

# *Annual Report*

# 2022 2023



**TWEED**  
SHIRE COUNCIL



## **Statement of acknowledgment of the Bundjalung Aboriginal Nation**

We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional custodians of these lands.



## Planning agreements

Voluntary Planning Agreements (VPA) are another method developers may contribute towards infrastructure. A local planning agreement is an agreement between Council and a developer that specifies how the developer will provide infrastructure for the benefit of the community. This type of agreement is usually made when a developer applies for a development approval or a change in land use. Planning agreements are a way of enabling Council and developers to collaborate on innovative infrastructure solutions.

The following is a summary of the VPA's in place and the projects that were funded by developer contributions received through VPAs in the 2022–23 financial year.

Planning agreement	Objectives	Status
<b>Altitude Aspire</b> Tweed Shire Council Metricon Qld Pty Ltd	<p>The objective of the planning agreement is to provide a mechanism by which monetary contributions and the dedication of land may be made by the developer towards the provision of public amenities, services and infrastructure, including:</p> <ul style="list-style-type: none"> <li>the construction of Broadwater Parkway and Mahers Lane</li> <li>flood mitigation works</li> <li>protection and restoration of environmental land</li> <li>the provision of structured public open space</li> <li>the dedication of land for the future route of the Broadwater Parkway</li> <li>the dedication of land.</li> </ul>	<p>Development commenced. Pro rata collection of contributions commensurate with planning agreement and development staging.</p> <p>Funds have been spent on a detailed concept design for Broadwater Parkway, and commencement of the planning approval and environmental assessments for the road corridor, and a portion of the road alignment.</p> <p>\$2,106,132 was receipted in the financial year for stages 7a, 8a, 9 &amp; 10 of Altitude Aspire subdivision. During the year Council expended \$17,873 towards road reserve land acquisition expenses.</p>
<b>Seaside City</b> Richtech Pty Ltd Tweed Shire Council	<p>The objectives of the planning agreement are:</p> <ul style="list-style-type: none"> <li>define a schedule of works that the developer agrees to provide</li> <li>define a schedule of dedication of land</li> <li>provide a mechanism by which monetary contributions can be made</li> <li>provide a mechanism where Council reimburse the developer for certain works.</li> </ul>	<p>Development commenced. Pro rata collection of contributions commensurate with planning agreement and development staging.</p> <p>During the financial year Council forwarded \$631,033 to Richtech Pty Ltd for funds receipted to DC Plan 28 Seaside City Open Space. These contributions were originally receipted by Council for a subdivision approval within the Seaside City DC contribution area.</p>



Planning agreement	Objectives	Status
<b>Pottsville Employment Land</b> Lot 12 DP 1015369, 39 Kudgerie Avenue, Cudgera Creek	The objectives of the planning agreement are: <ul style="list-style-type: none"> <li>dedicate land to council for environmental purposes</li> <li>dedicate land for the widening of Kudgerie avenue adjoining the property by 5 metres</li> <li>limit the volume of waste water discharged from the site into Council's reticulated sewer system to not more than five litres per second.</li> </ul>	Development not commenced.  Pottsville Development Cooperation Of the \$120,000 Environmental Management Land dedication \$56,000 paid.  A further annual instalment of \$8,000 was receipted towards the Agreement in the financial year. This accounts for total receipts under this VPA to \$64,000 out of the total due of \$120,000.  During the year Council expended \$9,667 from the reserve towards bushland restoration dedicated environmental land in accordance with this VPA.
<b>Mooball</b> Tweed Shire Council  Jefferson Land Pty Ltd at The Mooball Residential Trust  Raymond Anthony Pirlo and Margaret Pirlo	The objectives of the planning agreement are: <ul style="list-style-type: none"> <li>ensure that adequate water and waste water infrastructure is provided to the development</li> <li>dedication of land</li> <li>requires covenants to be registered on the title to the land</li> <li>requires design guidelines for the development of the land to be developed.</li> </ul>	Residential development guidelines have been drafted and endorsed by Council.  Aboriginal Cultural Heritage Assessment (test pits) has been completed.  Further flood modelling and assessment required.  Development not yet commenced.
<b>River Retreat Caravan Park</b> Tweed Shire Council  Dennien Pty Ltd	The objectives of the planning agreement are to provide a mechanism by which: <p>suitable monetary contributions may be made by the developer towards the provision of community infrastructure to meet the needs of residents within the locality;</p> <p>the Developer must prepare a flood evacuation plan for the land to ensure the safety of occupants in the event of flooding, and</p> <p>the type of camping ground development which can be accommodated on the land is restricted to a maximum of 10 sites for use by recreational camper vans and Camper Trailers only, for a maximum of 60 days by any one person.</p>	Development has commenced.  DA18/050 commenced 2020.

