 2032 with a 15 year extension option. The agreement is based on a Build, Own, Operate (BOO) arrangement and is cost neutral to Council. The financial risk therefore is placed entirely on the contractor who receives the energy certificates, credits and or revenue from sale of electricity.

The benefits to Council are the reduction in landfill gas (and therefore carbon equivalents) emissions from operating landfill which has environmental benefits, operational benefits (reduced odour), and future economic benefits by reducing liabilities under Clean Energy Legislation (carbon tax). The system commenced operation through flaring in 2005 and energy production in 2007. The facility can currently produce 400 Kilowatts which is the equivalent of powering approximately 400 homes, and reduces carbon emissions by approximately 22,000 tonnes per year.

4. Condong Mill Co-Generation Facility

Following extensive negotiations which commenced in 1999 with Sunshine Sugar and Delta Electricity whereby they (Joint Venturers) were proposing to construct an electricity generating plant (co-generation) at the Condong Sugar Mill fuelled by renewable energy sources (camphor laurel and cane trash), Council resolved at its meeting of 18 June 2003 as follows:

that Council:

- 1. Proceeds with the negotiations to enter into a formal agreement with the Joint Venturers to supply tertiary treated effluent from the Murwillumbah Sewage Treatment Plant.*
- 2. Contributes \$900,000 including Government Subsidy to the project in recognition of the benefit in offsetting other proposed works at the Sewage Treatment Plant.*
- 3. Contributes 20% of the ongoing operating costs of the Tertiary Treatment Plant for the period of the agreement.*

Following this resolution the Joint Venturers constructed and commissioned the co-generation plant and Council completed a Tertiary Treatment plant and pipeline and commenced supply of effluent.

The plant was designed to export electricity to the NSW grid on a year round basis as renewable energy and provide process steam and electricity to the sugar mill during the sugar cane “crush season”, generally June through to December. The facility is capable of producing up to 30 megawatts (MW) of electricity for use at the sugar mill and for export to the regional power grid. Tertiary treated effluent is supplied from the Murwillumbah Wastewater Treatment Plant for both cooling and boiler feed water supply.

The water demand of the cooling tower, 2.45mL/day is in excess of the average dry weather discharge from the Sewage Treatment Plant and hence 100% of beneficial re-use could be achievable in dry weather.

The joint venture partners, Sunshine Renewable Energy Pty Ltd (Sunshine Sugar) and Delta Electricity Australia Pty Ltd, requested that Council make some form of financial contribution to the scheme in recognition of the economic and environmental benefits and potential savings to Council in relation to additional treatment and reuse of effluent at Murwillumbah Wastewater Treatment Plant. As above, Council resolved to support this project.

Unfortunately the scheme has not been financially viable to date and the companies who own and operate the co-generation plant have been placed into voluntary administration. The plant is operating but is restricted to running for six months of the year only during the cane crush season from June to December.

The failure or partial failure of this venture highlights the risks associated with large scale renewable energy projects.

5. Tweed Shire Solar Community Program

In 2010 Council embarked on a major program to encourage the installation of domestic rooftop solar PV systems through an alliance with a suitably qualified installer along with the introduction of a program to install PV systems on community facilities.

At its meeting of 20 April 2010 Council resolved

that Council:-

- 1. Endorses the Tweed Shire Council Solar Rooftops Plan to establish a framework for installing solar photovoltaic systems on community facilities.*
- 2. Endorses the Solar Alliance proposal to increase the voluntary uptake of solar power in the local community and to contribute to the implementation of the Tweed Shire Council Solar Rooftops Plan.*

Over four hundred 1.5 Kilowatt systems were installed on domestic dwellings within the shire as part of this program along with the donation of twenty 2 kilowatt solar photovoltaic systems. These were installed on community-managed facilities such as halls, pre-schools and sporting clubhouses.

This was a successful program which generated the installation of approximately 640 kilowatts of renewable energy sources. There was however, some criticism of the program from local installers who were not successful in forming the alliance with Council.

Officers are not proposing to pursue any large scale programs such as this in the near future.

6. Caldera Economic Transition Program - Renewable Energy Development Project

The Caldera Economic Transition Program was a community based plan prepared for the villages of Uki, Tyalgum, Chillingham and surrounding areas and funded by NSW Industry and Investment. Council supported and assisted in the process. One of the many outcomes was an action to consider the establishment of a large scale solar demonstration project in the area.

The idea for such a proposal has merit in that there would be benefits gained from the generation of electricity and the promotional and educational aspects of the scheme. However the cost to generate electricity in this form is high and without any government subsidy the project would not be viable.

The author is not aware of any progress which has been made by the community on this initiative.

7. WaSIP Action Plan - 10 Kw Solar Power Installation Sustainable Living Centre

At its meeting of 15 November 2011 Council resolved:

that Council authorises the General Manager and Manager Financial Services to sign the 2011/2012 Action Table Report to commit the WaSIP funds to the nominated projects.

Action 9 in this table was for the installation of a 10 kilowatt solar PV system on the Sustainable Living Centre. The contract for the installation of this system has recently been awarded and installation will commence in the near future. This system will cost in the order of \$40,000 less any rebates or certificates applicable to this installation. Funding for this has been sourced equally from the Sewer Fund and WaSIP funds.

This is the largest single installation which Council has undertaken and its success and lessons learnt will form the basis of future installations.

8. Miscellaneous - various renewable energy projects undertaken by Council

Council has completed and is in the process of completing the installation of numerous solar PV systems throughout the shire on its own buildings. This is in addition to the Tweed Solar Community Program mentioned earlier and many other programs which have resulted in the installation of solar PV systems on community buildings. Some examples of these are:

- a. Pottsville Beach Neighbourhood Centre - 6 kilowatt
- b. Murwillumbah Community Centre - 3 kilowatt
- c. Tyalgum Water Treatment Plant - 3 kilowatt

OPTIONS:

Option 1 - Invest in Large Scale Renewable Energy Scheme

There are a number of opportunities worth consideration including a large solar PV farm as proposed by the Caldera Economic Transition Program - Renewable Energy Development Project and the Clarrie Hall Dam Mini Hydro-Electric Scheme. Both of these would require substantial investment of public funds to ensure their viability. Given the sums of money involved the status of Council's water augmentation strategy and the risk to project viability it is not considered at this stage either of these projects is pursued.

The extension of the Extraction and Utilisation of Landfill Gas at Stotts Creek Landfill will eventuate following the completion and eventual closure of this facility. The future landfill at Eviron will also provide an opportunity for electricity generation. In the current model all risk associated with the viability of this project is transferred to the contractor.

Council has in the past indirectly supported a large scale renewable energy project namely Condong Mill Co-Generation Facility. Notwithstanding the enormous environmental, financial and social benefits of this venture its failure has demonstrated the significant risks associated with non conventional energy sources. It is the officers view that Council should continue to support this project in an attempt to ensure its viability.

Mt Nullum Wind Farm it not considered feasible due to its environmental impact and poor access.

The Tweed Shire Solar Community Program was very successful in promoting and educating solar PV systems within the Shire. Officers are not however supportive of a repeat of this program in the immediate future.

In summary large scale renewable energy schemes have an inherent risk and a cautious approach needs to be taken with regard to any future projects. It is the officers recommendation that the following three projects be pursued:

1. Clarrie Hall Dam Mini Hydro-Electric Scheme - following determination and or completion of Augmentation strategy for Tweed District Water Supply.
2. Extraction and Utilisation of Landfill Gas, Stotts Creek Landfill - extension of scheme as required.
3. Condong Mill Co-Generation Facility - monitor and provide support as appropriate.

Option 2 - Invest in Small Scale Point of Use Schemes

Council has over a short period of time invested in small scale point of use solar PV systems under various funding schemes. Initially many of these have been on community buildings where the benefit of the feed in tariff has had most impact. More recently Council owned and operated buildings have had the benefit of the installation of solar PV systems. It is the officer's recommendation that this continue and as opportunities arise Council installs solar PV systems on new and old buildings.

CONCLUSION:

Council has for a long period of time supported and funded large and small scale renewable energy schemes. The larger schemes do come with inherent risk and a cautious approach needs to be taken. The RDAF is not considered a viable funding option for a scheme of this type as they now require a substantial contribution from the proponent.

Council continues to have success in the installation of small scale point of use or asset based schemes and there are increasing opportunities for these within Councils operations. Continuation of this strategy is supported.

It is also worth noting that the grant opportunities for renewable energy schemes are limited. The current Federal Government scheme entitled Community Energy Efficiency Program (CEEP) has a focus on energy efficiency and excludes renewable energy systems.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Implementation of a major renewable energy project may place a considerable financial burden and risk on Council.

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
- 1.1 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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

20 [CNR-CM] Pest Management Report - November 2011 to March 2012

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

This report outlines the works undertaken by the Pest Management Program area to control the impacts of nuisance invertebrate species and vermin in Tweed Shire for the period from November 2011 to March 2012.

RECOMMENDATION:

That Council receives and notes the Pest Management Report for the period November 2011 to March 2012.

REPORT:

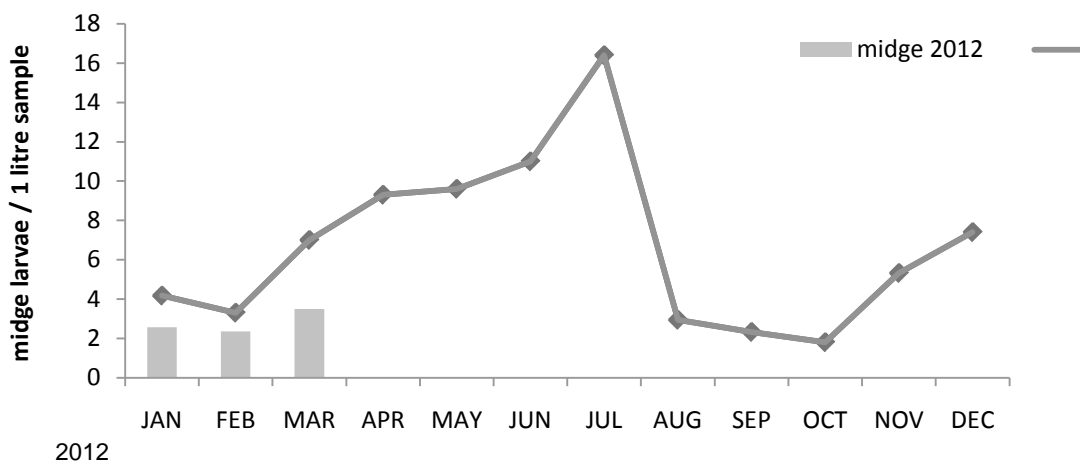
BITING MIDGE

Seasonal activity

Biting midge nuisance activity remained below the seasonal average over the report period 1 November 2011 to 31 March 2012. There were five enquiries related to biting midges over the report period.

Canal breeding midge larval numbers at test sites were generally lower than the six year average for the season, as shown in the graph included below.

COMBINED AVERAGE MIDGE LARVAL NUMBERS PER SAMPLE: CRYSTAL WATERS, ENDLESS SUMMER & THE ANCHORAGE COMPARED TO 6 YEAR AVERAGE



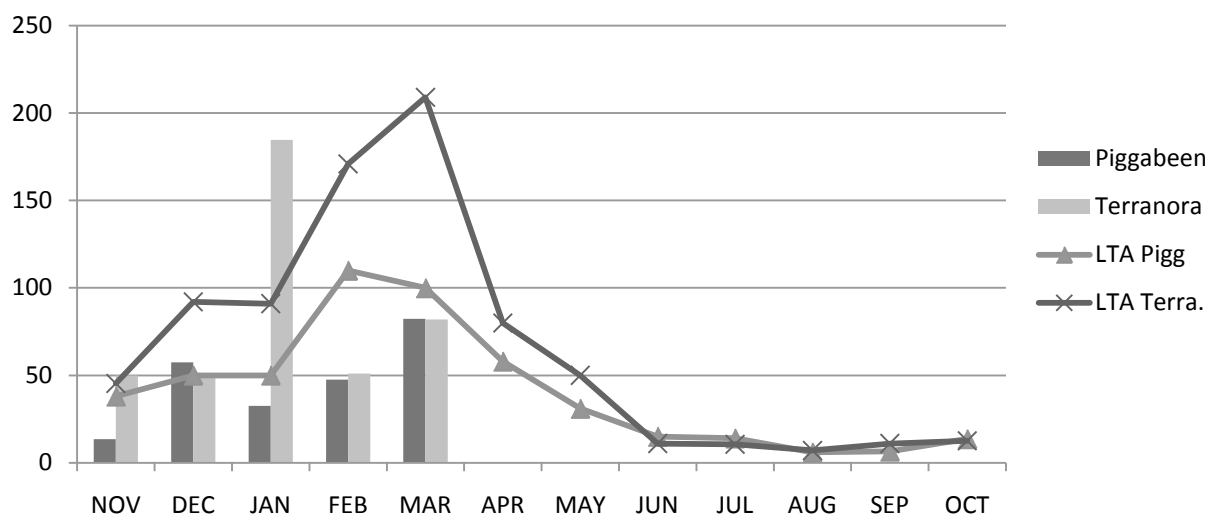
MOSQUITOES

Seasonal abundance

Mosquito nuisance activity was comparatively low over the report period with only 25 enquiries related to mosquitoes. Most of these related to Koala Beach Estate, Pottsville.

Mosquito trap monitoring indicated low nuisance mosquito numbers during the report period.

The most frequently caught mosquito in carbon dioxide baited mosquito traps was *Culex sitiens* followed by *Coquillettidia xanthogaster* and the container breeding *Aedes notoscriptus*.



Control

The report period has experienced above average rainfall. The season's first aerial larvicide treatment was carried out on heavily-treed mosquito breeding areas below Bilambil Heights and at Mahers Lane. Treatment efficacy 24 hours following the aerial bacterial application was good, with those remaining larvae showing signs of morbidity.

Ground based mosquito larval control was carried out with sustained release biological larvicide. Areas treated included Cobaki, Tweed Heads West, Tweed Heads South, Terranora, Chinderah, Koala Beach and Pottsville.

AERIAL MOSQUITO SPRAYING - TAPPS AVIATION								
Date	Site	Time	Chemical & rate	Hectares & amt. used	Weather	Target species	Pre spray dip ave.	Post spray dip ave
28 Nov 2011	Mahers Lane	1625	Vectobac	13ha	Fine	V. funerea	6	4
				15L	26C			
	Bilambil/Charles Bay	0725	Vectobac	20ha	fine	V. funerea	6	3
				24L	22C			
10 Dec 2011	Smiths/Piggabeen Rd.	0850	Vectobac	11ha	Fine	Ae. vigilax	18	5
				14L	23C			
	Bilambil/Charles Bay		Vectobac	20ha	Fine	V. funerea	15	10
				24L	23C			
	Mahers Lane		Vectobac	13ha	Fine	V. funerea	2	0
				16L	23C			
13 Jan 2012	Mahers lane	0720	Vectobac	13ha	Fine	Ae. vigilax	1	1
				18L	19C			
	Bilambil/Charles Bay		Abate 50SG	20ha	Fine	V. funerea	10	1

Terranora Mangrove breeding mosquito research project

The "Fish in mozzies out" Terranora mangrove research project, funded by the Australian Mosquito and Arbovirus Research Committee, with subsequent additional funding from the NSW Recreational Fishing Trust is continuing.

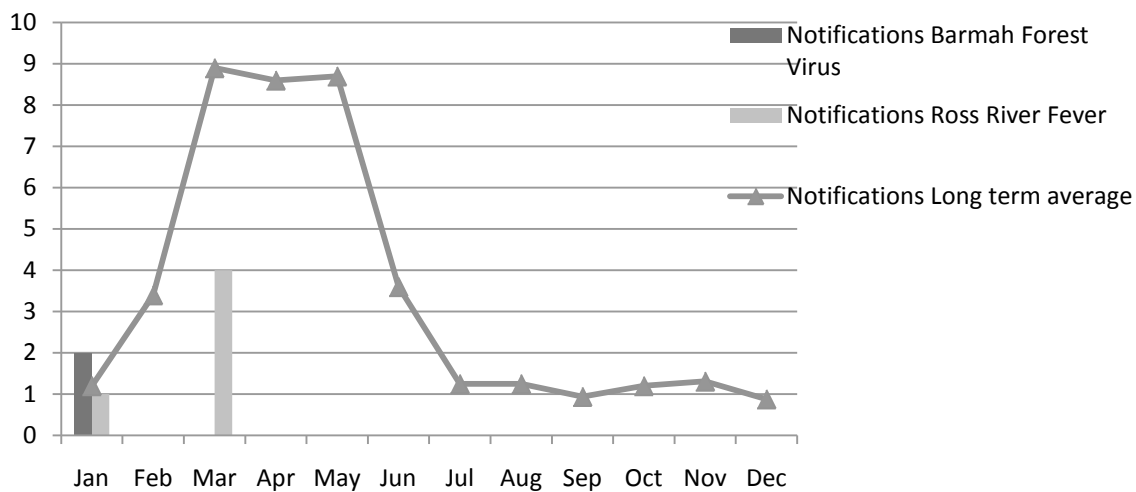
A further application has been made to extend the fish sampling component to ensure adequate post-modification sampling is conducted.

Monitoring of the enhanced tidal channelling has shown improved tidal flushing and water quality during the summer months. Monitoring is ongoing.

A summary of the project to date was presented as a key note address at the NSW Coastal Conference 11 November by research partner Dr Jon Knight from Griffith University.

Arbovirus

There were seven arbovirus notifications for the Shire over the report period comprising two Ross River virus and five Barmah Forest virus cases. A comparison of this seasons notifications compared to the long-term average is provided below.



OTHER PESTS

Enquiries from Community

It has been a very quiet period for general enquiries with 82 miscellaneous enquiries/service requests over the report period. The most common enquiries related to Ants and Rodents.

Council Rodent control

Rodent baiting was carried out over the report period around coastal holiday parks, sewer treatment plants, adjacent to several drainage reserves and infested sections of Tweed River rock walls.

Pandanus planthoppers

Continued monitoring of Pandanus trees for planthopper related dieback has been carried out in coastal areas. Monitoring indicated relatively low infestations of Pandanus planthopper.

It appears seasonal conditions through summer have favoured the small beneficial wasps that parasitize Pandanus planthopper eggs.

Termites

Inspection of 253 in-ground termite bait stations was carried out around Council owned buildings. Termites were detected in two monitoring stations. Baiting treatment will be carried out when termite numbers increase in this monitoring stations.

CONCLUSION:

Overall, works undertaken achieved their objectives of controlling the impacts of nuisance invertebrate species and vermin to an acceptable level within known areas of occurrence within Tweed Shire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Consistent with expectations, 84% of this year's budget that has been expended. The remaining 16% is in alignment with the amount of works scheduled for the remainder of the financial year.

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
- 4.1.2.6 Environmental management of mosquito and biting midge breeding areas
- 4.1.2.6.1 Entomology program undertaken

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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21 [CNR-CM] Offers of Financial Assistance for Tweed Coast Hazard Studies and Management Plan Update

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

Council has received two offers for financial assistance through the 2011/2012 Coastal Management Program of the Office of Environment and Heritage.

The first grant of \$25,000 is 50% contribution toward an update of the Tweed Coastline Hazard Study. This study will define the coastal hazards for developed sections of the Tweed Shire coastline as an update to the Tweed Shire Coastal Hazard Definition Study completed in 2001.

The second grant of \$75,000 is 50% contribution toward a number of studies required to update the Tweed Coastline Management Plan 2005 to a Coastal Zone Management Plan and confirm the best management strategy for Kingscliff Beach and foreshore. The studies will include further consideration of a slotted groyne field and planned retreat as requested by the Minister for the Environment following advice from the NSW Coastal Panel.

RECOMMENDATION:

That Council:

- 1. Accepts the grant offers of \$25,000 and \$75,000 from the NSW Government Office of Environment and Heritage 2011/12 Coastal Management Program for the 'Tweed Coast Hazard Study Update' and 'Coastal Zone Management Plan Review, Kingscliff - Dreamtime Beach Compartment' respectively and votes the expenditure.**
- 2. Allocates a matching \$100,000 from the Coastline Management Plan Implementation budget to complete the studies.**

REPORT:

Council has received two offers for financial assistance through the 2011/12 Coastal Management Program of the Office of Environment and Heritage.

The first grant of \$25,000 is 50% contribution toward an update of the Tweed Coastline Hazard Study. This study will define the coastal hazards for developed sections of the Tweed Shire coastline as an update to the Tweed Shire Coastal Hazard Definition Study completed in 2001.

A desktop study to update the 2050 and 2100 hazard lines in accordance with the NSW Government's Sea Level Rise Benchmarks using the Bruun Rule was undertaken in 2010.

Council now has access to updated photogrammetric data through the State Government. It has adopted a Coastal Hazard Development Control Plan and requires further detailed data on coastal hazards to feed into the forthcoming review and update of the Tweed Shire Coastline Management Plan to a Coastal Zone Management Plan. It is also timely to update the hazard study to provide input to the management of the coastal erosion hazard at Kingscliff.

The second grant of \$75,000 is 50% contribution toward a number of studies required to update the Tweed Coastline Management Plan 2005 to a Coastal Zone Management Plan and confirm the best management strategy for Kingscliff Beach and foreshore. The studies will include further consideration of a slotted groyne field and planned retreat as requested by the Minister for the Environment following advice from the NSW Coastal Panel.

The studies will include:

- Assessment of alternative seawall designs.
- Assessment of a slotted groyne field option as per the request from the Minister for the Environment.
- Socio-Economic Assessment to provide an analysis of the monetary valuation of the social and economic costs of the erosion management options proposed for Kingscliff within different time horizons. The purpose of this study is to assist with determining the value of erosion mitigation works for Council and community against the cost of these works.
- Kingscliff Processes Study to provide an overview of coastal processes that affect Kingscliff Beach including mechanisms of sand movement, compartment sand source locations, a practical beach monitoring program feasibility of a predictive sediment budget tool, and probable effects of Cudgen Creek training walls and bridge crossing on sediment budgets.

