

## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 19 [CNR-CM] Banora Point Wastewater Treatment Plant Upgrade - Selection of Tender Panel for Construction

#### ORIGIN:

Water/Contracts

#### SUMMARY OF REPORT:

Expressions of Interest (EOI) were received from eleven construction contractors for inclusion on the tender panel for the upgrading of the existing Banora Point Wastewater Treatment Plant (WWTP). The EOI document prescribed that the tender panel would comprise four contractors with two additional contractors being nominated as reserves (for inclusion on the tender panel in the event that one of the nominated tender panel members did not proceed through the tender process).

All eleven contractors submitted formal and conforming EOIs.

Detailed examination of the eleven EOIs submitted identified four contractors and two reserve contractors who are considered capable of satisfactorily completing the proposed works. Financial risk assessments were sought for the four recommended tender panel members. To date, satisfactory financial risk assessments have been received for Monadelphous Engineering Pty Ltd, Reed Constructions Australia Pty Ltd and Tenix Alliance Pty Ltd.

It is recommended that the four contractors listed below be invited to form the tender panel subject to a satisfactory financial risk assessment being received for Fulton Hogan Pty Ltd. Should Fulton Hogan Pty Ltd not receive a satisfactory financial risk assessment, the reserves should be used to complete the tender panel, (subject to passing a financial risk assessment).

It is recommended that the further two contractors listed below be accepted as reserves.

#### RECOMMENDATION:

That: -

1. Council accepts the following four contractors for inclusion on the tender panel for the upgrading of the Banora Point Wastewater Treatment Plant subject to receipt of a satisfactory financial risk assessment for Fulton Hogan Pty Ltd: -

**Monadelphous Engineering Pty Ltd  
Tenix Alliance Pty Ltd  
Fulton Hogan Pty Ltd  
Reed Constructions Australia Pty Ltd**

2. Council accepts the following two contractors as reserves for the tender panel for the upgrading of the Banora Point Wastewater Treatment Plant: -

**Haslin Constructions Pty Ltd  
United Group Infrastructure Pty Ltd**

3. In the event that a satisfactory financial assessment is not received for Fulton Hogan Pty Ltd, Council elevates a reserve to the tender panel subject to the reserve passing a financial risk assessment.

4. ATTACHMENT 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:

Expressions of Interest were publicly advertised from 14 July 2009 and posted on Tweed Shire Council's website on 15 July 2009. EOIs closed on Wednesday 5 August, 2009. The EOI document prescribed that the tender panel would comprise four contractors with two additional contractors being nominated as reserves (for elevation to the tender panel in the event that one or more of the nominated tender panel contractors did not proceed with the tender process).

Eleven EOI's were received from the following contractors:

- Abigroup Contractors Pty Ltd
- Tenix Alliance Pty Ltd
- Aquatec-Maxicon/Abergeldie Joint Venture
- Lahey Constructions Pty Ltd
- United Group Infrastructure Pty Ltd
- Reed Constructions (Australia) Pty Ltd
- Fulton Hogan Pty Ltd
- Monadelphous Engineering Pty Ltd
- Haslin Constructions Pty Ltd
- AJ Lucas Operations Pty Ltd
- Thomas & Coffey Ltd

All eleven contractors submitted formal and conforming EOIs.

The EOI assessment process was carried out in six steps as follows: -

One – Initial independent review of all EOI's by individual members of the assessment panel for conformity of their submissions and evaluation against the assessment criteria detailed in the EOI document.

Two – A workshop was held where the assessment panel discussed their findings and compiled a combined commentary on the EOI submissions. The submissions were then scored on the basis of the assessment criteria and ranked. Five of the eleven contractors were culled at this stage. The assessment criteria and weightings used to evaluate EOI submissions are: -

<b>Criteria</b>	<b>Weighting</b>
Construction experience	50%
Resources	20%
Proposed methodology	20%
Environmental management	10%
Total	100%

Three – Contact was made with referees for each of the six remaining contractors.

Four – Another workshop was held where the assessment panel discussed their findings in relation to referee's comments. Two contractors were culled at this stage. (These two contractors are recommended for nomination as reserves).

Five – Contact was made with each of the four remaining contractors to resolve a few minor issues. All issues were satisfactorily resolved.

Six – An independent financial risk assessment was sought for the four contractors. A current financial risk assessment was available from NSW Public Works for Monadelphous Engineering Pty Ltd. (The results of this assessment were satisfactory and applicable to the proposed works). Financial risk assessment results have been received for Reed Constructions Australia Pty Ltd and Tenix Alliance Pty Ltd. The results are satisfactory.

To date, financial risk assessment results have not been received for Fulton Hogan Pty Ltd but are expected to be available shortly.

The four contractors recommended for inclusion on the tender panel are known entities and are considered to be capable of satisfactorily performing the required work.

The two contractors recommended for inclusion as reserves for the tender panel are known entities that are also considered to be capable of performing the required work.

Subject to the receipt of a satisfactory financial risk assessment for Fulton Hogan Pty Ltd, the four contractors recommended for inclusion on the tender panel are: -

Monadelphous Engineering Pty Ltd  
Tenix Alliance Pty Ltd  
Fulton Hogan Pty Ltd  
Reed Constructions Australia Pty Ltd

The contractors recommended for inclusion as reserves for the tender panel are: -

Haslin Constructions Pty Ltd  
United Group Infrastructure Pty Ltd

In the event that a satisfactory financial assessment is not received for Fulton Hogan Pty Ltd, it is recommended that Council elevates a reserve to the tender panel subject to the reserve passing a financial assessment.

**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** - Review of Expressions of Interest - October 2009 (ECM 7031930)
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**20 [CNR-CM] Tweed District Water Supply Augmentation - Process to Augment and Methodology to Determine a Preferred Option**

**ORIGIN:**

**Water**

**SUMMARY OF REPORT:**

Council resolved at its meeting of 17 February 2009 to adopt the Integrated Water Cycle Management (IWCM) Strategy Status Report which incorporates 18 revised Strategy Actions. Many of these actions are aimed at investigating ways to reduce potable water use, decrease water extractions from the environment, and increase the amount of water supplied from alternative sources such as water recycling and rainwater tanks.

In particular, a Demand Management Strategy (DMS) undertaken as Action 1 of the IWCM, proposes reduction of residential and non-residential demand through several actions including adoption of BASIX and connection of a 5000L rainwater tank in all new homes to reduce the amount of drinking water being used by approximately 36 per cent or 80,000L per year per average-sized household.

However, even with the successful implementation of Council's significant demand management actions, the existing water supply capacity of 13,750ML/a will still be exceeded some time in the period 2017 to 2027. Thus the Water Supply System will require augmentation some time within that period.

A process is proposed to ensure augmentation of the water supply before demand exceeds secure yield. The process is organised in phases with each subsequent phase becoming more focussed and requiring greater investment of time, resources and costs. The process aims to provide Council with the information and confidence it requires at each decision making phase which are:

1. to make a decision on a preferred option
2. to make a decision to commit and focus resources on one option to secure development approval
3. to make a decision to commit further resources to construct and ultimately operate the approved scheme

Some work is already underway. A Water Supply Augmentation Options study is being undertaken to determine the best way to augment the water supply to meet the Shire's needs until 2036. The first parts of the study identified nine options for analysis and ranked these options using a triple-bottom line (social, environmental, economic) assessment. It proposed a short-list of options for further investigation.

In the next stage of the Options study, it is proposed to assess these short-listed options in more detail and to determine a preferred option. This stage will be based on more detailed information and studies of the short-listed options, together with a

comprehensive Community Consultation process to further inform the assessment and provide feedback. Following completion of the Study, a preferred option will be recommended to Council for adoption before progressing to Phase 2 of the proposed augmentation process.

**RECOMMENDATION:**

**That Council:-**

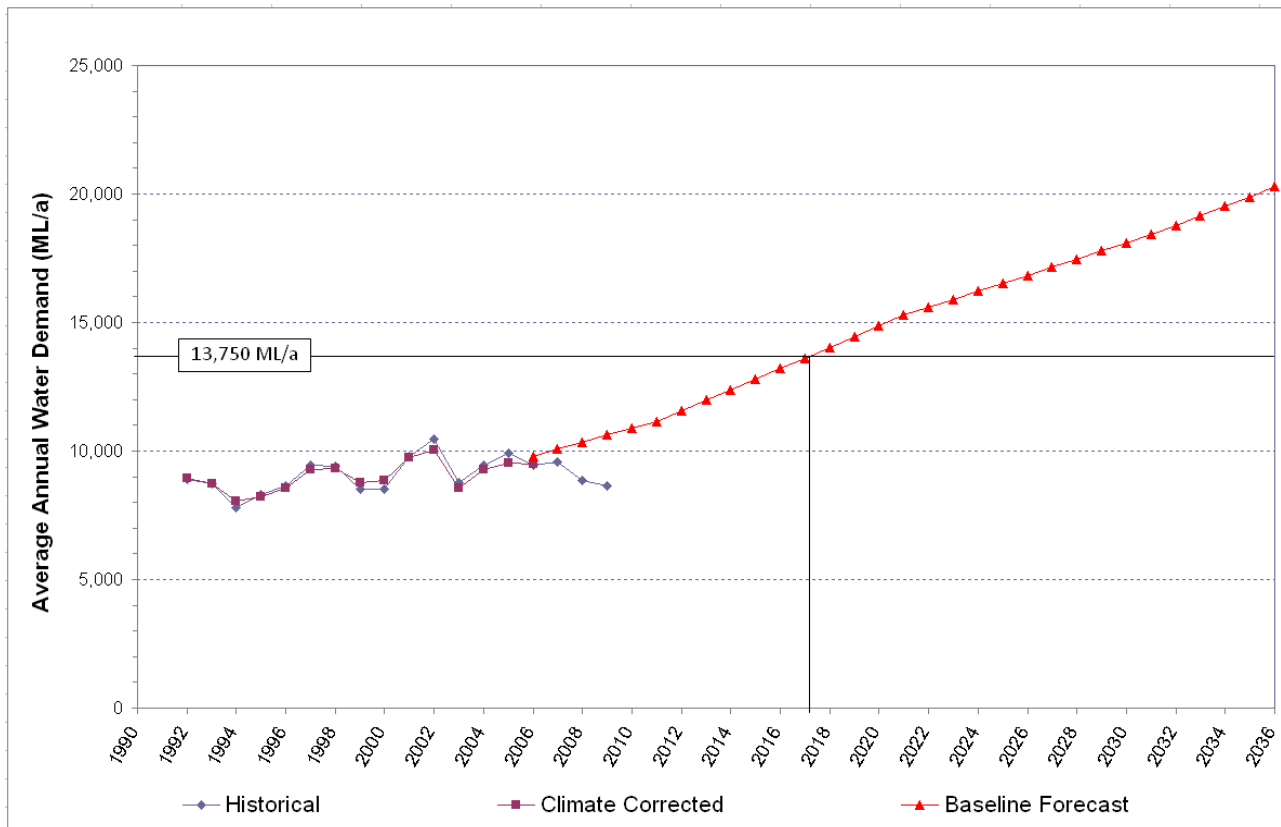
- 1. Notes the methodology used to determine the short-listed options in the Water Supply Augmentation Options Report Stages 1 and 2 Coarse Screen (October 2009).**
- 2. Adopts the recommendations from the Water Supply Augmentation Options Report Stages 1 and 2 - Coarse Screen as below:**
  - i. Tweed Shire Council carry out further investigations under the Stage 3 'fine screen' process on the options:**
    - Option 1 - Raising of Clarrie Hall Dam;
    - Option 2 – a New Dam on Byrrell Creek; and
    - Option 5 - Link to South East Queensland Water Grid.
  - ii. Due to potentially long-lead times with these short-listed options, a contingency option be investigated based on a combination of the following (short delivery time) options:**
    - Option 4 - Link to Rous Water;
    - Option 5 - Link to South East Queensland Water Grid; and
    - Option 7 – Groundwater Supply.
- 3. Adopts the methodology proposed in this report to determine a preferred option in the Water Supply Augmentation Options Report Stage 3 - Fine Screen.**
- 4. Adopts the methodology proposed for community consultation during the Water Supply Augmentation Options Report Stage 3 as detailed in the Communication Plan attachment to this report.**
- 5. Adopts the methodology proposed for the establishment of a Community Working Group during the Water Supply Augmentation Options Report Stage 3 as detailed in the Terms of Reference, Selection Criteria and Independent Selection Panel attachments to this report.**
- 6. Appoints two Councillors based on the selection criteria as representatives on the community working group.**

**REPORT:**

**THE NEED FOR AUGMENTATION**

**The Tweed’s Water Supply**

The secure yield of the existing Tweed Shire water supply is approximately 13,750 ML/a which will provide for a population of around 105,000. The current population of the Shire is approximately 78,000. At current growth rates and current per capita water use the demand is forecast to exceed supply in the period 2017.



Other known but uncertain factors that could change this forecast are impacts from Climate Change and possible changes to Water Sharing Conditions on the Tweed. Both of these issues could reduce the secure yield to a value less than 13,750 ML/a and bring forward the date when demand exceeds supply.

**Approaches available to ensure secure water supply**

Council has two possible approaches to ensure continued secure water supply:

1. Reduce per capita potable water use so that demand will not exceed the current secure yield
2. Augment the water supply system to increase the secure yield

**Reduce Water Use**

Council has targeted, and continues to target reduction of per capita potable water use.

Council resolved at its meeting of 17 February 2009 to adopt the Integrated Water Cycle Management (IWCM) Strategy Report which incorporates 18 specific Strategy Actions. Many of these actions are aimed at investigating ways to reduce potable water use, decrease water extractions from the environment, and increase the amount of water supplied from alternative sources such as water recycling and rainwater tanks.

#### Demand Management

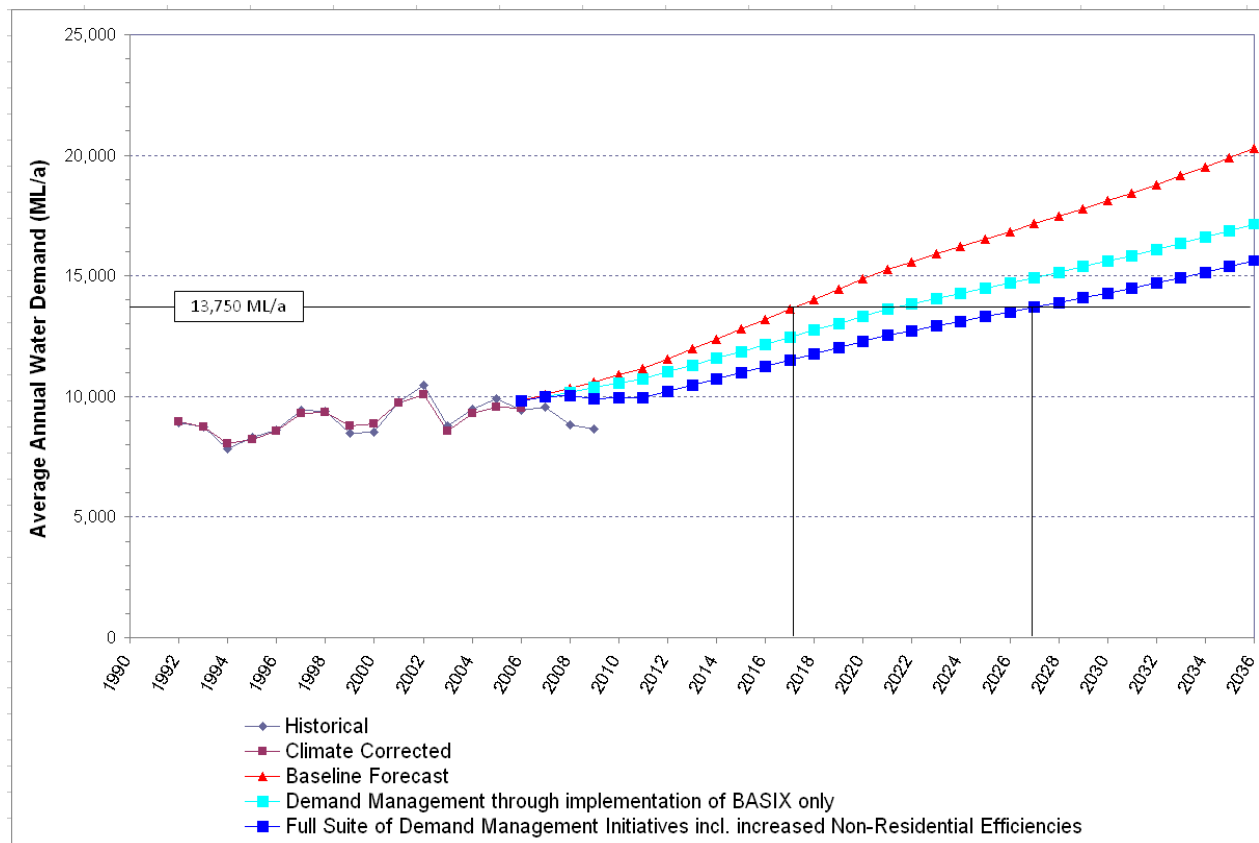
Action 1 of the IWCM Strategy was to determine a Demand Management Strategy (DMS) to enable the Tweed to reduce per capita water usage. The DMS (Residential) was adopted by Council on 17 February 2009, after being placed on public exhibition for a period of eight weeks. It recommended several action to reduce per capita demand:

- in all new homes enforcing the adoption of BASIX and connection of a 5000L rainwater tank to external use, toilets and washing machines (This would reduce the amount of drinking water being used by new residential homes by approximately 36 per cent or 80,000L per year per average-sized household).
- in all existing homes encouraging the adoption of BASIX and installation of a 5000L rainwater tank
- enhanced pressure and leakage control programs to reduce losses from the reticulation system
- continuing to pursue potential water recycling (effluent re-use) opportunities

The DMS (Non-residential) report is under final review and will be presented to Council at the next meeting in November. It recommends reduction of non-residential demand through several actions including targeting the top 100 users within the Shire, the development of water-efficient open space irrigation guidelines and requiring new major water users to carry out water management plans at DA stage.

The findings from both parts of the DMS have been combined to produce a graph showing curves of various demand management projections.





The graph shows that even with the successful implementation of Council's significant demand management actions, the existing 13,750ML/a water supply capacity would still be exceeded some time in the period 2017 to 2027. Thus the Water Supply System will require augmentation some time within that period.

## **OPTIONS TO AUGMENT THE WATER SUPPLY**

### **Tweed District Water Supply Augmentation Options Study**

Action 7 of the IWCM Strategy was to develop options for the Augmentation of the Tweed's Water Supply and pre-empted the results of the DMS.

A Water Supply Augmentation Options study is being undertaken to determine the best way to augment the water supply to meet the Shire's needs until 2036. The study has been broken into three stages to enable the most efficient use of resources and to provide opportunities for community involvement in the process. The results of Stage 1 and 2 are contained in the Tweed District Water Supply Augmentation Options Study – Coarse Screening Assessment of Options (MWH, October 2009).

### **Stage 1 – Identification of Feasible Options**

Stage 1 has been completed and identified nine options for analysis:

- options involving dams:
  - raising the existing Clarrie Hall Dam
  - new dam on Byrrell Creek
  - new dam on Oxley River, near Tyalgum (Rocky Cutting)

- options involving pipelines to other Water Utilities:
  - pipeline link to Rous Water, at Ocean Shores
  - pipeline link to South East Queensland Water, at Tugun
- other options:
  - groundwater supply
  - desalination (3 sites identified)
  - indirect potable reuse
  - direct potable reuse

### Stage 2 – Coarse Screen Assessment of Options

Stage 2 has also been completed. It gathered additional information on the nine options and then ranked them based on a triple-bottom line (social, environmental, economic) assessment using a multi-criteria analysis (MCA) tool. The conclusions from the report can be summarised as:

1. Based on the demand assessment a minimum supply augmentation of 5,250 ML/a. was targeted to achieve a forecast demand of 19,000 ML/a (with BASIX) in the year 2036.
2. Two mandatory assessment criteria were identified as part of the assessment:
  - Secure yield, for an additional 5,250 ML/annum;
  - Established technologies and feasibility.The options which did not meet these minimum requirements and were not considered further as long term supply options were:
  - Option 4 – Pipeline to Rous Water Ranked No. 4
  - Option 7 – Groundwater Supply Ranked No. 6
  - Option 9 – Direct Potable Reuse Ranked No. 9
3. The highest ranking options have the highest ratings for secure yield and established technologies:
  - Option 1 – Raising Clarrie Hall Dam Ranked No. 1
  - Option 2 – New Byrrill Creek Dam Ranked No. 2
  - Option 5 – Pipeline to South East Queensland (SEQ) Water Grid Ranked No. 3
  - Option 4 – Pipeline to Rous Water Ranked No. 4
  - Option 3 – New Oxley River Dam Ranked No. 5
4. Options that have a high risk in relation to likely cost escalation or long lead time before construction could commence were:
  - Option 2 – New Byrrill Creek Dam Ranked No. 2
  - Option 3 – New Oxley River Dam Ranked No. 5
5. The option with the most significant environmental concerns (habitat for threatened flora and fauna species near the dam site), as well as social impact (proximity to Tyalgum and the likelihood of flooding parts of the village and some rural properties) was found to be:
  - Option 3 – New Oxley River Dam Ranked No. 5These issues would contribute to significant planning process obstacles. There were no criteria where the Oxley River dam out-scored the Byrrill Creek dam.
6. The option with the potential for political and legislative difficulties, due to interstate transfer of resources was:
  - Option 5 – Pipeline to SEQ Water Grid Ranked No. 3

These issues are not likely to be diminished during periods of prolonged drought, when alternative supplies are needed most. The Queensland Government is currently assessing the water security position for SEQ and as such has not committed to any surplus water being available for use outside the region; therefore for this option to proceed, formal approval to connect to the SEQ Water Grid with the Queensland State Government is essential.

7. The most expensive options (with NPV of \$200 to \$300 million) also involve significant environmental impacts associated with disposal of the brine wastes:
  - Option 6 – Desalination Ranked No. 7
  - Option 8 – Indirect Potable Reuse Ranked No. 8
  - Option 9 – Direct Potable Reuse Ranked No. 9

Direct potable reuse is not socially acceptable and would involve significant planning process obstacles.

Based on the initial assessment of options it is recommended that:

1. Tweed Shire Council carry out further investigations under the Stage 3 'fine screen' process involving more detailed information, stakeholder and community involvement, and further review of the assessment criteria. Particular attention should be given to the investigations and associated timeframes required to deliver the project. Options to be examined under the Stage 3 process are:
  - Option 1 - Raising of Clarrie Hall Dam;
  - Option 2 – a New Dam on Byrrell Creek; and
  - Option 5 - Link to South East Queensland Water Grid.
2. Due to potentially long-lead times with these short-listed options, a contingency option be investigated which could be brought on line more quickly in the event of a delay with the preferred option. This option to be based on a combination of the following (short delivery time) options:
  - Option 4 - Link to Rous Water;
  - Option 5 - Link to South East Queensland Water Grid; and
  - Option 7 – Groundwater Supply.

### **PROCESS TO AUGMENT THE WATER SUPPLY**

In summary, the major phases to augment the water supply are:

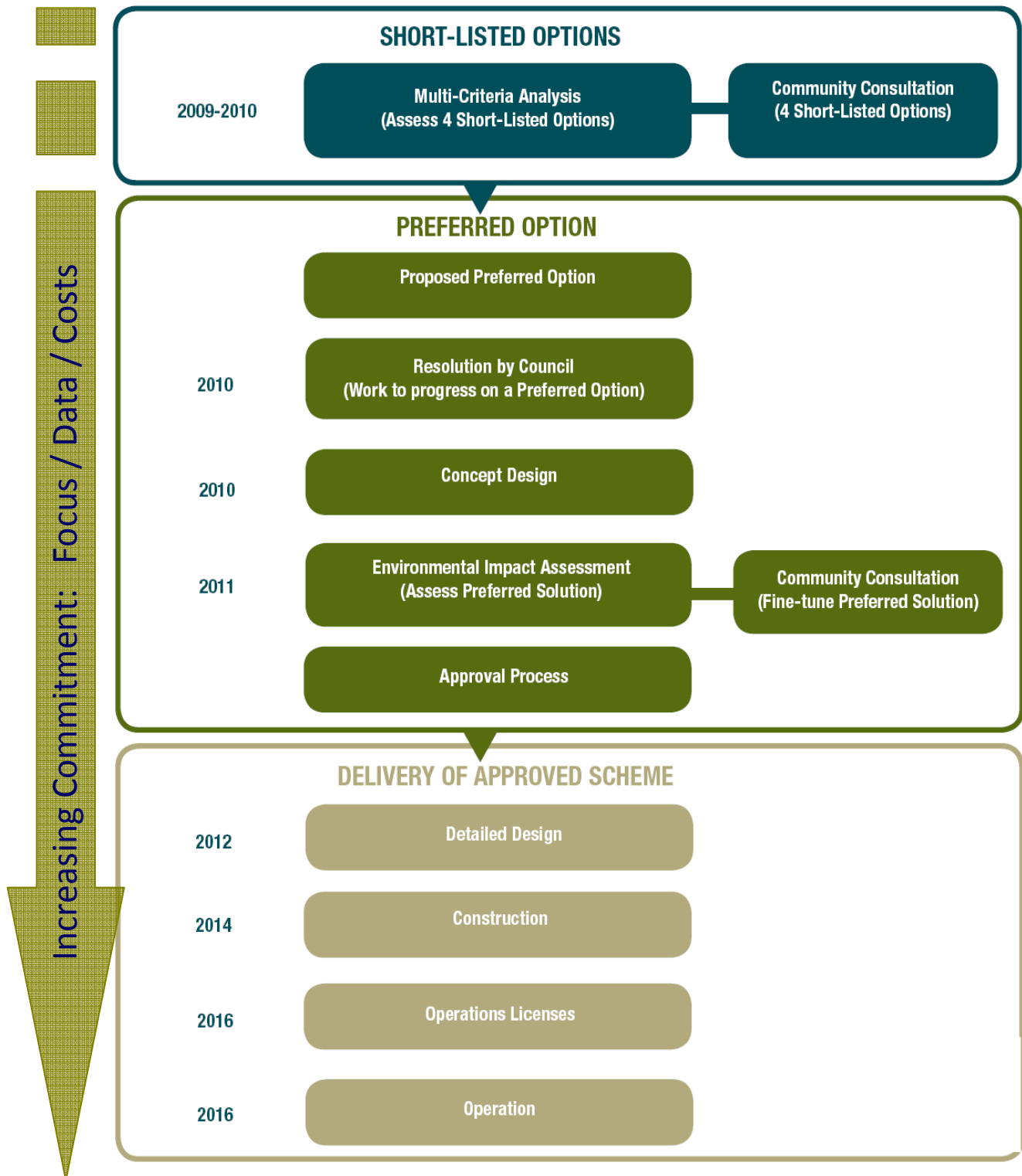
1. determine a preferred option
2. gain development approval for that option
3. design, construct and operate the scheme.

### **Proposed Methodology to Augment the Water Supply**

The process which is proposed is shown in the table and flowchart below. It outlines the major phases that will be required in order to ensure augmentation of the water supply before demand exceeds secure yield. The steps are grouped together into three phases with each subsequent stage becoming more focussed and requiring greater investment of time, resources and costs.

Phase	Aim	Actions
Short-listed Options	- Justify Preferred Option - Minimise subsequent Risks	Assess 4 Short-listed Options (MCA Stage 3, Community Consultation)
Preferred Option	- Fine-tune Preferred Opt - Development Approval	Development Application (Concept Design, EIA)
Delivery of Approve Scheme	- Operational scheme	Project Delivery (Detailed Design, Construction, License)

**Process outline and approximate timeframe to ensure the system is augmented in time**



Ultimately this process is to provide Council the information and confidence it requires at each decision making phase which are:

1. to make a decision on a preferred option
2. to make a decision to commit and focus resources on one option to carry out an environmental impact assessment and concept design, and secure a development approval
3. to make a decision to commit further resources to design, construct and ultimately operate the approved scheme

The proposed process is considered to offer Council greater certainty about the findings of each phase before committing to further investment in the subsequent phase. By adopting this approach, the process also reduces risks by ensuring the requirements of the previous phases have been met and will not impede the subsequent phases.

Augmentation of the water supply will require Council to secure a development approval and operation licences from various government agencies. These agencies will require detailed design information and assessment of any environmental and social factors.

Given the importance of augmenting the water supply to the region's long-term water security, it is considered of particular importance that the community is involved from the early stages of the process. Council can proceed to each subsequent phase with confidence that the community has been given adequate opportunity to give feedback and is generally supportive. There are increased risks of delays to the process if the community is not adequately involved.

The focus of this Council report is Phase 1 of the process "Short-listed Options". Further reports will be submitted to Council in the future as milestones are achieved. For example the next report is expected to recommend to Council of a preferred water supply option for adoption based on the results of Stage 3 of the Options Study.

## **PHASE 1: SHORT-LISTED OPTIONS**

### **Tweed District Water Supply Augmentation Options Study – Stage 3 Fine Screen Assessment of Short-listed Options**

The objective of Stage 3 is to determine a preferred option to be recommended to Council for adoption. It is proposed that Stage 3 will involve:

- More detailed information and studies on the short-listed options
- Community Consultation to further inform the process and provide feedback
- A more detailed Multi-Criteria Analysis (MCA) to determine a preferred option

Following completion of Stage 3 of the Study, a preferred option will be recommended to Council for adoption.

### **Further studies and information**

More detailed information and studies on the short-listed options will be used to further inform the MCA contained in Stage 3. These studies will include:

1. Collection of data:
  - Tweed Community
  - Affected Landholders
  - Tweed Interest Groups
  - Aboriginal representatives
  - Government Agencies
  - Council staff
2. Estimates and studies:
  - Cultural Heritage
  - Construction & operation costs
  - Greenhouse gas contributions

### **Community Consultation**

In summary, the Community Consultation Strategy proposed to inform the MCA in Stage 3 of the study comprises of:

1. Informing stakeholders and the broader community about the overall process to augmentation, work to date, the short-listed options, the MCA assessment method, and the Community Consultation process through:
  - Letters to specific stakeholders
    - Landholders
    - Interest & Community Groups
    - Government Agencies
  - Media coverage
    - Tweed Link
    - Media releases
  - Information & reports available
    - Factsheet summaries / Full reports
    - Website / TSC Offices / Libraries / Mailout (upon request)
    - 1800 number
  - Public stalls
    - River Festival
    - National Water Week
    - Shopping Centre stalls
2. Consulting with stakeholders and the broader community to provide additional information and receive specific feedback:
  - Individual Meetings
    - Affected Landholders
    - Aboriginal Advisory Committee presentations
    - Government Agencies
  - Multiple Points of Contact
    - 1800 number (Q&A)
    - Email (TSCwater@tweed.nsw.gov.au)
  - Public submissions
    - Information and reports on exhibition and available to the public
    - Written submissions
    - Verbal submissions (1800 number)
3. Involving stakeholders and the broader community through a Community Working Group (CWG) comprising of independently selected stakeholder representatives. The CWG's aim is to assist Council to select a preferred option from four shortlisted water supply augmentation options. The role of the group will be to

investigate the options in some detail, collect and disseminate information with stakeholders and the wider community, and to work with Council to identify the key environmental, social and cultural issues associated with each option. The CWG is consultative in nature. It is not a decision making body. Decision making powers are retained by Tweed Shire Council.

- Members (13 in total)
  - Councillors 2
  - Affected Landholders 2
  - Aboriginal representatives 1
  - Environmental groups 2
  - Commercial & business groups 2
  - Residents & ratepayer groups 3
  - Fisher/catchment user groups 1
- Each member will be selected from nominees by an independent selection panel based on criteria such as:
  - Representativeness
  - Capacity for two-way Information sharing
  - Capacity and interest to investigate and contribute
  - Availability

Full details of the Community Consultation Strategy are contained in the attached Communications Plan, the CWG Terms of Reference, CWG Selection Criteria, and the description of the proposed use of a Southern Cross University Selection Panel providing independence to the selection process.

#### **Multi-criteria Analysis (MCA) to determine a preferred solution**

The additional information from the studies and the community consultation will be used in the detailed MCA assessment to determine a preferred option.

The final Stage 3 report will recommend a preferred option and describe the methodology and detailed input information used in its determination.

The results of this report would be used to recommend a preferred option to Council for adoption.

#### **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. History of the Tweed District Water Supply (ECM 7025631)
  2. Tweed District Water Supply Augmentation Options Study – Coarse Screen Assessment of Options (MWH, October 2009) (ECM 7023506)
  3. Tweed Shire Council Communication Plan - *IWCM Update & Water Supply Augmentation Options Investigation* (ECM 7024605)
  4. Proposed Selection Criteria for the Community Working Group (ECM 7024621)
  5. Proposed Terms of Reference for the Community Working Group (7024622)
  6. Southern Cross University Office of Regional Engagement, Proposed Independent Selection Panel Participants (ECM 7028749)
  7. Water Unit Presentation to Council Workshop of 22 September 2009 - Tweed Shire Water Cycle Management & Water Supply Augmentation (corrected) (ECM 7024597)
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**21 [CNR-CM] Tweed Community Options - Annual Report 2008/2009**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

Tweed Community Options has experienced significant growth over the past 6 years. Since 2005/2006 an Annual report, based on the case management activities and the statistics of clients receiving services utilising Commonwealth and State Grant funds, is made available to Council Members and the wider community via Council's website.

The report for the financial year, 2008/2009 is now ready for distribution.

**RECOMMENDATION:**

**That Council reviews the Annual Report for 2008/2009 and authorises it to be placed on Council's website under the banner of "Tweed Community Options".**

**REPORT:**

Refer copy Annual Report reproduced below.

**TWEED COMMUNITY OPTIONS PROJECT**

**ANNUAL REPORT**

*For the period: 1 July 2008 to 30 June 2009*

**Introduction:**

This financial year has brought with it several challenges. Yet it has also been the best year in terms of equity funding for the Tweed Shire, since the introduction of HACC case management in Tweed, some 18 years ago. However Tweed Community Options has also experienced several challenges in the provision of services to our community.

With our growth in funding, along with our collective responsibility shared with local service providers in the community care industry, we have continued to work collaboratively in order to meet the needs of our target group of clients who are living in the Tweed Shire. With an ever increasing ageing population comes the need to respond with adequate planning, infrastructure and resource allocations that are necessary if the contractual obligations detailed in our various funding agreements and guidelines are to be met and the community is to receive prompt and responsive services.

This has been even more important this year as Tweed Community Options did not have specific funds for Veterans case management or episodic case management. Rather services that previously were met within these specific funding allocations for their target group of service users now required accommodation within the budget for HACC case management. The challenge was to ensure that no person who was assessed as priority for allocation of case management support missed out on being allocated to a case manager to assist them.

Clients with complex care requirements – particularly health related issues and housing, financial, social and or equipment needs remained a significant group within our case management responsibilities for priority access to our services, along with those identified in the National HACC guidelines as priority clients.

Risk of premature entry into residential care facilities; and/or waiting for a Community Aged Care Package (CACP) or an Extended Aged Care At Home (EACH) package still remains a significant reason for referral to Tweed Community Options.

**Major Achievements:**

The receipt of an additional \$150,000 to our HACC case management budget, just days before the end of the financial year, represented a significant boost to our ongoing capacity in meeting the needs of the Shire's growing demands for HACC services. These funds were allocated via a successful public tender and were identified as required to enable Tweed Shire to have "catch-up" with other regional HACC funded case management services. The funding allocation was the result of an equity discrepancy between the Tweed Shire and other areas over previous years.

ComPacks services provided a record 629 packages of care to patients which are referred to our service from the Tweed and Murwillumbah Hospitals. These patients have been identified by hospital staff as in need case management and brokerage links into local community care support services. They require adequate in home and community access services (when first home from a hospitalisation) as services were regarded as essential to be in place on discharge.

Two acting Team Leader positions were in place in the final weeks of the financial year and the Coordinator position was recognised as requiring a higher level of skill and responsibility due to the expansion of Tweed Community Options. Tweed Community Options has been steadily developed over the past 6 years in response to community growth of its ageing population. The two Team Leader positions lead the day to day work of the ComPacks and HACC Case Management work respectively. These positions are providing all case managers more timely response time in supporting case managers, hence a more efficient case conferencing– which in turn provides greater quality, monitoring of case work and efficiencies with resource allocations that underpin direct client services.

Tweed Community Options is now considered a medium size case management service, and with that comes new challenges to accommodating staff in our current office space, and also ascertaining what level of other resources are required such as increases in availability of vehicles for staff to use when attending meetings and home visits. These are planning requirements that are necessary to identify accurately so that services remain responsive to community needs and demands, and utilise the recently identified and available funding grants successfully.

As we have moved from a small to a medium size project, there have been unavoidable inefficiencies and these often were our ability to quickly respond to referrals given our limited resources which were in the process of being upgraded to be in line with our new position as a medium size business unit. Evidence of this is seen when comparing the statistics on number of HACC clients who received a service from Tweed Community Options in 2007/08 reporting period. In 2008/09 the number was 287 whilst the number in the previous reporting period was 330.

The two year trial project, Support Coordination Program, came to completion on 30 June 2009 however a media release in June announced that the program funded for two years across NSW, will continue as a recurrently funded initiative of the Commonwealth and State Governments. This is good news for the Far North Coast as significant numbers of ageing carers live with a son or daughter with a disability in our region.

#### **Staffing and Funding Levels:**

Additional case managers were recruited from agencies during the year to assist to respond to referrals for services. All staff recruited had not previously worked in HACC case management, but had experience in working in related programs which overlapped with the HACC target group population. Our internal electronic case management systems together with our policies and procedures, and our financial systems are requirements for new staff to become competent in as soon as possible when recruited.

At the close of this financial period staffing and funding levels were:

#### **Staffing levels:**

1 Acting Coordinator	full time employee (35 hrs)
2 Team Leaders	full time positions but under contract
2 Case Managers	28 hours permanent part time employees
1 Case Manager	28 to 35 hours flexible and under contract
4 Case Managers	28 to 35 hours flexible and under contract
2 Case Managers	on call as required - to manage staff leave
2 Admin & Care Coordination staff	combined working up to 60 hrs per week
Additional Admin support as required	up to 35 per week at times

Finance Officer

full time employee (35 hrs)

**Case Management:**

To enable Tweed Community Options to implement services which utilise the increased budget, significant planning was required in the areas of:

- **Recruitment**

Recruitment of case managers proves to be an ongoing challenge in a community located so far from the hub of HACC case management programs where most of the medium to large programs are mainly located (Sydney, Newcastle, Wollongong and Blue Mountains areas, with Sydney being the major focal point to find trained staff). Tweed, like all small regional towns is challenged to find suitable qualified staff. In addition our NSW model of case management is not similar to any of the HACC services found on Queensland's Gold Coast, where a pool of potential new staff is usually found to enhance staffing of many vacant positions in the Tweed Shire. However we do find staff from this location but additional training is required to allow for the differences in the way each State administers their model of HACC case management service delivery.
- **Community Options Office**

Suitable accommodation to support the growing team at Tweed Community Options is critical. Our current office space at the Tweed Civic Centre is at capacity, hence our dependency on a small office space in the retail precinct of Tweed Heads became the temporary office space for most case managers working in the HACC funded programs this year.
- **Service Capacity**

Along with the growth in service delivery it is recognised that we need to review resources required by case managers when delivering adequate services relevant to new funding levels. This was achieved by documenting the demand for the use of work vehicles, to enable staff to increase the number of home visits to see their clients, including further home visits when required. Client visits are a part of the monitoring of quality service provision and responsiveness to client needs as it is the feedback from clients that better enables case managers to ensure that the service being provided is actually doing what the client wants and needs. Tweed Community Options now requires an additional vehicle access.
- **Client Demographics in HACC Case Management**

Clients over the age of 65 make up over 60% of accepted referrals into our HACC and ComPacks programs. The figure for ComPacks is more significant as it is this age group which features mostly in the number of referrals into ComPacks work. They are people whose health is now complex and they are unlikely to have a carer or have family members living with them who can assist with tasks of daily living, once the patient is discharged from hospital. Often the carer is also experiencing complex health issues, and unable to access the community care service system without the support of a case manager. Carer burn-out is also a factor of concern to the case managers working with our clients. They try to assist with minimising risk of burn-out when working with clients.
- **Waiting Lists**

The issue of significant waiting lists for a CACP or an EACH package remains a long term concern for the Tweed Shire. Neighbouring communities in Queensland do not experience a significant wait, as CACP packages are readily available there. Tweed Community Options continues to support many Tweed Shire residents who are our clients while they are on these waiting lists for a NSW package even though all packages

are Commonwealth funded programs. Our support is in the form of providing to Tweed residents our HACC case management and brokerage of services. This work remains a significant part of our HACC case management service.

