



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**Tuesday 15 September 2009**

**Mayor: Cr J van Lieshout**

**Councillors: Cr B Longland, Deputy Mayor  
Cr D Holdom  
Cr K Milne  
Cr W Polglase  
Cr K Skinner  
Cr P Youngblutt**

### **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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**ITEMS FOR CONSIDERATION OF COUNCIL:**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
	<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
1	Minutes of the Ordinary and Confidential Meeting of Council held Tuesday 18 August 2009	7
	<b>SCHEDULE OF OUTSTANDING RESOLUTIONS</b>	<b>9</b>
2	Schedule of Outstanding Resolutions as at 15 September 2009	9
	<b>MAYORAL MINUTE</b>	<b>13</b>
3	[MM] Mayoral Minute for the period 11 August 2009 to 7 September 2009	13
	<b>ORDINARY ITEMS FOR CONSIDERATION</b>	<b>17</b>
	<b>REPORTS THROUGH THE GENERAL MANAGER</b>	<b>17</b>
	<b>REPORTS FROM THE GENERAL MANAGER</b>	<b>17</b>
4	[GM-CM] Code of Conduct Review	17
5	[GM-CM] Memorandum of Understanding with Industry & Investment NSW	19
	<b>REPORTS FROM THE DIRECTOR PLANNING &amp; REGULATION</b>	<b>23</b>
6	[PR-CM] Construction Site Operating Hours	25
7	[PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards	29
8	[PR-CM] Local Government & Shires Association Request for Funds for Berrigan Shire Legal Costs for a Rural Subdivision Appeal	33
9	[PR-CM] Planning Reform Unit - Draft Pottsville Locality Plan and Development Control Plan	37
10	[PR-CM] Development Application DA08/1161 for a Town House Development Comprising Eight (8) Attached Dwellings at Lot 1 and 2 DP 568733; Lot 9 DP 33501, Pacific Highway, Banora Point	61
11	[PR-CM] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP 1073137, No. 19 and 43 Turners Road, Wardrop Valley	81
12	[PR-CM] Development Application DA08/0708 for a Disability Ramp and Stairs to the Murwillumbah Historical Museum at Lot 1 Section 30 DP 758739, No. 2 Queensland Road, Murwillumbah	97

---

13	[PR-CM] Development Application DA08/1216 for a Dwelling & Demolition of Existing Dwelling at Lot 2 DP 501165 No. 10a Boomerang Street, Kingscliff	113
14	[PR-CM] Development Application DA09/0187.02 for an Amendment to Development Consent DA09/0187 for Replacing an Existing Old Structure with General Work Shed/Garage- Boat Storage Structure & SEPP 1 Objection to Building Setback - Correction of Setback Dimensions at Lot 14 DP 729137 No. 797 Clothiers Creek Road, Clothiers Creek	149
15	[PR-CM] Development Application DA05/0824.07 for a Section 96 Amendment to DA05/0824 for Multi Dwelling Housing Comprising Four (4) Units at Lot 4 Section 2 DP 7309, No. 26 Seaview Street, Kingscliff	161
16	[PR-CM] Development Application DA08/1118.02 for an Amendment to Development Consent DA08/1118 for a Fruit and Vegetable Roadside Stall and Signage at Lot 11 DP 835413, No. 2 Boulder Close, Byangum	179
17	[PR-CM] MP08_0034 - Submission to the Department of Planning regarding Environmental Assessment (EA) for a Residential Subdivision at Lots 2 and 3 DP 244652 Uriiup, Bilambil and Hogans Road, Bilambil Village	193
18	[PR-CM] Environmental Assessment Major Project 07_0179, Mixed Use Development - Lots 184-187 and 191-194 DP 259164 and Lots 20-23 DP 31208, Tweed Coast Road and Hastings Road, Cabarita	235
	<b>REPORTS FROM THE DIRECTOR COMMUNITY &amp; NATURAL RESOURCES</b>	<b>263</b>
19	[CNR-CM] Environmental Trust USP 08-11 - Blacks Drain Acid Sulfate Soil Remediation	263
20	[CNR-CM] Offer of Assistance for Implementation of the Tweed Coast Estuaries and Tweed Coastline Management Plans 2009/10	267
21	[CNR-CM] Treasures of the Tweed - Commercial Road Levee Bank Mural Project	273
22	[CNR-CM] Non-recurrent funds for Episodic Case Management and Brokerage	277
23	[CNR-CM] Recurrent funding for the provision of allied health – podiatry services	283
24	[CNR-CM] 2007/2008 Bushfire Mitigation Program - Funding Agreement	287
25	[CNR-CM] Request by Tweed Heads Historical Society to commission architectural model of Tweed River Regional Museum, Flagstaff Hill	289

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26	[CNR-CM] Request for "In Kind" Support/Waive Fee	293
<b>REPORTS FROM THE DIRECTOR ENGINEERING &amp; OPERATIONS</b>		<b>299</b>
27	[EO-CM] Road Closure Application - Parish of Mooball	299
28	[EO-CM] Licence Agreement - Boyds Bay Bridge - Tweed River Boat Hire	303
29	[EO-CM] Release of Easement to Drain Water 2 metres wide - Lot 2 in DP 511812 - 14 Moss Street, Kingscliff	307
30	[EO-CM] Land Acquisition for Drainage Purposes - Lot 1 in DP 1141926 - Hastings Point	311
31	[EO-CM] Amendment to Section 94 Plan No. 5 - Local Open Space	315
32	[EO-CM] Amendment to Section 94 Plan No. 16 - Emergency Facilities (Surf Lifesaving)	319
33	[EO-CM] Adoption of Amended Section 94 Plan No 10 - Cobaki Lakes Open Space and Community Facilities (Version 3)	327
34	[EO-CM] EC2007-032 Supply and Delivery of Bulk Fuels: Variation to Schedule A - Supplier Costs	333
35	[EO-CM] EQ2009-049 Supply of Selected Materials: Form Ply	337
36	[EO-CM] EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads	341
37	[EO-CM] Parks Naming - River Street, Murwillumbah	345
38	[EO-CM] Regional Road Block Grant 2009/2010	349
39	[EO-CM] Land Slip - Alice Street, Murwillumbah	353
<b>REPORTS FROM THE DIRECTOR TECHNOLOGY &amp; CORPORATE SERVICES</b>		<b>357</b>
40	[TCS-CM] Disability Access Advisory Committee	357
41	[TCS-CM] Provision of Legal Services	359
42	[TCS-CM] 2009 Complaint Analysis Report	365
43	[TCS-CM] Monthly Investment Report for Period Ending 31 August 2009	369
<b>REPORTS FROM SUB-COMMITTEES/WORKING GROUPS</b>		<b>381</b>
44	[SUB-CCDA] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 18 June, 2009	381
45	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 August 2009	399
46	[SUB-TRC] Minutes of the Tweed River Committee Meeting held	407

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	<b>Wednesday 12 August 2009</b>	
47	<b>[SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 August 2009</b>	<b>419</b>
48	<b>[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 27 August 2009</b>	<b>427</b>
	<b>ORDERS OF THE DAY</b>	<b>441</b>
49	<b>[NOM-CM] Workshop with Tweed Valley Wildlife Carers</b>	<b>441</b>
50	<b>[NOM-Cr K Milne] World Rally Car Championships/Conservation Based Tourism</b>	<b>441</b>
51	<b>[NOM-Cr K Milne] Information on the new LEP</b>	<b>441</b>
52	<b>[NOM-Cr K Milne] Ecologically Sustainable Principles (ESD)</b>	<b>442</b>
53	<b>[NOM-Cr K Milne] S94 Developer Contribution Funds</b>	<b>442</b>
54	<b>[NOM-Cr K Milne] Council's Recognition and Promotion of Tweeds' Biodiversity</b>	<b>443</b>
55	<b>[NOM-Cr K Milne] Notification Procedure for Neighbours of Development Application</b>	<b>443</b>
56	<b>[NOM-Cr K Milne] Kings Forest and Cobaki Lakes</b>	<b>443</b>
	<b>CONFIDENTIAL ITEMS FOR CONSIDERATION</b>	<b>445</b>
	<b>REPORTS THROUGH GENERAL MANAGER IN COMMITTEE</b>	<b>445</b>
	<b>REPORTS FROM THE DIRECTOR PLANNING &amp; REGULATION</b>	<b>445</b>
1	<b>[PR-CM] Delineation Issues at Tweed Heritage Caravan Park - Section 82</b>	<b>445</b>
	<b>REPORTS FROM THE DIRECTOR COMMUNITY &amp; NATURAL RESOURCES</b>	<b>445</b>
2	<b>[CNR-CM] Eviron Road Proposed Quarry and Landfill - Acquisition of Adjacent Property</b>	<b>445</b>
	<b>REPORTS FROM THE DIRECTOR ENGINEERING &amp; OPERATIONS</b>	<b>446</b>
3	<b>[EO-CM] Acquisition of Land for Road Purposes - Palmvale Road, Palmvale</b>	<b>446</b>
4	<b>[EO-CM] Supply of Fill from Quarries</b>	<b>446</b>

## REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

### 19 [CNR-CM] Environmental Trust USP 08-11 - Blacks Drain Acid Sulfate Soil Remediation

#### ORIGIN:

Natural Resource Management

#### SUMMARY OF REPORT:

In October 2008, Council was offered \$300,000 by the NSW Government Environmental Trust Urban Sustainability Program to undertake the following projects over three years:

- Bray Park wetland remediation
- Blacks drain acid sulfate soil remediation

The present report to Council is in regard to implementation of the Blacks Drain component which is on land owned by WJ, D, LJ and CS Dickinson. This work will involve drain modification to reduce acid sulfate soil runoff.

#### RECOMMENDATION:

That Council:-

1. Approves the expenditure of grant funds on the property of the Dickinson family, namely Lot 3 DP 1039120 and Lot 34 DP1128192 for the purpose of drain modification to reduce acid sulfate soil runoff.
2. Awards the contract to undertake the works to WJ, D, LJ and CS Dickinson under Section 55(3) of the Local Government Act as the property owner will provide "in kind" works in form of all machinery hire.

## **REPORT:**

In October 2008, Council was offered \$300,000 by the NSW Government Environmental Trust Urban Sustainability Program to undertake the following projects over three years:

- Bray Park wetland remediation
- Blacks drain acid sulfate soil remediation

The present report to Council is in regard to the Blacks Drain component.

A report by the University of NSW recommended the remediation option to shallow and remodel the western drain thus reducing export of acidity and metals to downstream catchment and ultimately the Tweed River and Estuary.

### **Works to be completed**

Encompasses in chronological order:

- Fence off drainage channel from cattle
- Install alternative drinking points (troughs and supply lines)
- Import non acidic fill with specialized machinery (due to nature of site surface – peat – R track swamp dozer and tippers will be used)
- Fill and remodel 1km of the existing channel according to design
- Lime site according to lab results, corresponding liming rates and management plan

The attached aerial photograph illustrates the location of the works entirely on property owned by the Dickinson family.





**Appendix 2**

**Blacks Catchment**

**Drain**

**Project area**

Tweed Shire Council GIS Map



Disclaimer: This map is issued in reliance on the accuracy of the data. Tweed Shire Council makes no representation or warranty expressed or implied, whether in writing or otherwise, about its accuracy. The Council does not accept any liability for any particular purpose and assumes all responsibility and is liable (including without limitation, liability in negligence) for all expenses, losses, damages, including those of consequential damage and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a 'Call before You Dig' enquiry must be made by calling 1100. This information contained on this document remains valid for 30 days only from the date of supply.

Date of issue 7/9/2009

Two options have been considered to undertake the remediation of acid sulfate soils at blacks drain.

Option 1: WJ, D, LJ and CS Dickinson landowners to do the work - the owners have provided a quote to Council to undertake the works including an "in kind" contribution for the use of their machinery.

Option 2: Council or Contractors to do the work -

### **Comparison of Options**

Option 1 provides a significantly lower project cost. Council's Contracts staff have assessed the quotation provided by the Dickinson's and considers it comparative to current industry rates. The main reason for the lower cost is that WJ, D, LJ and CS Dickinson have offered as an "in kind" contribution, machinery hire and operation. It is noted that Council estimated \$60,000 for this "in kind" project component. Thus, the estimate to undertake the work if Option 2 was pursued is \$160,000.

The quotation for undertaking the works is contained in the confidential attachment to this report.

It is recommended to accept the quote provided by WJ, D, LJ and CS Dickinson under the provisions of Section 55(3) of the Local Government Act (Extenuating Circumstances). Council will clearly benefit from the property owners offer to contribute all machinery hire costs to the project.

The cost of undertaking these works otherwise would be significantly greater.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

### **POLICY IMPLICATIONS:**

Nil.

### **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](http://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. **Confidential Attachment:** Blacks Drain Remodelling Work Plans and Costs (ECM 4957102).
-

**20 [CNR-CM] Offer of Assistance for Implementation of the Tweed Coast Estuaries and Tweed Coastline Management Plans 2009/10****ORIGIN:****Natural Resource Management****SUMMARY OF REPORT:**

The Minister for Climate Change and the Environment, Carmel Tebbutt MP, advised Council that financial assistance of up to \$248,500 will be made available to Council on a 1:1 NSW Government to Council basis. An amount of up to \$198,500 is offered for the seawall component of the Kingscliff Beach Foreshore Protection Works and update of the Coastal Hazard Lines to include the recently adopted Sea Level Rise benchmarks. An amount of \$50,000 is offered for implementation of the Tweed Coast Estuaries Management Plan 2009/2010.

This funding has been made available through the Estuary and Coastal Management Programs of the Department of Environment, Climate Change and Water. Council's matching contributions come from the Seven Year Infrastructure Plan and general revenue allocation for Tweed Coastal Estuaries Management.

A funding application was also submitted under this program for implementation of the Tweed River Management Program. This was unsuccessful and will be the subject of a further report to the 20 October 2009 Council meeting.

**RECOMMENDATION:****That Council:-**

- 1. Accepts the financial assistance of up to \$248,500 from the Department of Environment, Climate Change and Water's Estuary and Coastal Management Programs on a dollar for dollar basis.**
- 2. Votes the expenditure for implementation of the Tweed Coastline Management Program (\$198,500) and Tweed Coast Estuaries Management Program (\$50,000).**

**REPORT:**

The Minister for Climate Change and the Environment, Carmel Tebbutt MP, advised Council that financial assistance of up to \$248,500 will be made available to Council on a 1:1 NSW Government to Council basis. An amount of up to \$198,500 is offered for the seawall component of the Kingscliff Beach Foreshore Protection Works and update of the Coastal Hazard Lines to include the recently adopted Sea Level Rise benchmarks. An amount of \$50,000 is offered for implementation of the Tweed Coast Estuaries Management Plan 2009/2010.

This funding has been made available through the Estuary and Coastal Management Programs of the Department of Environment, Climate Change and Water. Council's matching contributions come from the Seven Year Infrastructure Plan and general revenue allocation for Tweed Coastal Estuaries Management.

The project program for the Tweed Coast Estuaries implementation is detailed below in Table 1.

The Coastal Program funding is for Stage 1 of High Priority action KC2 from the Tweed Shire Coastline Management Plan, June 2005, being the construction of a buried vertical piled seawall in front of the Cudgen Headland Surf Lifesaving Club.

This staged approach to management of Foreshore Protection at Kingscliff has been identified as the preferred approach in the Draft Kingscliff Beach Emergency Action Plan for Coastal Erosion (Tweed Shire Council, 2008) in that the construction of the vertical seawall in front of the Surf Club will negate the need to stockpile significant quantities of basalt rock for emergency placement in the event of severe erosion events at Kingscliff. The objective of this project is to protect important and valuable (\$1.5M) community infrastructure (Cudgen Headland Surf Lifesaving Club) from Immediate Coastal Hazard.

To assist with the final design of this project, it is proposed to review the Coastal Hazard Lines in accordance with DECC SLR Benchmark of 40cm by 2050 and 90cm by 2010. The Tweed Coastline Hazard Study used 20cm and 50cm respectively.

A funding application under this program requesting financial assistance of up to \$400,000 was also submitted for implementation of the Tweed River Management Program. This was unsuccessful and will require that Tweed River Committee substantially reduce its proposed program of works for 2009/2010.

**Table 1: Tweed Coast Estuaries Program 2009/2010**

<b>Project</b>	<b>Description</b>	<b>Outcomes</b>	<b>Amount</b>
<b>Water Quality Monitoring</b>	Ongoing ambient water quality monitoring in three coastal creeks	WQ analysis for 11 sites within Cudgen, Cudgera and Mooball Creeks	\$15,000
<b>Ecosystem Health Assessment</b>	Assessment of ecosystem health of Cudgen, Cudgera and Mooball Creeks	Assessment of assimilatory capacity of creeks and identification of major pollutant drivers; Provide input to review of EMP 2010	\$75,000
<b>Education</b>	Support education initiatives including workshops and dissemination of materials	Increased awareness of coastal ecosystems and management of estuaries; Increased community commitment & involvement	\$8,572
<b>Riparian Rehabilitation and Bank Stabilisation in Cudgen Creek</b>	Riparian restoration on Sutherland Point; Creek bank rehabilitation at site CN3	Maintenance of important riparian vegetation buffers; Cessation of unnatural bank erosion	\$30,000
<b>Riparian Rehabilitation of Cudgera Creek</b>	Undertake works to remove debris and follow up weed management and rehabilitation works on public foreshore land	Maintenance of important riparian vegetation buffers	\$25,000
<b>Riparian Rehabilitation of Mooball Creek</b>	Protection and enhancement of riparian vegetation, weed management and maintenance of bank stabilisation structures	Maintenance of important riparian vegetation buffers; Cessation of unnatural bank erosion	\$25,000
<b>Identify high risk ASS &amp; on-ground works Cudgera Creek</b>	Research and on-ground works to assess and remediate ASS impacts	Improved management of ASS-impacted areas; Improved water quality leaving drainage network	\$40,000
<b>Sustainable Agriculture Strategy</b>	Contribution to development of a strategy to improve agricultural land management practices	Changes in farm land management practise that minimise soil erosion with resultant improvement on farm productivity	\$20,000
Total			\$238,572
DECCW			<b>\$50,000</b>
TSC			<b>\$188,572</b>

For Council's information, the letters of advice are reproduced as follows:-



**Carmel Tebbutt MP**  
Deputy Premier  
Minister for Climate Change and the Environment | Minister for Commerce

COASTAL MANAGEMENT AND  
ESTUARY MANAGEMENT.  
COASTAL MANAGEMENT.  
TWEED SHIRE COUNCIL  
FILE No. GOVT GRANT - WATER  
Doc. No. ....  
RECD 10 AUG 2009  
ASSIGNED TO: LOFTHOUE, J  
HARD COPY  IMAGE   
MCLENNAN, R.

Our reference: DOC09/30060

Mr Michael Rayner  
General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Mr Rayner

Thank you for your application requesting financial assistance under the 2009/10 Coastal Management Program.

I am pleased to advise that your application has been successful. Details of the project are:

**Project: Kingscliff Beach Foreshore Protection Works - Stage 1 and Re-assessment of Tweed Coastal Hazard Lines**

**Maximum Funding Amount: \$198,500**

The Department of Environment and Climate Change will be in contact with you shortly to finalise the terms and conditions of the funding offer. If you have any questions about the offer, or require any further information, please contact Mr Brian Dooley on 02 4224 9605.

Congratulations on your successful application and I wish you every success in your project.

Yours sincerely

 5 AUG 2009

**Carmel Tebbutt MP**  
Deputy Premier  
Minister for Climate Change and the Environment

Level 30, Governor Macquarie Tower | 1 Farrer Place Sydney NSW 2000 | p 9228 4866 | f 9228 4855



## Carmel Tebbutt MP

Deputy Premier

Minister for Climate Change and the Environment | Minister for Commerce

Our reference: DOC09/30056

Mr Michael Rayner  
General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484



Dear Mr Rayner

Thank you for your application requesting financial assistance under the 2009/10 Estuary Management Program.

I am pleased to advise that your application has been successful. Details of the project are:

**Project: Review and Implementation of the Tweed Coast Estuaries Management Plan**

**Maximum Funding Amount: \$50,000**

The Department of Environment and Climate Change will be in contact with you shortly to finalise the terms and conditions of the funding offer. If you have any questions about the offer, or require any further information, please contact Mr Brian Dooley on 02 4224 9605.

Congratulations on your successful application and I wish you every success in your project.

Yours sincerely



15 AUG 2009

**Carmel Tebbutt MP  
Deputy Premier  
Minister for Climate Change and the Environment**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Council has allocated \$50,000 from general revenue in the 2009/10 budget to match the funding provided for Tweed Coast Estuaries.

Matching funds for the Kingscliff foreshore protection works are funded through the Seven Year Infrastructure Plan for Coastline Management Plan Implementation.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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**21 [CNR-CM] Treasures of the Tweed - Commercial Road Levee Bank Mural Project**

**ORIGIN:**

**Community & Natural Resources**

**SUMMARY OF REPORT:**

Council is advised that a report was tabled at the Meeting dated Tuesday 21 April 2009 outlining the status of the Treasures of the Tweed, Commercial Road Levee Bank Mural Project as a decision was required regarding the continuance of the project in line with issues raised by some community residents.

Council was also advised that Job Futures, who were undertaking the project as a Work for the Dole program, were no longer in a position to complete the project as the organisation had not been successful in their tender as a local Service Provider.

In accordance with the above report, Council resolved the following:

1. The current mural continues for (approximately) a further 40 metres with the resources available, to be complete by 30 June 2009
2. Discussions take place between Council staff and local Job Network providers regarding a possible future partnership to complete the mural.

Council is now advised that Job Services Australia Provider, NORTEC Employment and Training have agreed to undertake the completion of the project.

**RECOMMENDATION:**

**That Council undertakes to enter into an agreement with Job Services Australia Provider, NORTEC Employment and Training to facilitate the completion of the Treasures of the Tweed mural project.**

## REPORT:

### Background Information:

The Treasures of the Tweed, Commercial Road Levee Bank Mural Project was initiated in January 2008 in collaboration with national employment network member Job Futures S-E Qld, in partnership and collaboration with Tweed Shire Council and Tweed Landcare Incorporated.

The project was designed as a Community Cultural Development Project and was aimed at:

- celebrating the Tweed's unique and endangered flora and fauna and ecological communities
- creating an iconic landmark for community and visitors
- building on the shire's current public art and placemaking initiatives

The artistic concept was designed by award-winning local artist David Adams.

The original project plan was that the mural would:

- span the full-length of the Commercial Road levee bank wall (700m)
- incorporate interpretation in the form of text plaque or panelling
- enhance the surrounding parklands

The project has to date been funded by the Federal Government, and all funds were managed by the Community Work Coordinator, Job Futures-Sth East QLD, and the activity sponsor, Tweed Landcare Incorporated.

Tweed Shire Council has provided in-kind assistance in the form of:

- Preparation of the wall
- Relocation of existing signage
- Personal Protection – ie shade protection; safety vests; traffic control measures; safety and advance warning signage
- Localised storage facility

Since the project commenced in January 2008, a total of 113 unemployed people have been successfully engaged in a wide spectrum of both vocational and non-vocational skills training and professional development, which included:

- Training equivalent to levels in Certificates 1 and 2 of the General Construction Industry Training package; additional skills and training for builders and trades assistant, artistic design, tools, storing, warehousing, species analysis, pricing and purchasing, design concepts, finishing and painting.
- Training and skills associated with self esteem, team building, confidence, time management, work ethic, sense of belonging and community participation.

Council is advised that a report was tabled at the Meeting dated 21 April 2009 outlining the status of the Treasures of the Tweed Mural project as a decision was required

regarding the continuance of the project in line with issues raised by some community residents.

Council was also advised that Job Futures were no longer in a position to complete the project as the organisation had not been successful in their tender as a local Service Provider.

In accordance with the above report Council resolved the following:

1. The current mural continues for (approximately) a further 40 metres with the resources available, to be complete by 30 June 2009.
2. Discussions take place between Council staff and local Job Network providers regarding a possible future partnership to complete the mural.

Council is now advised that Job Services Australia Provider, NORTEC Employment and Training have agreed to undertake the completion of the project.

The project will be funded by the Federal Government, and all funds will be managed by the NORTEC.

As per Council's original agreement with the previous Service Provider, Tweed Shire Council will provide in-kind assistance in the form of:

- Preparation of the wall – costing approximately \$360 per 30m section
- Recognition signage – costing approximately \$150
- Personal Protection – ie shade protection; safety vests; traffic control measures; safety and advance warning signage – costing approximately \$150
- Localised storage facility – costing approximately \$850 per 6 months

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

In kind expenditure will be allocated from Community & Cultural Services Unit, Cultural Development Fund.

**POLICY IMPLICATIONS:**

The Project complies with Tweed Shire Council's Place Making and Public Art Policy.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**22 [CNR-CM] Non-recurrent funds for Episodic Case Management and Brokerage**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

NSW Community Options Projects Inc. has offered Council non-recurrent funds for Episodic Case Management and Brokerage.

This is one off funding, only available to Community Options Projects to support current demands on projects that have capacity to expend these funds to enhance their existing Case Management service delivery.

The funding is being offered in units with a maximum of three (3) units being available on each application. Each funding unit amount consists of \$22,500 of which \$11,250 allocated to Case Management and \$11,250 to Brokerage. Council will make application for three (3) units being a total of \$67,500.

Tweed Shire Community Options has previously received \$79,000 funding from NSW Community Options Project for the same service and has successfully provided support to 34 eligible clients.

The additional funds will enable Tweed Shire Community Options to deliver an enhanced level of service to the increasing needs of vulnerable people, at risk within our community.

**RECOMMENDATION:**

**That:-**

- 1. Council makes an application to NSW Community Options Project Inc. for three (3) funding units to the value of \$67,500.**
- 2. Upon acceptance of the application for funding units, contracts be signed and returned to NSW Community Options Projects Inc. for execution.**
- 3. Successful application for funding units be voted at the subsequent budget reviews.**

**REPORT:**

NSW Community Options Projects Inc. have offered Council non-recurrent funds for Episodic Case Management and Brokerage as outlined in a copy of their email and offer below.

This is one off funding, only available to Community Options Projects to support current demands on projects that have capacity to expend these funds to enhance their existing Case Management service delivery as outlined in the examples in the offer below.

The funding is being offered in units with a maximum of three (3) units being available on each application. Each funding unit amount consists of \$22,500 of which \$11,250 allocated to Case Management and \$11,250 to Brokerage. Council will make application for three (3) units being a total of \$67,500.

Tweed Shire Community Options has previously received \$79,000 funding from NSW Community Options Project for the same service and has successfully provided support to 34 eligible clients.

The additional funds will enable Tweed Shire Community Options to deliver an enhanced level of service to the increasing needs of vulnerable people, at risk within our community.

## NSW Community Options Projects Inc.

ABN: 36 606 404 127

Morton Street, Port Macquarie NSW 2444  
PO Box 126, Port Macquarie NSW 2444

21<sup>st</sup> August, 2009

---

### Non-recurrent funds for Episodic Case Management and Brokerage

NSW Community Options Project Inc. has been successful in securing non recurrent funding to enhance project funding, specifically for Episodic Case Management and Brokerage service delivery.

The objective of this funding is to provide immediate support to the service system. The funding will be distributed to enable projects who envisage having the capacity to expend one-off episodic funding to augment their existing Case Management service delivery.

This funding is a one off grant and as with current COPS funding MDS collection and reporting is a requirement. It is the responsibility of each project to ensure the adherence to MDS reporting and service standards.

Episodic Case Management and Brokerage funds have been allocated for COPS to use on the basis of 50/50 split of Case Management and Brokerage Service delivery.

However, at the end of the financial year all funds will be acquitted back to DADHC by NSW Community Options Projects Inc.

The funds could be expended to enhance client situations for example:

- DVA clientele are included in the target group
- Provide short term Case Management and Brokerage Services to clientele on COPS waiting lists
- Utilisation for transition period following completion of ComPack
- People requiring one-off episode

In an endeavour to afford equity across COPS projects and to support current demands on projects, the funds will be allocated by fiscal units. Projects who envisage a heavier demand for Episodic Case Management can apply for multiple units up to a maximum of 3 units however, projects

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Community care will support lifestyle choices to enable people who need support and their carers to live optimally in their own communities.

should only apply for the number of units they have the capacity to administer.

1 unit @ \$22,500.00 = \$11,250.00 for Case Management  
= \$11,250.00 for Brokerage Services.

The maximum amount of units available will be three (3).

NSW Community Options Projects Inc. is acutely aware of the current pressure on COPS projects and therefore we will be committed to distributing the funds as soon as possible.