OPTIONS:

Option 1: Council accepts the grant offers of \$25,000 and \$75,000 from the NSW Government Office of Environment and Heritage 2011/12 Coastal Management Program for the 'Tweed Coast Hazard Study Update' and 'Coastal Zone Management Plan Review, Kingscliff - Dreamtime Beach Compartment' respectively.

Option 2: Council does not accept the financial assistance and either does not undertake the studies or funds the studies at 100% from Council budgets.

CONCLUSION:

These studies will form the basis for a review and update of the Tweed Shire Coastline Management Plan 2005 to a Coastal Zone Management Plan (CZMP) and provide for a detailed long-term coastal management strategy for Kingscliff Beach foreshore. The Coastal Zone Management Plan can then be sent to the Minister for the Environment for certification and gazettal. Certification and gazettal of a CZMP will assist Council when applying for financial assistance for works to be undertaken in accordance with the Plan.

Reproduced below are copies of the correspondence received from Office of Environment and Heritage:



Office of
Environment
& Heritage

Mr Michael Rayner
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Our reference: DOC12/10766
Your contact: Jane Lofthouse

COASTAL MANAGEMENT.
GRANTS GENERAL.
GOVT GRANT - GENERAL

TWEED SHIRE COUNCIL
FILE No: NATURAL RESOURCE MANAGEMENT.
DOC. No:
RECD: 19 MAR 2012
ASSIGNED TO: LOFTHOUSE, J
HARD COPY IMAGE 15 March 2012

MCLEWAN, K

Dear Mr Rayner

I refer to the recent letter from the Minister for the Environment offering Council funding under the 2011/12 Coastal Management Program for the following project:

Tweed Coast Hazard Study Update
Maximum Funding Amount: \$25,000
Grant Reference Number: 2011-12-CM-0035

The offer is subject to you undertaking to meet the balance of funds for the project, as outlined in your application, and agreeing to the terms set out in the attached *Funding Agreement for Financial Assistance* (the Agreement). Please pay attention to any project-specific special conditions under clause 19, if applicable, and return evidence of how you meet these conditions where appropriate.

You may accept this offer by signing both copies of the enclosed Agreement and returning one copy to the address noted at the bottom of the Agreement by **1 May 2012**. Please note that if the signed Agreement is not returned by this date, the offer of funding will automatically lapse.

I would like to draw your attention to condition 3.1 of the Agreement, which outlines the requirement to submit a Work Plan. To assist you in preparing this, I have arranged for an electronic link to the template to be emailed to Jane Lofthouse of your office. The Work Plan should be prepared in consultation with your Office of Environment and Heritage regional contact, Richard Hagley, and be submitted electronically no later than **1 May 2012**.

If you have any questions, please contact me on 02 9895 7463 or at Rebecca.Simpson@environment.nsw.gov.au

Yours sincerely

REBECCA SIMPSON
Grants Program Coordinator
Waters, Wetlands and Coast Division

Enclosure

PO Box 3720 Parramatta NSW 2124
10 Valentine Ave Parramatta NSW
Tel: (02) 9895 6211 Fax: (02) 9895 7263
ABN 30 841 387 271
www.environment.nsw.gov.au



Office of Environment & Heritage

Our reference: DOC12/10766
Your contact: Jane Lofthouse

Mr Michael Rayner
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

BEACHES - DREAMTIME
GRANTS - GENERAL
COAST - GENERAL

TWEED SHIRE COUNCIL
FILE No: <u>NATURAL RESOURCE MANAGEMENT</u>
DOC. No:
REC'D: 19 MAR 2012
ASSIGNED TO: <u>LOFTHOUSE J</u>
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

15 March 2012
MCLENNAN R

Dear Mr Rayner

I refer to the recent letter from the Minister for the Environment offering Council funding under the 2011/12 Coastal Management Program for the following project:

Coastal Zone Management Plan Review, Kingscliff - Dreamtime Beach Compartment

Maximum Funding Amount: \$75,000

Grant Reference Number: 2011-12-CM-0037

The offer is subject to you undertaking to meet the balance of funds for the project, as outlined in your application, and agreeing to the terms set out in the attached *Funding Agreement for Financial Assistance* (the Agreement). Please pay attention to any project-specific special conditions under clause 19, if applicable, and return evidence of how you meet these conditions where appropriate.

You may accept this offer by signing both copies of the enclosed Agreement and returning one copy to the address noted at the bottom of the Agreement by **1 May 2012**. Please note that if the signed Agreement is not returned by this date, the offer of funding will automatically lapse.

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If you have any questions, please contact me on 02 9895 7463 or at Rebecca.Simpson@environment.nsw.gov.au

Yours sincerely

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Grants Program Coordinator
Waters, Wetlands and Coast Division

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ABN 30 841 387 271
www.environment.nsw.gov.au

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
Coastal Protection Act 1979 No. 13.

b. Budget/Long Term Financial Plan:

Financial assistance is for 50% of project costs. The matching funds will come from the Coastal Program budget of Council.

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
- 4.1.2.4 Prepare, review and implement coastal zone and catchment management plans
- 4.1.2.4.1 Review and implementation of Tweed Coastline Coastal Zone Management Plan
- and
- 4.4 Manage the Tweed coastline to ensure a balance between utilisation and conservation
- 4.4.1 Recognise and accommodate natural processes and climate change.
- 4.4.1.2 Identify and manage coastal areas with erosion vulnerability
- 4.4.1.2.1 Kingscliff foreshore protection

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

22 [CNR-CM] ComPacks Tender

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

SUMMARY OF REPORT:

Tweed Shire Council is currently funded through NSW Health for Tweed Community Options Inc (COPs) to provide community packages of support to eligible persons discharged from participating NSW Hospitals. These community packages of support are called ComPacks. Council's current contract for 2011/12 period is \$1,031,600 which targets up to 777 patients being discharged from participating NSW hospitals. Council was previously awarded this contract via a direct engagement by NSW Health.

NSW Health has now determined to go through a State-wide tender process for ComPacks for the 2012/13 financial year and beyond.

Tweed COPs along with 121 of the 126 existing ComPacks providers opted to be a part of a consortium with NSW COPs Inc. in their bid for this tender. NSW COPs Inc. has been successful to progress to the next stage and is now responding to Stage 2 of the tender process - Request for Information (RFI). Tweed COPs continues to work as part of the Advisory Working group to assist with this process.

RECOMMENDATION:

That Council endorses the proposal to partner with NSW Community Options Inc. in the tender submission for the NSW Health ComPacks program.

REPORT:

Tweed Shire Council is currently funded through NSW Health for Tweed Community Options (COPs) to provide community packages of support to eligible persons discharged from participating NSW Hospitals. These community packages of support are called ComPacks. Council's current contract for 2011/12 period is \$1,031,600 which targets up to 777 patients being discharged from participating NSW hospitals. Council was previously awarded this contract via a direct arrangement with NSW Health.

History of ComPacks

NSW COPs Inc. is the peak community options body in the State. Tweed and 126 other COPs providers are members of this organisation.

Issues and concerns were raised by members around the impact discharged patients from hospitals were having in utilizing HACC funding. Funding at that time was somewhat more flexible and COPs providers had the ability to support these patients.

Following this, NSW COPs Inc. developed a service model which was tested across 10 Sydney hospitals late in 2003, then across three rural hospitals early in 2004, including The Tweed Hospital with Council and Tweed COPs. The current state wide program has an annual budget of \$22M with more than 15,000 clients receiving a ComPacks package. Tweed COPs has continued to be contracted to NSW Health since 2004 and has provided this service model of community support to eligible clients. Last year 662 clients were supported with a ComPack through Tweed COPs.

Contract changes

Two years ago ComPacks providers were advised by NSW Health, that a tender process for ComPacks would ensue and all were recently formally advised that it would be effective for the 2012/13 financial year and beyond. It is expected that the actual process will be completed with recommendations for successful applicants in May 2012. NSW Health have advised current providers that they will receive formal notification to extend existing contracts for three months until 30 September 2012 to assist with managing contracts while the tender process is being finalised.

Tweed COPs participated in community consultation with NSW Health and their consultant, The NOUS group, in regard to the ComPacks program. The NOUS group released a discussion paper from NSW Health outlining the potential options for the future governance and practice directions for the ComPacks Program.

The process of procurement from NSW Health is a 3 stage procurement process:

1. Expression of Interest (EOI) -
Due 28 February 2012
2. Request for Information (RFI) -
To successful EOI respondents due March 2012.
Evaluation of RFI and notification to respondents April 2012
3. Request for Proposal (RFP) -
Released to and submitted by successful RFI respondents - May 2012
Notification of preferred providers for contract award - June 2012

The terms and conditions of the EIO were very clear in that those choosing to put forward an EOI could choose to form a consortium with other proponents. This course of action eliminated the option of an independent submission.

There was a range of issues and options emerging from the Nous paper and NSW COPs have considered the way forward for the benefit of all members, ComPack recipients and the model itself.

NSW COPs Inc. has formed a ComPacks Advisory Working group which consists of eight representatives from COPS organisations across NSW. Tweed's Coordinator Community Options, Joanne Watters, is a member of this group along with representatives from Central Coast Case Management, Catholic Care, Maitland COPS, Southern Riverina COPS, COPS Riverina, Community Care Northern Beaches and Hammond Care. This group has been working with the NSW COPs in providing valuable intelligence and feedback and has captured the expertise and diversity of experience to assist in the ComPacks procurement process.

Tweed COPs, along with 121 of the 126 existing ComPacks providers, opted to be a part of the consortium with NSW COPs. NSW COPs Inc. has been successful to progress to the next stage and is now responding to Stage 2 of the tender process - Request for Information (RFI). Tweed COPs continues to work as part of the Advisory Working group to assist with this process.

OPTIONS:

At this stage officers have committed Council to partnering with NSW COPs Inc. in the tender process. This is considered the only option for Council if it is to continue this service in the community.

CONCLUSION:

That Council supports the officers position of joining with 121 other COPs providers and NSW COPs Inc. to provide a joint proposal for the delivery of ComPacks services within the Shire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

This program is fully funded through NSW Health.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

23 **[CNR-CM] Variations to EC2008-147 Banora Point Wastewater Treatment Plant Concept and Detailed Design, Documentation and Associated Services**

SUBMITTED BY: Water



Supporting Community Life

SUMMARY OF REPORT:

On 17 March 2009 Council approved the engagement of consultant GHD Pty Ltd to carry out concept and detailed design, documentation and associated services for the new Wastewater Treatment Plant (Wastewater Treatment Plant) at Banora Point. GHD was engaged at a total amount of \$1,189,054 (all amounts above and below exclude GST).

On 16 March 2010 Council approved variations to the engagement and an associated increase in the approved contract sum to \$1,432,922. The General Manager was given delegated authority to approve variations up to 10% of the revised approval.

Additional variations approved since 16 March 2010 amount to \$118,199 resulting in a revised contract sum of \$1,551,121.

Based on approved variations the revised estimate to complete the contract for EC2008-147 is \$1,640,845.

RECOMMENDATION:

That:

1. **The additional variations of \$118,199 (exclusive of GST) for Contract EC2008-147 Banora Point Wastewater Treatment Plant; Concept and Detailed Design, Documentation and Associated Services, be received and noted.**
2. **The General Manager be given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.**
3. **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) 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:

Report details are provided in Supplementary Confidential Attachment.

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The revised contract sum for EC2008-147 of \$1,640,845 is within the original approved budget of \$35M for Banora Wastewater Treatment Plant Upgrade.

c. Legal:

Nil.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
- 2.3.3.7 Deliver Capital Works Program, (Only Large items listed)
- 2.3.3.7.5 Banora Point Waste Water Treatment Plant upgrade

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment A - Variations Report (ECM 48527172).**
-

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

24 [EO-CM] Urliup Road, Urliup - Land Acquisition for Road

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

Council has allocated funds to proceed with the upgrade of the school bus route along Urliup Road, Urliup. In the course of surveying the existing road boundaries it was discovered that there was an historical anomaly whereby part of the existing road was actually formed over two parcels of land fronting Urliup Road.

To correct this anomaly Council proposed to the respective landowners that the area in question be acquired by Council and dedicated as road reserve. The landowners have agreed to accept the transfer to them of road closure parcels being Lots 4-6 in DP 1172169 as compensation for the acquisition, pursuant to section 64 of the *Land Acquisition (Just Terms Compensation) Act, 1991*.

The plan of land proposed to be acquired for road under the *Roads Act 1993* has been registered as DP 1172169 showing Lots 1 and 2 (Land in 51/755685), and Lot 3 (Land in 2/222004) as the land to be acquired as public road. Lots 4-6 in DP 1172169 are public road proposed to be closed and transferred as compensation to the affected landowners.

The acquisition is to proceed under the provisions of the *Land Acquisition (Just Terms Compensation) Act, 1991* whereby an application is to be made to the Department of Local Government for approval to the acquisition.

RECOMMENDATION:

That

- 1. Council approves the acquisition of Lots 1-6 in DP 1172169 and the compensation payable as the transfer of road closure parcels being Lots 4-6 in DP 1172169 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;**
- 2. Lots 1-3 in DP 1172169 be dedicated as road following gazettal of the acquisition; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has allocated funds to proceed with the upgrade of the school bus route along Urliup Road, Urliup. In the course of surveying the existing road boundaries it was discovered that there was an historical anomaly whereby part of the existing road was actually formed over two parcels of land fronting Urliup Road.

To correct this anomaly Council proposed to the respective landowners that the area in question be acquired by Council and dedicated as road reserve. The landowners have agreed to accept the transfer to them of road closure parcels being Lots 4-6 in DP 1172169 as compensation for the acquisition, pursuant to section 64 of the *Land Acquisition (Just Terms Compensation) Act*, 1991.

The plan of land proposed to be acquired for road under the *Roads Act* 1993 has been registered as DP 1172169 showing Lots 1 and 2 (Land in 51/755685), and Lot 3 (Land in 2/222004) as the land to be acquired as public road. Lots 4-6 in DP 1172169 are public road proposed to be closed and transferred as compensation to the affected landowners.

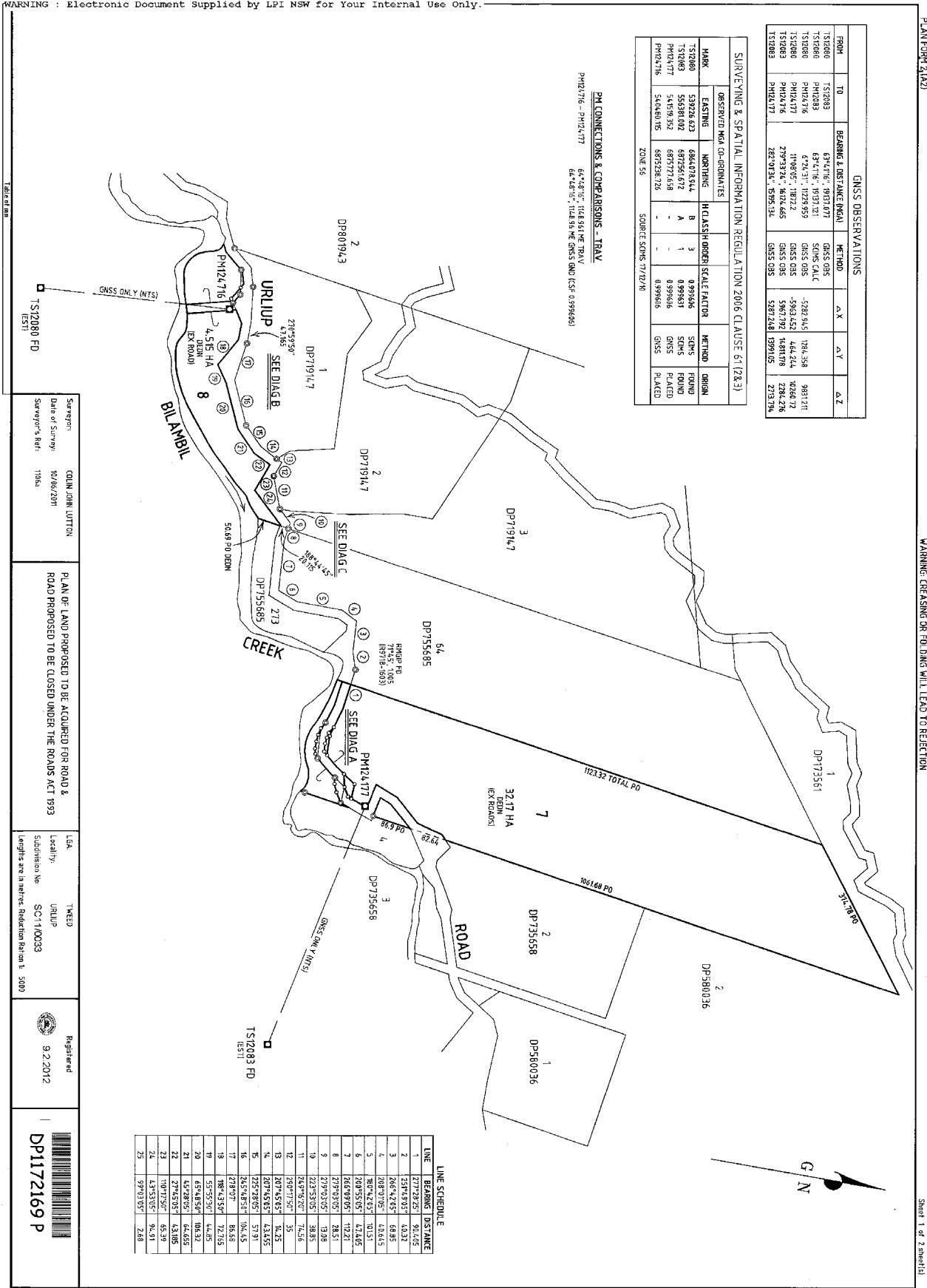
The acquisition is to proceed under the provisions of the *Land Acquisition (Just Terms Compensation) Act*, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

The following table shows the lots to be acquired and the road to be closed and transferred to each respective land owner as compensation

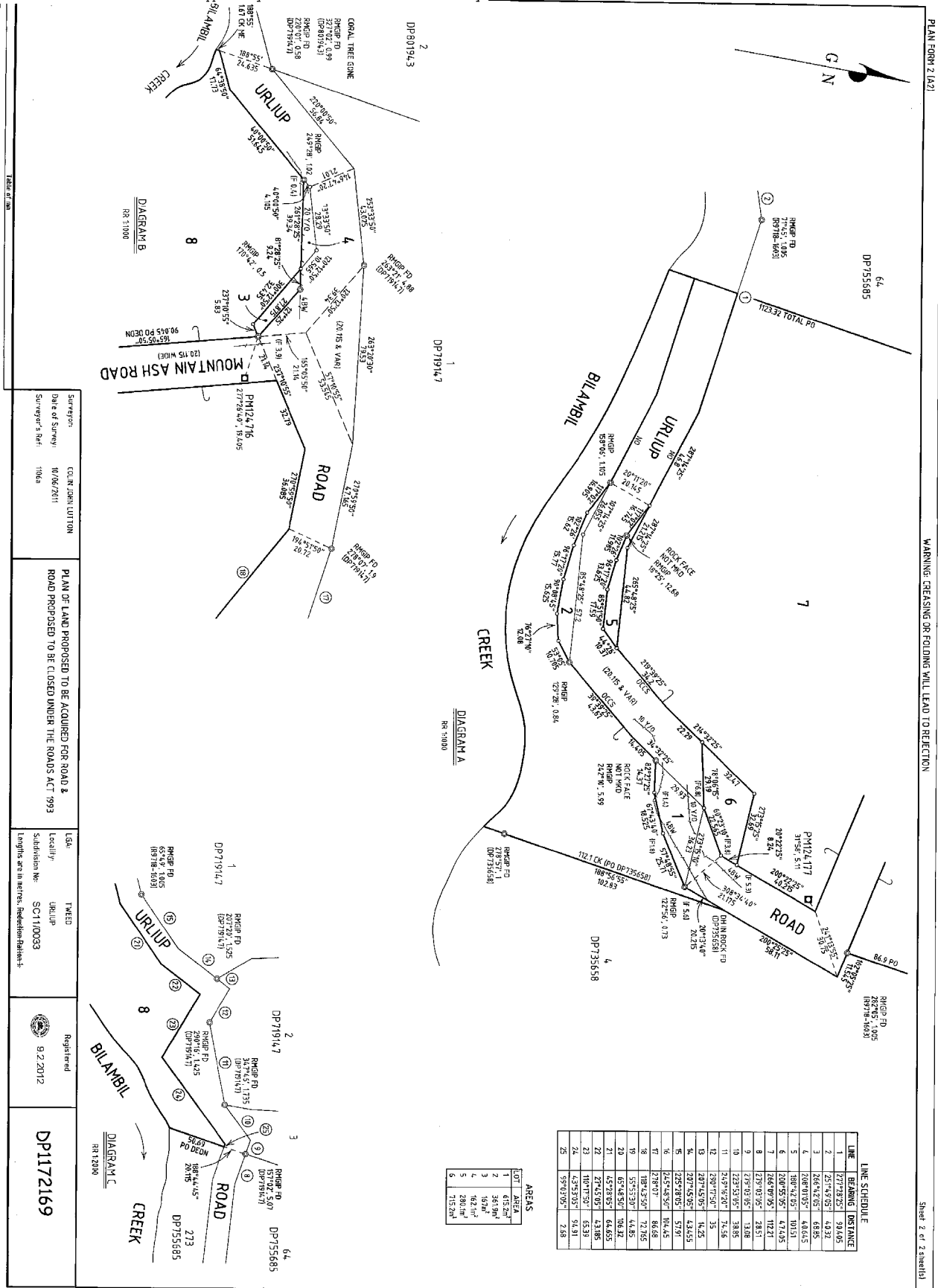
Land to be acquired as road	Road to be closed and transferred as compensation
Lots 1 & 2	Lots 5 & 6
Lot 3	Lot 4

A copy of DP 1172169 is shown below for reference purposes:

Box:e-DeX /Doc:DP 1172169 P /Rev:09-Feb-2012 /Sts:9C,OK /Prt:10-Feb-2012 01:36 /Pgs:ALL /Seq:1 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.