- **Joint Case Management Partnership**

Joint case management work was undertaken on many occasions over the past year. This included joint work with staff of Community Health; Mental Health workers; Older Persons mental Health team; DADHC case managers; On Track services and New Horizon's service.

- **Networking Relationships**

Referrals came from many of the above named services who also provided joint case management with our case managers. Other sources of referrals came from the following services: other Community Options Projects who had clients planning to move to Tweed Shire; and ATSI case managers and care coordinators; FNC Dementia Outreach Program; Blue Care CACP and EACH programs; Commonwealth Carer Respite Services; local General Practitioners; Community Health Social Workers; ATSI specific programs; Home Care Tweed branch; Veterans Homecare assessment agency; family members concerned about ageing parent; DADHC Intake and Referral Service; and various private allied health providers such as occupational therapists and podiatrists.

- **Support Coordination Program**

Tweed Community Options as lead agency completed the second year of the Support Coordination Program for Older Parent Carers (OPC), which was a 2 year grant funded under the Commonwealth Bi-lateral agreement (with NSW Government in this instance). With consortium partners Clarence Valley Community Options and Richmond Community options, support was provided which primarily targeted Hidden Carers and later in the program, existing service users where parents were ageing and caring for an adult son or daughter with a disability. The coordinator and case managers participated in teleconferences and meetings with other NSW providers of this service. During the program there was also emphasis on succession planning, with carers invited to participate in workshops designed to provide information and support for the decisions required to create a succession plan.

- **HACC Intake and Assessment**

An emerging trend within our HACC case management work is the substantial increase in the hours each week that are required for Intake and Assessment work by our Intake Case Manager. This role of Intake and Assessment of all referrals received by Tweed Community Options is now averaging around 28 hours per week, as approximately 30 referrals are received per month. We are aware that the Commonwealth and States are currently reviewing and participating in trial programs that will ensure all referrals within each State are received and assessment by a central office. Once this is in place it should allow more hours per week dedicated to providing direct case management instead of these hours being dedicated to Intake processes.

- **Client Needs and Independence**

Within our case management work the staff identify clients who with moderate levels of assistance, particularly after a health or accident set-back, will resume their previous levels of independence. For these clients maximum effort and resources allocated will assist them to reach independence again. The clients in this subgroup are a small but significant group who can refer back to our service should they need to in the future, just as any one else can. This process of re-enabling clients to maximise their independence reasonably soon, has several benefits not only for the client but for the best use of scarce resources within the HACC funding system.

DADHC Funded Projects: our core business

Data Collected on DADHC Funded Case Management and Support Coordination Project for Older Parent Carers and Podiatry:	Statistics	Comments
Number of clients receiving services as at 1 July 2008	51	This is the number of clients who were continuing with a service from the previous financial reporting period.
Number of clients receiving services as at 30 June 2009	40	This represents the number of clients who are continuing their case management into the next financial period

Number of Referrals requested for DADHC funded programs during this reporting year	287	This represents total referrals received for podiatry, HACC case management, and Support Coordination for Tweed Shire residents
Number of Referrals screened, assessed but not taken into any of our DADHC funded programs	48	This represents all referrals that were received, screened but for various reasons were not accepted into the programs. Many were not accepted due to not being eligible under the guidelines, or were referred to more appropriate service systems available in the Tweed.

Number of frail aged clients who received services	191	This is a lower number than the demographic of Tweed suggests it could have been.
Number of clients with a disability who received services	96	This is a higher number than the demographic of Tweed suggests it could have been - see note below for possible explanation.

Approximately one third of clients were younger people with a disability and two thirds were clients who were aged over 65 years. This demographic is not equitable given that the Tweed Shire is heavily populated with people over the age of 65 years. However it could be explained that many people who are aged over 65 years are living healthy active lives and so many are not identifying as potential complex HACC case management clients as yet. The coming years are likely to demonstrate a trend to a client demographic of 80% frail aged and 20% younger person with a disability.

Other Funded Projects:

Name of Project	Total number of clients 08/09	Comments
Aboriginal Case Management –	21	This project allows for collaboration of

number of clients for Tweed Shire. This figure is also included in referrals in the above set of tables.		case management and care planning with resource allocations being funded by Richmond Community Options who are the Lead Agency in this DADHC funded project. Clarence Valley Community Options are also involved in the collaboration with Richmond Community Options and Tweed Community Options, together we work across the Far North Coast.
<b>HACC Podiatry</b> – number of clients for Tweed Shire. This figure is also included in total referrals included in the above set of tables	<b>97</b>	14 referrals were for new clients, and 83 were clients who continued with additional podiatry support from the group funded in the previous reporting year.
<b>Support Coordination Project</b> - funded to support older parent carers of persons who have a disability, and focus is on intake priority to families who are not linked into the service system, particularly for respite support and case management	<b>24</b>	18 referrals were accepted for new clients for this reporting period. And 6 were for clients who continued their services from the previous reporting period.
<b>ComPacks Services</b> - This project is funded by NSW Health and is designed to assist hospitals with discharge planning for clients who meet the criteria for the program.	<b>629</b>	Most referrals are generated by The Tweed and Murwillumbah hospital staff. The program ensures that clients leave hospital with community care services immediately, instead of being on a long waiting list for support from an already over subscribed community care system (that is always operating at its capacity in terms of limited funding in Tweed).
<b>Specific Assessment Project</b>	<b>54</b>	This was a one off special project undertaken in September October and November 2008, to assess identified clients known to funding body as potential for Older Parent Carer funding and or service stream. Six of these assessments were undertaken by Clarence Valley Community Options on our behalf.

Total number of formal complaints received across all projects in this reporting period	<b>NIL</b>
Total number of clients who received services from Tweed Community Options during the financial year, 1 July 2008 to 30 June 2009 – excluding Specific Assessment Project referrals.	<b>916</b>

### Coordinator's Summary

Goals for the coming 12 months include:

- Relocation of the HACC case managers into the HACC centre in South Tweed.
- Additional vehicles are now required for use in supporting the number of home visits to clients, given the increasing demand for community care services in the Tweed Shire.
- Strengthen finance and administration support infrastructure within our office, to enable Tweed Community Options to be responsive to quality and efficiency of service delivery. This will include additional administration and care coordination hours, as required but particularly in times of demand such as the winter months from Easter to late October.
- Continue to fine tune the implementation of changes to specific staffing positions within Tweed Community Options – Team Leader positions and the full time assistance of a Care Coordination person in our ComPacks area. These are acting positions currently but it is planned to finalise positions sometime in the 2009/2010 period.
- Continue to develop and strengthen the networks of Community Care and Tweed Shire's service systems to further enhance our joint case management work and also our profile as a source for receiving referrals (that are likely to support the diverse needs of potential complex care clients, and those who are seeking assistance to other related services of Tweed Community Options).
- Further promotion of the work of Tweed Community Options is required. Particular emphasis will be to promote Tweed Community Options work with the various networks of elderly residents and to the leisure services that they may currently use. This will assist people to know where to go for assistance when its needed, and it will help to ensure equity of access to resources that Governments have made available to support vulnerable members of the Tweed community.

### Conclusion:

Due to the unique demographics of the Tweed Shire, there will remain a demand for community care services to support vulnerable members of the community, particularly those aged over 65 years, as they progress into frail age and require assistance with tasks of daily living. The majority of our clients are aged over 78 years of age but particularly in their late eighties. The tasks that assist people to remain at home and safe include:

- shopping support;
- community transport;
- personal care and domestic assistance;
- respite and or social support;
- allied health services including podiatry and occupational therapy assessments;
- equipment and resources to support mobility, personal safety, and independence;
- home modifications;
- and case management.

It will remain the primary responsibility of Tweed Community Options, to ensure those residents who have complex care requirements, are prioritised and referred into the HACC and the wider community care system, so that choice to remain living in their own home is also successful.

The overall priority is to ensure we consolidate all aspects of Tweed Community Options so that it remains strong and responsive to the needs of the community.



**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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**22 [CNR-CM] Offer of Gift of Additional Land for the Art Gallery Precinct**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

Art Gallery supporter, The Rt. Hon. Doug Anthony, has offered a further gift of land surrounding the existing boundary of the Art Gallery precinct. This land further extends the previously generous donation of land on which the Tweed River Art Gallery is located.

The additional land extends the boundary along the Mistral Road side of the boundary by approximately 25 metres, encompassing a hillside and large hoop pine tree. The additional tract of land continues down the slope to the Emergency Evacuation Point at the rear of the Art Gallery circular drive.

**RECOMMENDATION:**

**That Council:**

- 1. Accepts the offer of the gift of the additional land from Mr Anthony conditional on the appropriate surveys and subdivision being undertaken.**
- 2. Acknowledges the gift of land through formal letter of thanks to Mr Anthony.**
- 3. Authorises the General Manager to implement the land transfer and to have any documentation duly executed under the Common Seal of Council.**

**REPORT:**

The Rt. Hon. Doug Anthony has offered a further gift of land surrounding the existing boundary of the Art Gallery precinct. This land further extends the previously generous donation of land on which the Tweed River Art Gallery is located.

The additional land extends the boundary along the Mistral Road side of the boundary by approximately 25 metres, encompassing a hillside and large hoop pine tree. The additional tract of land continues down the slope to the Emergency Evacuation Point at the rear of the Art Gallery circular drive.

This will allow for the future development of a natural amphitheatre facility for outdoor presentations, and the inclusion of additional public art sculptures to enhance the site. The original plan for the Gallery identified that the proposed site was suitable for an outdoor amphitheatre and were included in the original concept drawings.

The larger grassed area also provides an excellent location for visitors and school groups to congregate safely for relaxed family-orientated outdoor activities.

Some sections of the existing fence are constructed of post and barbed wire as these areas had been inaccessible to the public. As this extension of the current Art Gallery grounds will allow public access, discussions regarding the fencing materials have resulted in a proposal to construct a wooden post and rail fence.

It is proposed that some landscaping will be completed in the future, and include the planting of native grasses and other appropriate foliage. At present the only additional maintenance costs will be the additional mowing and grass-cutting time required by Council staff.

The donor is keen to finalise this gift of land as soon as possible.

Doug Anthony

"Sunnymeadows", PO Box 71, Murwillumbah, NSW 2484  
Telephone:(02) 6672 2820 Facsimile:(02) 6672 3346

3 September 2009

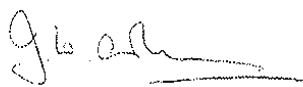
Mr. Gary Corbett,  
Manager,  
Community & Cultural Services,  
Tweed Shire Council,  
P.O. Box 816,  
MURWILLUMBAH. N.S.W. 2484

Dear Gary,

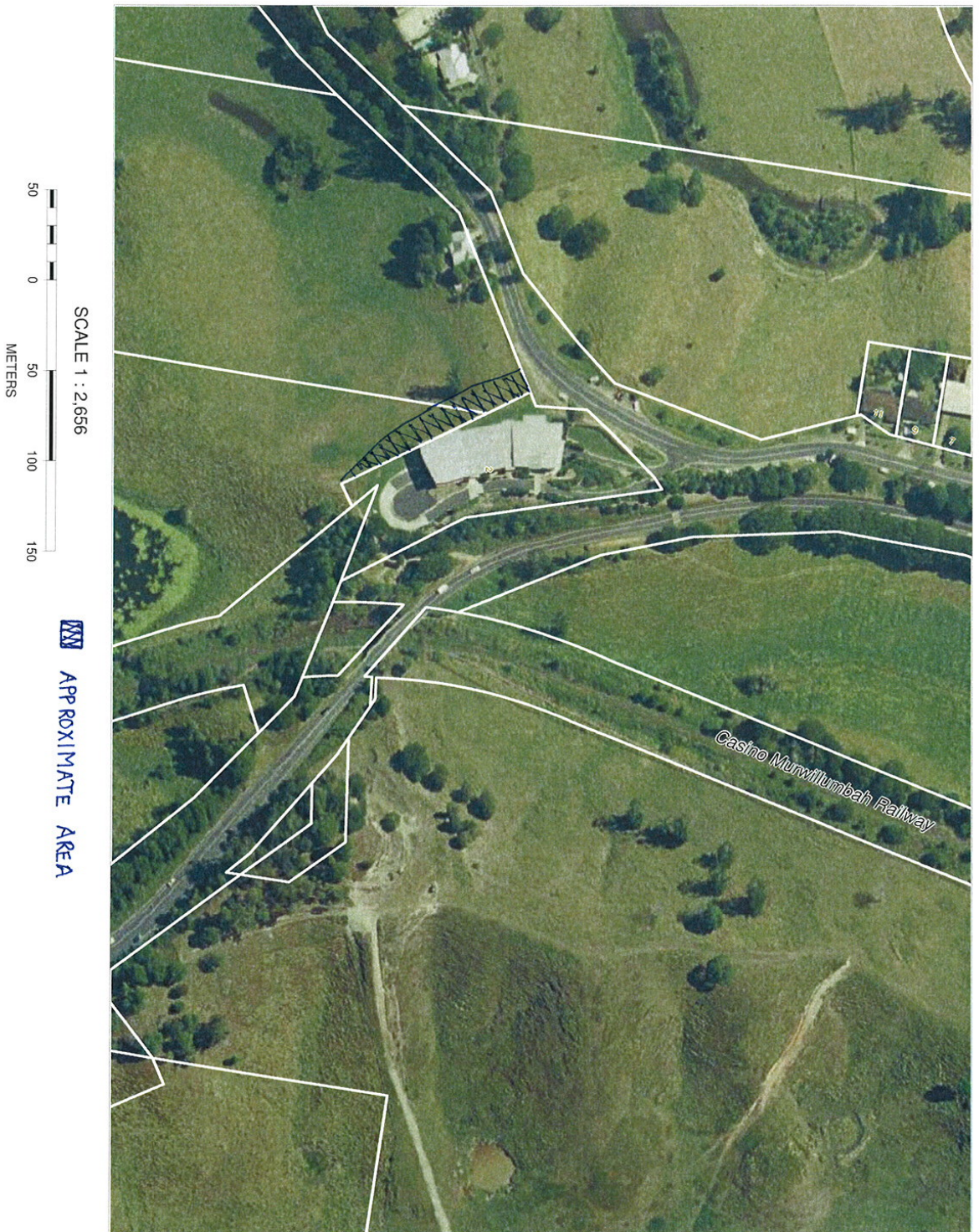
I wish to inform you that I would be pleased to make more ground available and grant to the Tweed Shire Council/Tweed Regional Gallery for the purpose of extending the Gallery landscape arrangements. The area involved has been discussed with Susan Muddiman and Anne Shardin and I have roughly made this area obvious by mowing it.

I would be happy to identify the area more precisely at a convenient time.

Yours sincerely,

  
(J.D. ANTHONY)

ECM 5991639



Wednesday, 23 September 2009 8:23 AM

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

The required budgetary obligations of this gift relating to maintenance and fencing costs will be met through the Community and Cultural Services operating budget.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**23 [CNR-CM] Proposed Support Coordination Project to be recurrently funded by Department of Ageing Disability and Home Care (DADHC)**

**ORIGIN:**

**Community & Cultural Services**

**SUMMARY OF REPORT:**

Department of Ageing Disability & Home Care ("DADHC") has written to Tweed Shire Council to advise that its trial two year project, Support Coordination Project, has approval for recurrent funding past the 30 June 2009 (end date of the trial). Additional funding for Tweed Shire Council under the Respite for Ageing Parent Carer program for this financial year will now consist of \$213,284 for case management and \$250,000 for Carer Assistance Packages for Older Parent Carers, for the Far North Coast. This project targets respite and case management support specifically to Older Parent Carers of persons with a disability where the primary carer is over 60 years of age. Tweed Community Options will work in cooperation with Clarence Valley Council's Community Options staff and with Northern Area Health's Richmond Community Options to undertake this project recurrently.

**RECOMMENDATION:**

**That:-**

- 1. Council agrees to enter into the 3 year contract with Department of Ageing Disability & Home Care (DADHC) commencing immediately with funding for the first year totalling \$463,284.**
- 2. All documentation relating to the contract be executed under the common seal of Council and returned to DADHC.**
- 3. The Memorandum of Understanding be updated to formally link the three nominated Community Options Projects who operate across the Far North Coast of NSW ensuring all aspects of the contracted obligations are met by all parties and under the auspice of Tweed Shire Council.**

**REPORT:**

As per the 2007 report to Council regarding formal acceptance of tender funding relating to the trial Support Coordination Project for Older Parent Carers, this new offer of ongoing funding to support the target group is a flow on of the 2007 initiative of the Commonwealth and the State Governments. Governments are responding to the identified and significant need across Australia, to further support ageing carers who are caring for an adult son or daughter, and that the family is under-resourced or currently unknown to the service system in their regional area.

Support Coordination is aimed at meeting the needs of the target group, utilising case management skills together with a respite funding package for each family. A respite package can be up to \$5,000 in planned or crisis respite support.

Case management aims to identify, in cooperation with the family, what supports and resources might be required to ensure the caring relationship is sustainable and healthy and that obvious referral pathways are made to link the carer and the person with a disability into the service system that is funded to meet their needs. This can include but is not limited to referrals into meals on wheels services; community transport; home maintenance support; ongoing respite assistance systems; and equipment needs.

There will be a Memorandum of Understanding between Tweed Community Options; Richmond Community Options; and Clarence Valley Community Options to allow all three to work professionally and consistently within the contracted guidelines and boundaries of the funding agreement. This will ensure priority of need is recognised and equity of access is transparent and fair when assessing referrals, and then with provision of case management and respite assistance to clients.

The obvious difference between the trial project and this recurrently funded project is that the age of the carer for entry is now 60 yrs of age and not 65 years of age as per the trial guidelines.



Department of Ageing, Disability & Home Care

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

AGED SERVICES.  
 GOVT GRANT - COMM OPS  
 TWEED SHIRE COUNCIL  
 FILE NO: HACC  
 DOC No:  
 REC'D - 7 OCT 2009  
 ASSIGNED TO: GORBETT, G.  
 PAMPHLET ID: 11111  
 M'LENNAN, R.

► NGO Funding and Acquittals Unit

Contact: Anne Freestone  
 Region: Central Office  
 Submission Ref: AH109/2557, AH09/18674 & AH09/35943  
 FAU Ref: AHA/12981

Dear Mr Rayner

The Department of Ageing Disability and Home Care (DADHC) has approved additional funding for your organisation under the Respite for Ageing Parent Carer program. Details of this funding are listed below: -

Service ID	Service Name	Recurrent
16208	Support Coordination for Older Parent Carers	\$213,284
19104	Carer Assistance Packages for Older Parent Carers Far North Coast	\$250,000

The changes made to the Service Description Schedules are highlighted for your convenience.

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 you are required to sign (these must be signed by two (2) Duly Authorised Representatives of your Organisation)
2. Revised Schedule 1, Parts B, D & E for this funding variation

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: 4967416



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

Should you require any further information regarding this approval please contact **Ms Anne Freestone** on **9277 5644**. If you have any enquiries in respect to the enclosed documents, please contact me on 8270 2172.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ursula Cleary', written over a horizontal line.

Ursula Cleary  
Funding Officer  
NGO Funding & Acquittals Unit

2/9/09

2/2

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DataWorks Document Number: 4967416

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**24 [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 The Tweed Hospital, provides the Tweed Heads Civic Centre Auditorium free of charge on 11 December 2009 for the annual Volunteers Christmas Party, 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 The Tweed Hospital, provides the Tweed Heads Civic Centre Auditorium free of charge on 19 November 2009 for the Tweed Hospital Remembrance Service, 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?
The Tweed Hospital	Request waiver of fees for hire of Tweed Heads Civic Centre on 11 December 2009 for the Volunteers Christmas Party.	\$360	That the fee of \$360 be waived.	Yes
The Tweed Hospital	Request waiver of fees for hire of Tweed Heads Civic Centre on 19 November 2009 for the Tweed Hospital Remembrance Service.	\$180	That the fee of \$180 be waived.	Yes

A copy of each of the requests is reproduced below.





NORTH COAST  
AREA HEALTH SERVICE  
NSW HEALTH

N2009/203  
WH:lc

LICENCE - LIQUOR  
DONATIONS  
VOLUNTEERS  
HOSPITAL - TWEED HEADS  
TWEED HEADS CIVIC CENTRE - TWEED HEADS  
REC'D - 4 SEP 2009  
ASSIGNED TO: COOBBETT, G  
HARD COPY  IMAGE

1 September 2009

General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Sir

The Tweed Hospital has arranged to conduct its annual Volunteers' Christmas Party on **Friday, 11 December 2009** at the Tweed Heads Civic Centre Auditorium which was verbally booked with David Martain in 2008.

I ask once again with anticipation that the fees for the use of the Auditorium be waived for this occasion. The Christmas Party is held to thank our valued volunteers who have provided their devoted efforts to improving the quality of services to our patients, visitors and staff alike.

We seek your permission to serve alcohol at this function. A formal Permit of Approval will be completed and forwarded to the Tweed Police.

We thank you for your attention to this matter.

Yours faithfully

Wendy Howell  
**Acting Director of Nursing and Patient Care Services**  
**The Tweed Hospital**

Cc: David Martain

The Tweed Hospital  
North Coast Area Health Service  
16-18 Powell Street Tweed Heads NSW 2485  
Phone: (07) 5536 1133 Fax: (07) 5506 7411  
Website: www.ncahs.nsw.gov.au  
ABN 37 940 606 983

A teaching hospital of The University of Sydney, Bond University, Southern Cross University & Griffith University

DataWorks Document Number: 4812108



N2009/202  
WH:lc

1 September 2009

General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

NORTH COAST  
AREA HEALTH SERVICE  
NSW HEALTH

DONATIONS  
HOSPITAL - TWEED HEADS  
APPRECIATION

TWEED SHIRE COUNCIL
FILE NO. CIVIC CENTRE - TWEED HEADS
DOC. No.
REC'D - 4 SEP 2009
ASSIGNED TO CORBETT, G
HARD COPY <input type="checkbox"/> IMAGE <input checked="" type="checkbox"/>

HIRE

Dear Sir

I write to thank you for the use of the Civic Centre for The Tweed Hospital Remembrance Service which was held on Thursday, 20 November 2008. Once again the event was very inspiring with over 200 people in attendance.

The venue is well suited for our Service of Remembrance and it provides a very comfortable setting away from the Hospital surrounds for those experiencing the loss of a loved one.

The Tweed Hospital Chaplaincy Service is currently arranging to conduct the 2009 Remembrance Service which is scheduled to be held on Thursday, 19 November 2009 and request that Council once again waive fees for the use of the Civic Centre Auditorium.

Your consideration of my request would be greatly appreciated.

Yours sincerely

Wendy Howell  
**Acting Director of Nursing and Patient Care Service**  
**The Tweed Hospital**

Cc: David Martain

The Tweed Hospital  
North Coast Area Health Service  
16-18 Powell Street Tweed Heads NSW 2485  
Phone: (07) 5536 1133 Fax: (07) 5506 7411  
Website: www.ncahs.nsw.gov.au  
ABN 37 940 606 983

A teaching hospital of The University of Sydney, Bond University, Southern Cross University & Griffith University

DataWorks Document Number: 4812107

**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:**

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Nil.

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**25 [CNR-CM] Fire Mitigation Works Fund 2009/2010 - Allocation**

**ORIGIN:**

**Director Community & Natural Resources**

**SUMMARY OF REPORT:**

Tweed Shire Council has been successful in an application made through the Bush Fire Management Committee for funding under the State Government Fire Mitigation Works Fund 2009/2010 for bushfire trail maintenance works at Mt. Terragon, Byrrill Creek.

**RECOMMENDATION:**

**That:-**

- 1. Council accepts the financial assistance from the State Government of \$20,000 for establishment of a new fire trail with signage at Mt Terragon, Byrrill Creek and allocates funding for the works prior to reimbursement.**
- 2. All documentation be completed under the common seal of Council.**

**REPORT:**

Tweed Shire Council has been successful in an application made through the Bush Fire Management Committee for funding under the State Government Fire Mitigation Works Fund 2009/2010 for bushfire trail maintenance works at Mt. Terragon, Byrrill Creek.

The funding is provided without a financial contribution required from Council; however Council must prepare and submit to the RFS, who administer the funds, progress reports as detailed in the accompanying document. Further Council is to undertake the required works and subsequently submit a Completion of Works Form and a Payment Request Form for reimbursement. The total funding provided is \$20,000. The project will be supervised by Council's Bushland Officer in conjunction with the RFS.

**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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**26 [CNR-CM] Entomological Control Report for period July to September 2009**

**ORIGIN:**

**Director Community & Natural Resources**

**SUMMARY OF REPORT:**

The following report outlines control, monitoring and research relating to biting insects, pests and vermin carried out July to September 2009.

**RECOMMENDATION:**

**That the Entomological Control Report for the period July to September 2009 be received and noted.**

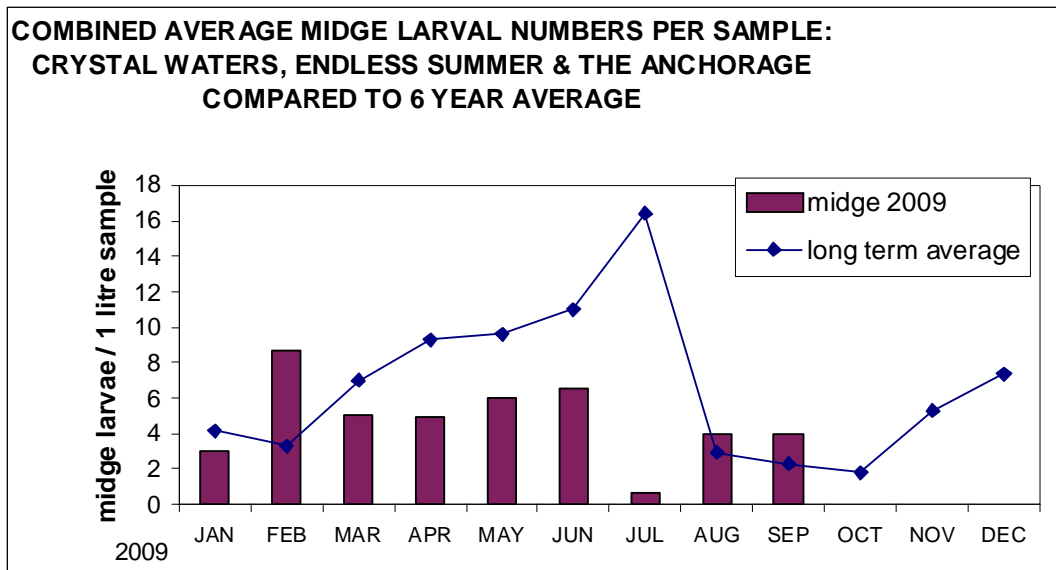
**REPORT:**

**BITING MIDGE**

**Seasonal activity**

Biting midge activity remained below the seasonal average over the period 1 July to 30 September. There were 10 enquiries related to biting midges over the report period.

The following graph compares biting midge larval numbers averaged in three major canal estates to long-term averages.



**Control**

Biting midge canal beach spraying was carried out in July. Good results were achieved with an average midge larval reduction of 89% by 48 hrs post spray.

**MOSQUITOES**

**Seasonal abundance**

There was very little mosquito nuisance activity over the report period with only three mosquito related enquiries.

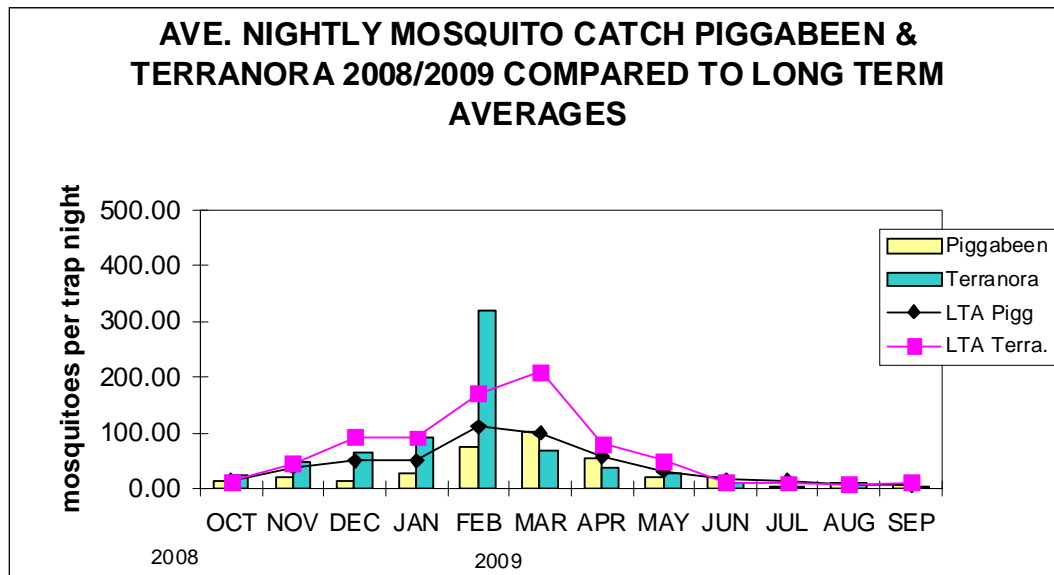
The extremely dry late winter/spring conditions have restricted mosquito breeding; however, the drying out of wetlands and loss of natural mosquito larval predators will increase mosquito productivity when these wetlands eventually re flood after rain or the big summer spring tides. The Tweed's most troublesome mosquito species lay eggs which lie dormant awaiting flooding within these wetlands.

Mosquito trap monitoring indicated below average mosquito numbers during the report period.

The most frequently caught mosquitoes in carbon dioxide baited mosquito traps were the brackish water breeding species *Culex sitiens*, followed by *Cx. australicus* and the domestic container breeding *Aedes notoscriptus*. A total of 31 different mosquito species were trapped this year.



The following graph outlines monthly average mosquito catches in carbon dioxide baited traps at long term trapping sites this season.



**Control**

No chemical mosquito control was necessary over the report period. Repair works were carried out to a large flood levee that was damaged by the February 09 flood at Terranora. These works were carried out to protect freshwater wetlands from extensive tidal intrusions. This action has reduced saltmarsh mosquito and biting midge breeding potential in the wetland. Further remedial work will be carried out on this levee with the assistance of a catchment management grant.

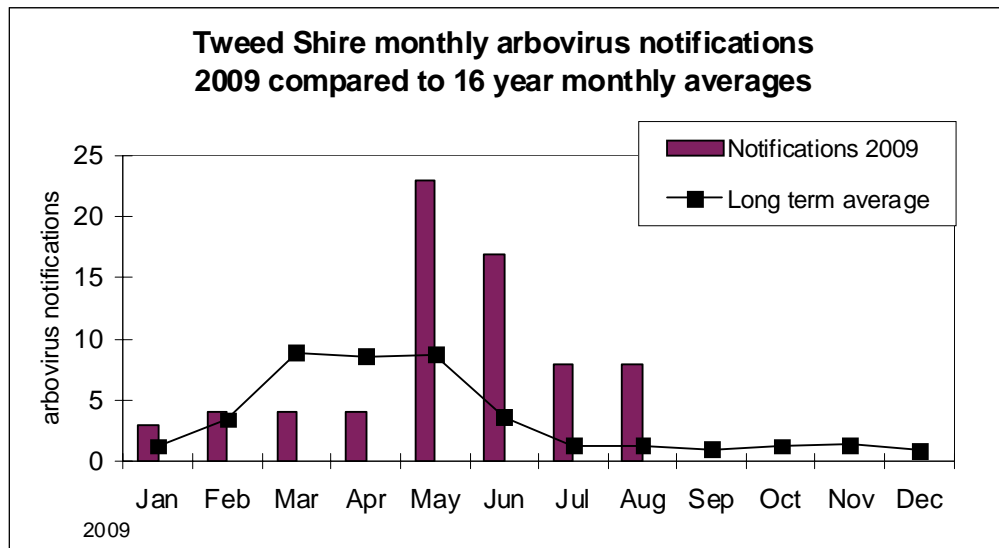
**Terranora Mangrove breeding mosquito research project**

A research project funded by The Australian Mosquito and Arbovirus Research Committee (MARC) being undertaken adjacent to Terranora Broadwater by Griffith University’s School of Environmental Science and Australian Rivers Institute has received further funding from MARC. The initial field research, in conjunction with Council’s LIDAR contour information has yielded some interesting and useful data on the micro contours and substrate where saltmarsh mosquitoes are laying their eggs and the tide heights, ponding and flow patterns through the mangrove wetland. This poorly flushed wetland is one of the Tweed’s most chronic and prolific mosquito breeding areas. The extended research, in collaboration with Council’s Entomology Unit, will focus on potential habitat modifications to the wetland, such as increased tidal flushing that may decrease mosquito productivity by improving the site’s water quality and biodiversity. Following a site inspection with the research team, support for this project from regional officers from NSW Lands Department and the NSW Fisheries Habitat Branch has been excellent.

**Arbovirus**

Tweed Shire arbovirus notifications were unusually high through winter reflecting the preceding very wet conditions. Ross River virus was far more prevalent than Barmah Forest virus this season. The distribution of arbovirus within the Shire this season indicates fresh water breeding mosquitoes were the virus carriers.

The following graph shows the seasonal combined monthly Ross River virus and Barmah Forest virus notifications compared to long-term averages.



## **OTHER PESTS**

### **Miscellaneous**

There were 71 miscellaneous enquiries/service requests over the quarter. The most common enquiries related to rats, termites, and rabbits.

### **Rodents**

Rodent baiting was carried out over the report period around coastal holiday parks, sewer treatment plants, adjacent to several drainage reserves and infested sections of Tweed River rock walls.

### **Rabbits**

Though their numbers have declined, domestic rabbits turned feral continue to be a nuisance around Casuarina Beach and parts of Murwillumbah. Rabbit populations have also turned up in small numbers at several new sites within the Shire.

### **Pandanus plant hoppers**

Continued monitoring of Pandanus trees for plant hopper related dieback has been carried out in coastal areas.

The extreme dry conditions have stressed coastal Pandanus trees increasing their vulnerability to plant hopper attack. The new season's plant hopper eggs were first observed in mid September this year. These eggs are being monitored for beneficial parasitic wasps. A new plant hopper infestation was found in August on the coastal reserve at Cabarita Beach. The seasonal conditions have been too dry to inject vulnerable plant hopper infested Pandanus trees with systemic insecticide.

### **Termites**

Inspection of 335 in-ground termite bait stations was carried out around Council owned buildings. Only one termite bait stations required treatment for active termites.

**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).*

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## REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

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

#### ORIGIN:

Design

FILE NO: GR3/12/1

#### SUMMARY OF REPORT:

Council has received a notice of application to close two sections of Crown Road reserve from Department of Lands within the parish of Condong as per the attached plan. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

Council's road closure policy provides under roads not eligible for closure:-

- "1. Roads providing or capable of providing, physical access to rivers, creeks, lakes, beaches and their foreshores.
2. Roads capable of providing physical access to other roads, public and private properties
5. Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.
6. Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows."

It is recommended pursuant to the above provisions within Councils Road Closure Policy that Council objects to the closure of the Crown public road east of Lot B in DP 108798 at Tygalgah.

It is recommended that Council does not object to the closure and purchase of the section of road reserve which runs north of Lots 1 and 2 in DP 22417 at Condong.

#### RECOMMENDATION:

That:-

1. Council objects to the closure of the Crown public roads east of Lot B in DP 108798 at Tygalgah;
2. Council does not object to the closure and purchase by the applicant of the section of Crown road reserve which runs north of Lots 1 and 2 in DP 22417 at Condong;

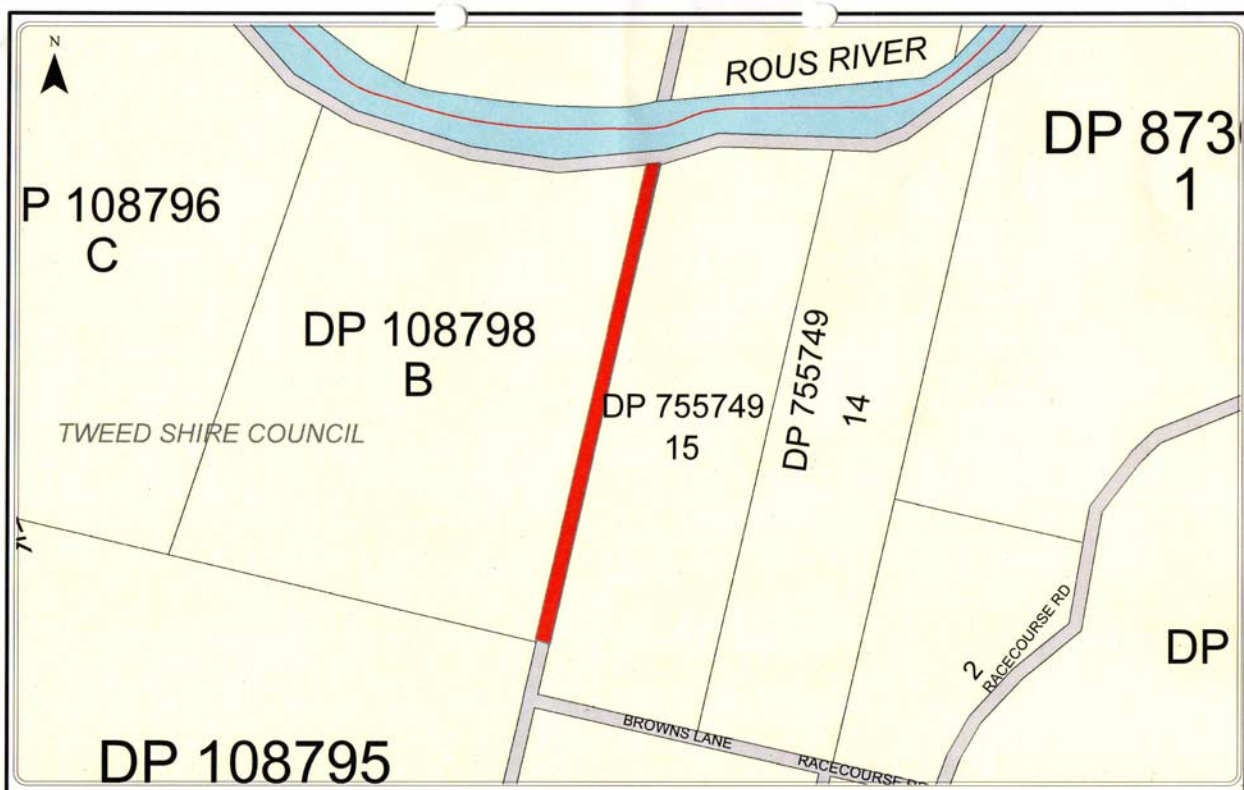
3. **An application be made to the Department of Lands to transfer to Council the section of Crown Road reserve east of Lot B in DP 108798 at Tygalgah.**

**REPORT:**

Council has received a notice of application to close two sections of Crown Road reserve from Department of Lands within the parish of Condong as per the attached plan. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

The first part of the application runs from the end of the formed section of Browns Lane north to the Rous River. Council is currently implementing foreshore regeneration within the region of the Tweed Shire and is utilising road reserves which adjoin the creeks and rivers to allow access to these areas. Council have encountered problems with land owners where access to the foreshore area is only available through private property. While Council is not seeking to fully construct the road reserves along or to the foreshores, they do provide an unimpeded access for such works to be completed.