The process for distribution of funds will be as follows:

- Step 1. Complete application form for Episodic Case Management and Brokerage funding
- Step 2. Submit to NSW COPS who will then process each application
- Step 3. Contracts will then be forwarded to each project for sign off and then be returned to NSW COPS Inc.
- Step 4. As soon as contracts are received by NSW COPS Inc., funds will be deposited directly to organisations.

Applications will need to be returned by 18/9/09.

Please don't hesitate to contact us if you require further clarification.

Regards,



Vivian  
Executive Officer  
Phone: 6583 2052  
Email: nswcops@nswcops.com

---

Community care will support lifestyle choices to enable people who need support and their carers to live optimally in their own communities.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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**23 [CNR-CM] Recurrent funding for the provision of allied health – podiatry services**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

The Department of Ageing Disability & Home Care (DADHC) has allocated recurrent funding to Council for the provision of allied health – podiatry services, as a variation to our funding agreement. The recurrent funding offered for 2009/10 financial year for podiatry services is \$22,495.

The Tweed Shire has a significant ageing population who generally require additional podiatry services.

Tweed Shire Community Options has over the past three years received similar levels of funding for the same service and has successfully provided support to 102 eligible Home & Community Care (HACC) clients. This service is offered to HACC eligible clients - frail aged people, people with disabilities, and their carers who have complex care needs and are unable to access podiatry services.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the funding variation for recurrent funding to include Allied Health – Podiatry services.**
- 2. Votes the expenditure of \$22,495 for the 2009/10 financial year.**
- 3. Agrees to affix the Common Seal of Council to the Acceptance of Funding Variation documents and returns the same to Department of Ageing Disability & Home Care (DADHC) for execution.**

**REPORT:**

The Department of Ageing Disability & Home Care (DADHC) has allocated recurrent funding to Council for the provision of allied health – podiatry services, as a variation to our funding agreement. The recurrent funding offered for 2009/10 financial year for podiatry services is \$22,495 as per the letter from DADHC below.

The Tweed Shire has a significant ageing population who generally require additional podiatry services.

Tweed Shire Community Options has over the past three years received similar levels of funding for the same service and has successfully provided support to 102 eligible Home & Community Care (HACC) clients. This service is offered to HACC eligible clients - frail aged people, people with disabilities, and their carers who have complex care needs and are unable to access podiatry services.



Department of Ageing, Disability & Home Care

Mr Mike Rayner  
General Manager  
Tweed Shire Council (413)  
PO box 816  
MURWILLUMBAH NSW 2484

WACC  
GROSS GRANTS - COMM OPNS

TWEED SHIRE COUNCIL
FILE No. <u>ABSA HEALTH SERVICE</u>
REC: 12 AUG 2009
ASSIGNED TO: <u>RAYNER, M</u>
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

▶ NGO Funding and Acquittals Unit

Contact: Andrew Weir  
Region: Northern  
Telephone: (02) 8621 1419  
Our Ref: AHA09/12981(1)  
Submission: AH09/28300

Dear Mr Rayner

As you would be aware, approval has been given for your organisation for recurrent funding of \$22,495 for the provision of allied health - podiatry services effective 1 July 2009. Please refer to the table below for further details:

Service Name & ID	Effective	Recurrent Funding	Service Type
Tweed Shire Council Podiatry #19068	1 July 2009	\$22,495 pa	10.04 Allied Health - Podiatry

This change to your funding is made pursuant to Clause 6.1.1 of the Department's Funding Agreement. Funding will be in accordance with the terms and conditions of that Agreement. Included in the enclosed package are:

1. Two copies of the Acceptance of Funding Variation which both must be signed by two (2) Duly Authorised Representatives of your Organisation; and
2. Revised Schedule 1, Parts B, D & E for this funding variation

This funding cannot be paid to your organisation until both copies of the Acceptance of Funding Variation are signed and returned. Once signed, this funding is considered part of your current Funding Agreement.

1/2

ABN 34538109783 Address Level 5, 83 Clarence Street, Sydney NSW 2000 Phone (02) 8270 2000 DX 10485 SSE TTY (02) 8270 2167 (for people who are hearing impaired) Website [www.dadhc.nsw.gov.au](http://www.dadhc.nsw.gov.au)  
If you require help translating this information, please call the Translating and Interpreting Service on 13 14 50.

DataWorks Document Number: 3969693



Should you require any further information regarding this approval please do not hesitate to contact Mr Andrew Weir, Northern Regional Office on 8621 1419. Further enquiries about the documentation enclosed may be directed to me on 8270 2298.

Yours sincerely

  
Susilawati  
Funding Officer  
NGO Funding & Acquittals Unit

6/8/09

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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**24 [CNR-CM] 2007/2008 Bushfire Mitigation Program - Funding Agreement**

**ORIGIN: Community & Natural Resources**

**SUMMARY OF REPORT:**

Tweed Shire Council has been successful in its application for funding through the Commonwealth Government's Bushfire Mitigation Program for bushfire trail and hazard reduction works at Mount Terragon.

The funding is based on equal contributions from Council, the State and Commonwealth governments. The total funding amount is \$40,000 with Council's contribution to comprise in-kind costed input from its bushland officers and funds from the Bushfire Hazard Reduction budget totalling \$13,333.33.

**RECOMMENDATION:**

**That:-**

- 1. Council accepts the financial assistance from the Commonwealth Government of up to \$26,666.66 for creation of new bushfire trails, refurbishment of existing bushfire trails, installation of fire trail gates, signage, fuel hazard reduction and other works on fire trails at Mt. Terragon.**
- 2. All documentation be completed under the Common Seal of Council.**

**REPORT:**

Council, as a land manager, has an obligation under the *Rural Fires Act 1997* to maintain an effective fire trail network to ensure a coordinated response to fires for the protection of land, life, property and the environment, consistent with the principles of ecologically sustainable development.

Much of Tweed's fire trail network is located in developed areas along the coast and takes the form of Asset Protection or Strategic Fire Advantage Zones in accordance with the *Tweed Bush Fire Risk Management Plan 2002*. Larger bushland areas particularly those adjacent to rural settlements, such as in the vicinity of Mt. Terragon, have traditionally received little funding for such works.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

\$13,333.33 will be contributed to the project from Council's Bushfire Hazard Reduction budget and through in-kind contributions by Council's Bushland Officers.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).

Nil.

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**25 [CNR-CM] Request by Tweed Heads Historical Society to commission architectural model of Tweed River Regional Museum, Flagstaff Hill**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

Council resolved at its September 2006 meeting that Flagstaff Hill was the preferred site for the new Museum building at Tweed Heads, and the concept was developed by architect Paul Berkemeier. Tweed Heads Historical Society has requested that Tweed Shire Council procure a model of the concept for general use in publicity, public consultation and fundraising.

The cost to commission an architectural model of the current Flagstaff Hill Museum concept is in the order of \$4,500 (including a colour model, display case and delivery).

**RECOMMENDATION:**

**That Council approves the procurement of an architectural model for the current Flagstaff Hill Museum concept.**

## REPORT:

Tweed River Regional Museum ("the Museum") came into effect by Tweed Shire Council's adoption of the Tweed River Regional Museum Strategic Plan 2004 on 2 June 2004, and upon the signing of the Memorandum of Understanding on 20 September 2004.

Along with the site of the existing museum at Kennedy Drive, Flagstaff Hill was one of the sites considered for the Tweed Heads branch of the Regional Museum.

Further pursuit of this site was mothballed as it was considered that as the site was related to planning activities of the Tweed Heads Town Centre and Jack Evans Boat Harbour precinct, that it may not be made available and that this may delay Museum redevelopment plans. Further, as the Kennedy Drive site was available and confirmed, this was the most expedient choice.

The Strategic Plan therefore recommended that the existing Museum at Kennedy Drive, Tweed Heads be redeveloped to create a new purpose built Museum.

In 2005, Council initiated a design competition for architects to design the new building and Paul Berkemeier Architects was selected. A Concept was developed for Kennedy Drive, in order to meet the deadline of applying to the New South Wales Ministry for the Arts for funding for the building program.

While the Kennedy Drive Site is suitable for the Museum, it is evident that Flagstaff Hill is a premium location for the facility.

The Tweed River Historical Society wrote to Council to express its desire to revisit investigations as to the availability of the Flagstaff Hill site as an alternative.

Council then initiated negotiations with the Department of Lands, resulting in the in-principle support for the concept from the office of the Regional Manager.

Department of Lands recommended that Council apply for a short-term licence for site investigations, and submit documentation indicating the scale and nature of the proposed development.

Council resolved in September 2006 that Flagstaff Hill is the preferred option for the Museum, and that architect Paul Berkemeier be commissioned to develop a Concept for the site, and this be forwarded to the Department of Lands.

As a consequence of this, the licence was granted and an architect's concept was presented to the Minister for Lands. A geotechnical investigation and site survey have been completed.

The Minister for Lands has approved the use of the site for a Museum.

The long-term lease is subject to the development approval, and terms can be negotiated prior to the Development approval.

Architect Paul Berkemeier, as the selected architect for Tweed River Regional Museum, has developed design and documentation for the Museum.

Council continues to negotiate terms and conditions of a long-term lease.

Council is in final stages of preparation of Development Application suitable for lodgement.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Estimated cost of architectural model of the current Flagstaff Hill Museum concept (including a colour model, display case and delivery) is \$4,500. Funds are available in the current budget.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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**26 [CNR-CM] Request for "In Kind" Support/Waive Fee****ORIGIN:****Community & Cultural Services****SUMMARY OF REPORT:**

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced in the body of this report.

In accordance with Section 356 of the Local Government Act 1993 - Donations, Council resolved on 6 October 2004 that:-

*"... in future, all donations made by Council, whether in cash or in kind, be made by way of a resolution of Council."*

**RECOMMENDATION:****That Council:-**

- 1. With reference to the request from Kingscliff RSL Sub Branch, provides the Kingscliff Amenities Hall for \$43 being 50% of the full community hire fee of \$86 for the "One Cent Auction" on 31 October 2009, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**
- 2. With reference to the request from Northern Rivers Bottle & Collectors Club, declines the request for a reduction of fees for hire of Murwillumbah Civic Centre Auditorium for the 19th Antiques & Collectables Exhibition & Trading Fair on 1 August 2009.**
- 3. With reference to the request from NSW Department of Education & Training, provides the Murwillumbah Civic Centre Auditorium free of charge for the Public Education Awards Ceremony on 10 September 2009, and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".**

**REPORT:**

Council has received requests from various organisations asking that Council provides in-kind support/waives the fees for room hire. Details of the requests are reproduced as follows:-

Organisation Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
Kingscliff RSL Sub Branch	Request waiver of fee for hire of Kingscliff Amenities Hall on 31 October 2009 for a "One Cent Auction".	\$43	That the fee be reduced to \$43 being 50% of the full community fee of \$86.	Yes
Northern Rivers Bottle & Collectors Club	Request reduction of fees for hire of Murwillumbah Civic Centre on 1 August 2009 for 19th Antiques & Collectables Exhibition & Trading Fair.	\$0	That the request be declined.	No. Entry fee and stallholders fees charged by Applicant.
Department of Education & Training	Request waiver of fees for hire of Murwillumbah Civic Centre on 10 September 2009 for the Public Education Awards Ceremony.	\$190	That the fee of \$190 be waived.	Yes

A copy of each of the requests is reproduced below:



**From:** Brian Vickery [bvi29049@bigpond.net.au]  
**Sent:** Monday, 3 August 2009 3:40:37 PM  
**To:** Corporate Email  
**Subject:** Community Hall

To Whom it May Concern,

The Kingscliff RSL Sub Branch Women's Auxiliary have booked the Kingscliff Community Hall/Amenities Centre for a 'One Cent Auction' on 31st October 2009. This activity is unlikely to provide anything more than a few dollars in profit - it is designed as a community activity and a bit of fun. It is therefore requested that the hire fee for the Hall be waived on this day

yours sincerely

Brian Vickery  
Vice President  
Kingscliff RSL Sub Branch

file://C:\Documents and Settings\gabbya\Data Wrks\temp\3799323\dwa14.A.htm

ECM 3799323  
12/08/2009

**PRESIDENT:** Brenda Brooks

**SECRETARY:** Trevor Brooks

**ADDRESS:** PO Box 232  
Murwillumbah  
NSW 2484

**PHONE / FAX:** 02 66779577  
0439 779577



The General Manager  
Tweed Shire Council  
P O Box 816  
Murwillumbah  
NSW 2484

ROTARY  
CIVIC CENTRE - MIBAH - HIRE

TWEED SHIRE COUNCIL
OFFICE: DONATIONS
DOCUMENT
RECD: 10 JUL 2009
ASSIGNED BY: CORBETT, G
CHECKED BY: <input type="checkbox"/> PAID BY: <input checked="" type="checkbox"/>

8<sup>th</sup> July 2009

Dear Sir,

The Northern Rivers Collectors Club, in conjunction with the Rotary Club Of Mt Warning AM (Murwillumbah) are holding their nineteenth Antiques & Collectables Exhibition & Trading Fair @ the Murwillumbah Civic Centre on Saturday 1<sup>st</sup> August.

As we are donating our proceeds to Palliative Care we would like to apply for a reduction of the rental.

Regards,

*Trevor Brooks*

Trevor Brooks





Mr David Oxenham  
Director  
Community & Natural Resources  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

DONATION  
CIVIC CENTRE - MBAH - HIRE  
AWARDS - GENERAL  
TWEED SHIRE COUNCIL  
OFFICE: EDUCATION MATTERS  
REC'D 13 AUG 2009  
ASSIGNED TO: OXENHAM, D.  
HARD COPY  IMAGE

Dear David

The Tweed Heads/Ballina Public Education Promotions Committee will be hosting the Public Education Awards Ceremony on Thursday 10 September 2009 at the Civic Centre in Murwillumbah.

The Awards are in recognition of the many outstanding students, staff, community volunteers and programs in our public schools.

We have been fortunate in the past to have the use of the Civic Centre free of charge thanks to the generosity of Council.

The Committee is hoping that Council may once again see its way to provide the Civic Centre free of charge for our Awards function. Could we ask you to act for the committee and approach Council on our behalf?

Thank you for your support

Yours sincerely



Greg Cloak  
School Education Director  
Murwillumbah Office

10 August 2009

NSW Department of Education & Training – Murwillumbah Office  
Level 2, 12 King Street, Murwillumbah NSW 2484, PO Box 828, Murwillumbah NSW 2484  
T 02 6670 2300 F 02 6672 5192

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Should requests be approved for the waiving of fees for room hire, the income for the meeting room will be impacted by the amount of the fee reduction.

Should requests for "in kind" support be approved, this will impact on the costing of Council's involvement in the activity.

**POLICY IMPLICATIONS:**

In considering this request, reference should be made to:-

Festivals Policy.

Donations Policy.

Guidelines for Fee Reduction, Auditoriums, Meeting Rooms and Halls.

**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](http://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).*

Nil.

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## REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

### 27 [EO-CM] Road Closure Application - Parish of Mooball

#### ORIGIN:

Design

FILE NO: GR3/12/9

#### SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve south and west of Lot 2 in DP 740293 at Sleepy Hollow, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council or other infrastructure currently exists within it. There is no current formation and the topography of the area would indicate that formation along this alignment would not be practicable nor probable.

This application complies with Councils current policy on Road Closure and purchase in so far as it does not fall within the categories listed for road not eligible for closure. It does however fall within point 1 of the exceptions as the road can be considered redundant in terms of access to all surrounding properties as well as topographical constraints.

It would therefore be recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve south and west of Lot 2 in DP 740293 at Sleepy Hollow.

#### RECOMMENDATION:

**That Council does not object to the closure and purchase by the applicant of the section of Crown Road Reserve south and west of Lot 2 in DP 740293 at Sleepy Hollow.**

**REPORT:**

Council has received a notice of application to close a section of Crown Road reserve south and west of Lot 2 in DP 740293 at Sleepy Hollow, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council or other infrastructure currently exists within it. There is no current formation and the topography of the area would indicate that formation along this alignment would not be practicable nor probable. All surrounding parcels currently gain access via alternate Council road reserves and Lot 2 whilst still maintaining some road frontage should the road be closed accesses the property via a right of carriageway over Lot 223 DP 1003549 from Pottsville Road.

The section of road to be closed is heavily treed and upon investigation it is noted that this area has both moderate ecological status and sensitivity and there appears to be no noted threatened species of flora or fauna in the immediate or surrounding area.

This application complies with Councils current policy on Road Closure and purchase in so far as it does not fall within the categories listed for road not eligible for closure. It does however fall within point 1 of the exceptions as the road can be considered redundant in terms of access to all surrounding properties as well as topographical constraints.

It would therefore be recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve south and west of Lot 2 in DP 740293 at Sleepy Hollow.





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**28 [EO-CM] Licence Agreement - Boyds Bay Bridge - Tweed River Boat Hire**

**ORIGIN:**

**Design**

**FILE NO: GL7/2 Pt6**

**SUMMARY OF REPORT:**

Council has received an application, from the owner/operator of Tweed River Boat Hire to retain occupation of an unused road reserve adjacent to the southern approaches to the Boyds Bay Bridge at Tweed Heads. Tweed River Boat Hire has operated from the location for over ten years. The current licence agreement will expire on 4 December 2009.

The operator also holds a licence with the Department of Lands for a pontoon in the Tweed River, and this licence will expire on 15 September 2010.

The applicant seeks to continue operating his business from the current location and is seeking further tenure from the Department of Lands, as well as from Council for the road reserve.

It is recommended that Council approve entering into a further agreement with the applicant for a term of five years which is subject to a concurrent agreement with the Department of Lands for the pontoon over the river.

It is also recommended a valuation be obtained at the applicant's expense to ascertain the current market rental payable.

**RECOMMENDATION:**

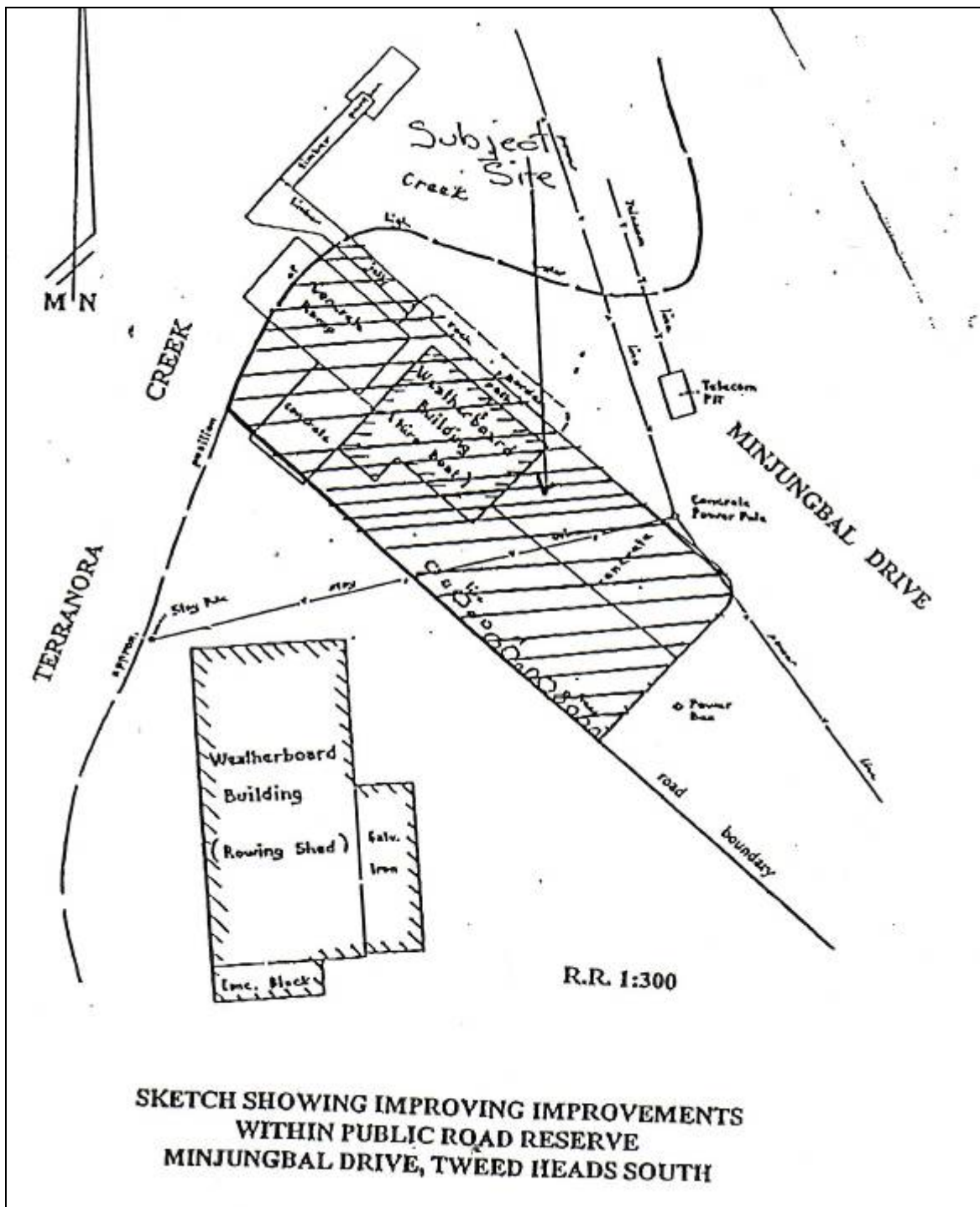
**That:-**

- 1. Council approves entering into a licence agreement between the owner operator of Tweed River Boat Hire for a period of five (5) years from 4 December 2009 for the area of unused road reserve adjacent to the southern approaches to the Boyds Bay Bridge at Tweed Heads at a rental to be determined by valuation;**
- 2. All documents be executed under the Common Seal of Council.**

**REPORT:**

Council has received an application, from the owner/operator of Tweed River Boat Hire to retain occupation of an unused road reserve adjacent to the southern approaches to the Boyds Bay Bridge at Tweed Heads. Tweed River Boat Hire has operated from the location for over ten years. The current licence agreement will expire on 4 December 2009.

The plan below shows the location of the licensed area as hatched:





The operator also holds a licence with the Department of Lands for a pontoon in the Tweed River, and this licence will expire on 15 September 2010.

The applicant seeks to continue operating his business from the current location and is seeking further tenure from the Department of Lands, as well as from Council for the road reserve.

It is recommended that Council approve entering into a further agreement with the applicant for a term of five years which is subject to a concurrent agreement with the Department of Lands for the pontoon over the river.

It is also recommended a valuation be obtained at the applicant's expense to ascertain the current market rental payable.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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**29 [EO-CM] Release of Easement to Drain Water 2 metres wide - Lot 2 in DP 511812 - 14 Moss Street, Kingscliff**

**ORIGIN:**

**Design**

**FILE NO: DA07/0471**

**SUMMARY OF REPORT:**

In the development consent for an attached dual occupancy and swimming pool, consent 15 required:-

*“15. Documentary evidence is to be provided to demonstrate that the existing easement for drainage on Lot 2 DP 511812 is extinguished PRIOR to release of the construction certificate.”*

The applicant has lodged a request for Council to approve the extinguishment of the easement and resolve to sign all necessary documentation.

**RECOMMENDATION:**

**That:-**

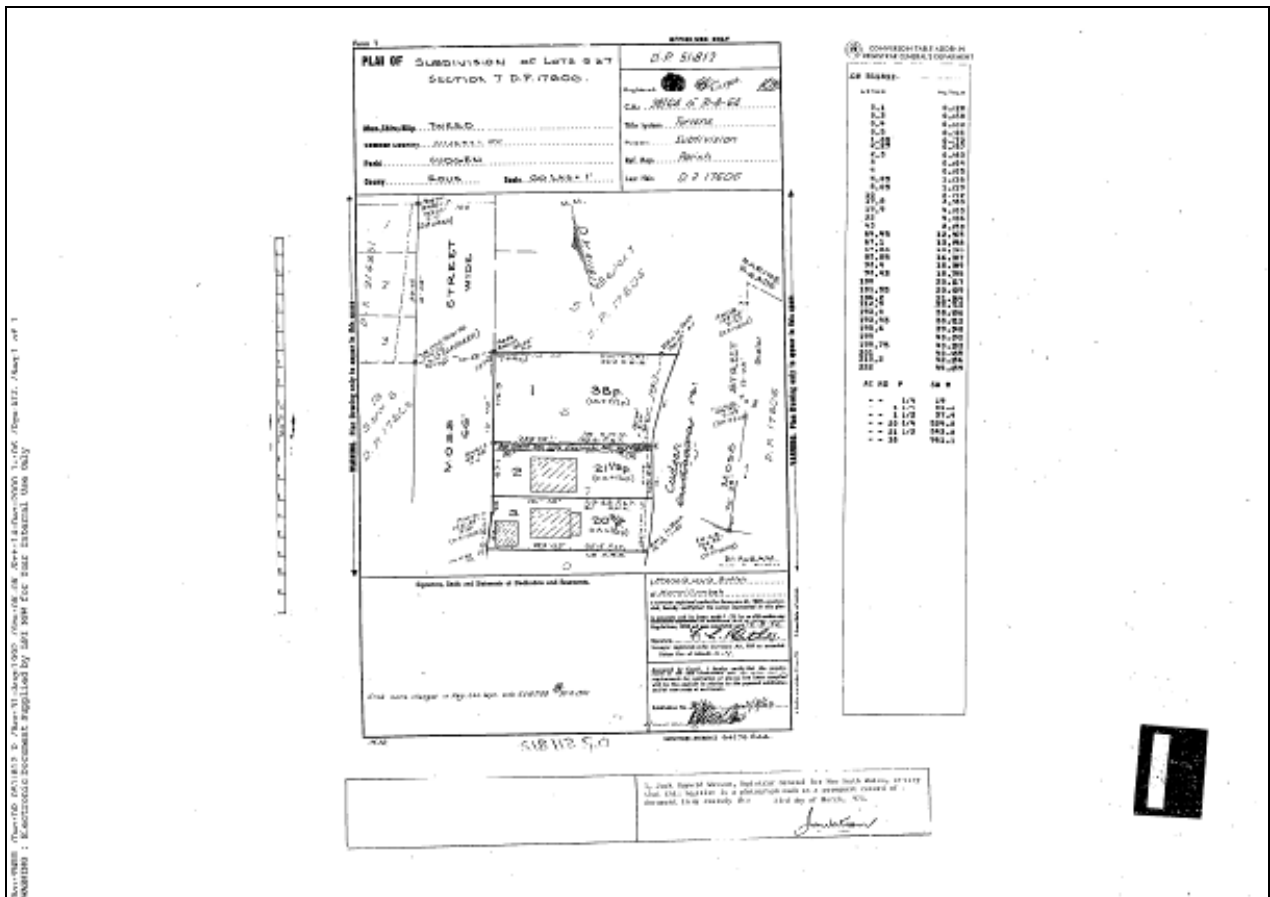
- 1. Council approves the extinguishment of Easement to Drain Water 2 wide within Lot 2 in DP 511812, and**
- 2. All documentation is executed under the Common Seal of Council.**

**REPORT:**

In the development consent for an attached dual occupancy and swimming pool at Kingscliff, consent 15 required:-

- “15. *Documentary evidence is to be provided to demonstrate that the existing easement for drainage on Lot 2 DP 511812 is extinguished PRIOR to release of the construction certificate.*”

The easement is located on the northern boundary of the parcel, shown below in DP 511812:



Council has the right to vary, release or modify the easement.

It appears that during the assessment of the development application over the subject land that it was determined that there was no necessity to retain the benefit of the easement for drainage purposes. There is no drainage infrastructure within the easement corridor, stormwater is directed to the south away from the affected parcel.

It appears that the easement is redundant and unnecessary, therefore it is recommended that Council approve the extinguishment of the easement and resolve to sign all necessary documentation.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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**30 [EO-CM] Land Acquisition for Drainage Purposes - Lot 1 in DP 1141926 - Hastings Point****ORIGIN:****Design****FILE NO: R6060****SUMMARY OF REPORT:**

At its meeting held on 19 December 2006, Council received a report in relation to negotiations with a landowner for an easement to allow drainage works to alleviate localised flooding.

It was resolved inter alia, at that meeting, to pursue agreement with the landowner, but if no agreement was reached then to proceed with the compulsory acquisition of the easement.

Council subsequently met with the landowner who indicated that the acquisition of the land was preferred, rather than an easement.

No agreement to the acquisition has been reached with the landowner, repeated requests for a valuation to assist with negotiations have proved fruitless. It is apparent that no agreement will be reached with the landowner.

A plan of acquisition of land has now been registered, identifying the land required for the drainage works as Lot 1 in DP 1141926, having an area of 32.2m<sup>2</sup>.

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 compulsory acquisition without agreement of Lot 1 in DP 1141926 for drainage purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**





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.