Planning agreement	Objectives	Status
<b>74–76 Pearl St, Kingscliff</b> Tweed Shire Council Lathouras Corporation Pty Ltd Brett Evans Bralach Pty Ltd	<p>The objectives of the planning agreement are to:</p> <ul style="list-style-type: none"> <li>provide a mechanism by which monetary contributions can be made towards offsets required for compensatory plantings</li> <li>use the monetary contributions for the public purpose of improving littoral rainforest within the Tweed Shire.</li> </ul>	<p>DA17/0231 was granted consent for residential flat building, swimming pool, demolition of existing dwelling and tree removal.</p> <p>Payment made.</p> <p>Development commenced.</p>
<b>1 Ozone Street, Chinderah</b>	<p>The objectives of the planning agreement are to:</p> <ul style="list-style-type: none"> <li>facilitate the conservation and enhancement of the natural environment</li> <li>specifically to allow for the provision of a monetary contribution to Council in the amount of \$262,500 (including GST) (Monetary Contribution) towards regeneration and ongoing maintenance of an area of 5.25 ha at Cudgen Nature Reserve.</li> </ul>	<p>DA Reference No. DA10/0737.</p> <p>Payment made.</p> <p>No income has been received in the reporting period.</p> <p>During the financial year Council expended \$36,898 from the reserve towards bushland restoration in the Cudgen Nature Reserve in accordance with this VPA.</p>
<b>77 Mahers Lane, Terranora</b>	<p>The objectives of the planning agreement are to:</p> <ul style="list-style-type: none"> <li>secure the payment of monetary contributions towards the provision of infrastructure required for the development of the land and the surrounding area.</li> </ul>	<p>DA Reference No. DA18/0784.</p> <p>Subdivision Certificate issued (SC20/0005).</p> <p>Planning agreement signed by all parties.</p> <p>VPA Contributions paid.</p>
<b>3–6 Trutes Terrace, Terranora</b>	<p>The objectives of the planning agreement are to:</p> <ul style="list-style-type: none"> <li>secure the payment of monetary contributions towards the provision of infrastructure required for the development of the Land and the surrounding area and commits the landowner to connecting to town sewer when it becomes available in the area.</li> </ul>	<p>DA Reference No. DA13/0385</p> <p>Subdivision Certificate SC19/0039 finalised.</p> <p>VPA requirements undertaken and completed and contributions paid.</p>

Planning agreement	Objectives	Status
<b>1 Walmsleys Road, Bilambil Heights(VPA)</b>	<p>This VPA identifies obligations in relation to environmental land:</p> <ul style="list-style-type: none"> <li>the developer must not lodge a DA for any development on the land other than giving effect to Habitat Restoration Plan (HRP)</li> <li>the developer must commence implementation of the HRP (attached to the VPA)</li> </ul> <p>The developer to provide Security in the amount of \$106,546 in relation to the performance of its obligation.</p>	<p>In November 2022, the landowner submitted with Council security in the amount of \$106,546.00 in relation to the performance of obligations under the Planning Agreement.</p>
<b>No. 5 Jalibah Avenue, Tweed Heads</b>	<p>The objectives of the planning agreement are to:</p> <ul style="list-style-type: none"> <li>secure the payment of monetary contributions towards the planting and ongoing maintenance of Preferred Koala Food Trees on Council's Community land in Southern Tweed Coast Koala Management Area.</li> </ul>	<p>Development consent was granted 29 June 2023 which required the applicant to enter into a Planning Agreement with Tweed Shire Council prior to the issue of any Construction Certificate.</p> <p>A Planning Agreement has not been received by Tweed Shire Council.</p>

## Projects Funded from Voluntary Planning Agreements for 2022–23

Voluntary Planning Agreement	VPA Ref.	Project description	The kind of public amenity or service	Monetary amount expended from development contributions	Value of land dedication	Value of material public benefit provided	Temporary borrowing	Project status	% of cost funded by contributions
VPA Reserve - Altitude Aspire	Schedule 1 (Cl 1.1 & Cl 8)	Construction of Broadwater Parkway & Mahers Lane within Arrea E	Roads	17,872.58	0	0	0	Ongoing	100%
VPA Reserve - Ozone St	Clause 4	Regeneration and ongoing maintenance of an area of 5.25 ha at Cudgen Nature Reserve	Environmental Management	36,897.80	0	0	0	Ongoing	100%
VPA Reserve - Kudgerie Ave Pottsville	Schedule 1 (Cl 1.1 & Cl 8)	Restoration works on Environmental Management Land	Environmental Management	9,666.93	0	0	0	Ongoing	100%
<b>Total</b>				<b>64,437.31</b>	<b>0.00</b>	<b>0.00</b>			

**Note:** This report has been prepared in accordance with Division 4 Part 7 of the *Environmental Planning and Assessment Act 2021*.