This section of the Rous River has been identified as an estuary containing threatened species. It would therefore be vital to maintain access via the current road reserve. The whole area is also noted as being of wetland conservation value.



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The Crown information shown has not been validated and may contain errors and omissions. Verification of Crown information should be made through the Land NSW office display. This is a diagrammatic representation only.

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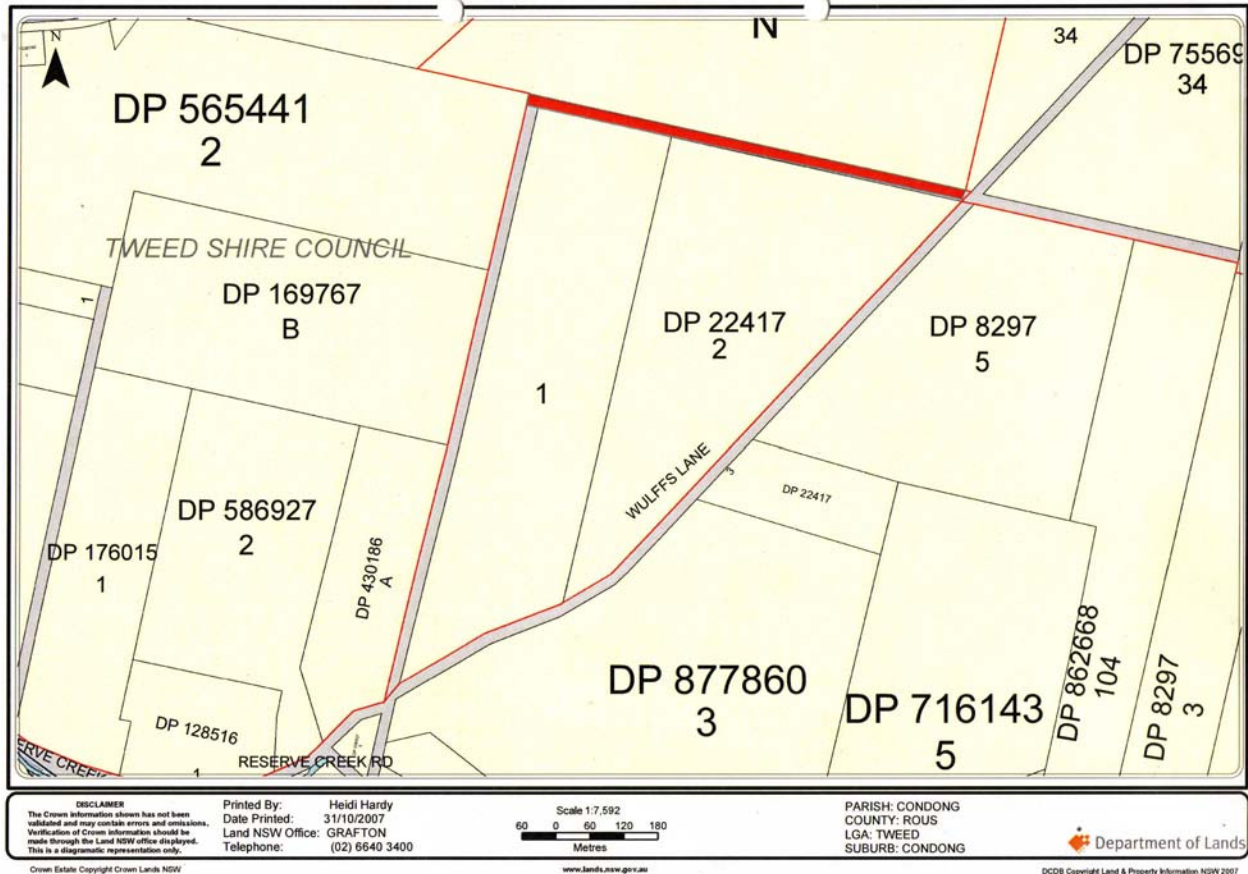
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Metres  
www.lands.nsw.gov.au

PARISH: TYGALGAH  
COUNTY: ROUS  
LGA: TWEED  
SUBURB: TYGALGAH

Department of Lands  
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The second part of the application is for road reserve which runs along the northern boundary of Lots 1 and 2 in DP 22417. No formation has occurred within this area and closure of this section of road will not restrict access to any of the adjoining properties.

There is no identifiable environmental impact within this area.



Council's road closure policy provides under roads not eligible for closure:-

- "1. Roads providing or capable of providing, physical access to rivers, creeks, lakes, beaches and their foreshores.
5. Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.
6. Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows."

It is therefore recommended pursuant to the above provisions within Council's Road Closure Policy that Council objects to the closure of the Crown public road east of Lot B in DP 108798 at Tygalah.

It is recommended that Council does not object to the closure and purchase of the section of road reserve which runs north of Lots 1 and 2 in DP 22417 at Condong.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.



**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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28 [EO-CM] Road Closure Application - Parish of Wollumbin

**ORIGIN:**

Design

**FILE NO: GR3/12/8**

**SUMMARY OF REPORT:**

Council has received a notice of application to close sections of Crown Road reserve from Department of Lands within the parish of Wollumbin as per the attached plan. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

Council's road closure policy provides under roads not eligible for closure :-

- "1. *Roads providing or capable of providing, physical access to rivers, creeks, lakes, beaches and their foreshores.*
2. *Roads capable of providing physical access to other roads, public and private properties....*
3. *Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments....*
5. *Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.*
6. *Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows."*

It is recommended pursuant to the above provisions within Councils Road Closure Policy that Council objects to the closure of the Crown public road along the eastern boundary and running east to west through Lot 2 DP 589095 and the north western boundary of Lot 17 and Lot 30 DP 755754 (See Figure 1).

It is recommended that Council does not object to the closure and purchase of the section of road reserve which runs south to north through Lot 2 in DP 589095, excluding the northern section leading to the Oxley River (See Figure 2).

**RECOMMENDATION:**

**That:-**

1. **Council objects to the closure of the Crown public roads along the eastern boundary and running east to west through Lot 2 DP 589095 and the north western boundary of Lot 17 and Lot 30 DP 755754;**

- 2. Council does not object to the closure and purchase by the applicant of the section of Crown road reserve which runs south to north through Lot 2 in DP 589095, excluding the northern section leading to the Oxley River;**
- 3. An application be made to the Department of Lands to transfer to Council the section of Crown Road reserve along the eastern boundary and running east to west through Lot 2 DP 589095 and the north western boundary of Lot 30 DP 755754.**

**REPORT:**

Council has received a notice of application to close sections of Crown Road reserve from Department of Lands within the parish of Wollumbin as per the attached plan. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

The first part of the application runs along the northern boundary of Lot 2 in DP 589095 and adjoins the Oxley River. There is some formation along this section of road reserve as well as a formed crossing/bridge connecting it to Sharps Road.

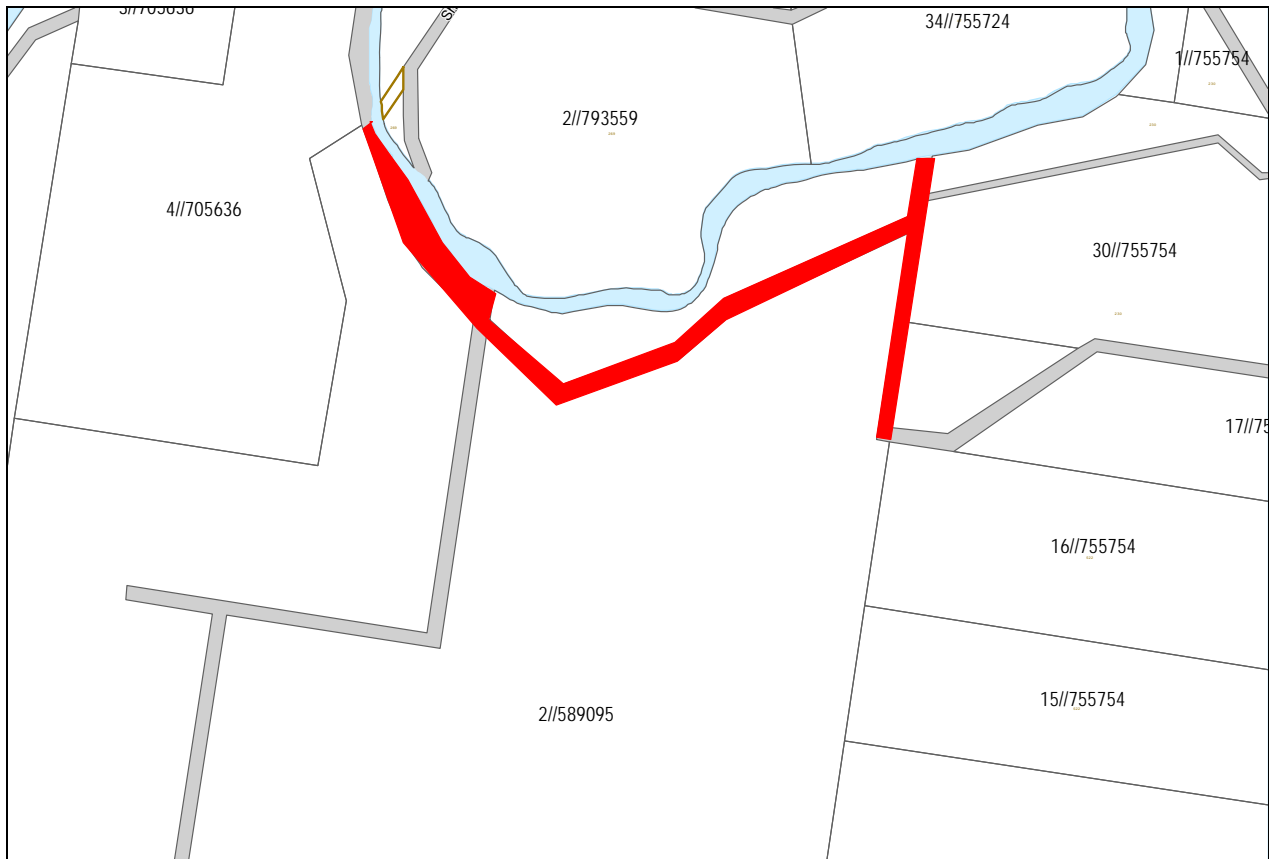
Council is currently implementing foreshore regeneration within the region of the Tweed Shire and is utilising road reserves which adjoin the creeks and rivers to allow access to these areas. Council has encountered problems with land owners where access to the foreshore area is only available through private property. While Council is not seeking to fully construct the road reserves along the foreshores, the road reserves do provide an unimpeded access for regeneration works to be completed.

Environmentally this section of road reserve has been identified as being a rainforest and riparian community with very high ecological status and high ecological sensitivity. It is also noted as having wetland conservation value.

The next section is the road reserve separating Lot 2 in DP 589095 from Lot 30 in DP 755754 and leads directly to the Oxley River. Whilst this section of road is not formed as yet the potential is available to access the River for the purposes noted above. This area has also been identified as containing fish habitat.

Thirdly the section of road reserve running east to west from Lot 30 DP 755754 through Lot 2 in DP 589095 whilst again unformed has been identified as containing old growth rainforest. In compliance with Councils Policy on Road Closure and Purchase such a road reserve is not considered eligible for closure and purchase by a private property owner.

Figure 1



Council's road closure policy provides under roads not eligible for closure :-

- "1. Roads providing or capable of providing, physical access to rivers, creeks, lakes, beaches and their foreshores.
2. Roads capable of providing physical access to other roads, public and private properties....
3. Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments....
5. Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.
6. Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows."

The second part of the application is for road reserve which runs south to north through Lot 2 in DP 589095, excluding the northern section leading to the Oxley River. No formation has occurred within this area and closure of this section of road will not restrict access to any of the adjoining properties. There appears to be no Council or other infrastructure within the area and no adverse environmental impacts.

Figure 2



It is recommended pursuant to the above provisions within Councils Road Closure Policy that Council objects to the closure of the Crown public road along the eastern boundary and running east to west through Lot 2 DP 589095 and the north western boundary of Lot 17 and Lot 30 DP 755754 (See Figure 1).

It is recommended that Council does not object to the closure and purchase of the section of road reserve which runs south to north through Lot 2 in DP 589095, excluding the northern section leading to the Oxley River (See Figure 2).

**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] Road Closure Application - Terragon, Parish of Wollumbin**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/8**

**SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve within Lot 4 in DP 610080 at Terragon, 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 is recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve within Lot 4 in DP 610080 at Terragon.

**RECOMMENDATION:**

**That Council does not object to the closure and purchase by the applicant of the section of Crown road reserve within Lot 4 in DP 610080 at Terragon.**

**REPORT:**

Council has received a notice of application to close a section of Crown Road reserve within Lot 4 in DP 610080 at Terragon, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

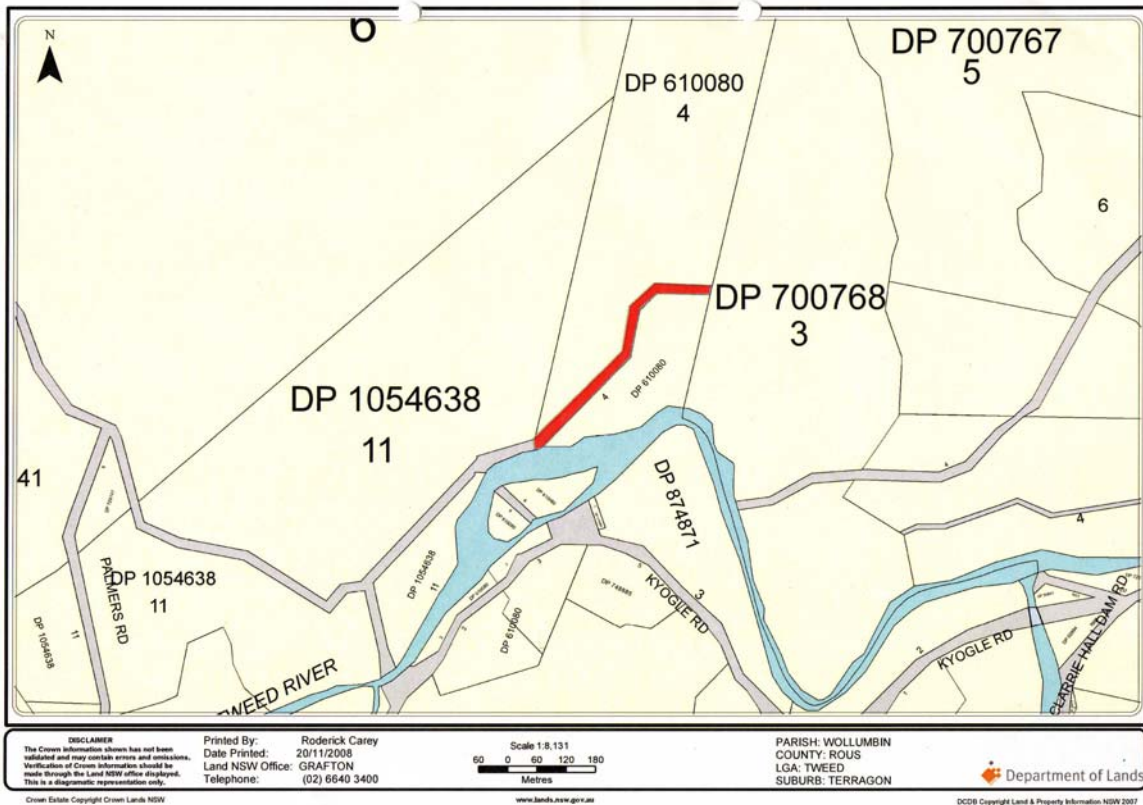
An investigation of the Crown Road reserves has been conducted and it has been noted that no Council or other infrastructure currently exists within it. There is no current formation and the topography of the area would indicate that formation along this alignment would not be practicable nor probable. All surrounding parcels currently gain access via alternate Council road reserves or rights of carriageway.

The section of road to be closed is within an area identified as old growth forest - rainforest however is only moderately treed at the northern section. It is noted that this area has small sections of high to low 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 is recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve within Lot 4 in DP 610080 at Terragon.

Below is a plan showing the proposed Road Closure:-



**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).

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**30 [EO-CM] Road Closure Application - Parish of Murwillumbah**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/13**

**SUMMARY OF REPORT:**

Council has received a notice of application to close sections of Crown Road reserve within Lots 13, 90 & 146 DP 755724 at Eungella, 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 reserve has been conducted and it is noted that the section of road through Lot 90 in DP 755724 has full formation and currently in use by the adjoining property owner.

The road through Lot 146 and lot 13 in DP 755724 has minimal formation within Lot 146. This does not affect access to Lot 146 and Lot 13 as it is provided with alternate access from the road reserve running through Lot 88 DP 755724. It would be recommended that Council does not object to the closure and purchase of this section of road reserve

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve within Lot 90 in DP 755724.

It is recommended that Council does not object to the closure and purchase of the section of road reserve which runs through Lot 146 and Lot 13 in DP 755724.

**RECOMMENDATION:**

**That:-**

- 1. Council objects to the closure of the section of Crown Road reserve through Lot 90 in DP 755724.**
- 2. Council does not object to the closure and purchase by the applicant of the section of Crown road reserve which runs through Lot 146 and lot 13 in DP 755724;**
- 3. An application be made to the Department of Lands to transfer to Council the section of Crown Road reserve through Lot 90 in DP 755724.**

**REPORT:**

Council has received a notice of application to close sections of Crown Road reserve within Lots 13, 90 & 146 DP 755724 (see Figure 1) at Eungella, 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 reserve has been conducted and it is noted that the section of road through Lot 90 in DP 755724 has full constructed formation. The owners of Lot 9 in DP 794038 access their property along this alignment via Everest's Road. No apparent right of carriageway has been created for the continued use of this road formation and as such closure and purchase by the applicant would be detrimental to the owners of Lot 9. Reconsideration of this proposal may be feasible should the owners of Lot 90 create a right of carriageway over their property benefiting Lot 9 in DP 794038.

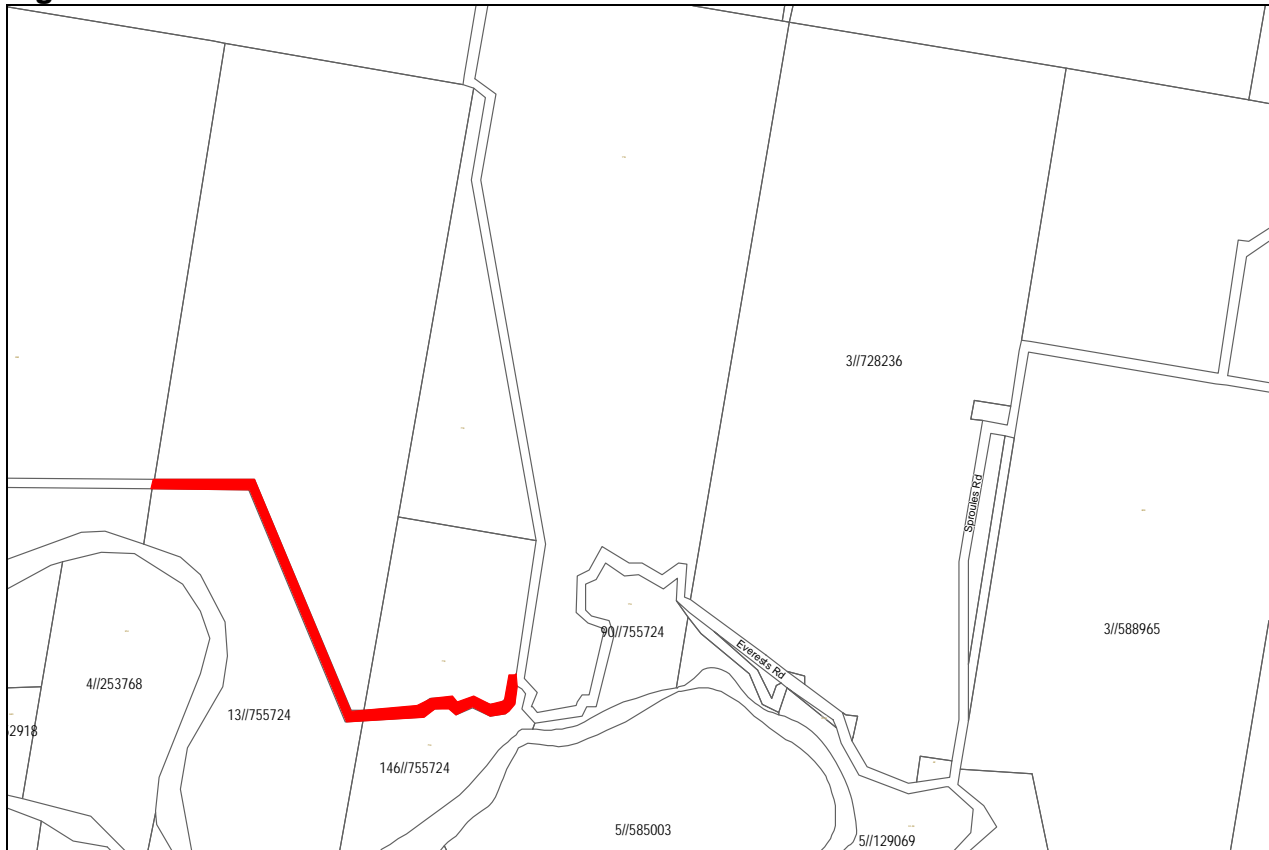
The formation running east to west further provides access to Lot 146 in DP 755724. At this time the applicant is the owner of both Lot 90 and Lot 146 and so is not affected if this road is closed. If however Lot 146 is sold to a third party the closure of this section of road would remove the legal access to the property. As above this application may be reconsidered should a right of carriageway be created over Lot 90 benefiting Lot 146 in DP 755724.

**Figure 1:**



The section of road reserve running through Lot 146 and 13 in DP 755724 (see Figure 2) may be considered for closure and purchase by the applicant. Lot 13 will maintain a legal access from the road reserve running through Lot 88 in DP 755724 and Lot 146 may gain access from the road reserve running through Lot 90. There appears to be no Council or significant other infrastructure within the area and no adverse environmental impacts.

**Figure 2:**



Some small sections of this road reserve have been identified as having moderate to high ecological sensitivity with a high to very high ecological status.

Pursuant to Council's Policy on road closure and private purchase the following points should be noted for roads **not** eligible for closure which are applicable to this particular application based on the information provided above:-

- "2. Roads capable of providing physical access to other roads, public and private properties, ....
5. Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value;"

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve within Lot 90 in DP 755724.

It is recommended that Council does not object to the closure and purchase of the section of road reserve which runs through Lot 146 and Lot 13 in DP 755724.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**31 [EO-CM] Road Closure Application - Chillingham, Parish of Murwillumbah**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/13**

**SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve west of Lot 6 DP 861987 at Chillingham 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 indicates slopes between 40m AHD and 70m AHD which would make formation along this alignment impracticable.

This application does not comply with Council's current policy on Road Closure and purchase in so far as it falls within the categories listed for road not eligible for closure at Point 3 "*Road reserves containing wildlife corridors*".

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 west of Lot 6 DP 861987 at Chillingham.

**RECOMMENDATION:**

**That Council objects to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 6 DP 861987 at Chillingham.**

**REPORT:**

Council has received a notice of application to close a section of Crown Road reserve west of Lot 6 DP 861987 at Chillingham 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 indicates slopes between 40m AHD and 70m AHD which would make formation along this alignment impracticable.

All surrounding parcels currently gain access via alternate Council road reserves and so would not be affected by the closure and purchase by the applicant of this road reserve.

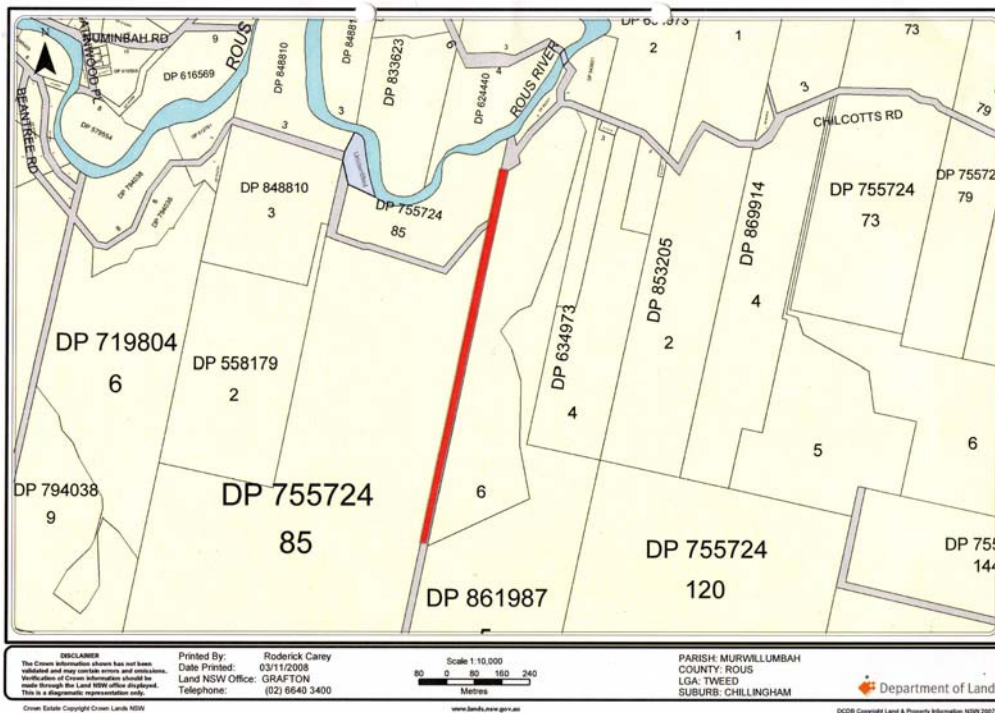
The section of road proposed to be closed is heavily treed along the majority of its alignment and upon investigation it is noted that this area has sections of moderate to high ecological status and high ecological sensitivity. The road reserve falls within a subregional fauna corridor however there appears to be no noted threatened species of flora or fauna in the immediate or surrounding area.

This area has also been identified as containing young forest branching out from an established rainforest area.

This application does not comply with Council's current policy on Road Closure and purchase in so far as it falls within the categories listed for road not eligible for closure at Point 3 "*Road reserves containing wildlife corridors*".

It is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 6 DP 861987 at Chillingham.

Below is a plan showing the proposed Road Closure:-



**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).

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**32 [EO-CM] Road Closure Application - Parish of Berwick**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/4**

**SUMMARY OF REPORT:**

Council has received notice of two applications to close adjoining sections of Crown Road reserve. The first within Lot 1 DP 701195 and within Lot 2 DP 776307 and the second on the northern boundary of Lot 1 in DP 380325 and Lot 21 in DP 1041101 at Urliup, from the 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 indicates slopes between 120m AHD and 210m AHD which would make formation along this alignment impracticable.

This application does not comply with Councils current policy on Road Closure and purchase in so far as it falls 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 be recommended that Council objects to the closure and purchase by the applicants of the sections of Crown road reserve within Lot 1 DP 701195 and within Lot 2 DP 776307 and on the northern boundary of Lot 1 in DP 380325 and Lot 21 in DP 1041101 at Urliup.

**RECOMMENDATION:**

**That Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 1 DP 701195 and within Lot 2 DP 776307 and on the northern boundary of Lot 1 in DP 380325 and Lot 21 in DP 1041101 at Urliup.**

## REPORT:

Council has received notice of two applications to close adjoining sections of Crown Road reserve the first within Lot 1 DP 701195 and within Lot 2 DP 776307 and the second on the northern boundary of Lot 1 in DP 380325 and Lot 21 in DP 1041101 at Urliup, 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 provides slopes between 140m AHD and 210m AHD which would make formation along this alignment impracticable.

All surrounding parcels currently gain access via alternate Council road reserves and so would not be affected by the closure and purchase by the applicant of this road reserve. This road reserve is the legal road frontage to Lots 192 and 193 in DP 755685 however it would be improbable for the owners to gain access to the properties via this route, it would instead be necessary to access via alternate means.

The sections of road proposed to be closed are heavily treed along the entirety of the alignment and upon investigation it is noted that this area has high to very high ecological status and low to moderate ecological sensitivity. The road reserve falls within a subregional fauna corridor however there appears to be no noted threatened species of flora or fauna in the immediate or surrounding area. The road reserve is located within a sclerophyll open forest on bedrock substrates and is a key habitat state forest.

This area has also been identified as containing significant old growth forests including candidate old growth forests and rainforests.

This application does not comply with Councils current policy on Road Closure and purchase in so far as it falls within the categories listed for road not eligible for closure as indicated below.

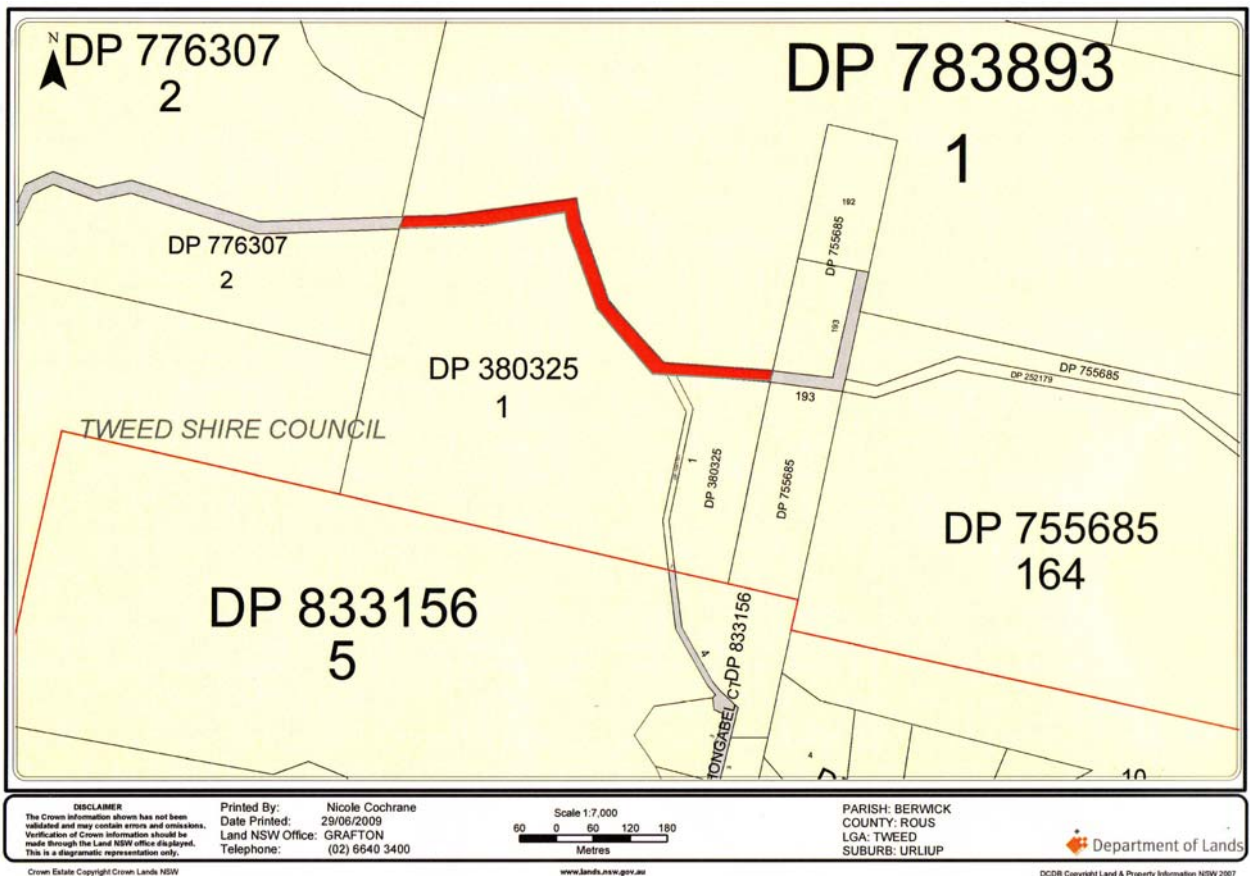
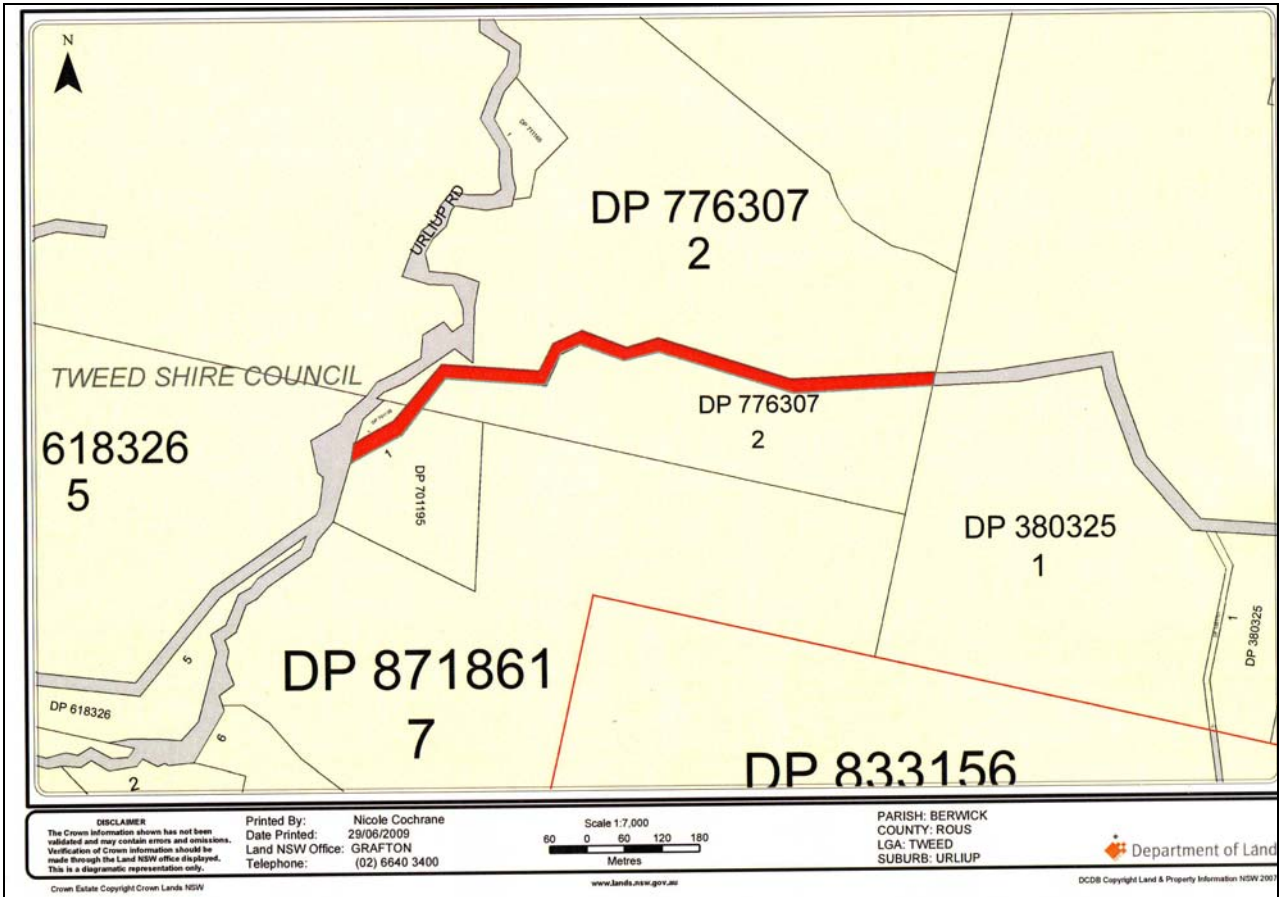
*3. Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments...*

*8. Topographically difficult road reserves which might potentially be exchanged for a more negotiable corridor...*

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 is recommended that Council objects to the closure and purchase by the applicants of the sections of Crown road reserve within Lot 1 DP 701195 and within Lot 2 DP 776307 and on the northern boundary of Lot 1 in DP 380325 and Lot 21 in DP 1041101 at Urliup.

Below are plans showing the proposed Road Closure:-



**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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**33 [EO-CM] Road Closure Application - Parish of Kynnumboon**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/5**

**SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve west of Lot 2 DP 131202, Blackwoods Road, Nobbys Creek 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.

It would appear that an alignment anomaly has occurred with the original road closure which was gazetted in 1939 omitting a small triangular section of road reserve approximately 38m<sup>2</sup> in area.

It is recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 2 DP 131202, Blackwoods Road, Nobbys Creek.