As no agreement in relation to compensation has been reached, the Valuer General, pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, will determine the compensation payable. Under this Act, the landowner has an avenue of objection available should the determination of compensation not be acceptable.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

1. **Confidential Attachment** - Report to Council dated 19 December 2006 (ECM 1510563).
  2. Resolution from Council meeting held 19 December 2006 (ECM 1514722).
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**31 [EO-CM] Amendment to Section 94 Plan No. 5 - Local Open Space**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO: Section 94 Plan No 5 - Local Open Space**

**SUMMARY OF REPORT:**

Amendments to Section 94 Plan No. 5 Local Open Space are recommended for public exhibition. Version 6.1.1 proposes the following changes to the plan:-

- Revises the admin component for the remaining works from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009;
- Provides a standardised contribution for unit development according to the number of bedrooms in accordance with rates in the adopted Tweed Urban Land Release Strategy 2008;
- Clarifies the wording relating to indexation base years.

This results in the following amendment to total works program and contributions rates:-

Works Program	<i>Including 10% Admin</i>	<i>Including 5% Admin</i>
Structured Open Space	\$7,920,000	\$7,560,000
Casual Open Space	\$7,480,000	\$7,140,000

Occupation Estimates for Tweed Urban Land Release Strategy	Persons	Structured Open Space <small>(Does not apply to tourist accommodation or aged persons development)</small>		Casual Open Space <small>(The rate for tourist development that provides accommodation is to be applied per bedroom as indicated below)</small>	
		<i>Current Indexed Rate</i>	<b>New Indexed Rate</b>	<i>Current Indexed Rate</i>	<b>New Indexed Rate</b>
Per person	1	\$263	\$251	\$229	\$219
<i>Detached dwelling</i>	<i>2.6</i>	<i>\$684</i>		<i>\$597</i>	
Detached dwelling	2.4		\$602		\$526
1 bedroom unit	1.3		\$327		\$285
<i>Medium-density unit</i>	<i>1.95</i>	<i>\$490</i>		<i>\$391</i>	
2 bedroom unit	1.7		\$427		\$373
3 bedroom unit	2.1		\$528		\$460
4+ bedroom unit	2.4		\$602		\$526

**RECOMMENDATION:**

**That:-**

- 1. Council adopts Draft S94 Plan No 5 – Local Open Space Version 6.1.1 as a basis for exhibition and community discussion/consultation.**
- 2. Draft plan Version 6.1.1 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 6.0.1.**

**REPORT:****1. Background**

S94 Plan No 5 – Local Open Space Version 6 was approved by Council on 9 October 2008. The update applied the Department of Planning's template for a S94 plan and provided for indexation of contribution rates. Contribution rates were indexed in accordance with the plan on 1 July 2009 (Version 6.0.1).

**2. Standardisation of provision of rates**

Occupancy rates in Council's S94 Plans have not always been consistent across all plans, having been written at different times when differing adopted rates have been in effect which were derived from the statistics and analysis available at the time of exhibition and adoption of the plans. This difference between plans has led to additional complexity in the calculation of contributions for various development types and it has long been desired that a consistent approach be applied across the board. As most S94 Plans are scheduled to be amended prior to 31 December 2009 it is an opportune time for this standardisation to be pursued.

The adopted Tweed Shire Urban Land Release Strategy 2008 includes ABS derived occupancy rates in the form of the number of persons for unit development based on the number of bedrooms. While historically an average has been taken to derive one occupancy rate for all medium density development, it is felt the rates can be simplified further, and provide better nexus and more justifiable apportionment, by levying S94 contributions for residential development according to the number of bedrooms as provided in the Strategy. It is also believed that this will encourage the inclusion of smaller units in the overall mix of any development and help support the attempt to provide access to affordable housing in the Shire. The residential contribution rates in this amended plan are therefore provided in this form.

**3. Amendment**

This minor amendment makes no substantive changes to the plan, however re-exhibition of the plan is required to:-

- Revise the admin component for the remaining works from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009;
- Take the opportunity to provide a standardised contribution for unit development according to the number of bedrooms in accordance with rates in the adopted Tweed Urban Land Release Strategy 2008;
- Clarify the wording relating to indexation base years.

This results in the following amendment to total works program and contributions rates:

Works Program	<i>Including 10% Admin</i>	<i>Including 5% Admin</i>
Structured Open Space	\$7,920,000	\$7,560,000
Casual Open Space	\$7,480,000	\$7,140,000

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Occupation Estimates for Tweed Urban Land Release Strategy	Persons	Structured Open Space (Does not apply to tourist accommodation or aged persons development)		Casual Open Space (The rate for tourist development that provides accommodation is to be applied per bedroom as indicated below)	
		<i>Current Indexed Rate</i>	<b>New Indexed Rate</b>	<i>Current Indexed Rate</i>	<b>New Indexed Rate</b>
Per person	1	\$263	\$251	\$229	\$219
<i>Detached dwelling</i>	2.6	\$684		\$597	
Detached dwelling	2.4		\$602		\$526
1 bedroom unit	1.3		\$327		\$285
<i>Medium density unit</i>	<del>1.95</del>	<del>\$490</del>		<del>\$391</del>	
2 bedroom unit	1.7		\$427		\$373
3 bedroom unit	2.1		\$528		\$460
4+ bedroom unit	2.4		\$602		\$526

The Draft Plan (copy attached) has been amended as outlined above and is recommended for exhibition.

#### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The adoption of Draft *Section 94 Plan No 5 – Local Open Space (Version 6.1.1)* will adjust the rates to reduce the admin levy from 10% to 5% in order to be consistent with the Minister for Planning's direction of 10 July 2009.

#### POLICY IMPLICATIONS:

Most of Council's S94 Plans are scheduled to be reviewed and re-exhibited prior to 31 December 2009 in order to comply with the Minister for Planning's recent directions to Council in relation to S94 contributions.

#### 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](http://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. Draft Section 94 Plan No 5 – Local Open Space (ECM 4810026).

**32 [EO-CM] Amendment to Section 94 Plan No. 16 - Emergency Facilities (Surf Lifesaving)**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

Amendments to Section 94 Plan No. 16 – Emergency Facilities (Surf Lifesaving) are recommended for public exhibition. Version 6 proposes the following changes to the plan:-

- Revises the Works Program, taking account of outstanding works and expenditure to date.
- Reverts to original apportionment factors.
- Revises the population projection downwards in line with currently accepted trends.
- Adjusts the occupancy rates per bedroom to those adopted by Council in the Tweed Shire Urban Release Strategy 2008.
- Attempts to standardise the contribution for tourist development to apply per bedroom rather than per bed.
- Makes reference to forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Includes clauses to enable future indexation of rates in the plan.
- Applies the current Department of Planning template for a S94 plan.
- Revises the admin component for the remaining works from 10% to 5%.
- Specifies that no contribution will be levied on new consents after 31 December 2009.

This results in the following amendment to contributions rates:-

	Persons	Current Rate	Proposed New Rates
Per person	1	\$77	\$47.20
<i>Detached dwelling</i>	2.6	\$200	<del>\$123</del>
Detached dwelling	2.4		\$113
1 bedroom unit	1.3		\$61
<i>Medium density unit</i>	1.7	\$131	-
<i>Medium density unit</i>	1.95		<del>\$92</del>
2 bedroom unit	1.7		\$80
3 bedroom unit	2.1		\$99
4+ bedroom unit	2.4		\$113

The rate for tourist development that provides accommodation to be applied per bedroom as above.

**RECOMMENDATION:**

That :-

1. Council adopts Draft S94 Plan No 16 – Emergency Facilities (Surf Lifesaving) (Version 6) as a basis for exhibition and community discussion/consultation.
2. Draft plan Version 6 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace Version 2.



**REPORT:****1. Background**

S94 Plan No 16 – Emergency Facilities (Surf Lifesaving) has been in existence since August 1996 for the purpose of collecting S94 contributions for the provision of key community infrastructure in Tweed Shire in accordance with Section 116H of the Environmental Planning and Assessment Act, being the provision of social facilities in the form of infrastructure which supports the provision of volunteer rescue and volunteer emergency services facilities. The current version of the plan (Amendment No 4) was adopted in February 2006.

**2. Effect of Amended Legislation and Minister's Directions**

Section 94 of the Environmental Planning and Assessment Act has been the subject of a review by the State Government, resulting in significant changes to the Act which have been assented by Parliament but as yet are still not gazetted. While waiting for the gazettal of these changes to occur, the Minister for Planning issued a Direction to all NSW Councils with the intention of capping the pre-indexation residential S94 contribution per lot or dwelling at \$20,000, and this resulted in the need for Tweed Shire Council to submit many of its contribution plans to the Minister to be reviewed.

During meetings attended by the Director of Engineering & Operations as part of this review it became clear that the Minister had some reservations about this plan and expressed the view that it was not considered that surf lifesaving facilities fell within the definition 'key community infrastructure being volunteer rescue and volunteer emergency services' as expressed in the revised Act. Nevertheless, while Council has received a further Direction to cease collecting contributions for street trees and library book stock as of 17 July 2009, the additional Direction did not require Council to cease collecting contributions under this plan.

The Direction requires Council to review all of its contributions plans prior to 31 December 2009, and with regard to CP16, required this review to "provide for the removal of contributions for ... surf lifesaving facilities". Therefore an amended version of this plan is now presented for exhibition and adoption prior to the 31 December deadline.

**2. Amendment**

In light of the above Minister's Directions it is felt necessary to amend the plan at this time in order to clarify the Works Program and ensure that contributions on old consents can continue to be collected and indexed as appropriate after that date. In accordance with the Minister's Directions, no contributions under this plan will be levied on new consents after 31 December 2009. Funds held in balance after this date will be expended on elements of the Works Program. Amendments to Section 94 Plan No. 16 – Emergency Facilities (Surf Lifesaving) are therefore recommended for public exhibition. Version 6 proposes the following changes to the plan:-

- Revises the Works Program, taking account of outstanding works and expenditure to date.

- Reverts to original apportionment factors.
- Revises the population projection downwards in line with the figures in the Tweed Shire Community Profile 2008.
- Adjusts the occupancy rates per bedroom to those adopted by Council in the Tweed Shire Urban Release Strategy 2008.
- Attempts to standardise the contribution for tourist development to apply per bedroom rather than per bed.
- Makes reference to the forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Includes clauses to enable future indexation of rates in the plan.
- Applies the current Department of Planning template for a S94 plan.
- Revises the admin component for the remaining works from 10% to 5%.
- Specifies that no contributions will be levied on new consents after 31 December 2009.

### **Standardisation of provision of rates:**

Occupancy rates in Council's S94 Plans have not always been consistent across all plans, having been written at different times when differing adopted rates have been in effect which were derived from the statistics and analysis available at the time of exhibition and adoption of the plans. This difference between plans has led to additional complexity in the calculation of contributions for various development types and it has long been desired that a consistent approach be applied across the board. As most S94 Plans are scheduled to be amended prior to 31 December 2009 it is an opportune time for this standardisation to be pursued.

The adopted Tweed Shire Urban Land Release Strategy 2008 includes ABS derived occupancy rates in the form of the number of persons for unit development based on the number of bedrooms. While historically an average has been taken to derive one occupancy rate for all medium density development, it is felt the rates can be simplified further, and provide better nexus and more justifiable apportionment, by levying S94 contributions for residential development according to the number of bedrooms as provided in the Strategy. It is also believed that this will encourage the inclusion of smaller units in the overall mix of any development and help support the attempt to provide access to affordable housing in the Shire. The residential contribution rates in this amended plan are therefore provided in this form.

### **3. Part 116D of the Environmental Planning and Assessment Act**

Part 116D of the (as yet unproclaimed amendments to the) Environmental Planning and Assessment Act requires that Council take account of 5 key considerations for development contributions:

**(a) *Can the public infrastructure that is proposed to be funded by a development contribution be provided within a reasonable time?***

Much of the work in the program in this plan has already been provided. Outstanding works are expected to be completed within a 5-10 year period. This time period falls well within the projected lifespan of this plan.

**(b) *What will be the impact of the proposed development contribution on the affordability of the proposed development?***

Following recent State Government intervention into S94 contribution plans and the maximum contribution levy allowable, Council can now levy contributions of up to \$20,000 (pre indexation). In general contributions within Tweed Shire are well under this figure. It is estimated that the maximum level of \$20,000 levy per lot would represent around 7.5% of the cost of a modest house, or around 5% including land. This is not considered excessive and it should be noted that actual contributions are likely to result in a lower amount.

**(c) *Is the proposed development contribution based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates?***

In recent years the majority of development in Tweed Shire has occurred on or very close to the Tweed Coast. In any case, it has always been maintained that lifesaving facilities are utilised by all Shire residents. Although use of such facilities by residents of hinterland areas may be marginally less than the use of such facilities by coastal residents, clubs have reported an increase in usage from persons from non-coastal areas. The original plan maintained that surf lifesaving facilities in existence when the plan was first adopted catered for the existing population of the Shire, and it is appropriate that the new and augmented facilities required to service the needs of new residents is apportioned equally to all new residential and tourist development in the Shire.

**(d) *Is the proposed development contribution based on a reasonable estimate of the cost of proposed public infrastructure?***

This version of the plan matches costs to actual expenditure where possible, and remaining works are costed as accurately as possible.

**(e) *Are the estimates of demand for each item of public infrastructure to which the proposed development contribution relates reasonable?***

The Tweed Surf Life Saving Strategy 2020 provides a detailed analysis which outlines the necessary additional facilities and equipment required to provide an adequate service to beachgoers in Tweed Shire. The works in this plan are capital works attributed to increased population as a result of increased development only, and provide only a proportion of the facilities identified in the study, the remainder are to be funded from other sources.

#### 4. Calculation

Summary of Works Program:-

Expenditure on surf lifesaving capital first use equipment and new Clubhouse (inclusive of 10% admin)	\$1,024,254
Remaining identified works (inclusive of 5% admin)	\$420,000
<b>Total</b>	<b>\$1,444,254</b>

Revising the original population projection figure for the area from 54,000 to 30,600 as provided in the Tweed Shire Community Profile 2008, and applying it to the total Works Program to be funded by this plan of \$1,444,254 results in the following contribution rates for Version 6:-

	Persons	<i>Current Rate</i>	Proposed New Rates
Per person	1	\$77	\$47.20
<i>Detached dwelling</i>	2.6	\$200	<del>\$123</del>
Detached dwelling	2.4		\$113
1 bedroom unit	1.3		\$61
<i>Medium density unit</i>	1.7	\$131	-
<i>Medium density unit</i>	1.95		<del>\$92</del>
2 bedroom unit	1.7		\$80
3 bedroom unit	2.1		\$99
4+ bedroom unit	2.4		\$113

**Notes:**

1. Rates have been calculated per bedroom in accordance with occupancy rates for unit development with reference to the number of bedrooms per unit as adopted in the Tweed Shire Urban Land Release Strategy 2008.
2. The rate for tourist development that provides accommodation to be applied per bedroom as above.

The Draft Plan (copy attached) has been amended as outlined above and is recommended for exhibition.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The adoption of Draft *Section 94 Plan No 16 – Emergency Facilities (Surf Lifesaving) (Version 6)* will enable Council to expend the balance of contributions already collected on elements of the updated Works Program, and continue to collect outstanding contributions on consents issued prior to 31 December 2009, including indexation.

If the Draft Plan is not adopted, part of the cost of these works may require financing from the general fund and from existing ratepayers who are not contributing to the demand for these facilities.

**POLICY IMPLICATIONS:**

Contributions are required so that Council is able to provide surf lifesaving facilities specified in the contribution plan.

**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](http://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. Draft Section 94 Plan No 16 – Emergency Facilities (Surf Lifesaving) (ECM 4801559).
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**33 [EO-CM] Adoption of Amended Section 94 Plan No 10 - Cobaki Lakes Open Space and Community Facilities (Version 3)**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

Council at its meeting held 21 July 2009 resolved to exhibit Draft S94 Plan No 10 – Cobaki Lakes Open Space and Community Facilities (Version 3). The Draft Plan was exhibited for 28 days from 5 August 2009 to 2 September 2009 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page.

One public submission was received after the exhibition date from the developer's planning consultant. The submission did not request any specific changes at this time, but requested a review of the assumptions underpinning the plan in terms of yields and required facilities should the Cobaki Lakes Concept Plan be approved. Internal submissions made by Council's Development Assessment and Planning Reforms Units requested their preference that contribution rates for unit and tourist development be presented per bedroom as specified in the adopted Tweed Shire Urban Land Release Strategy 2008, rather than retaining the previously utilised average rate of 1.95 persons per unit for all medium density development. It should be noted that making this change does not alter the overall rate per person, apportions the contributions more accurately, and should not substantially affect Council's S94 income overall provided that a reasonable mix of different sized units is developed, and therefore the requested change has been incorporated into the plan recommended for adoption which is attached to this report.

Version 3:-

- amends the plan in accordance with the Council resolution of the meeting held 3 June 2008 with reference to the "Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan" by Economics & Planning (SGS Report);
- calculates the per lot and per medium density unit rates in accordance with currently accepted occupancy estimates per bedroom as specified in the Tweed Shire Urban Land Release Strategy 2008;
- includes definitions and detail to allow for future indexation in line with the IPD and Tweed Shire Land Index (see section 1.7.1);
- re-organises the plan in terms of the current template for a S94 Plan and adds a summary schedule for ease of reference; and
- Reduces administration levy from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009.

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This results in the following amendment to contributions rates:-

	Persons	Old Rate	New Rate
Per person	1	\$150.45	\$204.93
<i>Detached dwelling</i>	2.6	\$391	<del>\$533</del>
Detached dwelling	2.4		\$492
1 bedroom unit	1.3		\$266
<i>Medium density unit</i>	1.95	\$256	<del>\$400</del>
2 bedroom unit	1.7		\$348
3 bedroom unit	2.1		\$430
4+ bedroom unit	2.4		\$492

**RECOMMENDATION:**

**That Council:-**

- 1. Approves Draft Section 94 Plan No 10 – Cobaki Lakes Open Space and Community Facilities (Version 3), with minor amendments relating to the application of rates to unit and tourist development as described in the report, 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 3 of the Plan (CP 10) comes into effect on the date of the notice.**



## REPORT:

### Background

#### 1. Background

S94 Plan No 10 – Cobaki Lakes has been in existence since October 1997 for the purpose of collecting S94 contributions for the dedication of local open space and the provision of community facilities in the Cobaki Lakes development area. The current version of the plan (Amendment No 2) was adopted in July 2007.

Council at its meeting held 3 June 2008 resolved as follows:-

*That Council:-*

1. *Notes the SGS Economics & Planning Report as background for future Community Facilities Planning.*
2. *Endorses the principles outlined in the report entitled “Shire Wide Community Plan and Shire Wide Cultural and Community Facilities Plan” by SGS Economics & Planning (SGS Report) while recognising that there are budgetary constraints which will prevent Council from providing facilities at the level expressed, and in particular to support in principle, subject to available funds:*
  - (a) *Commencement of community facility building works when 60% occupancy of greenfield development has occurred;*
  - (b) *The provision of facilities for isolated areas with small populations;*
  - (c) *Flexible multi-purpose facilities and programs in co-location partnerships with private and public sector providers.*
3. *Reviews its community facilities and library requirements in light of the recommendations of the SGS Economics & Planning Report, taking into consideration budgetary constraints.*
4. *Identifies publicly owned and managed land in the Shire suitable for the provision of identified community facilities.*
5. *Subject to State Government approval, amends S94 Plan No 10 (Cobaki Lakes) and S94 Plan No. 19 (Casuarina Beach/Kings Forest) to retain the current community facility size and utilise the new rates contained within the SGS Report.*
6. *Recognises that S94 funding is no longer likely to be available for the desired Regional Performing Arts Centre and alternative funding sources need to be explored if this facility is to be provided.”*

## 2. Amendment

This amendment amends S94 Plan No 10 in line with the above resolution and proposes the following changes to the plan:-

- amends the plan in accordance with the Council resolution of the meeting held 3 June 2008;
- calculates the per lot and per medium density unit rate in accordance with currently accepted occupancy estimates as specified in the adopted Tweed Shire Urban Land Release Strategy 2008;
- includes definitions and detail to allow for future indexation in line with the IPD and Tweed Shire Land Index (see section 1.7.1);
- re-organises the plan in terms of the current template for a S94 Plan and adds a summary schedule for ease of reference; and
- Reduces administration levy from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009.

## 3. Calculation

**Population:** The currently projected population figure for the Cobaki Lakes development of 14,000 has been retained for the purposes of this S94 Plan.

### Works Program:

	Funded by this plan	Funded from other sources
Multiuse hall	\$234,555	
Main stage community centre	\$906,870	
Branch Library		\$445,480
Neighbourhood Centre	\$636,400	
Youth/multipurpose Centre	\$954,600	
Community Health Centre		\$954,600
	\$2,732,425	

**Contributions:** Utilising the population figure of 14,000 persons and applying it to the total works program to be funded by this plan of \$2,732,425 results in the following rates for Version 3:

	Persons	Old Rate	New Rate
Per person	1	\$150.45	\$204.93
<i>Detached dwelling</i>	2.6	\$391	\$533
Detached dwelling	2.4		\$492
1 bedroom unit	1.3		\$266
<i>Medium density unit</i>	1.95	\$256	\$400
2 bedroom unit	1.7		\$348
3 bedroom unit	2.1		\$430
4+ bedroom unit	2.4		\$492

## **Exhibition and Submissions**

Council at its meeting held 16 June 2009 resolved to exhibit Draft S94 Plan No 10 – Cobaki Lakes Open Space and Community Facilities (Version 3). The Draft Plan was exhibited for 28 days from 5 August 2009 to 2 September 2009 in accordance with Regulation 28 of the Environmental Planning and Assessment Regulations 2000 via Council's Tweed Link and website exhibition page.

### **Daryl Anderson Consulting on behalf of Leda Developments**

One public submission was received on 4 September from the developer's consultant. The submission is reproduced as follows:-

*"Further to our recent discussions I have been instructed by Leda to make a submission to the exhibited Draft Plan simply pointing out that the assumptions underpinning the plan in relation to the population yields, community facilities required, etc, is likely to change following approval of the Concept Plan. Other Section 94 Plans relevant to Cobaki Lakes may also need to be reviewed as a consequence of the Concept Plan approval. In this regard I note your advice that Council may proceed with reviews of other plans in the near future to reflect changes in occupancy rates, etc."*

Council officers note the need to review the subject plan, and other plans relating to the Cobaki Lakes development following finalisation of the Concept Plan, which is currently before the Department of Planning. This submission does not address any specific concerns or request any amendment to the plan as exhibited, and further acknowledges the informal verbal advice given regarding changes to occupancy rates across the plans. Therefore no changes have been made to the plan as a result of this submission.

### **Internal submissions from Development Assessment and Planning Reforms Units**

Internal submissions have been made by Council's Development Assessment and Planning Reforms Units requesting their preference that contribution rates for unit and tourist development be presented per bedroom as specified in the adopted Tweed Shire Urban Land Release Strategy 2008, rather than retaining the previously utilised average rate of 1.95 persons per unit for all medium density development. It is argued that applying these rates to all contributions plans under review would simplify the calculation of contributions for residential and tourist development, and that nexus and apportionment would be more reflective of the actual number of persons attributable to the development. It is believed that applying the rates in this way will also encourage the development of smaller units thereby supporting the effort to increase the availability of affordable housing in the Shire. It should be noted that making this change does not alter the overall rate per person and should also not substantially affect Council's S94 income or the amount a developer must pay overall, provided that a reasonable mix of different sized units is developed, and therefore the requested change has been incorporated into the plan recommended for adoption which is attached to this report.

The Draft Plan amended as described above is now recommended for approval.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The adoption of Draft *Section 94 Plan No 10 – Cobaki Lakes Public Open Space and Community Facilities* will enable Council to collect developer contributions for the provision of community facilities in the DCP Cobaki Lakes development area.

If the Draft Plan is not adopted, part of the cost of these works would require financing from the general fund and from existing ratepayers who are not contributing to the demand for these facilities in the designated area.

**POLICY IMPLICATIONS:**

Contributions are required so that Council is able to provide the community facilities identified as required as a result of development of the Cobaki Lakes site.

**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](http://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. Section 94 Plan No 10 – Cobaki Lakes Open Space and Community Facilities (Version 3) (ECM 4754646).
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**34 [EO-CM] EC2007-032 Supply and Delivery of Bulk Fuels: Variation to Schedule A - Supplier Costs**

**ORIGIN:**

**Contracts**

**FILE NO: EC2007-032**

**SUMMARY OF REPORT:**

The second year term of the three (3) year contract for the Supply and Delivery of Bulk Fuels to Council's Works Depots expires on 30 September 2009. The bulk fuel contract was negotiated as a non exclusive supply arrangement with Reliance Petroleum and Caltex Australia as the nominated suppliers.

Provision exists under the terms of the contract for an annual review of Component A (Suppliers Costs) of the tender schedule.

Advice has been received from Reliance and Caltex on the Component A charges that will apply for each delivery location for the period 1 October 2009 until 30 September 2010.

Attachment A is **CONFIDENTIAL** in accordance 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 tenderers in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

**RECOMMENDATION:**

**That:-**

- 1. EC2007-032 Supply and Delivery of Bulk Fuels: Variation to Schedule A - Supplier Costs be received and noted.**
- 2. The ATTACHMENT A be treated as 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.

**REPORT:**

The second year term of the three (3) year contract for the Supply and Delivery of Bulk Fuels to Council's Works Depots expires on 30 September 2009. The Bulk Fuel contract was negotiated as a non exclusive supply arrangement with Reliance Petroleum and Caltex Australia as the nominated suppliers.

The tender was separated into two schedules, Schedule A which detailed all Supplier Costs that would be applied to each delivery location and Schedule B costs detailing all Government and Excise charges that would be applied. Schedule A costs include freight charges, profit margin, credit fees and the actual fuel cost as identified by the Terminal Gate Price (TGP) for the Reliance products or the Caltex Reference price (CRP) for the Caltex products. Schedule B (Government and Excise charges) included GST, NSW Fuel Zone Subsidy (removed 1 July 2009) and the set Federal Government Excise fee. The Schedule A and B price streams are coupled together to give a comparable cent per litre purchase price with purchasing decisions made accordingly. This comparison procedure is repeated prior to the placement of every bulk fuel order.

Provision exists under the terms of the contract for an annual review of Component A (Suppliers Costs) of the tender schedule.

Advice has been received from Reliance and Caltex on the Component A charges that will apply for each delivery location for the period 1 October 2009 until 30 September 2010.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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. **Confidential Attachment A** - Supplementary Information for EC2007-032 (ECM 4815250).
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**35 [EO-CM] EQ2009-049 Supply of Selected Materials: Form Ply****ORIGIN:****Contracts****FILE NO: EQ2009-049****SUMMARY OF REPORT:**

Council at its meeting of 21 July 2009 resolved to award contract supply rights for a range of Selected Materials for issue from Council's Depot Store for the period 1 July 2009 until 30 June 2010. Blackwoods were awarded the supply rights for the supply of form ply however following the awarding of tenders advice was received from Blackwoods that due to a tendering oversight they are unable to fulfil their supply obligation. To ensure continuance of supply for this item contact was made with the next ranked tenderer, J H Williams, to ascertain if they were prepared to maintain their tendered rates for the supply of form ply. J H Williams have advised of their acceptance to enter into a supply arrangement for form ply with their tendered rates of EQ2009-049 to apply.

Attachment A is **CONFIDENTIAL** in accordance 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 tenderers in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

**RECOMMENDATION:****That:-**

- 1. The contract for the Supply of Form Ply EC2009-049 for the period from the date of determination by Council until 30 June 2010 be awarded to J H Williams.**
- 2. ATTACHMENTS A is CONFIDENTIAL in accordance with Section 10A(2)(c) or 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**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**



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

**REPORT:**

Council at its meeting of 21 July 2009 resolved to award contract supply rights for a range of selected materials for issue from Council's Depot Store for the period 1 July 2009 until 30 June 2010. Blackwoods were awarded the supply rights for the supply of Form Ply however following the awarding of tenders advice was received from Blackwoods that due to a tendering oversight they are unable to fulfil their supply obligation. To ensure continuance of supply for this item contact was made with the next ranked tenderer, J H Williams, to ascertain if they were prepared to maintain their tendered rates for the supply of form ply. J H Williams have advised of their acceptance to enter into a supply arrangement for form ply with their tendered rates of EQ2009-049 to apply.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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. **Confidential Attachment A** - Supplementary Information for EQ2009-049 Supply of Selected Materials: Form Ply (ECM 4768402).
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**36 [EO-CM] EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads**

**ORIGIN:**

**Contracts**

**FILE NO: EC2009-092**

**SUMMARY OF REPORT:**

This report outlines the tender for EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads. The tendering process has been carried out in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005. Tenders closed in the Tender Box on 26 August 2009.

Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation and Pricing Report included in **CONFIDENTIAL ATTACHMENT A**.