Box:e-DeX /Doc:DP 1172169 P /Rev:09-Feb-2012 /Sts:SC.OK /Prt:10-Feb-2012 01:36 /Pgs:ALL /Seq:2 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.



Surveyor: COLIN JOHN LUTTON
 Date of Survey: 10/08/2011
 Surveyor's Ref: 1164

PLAN OF LAND PROPOSED TO BE ACQUIRED FOR ROAD & ROAD PROPOSED TO BE CLOSED UNDER THE ROADS ACT 1993

LSA: TWEED
 Locality: URLIUP
 Submission No: SC110093
 Lengths are in metres. Redaction Factor:

Registered
 9/2/2012

DP1172169

LINE	BEARING	INSTANCE
1	227°28'25"	39.605
2	251°49'51"	4.932
3	266°42'05"	6.885
4	208°07'05"	4.064,5
5	180°42'51"	10.151
6	200°55'51"	47.405
7	268°09'51"	11.221
8	279°01'51"	2.851
9	279°01'51"	13.885
10	228°51'05"	3.885
11	249°16'20"	74.56
12	280°17'50"	35
13	287°45'05"	14.25
14	297°45'05"	43.655
15	225°28'05"	57.97
16	245°48'50"	104.45
17	278°47'	86.68
18	188°43'50"	72.765
19	55°53'30"	44.85
20	65°48'50"	106.32
21	45°28'05"	64.655
22	277°45'05"	43.185
23	100°17'50"	65.39
24	43°53'05"	94.91
25	89°03'05"	7.88

LOT	AREA
1	915.8m ²
2	14.68m ²
3	16.54m ²
4	162.1m ²
5	286.1m ²
6	715.2m ²

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 1 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

LOTS 1 & 2 (LAND IN 51/755685) ARE PROPOSED TO BE ACQUIRED AS PUBLIC ROAD.

LOT 3 (LAND IN 2/222004) IS PROPOSED TO BE ACQUIRED AS PUBLIC ROAD.

LOT 4 IS PUBLIC ROAD PROPOSED TO BE CLOSED (PREVIOUSLY LAND IN 68/755685 - VIDE R9718-1603 & GOVERNMENT GAZETTE 24 AUGUST 1910).


LOTS 5 & 6 ARE PUBLIC ROAD PROPOSED TO BE CLOSED (PREVIOUSLY CROWN ROAD RESERVE - VIDE R9718-1603 & R4887-1759).


Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval
 I, Stephen Hauksley in approving this plan certify (Authorised Officer)
 that all necessary approvals in regard to the allocation of the land shown herein have been given
 Signature: [Signature]
 Date: 15 December 2011
 File Number: 11/19836
 Office: Griffith

Subdivision Certificate
 I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:
 the proposed ROAD OPENING & CLOSURE..... set out herein (insert 'subdivision' or 'new road')
[Signature]
 * Authorised Person/General Manager/Accredited Certifier
 Consent Authority: TWEED SHIRE COUNCIL
 Date of Endorsement: 23.8.11
 Accreditation no:
 Subdivision Certificate no: SC.11/0033
 File no:

* Delete whichever is inapplicable.


DP1172169 S *

Registered:  9.2.2012 *
 Title System: TORRENS AND CROWN LAND
 Purpose: ROADS ACT, 1993

PLAN OF LAND PROPOSED TO BE ACQUIRED FOR ROAD AND ROAD PROPOSED TO BE CLOSED UNDER THE ROADS ACT 1993

LGA: TWEED
 Locality: URLIUP
 Parish: BERWICK
 County: ROUS

Surveying and Spatial Information Regulation, 2006
 I, Colin John Lutton
 of Tweed Shire Council
 a surveyor registered under the *Surveying and Spatial Information Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying and Spatial Information Regulation, 2006* and was completed on:....10/06/2011
 The survey :
 Relates to Lots 1 - 6 incl only.....
 (specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)
 Signature [Signature] Dated 10/06/2011
 Surveyor registered under the *Surveying and Spatial Information Act, 2002*
 Datum Line: TS12080 - TS12083 MGA
 Type: Rural

Plans used in the preparation of survey/compilation
 DP222004 DP430320 DP580036
 DP719147 DP801943 R4887-1759
 R9718-1603

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE:1106a

* OFFICE USE ONLY

OPTIONS:

Not Applicable.

CONCLUSION:

It is recommended that Council approves the acquisition of Lots 1-6 in DP 1172169 and the compensation payable as the transfer of road closure parcels being Lots 4-6 in DP 1172169 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor and that Lots 1-3 in DP 1172169 be dedicated as road following gazettal of the acquisition.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Sealing School Bus Routes - 2004/2005 Rate Rise Program.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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25 [EO-CM] Lease to Terranora Tennis Inc - Henry Lawson Drive, Terranora

SUBMITTED BY: Design



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 24 January 2012, Council received a report relating to the intention to lease Lot 283 in DP 873663 and Lot 465 in DP 1144944 at Henry Lawson Drive, Terranora to Tennis Terranora Inc for a term of ten years with an option for a further ten years to construct and operate a tennis facility.

As the land to be leased is classified as community land, Council was required to advertise its intentions, place an advertisement on site and to contact adjacent landowners.

These actions were completed and no written submissions were received, however, one inquiry was made in relation to the operating hours of the proposed tennis centre.

As the operating hours of the tennis centre were prescribed in consent conditions, the inquirer was advised that the lease related only to enabling the lessee to construct and operate the tennis centre on Council land.

It is recommended that Council approve entering into a lease with Tennis Terranora Inc and include clauses within the lease to enforce the hours of operation as prescribed in the conditions of consent.

RECOMMENDATION:

That Council:

- 1. Approves entering into a lease with Terranora Tennis Inc over Lot 283 in DP 873663 and Lot 465 in DP 1144944 for a term of ten years and an option for a further ten years; and**
- 2. All documentation is executed under the Common Seal of Council.**

REPORT:

At its meeting held on 24 January 2012, Council received a report relating to the intention to lease Lot 283 in DP 873663 and Lot 465 in DP 1144944 at Henry Lawson Drive, Terranora to Tennis Terranora Inc for a term of ten years with an option for a further ten years.

As the land to be leased is classified as community land, Council was required to advertise its intentions, place an advertisement on site and to contact adjacent landowners.

These actions were completed and no written submissions were received, however one inquiry was made in relation to the operating hours of the proposed tennis centre.

As the operating hours of the tennis centre were prescribed in the conditions of consent, the inquirer was advised that the lease related only to enabling the lessee to construct and operate the tennis centre on Council land.

The consent conditions stated:

- “Hours of operation of the business are restricted to the following hours:
- 7.00 am to 11.00 pm Monday to Sunday
- *All deliveries and waste pickups are to occur only within the hours of 7.00 am to 6.00 pm Monday to Saturday and 8.00 am to 6.00 pm Sundays and public holidays, unless otherwise approved by Councils General Manager or his delegate.”*

Council, as the lessor, has the opportunity to enforce these conditions by including terms in the lease that reflect the hours in the consent conditions.

As there were no objections to the lease received at the time of writing this report, it is recommended that Council resolve to grant a lease to Tennis Terranora Inc over the subject land for ten years with an option of a further ten years.

It is intended to offer the lease at a peppercorn rental to firstly assist Tennis Terranora Inc in the development of the tennis centre and secondly, allow the tennis centre to operate the facility and cover all running costs and maintenance so that Council will bear no costs relating to same.

It is also intended to ensure that the facility will be a public facility available to non-members of the club.

OPTIONS:

Not applicable.

CONCLUSION:

When the Plan of Management for the subject land has been adopted by Council, then a lease can be granted pursuant to the terms described herein.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Involve/Collaborate-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council's decisions.

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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26 [EO-CM] Naming of Park - Wharf Park

SUBMITTED BY: Recreation Services



Supporting Community Life

SUMMARY OF REPORT:

At its meeting held 24 January 2012, Council resolved to invite comment regarding the naming of the park under the fig tree, opposite the Murwillumbah Civic Centre 'Wharf Park' in accordance with Council's park naming guidelines.

At the close of comment no submissions were received.

RECOMMENDATION:

That Council names the park in under the fig tree, opposite the Murwillumbah Civic Centre 'Wharf Park' and erects signage.

REPORT:

As per Summary of Report.

CONCLUSION:

The proposal and process is consistent with Council's 'Naming of Public Parks Policy' and therefore implementation as per the recommendation is appropriate.

COUNCIL IMPLICATIONS:

a. Policy:

Naming of Public Parks Policy.

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:

- 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
- 2.3.6.2 Provide conveniently placed and well equipped community facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil

27 [EO-CM] Seniors Age Specific Exercise Equipment

SUBMITTED BY: Recreation Services



Supporting Community Life

SUMMARY OF REPORT:

At its meeting held 21 February 2012, Council resolved to bring forward a report on the possibility of expanding the provisions of senior's age specific exercise facilities in some Council parks.

A wide range of outdoor exercise equipment has been developed over recent years for use in public spaces. They range significantly in complexity and price and also the age groups that they cater to. Equipment can range from static installations such as chin up bars and step up's to equipment with moving parts through to equipment that uses hydraulics for resistance and movement.

The Tweed Shire has a number of Heart Foundation walking groups currently active. These groups are set up and supported by the Health Promotion Officer for NSW Health based at Kingscliff Community Health Centre. The walking groups are lead by volunteer walk leaders trained by the Health Promotion Officer. The walking groups follow established routes and the majority of walking group participants are seniors.

Should Council wish to pursue the installation of exercise equipment within the Shire, it is recommended that the Health Promotion Officer and Council's Aged and Disability Development Officer liaise with the Kingscliff and Banora Point walking groups to discuss both placement and choice of equipment.

As Kingscliff foreshore has aged exercise equipment that needs to be removed, Kingscliff may be considered an ideal location to trial the installation of a number of stations.

RECOMMENDATION:

That

- 1. The NSW Health Promotion Officer, Heart Foundation walking group leaders and walking group participants are consulted to provide advice on potential locations and types of exercise equipment within the Shire to service seniors.**
- 2 Subject to item 1, the old exercise equipment along the foreshore at Kingscliff to be replaced with the recommended exercise equipment.**

REPORT:

Introduction

In recent years play equipment manufacturers have developed a range of outdoor exercise equipment designed for use in public spaces. They range significantly in complexity and price and also the age groups that they cater to. Equipment can range from static installations such as chin up bars and step up's to equipment with moving parts through to equipment that uses hydraulics for resistance and movement. Items can also range from offering a single activity to multiple activities so that more than one person can use a single piece of equipment at a time (see photos).

Generally there is a preference for grouping three or more items or activities together to enable more than one person to participate at a time and to enable people to carry out a number of different exercises at the one station. These nodes or stations can be spread along a walkway or cycle way to enable people to complete a circuit or grouped together in one space depending on the site and user preference.

The cost estimate for a station with three pieces of equipment (mid price range), with rubberized soft fall is \$30,000.

Consultation

There are a number of Heart Foundation walking groups currently active in Tweed Shire. These groups are set up and supported by the Health Promotion Officer for NSW Health based at Kingscliff Community Health Centre. The walking groups are lead by volunteer walk leaders trained by the Health Promotion Officer. The walking groups follow established routes and the majority of walking group participants are seniors.

The Heart Foundation Walking Group in Kingscliff and Banora Point include mainly local residents as the participants while the Heart Foundation Walking Group in Tweed includes walkers from across the Tweed Shire and Coolangatta.

The Health Promotion Officer, Heart Foundation walking group leaders and walking group participants provide an ideal reference group with whom to consult on this proposal. Should Council wish to pursue the installation of exercise equipment within the Shire, the Health Promotion Officer and Council's Aged and Disability Development Officer would liaise with the Kingscliff and Banora Point walking groups to discuss both placement and choice of equipment.

Additionally, a Seniors Information Project Officer has been appointed and will soon be operating four days a week from Banora Point Community Centre. This position together with the Health Promotion Officer, Council's Aged and Disability Development Officer and Healthy Ageing Project Officer will work with the large group of senior residents in contact with Banora Point Community Centre who participate in the walking groups to investigate volunteer support and instruction in the use of the equipment.

Implementation

The Health Promotion officer has suggested that Kingscliff and Banora Point would be high use areas due to the strong and sustained participation in the walking group program and the high percentage of seniors residing in these suburbs.

Recreation Services has been investigating the replacement of the old timber exercise trail along the Kingscliff foreshore with some of the new ranges. As this aged exercise equipment needs to be removed, Kingscliff may be considered an ideal location to trial the installation of a number of stations.

The stretch between the facilities at Jack Bayliss Park North and Jack Bayliss Park South is approximately 900m long and would be served by three stations. The estimate for installation of three stations is \$90,000. This could be funded from the 7 year plan Park Asset Upgrade program. It is expected that there may be other external funding sources available that could contribute to the installation of additional equipment in other areas.

Recommendations for installations in other areas can be considered and implemented as funding becomes available.

CONCLUSION:

A wide range of outdoor exercise equipment has been developed over recent years for use in public space. There are a number of Heart Foundation walking groups currently active in Tweed Shire. These groups are set up and supported by the Health Promotion Officer for NSW Health based at Kingscliff Community Health Centre. Should Council wish to pursue the installation of exercise equipment within the Shire, the Health Promotion Officer and Council's Aged and Disability Development Officer would liaise with the Kingscliff and Banora Point walking groups to discuss both placement and choice of equipment.

As Kingscliff foreshore has aged exercise equipment that needs to be removed, Kingscliff may be considered an ideal location to trial the installation of a number of stations.

Photos

Photos 1 to 3: Mid price range equipment with moving parts.

Photos 4 & 5: High price range pneumatic equipment situated in 'stations' along a cycle way (Broadbeach).

Photo 6: Static exercise equipment.



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

Program to be implemented through existing capital works budgets or available grants

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
- 2.3.6.8 Playground upgrade and rationalisation program

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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28 [EO-CM] EC2012-018 for the Supply of One (1) Heavy Commercial Truck Chassis and Build and Supply of One (1) Twelve Cubic Metre Aluminium Tipper Body

SUBMITTED BY: Engineering and Operations - Works

FILE REFERENCE: EC2012-018



Civic Leadership

SUMMARY OF REPORT:

Council advertised tender EC2012-018 on 4 February 2012 for the Supply of One (1) Heavy Commercial Truck Chassis and the Build and Supply of One (1) Twelve Cubic Metre Aluminium Tipper Body, with a closing date of 4.00pm 29 February 2012.

The tender was advertised in the following media groups:

**Sydney Morning Herald,
Brisbane Courier Mail,
Gold Coast Bulletin,
Tweed Link, and
Councils Web Site.**

This report outlines the tenders received for the supply of One (1) Heavy Commercial Truck Chassis Unit and the Build and Supply of One (1) Aluminium Tipper Body Unit for Council operations.

The recommendation has been formulated based on the Selection Criteria which is contained in Confidential Attachment A

RECOMMENDATION:

That in relation to Tender EC2012-018 for the Supply of One (1) Heavy Commercial Truck Chassis and Build and Supply of One (1) Twelve Cubic Metre Aluminium Tipper Body:

- 1. The Tender from VCV Brisbane South for the supply of One (1) Truck Chassis - Mack MP8 AMT Unit is accepted to the value of \$206,739 exclusive of GST.**
- 2. The Tender from Vince McNamara Engineering for the build and supply of One (1) Twelve Cubic Metre Aluminium Tipper Body Unit is accepted to the value of \$35,700 Exclusive of GST.**

3. **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A (2) (d) 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:

Background

Council Tender EC2012-018 used the open tender process to invite responses for the Supply of One (1) Heavy Commercial Truck Chassis Unit and the Build and Supply of One (1) Aluminium Tipper Body Unit for Council operations.

The following assessment criteria were used in the equipment evaluation process.

1. **NPV** – Price, Whole of Life
2. **Operational evaluation** – Safety, build quality, emissions and environmental considerations, fuel consumption, operational ability, historic equipment issues, product backup, innovation, equipment and power train warranty.
3. **Maintenance evaluation** – Ease and speed of maintenance, service and parts accessibility on machine, technician's safety when servicing, parts availability from supplier, after sales service on previous machines, breakables and innovation in engineering.
4. **Operator evaluation** – Ergonomics in cab and controls, safety, power for application, comfort, access/egress, visual search and daily maintenance checks.

Tenders Received

A total of Nine (9) responses were received for tender EC2012-018 - Specification No1 - Supply of One (1) Heavy Commercial Truck Chassis Unit for Council operations.

1. Murwillumbah Truck Centre - Freightliner CST112 - Manual Transmission,
2. Murwillumbah Truck Centre - Freightliner CST112 - Auto Transmission,
3. Murwillumbah Truck Centre - Freightliner Coronado SD - Manual Transmission,
4. Murwillumbah Truck Centre - Freightliner Coronado SD - Auto Transmission,
5. Southside Truck Centre - Western Star 5865 SS - Manual Transmission,
6. Southside Truck Centre - Western Star 5865 - Auto Transmission,
7. Brown and Hurley - Kenworth T403 - Manual Transmission,
8. VCV Brisbane South - Mack Granite - Manual Transmission, and
9. VCV Brisbane South - Mack Granite - AMT Transmission.

A total of Two (2) responses were received for tender EC2012-018 - Specification No2 - Build and Supply of One (1) Aluminium Tipper Body.

1. Swiftco Truck Bodies.
2. McNamara Engineering.

Tender Evaluation

The Tender and product evaluation was conducted by Council's Evaluation Panel, consisting of the Plant and Materials Coordinator, Maintenance Technician and Two Experienced Equipment Operators. A copy of the Tender 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 tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the

information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

The following table shows the Tenderers and their equipment, against each of the assessment criteria.

One (1) Heavy Commercial Truck Chassis Unit

	Assessment rating	40%	30%	15%	15%	
Tenderers	Make and Model	NPV (Whole of Life)	Operational Requirements	Maintenance Assessment	Operator Assessment	Total %
Murwillumbah Truck Centre	Freightliner CST112- Manual	40.0%	20.8%	6.9%	9.9%	77.6%
Murwillumbah Truck Centre	Freightliner CST112-Auto	37.8%	20.8%	6.9%	0.0%	65.5%
Murwillumbah Truck Centre	Coronardo SD - Manual	35.0%	22.7%	11.1%	11.6%	80.3%
Murwillumbah Truck Centre	Coronardo SD - Auto	33.2%	22.4%	11.1%	0.0%	66.7%
Southside Truck Centre	Western Star 5864 SS - Manual	36.6%	22.7%	11.8%	12.1%	83.3%
Southside Truck Centre	Western Star 5865 SS - Auto	35.1%	23.1%	11.8%	0.0%	70.0%
Brown & Hurley	Kenworth T403	38.2%	22.4%	8.8%	11.0%	80.4%
VCV Brisbane South	Mack Granite Day Cab Manual	36.3%	21.5%	12.6%	13.4%	83.8%
VCV Brisbane South	Mack Granite Day Cab MP8 (Automated Manual)	35.4%	22.7%	12.6%	13.2%	83.9%

CONCLUSION:

After product analysis, product evaluation and criteria weighting, it is recommended that:-

- VCV Brisbane South be nominated for EC2012-018 for the supply of One (1) Truck Chassis - Mack Granite MP8 AMT Day Cab Unit to Tweed Shire Council
- Vince McNamara Engineering be nominated for EC2012-018 for the build and supply of One (1) Twelve Cubic Metre Aluminium Tipper Body to Tweed Shire Council

Details of Tenderers relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Evaluation Committee.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

Funds Available in the 2011/2012 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

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. **Supplementary Confidential Attachment A** - EC2012-018 for the Supply of One (1) Heavy Commercial Truck Chassis and the Build and Supply of One (1) Twelve Cubic Metre Aluminium Tipper Body (ECM 48536610).
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29 [EO-CM] EC2012-015 Expression of Interest for Provision of Master Key Security System

SUBMITTED BY: Contracts



Civic Leadership

SUMMARY OF REPORT:

Expressions of Interest have been sought from suitably qualified 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. Submissions are to be shortlisted and subsequently contacted and requested to provide formal tenders for the provision of a master key security system.

The initial evaluation of submissions has been completed and a shortlist of Preferred Suppliers and security products identified.

RECOMMENDATION:

That in relation to Tender EC2012-015 Expression of Interest for Provision of Master Key Security System:

1. **Border Locksmiths and API Services and Solutions be further contacted requesting formal tender submissions for the provision of a Master Key Security System.**
- 2 **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
 - (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:

Expressions of Interest closing 22 February 2012 have been sought from suitably qualified 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 poorly performing system.

Suppliers were requested to provide details of an integrated master key security system that offered the following features:

- Council to retain the rights to the key form so that services, following the completion of the initial agreement, can be competitively obtained from a number of Locksmiths.
- The system to provide for a minimum of five (5) level nine (9) strand hierarchy system.
- A Security Key management software package to manage access and control the issue of keys within the system.
- Identified operational life expectancy of the proposed security keying system.

Suppliers were also requested to provide:

- Non binding indicative costs of products and services that would be expected to be supplied to fulfil the tender requirements.

The service to provide the master key security system will be for a three (3) year period with a possible two (2) year extension period.

Submissions Received

Following the close of the advertising period four (4) submissions had been received with supplier details as follows;

API Services and Solutions

Border Locksmiths

Palm Beach Locksmiths

CIC Technologies

The intent of the Expression of Interest process was to identify and shortlist suppliers with products and services that addressed the above parameters. Identified suppliers would be subsequently contacted and invited to provide formal tenders for the provision of a master key security system.