**RECOMMENDATION:**

**That Council does not object to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 2 DP 131202, Blackwoods Road, Nobbys Creek.**

**REPORT:**

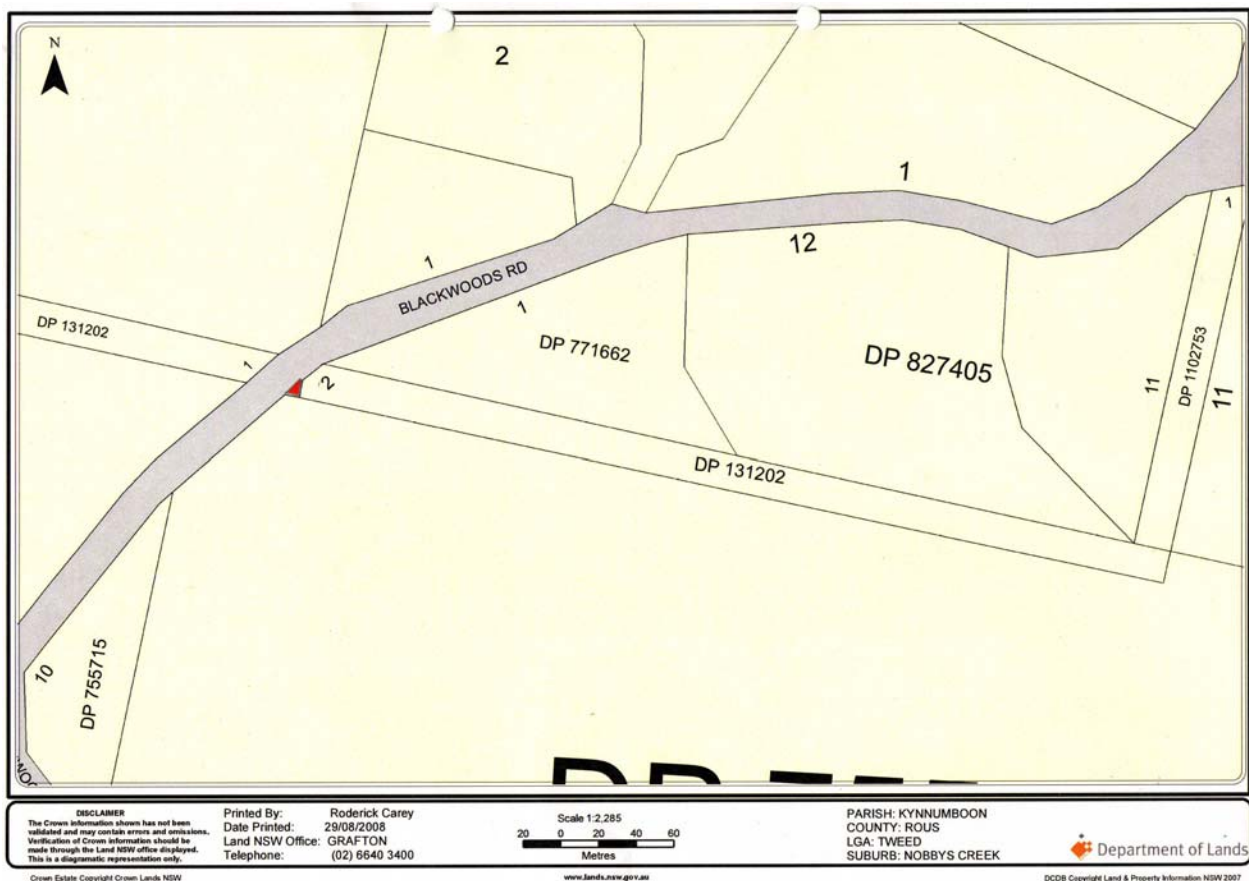
Council has received a notice of application to close a section of Crown Road reserve west of Lot 2 DP 131202, Blackwoods Road, Nobbys Creek from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

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.

It would appear that an alignment anomaly has occurred with the original road closure which was gazetted in 1939 omitting a small triangular section of road reserve approximately 38m<sup>2</sup> in area.

It is recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 2 DP 131202, Blackwoods Road, Nobbys Creek.

Below is a plan showing the proposed Road Closure:-



**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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**34 [EO-CM] Road Closure Application - Parish of Cudgen**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/6**

**SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah, 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 application for the transfer of this section of road reserve was made to Department of Lands by Council in December 2005 and reaffirmed in April 2008 however has not yet been determined.

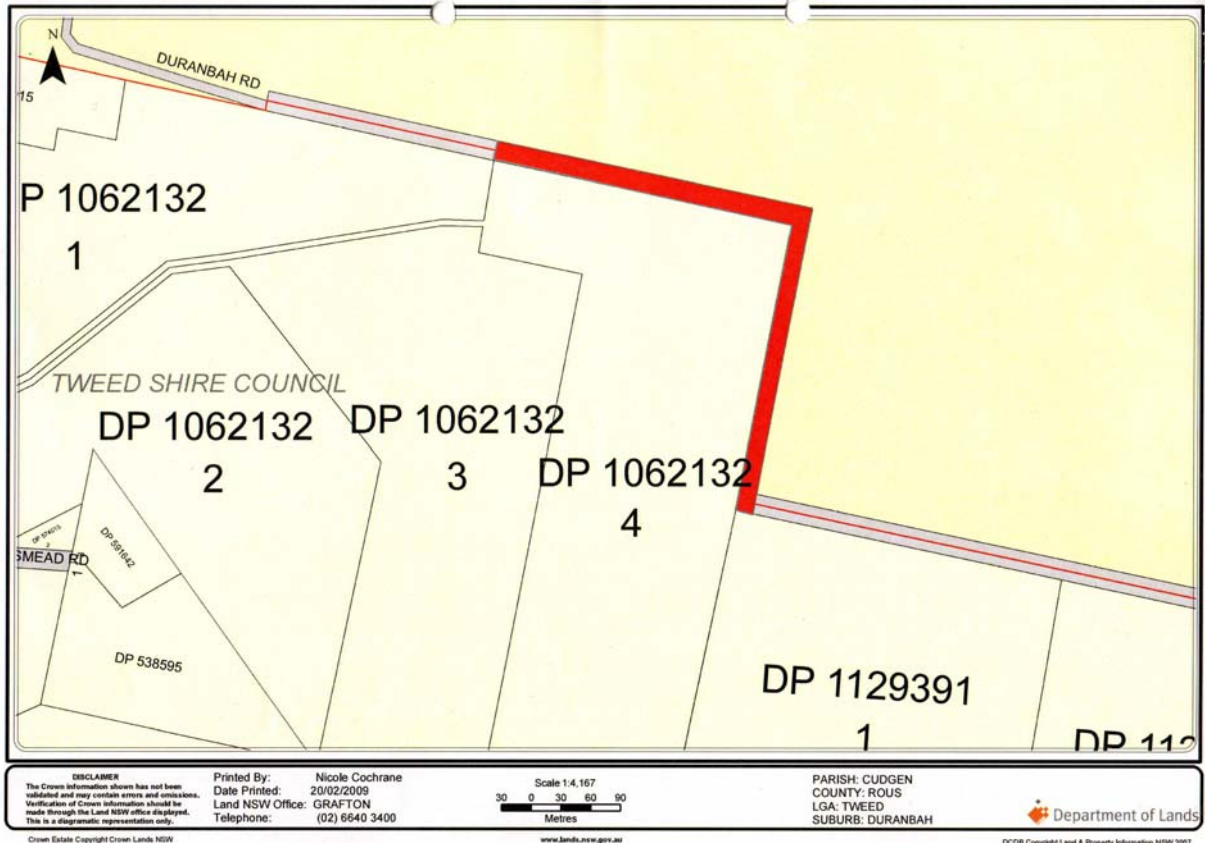
As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah.

**RECOMMENDATION:**

**That Council objects to the closure of the section of Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah.**

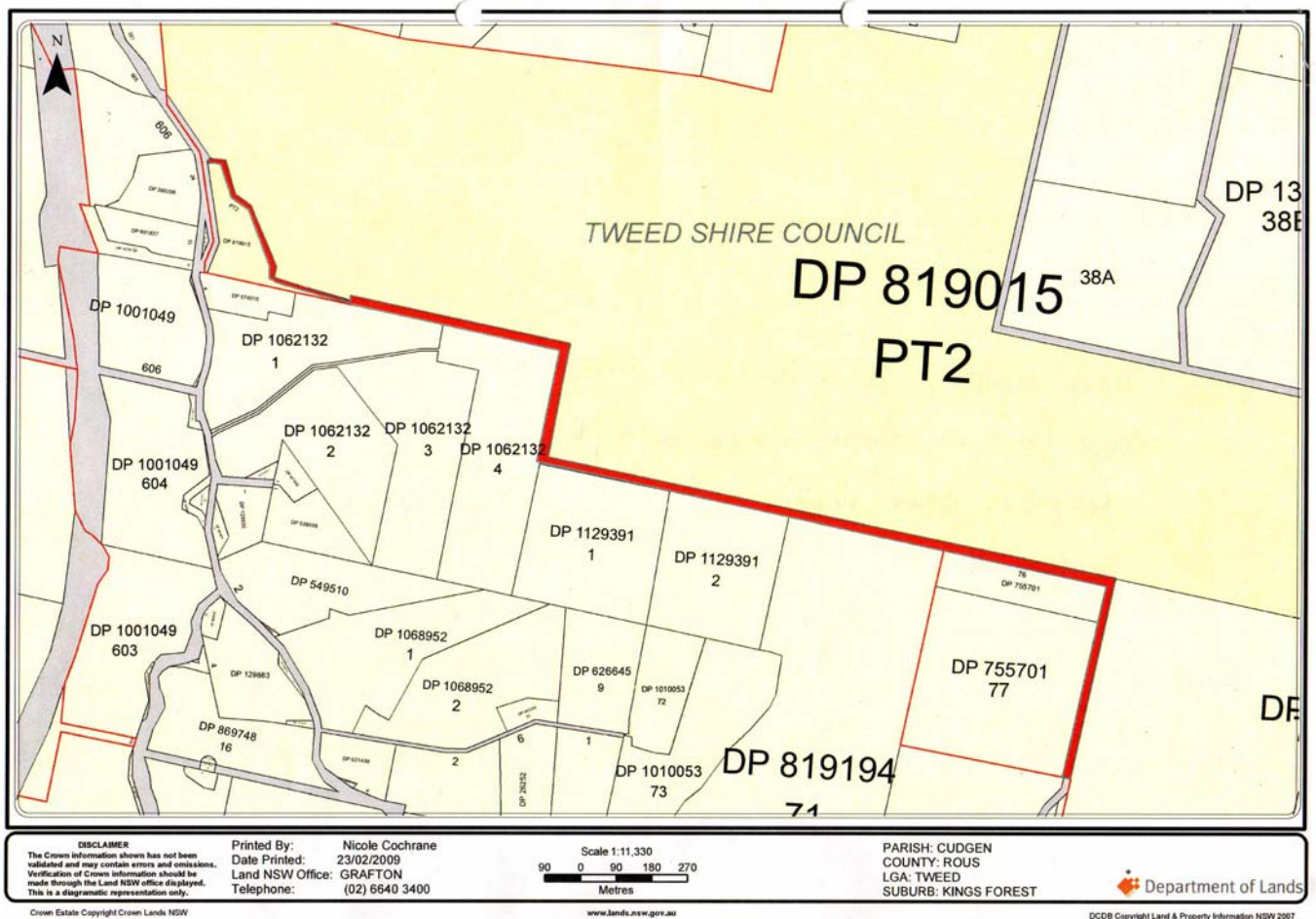
**REPORT:**

Council has received a notice of application to close a section of Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah, from Department of Lands. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.



This application is running in conjunction with another Crown Road closure application over the same area of land by the owners of Lot 2 DP 819015 which is part of the Kings Forest Development. This application requires the entire section of the road reserve be closed running from east of Lot 77 DP 755701, east and north of Lot 76 DP 755701, north of lots 71 DP 819194 and Lots 1 and 2 DP 1129391, east and north of Lot 4 DP 1062132, east of Lot 1 in DP 1062132 and through Lot 2 DP 819015.

Below is a diagram of that application:-



Objections have been submitted to Council from the landowners adjacent to Lot 4 in DP 1062132 on the basis that closure of the road reserve would remove formal road access to their property from the Durambah road side.

The owners of Lots 1 and 2 in DP 1129391 have met with Council Officers and have indicated that they wish to subdivide these lots in the near future, creating 4 separate parcels. Should the sections of road reserve, as submitted by both applicants, be closed then an application for subdivision of these lots would not be permitted. Consenting to the closure of either section of this road reserve may prove an inequitable outcome for this land owner.

Sections of this road reserve have been identified as having high ecological sensitivity and very high ecological status and are within a regional fauna corridor. They are also identified as being 0-100 wetland conservation areas and secondary Koala Habitat zones.

Pursuant to Councils Policy on road closure and private purchase the following points should be noted for roads **not** eligible for closure which are applicable to this particular application based on the information provided above:-

2. *Roads capable of providing physical access to other roads, public and private properties, Public and Crown Reserves, public utility installations, railways and the like.*
3. *Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments....*
5. *Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value;*

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah.

An application for the transfer of this section of road reserve was made to Department of Lands by Council in December 2005 and reaffirmed in April 2008 however has not yet been determined.

**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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**35 [EO-CM] Road Closure Application - Kings Forest - Parish of Cudgen**

**ORIGIN:**

Design

**FILE NO: GR3/12/6**

**SUMMARY OF REPORT:**

Council has received a notice of application to close several sections of Crown Road reserve within the Kings Forest area, from the Department of Lands. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road. There are some proposed road closures that Council objects to, some that are suitable for closure and some that Council has concerns with because they do not strictly comply with Council's Road Closure Policy. The following report discusses each part of the application in detail.

**RECOMMENDATION:**

**That Council:-**

- 1. Based on the provisions of Council's Road Closure policy point 2 and 3 objects to the closure of the road reserve east of Lot 77 DP 755701, east and north of Lot 76 DP 755701, north of lots 71 DP 819194 and Lots 1 and 2 DP 1129391, east and north of Lot 4 DP 1062132, east of Lot 1 in DP 1062132 and through Lot 2 DP 819015 (as shown in Figure 1 of the report).**
- 2. Based on the provisions of Council's Road Closure policy point 3 (wildlife corridors etc) and the fact that private drainage infrastructure is existing within the road, and that the road reserve is partially formed that Council expresses its concerns regarding the matters to the Department of Lands in regard to the closure of the road reserve west of Lots 37A and 38A in DP 13727, south of Lots 38A and 38B DP 13727 and Lot 40 in DP 7482 and the road reserve running south to north between Lots 37A, and through Lot 1 DP 129737 and the road reserve separating Lot 1 DP 781633 and Lot 6 DP 875446 (as shown in Figure 2 of the report).**
- 3. Based on the provisions of Council's Road Closure policy points 2 (private property access) and 3 (wildlife corridors etc) that Council expresses its concern to the Department of Lands in regard to the closure of the Crown road reserve through Lot 326 DP 755701 (as shown in Figure 3 of the report).**

4. **Does not object to the closure and purchase by the applicant of the road reserve running along the western boundary of Lot 38B in DP 13727 (as shown in Figure 2d of the report).**
5. **Advise Department of Lands that the road reserve east of Lots 76 and 77 in DP 755701 is Council road reserve and as such the applicant will be required to make application to close this section of road directly to Council.**
6. **Based on the provisions of Council's Road Closure Policy point 4 (public infrastructure), Council objects to the road closure of the crown road reserve south of Lot 307 DP 755701.**

**REPORT:**

Council has received a notice of application to close several sections of Crown Road reserve within the Kings Forest area, from Department of Lands. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

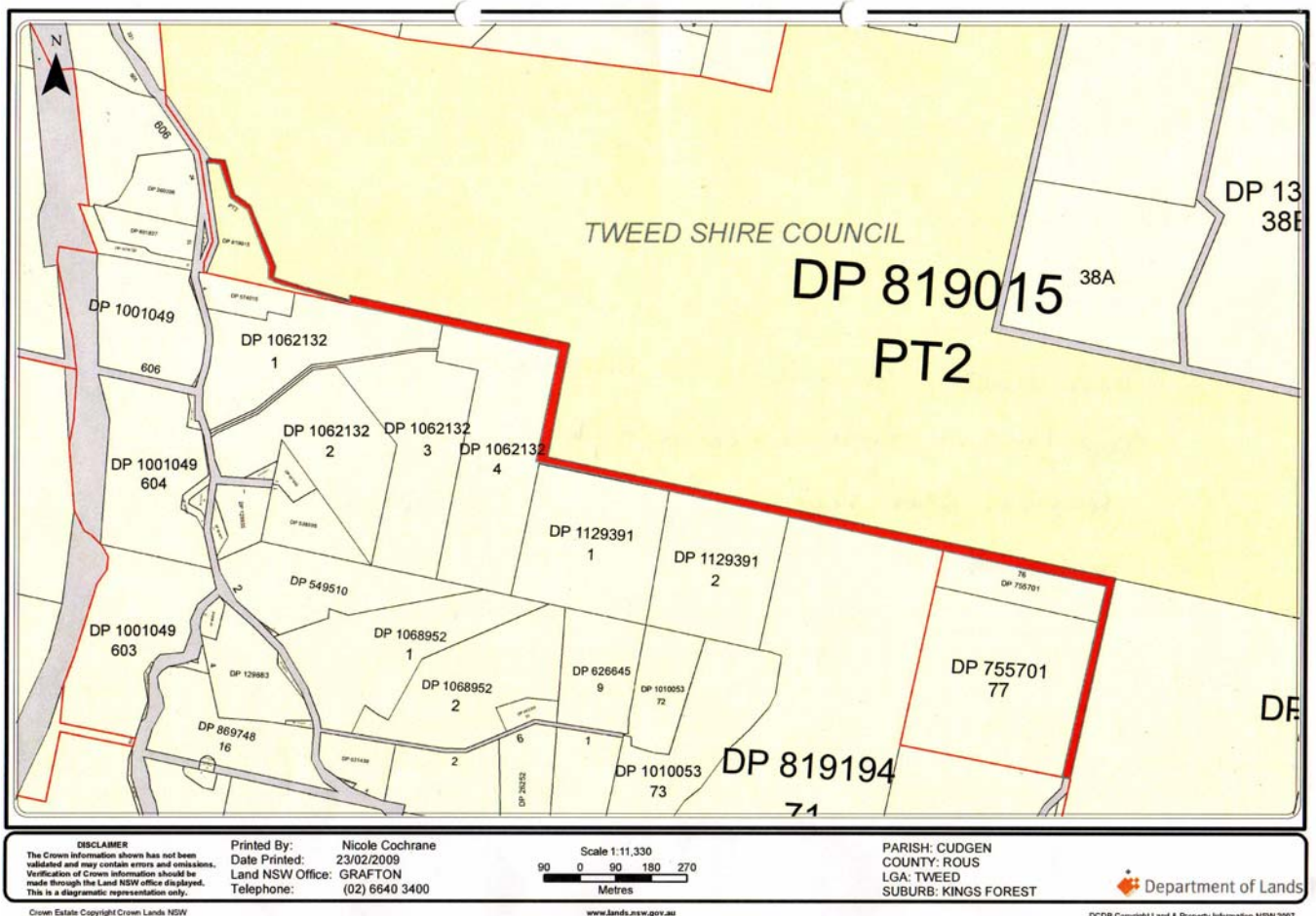
A copy of Council's Road Closure Policy is attached to this report.

For ease of reference and examination the application has been divided into three areas as follows;

**Section 1**

Road reserve east of Lot 77 DP 755701, east and north of Lot 76 DP 755701, north of lots 71 DP 819194 and Lots 1 and 2 DP 1129391, east and north of Lot 4 DP 1062132, east of Lot 1 in DP 1062132 and through Lot 2 DP 819015.

**Figure 1**

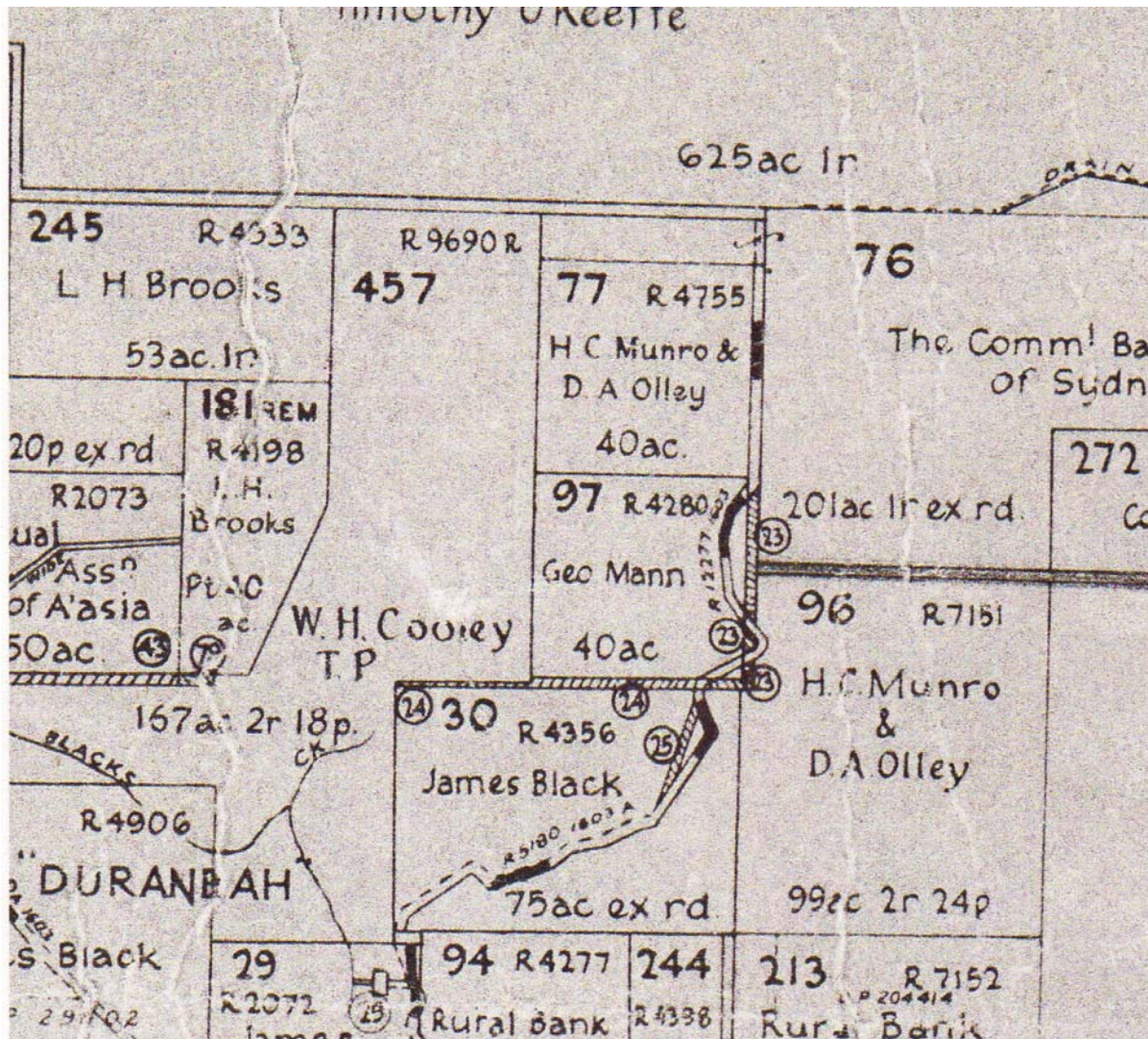


The road reserve running along the eastern boundary of Lot 77 and 76 in DP 755701 is Council road reserve as identified in the Parish plan of Cudgen. As such an application for the closure of this section of road would be required to be made directly to Council in



the first instance. A copy of the parish plan provided below at figure 1a shows this section of road as Council public road.

Figure 1a



This entire section of road reserve has been identified as a wildlife corridor as well as a regional fauna corridor. Council's Road Closure Policy notes roads not eligible for closure point 3 as including:-

*“road reserves containing wildlife corridors and significant flora.....”*

Council officers have met with the owners of Lots 1 and 2 in DP 1129391 who have indicated that they wish to subdivide these lots in the near future, creating 4 separate parcels. Should the section of road reserve running from the north eastern corner of Lot 76 DP 755701 to the south western corner of Lot 1 DP 1129391 or alternatively the road reserve running from the south western corner of Lot 1 DP 1129391 to the intersection of Duranbah Road be closed then an application for subdivision of these lots would not be permitted. Consenting to the closure of either section of this road reserve may prove an inequitable outcome for this land owner.

The road reserve which runs from Duranbah road through Lot 2 DP 819015 and along the northern boundaries of Lots 1 & 4 in DP 1062132 has some rudimentary formation along it and potentially provides alternate access to Lots 4 DP 1062132 as well as Lots 1 & 2 in DP 1129391.

Council's Road Closure Policy notes roads not eligible for closure at point 2 as including:-

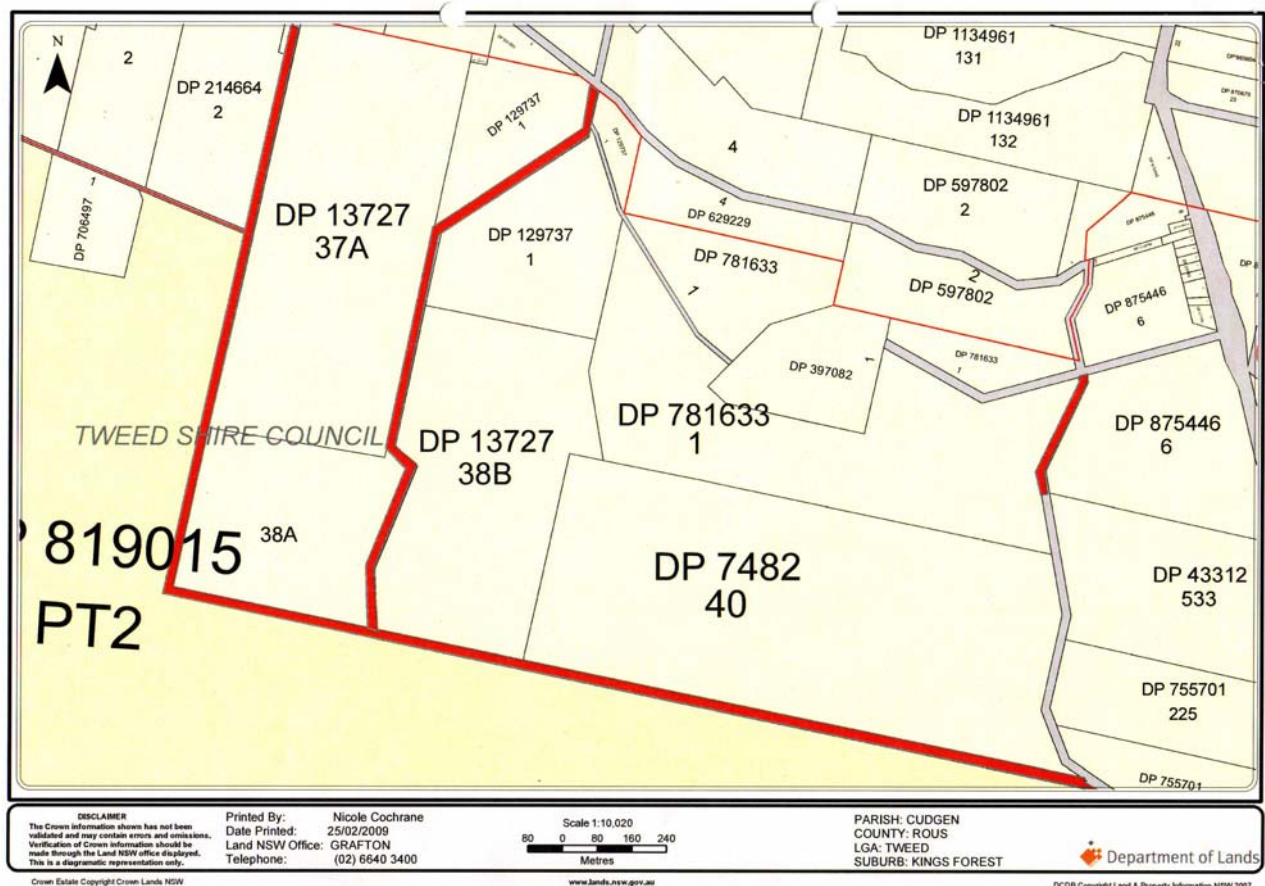
*“roads capable of providing physical access to other roads, public and private properties...”*

Therefore based on the provisions of Council's Road Closure policy at point 2 and 3 it is recommended that Council objects to the closure of the road reserve east of Lot 77 DP 755701, east and north of Lot 76 DP 755701, north of lots 71 DP 819194 and Lots 1 and 2 DP 1129391, east and north of Lot 4 DP 1062132, east of Lot 1 in DP 1062132 and through Lot 2 DP 819015.

**Section 2**

Road reserve west of Lots 37A and 38A in DP 13727, south of Lots 38A & 38B DP 13727 and Lot 40 in DP 7482. Road reserve running south to north between Lots 37A, 38A and 38B DP 13727 and through Lot 1 DP 129737. Road reserve separating Lot 1 DP 781633 and Lot 6 DP 875446.

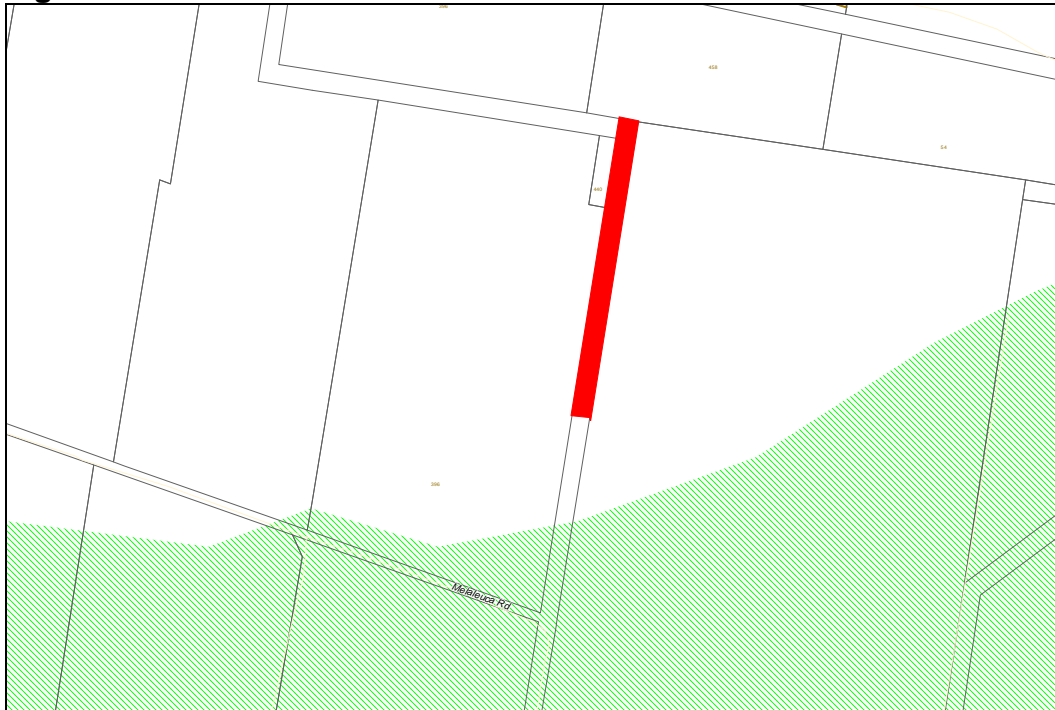
**Figure 2**





A constructed drain runs approximately 300m north to south along the road reserve from the north eastern corner of Lot 2 in DP 214664 as identified on figure 2a below:-

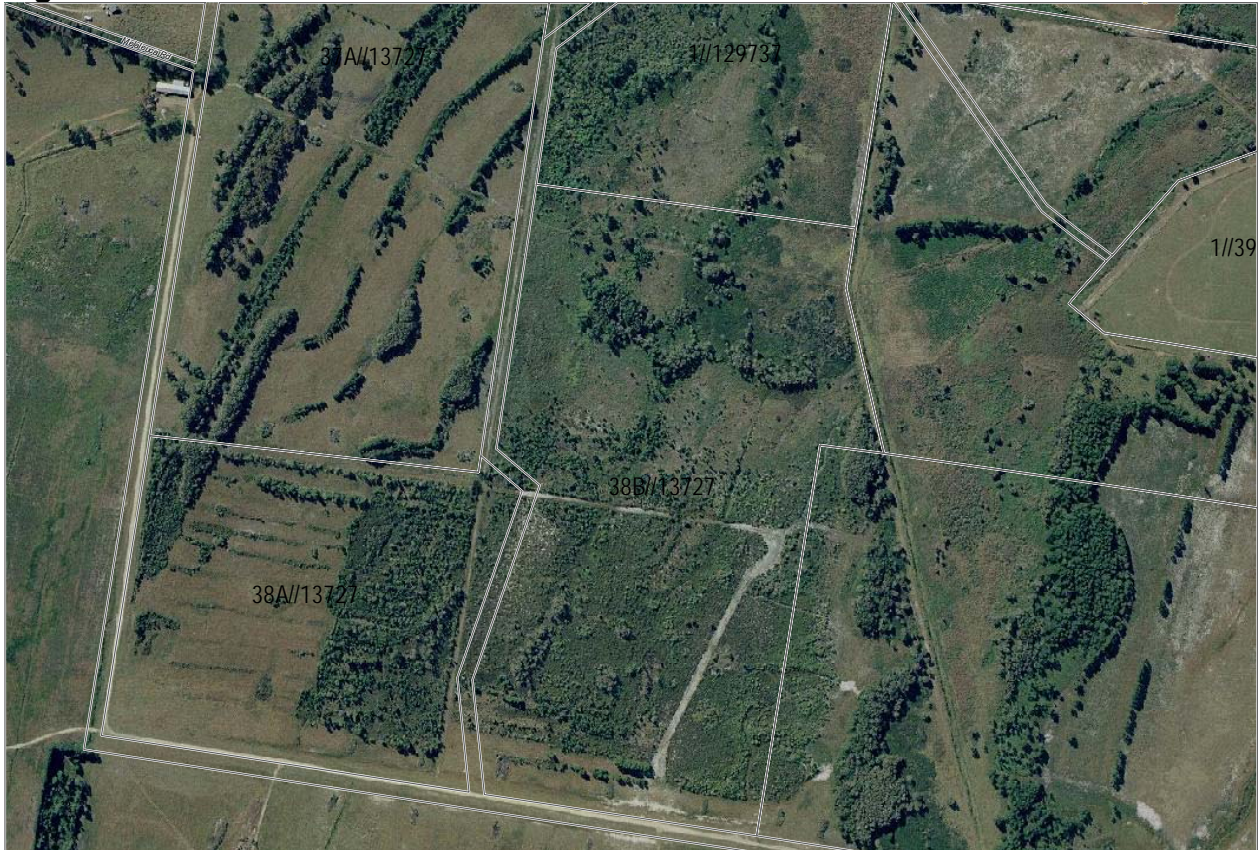
**Figure 2a**



The road reserve running from Melaleuca Road south approximately 820m and then east approximately 1.8km is formed and in use by adjoining land owners as shown on the aerial photograph below (figure 2b). An application for the transfer of this section of road has been submitted to LPMA by Council and is awaiting approval. This section of road is also noted as containing sections of regional and subregional wildlife corridors as well as species of protected fauna.

If the Department of Lands was to agree to the closure, adequate arrangements in the approved Kings Forest Concept Plan would need to be incorporated to maintain the open drain or relocate it to preserve the same level of service currently provided.

Figure 2b



The road reserve running from north to south through Lot 1 in DP 129737 and along the western boundary of Lot 38B DP 13727 provides an alternate access to Tweed Shire Council Land, Lot 1 in DP 397082. A regional wildlife corridor runs from the northern section of this road reserve to approximately 40m south of the boundary of Lot 1 in DP 129737 and within Lot 38B DP 13727 as shown on figure 2c below. Council's Road Closure Policy notes roads not eligible for closure item 3 as including,

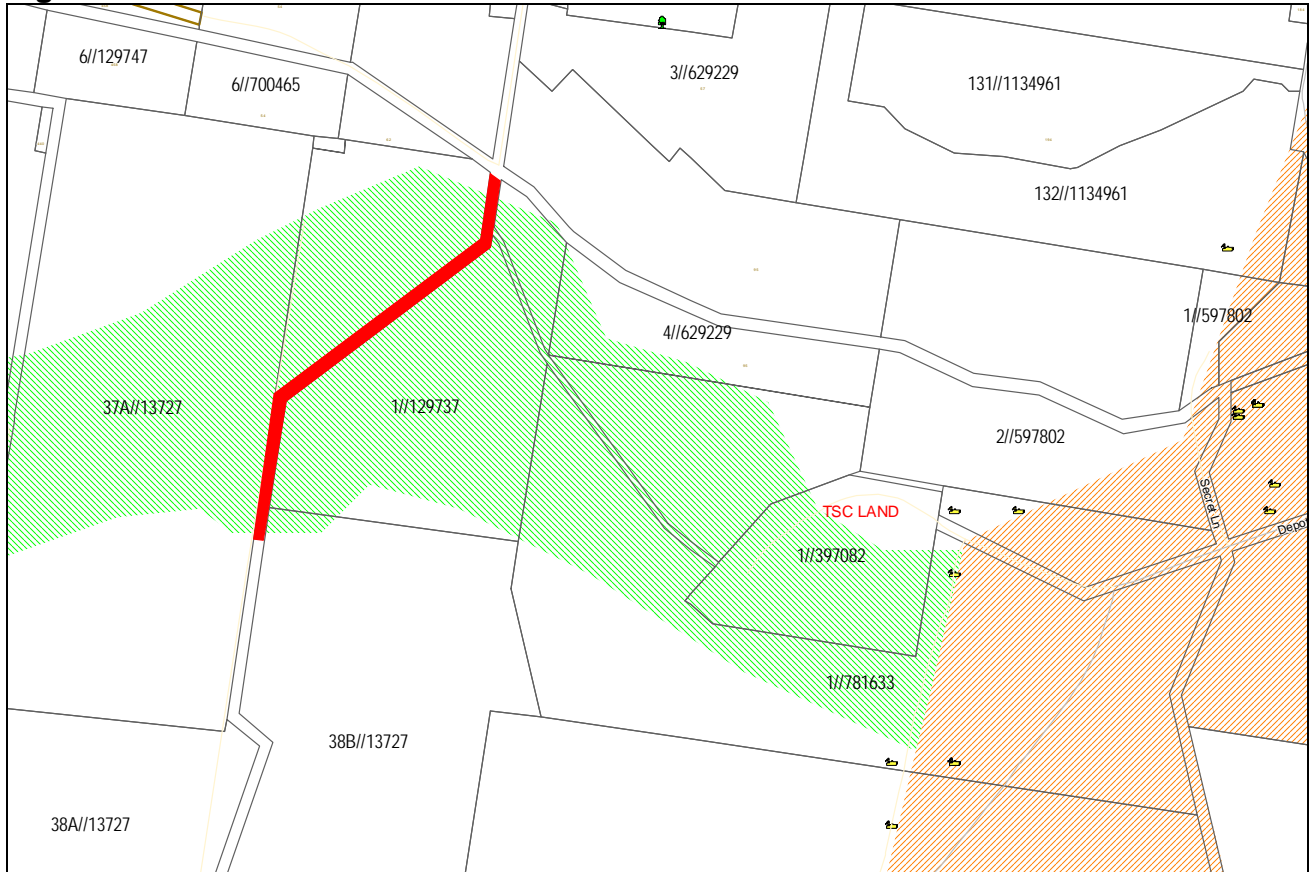
*“road reserves containing wildlife corridors and significant flora....”*

The Department of Lands would need to ensure that the property owner gaining access over these roads is adequately catered for in the approved Kings Forest Concept Plan. Furthermore, such Plan must address the wildlife corridor impacts and provide for management and continuation of the corridor.

In regard to access to Council land, the issue raised above can be ameliorated by the Department of Lands ensuring that the approved Kings Forest Concept Plan provides access to Lot 1 DP 397082 from the main trunk collector road and business/community facilities areas currently proposed.

It is recommended that Council advises the Department of Lands of these concerns above and the need for them to be resolved through any approved Kings Forest Concept Plan.