It is recommended that Council accepts the tender of Cemex Australia Pty Ltd Trading As Humes for Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads.

Attachment A is **CONFIDENTIAL** in accordance 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 tenderers in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

**RECOMMENDATION:**

**That:-**

- 1. The tender from Cemex Australia Pty Ltd Trading As Humes be accepted to the value of \$214,005 inclusive of GST.**
- 2. The General Manager be given delegated authority to approve variations up to 10% above the initial contract price**
- 3. The ATTACHMENT A be treated as 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.

**REPORT:****Background**

Council Tender EC2009-092 invited responses for the provision of three precast concrete gross pollutant traps for the Jack Evans Boat Harbour Project. These form part of the approved stormwater design prepared by consultants as part of the upgrade proposal.

The following selection criteria and weightings were determined prior to the issuing of the Tender:-

No	Criteria	Weighting %
1	Tender Price	70
2	Conformity of Offer	15
3	Time Performance	15

**Tenders Received**

A total of two responses were received for tender EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant traps to Jack Evans Boat Harbour, Tweed Heads.

Tenders were received from the following companies:-

- Cemex Australia Pty Ltd Trading As Humes
- Rocla Pty Ltd

**Tender Evaluation**

The Tender Evaluation was conducted by Council's Tender Panel, consisting of Construction Engineer (Bob Hanby) and Senior Contracts Engineer (Tony Bennett). 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.

Based on the evaluation summary, it is recommended that Tenderer Cemex Australia Pty Ltd Trading As Humes be nominated for tender EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads.

Details of Cemex Australia Pty Ltd Trading As Humes relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Evaluation Panel.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

This tender process is in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005.

Funding is provided within the 2009/2010 Budget for the Jack Evans Boat Harbour Revitalisation Project.

**POLICY IMPLICATIONS:**

The recommendations in this report are consistent with Council's Procurement Policy and Procedures.

**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](http://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. **Confidential Attachment A** to EC2009-092 Manufacture, Supply and Delivery of Gross Pollutant Traps to Jack Evans Boat Harbour, Tweed Heads (ECM 4959153).
-



**37 [EO-CM] Parks Naming - River Street, Murwillumbah****ORIGIN:****Recreation Services****SUMMARY OF REPORT:**

In response to a request from the Murwillumbah Historical Society, Council resolved to invite comment to a proposal to name a park area on the riverbank in River Street Murwillumbah "Knight Family Park" in recognition of a pioneering family of the Tweed.

At the close of comment, two submissions were received proposing alternative or additional suggestions.

The riverfront parkland in River Street consists of a number of discrete areas disconnected by private houses offering the opportunity to apply more than one name.

Attachments A and B are **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains personnel matters concerning particular individuals (other than councillors). Accordingly, disclosure of the information is not in the public interest.

**RECOMMENDATION:****That:-**

1. Council names the park area located at 67 to 71 River Street Murwillumbah 'Knight Family Park' and erect signs.
2. Council advertises the proposal to name the park area located at 97 to 103 River Street 'Holston Park' in the Tweed Link for twenty eight (28) days inviting submissions from the public.
3. **ATTACHMENTS A and B** be treated as **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993, because it contains personnel matters concerning particular individuals (other than councillors). Accordingly, disclosure of the information is not in the public interest.

**REPORT:**

In response to a request from the Murwillumbah Historical Society, Council resolved to invite comment to a proposal to name a park area on the riverbank in River Street Murwillumbah "Knight Family Park" in recognition of a pioneering family of the Tweed.

At the close of comment, two submissions were received proposing an alternative or additional suggestion (see Confidential Attachments A and B).

Council's Naming of Public Parks Policy Selection Criteria states:-

- "(a) Council will not consider the names of living persons in accordance with the guidelines of the Geographical Names Board;*
- (b) No duplication of names within the Tweed Shire local government area;*
- (c) The person after whom the naming is sought should have made a significant and long term contribution to the Tweed Shire community;*
- (d) The person after whom the naming is sought must be widely known and respected within the community;*
- (e) The person after whom the naming is sought must have a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting or cultural development of the community;*
- (f) The person after whom the naming is sought must have been a resident of the Tweed Shire;*
- (g) Names of Aboriginal origin associated with the locality or associated with the historical background of the locality will be highly regarded, but must be accompanied by written approval of the name from the Local Aboriginal Land Council existing in the locality of public reserve to be named;*
- (h) Prior ownership of the land is not sufficient reason to apply the owner's name, personal or corporate, to the public park;*
- (i) The proposed descriptive name refers to flora, fauna or other descriptive elements refers to local indigenous species and relates directly to the Tweed Shire area."*

It is recommended that Council:-

1. Names the park area located at 67 to 71 River Street Murwillumbah 'Knight family Park' and erect signs.
2. Advertises the proposal to name the park area located at 97 to 103 River Street 'Holston Park' in the Tweed Link for twenty eight (28) days inviting submissions from the public.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

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**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](http://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. **Confidential Attachment - Attachment A** - Incoming correspondence (ECM 1908287 and 1906236).
  2. **Confidential Attachment - Attachment B** - Submission Criteria (ECM 5068806).
  3. Ordinary Attachment - Plan of Area (ECM 4767355).
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**38 [EO-CM] Regional Road Block Grant 2009/2010**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

The Roads and Traffic Authority of NSW has advised Council of its allocation for the 2009/2010 Regional Roads Block Grant. The total amount is \$2,028,000. A copy of the Roads and Traffic Authority of NSW offer follows at the end of this report.

**RECOMMENDATION:**

**That Council:-**

- 1. Accepts the Regional Road Block Grant for \$2,028,000 in accordance with information provided in the Roads and Traffic Authority (RTA's) Local Government Relations website and authorises the General Manager to sign the documents.**
- 2. Votes the expenditure.**

**REPORT:**

The Roads and Traffic Authority of NSW has advised Council of its allocation for the 2009/2010 Regional Road Block Grant. The total amount is \$2,028,000. The funding is provided for maintenance of Regional Roads, traffic facilities and includes the former 3 x 3 funding component for Regional Roads.

Council's Regional Roads are as follows:-

Kyogle/Nimbin Road  
Tweed Valley Way  
Tweed Coast/Cudgera Creek Road  
Numinbah Road  
Tomewin Road  
Minjungbal Drive

A copy of the Roads and Traffic Authority of NSW offer follows at the end of this report.

This allocation is a \$17,000 decrease on last year's allocation of \$2,045,000 in part due to the removal of Terranora Road from Regional Road classification.

The Roads and Traffic Authority Local Government Relations website can be found at <http://www.rta.nsw.gov.au/doingbusinesswithus/lgr/downloads/programs/blockgrant.html>

438.2006-10RR & M2629;3 File No (9238BL)  
David Bell



ROADS - GENERAL  
AGREEMENTS

TWEED SHIRE COUNCIL  
FILE No. GOVT GRANT - ROADS  
DOC. No.  
RECD 20 AUG 2009  
ASSIGNED TO KNIGHT, P  
HARD COPY  IMAGE

The General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

**SUBJECT: Regional Road Block Grant 2009/2010.**

Dear Sir

Attached in duplicate is the **Agreement for Block Grant of Assistance to Council for Regional Roads 2009/2010**. The Agreement is in accordance with information provided in the Roads and Traffic Authority (RTA's) Local Government Relations website.

Changes to the Agreement from last year are as noted below:

**Clause 5 – Grant**

- Item 5.4 now reads "The RTA acknowledges that financial assistance additional to the Grant may be granted by the RTA in respect of specific works on Regional Roads." Deleted was "Works relating to Traffic Facilities on Regional and Local Roads."

**Schedule 4A Regional Road Expenditure and Output for 2009/10**

- Item 2.2 now reads: "Federal Government (Financial Assistance, Roads to Recovery, any other Federal road grants)." Mention of AusLink Grants has been deleted.
- Item 8 now reads: "Includes any other expenditures on PHYSICAL works not included above. Do NOT include expenditure on street lighting, Road Safety Officers, loan repayments, footpath maintenance, traffic surveys, asset surveys." Mention of "renewal" has been removed.

As an impact of the Road Classification Review two additional clauses have been added to the agreement:

- Clause 5.3.3 allows Council to spend a proportionate amount of the grant on those Regional Roads that have become Local Roads in the recently approved Road Classification Review. This is to accommodate situations where a council may have planned to use some of its grant for planned works on these roads. This clause will remain in the Agreement for the following two years.
- Clause 6.1.1 requires Council to submit its signed copy of the Agreement for 2009/10 to the RTA Regional Manager by 30 September 2009 as a condition of subsequent grant payments.

Roads and Traffic Authority 494 34 46 150 225

31 Victoria Street, Grafton NSW 2460  
PO Box 576 Grafton NSW 2460  
www.rta.nsw.gov.au | 02 6640 1300

2

The first quarterly payment is on the July Grant Payment Invoice which will be sent to Council in early August. Council is advised that the subsequent payments in October 2009, January 2010 and April 2010, as provided for in the Agreement, are conditional on Council signing the Agreement (and the initial payment will be refundable in the event that the Agreement is not signed).

Council is also reminded that the October and subsequent payments are also conditional on Council submitting:

- Certification as required under sections 6.3 and 6.4 of the 2009/10 agreement in the form prescribed in Schedule 3, that the previous year's grant has been fully expended.
- Reports as required under section 7 of the 2009/10 Agreement. These reports (Schedule 4A and 4B) cover Council reporting of total expenditure on Regional Roads and details of road recovery and usage.

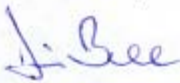
Council may only carry over unspent funds beyond 31 July 2009 where it has demonstrated exceptional circumstances that have caused it to be unable to spend its funds efficiently and effectively, and where it has given the Regional Manager adequate notice well before the end of the financial year.

It is requested that the duplicate agreements be signed and **both** returned to this office by 30 September 2009 as per clause 6.1.1.

The Regional Manager will then sign the Agreements and one copy will be returned to Council for your records.

Should any further information be required please contact Mr Brett Butcher on telephone (02) 6640 1395 or email [Grafton\\_Regional\\_Office@rt.nsw.gov.au](mailto:Grafton_Regional_Office@rt.nsw.gov.au).

Yours faithfully



David Bell  
Regional Manager Northern Region

Encl

17 AUG 2009

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.



**39 [EO-CM] Land Slip - Alice Street, Murwillumbah**

**ORIGIN:**

**Director Engineering and Operations**

**SUMMARY OF REPORT:**

There is an area of instability partly on Alice Street and partly on private property that has been the site of a series of landslips over a period exceeding ten years. Various attempts to mitigate the slippage have been carried out by Council and the landowner over the years.

A geotechnical report has concluded that slippage will continue in the future. Options to stabilise the area are limited, technically difficult and operationally impractical, and would have a very high cost.

The preferred action is to raise the height of an existing retaining wall to catch any future slips.

**RECOMMENDATION:**

**That Council contributes up to \$10,000 for the raising of the retaining wall partly on Alice Street and partly on Lot A DP 392514.**

**REPORT:**

There is an area of instability partly on Alice Street and partly on private property that has been the site of a series of landslips over a period exceeding ten years. Various attempts to mitigate the slippage have been carried out by Council and the landowner over the years.

The most serious slip in recent years occurred during the January 2008 storms, when a significant quantity of soil came to rest against the rear of the building, requiring the tenants to vacate the building for some months until repairs could be carried out. Subsequently Council obtained a report from a geotechnical consultant. The report identified the likely slip area and concluded that slippage will continue in the future as the soft rock is progressively exposed and is subject to weathering and decomposition.

Options to stabilise the area are limited, technically difficult and operationally impractical, and would have a very high cost. As these funds are not available it is considered that the best option may be to allow the progressive slippage of the area but to prevent impact with the building and associated paths and drains. Applying this approach, the landowner has constructed a retaining wall (partly concrete block and partly rock) at his cost.

A joint inspection has concluded that an extension of this retaining wall would act as a catch fence to hold and store any fresh slips. The owner has written to Council (see confidential attachment to this report) requesting that Council pay for this retaining wall extension at \$9,110.75. Having regard to the owner's costs to date and the fact that the slip is partly on road reserve and partly on his property, this request is considered reasonable. This could be funded from within existing funding allocations for roadworks.



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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. **Confidential Attachment** relating to costs (ECM 2060882).
-

**REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES**

**40 [TCS-CM] Disability Access Advisory Committee**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

This report seeks Council's resolution to endorse the Terms of Reference and also to seek Expressions of Interest for Membership of the Disability Access Advisory Committee.

**RECOMMENDATION:**

**That Council endorses the Terms of Reference and calls for Expressions of Interest for Membership of eight (8) Community Representatives to the Disability Access Advisory Committee.**

**REPORT:**

The Disability Access Advisory Committee has been in recess for a period of time and it is now an opportune time to endorse the Terms of Reference and call for Expressions of Interest for eight (8) community representatives to this advisory committee.

Following the closing of the Expressions of Interest a further report will be presented to Council for the appointment of the eight (8) community representatives. The term of membership of the committee will be until September 2012, being the term of the current Council.

As highlighted in the attached Terms of Reference, the Committee will advise Council of community and organisational perspectives as well as making recommendations for consideration relevant to access issues.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

1. Draft Terms of Reference (ECM 4706454).
  2. Application for Membership form for the Disability Access Advisory Committee. (ECM 4705388).
-

**41 [TCS-CM] Provision of Legal Services****ORIGIN:****Corporate Governance****SUMMARY OF REPORT:**

Council's current contract for the provision of legal services was due for renewal on 7 September 2009. Advertisements were placed in the media in accordance with Council's Procurement Policy inviting tenders from legal service providers for appointment to a panel for each category with a minimum of two (2) legal providers for a period of three years.

There are two categories to which legal providers are to be appointed to:

Category 1- Planning, Environmental and Local Government Law (litigation and advice);

Category 2- Commercial/ Property Law.

At the close of tenders on Wednesday 29 July 2009 12 tenders were received.

The submission of each tenderer has been evaluated by a group of three Council officers, against the assessment criteria that was contained in the tender specification, including the utilisation of the weightings application. The tender assessment is included as a confidential attachment.

The group is recommending that six (6) legal service providers be appointed to Category 1 and four (4) legal service providers be appointed to Category 2 on the basis that most of Council's services will fall into Category 1.

**RECOMMENDATION:**

**That Council in accordance with Tender AC2009-073:**

- 1. Appoints the following six (6) legal service providers to a panel for Category 1 - Planning, Environmental and Local Government Law for a period of three (3) years, commencing from 15 September 2009:**

**HWL Ebsworth  
Lindsay Taylor Lawyers  
Maddocks  
Marsdens Law Group  
Sparke Helmore  
Wilshire Webb Staunton & Beattie**

2. **Appoints the following four (4) legal service providers to a panel for Category 2 - Commercial / Property Law for a period of three (3) years, commencing from 15 September 2009:**

**HWL Ebsworth  
Marsdens Law Group  
Stacks – The Law Firm  
Wilshire Webb Staunton & Beattie**

3. **Appoints Stacks – The Law Firm to conduct appropriate Local and District Court matters.**
4. **Treats the ATTACHMENT as 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.**



## **REPORT:**

### **BACKGROUND**

Council's current contract for the provision of legal services was due for renewal on 7 September 2009. Advertisements were placed in the media in accordance with Council's Procurement Policy inviting tenders from legal service providers for appointment to a panel for the provision of legal services for each category with a minimum of two (2) legal providers for a period of three years.

The tender invited applications from legal service providers for appointment to a panel for two categories:

Category 1- Planning, Environmental and Local Government Law (litigation and advice);

Category 2- Commercial/ Property Law.

At the close of tenders on Wednesday 29 July 2009 the following 12 tenders were received:

Attwood Marshall Lawyers  
Bartier Perry Pty Ltd  
Concordia  
DLA Philips Fox  
HWL Ebsworth  
John G McDonald & Partners  
Lindsay Taylor Lawyers  
Maddocks  
Marsdens Law Group  
Sparke Helmore  
Stacks – The Law Firm  
Wilshire Webb Staunton Beattie

### **NUMBER OF LEGAL PROVIDERS ON EACH PANEL**

The tender specification did state that a minimum of two legal service providers would be appointed by Council to a panel for each category.

It should be noted that the appointment of legal service panels for Category 1 and 2 does not include services for public liability / professional indemnity and workers compensation matters that are administered by Council's insurers.

The tender specification did also state that appointment to the Council Panel does not guarantee that the service provider will be provided with a minimum quantity or value of legal services work. Further, Council may seek to appoint service providers for the provision of specific legal services not covered under the specification, as and when required.

### **TENDER ASSESSMENT PROCESS**

The submission of each tenderer has been evaluated independently by a group of three Council Officers against the assessment criteria that was contained in the tender specification, including the utilisation of the weightings application.

The tender specification advised that for the purpose of the assessment of Tenders received, the Council would apply the following weightings:

Cost and suitability of fees and charges	40%
Experience of service provider	40%
Ability to meet Specific Requirements Contained in this Specification	20%

### **Cost and suitability of fees and charges**

It can be difficult to objectively compare costs, as an evaluation criterion, because hourly rates alone do not determine cost. However, the assessment process considered the range of hourly rates for the specified partners that the legal service provider could be likely to charge during the delivery of the service and cost of disbursements and travel costs.

### **Experience of service provider**

The assessment process examined the experience of the practitioner who will be responsible for overseeing and managing Council's legal work, the relevant experience of the service provider, the lawyers and support staff who would be dealing with, and be responsible for the Council matters and the legal service provider's clients and service to its clients.

### **Ability to meet Specific Requirements contained in the Specification.**

The assessment process for this criteria examined the tenderer's response to undertaking not to act against the Council, providing training and legal updates, meeting with Council's Executive Management Team three times a year, the engaging of counsel, providing additional information through regular email updates and the conducting of seminars and the cost of one-off enquiries.

A number of service providers stated that they limit the use of engaging counsel, due to having appropriately qualified staff to provide such advice. All service providers offer a form of one off enquiry at no charge.

The group is recommending that six (6) legal service providers be appointed to Category 1 and four (4) legal service providers be appointed to Category 2 on the basis that most of Council's services will fall into Category 1.

### **Category 1 - Planning, Environmental and Local Government Law (litigation and advice):**

HWL Ebsworth  
Lindsay Taylor Lawyers  
Maddocks  
Marsdens Law Group  
Sparke Helmore  
Wilshire Webb Staunton & Beattie

### **Category 2 - Commercial/ Property Law:**

HWL Ebsworth  
Marsdens Law Group  
Stacks – The Law Firm  
Wilshire Webb Staunton & Beattie

In addition, the group is recommending that Stacks – The Law Firm be engaged to handle Local and District Court matters as it would be cost effective for the Firm to represent Council in these matters.

**Allocation of Instructions to Act to Panel Members**

In order to determine which legal service panel members are allocated matters, it is the responsibility of the General Manager and Unit Director, to determine which panel member is to be allocated the matter.

As policy, the status of all matters shall be reported to Council on a quarterly basis.

**Contract Performance**

During the course of the Contract, the service provider's performance will be monitored and will be discussed by Council's Executive Management Team at any of the three required meetings per year.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Legal Services Contract

**POLICY IMPLICATIONS:**

Nil.

**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](http://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. **Confidential Attachment** - Supplementary Confidential Information – Tender Assessment Summary (ECM 5068804)
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**42 [TCS-CM] 2009 Complaint Analysis Report****ORIGIN:****Corporate Governance****SUMMARY OF REPORT:**

Council's Complaints Handling Policy is a framework for the effective management of complaints.

Within Council's Policy a complaint is an expression of dissatisfaction made in respect to a Council Officers role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.

It is not a request for service (customer work request), or information, or an explanation of a policy or procedure, or objections to a development application before Council for determination.

The Policy requires a quarterly complaint analysis report to be tabled at Council detailing the type and outcomes/actions.

It is advised that for the period 1 April 2009 to 30 June 2009, 12 items were received which comply with the definition of a complaint. There is only one complaint which has not been actioned, however it is still being investigated.

The complaints have been categorised as follows:

<b>Complaint Type</b>	<b>Quantity</b>
Customer Service	4
Enforcement & Regulatory	3
Engineering Services	3
Natural Resource Management	1
Public Land Management	1
<b>Total</b>	<b>12</b>

**RECOMMENDATION:**

**That Council receives and notes the 2009 Complaints Analysis Report for the period 1 April 2009 to 30 June 2009.**

## **REPORT:**

Complaints have been categorised in accordance with categories used by the Department of Local Government. This methodology will assist in monitoring the effectiveness of Council's handling of complaints and improving service delivery. Following is the action/outcome that has devolved from these complaints.

## **ACTION/OUTCOME:**

### **Customer Service**

Complaints related to Council Officers not responding to requests for information within 14 days which is the customer service standard in Council's Correspondence Response to Policy.

A response has been sent or matter has been discussed personally with each of the complainants, providing the requested information.

It should be noted that one complaint concerning information related to a landslip from the previous quarter is still under investigation. Officers have engaged the services of a qualified geotechnical engineer to provide further advice.

### **Public Consultation**

Complainant was disappointed that there was no public consultation on a drainage issue.

Complainant's concerns are to be considered for implementation in future public consultation.

### **Enforcement and Regulatory Powers**

#### Noise/light

Complaints related to noise matters still continuing, although they had previously been reported to Council. In each case Council Officers had previously investigated the matters and liaised with both parties.

The cases were further investigated, actions implemented to alleviate the problems and complainants have either been advised in writing or verbally of the actions.

### **Engineering Services**

#### Drainage

Complainant had previously advised of a blocked stormwater pipe

Complainant has been advised that maintenance of the blocked pipe will be undertaken.

#### Roads

Complainant was disappointed at Council's response with a road issue.

Complainant has been advised of the actions to be taken in respect of the complaint.

**Natural Resource Management**

Water

Complainant was concerned of serious health & safety issues – water seepage, which have resulted from council water main repairs.

Matter is currently under investigation.

**Public Land Management**

Caravan Parks

Complainant was concerned that the redevelopment of a caravan park has impacted upon park tenure.

Complainant has been advised of the issues which had impacted on the park development.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

In accordance with the Complaints Handling Policy

**UNDER SEPARATE COVER:**

Nil.

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**43 [TCS-CM] Monthly Investment Report for Period Ending 31 August 2009**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies.

Council had \$132,395,396 invested as at 31 August 2009 and the net return on these funds was \$495,750 or 4.49% annualised for the month.

**RECOMMENDATION:**

**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 August 2009 totalling \$132,395,395.74 be received and noted.**

**REPORT:**

**Report for Period Ending 31 August 2009**

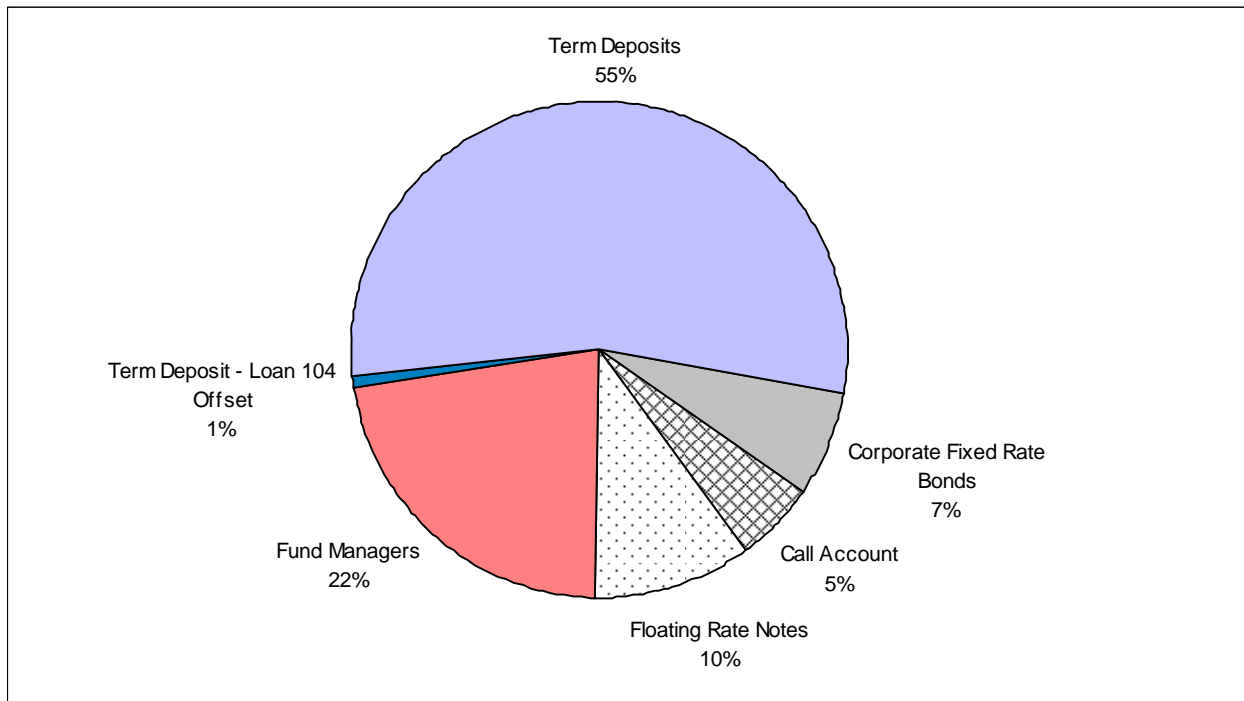
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

**1. RESTRICTED FUNDS AS AT 1 JULY 2009**

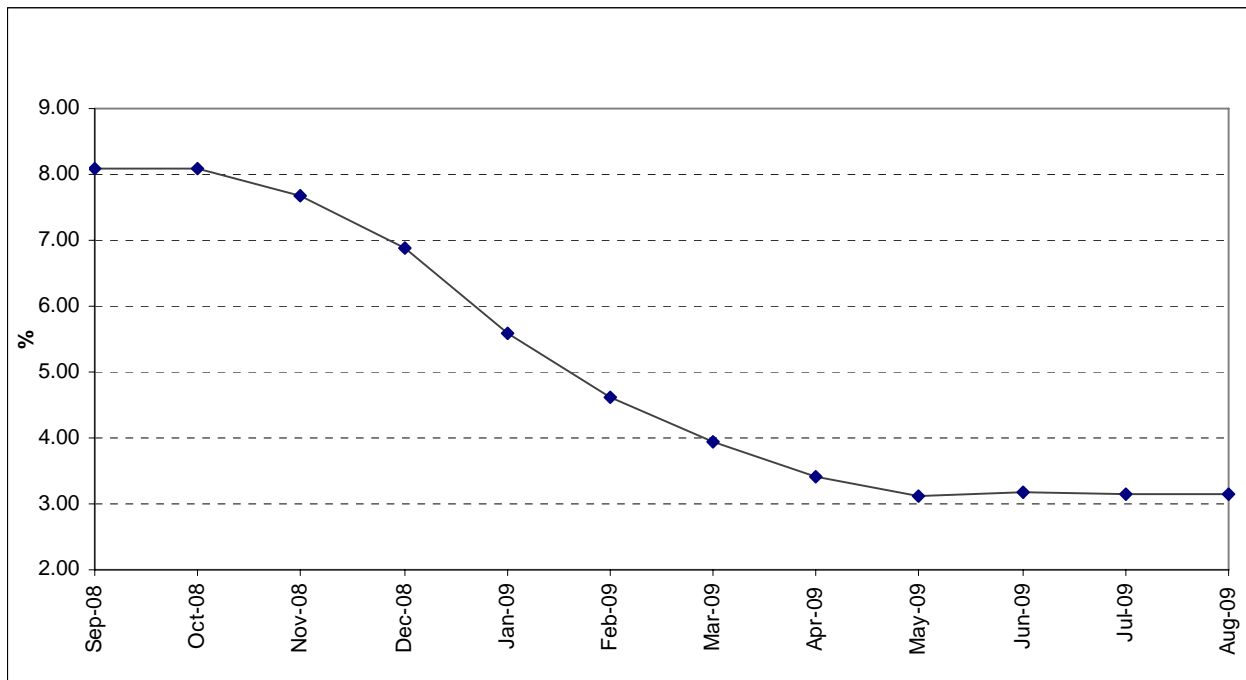
Description	(\$'000)			Total
	General Fund	Water Fund	Sewer Fund	
<b>Externally Restricted</b>	5,682	13,980	14,908	<b>34,570</b>
Crown Caravan Parks	8,732			<b>8,732</b>
Developer Contributions	29,739	19,559		<b>49,298</b>
Domestic Waste Management	8,644			<b>8,644</b>
Grants	3,997			<b>3,997</b>
<b>Internally Restricted</b>	13,816			<b>13,816</b>
Employee Leave Entitlements	3,078			<b>3,078</b>
Grants	307			<b>307</b>
Unexpended Loans	8,960			<b>8,960</b>
<b>Total</b>	<b>82,955</b>	<b>33,539</b>	<b>14,908</b>	<b>131,402</b>