Evaluation

The Evaluation of submissions was conducted by Council's Works Engineer, Building and Recreation Assets Coordinator and Engineering Admin 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 and API Services and Solutions be further contacted requesting formal tender submissions for the provision of a Master Key Security System.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the recommendation that Border Locksmith and API Services and Solutions be invited to submit a formal tender for the provision of Master Key Security System.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

No immediate budget implications. Provision will be required to be made in future Operational Budget areas 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
1.3.1	Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
1.3.1.21	Provision and management of Council's works depots to facilitate operations
1.3.1.21.1	Annual maintenance program for depot yards, buildings, facilities and fencing

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Supplementary Confidential Attachment A** EC2012-015 Expression of Interest for Provision of a Master Key Security System (ECM48424254).
-

30 [EO-CM] EQ2012-032 Expression of Interest for the Supply of Hardware, Electrical and Plumbing Materials as a Preferred Supplier

SUBMITTED BY: Contracts



Civic Leadership

SUMMARY OF REPORT:

The existing Preferred Supplier arrangement for the supply of Hardware, Electrical and Plumbing materials expires on the 21 February 2012.

In accordance with Local Government (Tendering) Regulations 1999 the process for the establishment of a new Preferred Supplier arrangement for the supply of Hardware, Electrical and Plumbing materials is required to be re- instigated and as such has been duly advertised calling for nominations from local suppliers to be considered as Preferred Suppliers.

RECOMMENDATION:

That in relation to EQ2012-032 Expression of Interest for the Supply of Hardware, Electrical and Plumbing Materials as a Preferred Supplier, suppliers as listed in the body of the report be accepted as Preferred Suppliers and that they be formally contacted and requested to nominate the level of discount that will apply for all materials purchased by Council over the period of the Preferred Supplier arrangement.

REPORT:

The existing Preferred Supplier arrangement for the supply of Hardware, Electrical and Plumbing materials expired on the 21 February 2012 and to continue this arrangement the selection process is to be re instigated.

In accordance with the Local Government (Tendering) Regulations 1999 Expression of Interest, closing 7 March 2012, have been sought from local suppliers who are willing to enter into a supply arrangement for the supply of Hardware, Electrical and Plumbing materials as a Preferred Supplier. The materials to be supplied are generally required on an as need be basis, are obtained locally and are outside existing specific material supply contract arrangements.

Suppliers nominating their interest in being listed as a Preferred Supplier and considered suitable will be contacted and requested to nominate the level of discount that will apply to all materials purchased from that particular supplier over the period of the agreement.

The Preferred Supplier agreement is for a twelve (12) month period with a further two (2) by twelve month extension options.

At the close of the advertising period Expressions of Interest had been received from the following suppliers for the commodity type as indicated;

Supplier	Hardware	Electrical	Plumbing	Outlet Location
Budds Mitre 10	X		X	Murwillumbah
L&H Group		X		Twd Hds South
Williams Group	X	X	X	Murwillumbah
Southern Cross Fasteners	X			Twd Hds South
Twd Hds Plumbing			X	Twd Hds South
Ideal Electrical Supplies	X	X		Murwillumbah
Plumber's Suppliers			X	Burleigh Heads
Aussie Fasteners	X			Murwillumbah
Blackwoods	X	X	X	Southport
Cetnaj		X		Twd Hds South
Tweed Bolt Supplies	X			Twd Hds South
Haymans Electrical		X		Twd Hds South
River Sands	X			Carbrook

Interest in the Preferred Supplier arrangement was again high with thirteen (13) submissions received. Of the suppliers listed L&H Group, Williams Group, Southern Cross Fasteners, Aussie Fasteners, Cetnaj, Tweed Bolt Supplies and Hayman's Electrical are currently listed as Preferred Supplies.

The tender documentation for the Preferred Supplier arrangement had a Non-Exclusive Supply Clause that stipulated that the supply arrangement shall not confer on the supplier an exclusive right to supply all the goods required by Council within the commodity range. Council shall have the right to obtain such goods from other sources and to enter into separate supply contracts with other suppliers.

The use of local or Shire based suppliers has worked well in the past Preferred Supplier arrangement periods providing convenience for one off purchases or the pricing of materials

in accordance with Council's Purchasing Policy and the continued use of local or Shire based suppliers is considered Council's best option.

It is recommended that the following suppliers be accepted as Preferred Suppliers and they be formally contacted and requested to nominate the level of discount that will apply for all materials purchased by Council from that supplier over the period of the Preferred Supplier arrangement.

Supplier	Material	Outlet Location
Budds Mitre 10	Hardware/ Plumbing	Murwillumbah
L&H Group	Electrical	Tw'd Hds South
Williams Group	Hardware/Electrical/Plumbing	Murwillumbah
Southern Cross Fasteners	Hardware	Tw'd Hds South
Tw'd Hds Plumbing	Plumbing	Tw'd Hds South
Ideal Electrical Supplies	Hardware / Electrical	Murwillumbah
Aussie Fasteners	Hardware	Murwillumbah
Cetnaj	Electrical	Tw'd Hds South
Tweed Bolt Supplies	Hardware	Tw'd Hds South
Haymans Electrical	Electrical	Tw'd Hds South

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the suppliers as listed as Preferred Suppliers.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

No direct budget implications. Day to day purchases for operational needs to carry out budgeted maintenance functions.

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
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

31 [EO-CM] EC2012-001 Wire Rope Installation Tweed Valley Way

SUBMITTED BY: Planning and Infrastructure



Supporting Community Life

SUMMARY OF REPORT:

Council has received funding under the Federal Government's Black Spot Program to address crashes on Tweed Valley Way between Cudgen Road and Riverside Drive.

This report addresses the call for tenders to supply and install centre median wire rope fencing for this project.

Tenderers were invited to provide details on costs of items associated with the project to allow assessment.

The confidential attachment reviews the details provided from the five submissions and recommends acceptance of one tenderer.

RECOMMENDATION:

That in relation to Tender EC2012-001 Wire Rope Installation Tweed Valley Way:

- 1. The tender from Protection Barriers Pty Ltd be accepted up to the value of \$346,974 including GST.**
- 2. The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) 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:

Tweed Shire Council is seeking to engage a contractor to install centre median wire rope fencing on Tweed Valley Way in accordance with funding received under the Federal Black Spot Program. The project is designed to limit the high number of head on crashes on Tweed Valley Way between Riverside Drive Tumbulgum to Cudgen Road Stotts Creek.

The total funding for the project is \$2,004,763 with Council contributing \$4,763 and the Federal Government (under management from the Roads and Maritime Services) contributing \$2m. The estimated cost for the installation of the Wire Rope Fencing included in the total funding allocated was \$888,550. Other costs for the project not included in this tender include road widening, culvert extension and associated line marking.

Tenders were invited 17 January 2012 with a closing date of 8 February 2012 and requested amounts for the following;

ITEM	DESCRIPTION
1	Site Establishment/De-establishment
2	Preparation and submission of and working in accordance with Project Specific Quality, Safety and Environmental Management Plans.
3	Attendance to Project Contract Meetings held on a fortnightly basis at a mutually agreed time and location. (Item with a Provisional Quantity)
4.0	WIRE ROPE
4.1	Supply Only of all wire rope components to install including materials for spanning areas where full depth foundations cannot be achieved due to obstructions like drainage structures or bridges.
4.2	Place and install approved Wire Safety Rope in accordance with RTA Specification R132 and Pay Item R132P5 including allowances for spanning areas where full depth foundations may not be achievable due to obstructions like drainage structures or bridges.
5	Traffic Control for all Site activities
6	Auger to bore post hole through Cement/Stabilised pavement full depth. (Item with a Provisional Quantity)
	Additional Rate Only items for the Assessment of Variations
A	General Labourer
B	Site Supervisor
C	Project Manager
D	Traffic Control Crew including vehicles, signs, witches hats.

ITEM	DESCRIPTION
E	Variable Message Board
F	25 Mpa Concrete
G	32 Mpa Concrete
H	Auger for Post installation
I	Additional Terminal Ends fully installed and completed

Additional information was sought from the tenderers after the tender period requesting details on type of fencing to be supplied and proposed spacing of the posts if not specified in the tender. Advice was sought from the Roads and Maritime Services (RMS) on the current approved devices available and any technical information that would be of assistance to Council.

There were five tenders received and discussion on the assessment is attached in a confidential report.

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.4 Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads
- 2.1.4.7 Provide ongoing road safety services and support road safety programs

UNDER SEPARATE COVER/FURTHER INFORMATION:

- 1. **Supplementary Confidential Attachment A** - EC2012-001 Wire Rope Installation Tweed Valley Way (ECM 48536593).
-

32 [EO-CM] Response to Notice of Motion 21 June 2011 - Cost of Cobaki Road Infrastructure

SUBMITTED BY: Director Engineering and Operations



Supporting Community Life

SUMMARY OF REPORT:

Road and bridge works to the value of \$93,316,357 are scheduled in the Cobaki Sector of the Section 94 Tweed Road Contributions Plan (TRCP). This includes \$41,072,515 for the Boyd Street Interchange (with Tugun Bypass), \$37,624,200 for the Cobaki Parkway (extending from the interchange southwards to Piggabeen Road) and \$14,619,642 for the bridge over Cobaki Creek. A significant portion of these works will be constructed by the proponents of Cobaki Lakes to facilitate access to that development.

RECOMMENDATION:

That Council receives and notes this response to Notice of Motion Item No. 57 of the Council meeting held 21 June 2011.

REPORT:

1. Background

At Council's meeting 21 June 2011, the following notice of motion from Councillor Milne was adopted:

RESOLVED that Council brings forward a report on the road and bridge infrastructure required to service the Cobaki development, including the staging and responsibilities for funding of these works, and whether the widening of Kennedy Drive or extension of Kirkwood Road will be funded from this development.

2. Road and Bridge Infrastructure Servicing Cobaki

Arterial road infrastructure to be provided to service development in Tweed Shire is detailed in Schedule 5 of the S94 Contributions Plan Tweed Road Contributions Plan (TRCP). The road works specifically related to Cobaki are detailed in Sector 3 of Schedule 5, which is summarised below:

Interchange with Western, now Tugun Bypass (4 lane overbridge plus north facing ramps)	\$41,072,515
Cobaki Parkway (lanes 1 - 4)	\$37,624,200
Cobaki Ck Bridge and intersection with Piggabeen Rd (4 lanes)	<u>\$14,619,642</u>
Total	\$93,316,357
Estimated contributions from others for interchange (RMS, Qld Main Roads, GCCC)	<u>\$-10,890,629</u>
Net amount to be found by TRCP	\$82,425,728

Whilst the above works are in the Cobaki sector, they also benefit other sectors. The major access to Bilambil Heights is by the southwards extension of Cobaki Parkway into Scenic Drive Diversion and McAllisters Road. The completion of these works will also divert existing Bilambil/Bilambil Heights traffic onto Cobaki Parkway/Tugun and away from Kennedy Drive.

3. Staging and Responsibilities

Interchange with Tugun Bypass

Council negotiated with Qld Main Roads for construction of a 2 lane bridge (Boyd Street Overpass), connecting Boyd St Tugun to Cobaki Parkway, over the Tugun Bypass whilst the Tugun Bypass was being constructed. From TRCP contributions, Council paid Qld Main Roads a total of \$6,450,000 for the bridge. Of this Leda Manostead Pty Ltd, the proponent of Cobaki Lakes, contributed a total of \$2,842,160. Leda's contribution was related to a 1993 "Boyd Street Road Works Deed" and their contribution is a credit towards TRCP contributions that will be required for creation of Cobaki subdivision lots. The Boyd Street Overpass is the initial portion of a planned interchange on the Tugun Bypass. The final configuration of the interchange will see the duplication of the overpass to 4 lanes and the construction of north facing interchange ramps to allow northbound entry and southbound exit to and from the Tugun Bypass. Traffic modelling in the *Cross Border Traffic Master Plan 2011*, advises the interchange is indicatively warranted in the period 2017 -2021.

The duplication of the Boyd Street overpass will be triggered by traffic capacity considerations. At some stage the development of Cobaki is likely to generate traffic volumes in the northern section of Cobaki Parkway (north of the Town Centre) above the capacity of lanes 1 and 2. Once that stage is reached the proponents of Cobaki Lakes would be likely to duplicate the Boyd Street overpass and Cobaki Parkway from the overpass to the Town Centre as TRCP "works in kind" that would be a credit towards TRCP contributions required for creation of Cobaki subdivision lots.

The final works to convert the overpass into an interchange with the Tugun Bypass are the construction of a north bound entry ramp and a south bound exit ramp. Whilst the *Cross Border Traffic Master Plan 2011*, advises the interchange is indicatively warranted in the period 2017 -2021, the actual timing of construction is likely to depend on a number of factors including:

- Obtaining planning approval in two states. Federal environmental approval may also be necessary.
- Funds being available from TRCP and other possible sources not yet identified
- Qld Main Roads agreement to the interchange which could have adverse impacts on the Tugun Bypass north of Boyd Street and necessitate increasing the capacity of that section from 4 to 6 lanes. Also there are likely to be further adverse impacts on the M1 north of Stewart Road.
- Gold Coast City Council agreement
- RMS (formerly RTA) agreement, support and hopefully part funding.

Cobaki Parkway

Cobaki Parkway is the proposed arterial road extending southwards from Boyd Street Tugun to Piggabeen Road that will service the adjacent Cobaki Lakes urban area and will also service Bilambil Heights when that area is developed. It will initially be constructed as a two lane road, and the northern section (see above section) is likely to be duplicated to 4 lanes as a result of Cobaki Lakes traffic. When Bilambil Heights is fully developed, the further increased traffic volume is expected to require upgrading of all of Cobaki Parkway to 4 lanes. It is anticipated that Leda will progressively construct lanes 1 and 2 of Cobaki Parkway south from the Boyd Street Overpass to the planned southern Sandy Road roundabout to facilitate and access the staged subdivision of urban lots in Cobaki Lakes. Leda may construct lanes 1 and 2 of the next section of Cobaki Parkway from the Sandy Road roundabout to Piggabeen Road, including the Cobaki Creek Bridge if they desire a southern access to Cobaki Lakes. These works are TRCP schedule works that if constructed by Leda would be as "works in kind". The valuation (as per TRCP Schedule) of these works would be credits towards TRCP contributions that will be required for creation of Cobaki subdivision lots.

If Leda choose not to construct the section of Cobaki Parkway from the Sandy Road roundabout to Piggabeen Road then this section may be constructed in the future by the proponents of Bilambil Heights (as "works in kind" providing credits for their future subdivision contributions) or by Council from collected TRCP contributions. The latter is unlikely given the other demands (eg Kennedy Drive, Kirkwood Road) on TRCP funds.

4. Funding of Road and Bridge Works

Leda will be responsible for funding all internal road and bridge works within the Cobaki Lakes subdivision. They will also initially fund all of the TRCP "works in kind" associated with construction of Cobaki Parkway.

The current TRCP contribution per lot in the Cobaki sector is \$8,952. The approximate contribution liability for the total development of 5,500 dwellings would be:

$$5,500 \times \$8,952 = \$49,236,000$$

Leda have already contributed \$2,842,160 towards the Boyd Street Overpass. They would only make actual contributions per subdivision lot created when their TRCP contribution liability exceeds the aggregate value of Cobaki Parkway "works in kind" plus \$2,842,160.

5. Widening of Kennedy Drive or Extension of Kirkwood Road

Any contributions to the TRCP by Cobaki Lakes or indeed any development is placed into a TRCP funding pool that can be expended on any works in the TRCP Works Schedule, including Kennedy Drive or Kirkwood Road. If the value of contributions is by means of "works in kind" on a specific road, by their nature they cannot be applied elsewhere in the works schedule.

It is expected that the majority of Cobaki Lakes TRCP contributions will be by means of "works in kind" on Cobaki Parkway and that uncommitted monetary contributions would be a minor portion and only occur late in the development timetable. Therefore there is little prospect of Cobaki Lakes contributions being significant for funding of Kennedy Drive or Kirkwood Road.

6. Reclassification of Urban Arterial Roads

Council has requested the NSW Government to classify urban arterial roads in Tweed Shire to "State Road" classification so their management and funding becomes a State Government responsibility. This has been done because short and long range forecasts of TRCP contribution cash flows indicate that the Section 94 financial model is breaking down and is unlikely to deliver sufficient funds to build the arterial road network required to support the Shire's planned urban growth.

The submission to the NSW Government includes a request to classify Cobaki Parkway to "State Road" status.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.2.

b. Budget/Long Term Financial Plan:

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
- 2.4 An integrated transport system that services local and regional needs
- 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities
- 2.4.1.2 Provision of arterial roads as planned in Tweed Roads Contribution Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

33 [TCS-CM] Integrated Planning and Reporting Framework - 2011/2015 Delivery Program, 2012/2013 Operational Plan and Resourcing Strategy

SUBMITTED BY: Corporate Governance



Civic Leadership

SUMMARY OF REPORT:

Council is about to enter into the second year of the Integrated Planning and Reporting Framework cycle from 1 July and is required to prepare a draft operational plan and give public notice of the draft, advising that submissions may be made to Council at any time during the 28 day period of public exhibition. A review of the 2011/2015 Delivery Program, which will incorporate the 2012/2013 Operational Plan, has been undertaken and is now presented for public exhibition, with additional project identifiers for projects that have been deferred to start the following year or that have been brought forward to start a year earlier. An opportunity has also been taken to review the Resourcing Strategy, with particular emphasis within the Workforce Management Plan on Equal Employment Opportunity, to reflect the harmonisation requirements of Workplace Health and Safety (formerly Occupational Health and Safety) and to provide greater details.

The impact of the Carbon Tax has been identified as an impost and as Council is one of the 18 Councils that have an ongoing approved rate increase it is recommended to seek from the Independent Pricing and Regulatory Tribunal (IPART) the 0.4% increase in General Rates for 2012/2013 with the resultant offset of this increase to occur within the following two financial periods and has included this additional component within the Revenue Policy and Statement 2012/2013.

Based on information received from IPART Council has calculated that the impact of the Carbon Tax on the 2012/2013 Budget across all funds is \$861,850 which comprises \$500,884 for the General Fund, \$214,193 for the Sewer Fund and \$146,772 for the Water Fund. An increase of 0.4% General Income would generate approximately \$200,000. This still leaves a shortfall in the General Fund of \$300,884. If Council were not to take up the 0.4% the budgeted income would reduce by \$200,000 by 2014/2015 leaving a shortfall of \$500,884.

RECOMMENDATION:

That:

- 1. The Draft Delivery Program 2011/2015, Draft Operational Plan 2012/2013 (Version April 2012) and associated Resourcing Strategy and Draft Revenue Policy and Statement 2012/2013 incorporating the Operational Plan Budget 2012/2013, be placed on public exhibition inviting submission, in accordance with Sections 404 and 405 of the Local Government Act 1993.**

- 2. An application be made to the Independent Pricing and Regulatory Tribunal in accordance with Section S508A(9) of the Local Government Act 1993 for an amendment to the 2012/2013 approved variation to general income, for an increase in 0.4%, attributed to the Carbon Tax, which will result in a revised variation of 7.90%.**

REPORT:

Council is about to enter into the second year of the Integrated Planning and Reporting Framework cycle from 1 July and is required to prepare a draft operational plan and give public notice of the draft advising that submissions may be made to Council at any time during the 28 day period of public exhibition. A review of the 2011/2015 Delivery Program, which will incorporate the 2012/2013 Operational Plan, has been undertaken and is now presented for public exhibition, with additional project identifiers for projects that have been deferred to start the following year or that have been brought forward to start a year earlier. An opportunity has also been taken to review the Resourcing Strategy, with particular emphasis within the Workforce Management Plan on Equal Employment Opportunity.

The requirements of the Local Government Act 1993 relating to the Resourcing Strategy, Delivery Program and Operational Plan are included in the following sections:

403 Resourcing strategy

- (1) A council must have a long-term strategy (called its "resourcing strategy") for the provision of the resources required to implement the strategies established by the community strategic plan that the council is responsible for.
- (2) The resourcing strategy is to include long-term financial planning, workforce management planning and asset management planning.

404 Delivery program

- (1) A council must have a program (its "delivery program") detailing the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.
- (2) The delivery program must include a method of assessment to determine the effectiveness of each principal activity detailed in the delivery program in implementing the strategies and achieving the strategic objectives at which the principal activity is directed.
- (3) The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.
- (4) A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.
- (5) The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.

405 Operational Plan

- (1) A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- (2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

- (3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.
- (4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.
- (5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.
- (6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

Delivery Program and Operational Plan

To clearly show links between the Delivery Program and Operational Plan, the opportunity has been taken to prepare a document that provides the details required of both the Delivery Program actions and Operational Plan activities as a single publication. This document is based upon the four themes established in the Community Strategic Plan of Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

As a result of the following resolutions from the Council Meeting of 20 March 2012:

"that Council supports a 1.5% cost reduction across Council's 2012/2013 General Fund Budget; these funds to be allocated to road construction, road maintenance and general road services and consideration be given to looking at other areas within the budget for savings, and

that the Draft 2012/2013 budget and Long Term Financial Plan include funding of no more than \$120,000 per annum to support the implementation of the Comprehensive Koala Plan of Management and that the funding be found by re-prioritising other budgets within the Caring for the Environment Theme/NRM Budget."

Suitable allowance has been made in the draft 2012/2013 Budget to reflect these requested adjustments. It is worth noting that the requested cost reduction from discretionary expenditure has resulted in an amount of \$200,000 being reallocated across the budget to road construction, which will now be offset by the addition of the 0.4% carbon tax offset (which is highlighted later within the report).