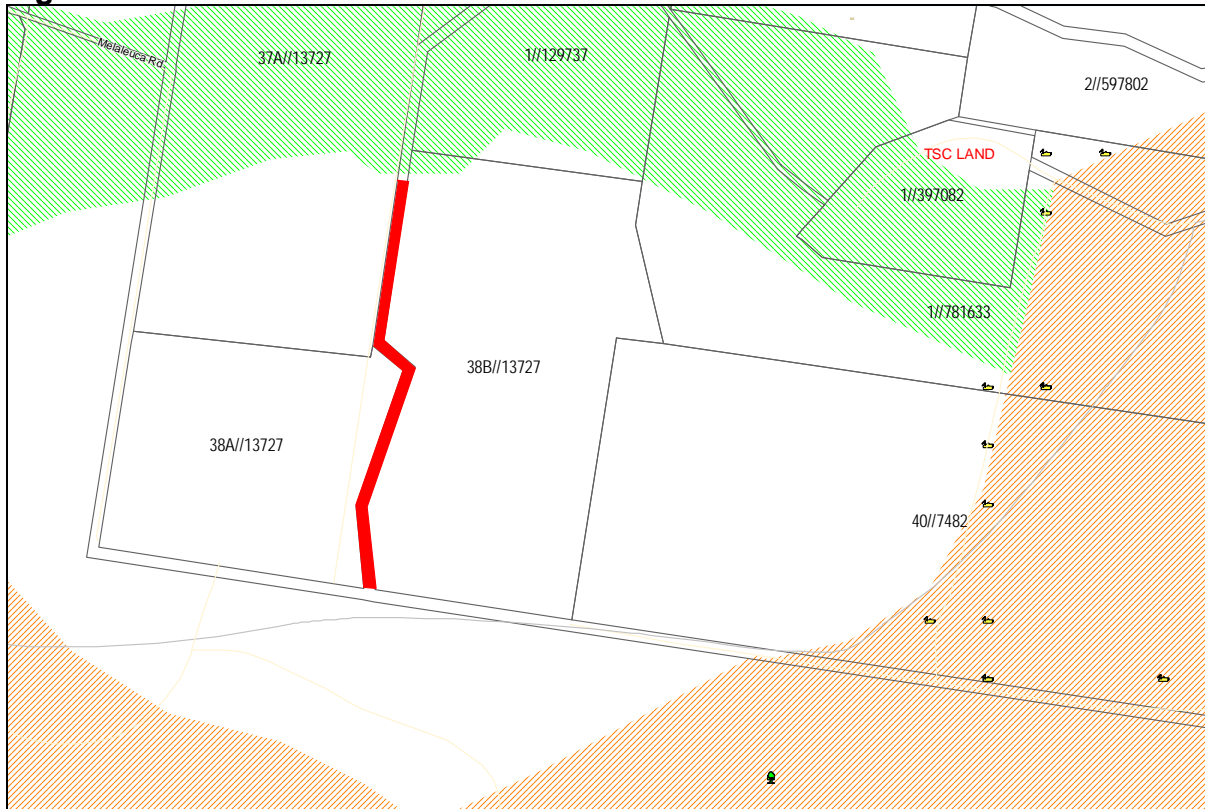
Figure 2c



The remaining section of this road reserve running along the western boundary of Lot 38B in DP 13727 contains no wildlife corridors and does not impact on surrounding properties. There is no Council or other infrastructure located within it. Please refer to figure 2d below.



Figure 2d

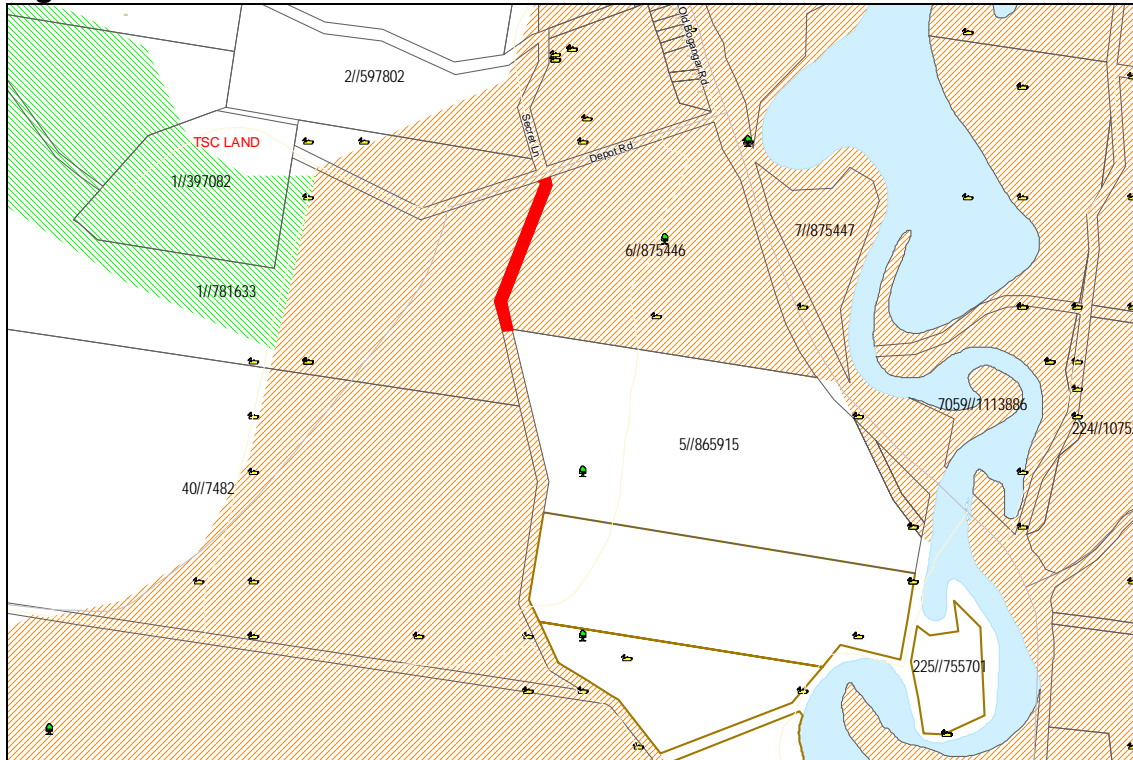


Council's Road Closure Policy notes that applications will be considered for closure of roads which are demonstrably redundant in terms of access. On this basis it is recommended that Council does not object to the closure of this section of road reserve.

The road reserve running south from Depot Road along the western boundary of Lot 6 DP 875446, shown in figure 2e provides access to the adjoining National Park. This road falls fully within a regional wildlife corridor. Council's Road Closure Policy notes roads not eligible for closure at item 3 including:-

*“road reserves containing wildlife corridors and significant flora.....”*

Figure 2e



In summary based on the provisions of Council's Road Closure policy item 3 and the fact that private drainage infrastructure is existing within the road, and that the road reserve is partially formed it is recommended that Council expresses its concerns in relation to the closure of the road reserve west of Lots 37A and 38A in DP 13727, south of Lots 38A & 38B DP 13727 and Lot 40 in DP 7482 and the road reserve running south to north between Lots 37A, and through Lot 1 DP 129737 and the road reserve separating Lot 1 DP 781633 and Lot 6 DP 875446. The closure of the section of road shown in figure 2d on the western boundary of Lot 38B in DP 13727 be supported.

### Section 3

Road reserve north of Lot 96 DP 755701 and north and through Lot 326 DP 755701. This plan shows an incorrect section of road reserve, the actual road reserve only runs along the southern boundary of Lot 307 in DP 755701 and through Lot 326 DP 755701 as shown on the SIX portal plan in Figure 3a.

Figure 3

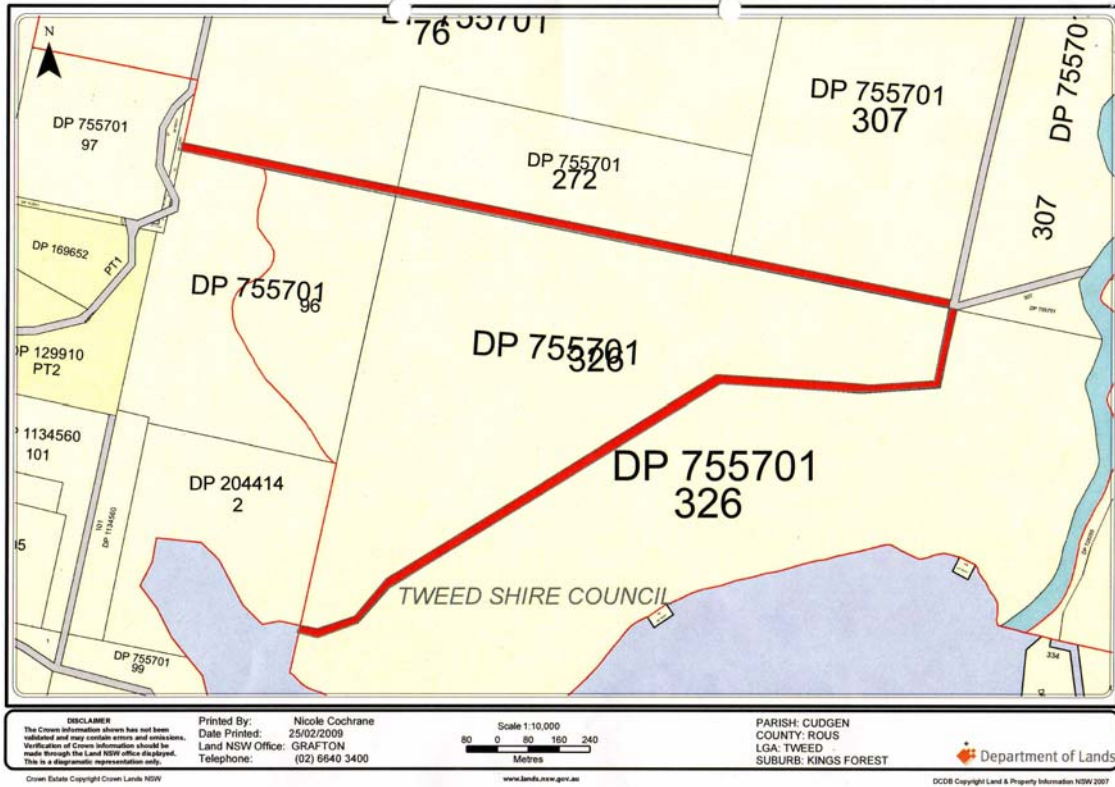
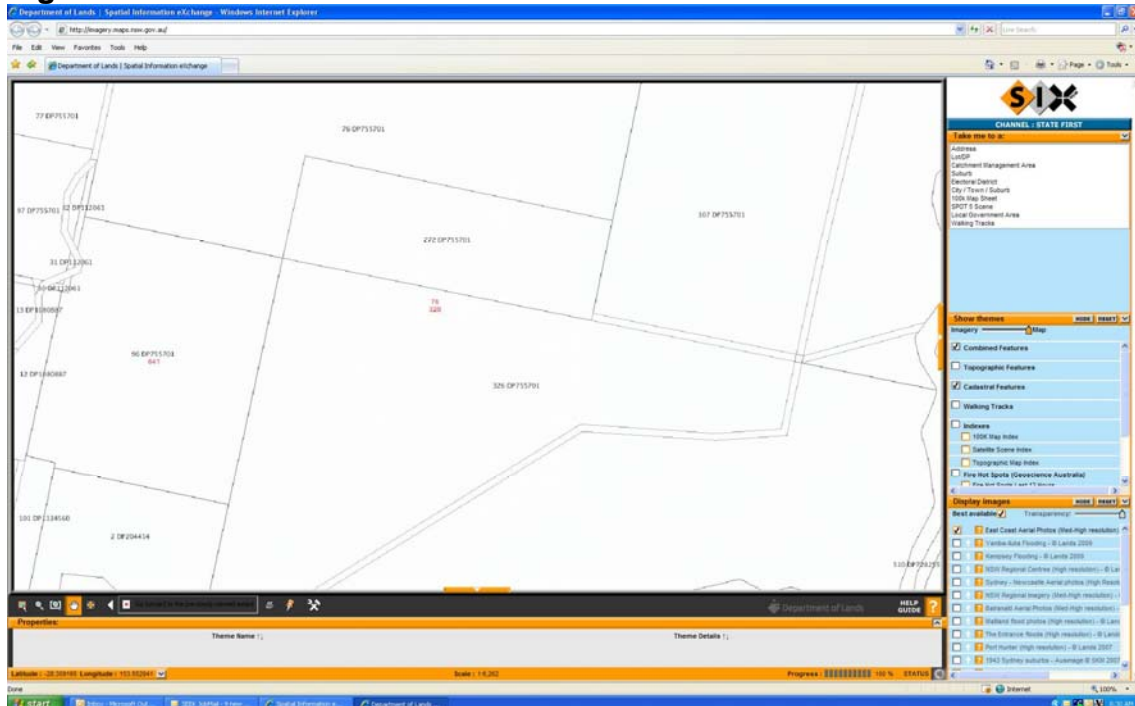


Figure 3a



The section of road reserve running west to east along the southern boundary of Lot 307 in DP 755701 contains significant Council infrastructure being a 600mm diameter ductile iron water main. The concept plan submitted by the applicant shows the existing infrastructure as well as connection to it of future infrastructure within the subdivision. A copy of this plan is attached for information shown as figure 3b. Council's Road Closure Policy point 4 states that roads not eligible for closure include those containing public authority reticulation services unless the relevant authority agree to their relocation or creation of easements.

**Figure 3b**



This section of road reserve further contains a regional wildlife corridor and is noted as containing protected fauna and flora as shown on Figure 3c below. As previously noted Council's Road Closure Policy point 3 states roads "containing wildlife corridors, significant flora...." as roads not eligible for closure.





Council's Road Closure Policy notes that roads not eligible for closure points 2 and 3 are those providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores, and those containing wildlife corridors and significant flora.

The Department of Lands needs to ensure the concerns raised regarding the wildlife corridors, protected flora and fauna and public access to the lake for the section of road through Lot 326 DP 755701 are adequately addressed in any approved Kings Forest Concept Plan.

It is recommended that Council objects to the closure of the road reserve south of Lot 307 in DP 755701 and expresses the concerns above to the Department in regard to Lot 326 DP 755701.

In summary it is recommended that Council:-

1. Based on the provisions of Council's Road Closure policy point 2 and 3 objects to the closure of the road reserve east of Lot 77 DP 755701, east and north of Lot 76 DP 755701, north of lots 71 DP 819194 and Lots 1 and 2 DP 1129391, east and north of Lot 4 DP 1062132, east of Lot 1 in DP 1062132 and through Lot 2 DP 819015 (as shown in Figure 1).
2. Based on the provisions of Council's Road Closure policy point 3 (wildlife corridors etc) and the fact that private drainage infrastructure is existing within the road, and that the road reserve is partially formed that Council expresses its concerns regarding the matters to the Department of Lands in regard to the closure of the road reserve west of Lots 37A and 38A in DP 13727, south of Lots 38A & 38B DP 13727 and Lot 40 in DP 7482 and the road reserve running south to north between Lots 37A, and through Lot 1 DP 129737 and the road reserve separating Lot 1 DP 781633 and Lot 6 DP 875446 (as shown in Figure 2).
3. Based on the provisions of Council's Road Closure policy points 2 (private property access) and 3 (wildlife corridors etc) that Council expresses its concern to the Department of Lands in regard to the closure of the Crown road reserve through Lot 326 DP 755701 (as shown in Figure 3).
4. Does not object to the closure and purchase by the applicant of the road reserve running along the western boundary of Lot 38B in DP 13727 (as shown in Figure 2d).
5. Advise Department of Lands that the road reserve east of Lots 76 and 77 in DP 755701 is Council road reserve and as such the applicant will be required to make application to close this section of road directly to Council.
6. Based on the provisions of Council's Road Closure Policy point 4 (public infrastructure), Council objects to the road closure of the crown road reserve south of Lot 307 DP 755701.

**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. Road Closure Policy (ECM 6977301).
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**36 [EO-CM] Road Closure Application - Cudgen Nature Reserve - Parish of Cudgen**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/6**

**SUMMARY OF REPORT:**

Council has received a notice of application to close sections of Crown Road reserve within the Cudgen Nature Reserve, from Land & Property Management. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

Council's Policy on Road Closure states roads not eligible for closure as follows:-

- "1. Roads providing or capable of providing, physical access to rivers, creeks, lakes, beaches and their foreshores.*
- 3. Road reserves containing wildlife corridors and significant flora...*
- 6. Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows."*

Notwithstanding Council's Policy on Road Closure it is recommended that Council does not object to the closure of the Crown public road west of Lot 5 DP 865915, west and within Lots 224 and 225 DP 755701, separating Lot 5 DP 865915 and Lots 224 and 225 in DP 755701 from Cudgen Creek and within Lot 307 DP 755701 at Kings Forest as the closed road will become part of the adjoining Cudgen Nature Reserve.

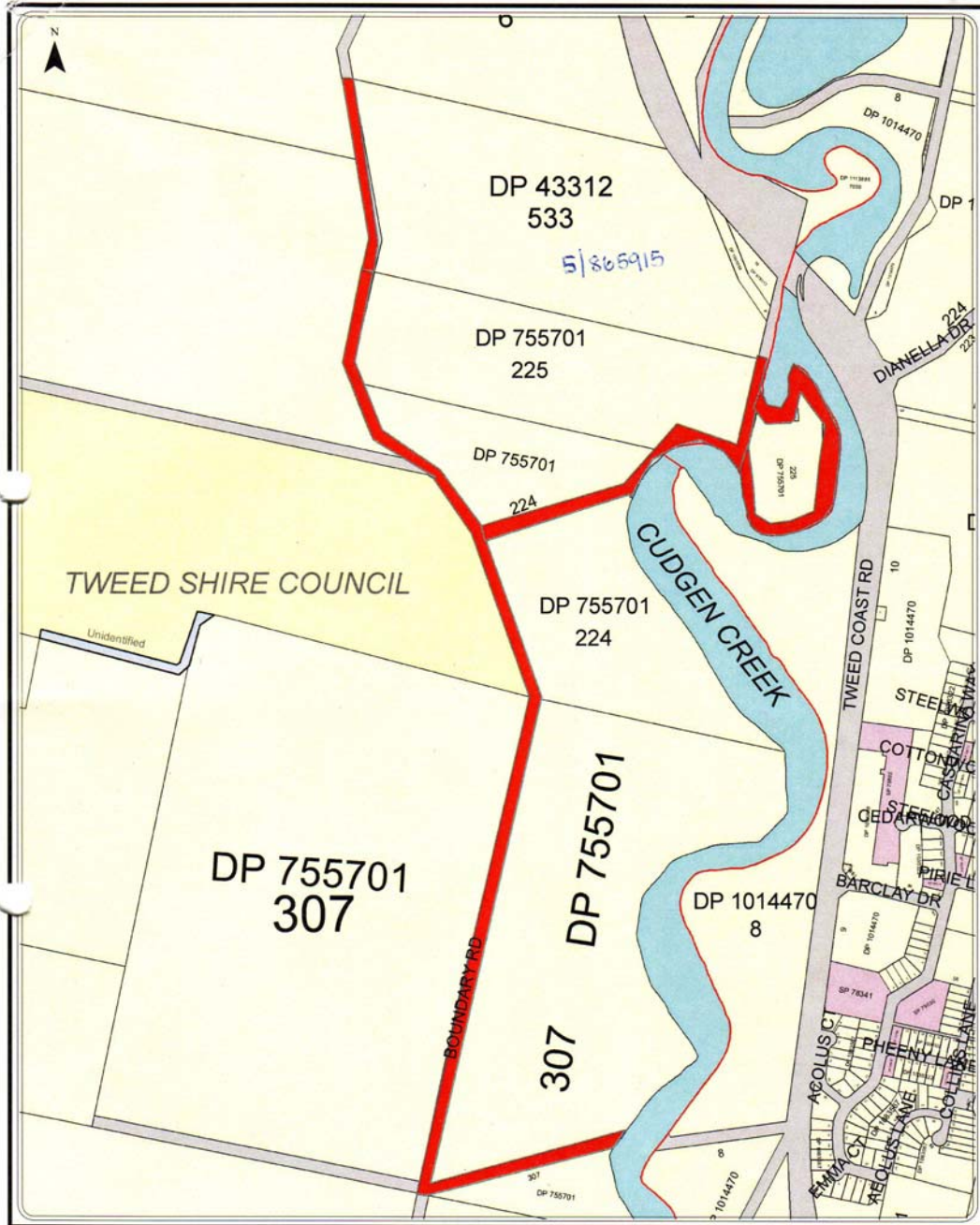
**RECOMMENDATION:**

**That Council does not object to the closure of the Crown public road west of Lot 5 DP 865915, west and within Lots 224 and 225 DP 755701, separating Lot 5 DP 865915 and Lots 224 and 225 in DP 755701 from Cudgen Creek and within Lot 307 DP 755701 at Kings Forest.**

**REPORT:**

Council has received a notice of application to close sections of Crown Road reserve within the Cudgen Nature Reserve, from Land & Property Management. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

Below is a plan showing the roads proposed to be closed:-



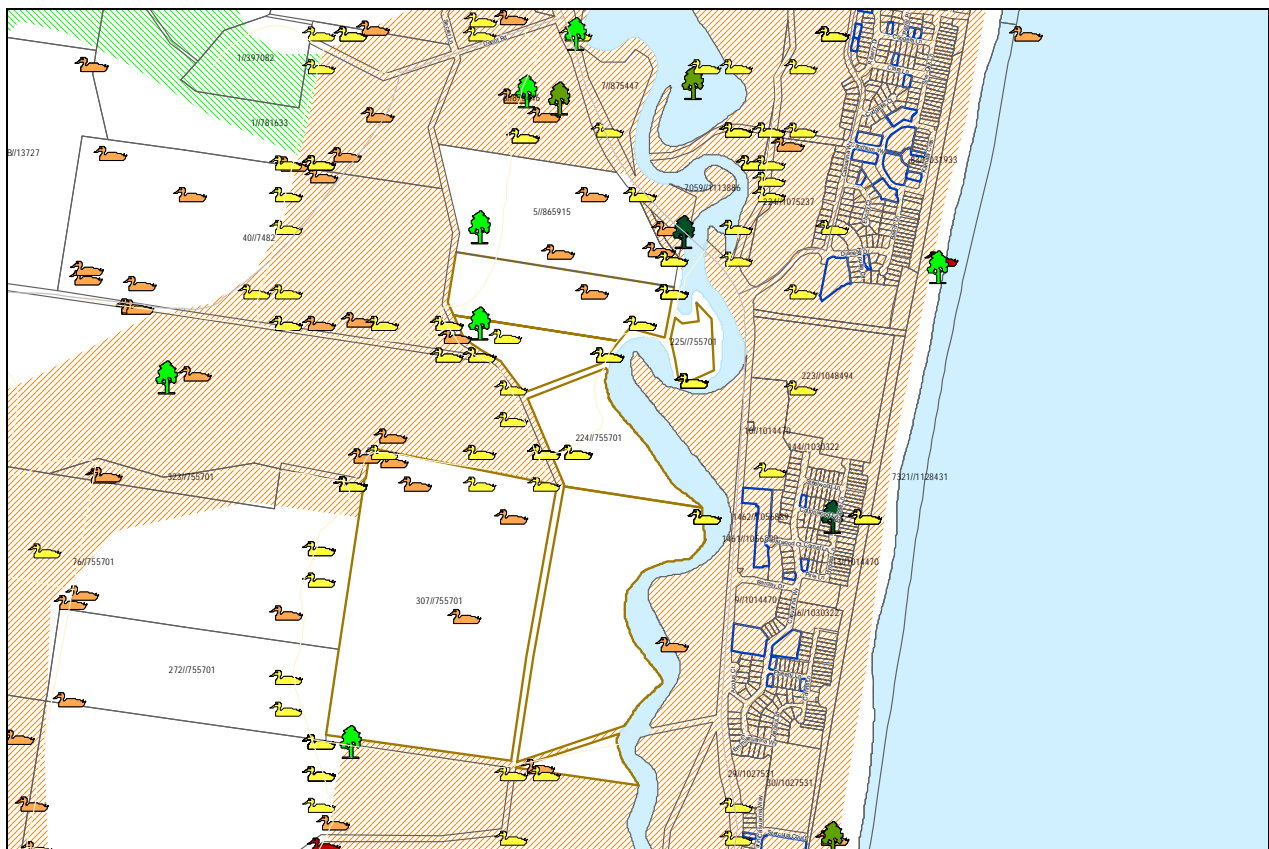
<p><b>DISCLAIMER</b> The Crown information shown has not been validated and may contain errors and omissions. Verification of Crown information should be made through the Land NSW office displayed. This is a diagrammatic representation only.</p>	<p>Printed By: Nicole Cochrane Date Printed: 25/02/2009 Land NSW Office: GRAFTON Telephone: (02) 6640 3400</p>	<p>PARISH: CUDGEN COUNTY: ROUS LGA: TWEED SUBURB: KINGS FOREST</p>
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These Crown road reserves run through the Cudgen Nature Reserve and Land and Property Management Authority have advised that the application for closure of these roads is an attempt to rationalise the public road network within and adjoining the Reserve.

Council records indicate that the majority of the road network falls within a regional wildlife corridor and contains protected and threatened species of flora and fauna but is consistent with the adjoining Cudgen Nature Reserve.

This road network also leads directly to and around Cudgen Creek. Due to the diversity of the area and that these roads are contained within a Nature Reserve they would make excellent walking trails for nature enthusiasts.



Council's Policy on Road Closure states roads not eligible for closure as follows:-

- "1. Roads providing or capable of providing, physical access to rivers, creeks, lakes, beaches and their foreshores.*
- 3. Road reserves containing wildlife corridors and significant flora...*
- 6. Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows."*

Notwithstanding Council's Policy on Road Closure it is recommended that Council does not object to the closure of the Crown public road west of Lot 5 DP 865915, west and within Lots 224 and 225 DP 755701, separating Lot 5 DP 865915 and Lots 224 and 225

in DP 755701 from Cudgen Creek and within Lot 307 DP 755701 at Kings Forest as the closed road will become part of the adjoining Cudgen Nature Reserve.

**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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**37 [EO-CM] Land Acquisition for Road - Dodds Road, Chinderah**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Further to Council meeting of 26 September 2006, a plan of proposed acquisition and road closure at Dodds Road, Chinderah, has been registered as DP 1130131.

The plan shows the following actions to be completed:-

1. Lots 1, 2, and 3 are proposed to be acquired from the land owner and dedicated as road.
2. Lots 4 to 6 are public road proposed to be closed and provided to the owner of Lots 1, 2, & 3 as compensation.
3. Lot 7 is accreted Crown Land proposed to be acquired for road.

The acquisition is to proceed under the provisions of the *Land Acquisition (Just Terms Compensation) Act*, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

**RECOMMENDATION:**

**That:-**

1. **Council approves the acquisition of Lots 1, 2, 3 and 7 in DP 1130131 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;**
2. **Council approves the acquisition of Lots 4 to 6 in DP 1130131 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;**
4. **Lots 1, 2, 3 and 7 in DP 1130131 be dedicated as road following gazettal of the acquisition; and**
5. **All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

Further to Council meeting of 26 September 2006, a plan of proposed acquisition and road closure at Dodds Road, Chinderah, has been registered as DP 1130131.

The plan shows the following actions to be completed:-

1. Lots 1, 2, and 3 are proposed to be acquired from the land owner and dedicated as road.
2. Lots 4 to 6 are public road proposed to be closed and provided to the owner of Lots 1, 2, & 3 as compensation.
3. Lot 7 is accreted Crown Land proposed to be acquired for road.

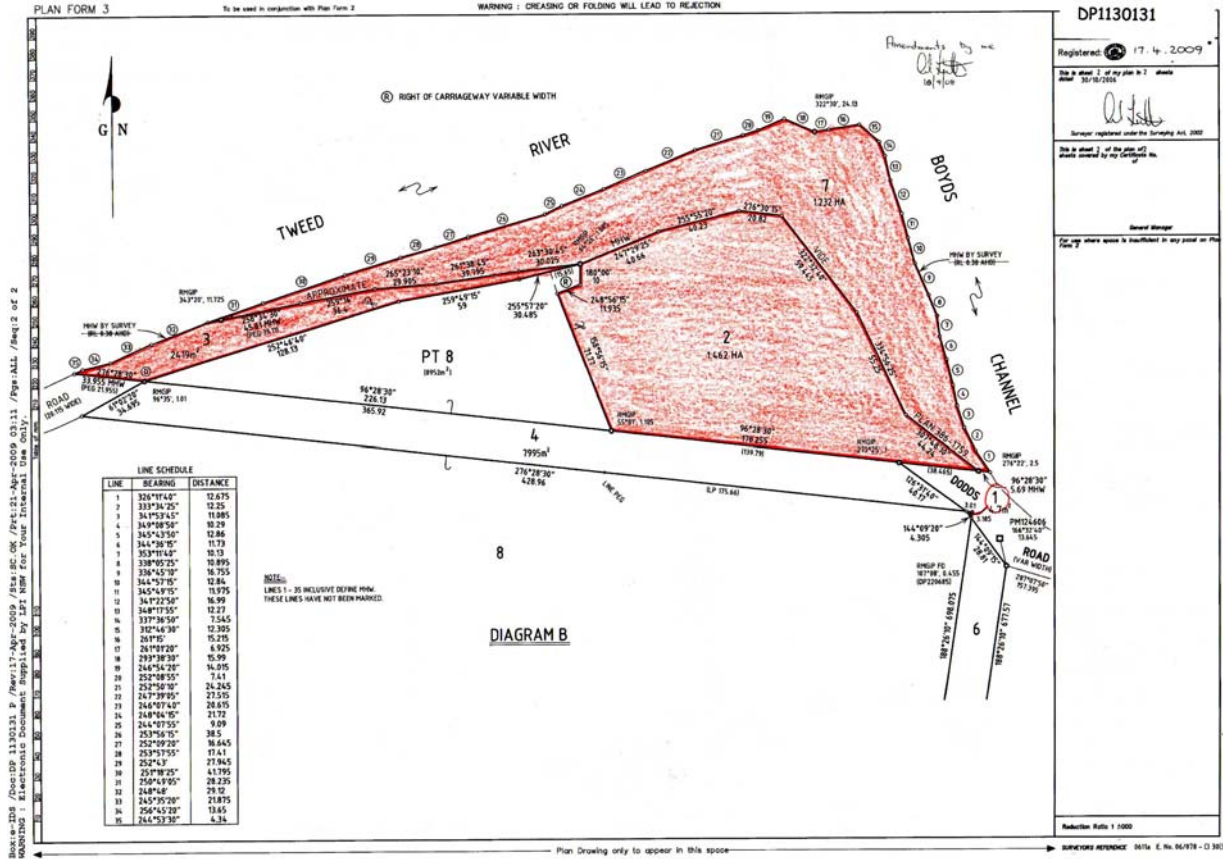
The owner of Lots 1, 2 and 3 in DP 1130131 has agreed to the acquisition of land for road and the transfer of the proposed road closure parcels as compensation. The area of land to be acquired is 17,043.7m<sup>2</sup> (1.70437 Ha). The area of the road to be closed, Lots 4, 5 & 6 in DP 1130131, and provided as compensation is 24,799m<sup>2</sup> (2.4799 Ha). As the area of road to be closed and provided as compensation was greater than that being acquired the land owner agreed to pay the difference in value for the closure of the remaining section of road reserve. This amount will be determined and is payable to Land and Property Management as the road is unformed.

Land and Property Management have provided their concurrence to the acquisition of Lot 7 in DP 1130131. Land and Property Management have agreed to nil compensation for this acquisition provided Council dedicates part of the acquired land to the Crown for reservation of appropriate public purpose at a future time.

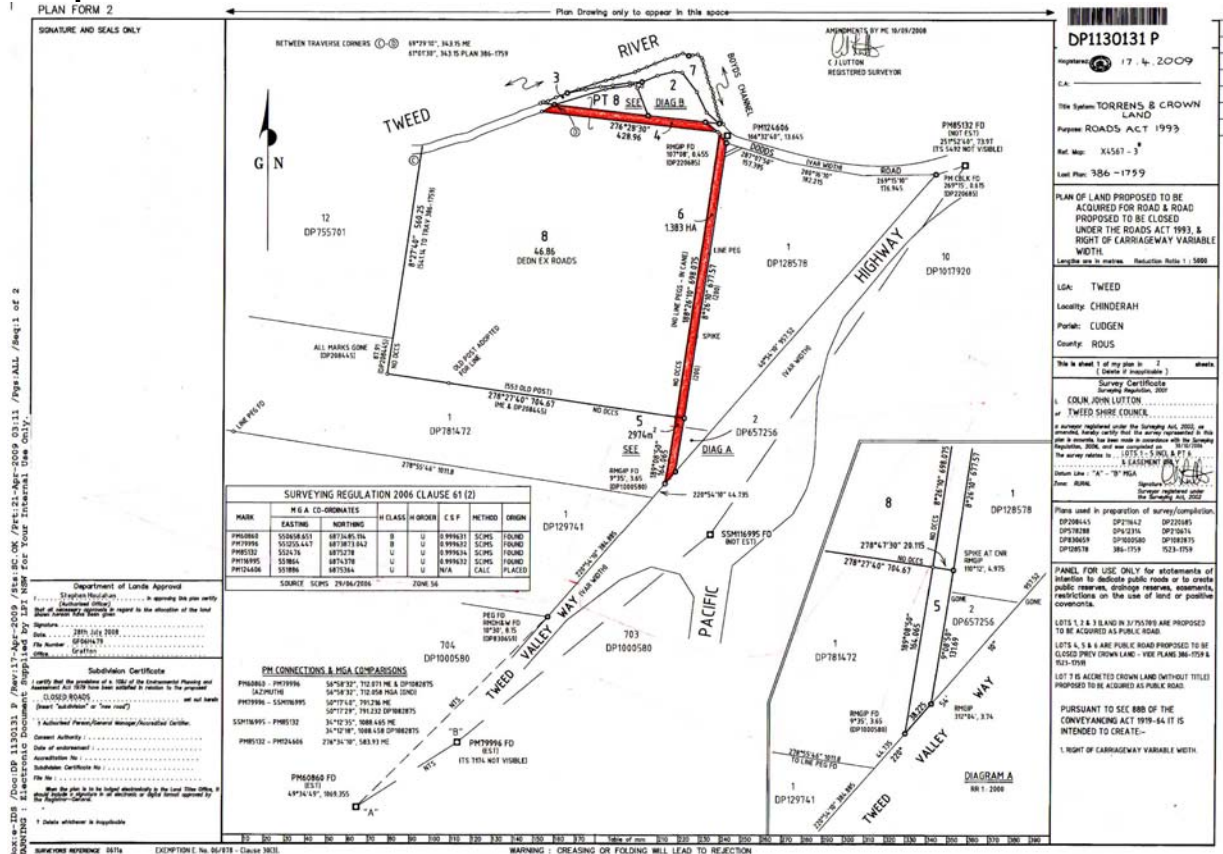
The acquisition is to proceed under the provisions of the *Land Acquisition (Just Terms Compensation) Act*, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.



**DP 1130131 showing Lots 1, 2, 3 and 7 – land proposed to be acquired for Road:**



**DP 1130131 showing Lots 4, 5 and 6 – road proposed to be closed and provided as compensation:**



**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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**38 [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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**39 [EO-CM] Road Closure Application - Parish of Cudgen Lot 4 DP 1062132**

**ORIGIN:**

**Design**

**FILE NO: GR3/12/6**

**SUMMARY OF REPORT:**

Council has received a notice of application to close a section of Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah, 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 application for the transfer of this section of road reserve was made to Department of Lands by Council in December 2005 and reaffirmed in April 2008 however has not yet been determined.

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah.

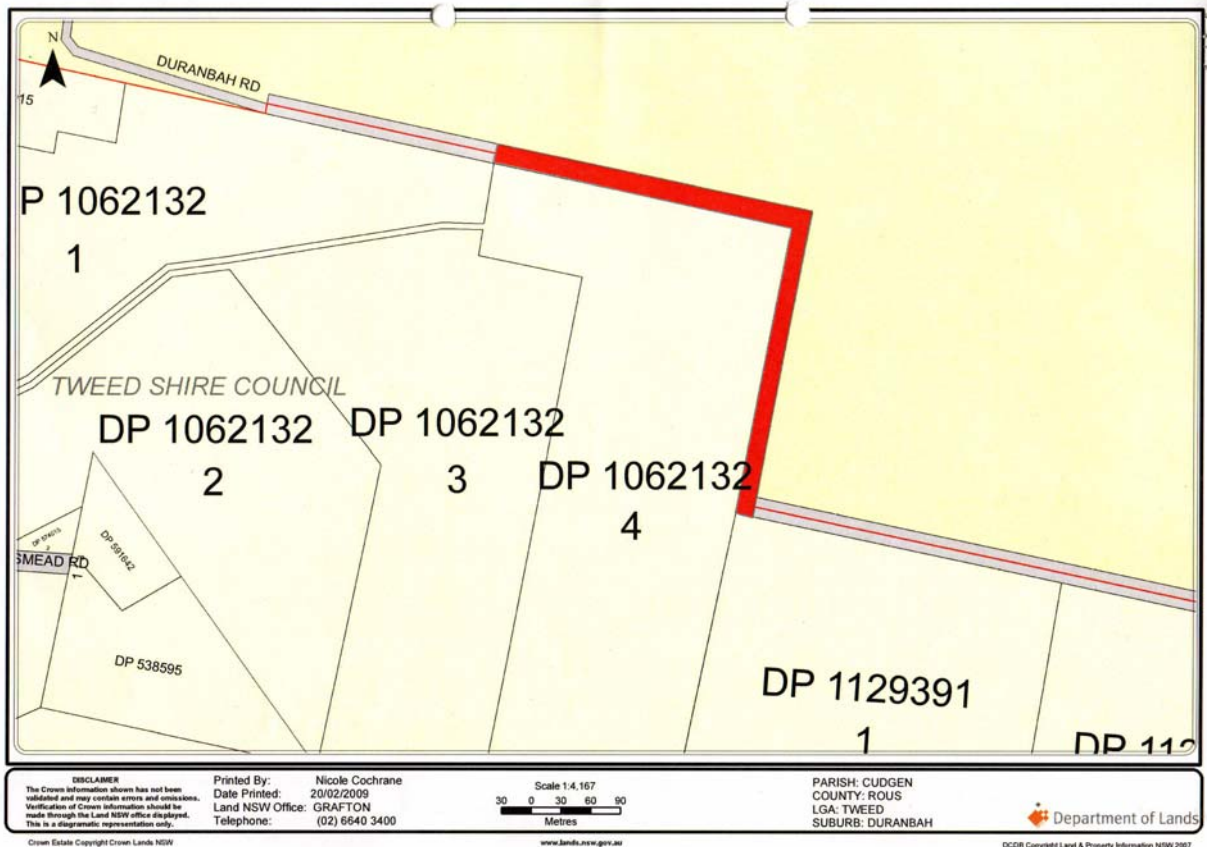
**RECOMMENDATION:**

**That Council objects to the closure of the section of Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah.**

**REPORT:**

Council has received a notice of application to close a section of Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah, from Department of Lands as shown in Figure 1. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

**Figure 1:**





Pursuant to Council's Policy on road closure and private purchase the following points should be noted for roads **not** eligible for closure which are applicable to this particular application based on the information provided above:-

- "2. *Roads capable of providing physical access to other roads, public and private properties, Public and Crown Reserves, public utility installations, railways and the like.*
- 3 *Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments....*
5. *Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value;"*

As per Council's Road Closure Policy it is recommended that Council object to the closure of the Crown Road reserve north and east of Lot 4 in DP 1062132 at Duranbah.

An application for the transfer of this section of road reserve was made to Department of Lands by Council in December 2005 and reaffirmed in April 2008 however has not yet been determined.