Note: Restricted Funds Summary to be updated after September 2009

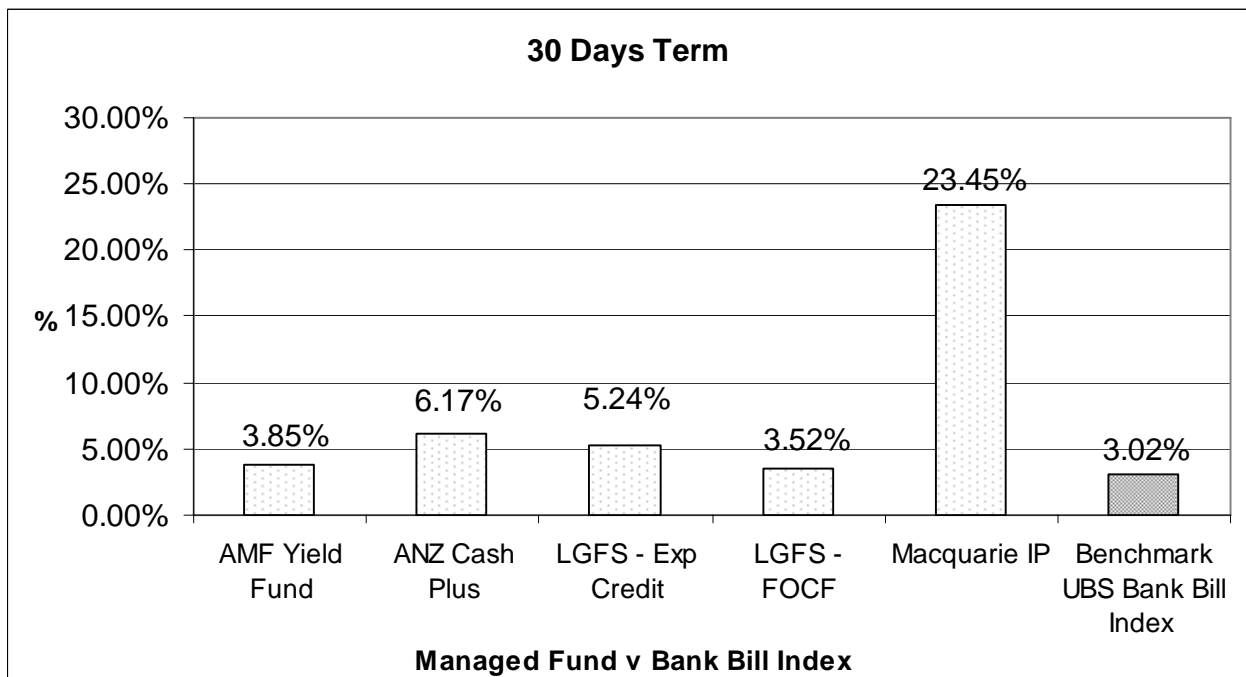
**2. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**



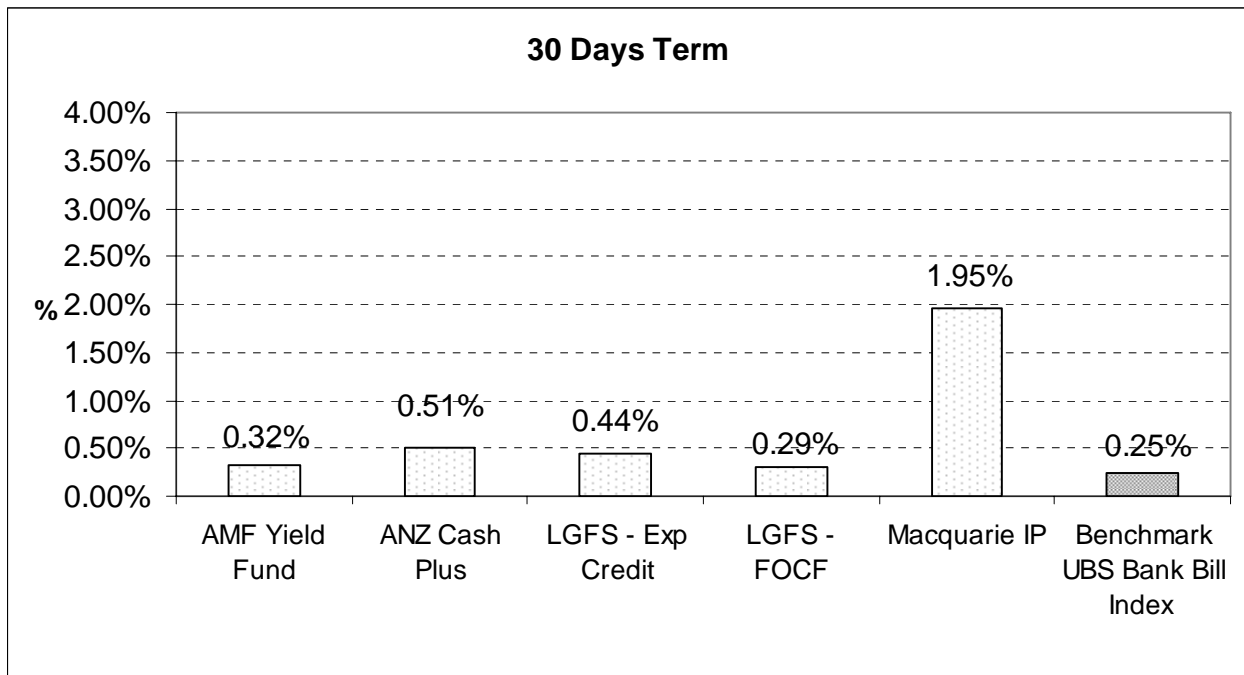
**3. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)**



**4. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES (ANNUALISED)**



**5. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES (NOT ANNUALISED)**



**6. FUND MANAGERS - DETAILED INFORMATION**

Fund	Credit Rating	Percentage of Total Fund Managers Current Month	Fund Managers Balance end of Previous month	Fund Managers Balance end of Current month	Distribution for Month/Quarter	Coupon Paid
AMF Yield Fund	AAA	3.71%	\$1,104,174	\$1,107,691	\$3,517	Monthly
ANZ Cash Plus	AA	2.97%	\$883,572	\$888,078	\$5,439	Monthly
LGFS - Enhanced Cash	n/a	18.71%	\$5,567,374	\$5,591,566	\$24,192	Quarterly
LGFS - FOCF	AA-	38.11%	\$11,355,855	\$11,389,272	\$33,416	Monthly
Macquarie IP	A	36.50%	\$10,716,383	\$10,909,836	\$0	Quarterly
<b>Total</b>		<b>100%</b>	<b>\$29,627,359</b>	<b>\$29,886,442</b>	<b>\$66,563</b>	

**7. DIRECT SECURITIES**

Investment Type	Final Maturity	Counterparty/Product Name	Face Value	Market Value	% Return on Face Value	Credit Rating
Bond	22/01/2018	Merrill Lynch Zero Coupon Bond	2,000,000.00	2,240,000.00	7.28	AA
Bond	08/11/2011	ANZ	1,000,000.00	1,039,680.00	5.15	AA
Bond	22/04/2013	ANZ	1,000,000.00	1,098,580.00	8.65	AA
Bond	02/12/2010	Bank of Queensland	1,500,000.00	1,504,770.00	5.55	BBB+
Bond	02/12/2010	Bank of Queensland	1,000,000.00	1,003,180.00	6.00	BBB+
Bond	24/09/2012	Westpac	1,000,000.00	1,065,170.00	4.90	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,065,170.00	5.15	AA
FRN	17/08/2010	ANZ	1,000,000.00	973,904.00	3.57	AA
FRN	20/07/2010	CBA	1,000,000.00	996,036.58	3.41	AA

Investment Type	Final Maturity	Counterparty/ Product Name	Face Value	Market Value	% Return on Face Value	Credit Rating
FRN	21/01/2011	CBA	1,000,000.00	1,002,830.91	3.60	AA
FRN	21/01/2011	CBA	2,000,000.00	2,005,661.81	3.60	AA
FRN	17/04/2012	CBA	1,000,000.00	1,018,648.35	4.41	AA
FRN	23/11/2012	Deutsche Bank	1,000,000.00	842,456.00	4.33	A+
FRN	24/01/2011	Macquarie/HSBC	2,000,000.00	1,918,202.72	3.71	A
FRN	08/03/2012	Members Equity	2,000,000.00	1,824,320.00	4.29	BBB-
FRN	26/11/2010	NAB	2,000,000.00	1,998,273.38	3.75	AA
FRN	22/07/2010	Westpac	1,000,000.00	1,001,820.00	4.09	AA
ABS = Asset Backed Security Bond = Fixed Rate Bond CDO = Collateralised Debt Obligation FRN = Floating Rate Note		Total	24,500,000.00	22,598,703.75	4.79	

## 8. TERM DEPOSITS

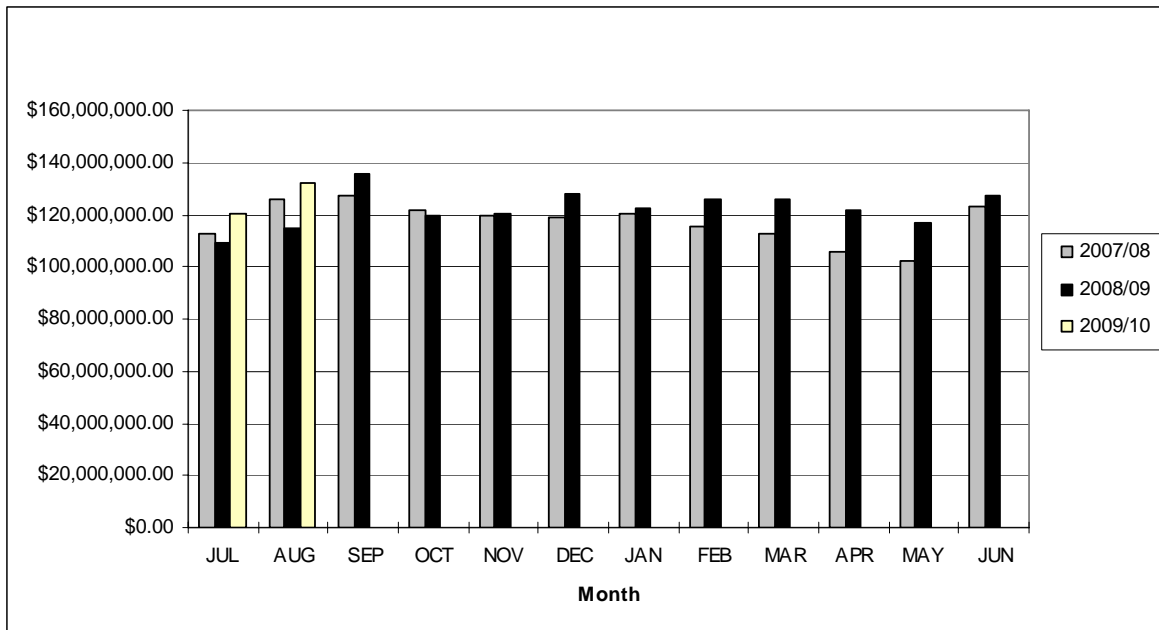
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
27-Aug-09	<b>01-Sep-09</b>	Bankwest	1,000,000.00	97	4.250	11,294.52
02-Jun-09	<b>16-Sep-09</b>	Bank of Queensland	1,000,000.00	106	4.500	13,068.49
01-Jul-09	<b>22-Sep-09</b>	Suncorp Metway	4,000,000.00	83	4.370	39,749.04
01-Apr-09	<b>25-Sep-09</b>	Bank of Queensland	2,000,000.00	177	4.500	43,643.84
07-Jul-09	<b>06-Oct-09</b>	Heritage Building Society	1,000,000.00	91	4.450	11,094.52
09-Jun-09	<b>07-Oct-09</b>	Suncorp Metway	1,000,000.00	120	4.450	14,630.14
13-Jul-09	<b>12-Oct-09</b>	LGFS	2,000,000.00	91	3.820	19,047.67
01-Jul-09	<b>13-Oct-09</b>	Westpac Bank	4,000,000.00	104	4.450	50,717.81
22-Jul-09	<b>20-Oct-09</b>	Westpac Bank	4,000,000.00	90	4.440	43,791.78
29-Jul-09	<b>27-Oct-09</b>	Westpac	1,000,000.00	90	4.440	10,947.95
28-Apr-09	<b>28-Oct-09</b>	CBA	910,250.00	183	5.865	26,766.21
05-Aug-09	<b>03-Nov-09</b>	National Australia Bank	2,000,000.00	90	4.300	21,205.48
08-Jul-09	<b>10-Nov-09</b>	ANZ	2,000,000.00	125	4.200	28,767.12
11-Aug-09	<b>17-Nov-09</b>	Adelaide/Bendigo Bank	2,000,000.00	98	4.400	23,627.40
18-Aug-09	<b>18-Nov-09</b>	IMB	1,000,000.00	90	4.530	11,169.86
18-Aug-09	<b>18-Nov-09</b>	IMB	1,000,000.00	90	4.530	11,169.86
02-Jun-09	<b>01-Dec-09</b>	National Australia Bank	1,000,000.00	106	4.390	12,749.04



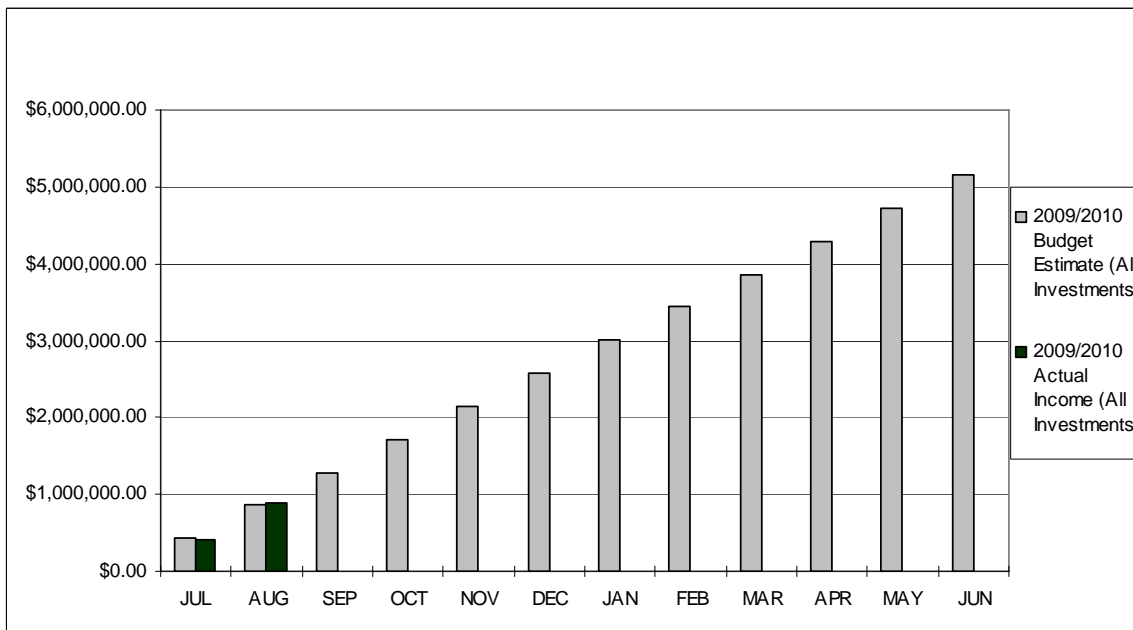
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
10-Jun-09	<b>15-Dec-09</b>	Bank of Queensland	1,000,000.00	188	4.550	23,435.62
01-Jul-09	<b>21-Dec-09</b>	Westpac Bank	5,000,000.00	173	4.570	108,302.74
13-Aug-09	<b>21-Dec-09</b>	Bank of Queensland	3,000,000.00	130	4.450	47,547.95
29-Jul-09	<b>19-Jan-10</b>	Westpac	4,000,000.00	174	4.600	87,715.07
13-Aug-09	<b>09-Feb-10</b>	Newcastle Permanent Building Society	1,000,000.00	180	4.910	24,213.70
21-Aug-09	<b>17-Feb-10</b>	Westpac Bank	4,000,000.00	180	4.800	94,684.93
25-Aug-09	<b>23-Feb-10</b>	National Australia Bank	3,000,000.00	182	5.440	81,376.44
27-May-09	<b>27-May-10</b>	ANZ	2,000,000.00	365	4.450	89,000.00
21-Aug-09	<b>24-Aug-10</b>	Bank of Queensland	2,000,000.00	368	5.300	106,871.23
07-Jul-09	<b>05-Oct-10</b>	Members Equity Bank	1,000,000.00	182	4.600	22,936.99
17-Feb-09	<b>16-Feb-11</b>	Elders Rural Bank	1,000,000.00	729	4.620	92,273.42
17-Feb-09	<b>17-Feb-11</b>	Adelaide Bendigo Bank	2,000,000.00	730	4.700	188,000.00
02-Apr-08	<b>01-Apr-11</b>	Suncorp Metway	3,000,000.00	1095	8.300	747,000.00
28-May-09	<b>30-May-11</b>	LGFS	5,000,000.00	730	4.180	418,000.00
12-Nov-08	<b>11-Nov-11</b>	Suncorp Metway	4,000,000.00	1094	6.880	824,846.03
12-Nov-08	<b>16-Nov-11</b>	Investec Bank	1,000,000.00	1099	6.880	207,153.97
		Total	72,910,250.00	Average return	4.822	



**9. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED**

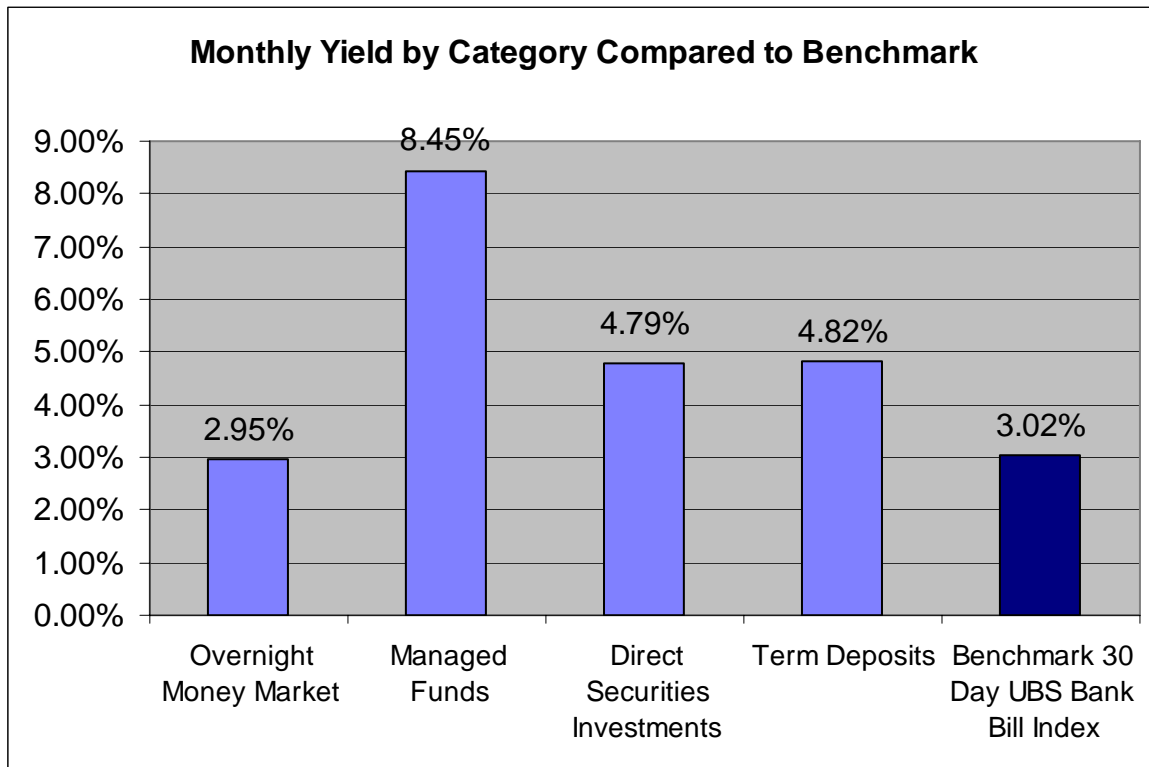


**10. TOTAL PORTFOLIO INCOME YEAR TO DATE**



**11. PERFORMANCE BY CATEGORY**

Category	Face Value	Market Value	Average Yield	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$7,000,000.00	\$7,000,000.00	2.95%	-0.07%
Managed Funds	\$29,886,441.99	\$29,886,441.99	8.45%	5.43%
Direct Securities Investments	\$24,500,000.00	\$22,598,703.75	4.79%	1.77%
Term Deposits	\$72,910,250.00	\$72,910,250.00	4.82%	1.80%
Benchmark 30 Day UBS Bank Bill Index	\$134,296,691.99	\$132,395,395.74	3.02%	



**12. SECTION 94 DEVELOPER CONTRIBUTIONS - MONTHLY BALANCES REPORT - PERIOD ENDING - 31 AUGUST 2009**

Contribution Plan		End of month balance	Contributions Received August 2009
01	DCP3 Open Space	\$3,674,243	\$0
02	Western Drainage	\$454,648	\$0
03	DCP3 Community Facilities	\$33,037	\$0
04	Tweed Road Contribution Plan	\$10,676,565	\$48,285
05	Open Space	\$1,341,880	\$60,561
06	Contribution Street Trees	\$183,728	\$25,542
07	West Kingscliff	\$814,317	\$0
11	Libraries	\$1,484,763	\$59,906
12	Bus Shelters	\$37,393	\$2,184
13	Cemeteries	-\$3,170	\$11,364
14	Mebbin Springs	\$68,391	\$0
15	Community Facilities	\$1,212,456	\$584
16	Surf Lifesaving	\$411,242	\$17,324
18	Council Admin - Tech Support	\$1,513,718	\$129,423
19	Kings Beach/Kings Forest	\$1,043,015	\$0
20	Seabreeze Estate	\$571	\$0
22	Shirewide Cycleways	\$432,878	\$30,488
23	Shirewide Carparking	\$1,516,770	\$0
25	Salt Development	\$772,797	\$0



Contribution Plan		End of month balance	Contributions Received August 2009
26	Plan 26 Shirewide Open Space	\$3,957,033	\$275,609
27	Tweed Hds Masterplan & Streetscaping	\$76,271	\$0
28	Seaside City	\$640	\$0
91	DCP14	\$81,846	\$0
92	Public Reserve Contributions	\$102,896	\$0
95	Bilambil Heights	\$490,121	\$0
96	Community Fac Shire Wide	\$68,156	\$0
98	Marana Park Roundabout	\$81,006	\$0
<b>Total</b>		<b>\$30,527,212</b>	<b>\$661,270</b>

### 13. ECONOMIC COMMENTARY

#### Global Economy

The global economy is showing signs of a rebound but central banks around the world are unlikely to raise borrowing costs for many months to ensure any economic recovery is sustained.

Prospects for a return to economic growth in the USA in the near term appear good, while critical challenges remain, including possible further losses for financial firms. According to US Reserve Bank Chief Ben Bernanke "strains persist in many financial markets across the globe, financial institutions face additional significant losses and many businesses and households continue to experience difficulty gaining access to credit."

Japan's economy continues to be boosted by government spending. The economy is mired in its worst economic slump since World War II, with deflation and unemployment at record levels. The ruling Liberal Democratic Party has lost power for the first time since 1955 as widespread voter dissatisfaction led to a landslide victory for the opposition party in recent national elections.

China will keep "macroeconomic adjustment measures" in place to stimulate domestic demand and maintain credit liquidity in the face of declining demand for its exports. On 25 August, Premier Wen indicated that "the Chinese economy continues to face many uncertainties."

New Zealand's economy has reached a turning point. The unemployment rate is not expected to peak anytime soon and it will take even longer for the economy's spare capacity to be used up. The Reserve bank of New Zealand has stated that interest rates will remain on hold until mid 2010.

#### Domestic Economy

The Reserve Bank of Australia left the cash rate unchanged at 3.00% at its September meeting. "With considerable economic policy stimulus in train around the world, the global economy is resuming growth. Economic conditions in Australia have been stronger than expected, with consumer spending and business investment notable for their resilience."

**Council's Investment Portfolio Performance**

All investment categories out-performed the UBS 30 day bank bill benchmark this month. Managed funds in particular performed well, returning on average 8.45% annualised for the month or 5.43% above benchmark, compared with bonds 4.79% and term deposits 4.82%. This significant out-performance draws attention to the volatile returns experienced by fund managers during the last two (2) years. For example, fund managers performed 3.22% below the performance benchmark in February 2009.

An indication of Portfolio performance is provided by totalling investment income for the month and disregarding changes in capital values. Council had \$132,395,396 invested as at 31 August, 2009 and the accrued net return on these funds was \$495,750 or 4.49% annualised for the month.

*Source: Oakvale Capital Limited*

**14. INVESTMENT SUMMARY AS AT 31 AUGUST 2009**

**GENERAL FUND**

COLLATERISED DEBT OBLIGATION	0.00	
COMMERCIAL PAPER	0.00	
CORPORATE FIXED RATE BONDS	\$9,016,550.00	
FLOATING RATE NOTES	\$13,582,153.75	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	5,169,018.62	
TERM DEPOSIT - LOAN 104 OFFSET	910,250.00	
TERM DEPOSITS	50,000,000.00	
CALL ACCOUNT	7,000,000.00	<b>85,677,972.37</b>

**WATER FUND**

TERM DEPOSITS	17,000,000.00	
FUND MANAGERS	22,113,918.29	<b>39,113,918.29</b>

**SEWERAGE FUND**

TERM DEPOSITS	5,000,000.00	
FUND MANAGERS	2,603,505.08	<b>7,603,505.08</b>

<b>TOTAL INVESTMENTS</b>		<b>132,395,395.74</b>
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It should be noted that the General Funds investments of \$85 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)**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**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](http://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).*

Nil.

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 44 [SUB-CCDA] Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 18 June, 2009

VENUE:

Coolamon Cultural Centre, Tumbulgum Road, Murwillumbah

TIME:

3.00 pm

PRESENT:

Cr. Barry Longland, Gary Corbett, Max Boyd, Barbara Carroll, Judith Sutton, Phil Villiers, Dr. Glenda Nalder; Emma Cao, Lesley Mye, Lesley Buckley

APOLOGIES:

NIL

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Phil Villiers

MINUTES OF PREVIOUS MEETING:

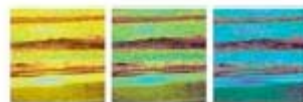
RESOLVED that the Minutes of the Community Cultural Development Advisory Meeting held Thursday 17 April 2009 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings.

Carried Unanimously

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The Committee welcomed Lois Randal Arts Northern Rivers Regional Arts Development Officer, and Kaley Morrissey (ANR Office and Accounts Manager).

Ms Randal presented Arts Northern Rivers (ANR) report.



arts northern rivers

ARTS NORTHERN RIVERS PROGRAM PREVIEW FOR DISCUSSION

**PROGRAM FOR REMAINDER OF 2009 TO INCLUDE:**

- Public art policy workshop for local government
- Film policy workshop for local government
- Community arts and philanthropy forums
- Festival and events forum

**DRAFT PROGRAM FOR 2010 - 2012:**

**CONTINUED PROGRAM UNDER STRATEGIC PRIORITY AREAS OF:**

1. Community Cultural Development
2. Indigenous Cultural Development
3. Creative Industry Development
4. Cultural Tourism Development
5. Marketing and Promotion

**1. Community Cultural Development**

- Regional community arts development forum
- Arts and CI Education Round Table
- Progress Regional Strategy for sustainability of Museums
- Cross regional "healthy communities" arts project with NCAH
- Cross border art and environment residency and touring exhibition project with NPWS/Gondwana Committee/DEWHA
- Youth Arts Network forum
- CASP

**2. Indigenous Cultural Development**

- Ongoing regional Indigenous arts development project
- 3 rivers aboriginal art space program
- Indigenous arts business advisor

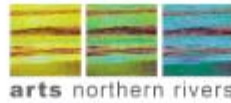
**3. Creative Industry Development**

**Priority Actions from NRACIS**

- Establish a regional arts and creative industries marketing consortium
- 'Creative Brokers' to facilitate linkage to markets - focus on 3 sectors- Visual arts/design/fashion; Music; Interactive learning /screen content
- Develop a pool and database of industry mentors
- Creative industries education and training round-table
- Support development of creative industries incubators and studios
- Progress development of Indigenous Arts Business Centre
- Establish regional business 'pairing scheme'
- Develop CI web portal
- Establish commitment to public and integrated artwork in construction

**4. Cultural Tourism Development**

- Encourage high quality public art and informative, accessible art-trails throughout the region.
- Festivals and Events Network – support professional development for festival managers & facilitate transfer of learning between festivals
- Partnership with NRT to promote cultural tourism in the region




Presentation to  
Tweed Shire Council  
Cultural Advisory Committee  
18 June 2009



### What is Arts Northern Rivers ?




- one of 13 Regional Arts Boards in NSW
- Regional Arts NSW is peak body for the network of RABS
- established late 2003
- funded through a partnership with Arts NSW and the seven local governments of the Northern Rivers region
- MOU signed by each of the councils in the region to support regional arts board



arts northern rivers

## What is Arts Northern Rivers ?



- Board represents each of the seven council members, with one director appointed by each council.
- Cr Phillip Silver, Mayor, Ballina Shire, is the Chair of Arts NR board
- Tweed Shire Council is represented by Cr. Barry Longland
- Alternate: Gary Corbett, Manager Community & Cultural Services
- Previous TSC directors: Mayor Warren Polglase (second Chair of Arts NR in 2004/05), Don Buckley and Gary Corbett.



arts northern rivers

## What do we do ?



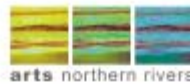

Arts NR delivers a regional arts development program, with the following strategic priorities:

- Community Cultural Development
- Indigenous Cultural Development
- Creative Industries Development
- Cultural Tourism Development
- Advocacy, Marketing, Communications

Its "clients" are the arts organizations and communities of the region, and its local government partners.