Further, in the preparation of this document, a thorough review of the services and functions undertaken by Council has occurred, with the resultant actions and activities being formulated into the program and plan, spread across the four underlying themes. The document has been separated into 'Ongoing Services' and 'Projects' that clearly delineate the activities to be undertaken. Realistic key performance indicators and associated targets have also been integrated into the document which will be reported to the community on a quarterly basis. An exception report on strategies and actions from the Delivery Program that are not meeting their performance indicators will be prepared on a six monthly basis. Snapshots of the financial results for both the Delivery Program and Operational Plan are also incorporated into the document.

Within the Delivery Program the following symbols have now been utilised to denote the type of activity to be undertaken -

- ◆ represents a project.
- ◇ represents a project deferred to start the following year.
- ❖ represents a project brought forward to start a year earlier.
- represents an ongoing service.

The four year Delivery Program is aligned to the term of each elected council, and will therefore be reviewed following the September 2012 election. The Delivery Program imparts an expectation on the elected council to implement all actions of the Delivery Program within its term. It is classed as a point of reference and is the foundation from which all other organisational plans are based. The Delivery Program has been realigned taking into account the achievements of the first year, with those to be achieved within the second year of the program. The 2012/2013 Operational Plan has also been aligned to ensure all projects and services are directed towards long-term objectives for the community. In a further extension of these documents forming the major point of reference for Council activities, the council reporting format has been enhanced to include a linkage to the Integrated Planning and Reporting Framework.

Consultation

It is intended to place the document on public exhibition from 24 April 2012 to 22 May 2012 with access via printed copies and Council internet. As an additional engagement method it is also planned to convene a forum to enable input from the regularly consulted community groups. This discussion is envisaged to occur towards the latter part of the public exhibition period, to enable the group's adequate time to review the documentation prior to providing input.

All submissions received will be considered when adopting the final program and plan in June 2012.

Resourcing Strategy

The Resourcing Strategy 2012/2013 that is attached to this report incorporates the Workforce Management Plan, an overview of Asset Management Planning and the outcomes of the Long Term Financial Plan.

While the Community Strategic Plan highlights all the objectives and aspirations of the community, the Resourcing Strategy focuses in detail on matters that are the responsibility of Council.

Workforce Management Plan

The Workforce Management Plan will enable Council to plan its future workforce needs to deliver agreed goals and to meet the current and future service and operational needs of the Shire as well as ensuring that it is appropriately staffed to handle the changes and challenges that will be faced over the four years of the delivery program and more generally over the 10 years of the Community Strategic Plan.

The Workforce Management Plan focuses on minimising employment costs whilst ensuring Council has the right people in the right place at the right time with the right skills to meet the community's desired needs and its operational objectives and has been updated to reflect the harmonisation requirements of Workplace Health and Safety and provides greater detail in relation to Equal Employment Opportunity principles.

Asset Management Planning

The Asset Management Planning component of the Resourcing Strategy has seen the development of an Asset Management Policy, Asset Management Strategy and Asset Management Plans for the following categories that were adopted in June 2011, and are based on the categories of -

- Transport
- Drainage
- Fleet
- Buildings
- Open Space
- Wastewater and Water

The establishment of these documents has placed Council in a much stronger position in regards to information on asset stock, asset conditions, asset valuations, financial planning and lifecycle costs. The Draft 2012/2013 operational Plan Budget includes an amount of \$320,000 being reallocated from Open Space to fund essential works at South Tweed and Kingscliff swimming pools.

Long Term Financial Plan

The Long Term Financial Plan forecasts the financial capacity of Council to meet the objectives adopted in the Community Strategic Plan.

Estimates, projections and assumptions have been used to develop a picture of how Council's finances will progress over each of the next 10 years by quantifying revenue growth, expenditure commitments, and funding capacity.

It also serves to measure to what extent Council is able to finance its asset management commitments as determined in the various Asset Management Plans.

The Long Term Financial Plan has been amended to incorporate resolutions of Council made since the adoption of the 2011/2012 Operational Plan that have a long term financial impact on the budget.

Draft Revenue Policy and Statement

An Operational Plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

The Draft Revenue Policy and Statement including separate parts detailing the proposed Fees and Charges and Estimates for 2012/2013 are attached to this report and will be made available for community perusal and comment.

The Draft Revenue Policy and Statement has been prepared to conform to the requirements as prescribed within the regulations and embody all the rates, special rates, annual charges, interest on unpaid accounts and proposed fees and charges to be applied by council during 2012/2013.

2012/2013 Proposed Rating Structure

The 2012/2013 rating structure is proposed as follows, which includes the ramifications of the application of the 0.4% increase associated with the Carbon Tax.

2012/2013 Rates and Charge Structure (Minimum Rates)

Item	2011-2012 \$	Option A 2012-2013 based on allowed Ordinary Rate increase 7.50%	% change	Option B 2012-2013 based on allowed Ordinary Rate increase 7.90%	% change
Ordinary Rate					
Residential	871.40	936.75	7.50	940.25	7.90
Business	931.20	1001.05	7.50	1004.80	7.90
Farmland	871.40	936.75	7.50	940.25	7.90
Sewerage Charge	609.00	650.00	6.73	650.00	6.73
Sewerage Usage Charge	1.14	1.20	5.26	1.20	5.26
Water Access Charge	118.00	128.00	8.47	128.00	8.47
Water Volumetric Charge	1.85	2.05	10.81	2.05	10.81
Domestic Waste Service Charge	118.30	144.55	22.19	144.55	22.19
Domestic Waste Management Charge	50.70	54.30	7.10	54.30	7.10
Waste Minimisation and Recycling Charge	60.80	61.50	1.15	61.50	1.15
Landfill Management Charge	30.00	35.00	16.67	35.00	16.67
Total					
Residential	1,858.20	2010.10		2013.60	
Business	1,918.00	2074.40		2078.15	
Farmland	1,858.20	2010.10		2013.60	
Increase in total minimum rates (including all charges) compared to 2011-2012	Residential	151.90		155.40	
	Business	156.40		156.40	
	Farmland	151.90		155.40	
Percentage increase in total minimum rates from 2011-2012	Residential	8.18%		8.36%	
	Business	8.15%		8.35%	
	Farmland	8.18%		8.36%	

Approved Rate Variation 2007

Council sought ministerial approval for increases to general income for the periods 2008/2009 to 2012/2013 inclusive for projects proposed in the original 7 Year Infrastructure and Services Plan.

On 15 August 2007 the Minister for Local Government approved Council increasing its general income as follows:

- 2008/2009 is 9.50% above that for 2007/2008
- 2009/2010 is 9.50% above that for 2008/2009
- 2010/2011 is 8.50% above that for 2009/2010
- 2011/2012 is 7.50% above that for 2010/2011
- 2012/2013 is 7.50% above that for 2011/2012

The 2012/2013 financial period is the final period of the approved special rate variation. In future years Council will be subject to the normal rigours of rate pegging.

The Carbon Tax and implications on Rate Pegging

Since 2011-12 the Independent Pricing and Regulatory Tribunal (IPART) has had the responsibility of calculating the rate pegging amount. This calculation is based on the Local Government Cost Index (LGCI - the movement in price of a basket of weighted costs) less a productivity factor. Council's 7 year Infrastructure and Services Plan increases were adopted under the previous system that was administered by the Division of Local Government.

This new model influences rate pegging amounts based on past cost movements. The change in costs from September 2010 to September 2011 is not reflected in the rate pegging calculation until the 2012/2013 budget, resulting in a lag between costs and income.

With the introduction of the Federal Government Carbon Tax legislation, IPART resolved to give a carbon tax advance on top of the rate pegging calculation to avoid this lag between costs and income. The advice from the Division of Local Government is as follows:

"We have decided to make a specific carbon price related advance of 0.4% to the 2012-13 rate peg that will increase councils' general income and assist in meeting the extra costs they will face from the introduction of the carbon price.

When the effects of the carbon price are measured in the LGCI, we will reverse the up-front advance. We will do this over 2 years by removing 0.1% from the 2013-14 rate peg and 0.3% from the 2014-15 rate peg.

The timing of the carbon price advance (CPA) of 0.4% for 2012-13 coupled with Councils requirement to comply to the Minister of Local Governments instrument of 2012-13 effectively means that Council will not receive the carbon price advance of 0.4% increase but will be subjected to its reversal in 2013-14 (0.1%) and 2014-15 (0.3%).

So as not to be disadvantaged, Councils that are currently operating under a Special Rate Variation instrument, IPART and the NSW Division of Local Government have released an addendum to the application for special variation to general income.

Where a council has an existing special variation, it generally replaces the rate peg. Therefore, Councils with previously approved special variations will not receive the CPA and some will also face a lower rate peg when the CPA is withdrawn. There are 18 Councils in this situation.

These 18 Councils may elect to apply to IPART to vary their existing special variation under Sections 508A(8) and (9) of the Local Government Act to incorporate the CPA as it applies to that Council.

Councils that wish to apply under 508(A) for a variation to their existing special variation must send a letter to IPART outlining the following:

- That the Council is applying to take up the CPA for that Council (as set out above);*
- That the Council will inform its community through its draft Operational Plan and Statement of Revenue Policy why the variation to the existing determination has been sought.*

Applications in letter form must be certified by the Council's General Manager and submitted to IPART in written or electronic form by 20 April 2012.

IPART will inform Councils of its decisions by 6th June 2012."

Based on information received from IPART Council has calculated that the impact of the Carbon Tax on the 2012/2013 Budget across all funds is \$861,850 which comprises \$500,884 for the General Fund, \$214,193 for the Sewer Fund and \$146,772 for the Water Fund. An increase of 0.4% General Income would generate approximately \$200,000. This still leaves a shortfall in the General Fund of \$300,884. If Council were not to take up the 0.4% the budgeted income would reduce by \$200,000 by 2014/2015 leaving a shortfall of \$500,884.

As Council is one of the 18 Councils that have an ongoing approved rate increase it is recommended to seek the 0.4% increase in General Rates for 2012/2013 with the resultant offset of this increase to occur within the following two financial periods and has included this additional component within the Revenue Policy and Statement 2012/2013, which will be placed on public exhibition.

Revaluations

Rates are assessed on a rate in the dollar as a product of the land value supplied by the Valuer General. The Valuation of Land Act 1916 (NSW) requires Council to assess the rates on the most recent values provided by the Valuer General.

Council cannot make and levy a rate in respect of a parcel of land, unless Council has been furnished with a valuation of that land under the Valuation of Land Act. Council does not participate in the valuation of land for rating purposes. The Valuer General assesses all values independently of Council. Council has the right to appeal against any land valuation

furnished by the Valuer General for Tweed Shire. A revaluation of the shire took place during 2011 and new valuations are being introduced for the 2012/2013 rating year.

Whenever a revaluation is implemented the rating distribution within the council area changes as a result.

A revaluation was completed in 2011 with a base date of 1 July 2011 and the 2011 values are applicable for the 2012/2013 rating year.

Although Council reviews its rating structure each year, a thorough and more detailed review of the existing rating structure has now been undertaken due to the revaluation.

The objective when reviewing rating structures after a revaluation is to achieve maximum fairness and equity in the distribution of the rating burden in order to ensure that no individual or group of ratepayers is subject to unconscionable increases in rates.

Although the total rating income generated is restricted by rate pegging, individual ratepayers will receive varying increases or decreases in their rates payable, dependent upon how their property has been affected by the revaluation.

The overall Land Valuations in the Shire has decreased by approximately 12.76% from those of 2008. The decrease brought about by the current revaluation is considerable and is the first time values in Tweed Shire have reduced overall, since records have existed.

The decrease in valuation does not have an impact on the amount of rates Council can raise; it merely redistributes the revenue base according to valuations. The 2011 revaluation has resulted in quite large reductions in valuation along the Tweed Coast especially in areas that have had large increases in a number of previous revaluations.

Council's overall decrease of approximately 13% is also a reflection on recent land sales within the shire. Although the decrease is not that large overall, what should be noted is there are large fluctuations between valuations within streets and instances where valuations have in fact increased from the previous revaluation.

In summary properties that have valuations reduced by approximately 13% will pay the same as last year plus the 7.9% increase to the general rate. Properties with a valuation decrease greater than 13% may see their rates not increase by the full 7.9% and in some cases where the valuation dropped significantly, may actually see their rates decrease from their previous assessment.

Properties with decreases between 0% and 13% will incur a rate liability greater than the 7.9% increase as will properties with valuation increases. This is due to the fact that these properties increased in real terms as compared to the average decrease of 12.76% across the shire.

The 2011 revaluation will be the valuation used for the next three rating periods.

Domestic Waste Management

The domestic waste management charge represents the reasonable cost of providing garbage and recycling services to residents and is accordance with Sections 496 and 504 of the Local Government Act, 1993. The proposed charge takes into account, payments of an increasing Waste and Environment Levy to the NSW Government, contract payment expenses, and setting aside provisions to responsibly meet the future waste infrastructure and rehabilitation commitments.

Specifically, the household contribution to the Waste and Environment Levy has increased by \$6.50 to \$26.70 per rateable property. This equates to a 32% increase from last year. The Waste and Environment Levy is remitted to the NSW Government at a rate of \$43.15 for each tonne of waste sent to landfill. The average volume of waste collected from households each year multiplied by the levy is used to determine the cost per household.

In two of the last three financial years the Domestic Waste Charge has not provided enough income to satisfy provisions. Long term financial modelling has determined that between \$650,000 and \$720,000 is required to be set aside as provisions each financial year to offset future costs associated with rehabilitating landfills once they have reached capacity, building infrastructure for new landfills, and investigating and providing for improved recycling and processing systems. In 2010/2011 the Domestic Waste Charge provided \$25,716, and in 2008/2009 a deficit of (\$220,998) was reported. This indicates that the Domestic Waste Charge was somewhat undercharged in these financial periods. Continuing this undercharge has the capacity to leave Council without adequate resources to fulfil requirements. The proposed 2012/2013 Domestic Waste Management Charge provides for an income to satisfy the financial year's provision requirement. This has had added upward pressure to the Domestic Waste Charge proposed for 2012/2013.

In order to promote recycling and waste diversion it is Important to note that the proposed annual charge for recycling services and green waste services have only marginally risen by \$0.70 (1.15%) and \$2.00 (3.85%) respectively.

Water Supply and Sewerage Pricing Pressures

The supply of Water and Sewerage services are continuing to be impacted by a number of pricing pressures.

These include:

- Slow recoupment of Section 64 development contributions
- Increased operational costs related to ongoing increases in electricity costs and embedded flow on effects.
- Increased operational costs related to chemicals and other inputs.
- Increases in operational costs associated with significant increases in the quantity and sophistication of plant and equipment now need to be used.
- Future increased operational costs related to incorporation of carbon pricing across the economy.
- Increased compliance costs in relation to additional legislation requiring the development and implementation of numerous management plans and the associated extensive reporting. This has been significant in the following areas:
 - Environmental compliance
 - Work Health and Safety

- Drinking water Quality.
- Effluent Recycling
- Bio-solids Reuse
- Asset Management
- Risk Management
- The very significant increase in reporting requirements, to provide for transparency, accountability and to demonstrate actual performance against numerous criteria, across the spectrum of activities, have and are continuing to require further significant investment in the development, implementation, and maintenance of various systems and process along with increased staff and associated training requirements to support these requirements.

The pricing paths for Water Supply and Sewerage have been flagged in a number of previous Annual Revenue Policies and again in the 2011/12 Resourcing Strategy. The 2012/13 proposed increase are inline with those estimates.

Water

Cost Pressures

As part of the NSW Office of Water Best Practice Pricing Guidelines there is a requirement that the income received from volumetric charges be a minimum of 75% of the combined access and volumetric income, for residential assessments. This is intended to send a stronger water conservation signal through pricing to consumers. The trend over the last number of years has shown a reduction in water usage per household.

The increase in access and volumetric charge rates have been calculated to maintain the minimum 75% requirement, as well as cater for increased regulatory compliance related to water quality and reporting; impacts of carbon pricing, growth, ageing infrastructure and the associated increases in operational and treatment costs.

2012/2013 Water Charges

Table 3 outlines the proposed charges for 2012/2013. The residential access charge proposed for 2012/2013 is \$128.00 per assessment. Business assessments are charged according to the meter size, commencing at the same rate as residential assessments of \$128.00 for a 20mm meter, as shown in Table 3.

The proposed volumetric charge for 2012/2013 is \$2.05/kL. This rate is applicable to both residential and business assessments. To encourage water conservation, the NSW Office of Water requires that high consuming residential consumers should be subjected to a step price increase (expressed as an “excess water charge”) of at least 50% for incremental usage above the specified threshold. The threshold should not exceed 300kL/per year per household. Residential assessments will be charged at the excess rate of \$3.10 for usage over 300kL in 2012/2013.

It is estimated that the notional yield from volumetric charges will be \$15,101,994 in 2012/2013.

Table 4 details the respective actual increase and percentage increase against the current operating year. An 8.47% increase in access charge and 10.81% in volumetric charge is proposed. The volumetric charge proposed is the value that was approved for 2012/2013 in the 2011/2012 Revenue Policy.

Table 3: 2012/2013 Proposed Access Charge and expected total revenue return for meter size

Description Meter Size	Number of Properties	Rate \$	Revenue \$
20mm	34,097	128.00	4,364,416.00
25mm	80	199.70	15,976.00
32mm	51	327.70	16,712.70
40mm	68	512.00	34,816.00
50mm	47	800.00	37,600.00
80mm	15	2,048.00	30,720.00
100mm	26	3,200.00	83,200.00
150mm	2	7,200.00	14,400.00
200mm	0	12,800.00	0.00
250mm	0	20,000.00	0.00
300mm	0	28,800.00	0.00
Total	34,386		4,597,840.70

Table 4: Actual and percentage cost increase from current financial year

	2012/13	2011/12	Diff	%Diff
Access Charge	\$128.00	\$118.00	\$10.00	8.47%
Volumetric Charge	\$2.05	\$1.85	\$0.20	10.81%

Sewer**Cost Pressures**

Due to increased regulatory compliance related to recycled water quality and reporting; impacts of carbon pricing, growth, ageing infrastructure and the associated increases in operational and treatment costs, the sewerage access charge will increase by \$41 per year up until 2014/2015. This price increase was adopted in the 2011/2012 Revenue Policy.

Sewerage usage charge was implemented to manage and control sewerage trade waste discharges to the public sewer system and to recover council's additional costs in the transportation, treatment and disposal of trade waste discharges. There is no sewerage usage charge proposed for non trade waste customers in 2012/2013. Additional trade waste usage charges are applicable in accordance with NSW Office of Water Best Practice Pricing Guidelines.

2012/2013 Sewerage Charges

Table 5 shows the proposed charge for sewerage for 2012/2013.

Table 6 shows the actual increase in dollars and the percentage increase in Sewerage Access Charge for 2012/2013 from the current financial year.

Table 7 shows the proposed sewerage usage charge and expected revenue. Where a sewer access charge is applicable to a premise, in 2012/2013 the first 120kL discharged to sewer per year is exempt from the sewer usage charge. However, this exemption will be phased out by 2014/2015 in order to achieve compliance.

Table 8 shows the actual increase in dollars and the percentage increase in Sewerage Usage Charge for 2012/2013 from the current financial year.

Table 5: 2012/2013 Proposed Sewerage Charge and expected revenue

Description	Number of Properties	Charge \$	Revenue \$
Sewerage Access Charge	32,586	650.00	21,180,900.00

Table 6: Actual and percentage cost increase from current financial year

	2012/13	2011/12	Diff	%Diff
Sewerage Access Charge	\$650.00	\$609.00	\$41.00	6.73%

Table 7: 2012/2013 Proposed Sewerage Usage Charge and expected revenue

Description	Number of Properties	Charge \$	Revenue \$
Sewerage Usage Charge	429	1.20/kL	1,305,710.00

Table 8: Actual and percentage cost increase from current financial year

	2012/13	2011/12	Diff	%Diff
Sewerage Usage Charge	\$1.20	\$1.14	\$0.06	5.26%

2012/2013 Budget

The 2012/2013 Budget amounts to an overall expenditure of \$182,299,555 across all funds, including General, Water, Sewer and Domestic Waste Management and has been based upon increases in expenditure of:

Employee costs	3.5%
Materials and Contracts	3.0%
Electricity costs	10.0% (excluding street lighting)
Insurance	5.0%

with the following major projects:

Project	\$
Road Construction Capital Works	8,688,285
Banora Point Wastewater Treatment Plant Upgrade	4,000,000
Water Pump Stations and Mains	3,679,050
West Kingscliff Drainage	2,425,440
Clarrie Hall Dam Spillway	1,837,125
Coastline Management Plan	1,750,000
Burringbar Sewerage	1,644,659
Drainage Construction (excluding West Kingscliff)	1,590,400
Bridges	776,000
South Tweed Swimming Pool Heating system replacement	200,000
Tweed Regional Art Gallery Extension - Margaret Olley Centre	150,000
Murwillumbah SES shed repairs - from January 2012 landslip	100,000
Cemetery site development	50,000
Point Danger Lighthouse works	50,000
Koala Plan of Management	50,000
Murwillumbah Civic Centre Car park	30,000
Uki Tennis	25,000

Council resolved to increase expenditure to road construction in the 2012/2013 Budget. The Draft Budget includes an additional \$841,000 from a combination of reduced on cost rate from Workers Compensation savings and reduction in discretionary expenditures from the General Fund. This brings the total 2012/2013 Road Construction Capital Works budget to \$8,688,285.

More information in relation to the 2011/2012 budget is included in Part B of the Revenue Policy.

7 Year Infrastructure and Services Plan

As part of the Draft Operational Plan and Budget process, a review of the final year of the 7 Year Infrastructure and Services Plan in relation to project costs and project timing has been undertaken with the following program changes made as a result of this review:

Project	Cost	Action	Comment
Museum Tweed Heads & Murwillumbah	\$4,000,000	Murwillumbah Museum under construction. Tweed Heads museum deferred indefinitely.	\$1,000,000 in grant funds transferred to Art Gallery Extension. \$3,000,000 allocated to single storey extension and storage facility for Murwillumbah Museum.
Cudgen Creek Bridge	\$1,400,000	Defer to future years	A recent upgrade to the bridge deck has delayed the need for this work until future years. The funds associated with the loan repayments for this project have been set aside.