**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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40 [EO-CM] EC2009-095 Supply and Delivery of Bitumen Emulsion

**ORIGIN:**

**Contracts**

**FILE NO: EC2009-095**

**SUMMARY OF REPORT:**

This report outlines the tender for the Supply and Delivery of C170 Bitumen Emulsion to Council's bulk storage tanks located at the Murwillumbah and Tweed Heads Depots. The supply contract will be for a two (2) year period from 1 November 2009 until 31 October 2011. Recommendations have been formulated based on the Selection Criteria and Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. It is recommended that Council accepts the tender of Downer Edi Works for the Supply and Delivery of Bitumen Emulsion for a two (2) year period from 1 November 2009 until 31 October 2011.

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 Downer Edi Works be accepted for the Supply and Delivery of Bitumen Emulsion for a two (2) year period from 1 November 2009 until 31 October 2011. Supply rates are subject to rise and fall and linked to the General Market Price for C170 bitumen ex Mobil NSW list price currently at \$880 / tonne (GST Excl)**
- 2. The ATTACHMENT 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 EC2009-095 invited submissions for the Supply and Delivery of Bitumen Emulsion to Council's bulk storage tanks located at the Murwillumbah and Tweed Heads Depots. The supply contract will be for a two (2) year period from 1 November 2009 until 31 October 2011.

Suppliers were required to provide a rate per litre of C170 bitumen delivered to either of Council's storage points.

### **Tenders Received**

A total of three (3) responses were received for tender EC2009-095 Supply of Bitumen Emulsion.

Tender submissions were received from:-

Pioneer Road Services

Boral Resources (Qld) Pty Ltd

Downer EDi Works

### **Tender Evaluation**

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 pricing and conformity considerations, it is recommended that Tenderer Downer EDi Works be awarded the contract for the Supply and Delivery of Bitumen Emulsion.

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

Funding is provided within the 2009/2010 Budget for EC2009-095 Supply and Delivery of Bitumen Emulsion.

### **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** - EC2009-095 Supply and Delivery of Bitumen (ECM 6871548).
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- 41 [EO-CM] Tender EC2009-091 for the Supply of Two (2) Road Maintenance Units (RMU), and One (1) Pavement Maintenance Unit (PMU) and Three (3) Prime Mover Chassis and trade-in offer for all Three (3) existing TSC Complete Units

**ORIGIN:**

Works

**FILE NO: EC2009-091**

**SUMMARY OF REPORT:**

This report outlines the tender for EC2009-091 for the Supply of Road Maintenance Units, Hot-mix Pavement Maintenance Unit, and Prime Movers to Council. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. It is recommended that Council accepts the tender of AusRoad for EC2009-091 for the Supply of Road Maintenance Units and Pavement Maintenance Units against the respective schedules and accepts the tender of Gold Coast Isuzu for the supply of Prime Movers against the respective schedules.

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 Gold Coast Isuzu be accepted to the value of \$235,495.99 inclusive of GST.
2. The tender from Ausroad be accepted to the value of \$609,158.99 inclusive of GST.
3. The **ATTACHMENT** 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 No. EC2009-091 invited responses for the Supply of Road Maintenance Units, Hot Mix Pavement Maintenance Unit and Prime Movers:-

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

1. Net Present Value of the unit - 50%
2. Operator evaluation – 30%
3. Maintenance evaluation – 15%
4. Risk evaluation - 5%

### Tenders Received

A total of three responses were received for Tender No. EC2009-091:-.

AusRoad  
PaveLine  
Gold Coast Isuzu

### Tender Evaluation

The Tender Evaluation was conducted by Council's Tender Panel, consisting of Maintenance Technician, Fabrication Technician, Plant and Materials Coordinator, and two Operators. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

The following table shows the preferred Tenderer against each of the Selection criteria:-

### Weighting

	Assessment rating	50%	30%	15%	5%	Final Score
<b>Plant Number</b>	<b>Make and Model</b>	<b>NPV (Whole of Life) 1-5</b>	<b>Operational Assessment 1-100</b>	<b>Maintenance Assessment 1-100</b>	<b>Risk Evaluation 1-45</b>	
<b>9732</b>	AusRoad RMU	50%	29.1%	14.9%	5%	<b>99%</b>
	PaveLine RMU	43.2%	26.1%	11.6%	4.3%	<b>85.2%</b>
<b>9742</b>	AusRoad RMU	50%	29.1%	14.9%	5%	<b>99%</b>
	PaveLine RMU	46.3%	26.1%	11.6%	4.3%	<b>88.3%</b>
<b>9722</b>	AusRoad PMU	42.6%	28.5%	5%	5%	<b>81.1%</b>
	PaveLine PMU	50%	N/A	N/A	N/A	<b>50%</b>

Based on all assessment categories and evaluations, it is recommended that:-

1. Gold Coast Isuzu be nominated for EC2009-091 for the Supply of Prime Movers in accordance with respective schedules.
2. AusRoad be nominated for EC2009-091 for the Supply of Road Maintenance Units and Hot Mix Pavement Maintenance Unit in accordance with respective schedules.

Details of PaveLine's relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Evaluation Committee.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is provided within the 2007/2008 Budget for EC2009-091 Supply of Two (2) Road Maintenance Units and One (1) Hot Mix Pavement Maintenance Unit.

### 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** - EC2009-091 for the Supply of Road Maintenance Units, Hot Mix Pavement Maintenance Unit, Prime Movers and trade in of TSC three existing complete units. (ECM 7225110)



**42 [EO-CM] River Street Upgrade - Community Consultation**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

A Plan for the proposed upgrade of River Street in South Murwillumbah was prepared by Council's Design Unit and placed on public display for comment between 31 August 2009 and 25 September 2009.

The responses received were generally positive towards the proposed works and so it is considered appropriate that Council adopt the Upgrade Plan as exhibited and proceed to detailed design of the features identified in the plan. The results also demonstrated that the majority of respondents favoured completing Sections 1 and 2 of the upgrade and so it is recommended that Council proceed to construction of these sections in the 2009/2010 and 2010/2011 financial years.

**RECOMMENDATION:**

**That Council:-**

- 1. Adopts the Upgrade Plan as exhibited for River Street.**
- 2. Proceeds to detailed design of the various elements identified in the Upgrade Plan.**
- 3. Constructs Sections 1 and 2 of the upgrade in 2009/2010 and 2010/2011 financial years.**
- 4. Monitors traffic in River and Wardrop Streets to determine the effectiveness of the upgrade.**

**REPORT:**

**Introduction**

Council's Works Unit plan to undertake roadworks in River Street, South Murwillumbah commencing in February 2010. The proposed works originally comprised pavement replacement and stabilisation for the section between Prospero Street and Greville Street.

Residents in River Street made representations to Council via correspondence and Community Access in 2008 requesting that the project scope be increased to include pedestrian and road safety issues. In particular the community felt that,

- River Street was being used as a "rat run" from Tweed Valley Way into the Murwillumbah CBD.
- The pavement surface for the section between Greville and Wardrop Street is also in poor condition and requires replacement.
- The wide nature strips between Wardrop and Greville Streets are being used for "hooning".
- There was a lack of footpath/cyclepath from the nearby schools and residential areas to Murwillumbah.

**River Street Upgrade Plan**

Council's Design Unit produced the River Street Upgrade Plan for Community comment. The Plan was based on submissions to Council and Council Officers by residents in the area. The major components of the upgrade and their estimated construction costs as shown on the plan are:-

<u>Feature</u>	<u>Est. Value</u>
<u>Section 1 Road Works Include:</u>	\$360,000
<ul style="list-style-type: none"> <li>• Road stabilisation and resurfacing of River St from Alma St to Greville St.</li> <li>• Provision for two traffic lanes, cycle lanes and on-street parallel parking</li> <li>• Replacement of sections of kerb along River St between Alma St and Greville St</li> </ul>	
<u>Section 2 Road Works Include:</u>	\$270,000
<ul style="list-style-type: none"> <li>• Reconstruction of River St from Greville St to Wardrop St.</li> <li>• Construction of traffic calming devices</li> <li>• Construction of on-street parallel parking at off-leash dog exercise area</li> <li>• Repair/replacement of stormwater drainage as required</li> </ul>	
<u>Footpath/Cycleway Construction:</u>	\$110,000
<ul style="list-style-type: none"> <li>• Construction of combined footpath/cycleway along River St from Greville St to Wardrop St</li> </ul>	

**Feature**

**Est. Value**

**Planting/Landscaping Works:**

\$30,000

- Various planting and landscaping along River St.

It was identified with the displays that although the total works identified on the Upgrade Plan are estimated to cost \$830,000, amounts of \$440,000 is in the 2009/2010 works budget with a further \$200,000 in the 2010/2011 totalling \$660,000 gives a shortfall of \$170,000. Some features identified in the plan, being the cycleway and landscaping valued at \$170,000 will not be able to be completed in 2009/2010 or 2010/2011. These works would need to be considered for inclusion in future capital works programs. Therefore, one of the major objectives of the community consultation, was to establish the community's priorities of the proposed features, so that the highest priority works can be completed in 2009/2010 and 2010/2011.

**Results of Community Consultation**

The Upgrade Plan was publicly advertised in the Tweed Link Issue 628 on 1 September 2009, with displays at Council's Murwillumbah Civic Centre. The display was also posted on Council's web page. The Upgrade Plan was on display until 25 September 2009 and included a take away information sheet and feed back form for providing comment.

The community responses received were as follows:-

- Feedback forms received at the Murwillumbah Civic Centre = 13
- Letters received via Council's records = 1

The responses to the Upgrade Plan were generally positive.

**Discussion of Results**

Of the fourteen (14) responses, ten (10) of the respondents live in River Street, three (3) live in Wardrop Street and one (1) was from Chinderah.

The respondent from Chinderah indicated that the money should be allocated to Chinderah roadworks in preference to River Street.

The other thirteen (13) respondents supported the Upgrade Plan as displayed, with:-

- four (5) supporting the Section 1 roadworks, then Section 2.
- five (5) supporting the Section 2 roadworks, then Section 1.
- one supporting the cycleway then Section 2 roadworks.
- two did not indicate any preference.

**Issues Raised**

The major issues identified from the consultation process that must be taken into account during the detailed design process are:-

Six (6) respondents stated that speeding drivers and hooning was a problem in the area.

The Upgrade Plan includes traffic calming devices, steep table drains and landscaping to attempt to address this issue. The table drains and landscaping are aimed at reducing the ability of cars to leave the asphalt road surface and enter the grassed reserves.

Four (4) respondents wanted speed humps in lieu of the chicanes as shown on the plans. It should be noted however that speed humps in residential areas have been demonstrated to cause noise problems and are therefore currently not installed by Council in residential areas.

Four (4) respondents indicated that the intersection between River Street and Wardrop Street was a hazard.

The Upgrade Plan realigns the intersection to a more conventional alignment.

Three (3) respondents were concerned that the realignment at Wardrop Street/River Street intersection would increase traffic using Wardrop Street.

There is a perception that the realignment of the Wardrop Street/River Street intersection will encourage more traffic to travel along Wardrop Street as River Street becomes less desirable. Council's Traffic Engineer's view is that as a result of the works both River Street and Wardrop Street will be less desirable as "rat runs". It is recommended that speed and traffic counts be taken before and after the works are completed to confirm this.

#### **CONCLUSION**

The majority of respondents were positive towards the Upgrade Plan as exhibited. It is therefore recommended that the Upgrade Plan as exhibited, progress to detailed design and that as indicated by the Community Responses, Sections 1 and 2 be completed in 2009/2010 and 2010/2011 financial years, with the other features to be considered in future Capital Works Programs. Furthermore, it is recommended that traffic speed and quantity monitoring be carried out in the area.

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

There are sufficient funds available in 2009/2010 (\$440,000) and 2010/2011 (\$200,000) Capital Works Budgets to complete Sections 1 and 2 of the River Street Upgrade.

#### **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. River Street Upgrade - Community Consultation Plan Attachment 1 (ECM 6924911).
  2. River Street Upgrade - Community Consultation Plan Attachment 2 (ECM 6924918).
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**43 [EO-CM] Speeding Traffic - Crescent Street, Cudgen**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

At its meeting of 24 September 2009 Council's Local Traffic Committee provided the following advice after consideration of requests for the installation of speed humps in Crescent Street, Cudgen:-

*"That:-*

- 1. NSW Police consider additional taskings for speed enforcement through Crescent Street, Cudgen.*
- 2. Council officers prepare a report to Council regarding this matter for its meeting scheduled for 20 October 2009."*

Residents believe that speeding vehicles are a problem along Crescent Street Cudgen.

This report is provided for Council's consideration in accordance with Item 2 of the Local Traffic Committee's advice of 24 September 2009.

**RECOMMENDATION:**

**That the correspondents of the requests be advised that the installation of speed humps in Crescent Street Cudgen is not justified as speed surveys for Crescent Street Cudgen show that the current speed limit reflects the speed environment and there were no reported accidents for the period 2003 - 2007.**

## REPORT:

At its meeting of 24 September 2009 Council's Local Traffic Committee provided the following traffic advice:-

*"That:-*

- 1. NSW Police consider additional taskings for speed enforcement through Crescent Street, Cudgen.*
- 2. Council officers prepare a report to Council regarding this matter for its meeting scheduled for 20 October 2009."*

The advice follows receipt of two correspondences which are summarised as follows:-

Correspondence 1:-

*"constant speeding, hooning etc. in the street and the noise and speed of buses. As a result of much discussion it was resolved unanimously to request that Council install low speed bumps in the street for a trial period of three months, and, if these prove to be unsuccessful they should then be removed.*

*A majority of Crescent Street resident have been unhappy about these traffic issues and this Association has been writing to Council about the problem at least since 2004."*

Correspondence 2:-

*"Although there is a 50klm limit along the whole street, speeding traffic would seem to be causing serious concerns for residents, some of whom have to use it for pedestrian access into Cudgen, mainly to walk young children to school. Also, it has been stated that the current bus access in Crescent St does not meet RTA standards.*

*The street is narrow, steep and with a rough surface in parts. Although it was never intended as such, Crescent St is obviously used as a short cut for traffic from the Tweed Coast Rd onto the Cudgen plateau and beyond. I support the resident's call for reconsideration of their case for some form of traffic calming. They are suggesting a trial of low rise rubber "speed bumps" as a possible cost effective means of addressing the problem."*

Council's traffic database shows the following most recent traffic data for Crescent Street, Cudgen (south of Redman Lane):-

- Average Daily Traffic: 585 vpd (week ending 7 September 2007)
- 85<sup>th</sup> percentile speed: 50km/h (week ending 7 September 2007)
- No reported accidents (2004-2007)

From this data, the provision of speed calming devices in Crescent Street, Cudgen is not justified as the current speed limit reflects the speed environment. The volume of traffic is also low.

The matter of speeding vehicles in Crescent Street was also considered by the Local Traffic Committee at its meeting of 18 March 2004 and by Council at its April 2004 meeting. The Committee noted the speed readings taken in the area (week ending 11 March 2004). Generally, the traffic count data indicated that there was not a speeding problem as the 85<sup>th</sup> percentile speed on Crescent Street was 51.5 km/h and Cudgen Road 60.8 km/h, which reflected the speed zones on these streets. The Committee resolved to take no further action. It was noted that Crescent Street is a bus route.

Speed humps have the following undesirable characteristics:-

- Noise generation - braking preceding the speed hump, vehicle and freight noise due the vertical lift at the speed hump followed by accelerating and gear changes away from the hump.
- They slow down responsible drivers however they do not slow down irresponsible drivers. Irresponsible drivers may consider them to be a challenging obstacle or a race marker.
- Bus drivers generally dislike them as they are inconvenient to their passengers and increase wear and tear on a bus's suspension (which would apply to all vehicles). However bus companies will 'accept' them if there is a need.
- Cost – the supply and installation of speed humps comes at a cost. Depending on accident data, there is generally no cost benefit in their installation as benefits (accident reduction) cannot be determined since there are typically no previously recorded accidents to gain an accident reduction comparison.

The benefit of speed humps is that they will slow down responsible motorists.

In many cases residents have requested the removal of speed humps following their installation.

Council receives many requests for traffic calming in Tweed Shire's residential streets however traffic calming (which should be considered on an area basis and not necessarily individual streets) comes at a significant cost. At present there is no Council funding available for local area traffic management schemes.

The cost of supplying and installing 'rubber type' speed humps is approximately \$2,500 per hump which includes relevant warning and advisory signage. The supply and installation of asphaltic concrete type speed humps is considerably more. The cost of removal of a 'rubber type' speed hump and relevant signage and repairing the road pavement is approximately \$500.

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

As stated above, the cost of supplying and installing 'rubber type' speed humps is approximately \$2,500 per hump which includes relevant warning and advisory signage. The cost of removal of a 'rubber type' speed hump and relevant signage and repairing the road pavement is approximately \$500.

#### **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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**44 [EO-CM] Traffic Impacts - Uki Village - Nightcap Development**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO: DA06/1054 Pt12**

**SUMMARY OF REPORT:**

At its meeting of 5 May 2009 Council resolved:

*“That Council officers bring forward a report outlining options for incorporating traffic control measures in the village of Uki to mitigate impacts resulting from the additional traffic generated by the Nightcap Development.”*

This report outlines options for traffic mitigation and recommends a particular treatment.

**RECOMMENDATION:**

**That Council endorses the proposed “entry statement” treatments as mitigating traffic impacts within Uki Village by the Nightcap Village development.**

## REPORT:

At its meeting of 5 May 2009 Council resolved:

***“That Council officers bring forward a report outlining options for incorporating traffic control measures in the village of Uki to mitigate impacts resulting from the additional traffic generated by the Nightcap Development.”***

Traffic impacts from increased traffic volumes generally include:

1. Lowering the ‘level of service’ provided by the road network (i.e. increasing traffic congestion);
2. Increasing the probability of traffic ‘incidents’ occurring such as motor vehicle accidents and pedestrian injuries;
3. Increasing the probability of more vehicles exceeding the speed limit;
4. Lowering pedestrian convenience (increasing difficulty in crossing the street);
5. Increasing pollution (more CO, CO<sub>2</sub> and particulates);
6. Increasing traffic noise; and
7. Lowering the life of the road pavement.

The only way to effectively mitigate or eliminate these impacts is a village bypass road; however this will likely create other significant problems such as environmental, economic and social impacts for the village and surrounds. A village bypass road could not be justified just from a cost perspective.

The underlying criteria for the traffic “impacts” stated above already occur to some extent within the existing Uki Village main street as with all other roads within the Shire. The level to which any increased traffic amplifies these impacts is very difficult to determine and the nexus between the Nightcap Village development and the creation of these amplified impacts is difficult to quantify.

However some traffic calming measures that could be adopted within the village could include:

1. Full streetscape design of Uki Main Street providing a perception of a narrower traffic environment through landscaping treatment linemarking and pavement treatments;
2. Better delineation of pedestrians and vehicles by improved linemarking (although this has been recently carried out) and the provision of footpaths;
3. Provide ‘entry statements’ to the village on each Kyogle Road approach to Uki Village to clearly delineate the start and finish of the village and hence lower speed limit. An appropriate entry statement in this case would be a localised, landscaped narrowing of the road with coloured paving band treatment of the road surface.

Full streetscaping design and treatment of the Uki Village will take some time due to its complexity and scope and has not been undertaken as part of this report.

The provision of further footpaths in Uki Village is also currently under investigation by Council officers including possible land resumptions and will take some time to complete.

At the present time the provision of 'entry statements' to the village on each Kyogle Road approach may be a reasonable request in relation to assisting in mitigating traffic impacts through the village. The entry statements would be very simple and consist of very localised pavement bands across Kyogle Road with small landscaped planter beds either side. The cost of such an entry statement is approximately \$8,000 for each entry.

At its meeting of 24 September 2009, the Local Traffic Committee considered a number of residents' concerns regarding the existing traffic through Uki Village and provided the following advice:-

*"That:-*

- 1. Council officers consider re-linemarking all delineation lines and speed zone stencils throughout Uki village.*
- 2. Council officers consider providing a low profile pedestrian crossing at the same location of the existing pedestrian crossing subject to discussion with the Roads and Traffic Authority of NSW.*
- 3. Council officers discuss the possibility of installing the flashing 40 km/hr School Zone signs at the Uki School with the Roads and Traffic Authority of NSW."*

The full Local Traffic Committee report regarding these issues is reproduced in the attachment to this report.

Council may consider imposing a condition on the development of the Nightcap Village Estate to provide a contribution towards replacing the existing pedestrian crossing with a raised crossing; however this is an issue for consideration under the current traffic estimate environment and is not recommended. (The cost to replace the existing pedestrian crossing with a raised, asphaltic concrete crossing and signage is approximately \$9,000.)

Council should note that Council's Contribution Plan No. 4 (Tweed Road Contribution Plan or TRCP) has already identified a traffic volume increase along Kyogle Road and development in the area will need to pay TRCP contributions in accordance with this plan.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Traffic Impacts - Uki Village - Nightcap Development - LTC Item Attachment. (ECM 7170657)
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## 45 [EO-CM] Amendment of Council's Fees and Charges - Quarry Products

## ORIGIN:

## Works

## SUMMARY OF REPORT:

At its meeting on 18 August 2009 Council resolved to amend the 2009/2010 Fees and Charges relating to external sales of quarry products.

## RECOMMENDATION:

That the 2009/10 Fees and Charges be amended as follows:-

Product	Existing Price per tonne incl. GST	Proposed Price per tonne incl. GST
<b>COUNCIL SALES (EX QUARRY)</b>		
Raw Gravel	\$9.60	\$9.60
Overburden/Fill	\$2.50	\$2.50
Crushed/Screened Gravel	\$12.00	\$13.00
Aggregate 75 + mm	\$12.00	\$13.00
Aggregate 30 – 70mm	\$12.00	\$13.00
Aggregate 20mm	\$13.00	\$14.50
Aggregate 10mm	\$13.00	\$14.50
Aggregate 7mm	\$15.00	\$17.00
Cracker Dust	\$11.00	\$11.00
Screened Topsoil	\$12.00	\$12.50
Screened Sand	\$12.00	\$12.50
<b>PRIVATE SALES INCLUDES RTA/PUBLIC BODIES (EX QUARRY)</b>		
Raw gravel	\$9.60	\$9.60
Overburden/Fill	\$4.80	\$2.50

<b>Product</b>	<b>Existing Price per tonne incl. GST</b>	<b>Proposed Price per tonne incl. GST</b>
<b>Crushed/Screened Gravel</b>	<b>\$15.10</b>	<b>\$15.10</b>
<b>Aggregate 75 + mm</b>	<b>\$13.15</b>	<b>\$15.50</b>
<b>Aggregate 30 – 70mm</b>	<b>\$13.15</b>	<b>\$15.50</b>
<b>Aggregate 20mm</b>	<b>\$13.75</b>	<b>\$16.50</b>
<b>Aggregate 10mm</b>	<b>\$13.75</b>	<b>\$16.50</b>
<b>Aggregate 7mm</b>	<b>\$17.10</b>	<b>\$19.00</b>
<b>Cracker Dust</b>	<b>\$11.20</b>	<b>\$11.20</b>
<b>Screened Topsoil</b>	<b>\$12.50</b>	<b>\$12.50</b>
<b>Screened Sand</b>	<b>\$12.50</b>	<b>\$12.50</b>

**REPORT:**

At Council's meeting on 18 August 2009 it considered a report on the charges for quarry products from Council quarries. As a consequence of the increasing costs of production, increased charges were recommended. Council resolved that -

1. *The proposed changes to Council's adopted Fees and Charges be placed on public exhibition for 28 days.*
2. *A further report be provided to Council recommending adoption of revised charges after consideration of any comments from the public.*

**Proposed Fee**

<b>Product</b>	<b>Existing Price per tonne GST incl.</b>	<b>Proposed Price per tonne GST incl.</b>
<b>COUNCIL SALES (EX QUARRY)</b>		
Raw Gravel	\$9.60	\$9.60
Overburden/Fill	\$2.50	\$2.50
Crushed/Screened Gravel	\$12.00	\$13.00
Aggregate 75 + mm	\$12.00	\$13.00
Aggregate 30 – 70mm	\$12.00	\$13.00
Aggregate 20mm	\$13.00	\$14.50
Aggregate 10mm	\$13.00	\$14.50
Aggregate 7mm	\$15.00	\$17.00
Cracker Dust	\$11.00	\$11.00
Screened Topsoil	\$12.00	\$12.50
Screened Sand	\$12.00	\$12.50
<b>RTA/PUBLIC BODIES</b>		
Raw gravel	\$9.60	Refer to Private Sales
Overburden/Fill	\$4.80	Refer to Private Sales
Crushed/Screened Gravel	\$15.10	Refer to Private Sales
Aggregate 75 + mm	\$13.15	Refer to Private Sales
Aggregate 30 – 70mm	\$13.15	Refer to Private Sales

<b>Product</b>	<b>Existing Price per tonne GST incl.</b>	<b>Proposed Price per tonne GST incl.</b>
Aggregate 20mm	\$13.75	Refer to Private Sales
Aggregate 10mm	\$13.75	Refer to Private Sales
Aggregate 7mm	\$17.10	Refer to Private Sales
Cracker Dust	\$11.20	Refer to Private Sales
Screened Topsoil	\$12.50	Refer to Private Sales
Screened Sand	\$12.50	Refer to Private Sales
<b>PRIVATE SALES (EX QUARRY)</b>		
Raw gravel	\$9.60	\$9.60
Overburden/Fill	\$4.80	\$2.50
Crushed/Screened Gravel	\$15.10	\$15.10
Aggregate 75 + mm	\$13.15	\$15.50
Aggregate 30 – 70mm	\$13.15	\$15.50
Aggregate 20mm	\$13.75	\$16.50
Aggregate 10mm	\$13.75	\$16.50
Aggregate 7mm	\$17.10	\$19.00
Cracker Dust	\$11.20	\$11.20
Screened Topsoil	\$12.50	\$12.50
Screened Sand	\$12.50	\$12.50

The proposed amendments were placed on public exhibition for 28 days. No submissions or comments were received.

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

Any surplus funds generated by the increased charges is held in the quarry reserve to fund environmental management and restoration of the quarries, and the development of future quarries.

#### **POLICY IMPLICATIONS:**

Nil.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**46 [EO-CM] Council Vehicle Fleet**

**ORIGIN:**

**Works**

**SUMMARY OF REPORT:**

Council operates a motor vehicle fleet to facilitate Council operations.

In 2006 the Private Use Car Scheme and Vehicle Leasing Protocol was changed significantly to introduce smaller vehicles into the fleet.

Comparing the fleet composition before and after the new protocol shows that the staff have accepted the new regime of vehicle options.

The period since late 2006 has provided a complete fleet vehicle ownership period allowing a comprehensive life cycle cost analysis to be conducted.

The analysis has shown that the new protocol has provided significant environmental and financial benefits.

The analysis has also provided some guidelines for the categorisation of vehicles and these guidelines can be adjusted over time to further improve the financial and environmental performance of the fleet.

**RECOMMENDATION:**

**That the Council Vehicle Fleet report be received and noted.**

**REPORT:**

Council operates a motor vehicle fleet to facilitate Council operations. Staff that are allocated a work vehicle have the opportunity to pay for private use under a lease-back arrangement.

In 2006 the Private Use Car Scheme and Vehicle Leasing Protocol was changed significantly to introduce smaller vehicles into the fleet – in fact to make the “small” category vehicles the standard issue and the “medium” and “large” categories as optional upgrades.

Comparing the fleet composition before and after the new protocol shows that the staff have accepted the new regime of vehicle options and associated leaseback fees.

	<b>Composition of Fleet</b>	
	<b>2006</b>	<b>2009</b>
Small vehicles	6%	64%
Medium vehicles		31%
Large vehicles	94%	1%

The period since late 2006 has provided a complete fleet vehicle ownership period – that is, the vehicles purchased under the new protocol have been used and sold on, with replacement vehicles now in the fleet. This has allowed a life cycle cost analysis to be conducted.

The life cycle costs of vehicles in the three categories has been analysed having regard to standing costs (registration and insurance, capital loss on sale, FBT, cost of finance) and running costs (servicing and repairs, tyres and batteries, fuel use). The analysis has shown that the new protocol has provided significant environmental and financial benefits. Some indicative savings (based on current fleet size) are:-

<b>Factor</b>	<b>Savings per Year</b>
Fuel used	97,000 litres
CO <sub>2</sub> emitted	120 tonnes
Cost savings	\$270,000

The analysis has also provided some guidelines for the categorisation of vehicles into small, medium or large based on their life cycle cost, fuel consumption, CO2 emissions, and greenhouse gas rating. These guidelines can be adjusted over time to further improve the financial and environmental performance of the fleet as technology improves.

**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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## 47 [EO-CM] Playground Audit and Coroners Recommendations

### ORIGIN:

Recreation Services

### SUMMARY OF REPORT:

In response to a petition to fence all playgrounds as a result of the tragic drowning of a toddler at a park in Russell Way Banora Point, Council resolved to undertake an audit of all the playgrounds for risk management purposes.

Echelon Australia was engaged to undertake the audit. Echelon Australia is the risk management consultancy arm of Jardine Lloyd Thompson (JLT). JLT Risk Services provides services to government and large corporate business within Australia. The method used to assess and evaluate the risks at each site was developed from the Statewide Mutual Best Practice Manual *Signs as Remote Supervision*, and the Royal Life Saving Society Australia *Guidelines for Water Safety in Urban Water Developments*. The audit makes recommendations for risk mitigation treatments at each site corresponding to each site's risk rating level. The risk mitigation treatments for each risk rating level is based on what measures are considered reasonable in the context of the requirements of the Civil Liabilities Act 2002.

The coronial inquiry into the drowning made two recommendations in regards to the playground being to fence the playground and erect signs. The reasons the coroner gave for recommending fencing of the playground is:

- The playground equipment in the park has been recognized for many years as being of a kind that is beneficial for use by small children.
- The Council has expended funds to provide sun cover in order to make the playground equipment more usable by small children and more attractive for parents and carers of small children.
- Notwithstanding the existence of the warning sign, the existence of the retention pond makes the park a risk for small children and without fencing parents and carers will be concerned about using the facilities.
- ***'The evidence given at the inquest was that, in broad scheme of Council's budget, the erection of fencing would not be costly and there are only a limited number of other locations within the Council area that are comparable and this might require equivalent fencing on an equitable basis'***
- The location is such that it is unlikely the facilities would be the subject of vandalism and as such the cost of maintenance would be minimal.

The first three points are taken into consideration in the risk assessment process which found that contrary to the assumption of the fourth dot point, 34 of the 84 playgrounds operated by Council which were assessed had a risk rating of equal to or higher than the Russell Way Park and the audit does not recommend fencing of this park.

The Audit recommends a suite of high priority measures (such as partial barriers, screens, signage etc) at Council's various playgrounds estimated to cost \$60,000. These works should be implemented as a matter of urgency.

The Audit does not recommend full perimeter fencing of playgrounds as a safety risk management measure as such measures are not effective in guaranteeing safety of children. In areas where there are risk sources in the vicinity of playgrounds the Audit recommends partial barriers or screens (not full perimeter enclosure) that assists but does not substitute adult supervision of children.

Whilst the Audit does not recommend fencing of the Russell Way Playground, nevertheless, given consideration to the circumstance and the Coroner's recommendation, it is recommended that Council fence this playground

#### **RECOMMENDATION:**

##### **That Council:**

- 1. Implements the recommendations of the Echelon Playground Audit for Tweed Shire Council (Aug 2009) and vote funding of \$60,500 to complete the required works.**
- 2. Isolating fencing be erected around the playground equipment at Russell Way Park, Banora Point at an estimated expenditure of \$7,000 and that the fencing be compliant with Australian Standard AS 1926.1 Swimming Pool Safety – Fencing for Swimming Pools.**
- 3. Erects safety signage at Russell Way Park since the death of Travis James McCarron be reviewed with a view to installing signs at such locations within the park and of such design that would highlight the presence of the water hazard and the need for close supervision of small children.**
- 4. Approves an additional 2009/10 budget allocation of \$67,500 for playgrounds.**



## REPORT:

### Background

In response to a petition to fence all Tweed Shire Council playgrounds as a result of the tragic drowning of a toddler at a park in Russell Way Banora Point, Council resolved to undertake an audit of all the playgrounds for risk management purposes, with the audit to involve consideration of:-

- a. any unusual risks associated with the playground (e.g. a cliff hidden from view, a drainage channel adjacent not readily visible, a delivery depot resulting in frequent truck movements);
- b. what steps need to be taken to alert the reasonable person to the presence of that risk (e.g. erection of a fence along one side of a playground adjacent a busy road, warning signs, copper log barricades);
- c. whether the required response to address the risks is reasonable and practicable. If not, the only solution may be to remove the playground equipment from that location.

Echelon Australia was engaged to undertake the audit. Echelon Australia is the risk management consultancy arm of Jardine Lloyd Thompson (JLT). JLT Risk Services provides services to government and large corporate business within Australia.

### Playground Audit

The method used to assess and evaluate the risks at each site was developed from the Statewide Mutual Best Practice Manual *Signs as Remote Supervision*, and the Royal Life Saving Society Australia *Guidelines for Water Safety in Urban Water Developments*. The audit makes recommendations for risk mitigation treatments at each site corresponding to each site's risk rating level.

### Legal Context:

The recommended risk mitigating treatments were developed with reference to the relevant legal framework including the Civil Liabilities Act 2002 and common law.

### Civil Liabilities Act 2002

An important consideration is that of obviousness of a risk. Section 5 of The Civil Liabilities Act 2002 states:-

*"5F Meaning of "obvious risk"*

- (1) *For the purposes of this Division, an obvious risk to a person who suffers harm is a risk that, in the circumstances, would have been obvious to reasonable person in the position of that person.*
- (2) *Obvious risks include risks that are patent or a matter of common knowledge.*
- (3) *A risk of something occurring can be an obvious risk even though it has a low probability of occurring.*

- (4) *A risk can be an obvious risk even if the risk (or a condition or circumstance that gives rise to the risk) is not prominent, conspicuous or physically observable.*

*5G Injured persons presumed to be aware of obvious risks.*

- (1) *In determining liability for negligence, a person who suffers harm is presumed to have been aware of the risk of harm if it was an obvious risk, unless the person proves on the balance of probabilities that he or she was not aware of the risk.*
- (2) *For the purposes of this section, a person is aware of a risk if the person is aware of the type or kind of risk, even if the person is not aware of the precise nature, extent or manner of occurrence of the risk.*

*5H No proactive duty to warn of obvious risk*

- (1) *A person (the defendant) does not owe a duty of care to another person (the plaintiff) to warn of an obvious risk to the plaintiff.*
- (2) *This section does not apply if:*
- (a) *the plaintiff has requested advice or information about the risk from the defendant, or*
  - (b) *the defendant is required by a written law to warn the plaintiff of the risk, or*
  - (c) *the defendant is a professional and the risk is a risk of the death of or personal injury to the plaintiff from the provision of a professional service by the defendant.*
- (3) *Subsection (2) does not give rise to a presumption of a duty to warn of a risk in the circumstances referred to in that subsection."*

**Duty of Care:**

A duty of care is owed by an occupier to the class of entrants who would foreseeably use the playground. That would clearly include children of different ages. However, that does not mean that an occupier, particularly an occupier of a playground, is required to make the playground safe from every foreseeable risk for all entrants of all different ages and capacities. The duty owed by the Council to the class of persons who entered the playground, including children, is to exercise reasonable care.

Council's duty of care extends to take steps to prevent harm to persons exercising reasonable care for their own safety. 'Reasonable care' in this context involves the expectation that children will be supervised in the playground by an adult capable of perceiving dangers to children.

Where there is an 'unusual danger', namely one which an adult would not ordinarily perceive to exist to a child, Council will generally be found to owe a duty of care to respond. However, it is important to note that a danger is not 'unusual' merely because an adult is unaware of it. The Courts have stated that 'unusual dangers' which require some response on the part of an occupier '*will occur most frequently when there is some defect or abnormality in the condition of the premises or of things contained in them. But it may occur also, I think, if there is something which, although not defective, is from an adult's point of view, a thing not usually found in such a place*'. In other words, an unusual danger would exist in circumstances where an adult acting reasonably would not expect any risk to exist.

**Given adult supervision may be assumed by an occupier and is relevant to the standard of care owed to a young child, the foreseeable risks which require response are those presented to children supervised by a responsible adult.**

### Playground Audit Framework

The method used to assess and evaluate the risks at each site was developed from the Statewide Mutual Best Practice Manual *Signs as Remote Supervision*, and the Royal Life Saving Society Australia *Guidelines for Water Safety in Urban Water Developments*.

The process to assess the risk posed by features adjacent to the playground site, and determination of the most appropriate risk mitigation measures for Council's Playgrounds has been divided into six steps. The six steps are:

1. Establish a full and complete inventory of all the Council playground facilities,
2. Determine the level of playground development within the facility and any potentially hazardous features in proximity of the facility,

Rating	Development - Playground
0	No play equipment
1	Site with basic play equipment, no picnic facilities
2	Playground facilities for immediate local catchment only (the playground is generally located in a small neighbourhood park and is used by the residents nearby), few seats, no picnic facilities, minor landscaping
3	Playground facilities for district use (the playground is generally used by residents of the local government area (Shire / City / Municipality) when using adjacent facilities for such things as sports for the local sports clubs and schools). Residents travel from other parts of the LGA to use the play facilities, and other adjacent facilities including sports field(s), leash free dog areas, some picnic tables and chairs, small toilet block. Locations that have a high degree of seasonality in their use .
4	Playground facilities for regional use (the playground generally attracts a wide range of users from beyond the boundaries of the Council area (eg in tourist areas, major sporting facilities and other large gatherings, or where the facility itself is the attraction)), football field, recreational ground, picnic facilities, amenities
5	As for 4, but with highly sophisticated play facilities and supporting infrastructure.

Rating	Natural / Drainage Hazard
1	No hazardous features within 30m of play facilities (direct line of sight, any form of hazard)
2	Hazardous features within 30m of play facilities (may include steep sloping ground, walking track around reserve)
3	Hazardous features within 30m of play facilities (may include open drainage facility that runs during wet weather, or drops less than 1 metre).
4	Hazardous features within 30m of play facilities (may include open drainage facilities permanently holding water, or drop between 1 metre and 3 metres).
5	Hazardous features within 30m of play facilities (may include open drainage facilities permanently holding water, or drop greater than 3 metres (cliff / lookout)).

Rating	Road Hazard
1	No road within 30m of play facilities (direct line of sight, any classification)
2	Road within 30m of play facilities: <b>Local Access</b> Urban Street with <200 vehicles per day (vpd) or Rural Road/ Village Street with <20 vpd, or car park
3	Road within 30m of play facilities: <b>Collector</b> Urban Street with 200 - 400 vpd or Rural Road/ Village Street with 20 - 50 vpd
4	Road within 30m of play facilities: <b>Distributor</b> Urban street with 400 - 2000 vpd or Rural Road/ Village Street with 50 - 100 vpd
5	Road within 30m of play facilities: <b>Sub Arterial</b> Urban street with > 2000 vpd or Rural Road/ Village Street with > 100 vpd

3. Ascertain the numbers of users of the facility,

Rating	Population Use for Play Equipment
1	Less than 5 people at a time
2	5 to 20 people at a time
3	20 to 50 people at a time
4	50 to 100 people at a time
5	Greater than 100 people at a time

4. Predict or obtain the frequency of use of the facility,

Rating	Frequency of Use
1	Playground rarely used
2	Playground used mainly on weekends
3	Playground used mainly on a daily basis
4	Playground in continuous use for the majority of the day

5. Calculate the facility risk rating (FRR)
  - = [(Development x Population) + Frequency]
  - + (Natural x Road Hazard Factors)
6. Select and install the most appropriate risk mitigation measures for the site, considering any site specific issues. Recommendations for each site are based on the initial assessment, the subsequent consideration of existing measures in place, and what measures are considered reasonable for Council to address its duty of care under the Civil Liability Act 2002.