See 2008 annual report





## Regional Arts Program

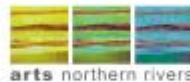
### Communications

• e-news to 3000 people, weekly ABC arts rap, media profile, website  
 "3 valleys approach" to regional programs:

- Professional development - eg grants workshops on Tuesday attended by 35 people
- CASP & Art Start small grants
- Festivals and Events network and forums
- Annual cultural calendar

### Regional Projects:

- Regional Arts & Creative Industries Strategy
- Indigenous Arts Development project
- Stepping Stones and *Special Kind of Vision*
- Visual Arts Network
- Converge- 36 000 visitors to exhibition at 13 regional galleries
- Regional Museum Development project



## Benefits for Tweed Shire



Bob Connery, from ConVerge exhibition



- info - 323 Tweed subscribers to enews
- promotions - E-news, ABC, newspaper
- assistance with partnerships and funding - 44 clients in 08/09 - eg Caldera Art
- Small grants - Tweed reps on selection committees + funding for Tweed projects:
  - Anzac Day Youth Project (Kingscliff);
  - Indigenous Workshops (Wollumbin);
  - Uki Pottery Mural 2008 (left);
  - arts workshops/Youth Arts Weekend Uki 2009
- assistance through regional projects - eg Regional Museums Development Project - *Rivers, Road and Rail Regional Exhibition Trail* - mini-doc with Carl Palmer, son of Tweed Pilot during the 1940s and 1950s.



arts northern rivers

## Visual Arts Network

**ARTS NORTHERN RIVERS**  
Visual Arts Network

HOME  
 ONLINE GALLERY  
 CONTACT US  
 ABOUT VAN  
 WHAT'S ON  
 HELP FOR ARTISTS  
 CREATORS GALLERY  
 ABOUT VAN GALLERY  
 ABOUT US  
 LOCAL GALLERIES

SEARCH this site

— view past articles —  
 — browse the main online gallery —




David Brooker



Where is Felicity.  
featured artist David Brooker


click here to view more artwork by David Brooker

- 2 day 'Writing it Right for Visual Artists' Workshop, Dec 08 at Tweed River Art Gallery, attended by 12 artists
- Visual Arts Speed Dating at the Tweed River Art Gallery
- Converge touring ceramics exhibition - initiative of Tweed artist Bob Connery - 36,000 visitors, 13 regional galleries
- VAN website – online gallery for 120 artists
- Promoting Tweed artists – eg Daniel Brinsmead selected by David Brooker (Canberra Art Space) and Hobie Porter by Lorraine Pilgrim, and Painting Australia
- 67% artists in VAN have increased sales



arts northern rivers

## Visual Arts Network



*"Arts Northern Rivers and VAN is like a lifeline for artists wanting to reach their market..... I must humbly thank VAN for increasing my profile on a National scale, and because of your correspondence with Austrade, Internationally. Thank you so much!!!"*

Hobie Porter, Visual Artist, Uki

Hobie Porter, Variation: One and many, 2004



## Indigenous Arts Development





- Indigenous Arts Business Workshop, Dec 08 at Minjungbal with Bronwyn Bancroft, attended by 10 artists from the Tweed
- *Stepping Stones* marketing project supported 18 artists from Tweed
- *A Special Kind of Vision* - 3 Tweed Shire artists selected : Garth Lena, Mark Deamon Noter Browning, and Robert Appo – publication, exhibition, and forum with Chris Bonney, ATSI board of Australia Council
- Tweed Daily News - media features
- Garth Lena Australia Council grant (\$16,800)

Top - Garth Lena, *Boogaban (Eagle Hawk)*, wood sculpture  
Bottom - Mark Deamon Noter Browning



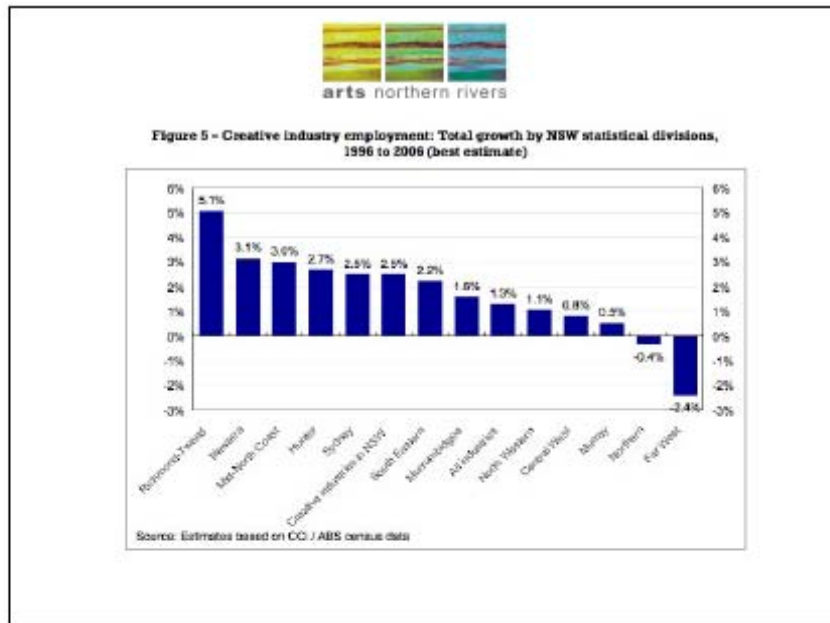
## Regional Arts and CI Strategy



- Mapping Report and Strategy developed in 2008 by David Fishel of Positive Solutions Consultants, through regional consultation.
- TSC staff on steering committee + LG consultations.

**KEY FINDINGS REGIONAL STRATEGY:**

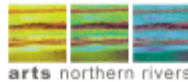
- *Between 2001 and 2006 employment in the creative industries in Northern Rivers grew 25% faster than the rest of the economy.*
- *Northern Rivers is the key 'hot-spot' for the State's creative industries beyond Sydney.*
- Conservative ABS data shows 3000 employed full time.




## Regional Arts and CI Strategy

Priority actions include supporting industry and local government partners to implement and secure funding for:

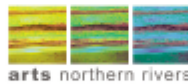
- a regional CI marketing consortium
- 'Creative Brokers' to facilitate linkage to markets
- industry mentorship program
- CI education and training round-table
- CI incubators and affordable workspaces
- Indigenous Arts Business Centre
- an arts and CI web portal
- public art in public construction & integrated artwork in commercial developments



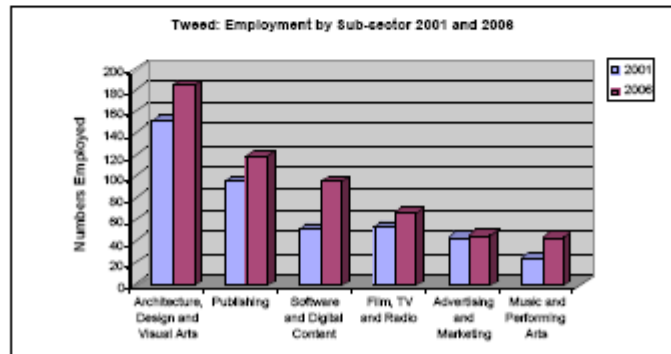
## Creative Industry report - Tweed Shire

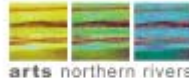
### FINDINGS FOR TWEED SHIRE:

- *the number of people employed in creative industries grew at a higher rate to that of other industries (5.7% annual growth compared to 4.5%)*
  
- *The largest source of CI jobs was in the architecture, design and visual arts sub-sector, followed by publishing, then software and digital content (highest growth).*
  
- The report recognised TSC leadership in cultural planning, included infrastructure audit, data on employment and businesses in shire, recommendations re infrastructure, industry development, and provided additional information and case studies to inform creative industry development in the shire.
  
- The report highlighted the opportunity to foster ongoing jobs growth in the Shire through creative industry development.



## Creative Industry report - Tweed Shire





## Conclusion

Arts Northern Rivers has consolidated the position of the region as a leading centre for the Arts and Creative Industries, has advocated on behalf of councils in support of funding and infrastructure development, and has run a successful and innovative regional arts development program in line with its objectives and strategic priorities.

We look forward to a continued partnership with Tweed Shire Council, which has provided the bench mark for councils in the region through its leadership in arts and cultural development.

Together we can continue to do great things!

Discussion points during the meeting included:

- Shortfall in TSC funds to ANR for 2009/2010 budget has now been sourced from a regional funds allocation. Council's Community Cultural Development budget has been reduced by \$5,000
- Capacity building within other LGA and using TSC achievements as an advocacy tool and model for other LGA in the Northern Rivers region
- Possibility of TSC co-presenting a forum/workshop in Public Art Policy development
- ANR will host a forum on funding and philanthropy and invite TSC to partner
- ANR assistance to engage with SE Qld audiences and markets
- ANR need to finalise their 2010 -2012 Business Plan by September 2009 and requires feedback ASAP
- Creative Industry development and Indigenous arts are two areas identified for possible collaboration

Ms Randall and Ms Morrissey left the meeting at 4.15pm.

Discussion following the presentation by ANR included:

- Arts Northern Rivers' ability to work with Tweed Shire Council in line with its unique position within the region in terms of existing cultural infrastructure, ie specialist staff, planning and policy development and capital infrastructure.
- Arts Northern Rivers' ability to build capacity within regional LGA's – in particular the creation of jobs that sit within the local government authorities rather than under the umbrella of Arts Northern Rivers
- The Committee will meet at a later date to discuss the future working relationship with Arts Northern Rivers.

BUSINESS ARISING:

1. Treasures of the Tweed Mural Project

Council resolved at their meeting on 21 April 2009 that:

- a) the current mural continues for (approximately) a further 40 metres with the resources available, to be completed by 30 June 2009, and
- b) discussions take place between Council staff and local Job Network providers regarding a possible future partnership to complete mural

Ms Buckley met with Steve Moore, Employment Services Manager, NORTEC, to discuss the possibility of NORTEC completing the project using David Adams as the facilitating artist.

NORTEC will advise outcome as soon as possible.

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GENERAL BUSINESS:

1. Cultural Seed Fund requests for support:

CDO advised the Committee that this will be the final round of the highly successful Cultural Seed Funding Program which was initiated as a legacy of the 5<sup>th</sup> City of the Arts Program. Unfortunately this program only received 2 years funding under the 7year Plan. In the past two years the small grants Seed Fund has supported the development of 18 projects.

Current budget of \$8,600 needs to be expended by June 30.

- a) Ashley Byrnes – to assist with costs associated with the opportunity to promote his book *Deceiving the Hearts of the Simple* in the USA

Amount requested: \$1,500 Recommendation: \$1,200

- b) Community Printmakers Inc – to expand mentorship program and leverage funds from Regional Arts NSW and Arts NSW

Amount requested: \$2,000 Recommendation: \$1,600

- c) Caldera Regional Arts Inc – reimbursement for costs involved in the preparation of funding applications

Amount requested: \$700 Recommendation: \$700

- d) Michael Lill – support funds for a Theatre Project to assist with leveraging funds from Australia Council and Arts NSW

Amount requested: \$2,000 Recommendation: \$1,600

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- e) Heidi Keevers – professional development of visual and community arts practice to include: Website development; marketing and promotion.

Amount requested: \$1,000      Recommendation: \$1,000

- f) Tumbulgum Community Association – assistance to support Association to develop and erect Heritage village signage

Amount Requested: \$2,000      Recommendation: \$1,500

- g) Crystal Creek Community Hall – funds to support the conceptual design phase of a placemaking and public art project

Amount Requested: \$1,000      Recommendation: \$1,000

Total expenditure = \$8,600

Moved: Max Boyd

Seconded: Judith Sutton

RESOLVED that the requests for funding be approved from the Cultural Seed Funding budget as follows:

Ashley Byrnes \$1,200  
Community Printmakers Inc \$1,600  
Caldera Regional Arts Inc \$700  
Michael Lill theatre project \$1,600  
Heidi Keevers \$1,000  
Tumbulgum Community Association \$1,500  
Crystal Creek Community Hall \$1,000.

Carried Unanimously

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## 2. Committee Membership

Council resolved at the meeting on 28 May 2009 that the Committee will comprise -

Max Boyd AM, Dr Glenda Nalder, Barbara Carroll, Judith Sutton, Phil Villiers, Diane Wilder, Joan Daniels, Ian Holston, and Michael Lill

Council representatives will be Cr. Barry Longland, Manager Community and Cultural Services Unit and the Cultural Development Officer. Cr Dot Holdom is the alternate to Cr Longland.

In addition, a representative from the Ray Group will be invited as a guest to provide input regarding the Salt Cultural Arts Fund.

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### 3. Festivals and Donations Policy

Ms Buckley advised that Council's Festivals and Donations Policy and ensuing recommendations to Council are no longer facilitated by this Committee. Council's Festival and Events Liaison Officer now has responsibility for prioritising the applications for Council's approval.

Moved: Max Boyd  
Seconded: Glenda Nalder

#### RECOMMENDATION:

That Council includes two (2) community members of the Community Cultural Development Advisory Committee on a Festivals and Donations Policy panel for assessing the applications.

Carried Unanimously

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#### ABORIGINAL LIAISON OFFICER REPORT:

- Information re: Local Government Aboriginal Network Conference and a future bid by Council to host the NSW Local Government Aboriginal Network Conference in the future
- Cultural Awareness Training will be ongoing for appropriate council staff. Traditional Torres Strait Islander weaving will be put on exhibition at Minjungbal Museum throughout NAIDOC Week, which will be held from Sunday 12 July until Friday 17 July 09.
- Information relating to Aboriginal Community Justice Group/Circle Sentencing is being sought. A meeting will be convened with Attorney's General staff and Geoff Provest MP.
- The Wollumbin Consultative Committee is working hard towards the plan of management for Wollumbin and cultural information for the Green Cauldron.
- Kyle Slabb, CEO Tweed Byron Local Aboriginal Land Council is working with Ian Fox and Vince Connell in regard to a Development Application process relating to Aboriginal Cultural Heritage.
- A community meeting has been called and the Githabul mob invited over to discuss their concerns with the local Aboriginal Community. Meeting date set for 4 July 2009 at Minjungbal Museum.
- MOU adopted by Council on 22 April 2009 will be signed toward the end of the year.
- The Tweed Aboriginal Transport Organisation is waiting for appropriate documentation to arrive relating to the forming of the new organisation. Russell Logan will convene the next meeting once this has arrived.
- Committee Member, Glenda Nalder tabled the following address dated Tuesday 16 June 2009 to Tweed Shire Councillors from a representative of Tweed Shire Council's Aboriginal Advisory Committee, Ms. Jackie McDonald.

*"Madam Mayor and Tweed Shire Councillors,*

*Representatives of the Tweed Shire's Aboriginal & Torres Strait Islander community are gathered here today to express our deep concern at the Mayor's recent decision NOT to read out the Aboriginal Statement at Council meetings or at any official Council gatherings. The angst within our community for the last few days since the press reported on her decision, cannot be overstated. However, we accept that our Mayoress has had a change of heart and will read the Aboriginal Statement from now on.*

*The Aboriginal Statement was prepared by long-standing and now ex-Mayor, Max Boyd and is a gesture of reconciliation and recognition of thousands of years of Aboriginal occupation in the Tweed Valley. The fact that Mr Boyd penned the words himself, then asked the Aboriginal Advisory Committee if it was a suitable acknowledgement is an indication of his commitment to procedural fairness, but also, is an indication of his intimate knowledge of and relationship with our community. This is not achieved in just a few years of living in the Tweed Valley.*

*The Tweed Shire Council's Aboriginal Advisory Committee was established in 1996 after a written request was made by Tweed Wollumbin Aboriginal Education Consultative Group (AECG) for our community to be represented at the Local Government level. Tweed Wollumbin AECG has been established for 18 years and is the local group of the NSW AECG Inc. of which I am a Life Member.*

*At that time, Ms Linda Burney MP and now Minister for Community Services was the NSW AECG President for 10 consecutive years of our establishment and can verify who we are. We are not a false AECG, as claimed by certain individuals and these claims have been disputed by the current NSW AECG President, Ms Cindy Berwick. These are the same individuals who appear to have influenced the Mayor, to the point where she, single-handedly, decided to fracture long established relationships between the local Aboriginal community and Tweed Shire Council. Thankfully, with a change of heart from the Mayor, we can now move on in a positive manner, to attend to the business our community groups elected us to do.*

*The Tweed Shire Aboriginal Advisory Committee is made up of elected representatives from long established groups, Tweed Byron Local Aboriginal Land Council, Canowindra Aged & Disabled Corp., Tweed Aboriginal Co-Operative, Bundjalung Home Care, Community Elders and Tweed Wollumbin AECG. Although we are all very busy people, we give our time as volunteers, in good faith.*

*Council's former Administrators endorsed the Aboriginal Statement four years ago, in 2005 and has been read by the Mayor or the Chairperson, as per the documented procedure, until April of this year. It appears, that the Mayor had recently been influenced by a small group of disgruntled people who are uninformed of the facts and are hell bent on criticising Council's Aboriginal Advisory Committee AND members of our local community, because of our dual South Sea Islander heritage.*

*Due to the history of colonisation in this great country, dual heritage is not an uncommon fact of life for Aboriginal people, all around Australia. We are proud of our Aboriginal and South Sea Islander dual heritage and the Mayor should be embracing the unique status and the enduring features this has attributed to the*

*Tweed Valley and value the contribution our South Islanders Elders have made over the years.*

*To repair the damage that has been done and to assist in re-building Council's relationship with our community, we would like to continue to work with Council to actively promote the valued contribution and unique status of the Aboriginal, Torres Strait and South Sea Islander people of the Tweed Valley."*

The Committee discussed strategies to address the current situation and recommended that Lesley Mye invites suitable representatives of the Local Government & Shires Association or the NSW Local Government Aboriginal Network to visit and meet with Tweed Shire Council Mayor and executive staff.

Action:

Lesley Mye to contact Ms. Constance Chatfield, Aboriginal Liaison Officer for NSW LGSA and Mr. David Williams, Executive Member for the NSW Local Government Aboriginal Network to confirm their availability and willingness to attend a meeting with Tweed Shire Councillor and Executive staff.

The Committee to further discuss this issue at an extraordinary meeting to be convened on 2 July, 2009.

---

CULTURAL DEVELOPMENT OFFICER REPORT:

1. Artists Collective

A meeting was held with Bob Stainlay of the Escape Gallery in Murwillumbah, to discuss a possible Artists Collective Enterprise. A second meeting has been convened for Tuesday 23 June.

2. Tweed Auditoria - Audience Development Improvement

An Application has been submitted to the first round of the Federal Government's Jobs Fund. The fund is a \$650m initiative to support and create jobs and increase skills through innovative projects that build community infrastructure and increase social capital in local communities across the country.

Council's submission is for \$1,439,800 to assist with the technical refurbishment of both Auditoria and includes infrastructure that will support performing arts capacity.

A meeting was held with Pieter Verasdonck, DSRD Community Economic Development Manager, to discuss the potential for Seed Funding to engage an entrepreneurial Manager for both Auditoria.

Ms Buckley is to meet Samantha Muller, of R & S Muller Enterprise, the DSRD preferred consultant for enterprise development, to discuss the development of a Business Plan for the Auditoria.

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3. Workshop/seminar Helen Bowden and Belinda Chayko

At the Coolamon Cultural Centre on 13 June 2009 a workshop/seminar by acclaimed screen producer, Helen Bowden and Writer/Director Belinda Chayko was held to discuss their feature film 'LOU', currently being shot in this Shire.

Approximately sixty people enjoyed the opportunity to participate in a dynamic presentation on the process of developing, financing and making this film.

4. Jack Evans Boat Harbour - Goorimahbah – Place of Stories

A meeting was convened with the IPPP sub-committee to discuss several issues regarding the JEBH Goorimahbah project:

a) Aboriginal Cultural Heritage

Several submissions were received regarding a lack of recognition of a current Native Title Claim over the site and as a consequence, incorrect naming and design elements of the "Goorimahbah" project.

Response from the Tweed Shire Council's Indigenous Public Placemaking Committee and the Tweed Shire Council Aboriginal Advisory Committee is as follows:

- The IPPP Committee, the Tweed Shire Council and the Tweed Byron Local Aboriginal Land Council advise that Goorima is accepted as the local dialect for the word 'story'.
- The IPPP Committee and the Tweed Aboriginal Advisory Committee advise that the Githabul Native Title Claim has no impact on the Jack Evans Boat Harbour project.

b) Consultation

Submissions were received regarding an apparent lack of consultation with respect to design options prior to selecting a final design and a lack of consultation with traditional Aboriginal custodians.

Response from the Tweed Shire Council's Indigenous Public Placemaking Committee and the Tweed Shire Council Aboriginal Advisory Committee is as follows:

- Due process has been followed and extensive consultation has been undertaken with the Tweed Aboriginal community since the inception of the project

5. Salt Cultural Arts Fund

Recreation Services Unit has advised that a Major Event in the Salt Central Park may once again provide funds for the Salt Cultural Arts Fund. The event, due to be staged in September, is a community-based Saltwater Festival. The Development Application has not yet been finalised and the event is still to be confirmed.

## 6. Arts NSW – Grant Funding

Arts NSW issued the 2010 Arts Funding Program Guidelines on 15 May. The Guidelines are strongly aligned to the State Plan which encourages increased participation in, and access to, arts and cultural activity.

Organisations seeking funding must have strategies for building audiences, building community engagement in the arts and cultural activities, and/or building appreciation of artforms. Up to three projects may be submitted inclusive of capital projects. Applications close on Monday 6 July.

The Cultural Development Officer will submit a proposal in partnership with Tweed Valley Respite Service and Aged and Community Services to develop a project that was nominated through the disability Sector Planning. The project aims to develop a Disability Art Community Design Placemaking project to (a) design and create a site-specific Sensory Garden and (b) produce an illustrated/sensory interpretation and promotional publication.

## 7. Library Program

Tweed Libraries will again present the very popular School Holiday program. One event confirmed is a Claymation workshop with Mark Richards, while details for another workshop are yet to be confirmed.

Moved: Dr Glenda Nalder

Seconded: Judith Sutton

RESOLVED that the reports by Council's Cultural Development Officer and Aboriginal Liaison Officer be received and noted.

Carried Unanimously

---

NEXT MEETING: TBA

The meeting closed at 6.30 p.m.

## **DIRECTOR'S COMMENTS:**

### **3. Festivals & Donations Policy**

**Council's Executive Management Team considered the process of allocation of funds to the community under the Festivals & Donations Policy. It was determined that the most appropriate process that provided transparency as well as timely and considered assessment was for an internal panel comprising the Festivals & Events Liaison Officer, Manager Community & Cultural Services and Senior Financial Officer review and recommend allocation of moneys for referral to the Executive Management Team and then to Council.**

**DIRECTOR'S RECOMMENDATIONS:**

**3. Festivals & Donations Policy**

That the Committee's recommendation being:

*"That Council includes two (2) community members of the Community Cultural Development Advisory Committee on a Festivals and Donations Policy panel for assessing the applications."*

be amended to read:

*"That Council approves the following process for the assessment of applications under the Festivals & Donations program:*

- 1. Panel consisting the Manager Community & Cultural Services, Festivals & Events Liaison Officer and Senior Financial Officer review all applications and provide recommendations to Council's Executive Management Team.*
  - 2. Council's Executive Management Team review recommendations and report to Council."*
-

**45 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 August 2009**

VENUE:

HACC Activities Room, Heffron Street, Tweed Heads South

TIME:

9am

PRESENT:

Councillor Holdom (Tweed Shire Council), Councillor Milne (Tweed Shire Council), David Oxenham (Tweed Shire Council), Dr Glenda Nalder (TSC Cultural Development Advisory Committee), Garth Lena (Minyungbal Community), Max Boyd (Community), Jackie McDonald (Tweed Wollumbin AECG), Rob Slockee (Community Elder), Lesley Mye (Tweed Shire Council), Harry Boyd (Ngarakwal Traditional Owner), Kyle Slabb (TBLALC), Ian Fox (Converge Heritage & Community), Joyce Summers (Canowindra Aged & Disability Coop), Desrae Rotumah (Tweed Coop/Minjungbal), Michael Lourey (Cavanagh, Lourey, Avuri, Percy families), Grantly Paulson (Community), Rick Nolan (Employment Plus), Jenny Baxter (Richard Tweed Inclusion Support Agency) & Luke Brinsmead (Community)

APOLOGIES:

Chris Morgan, Bakoi Boulton & Maureen Logan

Moved: Joyce Summers

Seconded: Councillor Holdom

RESOLVED that the apologies be accepted

Carried unanimously

---

The Chair was declared vacant and nominations were called. Grantly Paulson was nominated and was unanimously elected to Chair the meeting.

Grantly opened the meeting with a welcome to all present and paid respect to Elders past and present

---

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Joyce Summers

RESOLVED that the minutes of the meeting held Friday 5 June 2009 be accepted as a true and accurate record of the proceedings of that meeting with the below amendment.

Item from Meeting held Friday 2 November 2007

BA 2 Aboriginal Advisory Committee

(reference second paragraph)

Mr Oxenham advised that this Committee requires a nominated Chairperson for the term of the Committee. As an Advisory Committee to Council the Code of Conduct Meeting Practice is to be followed at all times.

---

BUSINESS ARISING:

Item from Meeting held Friday 1 May 2009

BA 1 Councillor Joan van Lieshout (Mayor) - Aboriginal Statement

Ms Jacki McDonald and Joyce Summers raised concerns as to the reason for the Mayor not reading the Aboriginal Statement at the commencement of each Council meeting.

Ms McDonald made reference to the 24 Claims which Mr James McKenzie has made to Council about the Tweed Aboriginal Community. General discussion was undertaken.

Moved: Joyce Summers

Seconded: Garth Lena

RESOLVED that the Committee invite the Mayor to the next Aboriginal Advisory Committee meeting to discuss issues relating to the Tweed Aboriginal Community.

Carried unanimously

Item from Meeting held Friday 5 June 2009

BA 2 NSW Police Force - Tweed Heads

Ms Mye advised the Committee that she has been invited and accepted to be a panel member for the two Aboriginal Community Liaison Officer positions attached to the Tweed/Byron Local Area Command.

Item from Meeting held Friday 5 August 2005

BA 3 Upgrade of the Old Border Caravan Park – Indigenous Public Placemaking Project

Mr Oxenham advised the Committee that stage one of “Goorimabah” has been approved. Councillor Milne enquired if Council could seek Aboriginal Funding for this project. Ms Rotumah suggested that Council form a partnership with a Tweed Aboriginal organisation and complete a funding submission for “Goorimabah”. Dr Nalder advised the matter will be tabled at the Tweed Shire Council Community Cultural Development Advisory Committee for discussion.

---



Item from Meeting held Friday 2 November 2007

BA 4 Aboriginal Advisory Committee

Ms Mye advised that the Githabul mob had been invited and accepted the invitation to attend the Community Meeting at Minjungbal Resource Museum and Study Centre on Saturday 4 July 2009, but had failed to attend on the day. Ms Rotumah advised Mr Boyd that the Githabul issue is a community matter and is not an issue for local government nor should it be discussed at today's meeting.