OPTIONS:

To place the Integrated Planning and Reporting documents on public display and seek submissions, as well as formalising Council's intention to seek the 0.4% rate increase applicable to the Carbon Tax.

CONCLUSION:

Council is required to formalise the placing of the Operational Plan 2012/2013 and associated documents on public exhibition and the application to apply an additional 0.4% increase to the General Rates to cover the Carbon Tax offset.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

Sections 403,404 and 405 of the Local Government Act 1993.

b. Budget/Long Term Financial Plan:

As outlined in Draft 2012/2013 Budget and Long Term Financial Plan

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
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.4 Update Delivery Program

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Draft Delivery Program 2011/2015 and Draft Operational Plan 2012/2013 (ECM48766216)
 2. Resourcing Strategy 2012/2013 (ECM48778961)
 3. Part A - Draft Revenue Policy and Statement 2012/2013 (ECM49106038)
Part B - Draft Budget 2012/2013 (ECM48779991)
Part C - Draft Fees and Charges 2012/2013 (ECM48538684)
 4. Letter to Independent Pricing and Regulatory Tribunal (ECM48529269).
-

34 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 March 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), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$156,902,075** invested as at **31 March 2012** and the accrued net return on these funds was **\$768,818** or **5.88%** 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 March 2012 totalling \$156,902,074.85 be received and noted.

REPORT:

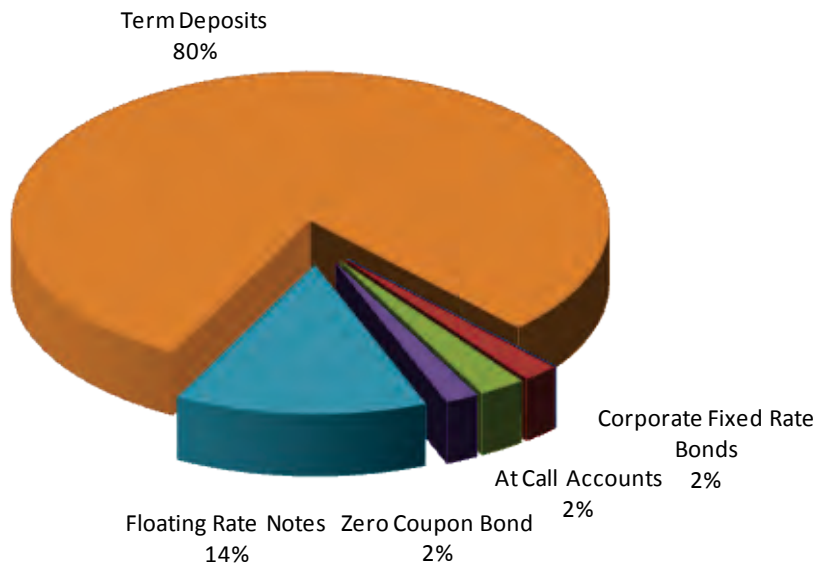
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

1. Restricted Funds as at 1 July 2011

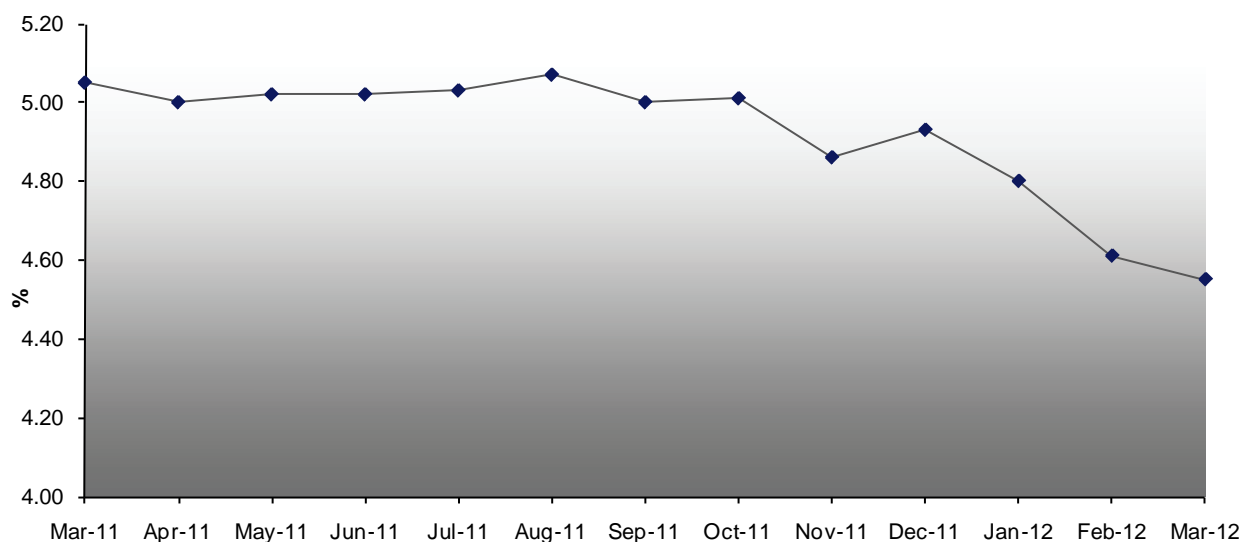
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted	2,864	10,137	61,173	74,174
Crown Caravan Parks	12,430			12,430
Developer Contributions	27,770	15,770		43,540
Domestic Waste Management	8,373			8,373
Grants	3,395			3,395
Internally Restricted	16,613			16,613
Employee 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
CBA	1,000,000.00	1,012,169.83	5.69	FRN	17/04/2012
Westpac Bank	1,000,000.00	1,014,218.40	5.15	Fixed Rate Bond	24/09/2012
Westpac Bank	1,000,000.00	1,014,218.40	4.90	Fixed Rate Bond	24/09/2012
Deutsche Bank	1,000,000.00	968,881.00	5.40	FRN	23/11/2012
ANZ Bank	1,000,000.00	1,078,690.00	8.65	Fixed Rate Bond	22/04/2013
Macquarie Bank	1,000,000.00	1,003,631.00	6.41	FRN	13/03/2014
Suncorp Metway	2,000,000.00	2,000,480.00	5.55	FRN	26/05/2014
AMP Bank	2,000,000.00	1,999,620.00	5.70	FRN	06/06/2014
National Australia Bank	1,000,000.00	1,008,760.00	5.73	FRN	19/12/2014
RaboBank	1,000,000.00	995,400.00	5.43	FRN	20/04/2015
National Australia Bank	1,000,000.00	1,005,570.00	5.49	FRN	05/11/2015
Westpac Bank	2,000,000.00	2,004,496.22	5.47	FRN	09/11/2015
CBA Retail Bond	1,000,000.00	990,000.00	5.44	FRN	24/12/2015
CBA Retail Bond	498,250.00	495,000.00	5.44	FRN	24/12/2015
CBA Retail Bond	492,500.00	495,000.00	5.44	FRN	24/12/2015
National Australia Bank	2,000,000.00	1,984,320.00	5.60	FRN	21/06/2016
RaboBank	1,000,000.00	988,970.00	5.51	FRN	27/07/2016
RaboBank	1,000,000.00	988,970.00	5.51	FRN	27/07/2016
CBA	1,000,000.00	998,860.00	5.48	FRN	02/08/2016
CBA	2,000,000.00	1,997,720.00	5.48	FRN	02/08/2016
Westpac Bank	1,000,000.00	1,005,100.00	6.16	FRN	20/02/2017
CBA/Merrill Lynch Zero Coupon Bond	4,000,000.00	2,852,000.00	7.17	Fixed Rate Bond	22/01/2018
Total	28,990,750.00	27,902,074.85	5.76		

ABS = Asset Backed Security
 Bond = Fixed Rate Bond
 CDO = Collateralised Debt Obligation
 FRN = Floating Rate Note

5. Term Deposits

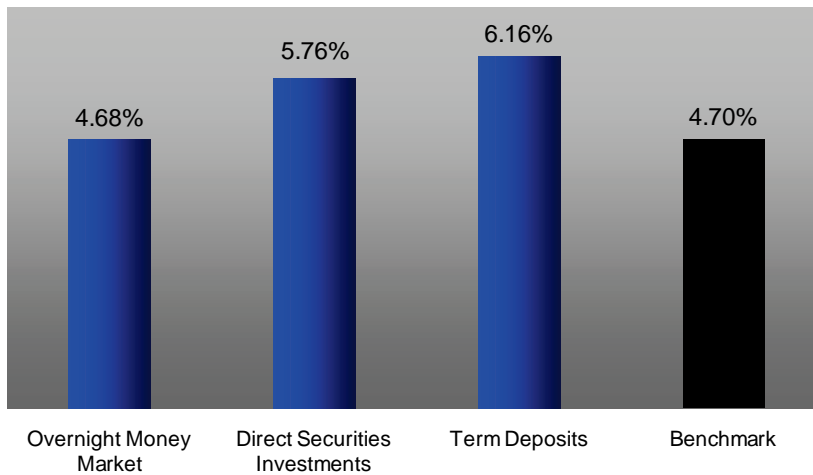
TERM DEPOSITS SORTED BY MATURITY AS AT 31/03/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
11-Jan-12	11-Apr-12	Westpac (Jan 2016)	8,000,000.00	91	5.708
14-Oct-11	17-Apr-12	Bank of QLD (Direct)	4,000,000.00	186	6.000
17-Jan-12	17-Apr-12	Suncorp Metway	3,000,000.00	91	6.000
24-Jan-12	24-Apr-12	Bank of QLD (RIMSEC)	2,000,000.00	91	6.000
21-Dec-11	24-Apr-12	NAB	2,000,000.00	125	6.130
27-Jan-12	27-Apr-12	NAB (matures Jul 2012)	5,000,000.00	91	5.520
03-May-11	08-May-12	NAB	2,000,000.00	371	6.330
13-Feb-12	14-May-12	Bank of QLD (matures Nov 2013)	2,000,000.00	91	5.875
10-Jan-12	15-May-12	NAB	5,000,000.00	126	6.150
16-Feb-12	16-May-12	NAB (Aug 2012)	1,000,000.00	90	5.630
16-Feb-12	16-May-12	Westpac (Nov 2014)	2,000,000.00	90	5.710
20-Feb-12	18-May-12	Westpac (Feb 2016)	2,000,000.00	88	5.570
25-May-11	22-May-12	ANZ	2,000,000.00	363	6.400
17-Feb-12	22-May-12	Westpac	2,000,000.00	95	5.900
24-May-11	22-May-12	Adelaide Bendigo Bank	2,000,000.00	364	6.350
27-Feb-12	28-May-12	NAB (RBS) (Aug 2015)	2,000,000.00	91	5.650
29-Feb-12	29-May-12	ING (RIMSEC) (matures Sept 2012)	1,000,000.00	90	5.627
01-Mar-12	29-May-12	MEB	2,000,000.00	89	6.000
29-Feb-12	29-May-12	ING (RIMSEC) (matures May 2012)	1,000,000.00	90	5.627
29-Feb-12	31-May-12	IMB (Dec 2013)	2,000,000.00	91	5.727
02-Mar-12	04-Jun-12	NAB (Sept 2012)	5,000,000.00	94	5.667
07-Mar-12	07-Jun-12	ING (RIMSEC) Sept 2012)	2,000,000.00	92	5.663
09-Jun-10	12-Jun-12	Investec Bank	1,000,000.00	369	6.420
09-Mar-12	12-Jun-12	Investec Bank (RIMSEC) (matures Jun 2014)	1,000,000.00	95	6.490
28-Feb-12	03-Jul-12	Westpac	2,000,000.00	126	5.900
10-Jan-12	10-Jul-12	Suncorp Metway	3,000,000.00	182	6.050
17-Jan-12	17-Jul-12	Wide Bay CU	1,000,000.00	182	6.000
13-Mar-12	17-Jul-12	ING (RIMSEC)	1,000,000.00	126	6.020
22-Jul-10	18-Jul-12	Suncorp Metway	2,000,000.00	727	6.720

TERM DEPOSITS SORTED BY MATURITY AS AT 31/03/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
21-Jul-11	24-Jul-12	NAB Adelaide	5,000,000.00	369	6.320
06-Aug-10	07-Aug-12	Bendigo Bank AMP	2,000,000.00	732	6.600
08-Feb-12	07-Aug-12	(RIMSEC)	1,000,000.00	181	6.000
05-Aug-11	07-Aug-12	MEB	1,000,000.00	368	6.300
14-Feb-12	07-Aug-12	Suncorp Metway	4,000,000.00	175	6.000
08-Feb-12	08-Aug-12	AMP (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	13-Aug-12	(RIMSEC)	1,000,000.00	181	6.000
14-Feb-12	14-Aug-12	ING (Curve)	2,000,000.00	182	6.000
09-Aug-11	14-Aug-12	AMP Bank (CURVE)	1,000,000.00	371	6.100
21-Feb-12	21-Aug-12	ING (Curve)	1,000,000.00	182	6.050
28-Feb-12	28-Aug-12	ING (RIMSEC)	2,000,000.00	182	6.040
23-Feb-12	28-Aug-12	Suncorp Metway	1,000,000.00	187	6.020
13-Mar-12	11-Sep-12	Rural Bank (Curve)	2,000,000.00	182	5.950
13-Mar-12	18-Sep-12	MEB	1,000,000.00	189	6.000
17-Feb-12	18-Sep-12	BOQ ING	2,000,000.00	214	6.000
21-Mar-12	24-Oct-12	(RIMSEC)	2,000,000.00	217	6.100
08-Dec-10	11-Dec-12	NAB	2,000,000.00	733	6.950
04-Mar-11	05-Mar-13	Westpac Adelaide	2,000,000.00	735	6.350
22-Mar-11	19-Mar-13	Bendigo Bank	1,000,000.00	728	6.500
22-Mar-11	26-Mar-13	NAB	1,000,000.00	735	6.380
17-May-11	21-May-13	Investec Bank Suncorp	1,000,000.00	735	7.100
21-Jul-10	23-Jul-13	Metway (RBS) NAB (RBS) (matures Aug	1,000,000.00	1097	7.300
11-Aug-10	11-Aug-13	2015)	2,000,000.00	1095	6.000
12-Aug-10	13-Aug-13	Bank of QLD	2,000,000.00	1096	7.050
01-Sep-10	02-Sep-13	NAB	4,000,000.00	1098	6.520
30-Aug-11	03-Sep-13	AMP Bank (CURVE)	500,000.00	735	6.000
30-Aug-11	10-Sep-13	AMP Bank (CURVE)	500,000.00	742	6.000
22-Mar-11	25-Mar-14	Bank of QLD	1,000,000.00	1099	6.750
04-Apr-11	08-Apr-14	Bank of QLD RaboDirect	2,000,000.00	1100	6.390
07-Feb-12	10-Feb-15	(Curve)	1,000,000.00	1098	6.000
22-Mar-11	22-Mar-16	RaboDirect	1,000,000.00	1827	7.150
07-Apr-11	07-Apr-16	Westpac (matures Apr	2,000,000.00	1825	7.000
11-Nov-11	22-Nov-16	2016) RaboDirect	1,000,000.00	1835	6.400
			125,000,000.00		6.161

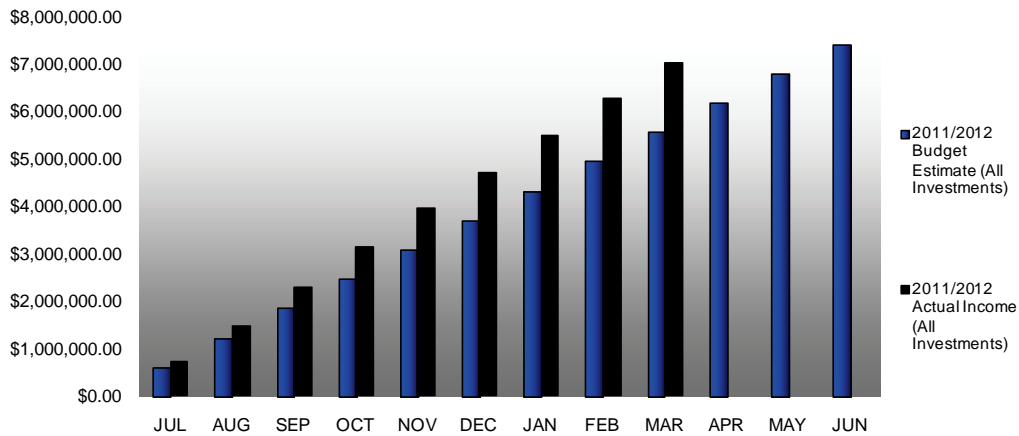
6. Performance by Category

Category	Face Value	Market Value	Average Return	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$4,000,000.00	\$4,000,000.00	4.68%	-0.02%
Direct Securities Investments	\$28,990,750.00	\$27,902,074.85	5.76%	1.06%
Term Deposits	\$125,000,000.00	\$125,000,000.00	6.16%	1.46%
Benchmark	\$157,990,750.00	\$156,902,074.85	4.70%	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%	0.00%	A-1+	100%	25.00%
AA Category	100%	25.63%	A-1	100%	20.60%
A Category or below	60%	5.01%	A-2	60%	15.00%
BBB Category or below	20%	5.63%	A-3	20%	
Unrated	10%	2.50%	Unrated	10%	0.63%
		38.77%			61.23%

9. Term to Maturity

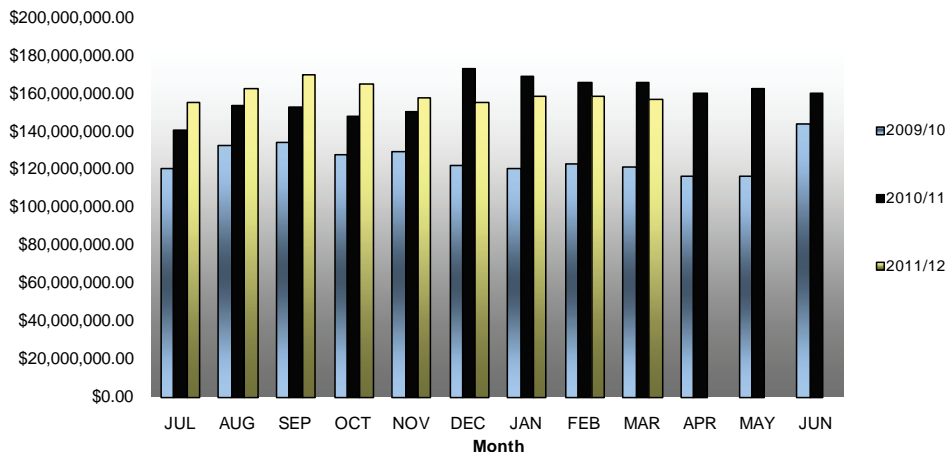
Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	61.87%	Maximum 100% Minimum 40% of portfolio
Between 365 days and 2 years	10.00%	Maximum 60%
Between 2 years and 5 years	25.63%	Maximum 35%
Between 5 years and 7 years	2.50%	Grandfathered investment. Outside current policy limit
Total	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

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
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 - 31 March 2012

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	3,994,747	-
02	Banora Point Western Drainage	508,251	-
03	Banora Point West/ Tweed Heads South Community Facilities	36,953	-
04	Tweed Road Contribution Plan	11,271,873	506,103
05	Local Area Open Space	821,695	2,437
06	Street Tree Planting in Residential Areas	151,623	(297)
07	West Kingscliff Opens Space & Drainage	474,024	-
10	Cobaki Lakes Open Space & Community Facilities	(771)	-
11	Shire Wide Library Facilities	1,474,512	1,688
12	Bus Shelters	50,758	(26)
13	Eviron Cemetery	(39,538)	229
14	Mebbin Springs Subdivision - Rural Road Upgrading	76,500	-
15	Community Facilities	341,250	3,975
16	Emergency Facilities - Surf Lifesaving	319,454	(200)
18	Council Administration & Technical Support	1,176,005	3,636
19	Kings Beach/Casuarina/Kings Forest	699,646	-
20	Seabreeze Estate - Open Space	638	-
21	Terranora Village Estate - Open Space & Community Facilities	26,191	-
22	Shirewide Cycleways	344,942	1,001
23	Shirewide Carparking	1,835,105	-
25	Salt Development - Open Space & Car Parking	857,322	-
26	Shirewide/Regional Open Space	2,640,994	10,912
27	Tweed Heads Masterplan Local Open Space & Streetscaping	57,703	-
28	Seaside City	20,794	-
90	Footpaths & Cycleway	-	-
91	DCP14	91,550	-
92	Public Reserve Contributions	112,413	-
95	Bilambil Heights	447,685	-
Total		27,792,320	529,458

13. Economic Commentary

Australian Cash Rate

The Reserve Bank of Australia (RBA) again left the cash rate at 4.25% pa at their 3 April meeting. The RBA noted that Australia's cash rate is "about right at the moment" as economic growth is close to trend and the European debt crisis is receding.

Economists however continue to expect further rate cuts by the RBA this year as sovereign debt issues in Europe continue to affect global trade, particularly with China and global confidence in general.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 82% of the portfolio held in term deposits or cash at call. Term deposits and bonds continue to provide above trend returns while minimizing capital risk.

All investment categories except cash at call out-performed the UBS 30 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 1.61% 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 Portfolio Summary as at 31 March 2012

GENERAL FUND

CORPORATE FIXED RATE BONDS	3,107,126.80	
FLOATING RATE NOTES	21,942,948.05	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSIT - LOAN 104 OFFSET	0.00	
TERM DEPOSITS	50,000,000.00	
CALL ACCOUNT	4,000,000.00	81,902,074.85

WATER FUND

TERM DEPOSITS	25,000,000.00	
FUND MANAGERS	0.00	25,000,000.00

SEWERAGE FUND

TERM DEPOSITS	50,000,000.00	
FUND MANAGERS	0.00	50,000,000.00

TOTAL INVESTMENTS		156,902,074.85
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It should be noted that the General Fund investments of \$81 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



**Chief Financial Officer
(Responsible Accounting Officer)**

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

In accordance with Budget Projections.