FRR	General Measures
1 - 5	Signage relevant to site, indicating importance of parental / carer supervision at all times
6 - 13	Signage relevant to site, depicting top rated hazard and information indicating importance of parental / carer supervision at all times
14 – 20	Provide a barrier between play equipment and major hazard / screen hazard from play equipment (type variable, may include dense vegetation or mounding) to increase distance between hazard and play equipment to be greater than 30m; signage warning of the two highest rated hazards and information indicating importance of parental / carer supervision at all times
21 – 28	Densely planted barrier or partial fence separating play equipment from major hazard / separating hazard from play equipment to increase distance between hazard and play equipment to be greater than 30m; signage warning of all hazards rated HIGH and information indicating importance of parental / carer supervision at all times
29 – 36	Fully fence to separate play equipment from major hazard, including provision of gate(s); signage warning of all hazards rated HIGH and information indicating importance of parental / carer supervision at all times
37 - 44	Enclose area containing play equipment and seating structures to create a family friendly area and separate playground from hazard, including provision of gate(s); Signage warning of all hazards rated HIGH and recommending parental/ carer supervision at all times
> 45	Site is considered unsuitable for a playground structure – remove existing / do not construct new facility; In interim, provide signage warning of all hazards rated HIGH and recommending parental/ carer supervision at all times

### Response to the Audit

The Audit is a professionally prepared assessment of risks to life at Council's playgrounds and in Appendix 1 of the Audit (Attachment to this report) a suite of recommended risk management measures is recommended. It is considered that these measures should be implemented as a matter of urgency. The estimated cost of these measures is \$60,500.

### Coroners Recommendations

Whilst Council was not referenced in the Coroners Section 22 finding of the enquiry, the two recommendations were to Council as follows:-

- *"That isolating fencing be erected around the playground equipment at Russell Way Park, Banora Point. That the fencing be compliant with Australian Standard AS 1926.1 Swimming Pool Safety – Fencing for Swimming Pools.*
- *That the safety signage erected at Russell Way Park since the death of Travis James McCarron be reviewed with a view to installing signs at such locations within the park and of such design that would highlight the presence of the water hazard and the need for close supervision of small children."*

The Coroner cited the following reasons for his recommendations:-

- *"The playground equipment in the park has been recognized for many years as being of a kind that is beneficial for use by small children.*
- *The Council has expended funds to provide sun cover in order to make the playground equipment more usable by small children and more attractive for parents and carers of small children.*
- *Notwithstanding the existence of the warning sign, the existence of the retention pond makes the park a risk for small children and without fencing parents and carers will be concerned about using the facilities.*
- ***'The evidence given at the inquest was that, in broad scheme of Council's budget, the erection of fencing would not be costly and there are only a limited number of other locations within the Council area that are comparable and this might require equivalent fencing on an equitable basis'***
- *The location is such that it is unlikely the facilities would be the subject of vandalism and as such the cost of maintenance would be minimal."*

The first three points are taken into consideration in the risk assessment process undertaken through the playground audit. Contrary to the assumption of the fourth dot point, the audit demonstrated that 34 of the 84 Tweed Shire Council playgrounds assessed had a risk rating of equal to or higher than the Russell Way Park. Accordingly, the audit does not recommend fencing of the Russell Way Park.

The second recommendation of the coroner is consistent with the recommendations of the audit.

Whilst the audit process does not identify a need to fence the playground at Russell Way, Nevertheless, given consideration to the circumstance and the coroner's recommendation, it is recommended that Council proceed with fencing of the Russell Way playground.

### **Council's Playground Budget**

The annual playground maintenance allocation in the 2009/10 budget is \$74,546 (for 84 playgrounds across Tweed Shire) and there is no ongoing funding for playground capital works, however some capital works are funded from s94 and 7 year plan programs.

The estimated cost (in addition to the maintenance budget) to bring all play equipment up to current Australian standards is about \$300,000. Estimated capital costs to respond to audit requirements is \$60,500.

The estimated cost to fence the Russell Way Playground is \$7,000 and annual maintenance of this fence is estimated to cost \$1,800.

The estimated capital cost to carry out the recommendations of both the Audit and the Coroners Recommendations is \$67,500. This would require an increase of this amount in Council's 2009/10 budget allocation for playgrounds of this amount.

### **Fencing Other Playgrounds**

There has been a view that other Council playgrounds should be fenced. This is not recommended by the Audit as a safety risk management measure.

Ongoing maintenance costs of pool standard perimeter fencing at Council Playgrounds has been high due to the inability of latches and hinges to remain effective for reasonable lengths of time and the impacts of vandalism. A playground that was fenced in the South Tweed area not far from the Russell Way Park was vandalised to the extent that sections of fence were removed from the site (presumably for re-use elsewhere) and due to the inability of being able to guarantee the integrity of the fence in this area it was eventually permanently removed. Similar issues arose with perimeter fencing of the playground at Norries Headland where sections of fence were removed by vandals.

The audit in general recommends the erection of barriers and screening between playgrounds and sources of risk e.g. busy roads, water bodies etc. The barriers that are recommended are not full enclosing perimeter fencing of the playgrounds because it is given that toddlers will have appropriate adult supervision and that partial barriers will assist in that supervision. It is considered that full perimeter fencing can engender a false sense of security that toddlers may be safe inside these enclosures. This is not the case as accidents can happen within the enclosures and with the constant passage of other children through the gates in perimeter fences the continuity of the barrier cannot be guaranteed. Further, the extreme use of gates in these locations results in failure of latches and gate furniture rendering the gates as ineffectual barriers until they are reported and repaired on the next maintenance round. For this reason full perimeter fencing of playgrounds is not considered an appropriate safety risk management facility.

Playground fencing however could be considered as beneficial in terms of improving the amenity and service levels of playgrounds at selected locations throughout Tweed Shire.

Possible sites for this improved amenity, equitably spaced throughout the Shire could be say:-

- Knox Park - Murwillumbah
- Ray Pascoe Park – Kennedy Dr Tweed
- Lions Park – Kingscliff (already fenced)
- Koala Beach Park – Tweed Coast
- Ebenezer Park – JEBH

The estimated capital costs to fence an additional 5 playgrounds is \$70,000. The estimated additional annual maintenance costs is \$20,000

Given the higher priority to implement the recommendations of the Audit and the scarcity of playground funds in the 2009/10 budget, fencing of additional playgrounds (excepting Russell Way) is not recommended.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

\$60,500 to implement the audit recommendations (currently unfunded). \$7,000 to fence the Russell Way playground.

**POLICY IMPLICATIONS:**

As per Audit recommendations.

**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. Echelon Playground Audit for Tweed Shire Council (ECM 7211146).
-



**48 [EO-CM] Request for Closure of Public Walkways Monterey Avenue, Honey Myrtle Drive and Golf View Court, Banora Point**

**ORIGIN:**

**Design**

**SUMMARY OF REPORT:**

Council has received a request from the new South Wales Police and Banora and District residents Association to close the public walkways between Monterey Avenue , Honey Myrtle Drive and Golf View Court Banora Point.

The pathways provide connections within the main street network for community integration and pedestrian convenience. On this basis it is not considered appropriate to recommend total closure at this stage. The two direct pathway links from Honey Myrtle Drive to Monterey Avenue and Honey Myrtle Drive to Golf View Court should be retained, however the pathway immediately behind Nos. 62 to 72 Honey Myrtle Drive (some 120 metres long) could be closed.

It is recommended that the section of pathway behind numbers 62 to 72 Honey Myrtle Drive as shown in figure 2 be advertised seeking comments on its proposed closure.

**RECOMMENDATION:**

**That Council:-**

- 1. Advertises the proposed closure of the section of walkway behind numbers 62 to 72 Honey Myrtle Drive.**
- 2. Writes to all adjoining property owners seeking comments on the proposed closure of the section of walkway behind numbers 62 to 72 Honey Myrtle Drive.**
- 3. Requests regular night patrols of the area by the New South Wales Police.**

## REPORT:

Council has received a request from the new South Wales Police and Banora and District residents Association to close the public walkways between Monterey Avenue, Honeymyrtle Drive and Golf View Court Banora Point.

The reasons are set down in the letters from both organisations which are attached to this report. In summary it is stated that anti social behaviour in general in and around the walkways is creating an unacceptable situation in terms of amenity and perceived safety issues. Some of the issues raised are drinking, broken glass, graffiti noise and threatening behaviour.

In addition the Banora and District residents Association advise of other issues including motorbike riding offences and park vandalism.

It is considered that the layout of the walkways is not ideal with much of the walkway unobservable from the surrounding streets and poor lighting at night.

The request has been investigated and the 4.0m wide laneways were created by DP817155 and DP836840 in 1992 and 1994 respectively. They are clearly noted as 'pathways' on these deposited plans, so these accesses were created for pedestrian use even though they may also be convenient routes for drainage purposes.

The pathways provide connections within the main street network for community integration and pedestrian convenience. On this basis it is not considered appropriate to recommend total closure at this stage. The two more direct pathway links from Honeymyrtle Drive to Monterey Avenue and Honeymyrtle Drive to Golf View Court should be retained, however the pathway immediately behind Nos. 62 to 72 Honeymyrtle Drive (some 120 metres long) could be closed with little pedestrian inconvenience as pedestrians can use a corresponding section of Honeymyrtle Drive in lieu of this link. A closure of this part of the pedestrian network is supported subject to abutting owners and local community agreeing.

It is claimed that the pathways are not used by the general public however no pedestrian surveys have been conducted. The level of pedestrian activity would be expected to be quite low, however so would be the level of pedestrian activity in the immediate surrounding streets.

It is recommended that the section of pathway behind numbers 62 to 72 Honeymyrtle Drive as shown in figure 2 be advertised seeking comments on its proposed closure ,and ,if supported be implemented. This will significantly reduce the length of 'hidden' laneway and the opportunity for unobserved anti social behaviour.

Figure 2:



Figure 1 Proposed walkway Closure behind 62 to 72 Honeymyrtle Dr

It the closure is supported the remaining two sections of walkway can be monitored by the Police and local residents to determine to what extent the issues raised have been improved.

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Letter from Banora Point & District Residents Association Inc (ECM 6883123).
  2. Email from NSW Police, Tweed Byron Local Area Command (ECM 6934367).
-

**49 [EO-CM] Cobaki Lakes - Owners Consent by Council for Inclusion of Public Roads in Concept Plan**

**ORIGIN:**

**Director Engineering and Operations**

**SUMMARY OF REPORT:**

The developer of Cobaki Lakes, Leda Manorstead Pty Limited has requested owner's consent from Council to include public roads in the area in the Part 3A Concept Plan being determined by the NSW Department of Planning. It is proposed that consent be granted.

**RECOMMENDATION:**

**That Leda Manorstead Pty Limited be advised that:-**

- 1. Council grants owner's consent for the inclusion of public roads in the Cobaki Lakes Concept Plan.**
- 2. The above does not imply Council's consent to close the roads and transfer ownership to Leda Manorstead Pty Limited. This will be the subject of further negotiations between the parties.**

## REPORT:

Council has received a request from Leda Manorstead Pty Limited by letter dated 18 September 2009:-

**Re: Proposed Road Closure of Sandy Lane, Cobaki**

Leda Manorstead Pty Ltd is seeking approval for road closures and realignment of some roads to enable a general tidy up of paper roads within the estate and to realign some of the roads to reflect the planning in the Concept Plan.

Planning is well advanced for the future realignment of parts of Sandy Lane, both in the proposed town centre and in the southern portion of Sandy Lane to link down to the Cobaki Parkway. Leda Manorstead Pty Ltd appreciates the Council's position that a replacement road in trafficable condition is required before agreement can be provided to close an existing Council public road.

The closure of part of Sandy Lane is required to enable subdivision applications to be submitted over the land where the road is proposed to be closed. Council's consideration is sought for an alternative solution whereby the road closure process is approved providing Council is granted a right of way in perpetuity over the Sandy Lane road reserve area in its current location. This would enable the lengthy road closure process to continue and protect Council's interests in maintaining a public road through the site until such time as the proposed Sandy Lane realignment is constructed, linked to Cobaki Parkway and the Coboki Bridge is constructed to provide an alternative traffic access to Piggabeen Road. Leda Manorstead would then be able to proceed with detailed planning over the development parcels which include the land of the road reserve areas which are sought to be closed. The right of way agreement can be drafted to fully protect Council's interests and any other reasonable requirements of Council.

There are a number of issues that must be determined prior to Council closing and dedicating current public roads (e.g. Sandy Lane) into the Cobaki Lakes future subdivision layout. These include ensuring that Sandy Lane is not permanently closed to the public prior to the construction and dedication to Council of an alternative road access from Piggabeen Road to the Boyd Street Overpass (particularly as Council has contributed \$6.45M to the Boyd Street Overpass). Ongoing negotiations are being conducted with Leda regarding this particular issue.

However in regard to granting of owner's consent for the roads to be included in the Concept Plan, there does not appear to be any implications of granting consent that would be adverse to Council or the public. Granting owner's consent would allow the cadastral layout to be consolidated and then notionally reconfigured with a new street layout for the purposes of the Concept Plan consideration and would result in a more practical approach to this issue.

## 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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50 [EO-CM] Section 94 Contribution Plan Review

**ORIGIN:**

**Director Engineering & Operations**

**SUMMARY OF REPORT:**

The Minister for Planning issued a section 94E Direction on 13 January 2009 directing that unless Councils applied for an exemption, Development Consents issued after 30 April 2009 could not require developer contributions that exceed \$20,000 per dwelling. Council formally applied for an exemption on 27 February 2009.

On 10 July 2009 the Minister issued a further section 94E Direction and accompanying letter advising that Council's application was unsuccessful (except for the Seaside City locality).

The Direction advises:-

- "1. *Apart from Seaside City, no new consent after 17 July 2009 can be issued that imposes an aggregate contribution greater than \$20,000 per residence or equivalent (excluding indexation).*
2. *No new consent after 17 July 2009 can require monetary contributions towards library books or street tree planting*
3. *Council must review all of its existing Section 94 Plans by the end of 2009 to ensure that they comply with the requirements of the June 2008 EP&A Amendment Act, that the NSW Government has not yet proclaimed. In this regard the review must also remove any requirement for contributions towards library book stock (about 40% of CP 11, now \$688 per lot), street tree planting (all of CP6 now \$297 per lot) and surf life saving facilities (all of CP16, now \$200 per lot). In the review, contributions towards administrative costs must be reduced from 10% (all existing s94 plans except CP4 Roads) to no more than 5%.*
4. *In regard to the review by end of 2009, cemeteries (CP13, now \$131 per lot) and Council administration buildings and depot (CP18, now \$1,996.80 per lot) will not comply with the requirements of the June 2008 Amendment Act, however Council has loans that are financed by these contributions and the Amendment Act has a mechanism to apply for an exemption in such cases. The Minister's s94E Direction requires Council to prepare a business plan justifying any continued contributions for these facilities and the business plan must be independently verified and be consistent with the requirements of proposed Part 5B of the Amendment Act."*

Council's Planning & Infrastructure Unit has commenced the necessary review of all s94 Plans in accordance with the Minister's s94E Direction, and several draft Plans are provided for Council consideration with this report.

**RECOMMENDATION:**

**That Council:-**

1. **Adopts the following Draft s94 Contribution Plans as a basis for exhibition and public discussion/consultation:**
  - a) **Draft Section 94 Plan No 1 - Banora Point West/Tweed Heads South Open Space Contribution (Version 10.1)**
  - b) **Draft Section 94 Plan No 2 - Banora Point West Drainage Scheme (Version 5.0)**
  - c) **Draft Section 94 Plan No 4 - Tweed Road Contribution Plan (Version 5.2)**
  - d) **Draft Section 94 Plan No 6 - Street Trees (Version 3.0.1)**
  - e) **Draft Section 94 Plan No 7 - West Kingscliff (Version 6)**
  - f) **Draft Section 94 Plan No 11 - Tweed Shire Library Facilities (Version 3)**
  - g) **Draft Section 94 Plan No 12 - Bus Shelters (Version 1.3)**
  - h) **Draft Section 94 Plan No 13 - Eviron Cemetery (Version 2)**
  - i) **Draft Section 94 Plan No 15 - Developer Contributions for Community Facilities (Version 5)**
  - j) **Draft Section 94 Plan No 18 - Council Administration Offices and Technical Support Facilities (Version 2.2)**
  - k) **Draft Section 94 Plan No 19 - Casuarina Beach/Kings Forest (Version 4)**
  - l) **Draft Section 94 Plan No 21 - Terranora Village Estate - Open Space and Community Facilities (Version 2)**
  - m) **Draft Section 94 Plan No 22 - Cycleways (Version 3)**
  - n) **Draft Section 94 Plan No 25 - SALT Open Space and Associated Car Parking (Version 3)**
  - o) **Draft Section 94 Plan No 26 - Shirewide Open Space (Version 4)**
  
2. **Publicly exhibits the above Draft s94 Contribution Plans in accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000.**

## REPORT:

### 1. Background

The Minister for Planning issued a section 94E Direction on 13 January 2009 directing that unless Councils applied for an exemption, Development Consents issued after 30 April 2009 could not require developer contributions that exceed \$20,000 per dwelling.

Council's current section 94 developer contributions average around \$15,500 per dwelling and only exceed \$20,000 per dwelling in a number of limited areas being:-

Rural Inner North - current aggregate contribution \$23,020  
Rural Inner West - current aggregate contribution \$21,148  
Rural Other - current aggregate contribution \$23,072  
Seaside City - current aggregate contribution \$62,950.80  
Terranora (Area E) - current aggregate contribution \$21,207.80

Council formally applied for an exemption for these localities on 27 February 2009. The NSW Government set up a Review Panel to consider applications for cap exemptions from around 30 Councils. Tweed Shire Council's application was formally heard on 18 May 2009.

On 10 July 2009 the Minister issued a further section 94E Direction and accompanying letter advising that Council's application was unsuccessful except for the Seaside City locality.

The Direction advises:-

- "1. Apart from Seaside City, no new consent after 17 July 2009 can be issued that imposes an aggregate contribution greater than \$20,000 per residence or equivalent (excluding indexation).*
- 2. No new consent after 17 July 2009 can require monetary contributions towards library books or street tree planting*
- 3. Council must review all of its existing Section 94 Plans by the end of 2009 to ensure that they comply with the requirements of the June 2008 EP&A Amendment Act, that the NSW Government has not yet proclaimed. In this regard the review must also remove any requirement for contributions towards library book stock (about 40% of CP 11, now \$688 per lot), street tree planting (all of CP6 now \$297 per lot) and surf life saving facilities (all of CP16, now \$200 per lot). In the review, contributions towards administrative costs must be reduced from 10% (all existing s94 plans except CP4 Roads) to no more than 5%.*
- 4. In regard to the review by end of 2009, cemeteries (CP13, now \$131 per lot) and Council administration buildings and depot (CP18, now \$1,996.80 per lot) will not comply with the requirements of the June 2008 Amendment Act, however Council has loans that are financed by these contributions and the Amendment Act has a mechanism to apply for an exemption in such cases. The Minister's s94E Direction requires Council to prepare a*

*business plan justifying any continued contributions for these facilities and the business plan must be independently verified and be consistent with the requirements of proposed Part 5B of the Amendment Act."*

Council's Planning & Infrastructure Unit has commenced the necessary review of all s94 Plans in accordance with the Minister's s94E Direction.

**August 2009 Council Meeting:** Version 2 of Contribution Plan No.23 (Offsite Parking) was adopted, following public exhibition. Amendments to CP23 were in accordance with the requirements of the Direction.

**September 2009 Council Meeting:** Amendments to Contribution Plan No.5 (Local Open Space) and Contribution Plan No.16 (Emergency Facilities - Surf Lifesaving) were resolved to be publicly exhibited. Version 3 of Contribution Plan No.10 (Cobaki Lakes) was also adopted at this meeting, following public exhibition.

The remaining Contribution Plans are the subject of this report.

## 2. Amended Contribution Plans (October 2009)

Amendments to fifteen (15) Council s94 Contribution Plans are summarised in the following table and accompanying notes. The draft documents are attachments to this report. Four (4) remaining Plans do not require review, and are also listed below:-

Title	Draft Version	Status	Occupancy Rates (1)	5% Admin (2)	Works Program (3)	Population (4)	DoP Template (5)	End Date (6)
<a href="#">Section 94 Plan No 1 - Banora Point West/Tweed Heads South Open Space Contribution</a>	Version 10.1	To Council for exhibition	Yes	Yes	No change	Original	Previous	
<a href="#">Section 94 Plan No 2 - Banora Point West Drainage Scheme</a>	Version 5.0	To Council for exhibition	N/A	Yes	Indexed	Original	No	
<a href="#">Section 94 Plan No 4 - Tweed Road Contribution Plan</a>	Version 5.2	To Council for exhibition	N/A	Exists	No change	Original	No	
<a href="#">Section 94 Plan No 6 - Street Trees</a>	Version 3.0.1	To Council for exhibition	No	No	No change	Original	No	17-Jul-09
<a href="#">Section 94 Plan No 7 - West Kingscliff</a>	Version 6	To Council for exhibition	Yes	Yes	Indexed	Updated	Yes	
<a href="#">Section 94 Plan No 11 - Tweed Shire Library Facilities</a>	Version 3	To Council for exhibition	Yes	Yes	Updated	Updated	Yes	
<a href="#">Section 94 Plan No 12 - Bus Shelters</a>	Version 1.3	To Council for exhibition	Yes	Yes	Updated	N/A	Yes	
<a href="#">Section 94 Plan No 13 - Eviron Cemetery</a>	Version 2	To Council for exhibition	Yes	Yes	Indexed	Original	Yes	
<a href="#">Section 94 Plan No 15 - Developer Contributions for Community Facilities</a>	Version 5 (Amendment No 4)	To Council for exhibition	Yes	Yes	Updated	Updated	Yes	
<a href="#">Section 94 Plan No 18 - Council Administration Offices and Technical Support Facilities</a>	Version 2.2	To Council for exhibition	Yes	Yes	No change	Original	Yes	
<a href="#">Section 94 Plan No 19 - Casuarina Beach/Kings Forest</a>	Version 4	To Council for exhibition	Yes	Yes	Indexed	Updated	Yes	
<a href="#">Section 94 Plan No 21 -</a>	Version 2	To Council for	Yes	Yes	Indexed	Original	Yes	

Title	Draft Version	Status	Occupancy Rates (1)	5% Admin (2)	Works Program (3)	Population (4)	DoP Template (5)	End Date (6)
<a href="#">Terranora Village Estate - Open Space and Community Facilities</a>		exhibition						
<a href="#">Section 94 Plan No 22 - Cycleways</a>	Version 3	To Council for exhibition	Yes	Yes	Updated	Updated	Yes	
<a href="#">Section 94 Plan No 25 - SALT Open Space and Associated Car Parking</a>	Version 3	To Council for exhibition	Yes	Yes	Indexed	Original	Yes	
<a href="#">Section 94 Plan No 26 - Shirewide Open Space</a>	Version 4	To Council for exhibition	Yes	Yes	Updated	Updated	Yes	
<a href="#">Section 94 Plan No 14 - Rural Road Upgrading, Mebbin Springs Subdivision, Kyogle Road, Kunghur</a>		Superseded By Plan No.4 (TRCP), no review necessary						
<a href="#">Section 94 Plan No 20 - Public Open Space at Seabreeze Estate</a>		Expired, no review necessary						
<a href="#">Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping</a>		To be reviewed with new LEP						
<a href="#">Section 94 Plan No 28 - Seaside City</a>		No review required for Ministers Direction						

## Notes

- (1) **Occupancy rates** – unit occupancy estimates in the adopted Tweed Shire Urban Release Strategy 2009 are provided in the form of the number of persons per bedroom for units of 1-4+ bedrooms. To simplify levy application and cross-comparison it has long been desired that occupancy estimates and definitions be standardised across all Council's S94 plans and that where a levy is required for tourist development a rate per bedroom be provided. Where there is a 'Yes' shown in the "Occupancy Rates" column above, the levy rates have been amended to be provided in the form:-

	Persons
Per person	1
Detached dwelling/Lot (1 ET)	2.4
1 bedroom unit	1.3
2 bedroom unit	1.7
3 bedroom unit	2.1
4+ bedroom unit	2.4

- (2) **5% Admin** – Tweed Shire Council has applied a 10% administration charge to most of its developer contributions since 1998, based on real data provided by the Finance Unit. During the recent review of Council's S94 Plans by the Minister for Planning, the 10% charge was deemed to be excessive however, and required

Council to reduce its administration charge to 5%. Therefore the plans have been amended to reflect this. The exceptions to this are:-

- CP 4 (Tweed Road Contribution Plan) – administration charge was already 5%;
- CP 6 (Street Trees) – Minister’s Direction required that this levy no longer be charged on new consents, therefore the rates have not been altered;

(3) **Works Program** – The entry in this column denotes the following:

- Original – original works program has been retained as is. On this occasion there was a lack of time for detailed analysis and review of many of the Plans, particularly those with considerable history and previous amendments. It is intended that the works programs in these plans be reviewed and amended if necessary once the Minister’s deadline has passed.
- Indexed – the costs in the works program and the resulting developer levies have been increased in accordance with Australian Bureau of Statistics and TSC published indices, as detailed in the plans themselves.
- Updated – an updated works program has been provided and included in the calculations in the plan. Specific works program updates for the relevant plans are summarised in the following table:

Title	Works Program Update
Section 94 Plan No 11 - Tweed Shire Library Facilities	Remove bookstock from works program as per Minister's s94E Direction
Section 94 Plan No 12 - Bus Shelters	Increase in construction cost for provision of a standard bus shelter.
Section 94 Plan No 15 - Developer Contributions for Community Facilities	Updated to reflect works completed and new works identified in the <b>TSC Community Facilities Plan.</b>
Section 94 Plan No 22 - Cycleways	Updated to reflect value of works completed and outstanding within the cycleway network.
Section 94 Plan No 26 - Shirewide Open Space	Updated to include new works and construction estimates for Arkinstall Park from the Arkinstall Park Master Plan Implementation Plan (structured open space) and the inclusion of items from the Coastline Landscape Strategy contained in the Coastline Management Plan within Council’s 7 year plan (casual open space).

(4) **Population** – where detailed specific population analysis has not been required for the purpose of contribution calculation, and where time constraints have allowed, population figures in these plans have been updated, otherwise the original population estimates have been retained. It is intended that population projections in all plans be regularly reviewed and amended if necessary once the Minister’s deadline has passed. Detail about specific population updates in the amended plans to be exhibited:-

**Section 94 Plan No 7 - West Kingscliff**

Population in this plan is derived from estimating the persons per ha. The land area has not changed, but the occupancy estimates per dwelling have been updated in accordance with the Tweed Urban Land Release Strategy, hence the population figure has been revised for the structured open space levy calculation in this plan from 5226 to 5366 persons due to the amended occupancy rates.

**Section 94 Plan No 11 - Tweed Shire Library Facilities**

For the purposes of calculating the contribution per person, the future population for the Shire from 2006-2021 has been updated in accordance with the DoP 2005 "Preferred Series" population figures and results in a projection over the period of 30,603 persons, down from the previous estimate of 51,731.

**Section 94 Plan No 15 - Developer Contributions for Community Facilities**

This plan includes updated 2006-2016 estimates using rounded ABS Census and Dept of Planning Estimated Residential Population, revising the estimated growth to 2016 to be 2,300 persons for the South Coast district and 2,600 persons for the North Coast district. This is down from previous estimates of 2,700 (South Coast) and 3,200 (North Coast).

**Section 94 Plan No 19 - Casuarina Beach/Kings Forest**

Population figures used to calculate the structured open space component have been taken back to the total expected population in the locality / total works program which is more reflective of fair apportionment and nexus.

**Section 94 Plan No 22 - Cycleways**

CP 22 apportions the full value/cost of the cycleway to the total Shire population. Previous versions of this plan estimated that in 2020 the Shire's total population would be 112,000. This has been revised down to 105,183 by the year 2021, based on the DoP 2005 "Preferred Series" population figures.

**Section 94 Plan No 26 - Shirewide Open Space**

The cost of the works in this plan, excluding an amount attributable to the existing population, is apportioned to the increase in population expected between 2006 and 2031. The Department of Planning's 2005 "Preferred Series" projection estimates that this will be 35,731 persons, down from 40,000 persons estimated in the previous version of this plan.

- (5) **DoP Template** – In most cases plans have been updated to fit to the latest Department of Planning Template for a S94 Plan. In cases where this has not occurred, plan age, original plan layout and structure are factors which made it unfeasible to restructure or reorganise these plans. Where possible suitable clauses to enable future indexation of rates in all plans have been included. A schedule to enable levying of contributions on Complying Development Certificates (where applicable) has also been included. Benefits of the new layout include separation between the administrative and strategic sections of the information in the plan. Plan details are now provided in the form:-

- Part A – Summary Schedules
- Part B – Administration
- Part C – Strategy Plan and Nexus
- Appendices/Schedules

(6) **End Date** – for those plans which have, or will, cease to collect contributions for new consents, the end date is provided in this column.

### **3. Future Actions**

In accordance with the Minister's s94E Direction Council will prepare business plans for CP13 and CP18 due to their loan components, for submission to the Minister. The Minister also requires an update report this month of Council's progress in this s94 Contributions Plan Review.

Future reports to Council will address the public exhibition of these draft Plans, and make recommendations regarding their adoption prior to the end of 2009, to meet the deadlines imposed by the Direction.

In some cases, the timeframes imposed on Council do not permit a detailed review of all aspects of the Contribution Plans. These issues shall be addressed as future amendments after 2009, and once the Minister's Direction has been satisfied.

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

The Minister has the absolute discretion to direct Councils to amend/withdraw a Section 94 Plan. Non compliance with the s94E Direction may trigger further Ministerial intervention in this regard.

Financial implications of the \$20,000 developer contributions cap have been documented in previous reports to Council and media reports, in terms of Council's ability to deliver key community infrastructure to a growing population. However as detailed in the attached draft Plans, reductions in pre-indexation contribution rates are not significant in the majority of cases.

#### **POLICY IMPLICATIONS:**

The Minister's s94E Direction directly influences infrastructure planning policy due to the imposition of the unproclaimed June 2008 amendment to the Environmental Planning & Assessment 1979.



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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1. Attachment 1 - CP01 Banora Point West/Tweed Heads South Open Space Contribution Version 10.1 October 2009 (ECM 7167484).
  2. Attachment 2 - CP02 Banora Point West Drainage Scheme Version 5 October 2009 (ECM 7167501).
  3. Attachment 3 - CP04 Tweed Road Contribution Plan CP No. 4 Version 5.2 October 2009 (ECM 7166459).
  4. Attachment 4 - Plan No. 6 Street Tree Planting in Residential Areas Version 3.0.1 October 2009 (ECM 7169605).
  5. Attachment 5 - CP07 West Kingscliff Version 6 October 2009 (ECM 7174845).
  6. Attachment 6 - CP11 Tweed Shire Library Facilities Version 3 October 2009 (ECM 7172734).
  7. Attachment 7 - CP12 Bus Shelters Version 1.3 October 2009 (ECM 7168560).
  8. Attachment 8 - CP13 Eviron Cemetery Version 2 October 2009 (ECM 7172736).
  9. Attachment 9 - CP15 Developer Contributions for Community Facilities Version 5 October 2009 (ECM 7174804).
  10. Attachment 10 - CP18 Council Administration Offices and Technical Support Facilities Version 2.2 October 2009 (ECM 7174831).
  11. Attachment 11 - CP19 Casuarina Beach/Kings Forest Version 4 October 2009 (ECM 7177947).
  12. Attachment 12 - CP21 Terranora Village Estate Open Space and Community Facilities Version 2 October 2009 (ECM 7168585).
  13. Attachment 13 - CP22 Cycleways Version 3 October 2009 (ECM 7174800).
  14. Attachment 14 - CP25 SALT Open Space and Associated Car Parking Version 3 October 2009 (ECM 7176882).
  15. Attachment 15 - CP26 Shirewide/Regional Open Space Version 4 October 2009 (ECM 7172718).
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**51 [EO-CM] Kings Forest Development Code**

**ORIGIN:**

**Director Engineering and Operations**

**SUMMARY OF REPORT:**

The NSW Department of Planning have instigated a process at Kings Forest where Council's Subdivision Infrastructure Codes & Standards are to be replaced by a "Kings Forest Development Code" that is drafted by the Developer and submitted for approval to the Department. The Department does not have staff who are qualified or experienced in the provision of subdivision public realm infrastructure.

Under this proposal Council has not been a partner in drafting the Code, but nevertheless will be handed infrastructure (roads, stormwater, water & sewerage, parks & sportsfields etc) designed and constructed in accordance with the Code that may be substandard, and Council will be required to finance the operation and maintenance of the infrastructure in perpetuity. This could have long term, significant adverse impacts of Council's finances.

It is proposed to seek the Department's agreement to amend the Code to incorporate Council's Subdivision Code and Specifications and publicly exhibit the Kings Forest Development Code so there can be adequate public scrutiny of the process.

The Developer Leda has positively responded to a number of concerns raised and has advised they do not wish to produce inferior subdivision infrastructure. Leda have agreed to an ongoing process to amend the Code to attempt to achieve both Council's and Leda's objectives. However it is unlikely that these matters will be finalised prior to the Council meeting on 20 October 2009 and the Department of Planning has imposed a timetable that requires Council to deal with its comments on the Development Code at this meeting.

**RECOMMENDATION:**

**That the NSW Department of Planning be:-**

- 1. Advised that Council does not accept the Draft Kings Forest Development Code in its present form.**
- 2. Requested to:-**
  - Require the Draft Code to be amended to adopt Council DCPs and associated Design and Construction Specifications as a default, but, as necessary for specific Kings Forest issues, designate specific areas where the developer needs to depart from or augment Council's controls.**

- **Require proposed departures from Council Codes to be fully justified by a formal departures report to accompany the amended draft code.**
  - **Require the amended code and departures report to be put on public exhibition for a minimum of 28 days.**
  - **Meaningfully consult with Council prior to determining the Code.**
- 3. Advised that unless public realm infrastructure for Kings Forest subdivisions meets Council standards, then the subdivisions should be Community Title system, with the area body corporate taking control and financial responsibility for maintenance in perpetuity of subdivision infrastructure (similar to the systems proposed at “Nightcap Village” and “The Rise”).**

## **REPORT:**

### **1. Kings Forest Development Code**

The Draft Kings Forest Development Code has been prepared by Leda as part of its Kings Forest Pt 3A Concept Plan Application. The Code is intended to provide the design detail for development to be undertaken in accordance with the Concept Plan.

The Development Code has been prepared by the Kings Forest Developer, Leda and The NSW Department of Planning will determine if it is to be approved.

It is understood that the Code has been prepared at the request of the Department of Planning.

The Department of Planning has advised that effectively the Code would become a Development Control Plan (DCP) for the site and essentially overrides Tweed Shire Council's own Development Control Plan and associated infrastructure (roads, stormwater, water & sewerage, parks & sportsfields etc) specifications and standards.

### **2. Leda's Development Code Has not Been Publicly Exhibited**

It was advised earlier in 2009 that the Development Code would be with the publicly exhibited with the Concept Plan, and would adopt Council's DCPs and associated specifications as a starting point, but designate those areas that would depart from Council's codes and incorporate additional provisions for small lots for which Tweed DCP does not cater for.

The proposed Code was not exhibited with the Concept Plan and it is understood will not be exhibited for public comment. Instead it forms an insertion into the "Preferred Project Report", which is the formal response by Leda to the Department of Planning regarding submissions received from the public exhibition of the Draft Concept Plan.

### **3. Content of the Development Code**

The majority of the Code (Parts 1 – 4) contain planning controls, including exempt and complying development rules. The last section of the Code (Part 5) contains subdivision infrastructure controls.

It is acknowledged that parts of the code are needed to regulate development of small lots (125sq m) as Council's DCP does not currently cater for this product. General matters relating to the Code are dealt with in more detail in the Director of Planning & Regulation's Report on the Kings Forest Preferred Project Report, elsewhere in the Council Meeting Agenda.

This report focuses on the financial and amenity impacts of Part 5 of the Code – Subdivision Controls.

### **4. What is the current System of Subdivision Controls?**

The current system of Subdivision Control requires compliance with Conditions of Development Consent and compliance with Council's DCP Part A5 – Subdivision Manual (formerly DCP16) and Associated Infrastructure Specifications.

A5 contains:-

- Detailed urban and rural design guidelines and development standards for subdivisions
- Processes to implement a subdivision consent
- Design Plans required
- Construction supervision requirements
- Certification that subdivision works are compliant with the development consent and subdivision specifications
- Schedules of associated Design and Construction Specifications

A5 has been through a rigorous public exhibition process and its associated specifications are regularly updated to incorporate industry best practice and changes to current Australian Standards.

The Current System has checks and balances:-

- The developer engages consultants to design subdivision works in accordance with DCP A5 and associated Design Specifications.
- A Construction Certificate (usually issued by Council) certifies that the plans of subdivision works are compliant with the Consent, A5 and associated design specifications.
- The subdivision works are constructed by the developer in accordance with the certified plans and the Construction Specifications associated with DCP A5
- A compliance certificate is required to certify the works have been completed in accordance with certified plans and associated specifications
- The above compliance certificate is a pre requisite for issue of a Subdivision Certificate (line plan) to permit creation of the new subdivision lots.

**5. What is the System of Subdivision Controls Proposed By the NSW Department of Planning for Kings Forest (and Cobaki Lakes)?**

- The Developer, without any consultation with Council drafts their own Development Code for subdivision infrastructure
- There is no public exhibition or scrutiny of the draft code
- The draft code is assessed for approval by the Department of Planning, who do not employ any engineers or indeed any other persons experienced in provision of subdivision infrastructure
- Project Plans for staged parts of the Part 3A approved subdivision (similar to Development Applications) are submitted to the NSW Department of Planning for Approval. Project Plans must be consistent with the Developer's Development Code.
- The Department assesses and determines (approval or refusal) the Project Plans
- Once Project Plans are approved by the Department, the developer designs the subdivision infrastructure (roads, paths, drainage, water, sewerage, open space facilities etc) in accordance with their own Development Code.
- Certification is required that the infrastructure design plans comply with the developer's Development Code.
- The subdivision works are constructed in accordance with the developer's Development Code
- A compliance certificate is required to certify the works have been completed in accordance with the project plan conditions and the developer's Development Code

- The above compliance certificate is a pre requisite for issue of a Subdivision Certificate (linen plan) to permit creation of the new subdivision lots.

## 6. What are the Problems with the Kings Forest Development Code?

As future subdivisions in Kings Forest are released, it is Council that will be handed the public infrastructure (roads, stormwater, water & sewerage, parks & sportsfields etc) and expected to operate and maintain the infrastructure in perpetuity with ratepayer's funds.

But there are no checks and balances in the proposed system to ensure that Council receives quality infrastructure. The Developer drafts the subdivision infrastructure rules and it is the NSW Department of Planning, who are demonstrably not competent to analyse and determine matters relating to infrastructure provision, who have the say on whether it is to be approved.