Item from Meeting held Friday 1 August 2008

BA 5 Ian Fox, Archaeological Cultural Heritage re: Proposed dam site – Byrill Creek Cultural Heritage Assessment

Moved: Joyce Summers

Seconded: Garth Lena

RESOLVED that the Committee received and noted the draft report

Carried unanimously

Item from Meeting held Friday 1 May 2009

BA 6 Ian Fox, Archaeological Cultural Heritage re: Eviron Road Quarry and Landfill

Mr Fox tabled the draft report for the proposed Eviron Road quarry and landfill Site.

Moved: Jackie McDonald

Seconded: Joyce Summers

RESOLVED that the Committee received and noted the draft report

Carried unanimously

Item from Meeting held Friday 5 June 2009

BA 7 Ian Fox, Archaeological Cultural Heritage re: Proposed Scenic Drive Diversion

Mr Fox advised the Committee that the draft report for Scenic Drive project has not been finalised. Once the report is finalised it will be forwarded to the appropriate people and organisations for comment.

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that Business Arising from Friday 5 June 2009 meeting has been dealt with.

Carried unanimously

---

GENERAL BUSINESS:

GB 1 Proposed Boyds Bay Marina Development – Tweed Heads

Ms Mye advised the Committee that members of our Community have viewed their concerns on the proposed development.

Ms Rotumah has concerns that if the development as proposed is approved there will be undesirable impact on the waterways and Ukerebagh Island. Ms Summer advised that Ukerebagh Island is an Aboriginal place and is still used today for hunting and fishing, and the development would compromise the viability of food gathering as a cultural practice.

Ms Summers asked Councillor Holdom where Council sits with this proposal. Mr Oxenham advised the Committee that it is a State Government matter.

Ms Rotumah raised concerns about State government approval on a development that impacts this local government area.

Moved: Desrae Rotumah

Seconded: Max Boyd

RESOLVED that the Committee request that Council Planning Officers investigate with the Department of Lands to confirm if an Environmental Impact Study and Cultural Heritage Assessment on the area have been undertaken and the status of these. If the Environmental Impact Study and Cultural Heritage Assessment have not been undertaken the Committee request that they be completed and the Committee is informed.

Carried unanimously

Moved: Jackie McDonald

Seconded: Rick Nolan

RECOMMENDATION:

That Council contacts the Department of Lands advising that the Tweed Aboriginal Community strongly object to the proposed development due to the negative impact on the waterways and Ukerebagh Island, as well as Heritage, Cultural and Native Title Rights and that the Committee is informed of the Environmental Impact Study & Cultural Heritage Assessment.

Carried unanimously

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GB 2 Jenny Baxter – Inclusion Support Facilitator, Richmond Tweed Inclusion Support Agency, Ballina District Community Services Association

Ms Baxter gave a brief background on her role and how she supports Aboriginal Families entering early Childhood Services. Ms Baxter advised the Committee that she would like to commence working with our local Aboriginal Community and general discussion was undertaken. Ms Baxter advised the Committee that Aboriginal Childcare workers are required for positions however there is a shortage of suitably qualified workers.

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Ms Mye to forward Community contacts to Ms Baxter.

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GB 3 Luke Brinsmead

Mr Brinsmead advised the Committee that he will be holding future events in the local area, approximately 12 events over 2 years. Mr Brinsmead has had meetings with appropriate Council Officer in regard to the future events and he will also be engaging with our Local Aboriginal and Torres Strait Community.

Mr Brinsmead asked for support from the Committee in regard to the future events and the Committee asked to be kept informed.

---

GB 4 Department of Environment & Climate Change NSW – Aboriginal Cultural Heritage Draft Community Consultation Requirements for Proponents

Ms Mye tabled the draft and general discussion was undertaken. Ms McDonald advised that the Community had little consultation in regard to the draft and there had been requests for an extension, however the Department of Environment & Climate Change had not agreed to the request.

Moved: Garth Lena

Seconded: Jackie McDonald

RECOMMENDATION:

That Council writes to the Department of Environment & Climate Change advising that

- 1) The Aboriginal Community is concerned that there was unsatisfactory consultation with the Tweed Aboriginal Community and the lack of information sessions north of Port Macquarie was duly noted.
- 2) The refusal not to extend the deadline for submission/responses from the Community was unacceptable.
- 3) The Committee would like to invite a member of the Reform and Compliance Branch to attend a future meeting to receive the Communities submissions.

Carried unanimously

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GB 5 David Oxenham – Tweed Water Supply and Water Cycle Management

Mr Oxenham tabled information relating to the future water supply for the Shire. General discussion was undertaken.

Mr Oxenham advised that he will keep the Committee and the Community up to date on the progress of this project.

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GB 6 Tweed Heads Historical Society – Publication “Between River and Sea”

Ms McDonald advised that due to the lack of consultation with the Tweed Aboriginal Community the publication acknowledged the incorrect Aboriginal Community being “Ngarakwal/Nganduwal”.

Ms Watterson Senior Museum Curator, Ms Mye and Ms McDonald had attempted to resolve the situation however the Tweed Heads Historical Society would not wait for the appropriate wording to be endorsed by the Tweed Aboriginal Community and proceeded with the reprinting by replacing “Ngarakwal/Nganduwal” with the word “Indigenous”.

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Incoming Correspondence

Department of Environment & Climate Change NSW, Aboriginal Cultural Heritage Draft Community Consultation Requirements for Proponents

Converge Heritage & Community, Draft Proposed Byrill Creek Dam – Preliminary Archaeological Overview

Converge Heritage & Community, Draft Cultural Heritage Assessment for the Proposed Eviron Road Quarry and Landfill Site

Garry McPherson RTA, Upgrading the Pacific Highway Banora Point upgrade

Allan Goodwin, Wollumbin Consultative Group minutes from meeting held 11 June 2009

MiiMi Aboriginal Corporation – “Youthfest Events Funds”

Lesley Buckley – Living Library information for potential Books

Sally Watterson, Tweed River Regional Museum Advisory Committee meeting minutes held 2 July 2009

Fingal Head Community Association Inc re: Booningbah Park

Complaints from Elder Harry Boyd and James McKenzie

Address to Tweed Shire Council Mayor, Joan van Lieshout by Ms Jackie McDonald

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Alex Huddleston, Australian Green Cauldron Summary Report

Everick Heritage Consultants Pty Ltd, Aboriginal Cultural Heritage Assessment,  
Wooyung Road, Wooyung

Everick Heritage Consultants Pty Ltd, Aboriginal Cultural Heritage Assessment for Willow  
Avenue Residential Development, Bogangar and Cnr Tweed Coast Road & Cypress  
Crescent, Cabarita Beach

Everick Heritage Consultants Pty Ltd, Draft Methodology for Community Consultation  
and Management of Cultural Heritage, Dunloe Park Sand Project

Everick Heritage Consultants Pty Ltd, Methodology for the Assessment of Cultural  
Heritage, Cnr Tweed Coast Road and Cypress Crescent, Cabarita

Tanya Fountain, Tweed Shire Council, Aboriginal Heritage Impact Permit – Piggabeen  
Road Aboriginal midden

Everick Heritage Consultants Pty Ltd, Dunloe Park Sand Extraction Project – Excavation  
Strategy

Everick Heritage Consultants, Aboriginal Cultural Heritage Assessment and  
Management Plan Dunloe Park Sand Project (Warwick Park Road Wooyung)

Everick Heritage Consultants, Draft Methodology for Community Consultation and  
Management of Cultural Heritage, Dunloe Park Sand Project

Everick Heritage Consultants Pty Ltd, Aboriginal Cultural Heritage Assessment, Poplar  
Ave, Bogangar

Richard Dunning, Department of Lands

Rachel Ardler – NSW Department of Aboriginal Affairs

Gosford City Council - NSW Local Government Aboriginal Network Conference

Outgoing Correspondence

Director General, Richard Sheldrake, NSW Department of Primary Industries re: Rob  
Slockee - Spanner Crab Licences

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that all inward correspondence be received and noted.

Carried unanimously

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**NEXT MEETING:**

The next meeting of the Aboriginal Advisory Committee will be held Friday 4 September 2009, at 9.00am in the meeting room, Minjungbal Aboriginal Cultural Centre, Cnr Duffy and Kirkwood Road, Tweed Heads South.

The meeting closed at 1.00 pm

**DIRECTOR'S COMMENTS:**

Nil

**DIRECTOR'S RECOMMENDATIONS:**

**GB 1 Proposed Boyds Bay Marina Development – Tweed Heads**

As per the Committee's recommendation being:

*"That Council contacts the Department of Lands advising that the Tweed Aboriginal Community strongly object to the proposed development due to the negative impact on the waterways and Ukerebagh Island, as well as Heritage, Cultural and Native Title Rights and that the Committee is informed of the Environmental Impact Study & Cultural Heritage Assessment."*

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**GB 4 Department of Environment & Climate Change NSW – Aboriginal Cultural Heritage Draft Community Consultation Requirements for Proponents**

As per the Committee's recommendation being:

*"That Council writes to the Department of Environment & Climate Change advising that*

- 1) The Aboriginal Community is concerned that there was unsatisfactory consultation with the Tweed Aboriginal Community and the lack of information sessions north of Port Macquarie was duly noted.*
  - 2) The refusal not to extend the deadline for submission/responses from the Community was unacceptable.*
  - 3) The Committee would like to invite a member of the Reform and Compliance Branch to attend a future meeting to receive the Communities submissions."*
-

**46 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 August 2009**

VENUE:

Canvas & Kettle Meeting Room

TIME:

9.05am

PRESENT:

Cr Kevin Skinner (Chair); Cr Katie Milne; Robert Quirk (NRCMA & NSW Cane Growers' Association); Richard Hagley (Department of Environment, Climate Change & Water); Bob Loring (Department of Primary Industries - Fisheries); Martin Dobney (Action Sands Chinderah); Lance Tarvey (Department of Environment, Climate Change & Water); Claire Masters (Tweed Landcare Inc); Errol Wright (Tweed River Charter Operators); Rhonda James (Caldera Environment Centre); Peter Baker (Tweed Agriculture Representative); Max Boyd (Community Representative); Jane Lofthouse, Tom Alletson, Sebastien Garcia-Cuenca, Mark Kingston (Tweed Shire Council).

INFORMAL:

Cathy Philip (Minute Secretary)

APOLOGIES:

Judy Robinson (Fingal Head Community Representative); Carl Cormack (NSW Maritime Authority); David McPherson (NSW Land & Property Management Authority); Kyle Slabb (Tweed Byron Local Aboriginal Land Council); David Oxenham (Tweed Shire Council).

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Robert Quirk

RESOLVED that the Minutes of Meeting held Wednesday 10 June 2009 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

1. Assessment of Power Boat Impact & Review of Bank Erosion Management in the Tweed River Estuary

Boating; Tweed River

Cr Milne requested an update on the "Assessment of Power Boat Impact & Review of Bank Erosion Management in the Tweed River Estuary" study. Jane advised that she had received comments from Cr Milne and Judy Robinson and it was still a work in progress.

2. Terms of Reference

Terms of Reference

Claire requested that a new objective be added to the Tweed River Committee Charter, incorporating sustainability and addressing climate change issues.

Moved: Claire Masters

Seconded: Robert Quirk

RESOLVED that the following recommendation be presented to Council.

RECOMMENDATION:

That Council adds the following item to the Tweed River Committee charter objectives:-

*To incorporate consideration of sustainability and climate change adaptation and mitigation into the Tweed River Committee programs.*

---

3. Flooding

Floods

Claire requested that NSW DECC Sea Level Rise Planning Benchmark values and policy advice be presented when TRC receives a presentation on the updated Tweed Flood Study.

Tom advised that although it was resolved at the previous meeting that Councils Planning and Infrastructure Engineer would be invited to attend the August meeting to present this information, time constraints and the agenda did not permit this. A presentation on the flood study, and possibly Councils Sustainability (incorporating Climate Change) Program, will be arranged for the October meeting.

The committee was advised that the Flood Study is available to interested parties, for example consultants advising the development industry, for a fee of \$1,000.

Next Meeting:

*Ian Dinham and/or Danny Rose be invited to attend the October meeting to discuss the Flood Study.*

*Dan Walton be invited to attend the October meeting to discuss his work regarding climate change.*

---

4. Seagrass Monitoring - Jack Evans Boat Harbour

Jack Evans Boat Harbour

As per the request at the August TRC meeting, Jane detailed approvals and monitoring relevant to seagrass in Jack Evans Boat Harbour being affected by stormwater upgrades. Cr Milne reiterated her concerns that there is no Seagrass Management Plan for the overall redevelopment of Jack Evans Boat harbour and that the existing works result in impacts on seagrass, potentially up to 90m<sup>2</sup>.

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A lengthy discussion on seagrass impacts related to the stormwater pipe upgrades and overall management of Jack Evans Boat Harbour followed, with suggestions that the proposed pipes be extended to the Tweed River.

Moved: Cr Milne

Seconded: Max Boyd

RESOLVED that the following recommendation be presented to Council.

**RECOMMENDATION:**

That Council relocates seagrass affected by stormwater upgrade at Jack Evans Boat Harbour rather than removing it, and consider future relocation and extension of stormwater pipes into the Tweed River.

Vote Against:

Claire and Robert.

Claire stated she is opposed to the design of the stormwater pipe whereby it impacts on seagrass.

Robert stated that the project is approved and construction imminent.

Further discussion ensued on management of the aquatic habitat component of Jack Evans Boat Harbour. It was agreed that a means of recognising and protecting the aquatic habitat values of the area, as affected by long term use, should be developed.

Moved: Cr Milne

Seconded: Claire Masters

RESOLVED that the following recommendation be presented to Council.

**RECOMMENDATION:**

That Council develops a Management Plan for Jack Evans Boat Harbour that incorporates recognition and protection of aquatic and marine habitat values, and how these may be affected by long term use of the area.

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5. Upper Catchment Riparian Vine Weed Mapping Project

Riparian Projects

Claire asked if document is available to the public. Tom responded that it was, through a request to him. It was suggested that the document be made available via Council's web site.

A copy of the Riparian Vine Weed Mapping Report, and when complete, a strategy to suppress vine weeds, will be placed on Council's Website.

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6. Estuary Ecosystem Health Report Card

Estuary Management

Claire requested that a copy of the EHMP report card and Technical Report be sent to the NSW Land & Property Management Authority in relation to the proposed development of the Marina at Boyd's Bay.

A copy of Council's submission on the Tweed Coast Regional Crown Reserve Draft Plan of Management should also be included with the letter.

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7. Proposed Development at Bilambil Village

Broadwaters

Claire raised concerns regarding a development application for a sub-division at Bilambil Village. Claire commented that the residents of Bilambil have requested that the riparian area of the development be zoned environment protection as opposed to open space, and that the riparian zone be revegetated and maintained by the developer for a period of five years.

A lengthy discussion followed, relating to the approval authority (NSW Government – Department of Planning) the general process of land zoning (TSC LEP revision) and Council Officer involvement in responding to the development.

It was agreed that a copy of the Cobaki and Terranora Broadwater EHMP be forwarded to the Department of Lands (NSW Property and Land Management Authority). Tom noted that a copy of the EHMP report card and technical report had already been sent to the Department of Planning Officer reviewing the DA, and that he would be presenting the EHMP work to the Bilambil Progress Association that evening.

Robert Quirk requested that a copy of the EHMP be forwarded to Michael Pitt of the NRCMA.

Moved: Claire Masters

Seconded: Cr Milne

RESOLVED that the results of the Cobaki//Terranora EHMP be brought to the attention of Council's planning officer reviewing the proposed Bilambil Village sub-division development. Further, that the Tweed River Committee recommend to Council that a submission be made to NSW Land & Property Management Authority and Planning NSW advising of the Cobaki and Terranora Broadwater Ecosystem health report card and the technical report, as well as a recommendation that the riparian zone in the proposed Bilambil Village subdivision area be managed for environmental purposes, and that rehabilitation be undertaken at the cost of the developer, and maintained for a period of five years.

Moved: Claire Masters

Seconded: Cr Milne

RECOMMENDED that a letter be forwarded to NSW Land & Property Management Authority and Planning NSW advising of the Cobaki/Terranora EHMP report card and the technical report and providing copies of the documents. Further, that Council makes a submission to NSW Land & Property Management Authority and Planning NSW with respect to the proposed subdivision at Bilambil Village, including a recommendation that the riparian zone in this area be managed for environmental purposes, and that rehabilitation be undertaken at the cost of the developer, and maintained for a period of five years.

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8. Chinderah River Bank Stabilisation

Riverbank Erosion; Estuary Management

Tom advised that approval has been received for the Chinderah River Bank Stabilisation, as have final designs and costs.

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CORRESPONDENCE IN:

1. Department of Environment & Climate Change

Estuary Management; Coastal Management; Beaches; River-Foreshore;  
Government Grant - Water

Cr Skinner read to the meeting a letter received from Department of Environment & Climate Change advising that Council had been unsuccessful in obtaining funding for the implementation of the Tweed EMP and Cobaki/Terranora Broadwater Management Plans.

Cr Skinner then read to the meeting a proposed response to the minister as follows:-

*"expressing disappointment that no financial assistance was provided, particularly given that Tweed Shire Council is the ONLY catchment in NSW to undertake an EHMP and funding applied for through the Estuary Mgmt Program was partially to implement the outcomes of that EHMP (report card attached demonstrating poor results and need for action in a Coastal Lake identified as a high priority under DECCW's Coastal Lakes.*

*In addition, several rehabilitation projects have been commenced to build robustness into riparian and wetland systems to address impacts from Climate Change.*

*Consideration be given, if any funding becomes available, to supply financial assistance to the Tweed estuary program."*

Richard suggested Council's response should be addressed to Barbara Richardson instead of Brian Dooley and then provided brief explanations of the various issues which may have led to Council's request for funding not being supported. Richard suggested that the Committee needs to reform its way of submitting applications.

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A lengthy discussion followed on how additional environmental funding could be obtained.

Next Meeting:

*Tom to provide a revised budget program for next 18 months/2 years based on what funds are remaining. To include what could be funded through other grant opportunities.*

Max commented that Council had been fortunate for so long and he felt it was time that Council introduced an environmental levy. Other councils have had an environmental levy for many years.

Moved: Max Boyd

Seconded: Robert Quirk

RESOLVED the following recommendation be presented to Council.

RECOMMENDATION:

That in view of the alarming reduction of funding from NSW State Government for funding of works associated with the Tweed River Committee's numerous plans that Council seriously considers the introduction of an environmental levy to supplement the funds already made available.

*Rhonda James left 10.50am*

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2. Further Incoming Correspondence:

The following items of inward correspondence were deferred due to time constraints:-

- Tweed Charter Boat Operators Association
  - Eric Hammermeister (Oxley Cove Community Group)
  - Lindy Smith
  - NSW Department of Planning
  - Gold Coast Airport Environment Strategy
- 

CORRESPONDENCE OUT:

Deferred due to time constraints.

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AGENDA ITEMS:

1. Biodiversity Program

Biodiversity

Mark Kingston provided a detailed update on the above program.

A discussion took place on the program; the amount of areas it covers; the lack of funding available; how to acquire more funding; the difficult and time consuming process of applying for funding etc.

Future Meeting:

*Provide summary of all grant funds received by NRM for biodiversity.*

---

2. Floodplain & Sustainable Agriculture Program

Floodplain Management; Sustainable Agriculture

Sebastien Garcia-Cuenca provided a detailed update on the above program.

*Robert left at 11.50am*

Due to time constraints, the committee was unable to ask questions regarding this program. It was requested that at a future meeting that Sebastien present a report regarding the work he is doing at Christies Creek and Blacks Drain.

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3. Draft Cobaki & Terranora Broadwater Catchment Plan

Estuary Management; Broadwaters

The above document was briefly presented to the committee, and a CD copy distributed.

Moved: Max Boyd

Seconded: Cr Milne

RESOLVED that the following recommendation be presented to Council.

RECOMMENDATION:

That the draft Cobaki & Terranora Broadwater Catchment Plan be placed on public exhibition for a period of not less than 60 days.

---

GENERAL BUSINESS:

1. Upgrade of Banora Point Wastewater Treatment Plant  
Banora Point Wastewater Treatment Plant

Max noted that the wetlands on Sullivan's land, Fraser Drive, could be used as a wetland for additional treatment and storage of effluent from the Banora Point plant.

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2. Biochar  
Sustainable Agriculture

Max raised the subject of the production of biochar from a wide range of sources and the possibility that biomass combustion could become an important future alternative fuel. Potential for this to be considered under the Sustainable Agriculture Program.

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4. Boyd's Bay Marina  
Boyd's Bay Marina

Lance advised that Lesley Mye, Council's Aboriginal Liaison Officer, had approached him regarding concerns the Aboriginal Community had concerning the Boyd's Bay Marina proposal and its possible impacts on Ukerebagh Island. Lance requested that the Aboriginal Community be kept updated.

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*Robert returned to the meeting at 12.40pm*

5. Time Constraints/Minutes  
Tweed River Committee

Robert suggested that time limits be allocated to each item on the agenda. Claire requested that minutes be circulated as soon as possible after adoption through Council meetings, rather than wait and send them out with the agendas.

It was decided that although it would be difficult to allocate time to certain items, the minutes would be sent via email to members as soon as practicable after adoption by Council, and followed up in hardcopy format with the agenda as currently happening.

It is requested that items of business arising from the minutes, and where possible general business, be raised with Tom prior to meetings to see if they can be addressed, and then actions reported at meetings, if full discussion is not required.

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NEXT MEETING:

The next meeting of the Committee is to be held on Wednesday 14 October 2009 at the Canvas & Kettle Meeting room commencing at 9.00 am.

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The meeting closed at 12.50pm.

**DIRECTOR'S COMMENTS:**

**4. Seagrass Monitoring - Jack Evans Boat Harbour**

- a. Council has previously approved the Part V application relating to the redevelopment Jack Evans Boat Harbour. Included in this approval is a Fisheries permit for the removal of seagrass to allow for the extension of stormwater pipes in the harbour. It would be more appropriate to request Council officers to bring forward a report on the feasibility of relocating seagrass in lieu of its removal.
- b. The preparation of a Management Plan over Jack Evans Boat Harbour including the water body and land based reserve areas would at some stage in the future be undertaken by Council's Recreation Services Unit when budget and time constraints permit. If the Tweed River Committee is of the view that a Management Plan be undertaken in the short term then as it has done for the Cobaki & Terranora Broadwaters, it should consider inclusion of a Management Plan within its current or future budgets.

**7. Proposed Development at Bilambil Village**

It is more appropriate that this recommendation be referred to Council officers for inclusion in their comments on the development application for Council approval and subsequent submission to the Department of Planning.

**DIRECTOR'S RECOMMENDATIONS:**

**2. Terms of Reference**

Terms of Reference

As per the Committee's recommendation being:

*"That Council adds the following item to the Tweed River Committee charter objectives:-*

*To incorporate consideration of sustainability and climate change adaptation and mitigation into the Tweed River Committee programs."*

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**4. Seagrass Monitoring - Jack Evans Boat Harbour**

Jack Evans Boat Harbour

That the Committee's recommendation being:

That Council relocates seagrass affected by stormwater upgrade at Jack Evans Boat Harbour rather than removing it, and consider future relocation and extension of stormwater pipes into the Tweed River.

---

be amended to read:

***"That:-***

- 1. Council officers bring forward a report on the feasibility of relocating seagrass in lieu of removal within the Jack Evans Boat Harbour redevelopment.***
- 2. Council consider future relocation and extension of stormwater pipes from Jack Evans Boat Harbour into the river."***

That the Committee's recommendation being:

***"That Council develops a Management Plan for Jack Evans Boat Harbour that incorporates recognition and protection of aquatic and marine habitat values, and how these may be affected by long term use of the area."***

be amended to read:

***"That the Tweed River Committee gives consideration to the funding and preparation of a Management Plan for Jack Evans Boat Harbour that incorporates recognition and protection of aquatic and marine habitat values, and how these may be affected by long term use of the area."***

#### **7. Proposed Development at Bilambil Village**

That the Committee's recommendation being:

***"That a letter be forwarded to NSW Land & Property Management Authority and Planning NSW advising of the Cobaki/Terranora EHMP report card and the technical report and providing copies of the documents. Further, that Council makes a submission to NSW Land & Property Management Authority and Planning NSW with respect to the proposed subdivision at Bilambil Village, including a recommendation that the riparian zone in this area be managed for environmental purposes, and that rehabilitation be undertaken at the cost of the developer, and maintained for a period of five years."***

be amended to read:

***"That:-***

- 1. A letter be forward to NSW Land & Property Management Authority and Planning NSW advising of the Cobaki/Terranora EHMP report card and the technical report and providing copies of the documents.***
  - 2. Council officers consider in their future report to Council on the proposed subdivision at Bilambil Village, the recommendation of the Tweed River Committee that the riparian zone in this area be managed for environmental purposes, and that rehabilitation be undertaken and maintained, for a period of five years, at the cost of the developer."***
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**Correspondence In:**

1. **Department of Environment & Climate Change**  
**Estuary Management; Coastal Management; Beaches; River-Foreshore;**  
**Government Grant - Water**

**As per the Committee's recommendation being:**

***"That in view of the alarming reduction of funding from NSW State Government for funding of works associated with the Tweed River Committee's numerous plans that Council seriously considers the introduction of an environmental levy to supplement the funds already made available."***

**Agenda Items:**

3. **Draft Cobaki & Terranora Broadwater Catchment Plan**  
**Estuary Management; Broadwaters**

**As per the Committee's recommendation being:**

***"That the draft Cobaki & Terranora Broadwater Catchment Plan be placed on public exhibition for a period of not less than 60 days."***

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**47 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 August 2009**

VENUE:

Canvas & Kettle Meeting Room

TIME:

Commencing at 1.25pm.

PRESENT:

Cr Barry Longland (Chair); Cr Katie Milne; Terry Kane (Cabarita Beach-Bogangar) (Chair); Richard Hagley (Department of Environment, Climate Change & Water); Lance Tarvey (Department of Environment, Climate Change & Water); Gary Thorpe (Hastings Point); John Harbison (Mooball); Ian Rabbitts (Fingal Head); David Cranwell (Pottsville); Jane Lofthouse, Tom Alletson, Mark Kingston, (Tweed Shire Council).

INFORMAL:

Cathey Philip (Minute Secretary)

APOLOGIES:

Jason Pearson (Kingscliff); David McPherson (NSW Land & Property Management Authority); Rhonda James (Caldera Environment Centre); David Oxenham, Sebastien Garcia-Cuenca, Stewart Brawley (Tweed Shire Council).

MINUTES OF PREVIOUS MEETING:

Moved: Terry Kane

Seconded: Gary Thorpe

RESOLVED that the Minutes of the Tweed Coastal Committee Meeting held Wednesday 10 June 2009 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings with the following amendment.

*Item 4 Business Arising - Marine Water Quality:*

*Gary Thorpe requested that the methodology, sample locations and results be tabled at the next meeting.*

BUSINESS ARISING:

1. Marine Water Quality - Hastings Point Dune Disposal

Coastal Management; Water Monitoring

Jane updated the Committee that the Water Unit had advised that a groundwater monitoring program is currently being designed with sampling to be undertaken both seaward and creek-ward of the disposal trenches. The program has not commenced at this stage.

Gary requested that Tweed Coastal Committee be advised when the monitoring program design was complete.

---

2. Cudgera Creek Ecological Assessment

Cudgera Creek

Tom provided an update on the above project. The report is at draft stage and should be able to be released to the committee shortly.

The report suggests Cudgera Creek is showing signs of stress from catchment land uses.

David raised concerns about current build up of sand upstream of road bridge.

Next Meeting:

*Report to be tabled if possible.*

---

3. Coastal Creeks Flood Study

Flood Study; Flood Levels; Floodplain Management

Jane advised the Coastal Flood Study is not ready yet but may be on public exhibition before next meeting.

Following the Flood Study, a Flood Risk Management Plan will be developed. Mapping will be incorporated in the Plan.

Future Meeting:

*Danny Rose to update Committee on the Flood Study.*

---

4. Fingal Head Quarry Car Park

Quarries - Fingal; Car Parks - Other Places

Advice was provided by Council's Engineering & Operations Division that soil stabilisation was not more economical than asphaltting. Advised that Council is looking at sealing just the car park section and not the road leading to it until the upgrade of the intersection is done. Jane is trying to locate the original designs and check approvals.

Ian requested he be given a copy of plans when located.

Next Meeting:

*Stewart be requested to provide an update to the Committee.*

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5. Jack Evans Boat Harbour

Jack Evans Boat Harbour

Cr Milne requested an update on Jack Evans Boat Harbour foreshore management. Discussion on current revetment and potential to nourish beaches to manage erosion.

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6. Crown Land Status - Fingal Head

Crown Land

There was a request for further information including advice as to why there is not a 50 metre rolling easement south of Fingal Head; who the 20 metre easement along the river benefits, and the current plan of Fingal Peninsula land claims.