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
- 1.3 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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35 [TCS-CM] Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups - Policy

SUBMITTED BY: Corporate Governance



Caring for the Environment

SUMMARY OF REPORT:

The draft policy was considered at the Council Meeting of 24 January 2012 and was placed on public exhibition, inviting submissions. This report summarises those submissions and recommends that the Policy be adopted.

One of the submissions has suggested an amendment to the title to reflect that the financial assistance is directed to the care and rehabilitation of "Native" wildlife. It is therefore recommended to amend the name to "*Financial Assistance to Licensed Not for Profit **Native** Animal Welfare Groups Policy*" Version 1.

RECOMMENDATION:

That as a result of public submissions the advertised policy title be amended to "*Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups Policy*" Version 1, and be adopted.

REPORT:

The draft policy was considered at the Council Meeting of 24 January 2012 and was placed on public exhibition, inviting submissions. This report summarises those submissions and recommends that the Policy be adopted.

Submissions received include:

- 1. I think it is both necessary and admirable and I urge Council to adopt it. Hopefully if and when it is adopted it will serve to encourage other LGA's to also adopt a similar ethical policy.*
- 2. Congratulations on an excellent policy decision in deciding to fund the care and rehabilitation of injured wildlife. Protection of wildlife and their habitat, and rehabilitation of injured wildlife are essential responsibilities for all citizens and their representatives on the Tweed Shire Council. I sincerely hope that this funding will grow to include not just rehabilitation but also preventative measures, especially habitat protection. Thank you for this first step on that path.*
- 3. In our view the policy's title would be improved if it included reference to native fauna or wildlife. We agree that the number or variety of species that each group's licence covers is a logical basis for funds allocation.*

Consideration might also be given to factors including the extent of coverage across the local government area and other activities associated with animal welfare which each group undertakes, such as habitat protection and extension, policy reform, developing and implementing management plans and community education.

These submissions are positive towards the establishment of this policy and further acknowledge that this is a vital first step in the creation of a process of increased community awareness in relation to this issue.

One of the submissions has suggested an amendment to the title to reflect that the financial assistance is directed to the care and rehabilitation of "Native" wildlife. It is there recommended to amend the name to "Financial Assist to Licensed Not for Profit **Native** Animal Welfare Groups Policy Version 1.

OPTIONS:

Adopt draft policy as proposed or review to reflect public submissions.

CONCLUSION:

Draft policy to be adopted as proposed, which will establish a base line for the operation and coordination of these activities.

COUNCIL IMPLICATIONS:

a. Policy:

This draft policy, upon adoption will become a formal Council Policy.

b. Budget/Long Term Financial Plan:

Appropriate financial assistance will be included in annual budgets.

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:

1. Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups - Policy (ECM 48524013).
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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS/CONFERENCES

36 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 22 March 2012

Venue:
Mt Warning Meeting Room

Time:
Commencing at 10.00am

Present:
Committee Members: Cr Barry Longland, Ms Liz Smith, Roads and Maritime Services, Snr Constable Ray Wilson, NSW Police, Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Danny Rose (Chairman), Mr Ray Clark, Ms Judith Finch (Minutes Secretary).

Apologies:
Mr Thomas George MP, Member for Lismore, Mr Col Brooks, Mr Paul Brouwer

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

[LTC] Confirmation of Previous LTC Minutes Meeting held 23 February 2012

SUMMARY OF REPORT:

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 23 February 2012 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] Schedule of Outstanding Resolutions - 22 March 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 23 February 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.

Current Status: That Item 3 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 February 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 4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 February 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).

-
- [LTC] Rowlands Creek Road, Mitchell Street and Kyogle Road, Uki (Item B3)

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 40745641; Rowlands Creek Road; Kyogle Road, Mitchell Street, Uki; Traffic - Committee; Speed Zones; School Zones; Pedestrian Safety

SUMMARY OF REPORT:

Request received in relation to continuing traffic problems in the village of Uki.

"In September 2009 members of the Uki community met with Council's Traffic Committee regarding traffic problems in the village. Consequently TSC raised the pedestrian crossing outside the school in Kyogle Road, which has helped to significantly reduce speeding through the village.

At the same time TSC also installed raised reflectors at the entrance to Rowlands Crk Rd from Kyogle Rd and clearly marked the road at that intersection – a section of road which is regularly maintained.

So one would assume that these measures all help to reduce speed along Rowlands Creek Road.

However, most drivers ignore all of this and continually drive on the wrong side of the road, driving over the reflectors, which have subsequently been destroyed. (In fact, most of this happened within the first few months.) The remaining cement bits now make it worse by causing a loud clattering noise as cars tear up and down the road.

More importantly, unfortunately, is the stop sign which has long been rendered useless, as it's totally ignored by most drivers. This is because people coming from Rowlands Creek onto Kyogle Road use this section of road as a speedway in order to get onto Kyogle Rd, before cars (already on Kyogle Rd) reach this corner.

Most drivers also fail to indicate whether they're coming straight down Rowlands Crk Road or turning left at the school. Far too many vehicles coming into Rowlands Crk Rd from the Murwillumbah end also swerve without indication.

Therefore, pedestrians walking across to, or from, the two Cafes, School or Guesthouse often have to run in order to avoid being hit by vehicles which are doing far in excess of the speed limit as they come into the village – from either direction. In fact, vehicle speed hardly changes as they swerve into Rowlands Crk Rd, so speed limit signage may just as well be non-existent.

So both ways are treacherous and it's only a matter of time before someone or something is hit. And given that it's near the school it could well be a child.

After discussion with concerned community members, we believe that speed deterrents need to be placed on this section of road.

Perhaps one-way options should also be considered.

A deterrent is needed at the intersection of Mitchell St & Rowlands Creek Road to slow traffic coming from that direction. Then something is required at the entrance from Kyogle Rd into Rowlands Crk Rd near the Lounge Lizard Café and Guesthouse.

At the very least two substantial speed humps (or chicanes) are required – not gentle risers like the pedestrian crossing or purple-coloured tiled section of road recently installed at both ends of the entrance to the village, but something that will force drivers, in particular local hoons, to slow down significantly or stop.

There's also a problem outside the school on the shorter 'dog leg' of Rowlands Crk Rd which turns sharply at the school, opposite the Uki Cafe. Given that this part of the road is so narrow, and with school traffic often causing congestion, other vehicles cannot pass or overtake safely – in spite of most drivers attempting to do so.

I would appreciate if this matter could be discussed by Council's Traffic Committee as soon as possible. Several community members, including myself, are willing to address the Committee should further information be required. Alternatively, if members of the Committee were free to meet village community members on site, we would be more than happy to arrange a suitable time."

Two letters were tabled at the meeting, one from Uki Public School and one from Uki Public School P&C.

Council has previously considered the designation of one-way roads around the cenotaph, however heavy vehicles were unable to turn safely into Rowlands Creek Road, Uki. Designating as one-way would not necessarily address speeding and non-compliance with existing road rules.

The Committee noted that there are a number of stakeholders in this area that need to be consulted on the various traffic options. Council officers need to obtain traffic and speed data in order to provide options for the consultation process and will report back to the committee. NSW Police noted that previous patrols in this area have not identified a significant speeding issue.

COMMITTEE ADVICE:

That:

1. Council officers undertake speed and traffic counts on Rowlands Creek Road in the vicinity of the cenotaph to determine the level of non-compliance in this area.
2. Subject to the data collected Council officers consider options for possible traffic calming devices and other measures to address safety issues on Rowlands Creek Road, Uki in the vicinity of the cenotaph.
3. This item be listed on the Schedule of Outstanding Resolutions.

Current Status: That Item 5 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 February 2012 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 17 November 2011 (Item B3).

From Meeting held 22 March 2012:

The meeting noted that Council officers have undertaken speed and traffic counts in the vicinity of the Cenotaph with the following results taken from 16 February to 1 March 2012:

Location 1 (Rowlands Creek Road South of Mitchell Street)
85th percentile speed 46km/h
ADT 485

Location 2 (Rowlands Creek Road East of the Cenotaph)
85th percentile speed 40km/h
ADT 370

Location 3 (Rowlands Creek Road Western side of the Cenotaph)
85th percentile speed 22km/h
ADT 352

Based on this data the Committee concluded that no further action is warranted.

RECOMMENDATION TO COUNCIL:

That:

1. No further action be taken in relation to speed zones on Rowlands Creek Road, Mitchell Street and Kyogle Road, Uki.
2. This item be removed from the list of Outstanding Resolutions.

-
5. [LTC-LATE] Speed Zone Review - Numinbah Road, Numinbah and Chillingham (Item B8)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 46330444; Traffic - Committee; Traffic - Speed Zones; Numinbah Road, Numinbah and Chillingham

SUMMARY OF REPORT:

From Meeting held 23 February 2012 (Item B8)

Advice received as follows in relation to Roads & Maritime Services speed zone review undertaken along Numinbah Road, Murwillumbah:

"The outcomes of this review are as follows:

1. *It is recommended that the existing 100km/h speed limit from Tomewin Road to 160m east of Satinwood Place be reduced to 80km/h. This is a total distance of 13km.*
2. *It is recommended that the existing 60km/h speed limit from 160m east of Satinwood Place to 390m north of Larnock place be reduce (sic) to 50km/h. This is a total distance of 1km.*
3. *It is recommended that the existing 100km/h speed limit from 390m north of Larnock Place to the NSW/Qld border be reduce (sic) to 80km/h. This is a total distance of 9.6km."*

In June 2010 Council officers at the invitation of the Roads & Traffic Authority of NSW (RMS) participated in a Road Safety Audit of Numinbah Road due to the high number of motor cycle crashes. Outcomes of the Audit included successful applications to the Federal Black Spot Program to improve line marking and curves. The Audit also recommended review of the speed limit.

The RMS Representative advised that the review was conducted prior to works undertaken under the Black Spot Program and the recommendations will be further reviewed and submitted to Council.

COMMITTEE ADVICE:

For the information of the Local Traffic Committee.

Current Status: That Item 6 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 23 February 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 February 2012 (Item B8).

From Meeting held 22 March 2012:

The RMS Representative advised that following further inspection with Council the proposed speed zone changes remain appropriate.

RECOMMENDATION TO COUNCIL:

That:

1. Council note the speed zone changes on Numinbah Road at Numinbah and Chillingham.
2. This item be removed from the Schedule of Outstanding Resolutions.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Knox Park - Car Park

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 47649738; Traffic - Committee; Traffic - Parking Zones; Knox Park; Car Parks - Murwillumbah; Wollumbin Street

SUMMARY OF REPORT:

It has been brought to Council's attention that since the closure of the public carpark on Wollumbin Street adjacent to Come Alive Gym, that there is a perception of a lack of time unlimited carparks in the Knox Park off road carpark.

Council officers have conducted surveys of the Knox Park carpark and the top level of the multi storey parking station adjacent to the Swimming Pool and these results are provided for the Committee's attention.

The results indicate that whilst the Knox Park unlimited spaces are being utilized to near capacity, the top level of the parking station is not being well utilized at all times.

The two hour parking spaces in Knox Park are usually only one quarter full and therefore a reduction in these spaces to make them unlimited is not unreasonable.

The following are the results of the car park checks for the top level of the parking station, and for the all day parking area at Knox Park, conducted on Thursday and Friday 8 and 9 March 2012.

Location	Time	Amount of Car Parks Available
Thursday 8 March 2012		
Knox Park	9.35am	13
	1.00pm	9
Parking Station	9.30am	43
	1.05pm	28
Friday 9 March 2012		
Knox Park	9.10am	18
	11.30am	6
	2.45pm	13
Parking Station	9.15am	44
	11.35am	28
	2.50pm	38

COMMITTEE ADVICE:

That 17 spaces currently posted as two hour limited in the Knox Park carpark off Wollumbin Street be allocated as additional time unlimited spaces.

RECOMMENDATION TO COUNCIL:

That 17 spaces currently posted as two hour limited in the Knox Park carpark off Wollumbin Street be allocated as additional time unlimited spaces.

*FOR VOTE - Snr Const Ray Wilson, Ms Liz Smith, Cr Barry Longland
PRESENT. DID NOT VOTE - Mr Geoff Provest*

A2 [LTC] Brisbane Street, Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 46562101; Traffic - Committee; Parking Zones; Parking - Infringement

SUMMARY OF REPORT:

Request received in relation to limited time parking in Brisbane Street, Murwillumbah.

There is a high level of non-compliance in this zone. Vehicles are regularly being left unattended and short period parking limits 10 minute or 15 minute may be more suitable.

COMMITTEE ADVICE:

That the existing "No Parking" signage on Brisbane Street adjacent to the Spar Supermarket and Regent Theatre be replaced with 15 minute parking limits 9am-5pm Mon-Fri and 9am-12 midday Sat.

RECOMMENDATION TO COUNCIL:

That the existing "No Parking" signage on Brisbane Street adjacent to the Spar Supermarket and Regent Theatre be replaced with 15 minute parking limits 9am-5pm Mon-Fri and 9am-12 midday Sat.

*FOR VOTE - Snr Const Ray Wilson, Ms Liz Smith, Cr Barry Longland
PRESENT. DID NOT VOTE - Mr Geoff Provest*

A3 [LTC] Brett Street, Tweed Heads (Tweed Heads Civic Centre)

ORIGIN:

Planning & Infrastructure

FILE NO: Traffic - Committee; Parking - Zones; Car Parks - Tweed Heads; Brett Street; Civic Centre - Tweed Heads

SUMMARY OF REPORT:

Request received for the provision of "No Stopping" signs on Brett Street at the entrance to the Tweed Heads Civic Centre. It is reported that if vehicles are parked in this area it causes congestion and a danger to motorists as vehicles exiting the complex need to go around these parked vehicles and then with vehicles entering the complex they are required to stop, causing queuing out onto Brett Street.

At the request of the Mayor the issue of designated Mayoral parking space adjacent to the entry to the Civic Centre was also discussed and shall be assessed for suitability as an additional disabled car parking space.

COMMITTEE ADVICE:

That double centre lines be installed in the Tweed Heads Civic Centre car park entrance for a length of approximately 20m from Brett Street.

RECOMMENDATION TO COUNCIL:

That:

1. Double centre lines be installed in the Tweed Heads Civic Centre car park entrance for a length of approximately 20m from Brett Street.
2. Subject to compliance with standards, the marked Mayoral car park space in the Tweed Heads Civic Centre car park be converted to a Disabled parking space.

FOR VOTE - Snr Const Ray Wilson, Ms Liz Smith, Cr Barry Longland, Mr Geoff Provest

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] 2012 Cooly Rocks On Festival

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 46373167; Traffic - Committee; Parking Zones; Road Closures-Temporary; Festivals - Cooly Rocks On; Parks - Chris Cunningham Park; Parks - Jack Evans Boat Harbour

SUMMARY OF REPORT:

Application received for the 2012 Cooly Rocks on Festival to be held on 1 to 11 June 2012. The application for road closures within Tweed are the same that was approved for the event last year. Wharf Street, between Boundary Street and Bay Street will be closed to through traffic on Saturday 9 and Sunday 10 June. Access to Flagstaff Hill will be maintained for local residents through Stuart Street on to Griffith Street, excepting during parade times. A temporary bus zone will need to be installed on Bay Street to replace the terminating zone for disembarking Tweed Shire passengers.

COMMITTEE ADVICE:

That the temporary road closures associated with the 2012 Cooly Rocks On Festival be approved subject to standard conditions, Police approval, a satisfactory Traffic Control Plan, and a Consultation Plan to address access for local residents and bus service providers.

B2 [LTC] Powell Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 47121778; Traffic - Committee; Traffic - Parking Zones; Signs - Traffic Issues; Powell Street; Ivory Crescent; McGregor Crescent; Florence Street

SUMMARY OF REPORT:

Request received in relation to traffic and parking issues at 1 Powell Street, Tweed Heads.

"It is readily acknowledged that Powell Street at Tweed Heads is a very busy street, particularly during business hours, with the Tweed Hospital at one end and Tweed Centro shopping mall at the other end. In addition, our building is located next door to the Domain Aged Care facility. All of these facilities place parking at a premium at times. Although our address is number 1, we are positioned not at the end of the street, instead, the building is in the middle of the next block down from Frances Street and there are two nearby cross streets, Ivory and McGregor Crescents.

The driveway to and from the property's garage has a rather steep slope, in compliance with Tweed Council requirements, which requires cautious entry and exit of cars. In addition, there is a large electricity pole adjacent to one side of the driveway. The issues that are causing increasing concern for the safety of owners exiting or entering the units' garage are as follows:

- *Vehicles parking either very close to the edge of the driveway and at times partly across the driveway.*
- *Limited or no visibility of oncoming traffic, in either direction, on week days when the street is parked out either side of the driveway;*
- *Vehicles exceeding the speed limit once they have passed through the roundabout near the Tweed Hospital corner; and*
- *Translink buses using this section of the street where there is no bus route.*

It would be appreciated if the Traffic Committee would consider having an appropriate person visit our location to assess the dangerous situation that exists and to take action to provide solutions. We would hope that the following possible actions be considered:

- *Erection of No Parking or No Standing signs either side of the driveway at appropriate distances;*
- *Painting of yellow lines on a section of the road either side of the driveway;*
- *Erection of speed limit signs along the street; and*
- *Request the police to regularly check the street for parking violations and excessive speed.*

It is anticipated that with the construction of the Serene Living complex on the corner of Powell and Florence Streets resuming in the near future, these traffic and parking issues will greatly increase."

The demand for on street parking in this area is very high primarily due to the limited on-site parking provided at the Tweed Heads hospital.

Installation of prohibitive parking signs at private driveways would be a major resource drain on Council.

Yellow edge lines can only be installed with complementary "No Stopping" signage. The speed limit in built up areas is 50km/h and additional signage is not required.

COMMITTEE ADVICE:

The speeding issue on Powell Street be referred to the NSW Police for enforcement as resources permit.

B3 [LTC] Tweed River High School, Heffron Street, Tweed Heads South

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 46927798; Traffic - Committee; Traffic - Parking Zones; School - Zones;
Tweed River High School

SUMMARY OF REPORT:

Request received for changed to the designated times of parking at Tweed River High School in Heffron Street.

"Signs currently say "No Parking 8-9.30am and 2.30-4pm". Request made for sign parking allowed from 8.45am to 2.00pm."

Bus zone signage in Heffron Street adjacent to Tweed River High School was modified last year to reflect standard school zone times. Varying these times for different schools is not consistent or recommended.

COMMITTEE ADVICE:

No action recommended on varying parking signage at Tweed River High School on Heffron Street, Tweed Heads South.

B4 [LTC] Murwillumbah ANZAC Day and Service 25 April 2012

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 46562103; Traffic - Committee; Traffic - Control Plans Ceremonies - ANZAC Day; Road Closures - Temporary; Civic Centre - Murwillumbah

SUMMARY OF REPORT:

Request received in relation to the ANZAC Day Service and Ceremony to be held on 25 April 2012.

"As usual we are requesting your approval and assistance for the ceremony to be held at the War Memorial in the Civic Park.

To carry out our ceremony we will require the area immediately in front of the Cenotaph to be cordoned off for our main and dawn service. We will also require barriers to be placed at each entrance to car park. We will provide attendants at each barrier.

We have tents to provide shelter from the sun for the older citizens and therefore request approval to raise them on the day. If the weather is inclement permission is requested for the Civic Centre to be prepared and made available for our main service.

We have found over the past years that due to the age of participants and spectators that chairs are also required for about 200 people. We will set up and replace the chairs if access to the Civic Centre is available.

Timings for the ceremonies are:

- a. Dawn Service 5.30a.m.*
- b. Main Service at Cenotaph 10.40a.m."*

COMMITTEE ADVICE:

That Council approves the temporary closure of roads in Murwillumbah CBD associated with the ANZAC Day march 25 April 2012 subject to Police approval and standard conditions.

B5 [LTC] Chinderah Off Ramp

ORIGIN:

Planning & Infrastructure

FILE NO: ECM43566505; 47318401; Traffic- Committee; Traffic - Linemarking; Traffic - Directional Signs; Pacific Highway East; Pacific Motorway - Chinderah

SUMMARY OF REPORT:

This item was discussed at the LTC meeting held 23 February 2012 (Item B5) and Committee Advice was:

That the left lane exit and other issues relating to traffic movements at the Service Centre at the Chinderah Off Ramp be referred to the Roads and Maritime Services of NSW for review.

The RMS has now advised that lane allocations have been amended to alleviate some of the confusion for motorists. The lane allocations are shown in the attachment to this report.

The Committee was informed that RMS is currently undertaking a signposting review on all State Roads within NSW. The Committee noted and raised concerns that the maintenance program to replace existing highway signage would remove some of the existing blue service signage that does not comply with existing guidelines and this may be of concern to local tourism bodies.

COMMITTEE ADVICE:

That:

1. Lane allocations and signposting plan for the Tweed Coast and Service Centre exit at Chinderah were tabled for the information of the Local Traffic Committee
2. Council officers write a submission to RMS regarding the signposting upgrading project for the green guidance signs and the guidelines concerning blue service signage where it is incorporated on the green guidance signs, requesting further information on the project including consultation plans.

B6 [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.

..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street."

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

Another alternative is to provide a narrow central median on Kennedy Drive which would prevent right turns from both the boat ramp area and Norman Street into Kennedy Drive. This is very undesirable as it would inconvenience many motorists and encourage possibly less safe "U" turns to be made on Kennedy Drive away from the intersection.

Council officers will advise the Committee of the accident history of this intersection.