---

7. Dunloe Park

DA08/1247

Jane provided the following information. Monitoring to be carried out by the proponent as per the following development consent condition:-

*Management and Monitoring*

*18. The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must:*

- (a) be prepared in consultation with DWE and DECC;*
- (b) include a:*
  - Water Balance;*
  - Erosion and Sediment Control Plan;*
  - Acid Sulfate Soil Management Plan;*
  - Blue-Green Algae Management Plan;*
  - Surface Water Monitoring Program; and*
  - Groundwater Monitoring Program; and*
- (c) be submitted to the Director-General prior to starting quarrying operations, and prior to carrying out any development site in the case of the Erosion and Sediment Control Plan.*

Next Meeting:

*Tom to provide water quality data for Mooball Creek.*

---

CORRESPONDENCE IN:

1. Minister for Climate Change & the Environment  
Tweed Coastal Committee; Coastal Management Plan; Govt Grant - Water

Jane advised that Council has been offered \$198,500 for 50 % contribution to the Surf Club seawall component of the Kingscliff Beach Foreshore Protection Works and update of the Coastal Hazard Lines to include the recently adopted SLR benchmarks.

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The seawall to be built Winter 2010 to minimise impacts on surf life saving activities.

---

2. Minister for Climate Change & the Environment  
Tweed Coastal Committee; Estuary Management; Govt Grant - Water

Jane advised that Council has been offered \$50,000 for 50 % contribution to the Review and Implementation of the Tweed Coast Estuaries Management Plan.

David Cranwell asked if there was a budget allocation for rehabilitation of riparian zone near the Seabreeze Estate. Noted that riparian rehabilitation was being done by the developer.

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CORRESPONDENCE OUT:

Nil.

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AGENDA ITEMS:

1. Duranbah Beach Sand Nourishment

Duranbah Beach

Jane provided a brief background to this program. A review of the sand delivery program from the Tweed River Entrance Sand Bypassing Project to Duranbah Beach has been undertaken. The review found that the trial program (2006 - 2009) of sand delivery and placement has minimised impacts predicted for Duranbah Beach (shoreline retreat, loss of dune, depletion of offshore profile and near shore shoals resulting in deterioration of surfing quality).

Council and the NSW Land & Property Management Authority need to determine support for the ongoing sand delivery program which has some ongoing cost implications for Council.

Discussion followed including proposed review of the sand bypass project.

---

2. Kingscliff Foreshore Sand Supply

Coastline Management; Kingscliff Foreshore Masterplan

Jane advised of a report presented to Council at the meeting of 21 July at which Council resolved the following:

1. *Writes to the Minister for Lands (Hon. Tony Kelly MLC) seeking a meeting to discuss the Kingscliff Foreshore Protection Works under the Tweed Shire Coastline Management Plan and Kingscliff Foreshore Masterplan, with the*
-

*aim of seeking his support, to secure a source of sand for the beach nourishment at Kingscliff.*

2. *Requests the Minister confirm the availability of sand from the Tweed River entrance navigational channel for uses other than supply directly to Queensland beaches under the Tweed River Entrance Sand Bypassing Act 1995.*
3. *Requests the Minister obtain advice from the Department of Lands on the status of the investigative licence for the dredging of Area 5 in the Tweed River and any options to expedite granting of a licence over this area for extractive dredging.*

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3. Tweed DuneCare Minutes

Beaches - Dune Care Committee

Discussion held on minutes from meeting of 23 July 2009 which were circulated with the agenda. Minutes noted.

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4. Review of Coast Estuaries & Coastline Management Plan

Estuary Management; Coastal Management Plant

Discussion held on the review process for the Coast Estuaries and Coastline Management Plans.

The Coastline Management Plan requires an interim review of hazard lines, part funded by DECCW. A more detailed review of the Coastline Management Plan and Tweed Coast Estuaries Management Plan to be undertaken over next couple of years to include a review of the existing plans, identification of gaps and re-prioritisation of actions and strategies.

Richard advised that the draft, long-awaited integrated Coastal Zone Management Manual may come out before the end of the year. Noted that for a plan to be approved by the Minister for gazettal, it must be named "Coastal Zone Management Plan".

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GENERAL BUSINESS:

1. Cudgera Creek

Cudgera Creek

David Cranwell noted that the last big sea event deposited large amounts of sand into the estuary. Concerned about the build-up of sand behind the caravan park and impact of this on estuary.

Noted that this is a natural event and dredging is not an option for a number of reasons.

2. Draft Plan of Management for Cook Island Nature Reserve  
Cook Island Aquatic Reserve

Lance advised that he has been working on above. Draft to be out for public exhibition about November for two to three months. Lance will provide a copy of the draft to Committee before it goes on public exhibition and members are welcome to make comments to Lance prior to plan going on display.

Next Meeting:

Jane to check with NSW Maritime the outcome of their proposed Code of Conduct for jet boat operations.

---

3. NSW Coastal Conference  
NSW Coastal Conference

Cr Longland updated members on the upcoming NSW Coastal Conference to be held in Ballina and requested expressions of interest in attending.

Moved: Ian Rabbits

Seconded: David Cranwell

RESOLVED that Council be requested to consider attendance by the Tweed Coastal Committee Chairman at the 18<sup>th</sup> NSW Coastal Conference in Ballina.

RECOMMENDATION:

That Council considers attendance by the Tweed Coastal Committee Chairman at the 18<sup>th</sup> NSW Coastal Conference in November in Ballina.

---

4. Terms of Reference  
Terms of Reference

Moved: Cr Milne

Seconded: Ian Rabbits

RESOLVED that the following recommendation be presented to Council.

RECOMMENDATION:

That Council adds the following objective to the Tweed Coastal Committee Terms of Reference:-

- *To incorporate consideration of sustainability and climate change adaptation and mitigation into the Tweed Coastal Committee programs.*
-



5. Sheens Creek Flooding

Burringbar/Mooball Creek; Flooding

Cr Milne instigated a discussion on flooding of Sleepy Hollow Road from Sheens Creek. This issue may be related to weed growth in the creek on private land. Council does not intervene in management of private land.

---

NEXT MEETING:

The next meeting of the Tweed Coastal Committee will be held 14 October 2009 in the Canvas & Kettle Meeting Room commencing at 1.00pm.

The meeting closed at 3.35pm.

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

3. NSW Coastal Conference

NSW Coastal Conference

As per Committee's recommendation being:

*That Council considers attendance by the Tweed Coastal Committee Chairman at the 18<sup>th</sup> NSW Coastal Conference in November in Ballina.*

---

4. Terms of Reference

Terms of Reference

As per Committee's recommendation being:

*That Council adds the following objective to the Tweed Coastal Committee Terms of Reference:-*

- *To incorporate consideration of sustainability and climate change adaptation and mitigation into the Tweed Coastal Committee programs.*
- 
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**48 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 27 August 2009**

**VENUE:**

Mt Warning Meeting Room

**TIME:**

Commencing at 9.00am

**PRESENT:**

Committee Members: Cr Barry Longland (Deputy Mayor), Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr John Zawadzki (Chairman), Mr Ray Clark, Mr Paul Brouwer, Mr Danny Rose, Ms Judith Finch (Minutes Secretary).

**APOLOGIES:**

Mr Mike Baldwin, Roads and Traffic Authority, Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Snr Constable Paul Henderson, NSW Police.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 30 July 2009 be adopted as a true and accurate record of proceedings of that meeting

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

[LTC] Schedule of Outstanding Resolutions 27 August 2009

1. [LTC] 83 Wharf Street, Tweed Heads

**ORIGIN:**

Planning & Infrastructure

FILE NO: ECM2052501; 2060487; Wharf Street, Tweed Heads; Traffic - Committee; Parking Zones; LN 1723; 1724

**SUMMARY OF REPORT:**

This item is moved to Item B13 for discussion at the meeting held 27 August 2009. Please refer to Item B13 for decision on this matter.

---

**BUSINESS ARISING**

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC-LATE] Police Lane Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 4363573; Police Lane; Murwillumbah Street; Traffic - Committee; Safety; Parking - Zones; Handicapped/Disabled Matters

SUMMARY OF REPORT:

This item has been moved from Item B12 (Informal Items) to Item A1 (Formal Items).

Request received in relation to vehicles exiting Police Lane on to Murwillumbah Street.

*".....it is very difficult to turn both left and right. When turning right the vision is restricted by the vehicles parked in the parking bay. The sign/line is only 5 meters from the roadside hence restricting the angle of vision. The area from the sign/line to the outdoor eating area is not long enough for two cars and often the vehicles parking there park right on the line with wasted space behind. If this sign/line was moved back with sufficient space for one vehicle it would reduce the angle and improve vision of oncoming vehicles. With less priority is the disabled parking space to the left with only 1 meter from the roadside to the sign/line which reduces the angle to turn left, resulting in you having to cross over the centre line. This situation is only exasperated when having to respond in an emergency situation. If the council was to put a convex mirror across the road this to could assist with seeing oncoming vehicles."*

This item is moved to Section A of the Minutes.

Installation of a convex safety mirror is not supported due to its complexity and maintenance issues.

RECOMMENDATION TO COUNCIL:

That the 'No Stopping' zone on Murwillumbah Street west of Police Lane be extended by 2m effectively reducing the 2P zone by 2m.

*FOR VOTE - Cr Barry Longland, Col Brooks*

*PRESENT. DID NOT VOTE - Rod Bates*

B. INFORMAL ITEMS SECTION

B1 [LTC] Eyles Avenue, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3999809; Traffic - Committee; School Zones; Parking Zones; Safety; Eyles Avenue; Schools - Murwillumbah Public

SUMMARY OF REPORT:

Concern has been raised with cars parking in Eyles Avenue on the school side.

*"These vehicles are causing problems for buses accessing the School Bus Zone. Could 'No Parking' at School finishing times be implemented here?"*

Council officers will investigate this site and report to the meeting.

COMMITTEE ADVICE:

That:-

1. Council officers discuss with the School representatives the possibility of extending the 'No Parking' zone on the eastern side of Eyles Avenue to the intersection with Prince Street.
2. This item be placed on the Schedule of Outstanding Resolutions.

---

B2 [LTC] Lundberg Drive and Quarry Road, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: 3999809; Traffic - Committee; Local Area Traffic Management; Lundberg Drive; Quarry Road

SUMMARY OF REPORT:

Request received in relation to the intersection of Lundberg Drive and Quarry Road.

*"There are broken lines indicating "Giveaway on Lundberg Drive" but there are no actual Giveaway signs. On several occasions there have been some "near misses" with some of our buses on Quarry Road and vehicles exiting Lundberg Drive".*

Council officers will inspect the site and report to the meeting.

COMMITTEE ADVICE:

That Council officers consider repainting the holding and other lines at the intersection of Lundberg Drive and Quarry Road.

---

B3 [LTC] North Arm Road, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3999809; Traffic - Committee; Directional Signs; Pedestrian Crossings; Safety; School Zones; School - Wollumbin High; Old Lismore Road; North Arm Road

SUMMARY OF REPORT:

It is reported that, "*Wollumbin High students are no longer eligible for free bus pass travel due to the River Oak, Hundred Hills and Sovereign Heights estates having road access through Old Lismore Road. These students are now walking to Wollumbin High, together with some students from Bellevue Heights, to catch buses to other schools*".

Local Traffic Committee advice is sought in relation to whether a pedestrian crossing on North Arm Road would be beneficial.

The warrants for a marked pedestrian crossing at this location under Roads and Traffic Authority of NSW guidelines would not be met in relation to pedestrian or traffic volumes. Council's traffic data base shows 3,591 vehicles a day using North Arm Road at the Golf Club. A children's crossing could be installed in this location subject to Local Traffic Committee approval, however a commitment would be required from the school to install and remove flags.

A Committee member advised that the School Principal is not prepared to provide resources to maintain a school flagged crossing on North Arm Road.

COMMITTEE ADVICE:

That Council officers further investigate provision of pedestrian type warning signs on North Arm Road, Murwillumbah.

Post Meeting Comment by Roads and Traffic Authority of NSW Representative:

*"The installation of a children's crossing is primarily considered at locations in close proximity to schools for the use of primary and infant school children."*

---

B4 [LTC] Old Lismore road, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3999809; Traffic - Committee; Safety; Old Lismore Road; Bus Services - Routes

SUMMARY OF REPORT:

Concern has been raised with the width of Old Lismore Road.

*"School buses are now servicing the Sovereign Heights and Hundred Hills Estates. There is a small section of Old Lismore Road between these two subdivision which is very narrow and not as safe for buses as it should be."*

Council officers will inspect the site and report to the Committee.

COMMITTEE ADVICE:

That:-

1. Council officers investigate the road widths at the sharp bend on Old Lismore Road just south of Riveroak Drive.
2. That this item be placed on the list of Outstanding Resolutions.

---

B5 [LTC] Smiths Creek Road and Kyogle Road, Uki

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3873515; 3926579; Traffic - Committee; Local Area Traffic Management; Smiths Creek Road; Kyogle Road

SUMMARY OF REPORT:

Request received regarding the possibility of replacing the 'Give Way' sign with a 'Stop' sign at the intersection of Smiths Creek Road and Kyogle Road, Uki.

It is reported that:-

*"Motorists entering Kyogle Road from Mitchell Street are confronted by vehicles coming at speed from Smiths Creek Road as they are not slowed by the give way restriction if they have no vehicles on their right coming from Murwillumbah."*

Council officers will inspect the site and report to the meeting.

Council officers inspected the site and considered that there was adequate sight distance available at the intersection and therefore a 'Stop' sign is not warranted.

#### COMMITTEE ADVICE

That no action be taken in relation to the request for a 'Stop' sign at the intersection of Smiths Creek Road and Kyogle Road, Uki.

---

B6 [LTC] Healy Lane, Fingal Head

#### ORIGIN:

Planning & Infrastructure

FILE NO: 3150955; 3398521; Healy Lane; Queen Street Traffic - Committee; Directional Signs; Parking - Illegal; Driveways; LN 6510; Parking - Zones

#### SUMMARY OF REPORT:

This item was discussed at the Local Traffic Committee meeting held 30 July 2009 (item A1) and is reproduced below:-

*"Request received in relation to parking arrangements in Healy Lane, Fingal Head. The property at 33 Queen Street has a rear boundary fronting onto Healy Lane.*

*"This lane way is the only vehicular access to the parking area provided on our property. Our driveway is often obstructed by vehicles parked in the lane way on the opposite side of the lane from the driveway, and adjacent to our driveway, often blocking access for all residents of the lane to the north of the driveway. In particular vehicles with trailers are severely hindered during manouvering to get access to their properties. The possible solution to this problem would be to place no parking signs in the lane at the appropriate places."*

*"The seal width on Healy Lane between Lighthouse Parade to King Street is 4.2m. A width of 4.2m is insufficient for kerbside parking with a traffic lane. "No Parking" signage on both sides of the carriageway is an alternative to no action being taken. Council officers will inspect the site and report to the Committee.*

*Questions were raised about the width of the pavement and it was suggested that Council officers actually measure the width and investigate the reasons why the existing bollards are in place.*

#### RECOMMENDATION TO COMMITTEE:

*That no action be taken.*

#### RECOMMENDATION TO COUNCIL:

*That this matter be listed for consideration at the next Local Traffic Committee meeting.*

---



*FOR VOTE - Unanimous"*

The installation of the existing bollards in Healy Lane appears to have been the result of a Local Traffic Committee resolution of 25 September 1998. The Committee considered various traffic concerns of the Fingal Head Progress Association and resolved (in part) *"that the provision of bollards in Healy Lane be investigated as a means of reducing vehicle speed."*

Council officers will measure the width of Healy lane on site and report to the meeting.

COMMITTEE ADVICE:

That Healy Lane, Fingal Head be placed on the Schedule of Outstanding Resolutions.

---

B7 [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:

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.

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.

---

B8 [LTC] Marine Parade, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: 3403746; Marine Parade; Traffic - Committee; Traffic - Parking Zones; Linemarking; LN 11114

SUMMARY OF REPORT:

Request received in relation to parking time limits outside Kingscliff Seafood Market at 140 Marine Parade, Kingscliff.

*"There are parking spaces outside my business for two cars. At the present, the time limit for parking is two hours Monday to Friday and two hours Saturday till 12pm. From 12pm Saturday and all day Sunday, parking is unrestricted. At the southern end of Marine Parade, where the majority of shops are, the parking spaces are identified and divided by road markings. However, outside my business there are no road markings.*

*My business is across the road from the bowls club and the beach and people park outside my business to access the club and beach. There are units on either side of the shop and the unit occupants take up the entire available street parking either side of the shop. To the immediate north of the shop is a pedestrian crossing, so parking is not allowed.*

*Quite often during the week, cars will take up both parking spaces outside my shop for the full two hours or one car will park in the center of the space for the full two hours. On weekends, which are my busiest trading days, it is not unusual for cars to be parked outside my business for the whole day due to the unrestricted parking limit. This stops customers from being able to park to access my business and has a seriously detrimental effect on trade. ....*

*I wish to request that parking for the two spaces outside my shop be time limited to 15 minutes at all times and, if possible, that the two spaces be identified by markings to*

*prevent cars taking up both spaces. I don't believe that these changes would have any adverse effect on residents or tourists, as there is other adequate parking available within the immediate vicinity."*

The Committee received a similar request from the previous owners at its December 2006 meeting. The Committee did not support the request and requested that the site be monitored. It should be noted that no on-site parking is provided by this business. Designating on road parking for one particular business is not generally supported.

COMMITTEE ADVICE:

That:-

1. The request for time limited 15 minute parking on Marine Parade, Kingscliff is not supported.
2. Council officers further investigate the need for the bus zone adjacent to the Bowling Club on Marine Parade.

---

B9 [LTC] Tomewin Road, Dungay

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948848; Traffic - Committee; Speed Zones; Tomewin Road; Dungay Creek Road

SUMMARY OF REPORT:

At the Local Traffic Committee meeting on 25 June 2009 the Police Representative requested that a speed limit review of Tomewin Road, north of Dungay Creek Road be undertaken with a view to adopting a fixed speed zone along this road.

Tomewin Road north of Dungay Creek Road is currently signposted as derestricted speed limit however its alignment inhibits speeds greater than about 70 km/hr.

Council's traffic data shows the following counts for Tomewin Road (at the tick gates - May 2008):-

756 vehicles per day with an 85<sup>th</sup> percentile speed of 58 km/hr.

It is suggested that the Roads and Traffic Authority of NSW conducts a speed limit review of Tomewin Road north of Dungay Creek Road.

Accident statistics for the 5 year period from July 2003 to June 2008 show 18 crashes on Tomewin Road with 14 of those being off path on curve, 16 were single vehicle and 4 of the crashes were motorcyclists, with 1 motorcyclist being a fatality.

COMMITTEE ADVICE:

That the Roads and Traffic Authority of NSW be requested to conduct a speed limit review of Tomewin Road north of Dungay Creek Road.

---

B10 [LTC] Speeds - Koala Beach

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 2020571; Koala Beach Estate; Traffic - Committee; Speed Zones; Local Area Traffic Management; Safety

SUMMARY OF REPORT:

From Meeting Held 16/4/09 (Item B9):

*"Request received in relation to excessive vehicle speeds on roads within Koala Beach. Speed needs to be reduced by using more speed humps or extra signage.*

*Council's traffic data taken during the week ending 13 February 2008 west of the Primary School on Cudgera Avenue is as follows:-*

- *Average daily traffic = 1,822 vpd*
- *85<sup>th</sup> percentile speed = 50kph*
- *% heavy vehicles = 0.4%*

*Council's accident records (2003 - 2007) show no accidents on Cudgera Avenue or within the Koala Beach Estate.*

*Due to the low traffic volumes, relatively low 85<sup>th</sup> percentile speed and no accident record, it is considered the issues raised do not justify expenditure of funds for speed humps or signage.*

RECOMMENDATION TO COMMITTEE:

*That no action be taken and resident be advised of the reasons as stated in this report.*

RECOMMENDATION TO COUNCIL:

*That Council officers further investigate Koala Beach Estate for the provision of further 40kph signage and stencils.*

FOR VOTE - Unanimous

PRESENT. DID NOT VOTE - Col Brooks"

The Committee was advised that stencils and extra 40kph signs would be installed shortly.

COMMITTEE ADVICE:

That the Committee notes that stencils and extra 40kph signs in Koala Beach would be installed shortly.

---

B11 [LTC] School Bus Network - Yellow Bus Stop Posts

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3396502; Traffic - Committee; Youth Matters; Bus Services - Stops; Bus Services - Routes; Traffic - Safety; Traffic - School Zones

SUMMARY OF REPORT:

Request received to discuss the possible installation of yellow bus stop posts for the new school bus route network. This is to provide a more formal structure to school bus stops.

Council officers have recently discussed this issue with the bus operator and it was agreed that yellow posts are not required at this time due to the initial success of the new school bus network. The installation of yellow posts has parking and maintenance implications for Council.

The Committee was advised that Council officers have recently discussed this matter with Surfside Buslines and that yellow bus stop posts are no longer required.

COMMITTEE ADVICE:

That the Committee notes that the yellow bus stop posts are no longer required.

---

B12 [LTC-LATE] Police Lane Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 4363573; Police Lane; Murwillumbah Street; Traffic - Committee; Safety; Parking - Zones; Handicapped/Disabled Matters

SUMMARY OF REPORT:

This item has been moved to Item A1 of the Minutes.

B13 [LTC] Moved from Schedule of Outstanding Resolutions

---

B13. [LTC] 83 Wharf Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM2052501; 2060487; Wharf Street, Tweed Heads; Traffic - Committee; Parking Zones; LN 1723; 1724

SUMMARY OF REPORT:

This item is moved to Item B13 for discussion at the meeting held 27 August 2009. Please refer to Item B13 for decision on this matter.

From Meeting Held 25/6/09 (Item B9)

*Request received in relation to changing the parking area at 83 Wharf Street to a 'Loading Zone' to "enable traders to unload stock and take it directly into the rear of the tenancies, thereby making it safer for customers."*

*Council officers to inspect the site and report to the Committee.*

*The Committee, on the information provided, noted that it is more desirable for loading and unloading to be conducted within the site. The applicant to provide further detailed information.*

**RECOMMENDATION TO COMMITTEE:**

*For the consideration of the Committee.*

**RECOMMENDATION TO COUNCIL:**

*That this matter be listed on the Schedule of Outstanding Resolutions.*

**FOR VOTE - Unanimous**

**PRESENT - DID NOT VOTE - Col Brooks**

*Adopted by Council at its meeting held 18 August 2009.*

*Current Status: That Item B9 from Local Traffic Committee meeting held 25 June 2009 remain on the list of Outstanding Resolutions.*

From Meeting Held 27 August 2009:

This item has been moved to Item B13 for action.

Further information has been received from the applicant (ECM 4155573) and this item is brought forward for further discussion.

There have been no reasons provided within an explanatory letter from the property owners as to why the loading activities cannot be undertaken on site. Also, Beryl Street

is in relatively high demand for on-street parking and it was considered that creating a signed loading zone is not justified in this instance.

**COMMITTEE ADVICE:**

The applicant be advised that the request for a Loading Zone in Beryl Street is not supported.

---

**GENERAL TRAFFIC ADVICE**

**Nil.**

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held 24 September 2009 in the Mt Warning Meeting Room commencing at 9.00am.

There being no further business the Meeting terminated at 10:55am.

**DIRECTOR'S COMMENTS:**

**B4 [LTC] Old Lismore Road, Murwillumbah**

Upgrading of the remaining sections of Old Lismore Road are included on the Tweed Road Contribution Plan (TRCP). In 2011/2012 the remaining gap between the subdivisions is scheduled for upgrade. The remaining section towards North Arm Road is scheduled for upgrade in 2013/2014.

**DIRECTOR'S RECOMMENDATIONS:**

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES**

**A1 [LTC-LATE] Police Lane Murwillumbah**

**ORIGIN:**

Planning & Infrastructure

**FILE NO: ECM 4363573; Police Lane; Murwillumbah Street; Traffic - Committee; Safety; Parking - Zones; Handicapped/Disabled Matters**

**As per the Committee's recommendation being:**

***"That the 'No Stopping' zone on Murwillumbah Street west of Police Lane be extended by 2m effectively reducing the 2P zone by 2m."***

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## ORDERS OF THE DAY

### 49 [NOM-CM] Workshop with Tweed Valley Wildlife Carers

#### NOTICE OF MOTION - D Holdom:

Councillor D Holdom moves that Tweed Shire Council conducts a workshop with Tweed Valley Wildlife Carers

---

### 50 [NOM-Cr K Milne] World Rally Car Championships/Conservation Based Tourism

#### NOTICE OF MOTION:

The World Rally Car Championships have recently been held in the Tweed and Kyogle Shire. This has caused major angst, division and distress in these communities due to concerns for the impact to these sensitive and internationally significant environments, especially with the scheduling of this race during breeding season, and the democratic processes and legislation that were overridden to enable this race.

Councillor K Milne moves:-

That Council:-

1. Makes a commitment to conservation based, eco tourism in the future that is focused on events and activities that are in harmony with the environment and the expectations of all sectors of the community.
  2. Enshrines in the new Local Environment Plan a commitment to a focus on conservation based eco tourism.
- 

### 51 [NOM-Cr K Milne] Information on the new LEP

#### NOTICE OF MOTION:

Councillor K Milne moves:

That Council:-

1. Clearly outlines to the community via an information fact sheet posted on the Council website, and in the Tweed Link, all of the specific areas and aspects that the community can influence stage one and stage two of this LEP process.
-

2. Advertises this information within the next two weeks to one month, in addition to the community consultation program already planned, to ensure the community has the maximum amount of time available to prepare for this process.
- 

## 52 [NOM-Cr K Milne] Ecologically Sustainable Principles (ESD)

### NOTICE OF MOTION:

Councillor K Milne moves:

That Council enshrines in the new Local Environmental Plan and develops a detailed policy to give a clear indication of Council's requirement for **Maximum** ESD principles to be incorporated in all new developments, buildings, businesses and council activities. This to include, but not be limited, to providing for:

- i) Maximum wildlife corridors,
  - ii) Maximum riparian buffers, and
  - iii) Maximum renewable energy measures.
  - iv) Minimum manipulation of the environment,
  - v) Minimum impact from development on neighbouring properties, and
  - vi) Minimum impact on the visual landscape.
- 

## 53 [NOM-Cr K Milne] S94 Developer Contribution Funds

### NOTICE OF MOTION:

Council's average Section 94 funds for developer contributions are \$15,500. This is way below the maximum \$20,000 cap recently imposed by the State Government. For example, the contributions rate for the Cobaki Lakes development is approximately \$16,000. This matter is especially significant in light of the number of large developments that are currently in process.

Councillor K Milne moves:

That Council brings forward a report to review their Section 94 funds in light of the inadequacy of current community and environmental facilities to provide for Tweed's unique social fabric, expectations for open space and lack of environmental facilities.

---

**54 [NOM-Cr K Milne] Council's Recognition and Promotion of Tweeds' Biodiversity****NOTICE OF MOTION:**

Tweed Shire has more mammals, birds, fish, and amphibians and just as many reptiles as Kakadu. It is essential that Councillors and Council staff are aware of this biodiversity as they are instrumental in how this area is managed and many are new to the organisation.

Councillor K Milne moves:

That Councillors and staff, especially the Executive Management Team, undertakes training in the environmental significance of the Tweed Shire and the alarming loss of biodiversity that is occurring due to current management processes.

---

**55 [NOM-Cr K Milne] Notification Procedure for Neighbours of Development Application****NOTICE OF MOTION:**

Councillor K Milne moves:

That Council develops a policy and procedures to alert neighbours to new developments whether or not this is a legislative requirement of the State Government.

---

**56 [NOM-Cr K Milne] Kings Forest and Cobaki Lakes****NOTICE OF MOTION:**

Councillor K Milne moves:

That Council:-

1. Writes to the State Government requesting that environmental buffers be maximised and enforced and not utilised for any other purposes.
  2. Writes to the State Government requesting that the eastern portion of Kings Forest including the Cudgen Paddock / Wallum Sand Plain be protected to ensure the long term preservation of koalas and biodiversity in this area.
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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR PLANNING & REGULATION

#### 1 [PR-CM] Delineation Issues at Tweed Heritage Caravan Park - Section 82

#### REASON FOR CONFIDENTIALITY:

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

- (d) *commercial information of a confidential nature that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the council, or*
  - (iii) *reveal a trade secret*
  
- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

---

### REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES

#### 2 [CNR-CM] Eviron Road Proposed Quarry and Landfill - Acquisition of Adjacent Property

#### REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret
-

## REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

### 3 [EO-CM] Acquisition of Land for Road Purposes - Palmvale Road, Palmvale

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) 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

### 4 [EO-CM] Supply of Fill from Quarries

#### REASON FOR CONFIDENTIALITY:

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

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret



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