Council officers advised that of seven accidents from 2005 to 2008, four of them were right rear crashes. The right turns were from Kennedy Drive into Norman Street. Council officers suggested that a right turn lane be further investigated with a view for reducing this type of crash.

From Meeting held 25/11/10:

Council's Traffic Engineer advised that a consultant has been appointed to look at signalised intersection treatment options for the Kennedy Drive / Norman Street intersection.

COMMITTEE ADVICE:

That:-

1. Council officers further investigate the possibility of a right turn lane on Kennedy Drive into Norman Street.
2. That this item be listed on the Schedule of Outstanding Resolutions.

From Meeting held 21/7/11:

The Chair updated the meeting on the various options that have been considered for addressing the traffic problems at the subject intersection and tabled an intersection design plan that provides revised linemarking, provision of medians and protected right turn lanes. It also provides pedestrian facilities for crossing Kennedy Drive with a view to linking into a future cycleway and reconfigures the entry/exit and circulation lanes for the boat and trailer parking area. All traffic exiting the Kennedy Drive service road will be limited to left turns only into Norman Street.

Cr Skinner left the room at 10.30am and returned at 10.35am

In order to provide a safe pedestrian crossing point on Kennedy Drive some additional blisters will be required in the existing parking lane. The proposed intersection design will reduce the number of available parking spaces on Kennedy Drive east of the Norman Street intersection. Prohibitive parking signage will need to be provided.

The Committee endorsed the intersection design in concept.

The Committee noted that access into the service road may be difficult for some service vehicles and Council officers will review the design accordingly. There also appears to be a risk of side swipe accidents due to vehicles turning right from Norman Street into the service road conflicting with left turning traffic from Kennedy Drive. The Committee requested that Council officers investigate these risks and consider 'left in' 'left out' provisions for the service road.

From Meeting held 22/3/12:

Officers tabled 4 options for treatments to the intersection of Kennedy Drive, Norman Street and the boat ramp. Given the complexity of movements, the Committee considered that Option 4, which provided a protected right turn lane on Kennedy Drive for vehicles entering Norman Street was the preferred option.

It was recommended that a review be undertaken on the design to determine whether the length of the turning lane is sufficient.

The Committee indicated support for Option 4, as tabled, subject to detailed design and intersection modelling to confirm adequate storage space in the right hand turn lane.

COMMITTEE ADVICE:

That Council pursue Option 4 at the intersection of Kennedy Drive and Norman Street, Tweed Heads.

Next Meeting:

The next meeting of the Local Traffic Committee will be held 19 April 2012 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 12.06pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1 [LTC] Knox Park - Car Park
Nil

A2 [LTC] Brisbane Street, Murwillumbah
Nil

A3 [LTC] Brett Street, Tweed Heads (Tweed Heads Civic Centre)
Nil

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 [LTC] Knox Park - Car Park

That 17 spaces currently posted as two hour limited in the Knox Park carpark off Wollumbin Street be allocated as additional time unlimited spaces.

A2 [LTC] Brisbane Street, Murwillumbah

That the existing "No Parking" signage on Brisbane Street adjacent to the Spar Supermarket and Regent Theatre be replaced with 15 minute parking limits 9am-5pm Mon-Fri and 9am-12midday Sat.

A3 [LTC] Brett Street, Tweed Heads (Tweed Heads Civic Centre)

That:

1. Double centre lines be installed in the Tweed Heads Civic Centre car park entrance for a length of approximately 20m from Brett Street.
 2. Subject to compliance with standards, the marked Mayoral car park space in the Tweed Heads Civic Centre car park be converted to a Disabled parking space.
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37 [SUB-LTCBD] Minutes of the Local Traffic Committee - B-Double Route Meeting held 22 March 2012

Venue:

Mt Warning Meeting Room

Time:

12.12pm

Present:

Cr Barry Longland, Snr Constable Ray Wilson, NSW Police, Mr Geoff Provest MP, (Member for Tweed), Ms Liz Smith (Roads and Maritime Services Authority).

Informal:

Mr Danny Rose (Chairman), Mr Ray Clark, Ms Judith Finch (Minutes Secretary).

Apologies:

Mr Thomas George MP (Member for Lismore), Mr Col Brooks, Mr Paul Brouwer.

Minutes of Previous Meeting:

RESOLVED that the Minutes of the Local Traffic Committee - B-Double Route Meeting Committee held 19 August 2010 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Agenda Items:

1. Lundberg Drive, Murwillumbah South

Request received for Lundberg Drive to be approved for B-Double use.

"Currently Lundberg Drive is B Double approved only up to Col Moore & Sons transport yard. The next 700 meters to the new Industry Central Industrial Estate has not yet been approved.

As our business has expanded over the years, we are looking at relocating to Kite Crescent, however we can only consider this if we know that Industry Central has B Double access."

The route was generally discussed and no concerns were raised given its connection to the new industrial area and speed limit. The Committee agreed that the B-double route be extended to include Lundberg Drive and other streets internal to the industrial estate.

RECOMMENDATION TO COMMITTEE:

Subject to conformance with the route assessment guidelines a designated 25m B-Double Route be approved for Lundberg Drive, Kite Crescent, Honeyeater Circuit and Thornbill Drive, Murwillumbah South.

RECOMMENDATION TO COUNCIL:

That subject to conformance with the route assessment guidelines a designated 25m B-Double Route be approved for Lundberg Drive, Kite Crescent, Honeyeater Circuit and Thornbill Drive, Murwillumbah South.

General Business:

Nil.

Next Meeting:

The next meeting of the Local Traffic Committee - B-Double Route Meeting will be held as and when required.

The meeting closed at 12.21pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

1. *Lundberg Drive, Murwillumbah South*

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

1. *Lundberg Drive, Murwillumbah South*

That subject to conformance with the route assessment guidelines a designated 25m B-Double Route be approved for Lundberg Drive, Kite Crescent, Honeyeater Circuit and Thornbill Drive, Murwillumbah South.

38 [SUBCOM] Delegates Report by Councillor Dot Holdom on the Australian Coastal Councils Conference, Hobart 5 – 7 March 2012

SUMMARY OF REPORT:

This report is provided concerning my attendance as Council's representative at the Australian Coastal Councils Conference from 5 – 7 March 2012.

RECOMMENDATION:

That Council:-

- 1. Supports the Taskforce recommendations to the Productivity Commission Inquiry as listed in this report, advise the Taskforce accordingly, and convey such support to Council's federal parliamentary representatives seeking their endorsement.**
- 2. Conveys to the National Sea Change Taskforce its support of the 'Draft Coastal Sustainability Charter and Policy Framework for Coastal Australia' Discussion Paper.**
- 3. Signifies to the National Sea Change Taskforce its strong support in terms of priorities for policy development, research and external support, as identified by the recent University of Sydney Report, and submit motions aimed at securing support thereon, to the Australian Local Government Association National Assembly and the New South Wales Local Government Association Annual Conference.**

REPORT:

Background

The 2012 Australian Coastal Councils Conference was convened by the National Sea Change Taskforce to provide a focus on the complex challenges facing the nation's coastal LGAs. These challenges include rapid population growth, climate change adaptation, legal and insurance risks associated with coastal management, a continuing shortfall in financial and professional resources and the quality of life in coastal communities.

Coastal Research Forum

The event commenced with the Australian Coastal Research Forum, which was held on Monday 5 March. The aim of the Forum was to bring together the people involved in coastal research activities and the people responsible for decision making, planning and management of the coastal zone. At the start of the Forum, Taskforce Chair Barry Sammels launched the Coastal Research web portal, which was initiated at the 2011 Coastal Research Forum, held at Torquay in Victoria. The portal is aimed at enabling coastal councils and other coastal stakeholders to readily find information on research projects at a national level and then focus on regional and local research projects. www.coastalresearch.com.au

Over the course of the Forum delegates heard presentations by 18 researchers involved in coastal research projects, including major national research initiatives such as the CSIRO Coastal Collaboration Cluster. The presentations were clustered in several themes, including *Coastal Collaboration Cluster Knowledge Systems*, *CSIRO Research Projects*, *Coastal Planning and Management*, and *Tasmanian Coastal Research Projects*.

Conference Themes

The conference program was focused on a set of major themes which are of direct relevance to Australian coastal councils. These included:

The impact of mobile populations on Australia's coastal regions

A report by the former chair of the Coasts and Climate Change Council on current coastal policy and initiatives

The Productivity Commission inquiry into barriers to effective climate change adaptation

The Grattan Institute report on *Investing In Regions: Making A Difference* Release of the University of Sydney research report – Planning for climate change adaptation in Coastal Australia: State of Practice

The Conference discussed the Productivity Commission Inquiry into *Barriers to Effective Climate Change Adaptations*. In December 2011 the Taskforce made six recommendations to the Inquiry as follows:

“Review current governance and institutional arrangements for the coastal zone. Develop a national growth management policy to better coordinate the planning and provision of infrastructure in regional and rural areas, including rapidly expanding coastal communities. One of the aims of the policy would be to prevent expanding populations being housed in areas that are vulnerable to the impacts of climate change.

Establish a consistent national approach to climate change adaptation, with the participation of Australian, State and Territory governments, to assist local government develop the capacity to address climate change risks.

There is a need for a comprehensive, nationally consistent program to support and guide local government adaptation decisions. Councils need adequate resources to implement adaptation measures and clearer guidance in determining when a development application should be refused.

Promote the adoption in all jurisdictions of legislation to give similar effect to that provided by Section 733 of the NSW Local Government Act, which affords protection from legal liability for local councils where they provide advice or make a decision in good faith relating to coastal planning and the impact of climate change.

Increase the adaptive capacity of local government to deal with the impacts of climate change through measures such as the Local Adaptation Pathways Program, noting however that competitive funding programs are resource intensive and tend to disadvantage smaller councils which have fewer professional staff to prepare grant applications and implement funded programs”.

A Draft Coastal Sustainability Charter and Policy Framework for Coastal Australia Discussion Paper was circulated at the Conference. The eight page document is attached. It is important that all Australian coastal councils support the charter and framework which is designed to achieve a national policy framework that integrates the environmental, social and economic wellbeing of the Australian coastline and its communities with the timely funding and delivery of hard and soft infrastructure.

Emeritus Professor Bruce Thom, of the Wentworth Group of Scientists, provided an exceptional keynote address to Conference. He spoke of the need for long-term coastal risk management, the urgency of taking seriously the certainty of the science, and not allowing short term personal interests to dictate development outcomes.

He spoke of the urgent need for Australian government action and leadership, and of a national policy approach. Bruce advocated establishment of a national coastal climate risk standard, the need for more science and information, for example, to facilitate regional hazard modelling; better articulation of coastal policy and regulatory reform; adopting a focus upon on-ground adaptation “hot spots”; and the vitality of integrating coastal climate change adaptation into national agendas.

He underlined the problems of local government in terms of lack of funds and in some cases, expertise to address climate change issues and the litigious nature of ratepayers and developers, which he believed encouraged timidity in the face of hard decisions. He spoke of institutional barriers to coastal reform at budgetary level and because of constant changes in bureaucracy.

Finally, Professor Thom advocated the formation of a National Coastal Commission similar, for example, to the National Water Authority, which would have responsibility in regard to these issues.

The conference discussed the November 2011 University of Sydney report for the Taskforce, *Planning for Climate Change Adaptation in Coastal Australia: State of Practice* (Gurran N, Norman B, Gilbert C, & Hamin E, 2011), which highlighted several factors with particular resonance for local government including:

Uncertain legal liability for spatial planning and development assessment decisions, the provision of information about climate risk, and activities relating to coastal management and protection, undermining local government capacity for action.

The particular challenges associated with meeting the needs of ageing populations. Maintaining community infrastructure and continuity of community service is particularly important in the context of ageing populations who are often more vulnerable and may require additional assistance during extreme weather events.

The emergence of new risks associated with natural hazards such as bushfire is likely to become a major issue for smaller coastal areas.

The quality of professional expertise and standards in undertaking climate vulnerability and risk assessments is a potential problem in some jurisdictions.

The full financial implications for adapting to climate change impacts remain unclear, but all local governments are already experiencing increased budgetary pressure associated with managing climate risk.

Local community “pushback” and scepticism towards climate change and potential impacts for coastal areas is emerging in many localities.

The Sydney University report deserves the strongest possible support from local government. The local government survey and round table discussions that were conducted thereunder highlighted the inadequacy of the current policy and legislative framework for addressing climate change, across all levels of government. For example:

Many participants emphasised the need for a strong, integrated, and consistent policy framework for climate change adaptation stemming from the national level.

Support for understanding and responding to specific areas of climate vulnerability within the community, in building collaboration, in disseminating information and in building engagement in climate adaptation initiatives is also a high priority.

Government funding and other resources (for instance, the capacity building activities of the Australian Local Government Association and the state Local Government Associations) have been extremely important in helping coastal areas develop climate adaptation responses, particularly those without the rate base or professional staffing profile of larger capital city local government areas.

Major inconsistencies and weaknesses across the spectrum of commonwealth, state and territorial climate change policy and law undermine local adaptation action.

A major priority for many local government areas in addressing potential climate impacts relates to the management of areas with existing development potential in areas now known to be affected by climate risk (Gurran N, et al., 2011).

I appreciate the opportunity to represent Council and the Tweed community at this important National Conference. I believe it is vitally important that Council continues to strongly support the important work of the National Sea Change Taskforce.

Cr. Dot Holdom
31 March 2012

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39 [SUBCOM] Reports from Subcommittees and/or Working Groups

1. Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 March 2012 (ECM 47835569)
 2. Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 15 March 2012 (ECM 47834539).
 3. Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 February 2012 (ECM 48184459).
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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

40 [NOM-Cr K Milne] Coal Seam Gas Poll During Elections

NOTICE OF MOTION:

Councillor K Milne moves that Council:

1. Conducts a poll in conjunction with local government elections to determine community support for a ban on coal seam gas exploration and mining in our Local Government Area.
2. Informs the Division of Local Government, the Local Government and Shires Associations and NOROC Councils of this intention.
3. Suggests to NOROC Councils that each member Council might like to consider a similar poll and requests staff to prepare a report on the preferred wording for a poll question and the information for both, Yes and No cases.

Note:

The Mayor of Lismore Council is currently proposing the motion proposed on Coal Seam Gas. Background material from the notes on the Lismore motion are provided below.

"Concerns about the impacts of coal seam gas mining and associated activities are galvanizing many sectors of our community. Through rallies and forums, opposition to CSG appears to be mounting. Lock the Gate signs are increasingly common in rural areas.

Despite the apparent community opposition, the actual level of that opposition can only be estimated. Indeed one communication to Council has stated that the apparent opposition to CSG comes from 'reckless emotive "terrorist type" attacks by the largely unemployed and "rent a crowds" who are easily lead by misinformation' thereby implying that the real level of opposition is much less than might appear.

In order to gauge our community's views more accurately, the September 8 election is an opportune time to conduct a poll. To assist voters in making their decision, a Yes/No case would need to be prepared, advertised and available on election day. The results of the poll, albeit with non-compulsory voting and a non-binding outcome, would provide Council with the most accurate measure of our Local government Area's (LGA) attitudes on CSG.

The NSW Department of Planning's Strategic Regional Land Use (former Coal and Gas Mining) Plans for Hunter and New England are currently on exhibition for public comment. It is expected that the Strategic Regional Land Use Plan for the Northern Rivers will be developed for consultation in the next 15 - 18 months. The results of a poll could provide informed input into the Plan and provide both State and Federal government representatives with valuable information on voter views from our LGA.

At this stage, there is no intention to proscribe the wording of the poll question. Options might include:

Do/would you support a ban on coal seam gas exploration and mining in our local government area?

Do/would you support the Lismore local government area being declared coal seam gas free?

The timeline requires Council to inform the Division of Local Government (DLG) by April 12 of our decision to hold a poll and to advise the DLG of the wording for the poll question by June.

While there are costs involved in conducting this poll including ballot printing, preparation of a Yes/No case and counting, they are minimised by holding it in conjunction with the election for which Council has set aside funds over the past 4 years".

41 [NOM-Cr K Milne] Community Adopt-a-Park Program

NOTICE OF MOTION:

Councillor K Milne moves that Council bring forward a report on the possibilities of instigating community participation schemes in relation to the Adopt-A-Park program and any other areas potentially appropriate such as Sportsfields / Road reserves / Library and Art Gallery or other green spaces or waterways.

42 [NOM-Cr K Milne] Coal Seam Gas Information and Policy

NOTICE OF MOTION:

Councillor K Milne moves that Council

1. Develop a page on Council's website to assist the community to access relevant information on Coal Seam Gas (CSG) issues and updated information on Council's and the State governments actions in relation to CSG such as the web pages provided by Lismore and Moree Councils; and
2. Bring forward a report on appropriate means to protect the Shire from the potential for Coal Seam Gas Mining activities, including those that have been implemented by other councils such as the Moree Council's 'Draft Seismic Survey Standard Conditions Policy'.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. Moree Plains Shire Council's Draft Seismic Survey Standard Conditions Policy (ECM48534525).
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43 [NOM-Cr K Skinner] Jetty at Chinderah

NOTICE OF MOTION:

Councillor K Skinner moves that with reference to the letter from Chinderah District Residents' Association Inc dated 30 March 2012 (provided under separate cover) regarding a jetty at Chinderah, that Council supports the establishment of a larger pontoon jetty structure in Chinderah to properly service the boating fraternity.

UNDER SEPARATE COVER:

1. Letter from Chinderah District Residents' Association Inc (ECM 48438265).
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44 [NOM-Cr K Skinner] Jack Bayliss Park - Strategy for Coastal Erosion

NOTICE OF MOTION:

Councillor K Skinner moves that in light of Council's present planned retreat approach to the Jack Bayliss Park area at Kingscliff that:

1. Council brings forward a report on the approximate value of this entire section of land from Kingscliff Bowls Club to North Kingscliff Caravan Park.
 2. The community to be informed of what planned retreat actually means and their response to that concept through an article in the Tweed Link.
 3. Council also brings forward a report on the approximate cost of the installation of a similar submerged rock wall as used south of the Cudgen Surf Club to give some protection to this parkland and infrastructure.
-

QUESTIONS ON NOTICE

45 [QoN-Cr K Milne] Stormwater Developer Contributions

QUESTION ON NOTICE:

Councillor K Milne asked can council advise on whether there is the ability to implement a developer contribution plan to assist in addressing stormwater pollution?

46 [QoN-Cr K Milne] Koala Plan of Management Implementation Funding

QUESTION ON NOTICE:

Councillor K Milne asked can Council advise on what open space projects are proposed for the next budget and which projects could be deferred to provide funds for implementation of the Koala Plan of Management to avoid transferring fate of Koalas to other species as an alternative to depleting the existing environment budget of which only 5% is allocated to the Environment, in light of the Tweed having the highest number of threatened species in Australia?

47 [QoN-Cr K Milne] Northern Rivers Biodiversity Management Plan Implementation

QUESTION ON NOTICE:

Councillor K Milne asked why hasn't council adopted into their assessment requirements section 3.1.2 of the Northern Rivers Biodiversity Management Plan which states, "*A policy of net biodiversity conservation gain should be applied when assessing and approving applications for any development or activity*" when this recommendation would greatly assist in protecting Tweed's Koala and other threatened species at no cost to the existing ratepayers?

48 [QoN-Cr K Milne] Dual Reticulation

QUESTION ON NOTICE:

Councillor K Milne asked can Council advise why the estimated costs for dual reticulation, provided in the Demand Management strategy, are not accurate as recently advised by Council, and a breakdown of the actual expected costs, so that the community and Councillors can make an informed decision on this vital matter?

49 [QoN-Cr K Milne] Fluoride Development Approval

QUESTION ON NOTICE:

Councillor K Milne asked will council apply for development approval for the construction and operation of the fluoride dosing facility at Council's new Water Treatment plant in line with the conclusion reached by Justice Biscoe in Oshlack vs Rous Water 2011 NSW LEC 73 (28 April), paragraph 58, and in light of the court proceedings for Eurobodalla?

Note

See extract Paragraph 58 Oshlack v's Rous Water 2011NSW LEC 73 (28 April).

Conclusion

58. *Accordingly, I answer the preliminary questions as follows:*

- (a) *Was the first respondent, Rous Water, required to comply with the provision of ss 111 and 112 of the EPA Act with respect to the impacts on human health and the environment of adding fluorine to the water supply when determining to approve the construction and operation of the Clunes, Dorrroughby, Corndale and Knockrow fluoridation plants? Yes, except that insofar as any of those plants was the subject of the direction of 12 December 2007 to add fluorine to the Richmond Valley Water Supply the first respondent was required to comply with s 111 but no s112 of the EPA Act.*

 - (b) *(Was the second respondent, Ballina Shire Council, required to comply with the provisions of ss 111 and 112 of the EPA Act with respect to the impacts on human health and the environment of adding fluorine to the water supply when determining to approve the construction of the Marom Creek Fluoridation plant?*
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50 [QoN-Cr K Skinner] Environmental Impact Statement-Sand Renourishment of Kingscliff Beach

QUESTION ON NOTICE:

Councillor K Skinner asked:

Does the present Environmental Impact Statement for the sand renourishment of Kingscliff Beach have the pipeline as a buried permanent linkage from the river to the beach to accommodate any long term future needs while preserving the sensitive area it will cross from the need for any further disturbance in the future.

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

- 1 [PR-CM] New Kingscliff Police Station Development Application (DA11/0257) Third Party LEC Appeal

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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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 2 [EO-CM] Purchase of Land for Sportsfields - Fraser Drive Tweed Heads South

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



Civic Leadership

ORDERS OF THE DAY IN COMMITTEE

3 [NOM-Cr K Milne] West Tweed Community Centre

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on whether there is justification in establishing a community centre at West Tweed. This report to include the possibility of purchasing the old general store shop in Kennedy Drive that is currently for sale by the Owners Property Group.