It is considered that the Code as submitted:-

- is poorly drafted,
- is ambiguous,
- is incomplete,
- refers to a number of third party codes and standards, but fail to clearly define application, scope and precedence
- Relies on Councils codes for gaps, but fail to clearly designate where
- Lowers existing infrastructure standards

The Codes will be a difficult to apply to infrastructure design because of the ambiguities and inconsistencies of scope and application.

It is understood that the NSW Department of Planning has instigated the proposed Kings Forest Development Code and that the Developer has responded as requested and expended significant resources on producing the Draft Code.

Council has considerable experience over many years in drafting subdivision infrastructure standards and has actively encouraged industry and public participation before installing them as part of the Subdivision Code DCP. Unfortunately neither the Developer nor the Department sought to collaborate with Council (the eventual owner of the infrastructure) in the drafting of the Code. This could have resulted in a much more workable Code being produced.

Apart from the difficulties in applying the Code as presently drafted, it also introduces undesirable lowering of infrastructure standards (compared to Council's current standards) eg:-

- Street widths are reduced
- Paved footpaths are deleted from public streets
- Easement for sewers, public & interallotment stormwater on private property are deleted
- Small lots with zero lot line will provide no practical access to Council infrastructure

## **7. How Should the Kings Forest Development Code be dealt with by Council?**

Given the need to respond to the Department in a short time frame it has not been possible for Council staff to exhaustively draft suitable amendments to the Kings Forest Development Code.

It is therefore recommended that the NSW Department of Planning be:-

1. Advised that Council does not accept the Draft Kings Forest Development Code in its present form
2. Requested to:-
  - Require the Draft Code to be amended to adopt Council DCPs and associated Design and Construction Specifications as a default, but, as necessary for specific Kings Forest issues, designate specific areas where the developer needs to depart from or augment Council's controls.
  - Require proposed departures from Council Codes to be fully justified by a formal departures report to accompany the amended draft code.
  - Require the amended code and departures report to be put on public exhibition for a minimum of 28 days.
  - Meaningfully consult with Council prior to determining the Code
3. Advised that unless public realm infrastructure for Kings Forest subdivisions meets Council standards, then the subdivisions should be Community Title system, with the area body corporate taking control and financial responsibility for maintenance in perpetuity of subdivision infrastructure (Similar to the systems proposed at "Nightcap Village" and "The Rise").

## **8. Negotiations with the Developer, Leda**

Because of the timetable imposed by the NSW Department of Planning, comments on the Kings Forest Code need to be reported to the Council October 2009 meeting.

However, the issues raised in this report have been conveyed to the Developer, Leda and they have responded positively by advising:-

- They share Council's objectives concerning the quality of public realm infrastructure to be provided at Kings Forest
- They will participate in meetings with Council staff to attempt to amend the Code to ensure Council's and the Leda's objectives are met.

This is a positive development, and Council staff are now preparing draft amendments for Leda's consideration. However it is unlikely that these matters will be finalised prior to the Council meeting on 20 October 2009. A verbal update can be given at the Council meeting if required.

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

Long term impacts for financing maintenance of public realm infrastructure at Kings Forest.



**POLICY IMPLICATIONS:**

Provision of public infrastructure policy implications.

**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 TECHNOLOGY AND CORPORATE SERVICES**

**52 [TCS-CM] Conduct Review Panel - Complaint - Councillor Joan van Lieshout**

### **ORIGIN:**

**Corporate Compliance**

### **SUMMARY OF REPORT:**

Code of Conduct complaints against Councillor Joan van Lieshout were referred to a Conduct Review Committee for determination in accordance with the relevant sections of the Code of Conduct and the Conduct Review Committee/Sole Reviewer Policy.

An Interim Report from the Conduct Review Committee relating to this matter was considered by Council on 18 August 2009.

### **RECOMMENDATION:**

**That Council receives and notes the report and findings of the Conduct Review Committee into complaints against Councillor Joan van Lieshout and determines any appropriate actions.**

## REPORT:

Code of Conduct complaints against Councillor Joan van Lieshout were referred to a Conduct Review Committee for determination in accordance with the relevant sections of the Code of Conduct and the Conduct Review Committee/Sole Reviewer Policy.

An Interim Report from the Conduct Review Committee relating to this matter was considered by Council on 18 August 2009.

A copy of the Report and Findings is attached for the information of Councillors. The Chairperson of the Committee has identified that a qualification of Item 13 within the report needs to be made with the relevant date being Friday 28 August 2009 and not Friday 28 July 2009 as reported.

The recommendations of the Conduct Review Committee are:

40. In our Interim Report we made recommendations that councillors receive Code of Conduct training and media training and it is heartening that the Council has resolved to carry these through. The Code of Conduct sets out examples of the conduct required by council officials to fulfil their statutory duties and to “...act in a way that enhances public confidence in the integrity of local government” (Section 3). A better understanding of the Code may avoid similar complaints in the future.
41. The Conduct Review Committee found that Cr van Lieshout has breached certain sections of the Code of Conduct. However, the Committee does not believe that the breaches are sufficiently serious to warrant any disciplinary action.

## LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

## POLICY IMPLICATIONS:

In accordance with the Code of Conduct and Conduct Review Committee/Sole Reviewer Policy.

## 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. Report and Findings of the Conduct Review Committee into complaints against former Mayor, Cr Joan van Lieshout (ECM 6964455).
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**53 [TCS-CM] Code of Conduct Review - Councillor Katie Milne**

**ORIGIN:**

**Director Technology & Corporate Services**

**SUMMARY OF REPORT:**

A Code of Conduct complaint against Councillor Katie Milne was referred to a Sole Review for determination in accordance with the relevant sections of the Code of Conduct and the Conduct Review Committee/Sole Reviewer Policy.

This report includes the findings of the Sole Reviewer into the complaints made against Councillor Katie Milne.

**RECOMMENDATION:**

**That Council:-**

- 1. Receives and notes the report and findings of the Sole Reviewer into complaints against Councillor Katie Milne and determines any appropriate actions.**
- 2. Considers including the recommendation regarding the Media Policy and Code of Conduct into the proposed Code of Conduct Workshop.**

**REPORT:**

On 28 July 2009 Councillors lodged a complaint against Cr K Milne alleging that she released a report prepared by Council officers on the Repco Rally that was not publicly available and in so doing breached Sections 10.8(d) and 10.22 of the Code of Conduct Policy and Media Policy.

The Sole Reviewer concluded:

*“Whilst I have found that Cr Milne has breached section 10.8(d) of the Code of Conduct, I do not find the breach to be of such seriousness to warrant disciplinary action.*

*Section 10.22 of the Code states the “Councillors and staff must ensure that they fully understand the requirements/delegations under which they are required to make public comments prescribed in Council’s Media Policy”. I recommend that appropriate training be given on the Media Policy and Code of Conduct and such training to encompass:*

- what information is publicly available*
- how to obtain information that is not publicly available*
- how to differentiate personal views from adopted position of Council in any media statement.”*

In accordance with Clauses 12.22 and 12.23 of the Code of Conduct the Reviewer’s findings are now provided to Council for its consideration.

**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. Report and Findings of the Sole Reviewer into complaints made against Cr Katie Milne – 23 September 2009 (ECM 6926995)
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**54 [TCS-CM] Councillor Sub-Committee Representation**

**ORIGIN:**

**Corporate Governance**

**SUMMARY OF REPORT:**

The representation of Councillors on the various committees of Council was considered at the first meeting of the newly elected Council in October 2008 and a number of further appointments and changes of representation have occurred since that time.

Following the completion of the Council's first year of office an opportunity exists to review the Councillor representation on the various committees.

**RECOMMENDATION:**

**That Council:**

- 1. Reviews the various Council Committees and determine any amendments to the Councillor representation.**
- 2. Appoints two Councillors to the Disability Access Advisory Committee.**

## REPORT:

The representation of Councillors on the various committees of Council was considered at the first meeting of the newly elected Council in October 2008 and a number of further appointments and changes of representation have occurred since that time. Following the completion of the Council's first year of office an opportunity exists to review the Councillor representation on the various committees.

The following committee representations are provided for Councillor information which includes the Disability Access Advisory Committee that requires Councillor representation:

### 1. Aboriginal Advisory Committee

<b>Councillor/Staff Representative:</b>	Cr D Holdom
<b>Alternate Representative:</b>	Cr K Milne
<b>Committee Contact:</b>	Aboriginal Liaison Officer (Lesley Mye)
<b>Staff Committee Members:</b>	Manager Community & Cultural Services (Gary Corbett)
<b>Other Members:</b>	Representatives of Aboriginal and Torres Strait Islander Organisations and Community of Tweed Local Government Area
<b>Frequency:</b>	First Friday of each Month
<b>Venue:</b>	Activities Room, HACC Centre, Tweed Heads South
<b>Duration:</b>	3 hours - 10am to 1pm
<b>Objective:</b>	The primary objective of the Committee is to provide advice to Council in order to encourage and facilitate the development of the Tweed Aboriginal and Torres Strait Islander Community in the Tweed Shire.
<b>Comment:</b>	Nil

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### 2. Arts Northern Rivers Board

<b>Councillor/Staff Representative:</b>	Cr B Longland
<b>Alternate Representative:</b>	Manager Community and Cultural Services
<b>Committee Contact:</b>	Manager Community & Cultural Services (Gary Corbett)
<b>Staff Committee Members:</b>	N/A
<b>Other Members:</b>	Staff from other organisations
<b>Frequency:</b>	4th Monday every two months
<b>Venue:</b>	Varies
<b>Duration:</b>	
<b>Objective:</b>	The Objectives of Arts Northern Rivers are to: <ul style="list-style-type: none"><li>• Foster and promote the culture of the region;</li><li>• Foster Indigenous arts and cultural programs and practices;</li></ul>



- Promote the arts, and achievement in the arts, to enhance social and economic community development;
- Encourage an increase in the level of cultural tourism.

**Comment:** Alternate representative Council mtg 18/11/2008

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### 3. Audit Committee

**Councillor/Staff Representative:** Cr B Longland, Cr D Holdom  
**Alternate Representative:** Nil  
**Committee Contact:** Corporate Compliance Officer (Peter Brack)  
**Staff Committee Members:** N/A  
**Other Members:** Ross Bell, Warren Buntine  
**Frequency:** 5 times per year  
**Venue:** Mt Warning Room  
**Duration:** 4-5 hours  
**Objective:** The Audit Committee's primary function is to assist Council to ensure that:

- Business Systems and procedures have been established by the Executive Management Team and are effective;
- Appropriate risks and exposures are effectively managed;
- A culture of adherence to Council policies and procedures is promoted;
- Statutory compliance is promoted and monitored;
- The audit processes (both internal and external) are effective; and
- The external reporting is objective and credible.

**Comment:** Resolved 12/4/2006

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### 4. Banora Point Community Centre Advisory Committee

**Councillor/Staff Representative:** Cr K Milne  
**Alternate Representative:** Cr D Holdom  
**Committee Contact:** Manager Community & Cultural Services (Gary Corbett)  
**Staff Committee Members:** Manager Community & Cultural Services (Gary Corbett), Social Planner (Robin Spragg)  
**Other Members:** Mrs Pat Tate, Mr Robert Gent  
**Frequency:** Quarterly  
**Venue:** Banora Point Community Centre  
**Duration:** 2 hours

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**Objective:** The Committee will be responsible for advice to Council on the care, control and management of the Banora Point Community Centre for which they have been appointed. The committee is limited to the annual budget as approved by Council, but all expenditure must be undertaken by Council.

**Comment:** Nil

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#### 5. Beach Safety Liaison Committee

**Councillor/Staff Representative:** Cr D Holdom, Cr K Skinner  
**Alternate Representative:** Nil  
**Committee Contact:** Manager Recreation Services (Stewart Brawley)  
**Staff Committee Members:** Manager Recreation Services (Stewart Brawley)  
**Other Members:** Chairperson of the Coastal Committee, one representative from each of the Shire's surf clubs and one representative from the Far North Coast Branch of Surf Life Saving NSW.

**Frequency:** As required  
**Venue:** Alternates  
**Duration:** 2 hours  
**Objective:** Implement the recommendations of the Coastal Risk Assessment and Treatment Plan and as a forum for bringing issues to the table as well as communicating Shire activities and position on beach safety to the grass roots.

**Comment:** Nil

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#### 6. Community Cultural Development Advisory Committee

**Councillor/Staff Representative:** Cr B Longland  
**Alternate Representative:** Cr D Holdom  
**Committee Contact:** Cultural Development Officer (Lesley Buckley)  
**Staff Committee Members:** Cultural Development Officer (Lesley Buckley), Manager Community & Cultural Services (Gary Corbett)

**Other Members:** Mr Michael Lill, Mr Max Boyd AM, Mr Ian Holston, Ms Judith Sutton, Ms Glenda Nalder, Ms Barbara Carroll, Ms Joan Daniels, Ms Diane Wilder and Mr Phil Villiers

**Frequency:** Monthly  
**Venue:** Rous Meeting Room  
**Duration:**

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**Objective:** The Community Cultural Development Advisory Committee provides advice to Council on the broad spectrum of issues that relate to the development and sustainability of cultural activities in the Tweed Shire.

**Comment:** Nil

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## 7. Disability Access Advisory Committee

**Councillor/Staff Representative:** Two to be appointed

**Alternate Representative:**

**Committee Contact:**

**Staff Committee Members:**

Aged and Disability Officer (Maggie Groff)

Aged and Disability Officer, Works Manager, Environmental Health Officer ( Peter Ainsworth), Road Safety Officer, Senior Health and Building Surveyor (Barry Stegman)

**Other Members:**

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 - mtg 15/9/2009.

**Frequency:**

A minimum of six (6) x 2 hour meetings per year with additional working party meetings as agreed by members - 2 in Murwillumbah and 4 in Tweed Heads.

Meetings will be held 10am - 12 noon on second Thursday of alternate months, commencing January each year.

**Venue:**

Coolamon Cultural Centre, Mbah and Tweed HACC Centre

**Duration:**

2 hours

**Objective:**

- Provide a forum to address public access issues raised by the community.
- Provide advice and recommendations for consideration to Council on relevant access issues.
- Provide advice to Council to assist in raising public awareness of access issues.
- Provide advice to Council, as requested, on access provisions for major building and development applications.
- Keep Council informed on disability access issues.

**Comment:**

Nil

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## 8. Flood Plain Management Committee

<b>Councillor/Staff Representative:</b>	Cr K Skinner
<b>Alternate Representative:</b>	Cr D Holdom
<b>Committee Contact:</b>	Flooding & Stormwater Engineer (Danny Rose)
<b>Staff Committee Members:</b>	Director Engineering & Operations (Patrick Knight), Planning & Infrastructure Engineer Danny Rose), Flooding & Stormwater Engineer (Ian Dinham)
<b>Other Members:</b>	Mr Brian Sheahan (State Emergency Services), Mr Toong Chin (Dept of Environment & Climate Change), Ms F Cecil (Chinderah Districts Residents Association Inc), Mr Robert Quirk, Mr Max Boyd AM, Mr Lutz Gaedt
<b>Frequency:</b>	As required (infrequent)
<b>Venue:</b>	Council
<b>Duration:</b>	
<b>Objective:</b>	The Floodplain Management Committee consists of an elected member of Council, Council technical staff, representatives of the Department of Environment and Climate Change (DECC), the State Emergency Service (SES), and the Catchment Management Authority (CMA), and members of the public, many of whom also have roles in local community or industry groups. The committee operates in accordance with the NSW Government's Floodplain Development Manual, which defines the role of the Committee as an advisory group to assist Council in the development and implementation of floodplain risk management plans for the various catchments within the LGA. The Committee acts as both the focus and forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possibly differing viewpoints on these issues into a management plan.
<b>Comment:</b>	Nil

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## 9. General Manager Review Committee

<b>Councillor/Staff Representative:</b>	Cr W Polglase; Cr P Youngbutt; Cr B Longland; Cr D Holdom; Cr K Skinner; Cr K Milne; Cr J van Lieshout
<b>Alternate Representative:</b>	
<b>Committee Contact:</b>	
<b>Staff Committee Members:</b>	
<b>Other Members:</b>	
<b>Frequency:</b>	Six monthly

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**Venue:** Mount Warning Meeting Room  
**Duration:** 2 hours  
**Objective:** The Committee is required to review the performance of the General Manager in accordance with the provisions of the General Manager's contract and performance criteria.  
**Comment:** Nil

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#### 10. Local Traffic Committee

**Councillor/Staff Representative:** Cr B Longland  
**Alternate Representative:** Cr K Skinner  
**Committee Contact:** Traffic Engineer (John Zawadzki)  
**Staff Committee Members:** Planning & Infrastructure Engineer - Chairman, Secretary Engineering & Operations (Judith Finch), Road Safety Officer (Ray Clark), Traffic Engineer (John Zawadzki), Regulatory Services Co-ordinator (Paul Brouwer)  
**Other Members:** Geoff Provest, MP, State Member for Tweed, MrThomas George, MP, State Member for Murwillumbah, Police Representative and Mike Baldwin, RTA Representative  
**Frequency:** Monthly or as need arises  
**Venue:** Mount Warning Room, Murwillumbah  
**Duration:** 2 - 3 hours  
**Objective:** The LTC is primarily a technical review committee which is required to advise the Council on matters referred to it. These matters must relate to prescribed traffic control devices and traffic control facilities for which Council has delegated authority. The LTC has no decision making powers. The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines. The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to classified roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation, however the RTA will generally seek the views of Council on classified road traffic issues via the informal items process.  
**Comment:** Nil

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**11. Northern Rivers Regional Organisation of Councils Inc (NOROC)**

**Councillor/Staff Representative:** Mayor  
**Alternate Representative:** Deputy Mayor  
**Committee Contact:** General Manager (Michael Rayner)  
**Staff Committee Members:** General Manager (Michael Rayner)  
**Other Members:**  
**Frequency:** Quarterly  
**Venue:** Circulate between member councils  
**Duration:** 4 hours  
**Objective:** To provide a co-ordinated approach for dealing with strategic direction and policy on regional matters impacting upon northern rivers councils.  
**Comment:** Nil

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**12. Richmond-Tweed Regional Library Committee**

**Councillor/Staff Representative:** Cr K Milne, Cr D Holdom  
**Alternate Representative:** Cr K Skinner  
**Committee Contact:** Manager Community & Cultural Services (Gary Corbett)  
**Staff Committee Members:** N/A  
**Other Members:**  
**Frequency:** 10 am 2nd Thursday (Feb, May, Aug, Nov)  
**Venue:** Rotational  
**Duration:** 4 hours  
**Objective:** The RTRL Service provides a regional service that includes the LGAs of Tweed, Byron Bay, Ballina and Lismore. Under the Libraries Act of 1939 the delivery of Library services is undertaken by the Executive Council, on behalf of the constituent Councils. The current Executive Council is Lismore City Council. The service is currently undergoing changes with regard to the Terms of Reference.  
**Comment:** Meets regularly

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**13. Rural Fire Service Liaison Committee**

**Councillor/Staff Representative:** Cr W Polglase, Cr P Youngblutt  
**Alternate Representative:**  
**Committee Contact:** Manager Building and Environmental Health  
**Staff Committee Members:** Manager Building and Environmental Health  
**Other Members:**  
**Frequency:** Quarterly  
**Venue:** Council  
**Duration:** 1 hour

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**Objective:** Monitoring performance standards & Rural Fire Service District Service Level Agreement. Service Level Agreement currently under review, due to expire 31 October 2009.

**Comment:** Appointments mtg 30/10/08

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#### 14. Sports Advisory Committee

**Councillor/Staff Representative:** Cr K Skinner  
**Alternate Representative:** Cr D Holdom  
**Committee Contact:** Manager Recreation Services (Stewart Brawley)  
**Staff Committee Members:** Manager Recreation Services (Stewart Brawley)  
**Other Members:** Mr Rob Nienhuis, Mr Merv Edwards, Ms Linda Threlfo, Mrs Joanne Watters and Mr Robert Gent

**Frequency:** 3rd Tuesday bi-monthly 5pm  
**Venue:** Alternates Tweed/ Buchanan Room and Cabarita Beach Sports Centre

**Duration:**

**Objective:**

- Develop and implement policies, programs and practices aimed at improving access and equity in all aspects of Sport on the Tweed.
- Maximise the availability of resources for the development of sport and promote safety in their use.
- Increase participation in sport and sports by the residents of the Tweed.

**Comment:** Nil

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#### 15. Tweed Bush Fire Management Committee

**Councillor/Staff Representative:** Cr K Milne  
**Alternate Representative:**  
**Committee Contact:** Bushland Officer (John Turnbull)  
**Staff Committee Members:** Manager Building and Environmental Health and Bushland Officer

**Other Members:** Emergency Organisation reps

**Frequency:** Twice yearly (minimum)

**Venue:**

**Duration:**

**Objective:** Assists the Bushfire Coordinating Committee in the performance of its functions in accordance with sections 48, 60(2) and 63(4) of the Rural Fires Act 1997.

**Comment:** Appointment 30/10/08

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**16. Tweed Coastal Committee**

<b>Councillor/Staff Representative:</b>	Cr B Longland, Cr K Milne
<b>Alternate Representative:</b>	Nil
<b>Committee Contact:</b>	Co-ordinator Natural Resources (Jane Lofthouse)
<b>Staff Committee Members:</b>	Director Community & Natural Resources (David Oxenham), Manager Recreation Services (Stewart Brawley), Co-ordinator Natural Resources (Jane Lofthouse), Waterways & Coast Co-ordinator (Tom Alletson), Biodiversity Officer (Mark Kingston), Flood Plain Officer, Sustainable Agriculture Program Leader (Sebastien Garcia-Cuenca)
<b>Other Members:</b>	Terry Kane (Cabarita Beach-Bogangar) (Chair); David McPherson (Department of Lands); Richard Hagley (Department of Natural Resources); Lance Tarvey (Department of Environment & Conservation); Gary Thorpe (Hastings Point); Rhonda James (Caldera Environment Centre); John Harbison (Mooball); Jason Pearson (Kingscliff); Ian Rabbitts (Fingal Head); David Cranwell (Community Representative)
<b>Frequency:</b>	Bi-monthly 2nd Wednesday
<b>Venue:</b>	Canvas & Kettle Meeting Room
<b>Duration:</b>	2 hours
<b>Objective:</b>	The Tweed Coastal Committee (TCC) will assist Tweed Shire Council in achieving integrated, balanced, responsible and ecologically sustainable development of the Tweed Coast.
<b>Comment:</b>	Councillor representatives should be consistent with Tweed River Committee.

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**17. Tweed Economic Development Corporation**

<b>Councillor/Staff Representative:</b>	Cr J van Lieshout, Cr K Skinner
<b>Alternate Representative:</b>	Nil
<b>Committee Contact:</b>	Manager Business & Economic Development (Richard Adams)
<b>Staff Committee Members:</b>	Director Planning & Regulation (Vince Connell)
<b>Other Members:</b>	Board; Chairman; Deputy Chairman - Ken Lee;; Treasurer - Ron Ford; Director - Harry Williams; Director - Robert Pollack; Director - Peter Sippel; Director - Robert Wesener; Director - Warren Polglase; Director – Vince Connell - Position appointed by TSC General Manager; Chief Executive Officer - Tom Senti
<b>Frequency:</b>	Monthly
<b>Venue:</b>	41-43 Commercial Road, Murwillumbah
<b>Duration:</b>	2-3 hours

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**Objective:** TEDC is an independent organisation whose primary charter is the promotion of economic development within the Tweed. TEDC's funding principally comes from Council and is in line with a current funding agreement. As an independent organisation TEDC has a board of directors. Council currently has three positions on the Board, two elected representative appointed by Council and one officer appointed by the General Manager. These arrangements are reflected in Council's agreement with TEDC as well as TEDC's Constitution. Any elected member of Council or Council officer elected to the Board of TEDC will be bound by their responsibilities as a Director of TEDC under the Corporations Act and will need to deal with Board matters primarily as a Director.

**Comment:** Cr K Skinner appointed Council mtg 16/12/08

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#### 18. Tweed River Committee

**Councillor/Staff Representative:** Cr K Milne, Cr K Skinner  
**Alternate Representative:** Nil  
**Committee Contact:** Waterways & Coast Co-ordinator (Tom Alletson)  
**Staff Committee Members:** Director Community & Natural Resources (David Oxenham), Co-ordinator Natural Resources (Jane Lofthouse), Waterways & Coast Co-ordinator (Tom Alletson), Flood Plain Officer, Biodiversity Officer (Mark Kingston), Sustainable Agriculture Program Leader (Sebastien Garcia-Cuenca)

**Other Members:** Robert Quirk (NRCMA & NSW Cane Growers' Association); Richard Hagley (Department of Environment & Climate Change); David McPherson (Department of Lands); Carl Cormack (NSW Maritime Authority); Bob Loring (Department of Primary Industries - Fisheries); Martin Dobney (Action Sands Chinderah); Lance Tarvey (Department of Environment & Conservation); Claire Masters (Tweed Landcare Inc); Errol Wright (Tweed River Charter Operators); Rhonda James (Caldera Environment Centre); Peter Baker (Tweed Agriculture Representative); Kyle Slabb (Tweed Byron Local Aboriginal Land Council); Judy Robinson (Fingal Head Community Representative); Max Boyd AM (Community Representative)

**Frequency:** Bi-monthly 2nd Wednesday  
**Venue:** Canvas & Kettle Meeting Room  
**Duration:** 3 hrs

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**Objective:** To assist Tweed Shire Council in developing and implementing river management plans to ensure the future health of the whole of the Tweed River and tributaries.

**Comment:** Councillor representatives should be consistent with Tweed Coastal Committee.

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#### 19. Tweed River Regional Art Gallery Advisory Committee

**Councillor/Staff Representative:** Cr J van Lieshout, Cr B Longland  
**Alternate Representative:** Nil  
**Committee Contact:** Art Gallery Director (Susi Muddiman)  
**Staff Committee Members:** Art Gallery Director (Susi Muddiman), Assistant Art Gallery Director (Anne Schardin), Manager Community & Cultural Resources (Gary Corbett), Aboriginal Liaison Officer (Ms Lesley Mye)

**Other Members:** Ms Bronwyn Thrathen, Ms Sandra Flannery, Mr Max Boyd AM, Mr Gary Fidler, Ms Fay O'Keeffe

**Frequency:** Quarterly - 2nd Thursday of month  
**Venue:** Gallery  
**Duration:** 2 hours  
**Objective:** The Tweed River Regional Art Gallery Advisory Committee is appointed to assist and advise Council in matters relating to the care, control, funding, possible and future developments and management of the Tweed River Art Gallery.

**Comment:** Refer to Constitution

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#### 20. Tweed River Regional Museum Advisory Committee

**Councillor/Staff Representative:** Cr B Longland, Cr D Holdom  
**Alternate Representative:** Nil  
**Committee Contact:** Senior Museum Curator (Sally Watterson)  
**Staff Committee Members:** Senior Museum Curator (Sally Watterson), Manager Community & Cultural Services (Gary Corbett), Director Community & Natural Resources (David Oxenham), Aboriginal Liaison Officer (Lesley Mye)

**Other Members:** Community: Bronwyn Thrathen, Sandra Flannery, Max Boyd AM, Gary Fidler, Fay O'Keeffe  
Historical Societies: Joan Smith, Mary Lee Connery, Helena Duckworth, Ron Johansen, Beverley Lee + 1 Tweed Heads Historical Society representative currently vacant.

**Frequency:** Every 8 weeks approximately  
**Venue:** Murwillumbah Museum Meeting Room  
**Duration:** 1.5 hours

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**Objective:** The Tweed River Regional Museum ("the Museum") came into effect by Tweed Shire Council's adoption of the Tweed River Museum Strategic Plan 2004 on 2 June 2004, and the signing of the Memorandum of Understanding on 20 September 2004. This provides for the amalgamation of the artefact, photographic and historical collections of the Tweed Heads Historical Society Inc., the Murwillumbah Historical Society Inc., and the Uki and South Arm Historical Society Inc ("the Three Historical Societies"). The collections of the three Historical Societies were transferred to the Tweed River Regional Museum with the signing of the Memorandum of Understand. The Committee is appointed to advise Council on all matters relating to the development, management, care, control, funding, policies and possible and future developments and management of the Tweed River Regional Museum.

**Comment:** Resolved 7 September 2005

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## 21. Tweed Shire Council Mayor's Disaster Relief Fund

**Councillor/Staff Representative:** Mayor, Deputy Mayor  
**Alternate Representative:** Nil  
**Committee Contact:** Manager Financial Services (Michael Chorlton)  
**Staff Committee Members:**  
**Other Members:**  
**Frequency:** As required  
**Venue:** Council  
**Duration:**  
**Objective:** Established to provide a tax deductible donation fund for the residents of Tweed Shire to contribute to a Disaster Fund for the benefit of other Tweed Shire residents who are in need of monetary assistance.

**Comment:**

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## 22. Tweed Tourism

**Councillor/Staff Representative:** Cr J van Lieshout, Cr K Milne  
**Alternate Representative:** Nil  
**Committee Contact:** Manager Business & Economic Development (Richard Adams)  
**Staff Committee Members:** Manager Business & Economic Development (Richard Adams)

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**Other Members:**

Board:

David Parrish; Clive Parker; Cameron Arnold; Aymon Gow; Michael Tree; Richard Adams  
Position appointed by TSC General Manager; Phil Villers General Manager

**Frequency:**

Monthly

**Venue:**

Wharf Street, Tweed Heads

**Duration:**

2 hours

**Objective:**

Tweed Tourism is an independent organisation whose primary charter is the promotion of tourism within the Tweed. Tweed Tourism also operates three Visitor Information Centres within the Tweed. Their funding principally comes from Council and is in line with a current funding agreement. As an independent organisation Tweed Tourism has a board of directors. Council currently has two positions on the Board, one elected representative appointed by Council and one officer appointed by the General Manager. These arrangements are reflected in Council's agreement with Tweed Tourism as well as Tweed Tourism's Constitution. Any elected member of Council or Council officer elected to the Board of Tweed Tourism will be bound by their responsibilities as a Director of Tweed Tourism under the Corporations Act and will need to deal with Board matters primarily as a Director.

**Comment:**

Cr K Milne appointed Council mtg 16/12/08

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**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

In accordance with resourcing and administration requirements established for Council Committees.

**POLICY IMPLICATIONS:**

In accordance with various committee constitutions and representation requirements.

**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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**55 [TCS-CM] 2008/09 Carry Over Works**

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

This report provides details of the funds to be carried forward from 2008/09 to the 2009/10 budget.

**RECOMMENDATION:**

**That Council:-**

- 1. Adopts the 2008/09 Carry Over Works.**
- 2. Votes the expenditure and income, as detailed within the report, for the year ending 30 June 2010.**

**REPORT:****2008/09 Carry Over Works**

This report provides details of the funds to be carried forward from 2008/09 to the 2009/10 budget.

The carried forward works represent those projects/services that could not be completed in the 2008/09 for a variety of reasons. The funding of these works fall into the following categories:

- Unexpended Loans
- Section 94 Developer Contributions
- Reserves Funds
- Grants

Within these funding sources, the outstanding works from the 7 year works and services plan have been separately identified.

In/Ex	Description	Change to Vote
<b>UNEXPENDED LOANS</b>		
<b>General</b>		
Ex	Civic Buildings Asset Management	20,088
Ex	Public Toilets Capital	46,540
Ex	Museum - Murwillumbah	114,427
Ex	Tweed Respite Centre	495,000
Ex	Bilambil Sports Field	5,260
Ex	Chillingham Village Common	21,123
Ex	Tweed Valley Risk Management Plan	50,000
Ex	South Tweed Levee study	30,000
Ex	Tweed Shire Coastal Creeks	70,000
Ex	Voluntary Purchase	144,885
Ex	FRMS 07/08 (Flooding)	166,490
Ex	Tweed Valley Floodplain Risk Mgt Plan & Study	1,183
Ex	FRMS 06/07 (Flooding)	21,183
Ex	Coastal creeks (Flooding)	2,347
Ex	NSW Maritime - Chinderah Boat ramp Upgrade	4,247
Ex	Boat Ramps - Lakes Drive	4,651
Ex	Boat Ramps - Public Jetties	16,323
Ex	Drydock Rd Boat Ramp & Foysters Jetty	36,636
Ex	Lavender Creek Flood Pumps	8,130
Ex	Bray Park Water Treatment Plant	9,383,465
<b>7 Year Plan</b>		
Ex	Land purchase - open space	100,000
Ex	Regional Sport & Recreational Facilities	866,156
Ex	Coastline Management Plan Implementation	241,655
Ex	Gravel Resheeting of Unsealed Roads	73,956
Ex	Sealed road resurfacing	542
Ex	Sealed road rehabilitation	81,855

In/Ex	Description	Change to Vote
Ex	Kerb & gutter rehabilitation	37,455
Ex	Footpaths rehabilitation	152,991
Ex	Sports Grounds Capital	387,073
Ex	Botanical Gardens Visitors Centre	500,000
Ex	Pottsville North drainage outlet - Elanora	900,000
Ex	West Kingscliff Drain - Gales/Bowling Club	750,000
Ex	Amenities Hall Kingscliff	100,000
In	Unexpended Loans	(14,833,658)
<b>SECTION 94 DEVELOPER CONTRIBUTIONS</b>		
<b>General</b>		
Ex	Jack Evans Boatharbour	233,137
Ex	Grants to SLSC - Cabarita	3,213
Ex	Grants to SLSC - SALT	3,213
Ex	Cycleway 2009 - Kyogle Rd, Murwillumbah	157,847
In	Recoupment from S94 plans	(397,410)
<b>RESERVES</b>		
<b>General</b>		
Ex	Civic Buildings Asset Management	55,206
Ex	Pools asset management	21,507
Ex	Bus Route Sealing ( 04/05 Rate Rise)	321,954
Ex	Footpath repairs (04/05 Rate Rise)	46,971
Ex	Asphalt Resheeting (04/05 Rate Rise)	268,515
Ex	New Computer Items - Asset Management System	157,000
Ex	New Computer Items - Proclaim Revival (was Data Cleansing)	55,000
Ex	Document Conversion	72,000
Ex	Hardware Maintenance General	37,000
Ex	Powerbudget	10,000
Ex	Richmond Tweed Council Co-op	753
Ex	Project management system	11,582
<b>7 Year Plan</b>		
Ex	Saleyards	37,641
Ex	Economic Development - Internal	159,822
Ex	Cultural Arts Seed Funding	1,130
Ex	Arts Traineeship and Mentorship	3,311
Ex	Environmental Health Compliance – Caravan parks	14,418
Ex	Emergency Management Plan Implementation	16,473
Ex	Pool Upgrade Kingscliff	936
Ex	Youth Activities Program	4,996
Ex	Youth Transport	12,478
Ex	Aboriginal Community Development	47,722
Ex	Surf Life Patrols	10,024
Ex	Park asset maintenance	22,831
Ex	Parks Asset Renewal	5,284
Ex	Lot 500 bushland	14,911
Ex	Building Compliance Officer	8,257
Ex	Corporate Planning Unit	24,817
Ex	Asset management Levees & Floodgates	135,442
Ex	Community Buildings maintenance	41,486

In/Ex	Description	Change to Vote
Ex	H&B Surveyor	3,882
Ex	Vegetation Management Strategy	228,680
Ex	Residential development strategy	39,802
Ex	Murwillumbah Community Centre Recurring Costs	43,455
Ex	Duranbah Beach Plan of Management	225,672
Ex	Tweed Coast Estuaries Management Plan 04-08 & River Mgt	60,686
Ex	Bushland maintenance officer	3,432
Ex	Flood studies coastal creeks 2D	37,500
Ex	Environmental Health Compliance - Food Inspections	4,485
Ex	Recreation Asset management	13,947
Ex	Administrative assistant (Building)	20,068
In	Transfer from Reserve Funds	(2,301,076)

### WORKS CARRIED FORWARD RESERVE

#### General

Ex	Organisational Development	178,267
Ex	Tweed Heads Visitors Centre	313,103
Ex	Risk Management	130,848
Ex	Apprenticeships	151,577
Ex	Communications and Marketing	2,140
Ex	Risk Management Signage	19,665
Ex	Point danger Lighthouse	66,600
Ex	Saleyards	18,609
Ex	Airfield	51,224
Ex	Tourism internal	72,930
Ex	Festivals In-Kind Support	49,361
Ex	Festivals & Events Liaison Officer	3,659
Ex	DA Review Project	13,631
Ex	Pottsville locality plan	10,000
Ex	Tweed employment Land Mgmt Strategy	2,387
Ex	Tweed Urban Residential Dev Strategy	2,387
Ex	Strategic Planning Projects	9,351
Ex	Stage 1 Shirewide LEP	28,035
Ex	Stage 2 Shirewide LEP	25,000
Ex	Hastings Point Locality Plan	56,830
Ex	Tweed City Centre LEP	55,282
Ex	Community Consultation (local planning)	39,677
Ex	Developer funded studies	45,004
Ex	RFS donations	15,597
Ex	SES plant/non plant - to buildings	16,226
Ex	SES Pottsville shed	70,000
Ex	Public Toilets Capital	18,000
Ex	City of the Arts	11,966
Ex	Cultural development	7,194
Ex	Olive Cotton Award	6,100
Ex	Community Printmakers	2,600
Ex	Library Asset Exp	24,881
Ex	Museums	28,000
Ex	Australia Day Celebrations	5,062
Ex	Community Based Heritage Study	10,712
Ex	Youth Support	40,423



In/Ex	Description	Change to Vote
Ex	Anti-drugs	16,376
Ex	COPS Salaries and other	18,629
Ex	COMPAKS	37,403
Ex	COPS Ageing Parent Carers	69,355
Ex	Needle bins disposal	3,460
Ex	South Tweed Skate Park	41,145
Ex	Casuarina Blossom Bat Rehabilitation	181,713
Ex	Pottsville Environment park Bond	116,044
Ex	Trades/Sign writers plant	9,616
Ex	Surf Life Saving	23,134
Ex	Significant Tree Identification - NRM	16,431
Ex	Streetlighting	27,573
Ex	Traffic facilities	14,413
Ex	Traffic facilities (contribs)	5,111
Ex	Footpaths	46,805
Ex	Waterways Leases	1,818
Ex	Canal maintenance	20,000
Ex	Grants - Council Revenue Component	1,451,525
<b>7 Year Plan</b>		
Ex	Econ Dev internal	70,440
	Works Carried forward reserve	(3,773,318)
<b>Grants</b>		
<b>General</b>		
Ex	Tweed Heads VIC	175,767
Ex	National Crime Prevention Program - Kingscliff CCTV	53,520
Ex	Murwillumbah CCTV	100,000
Ex	TV Transport Info Service	1,000
Ex	Far Nth Coast Regional Strategy Grant	20,000
Ex	International Women's Day	1,000
Ex	Bush Fire Prevention	86,335
Ex	Library -Special Purpose Grant 2007	62,497
Ex	Library Local Priorities Grant 2008	10,133
Ex	Library Local Priorities Grant 2009	29,579
Ex	Western Villages Bus Service	1,031
Ex	Tweed River Regional museum construction - Stage 1	150,000
Ex	Tweed River Regional museum, Tweed Heads, building program	220,000
Ex	Museum Advisor	328
Ex	Museums Collection Assistant	15,229
Ex	Migration to Tweed Stage 3 - Museum	25,000
Ex	Heritage Office - Migration	3,553
Ex	Photographic Digitisation	2,809
Ex	Heritage Office - Tweed Shire Heritage Website	233
Ex	Annual Program of Activity	28,332
Ex	HACC Service Improvement Funding	62
Ex	Sustainable Living Project	621
Ex	CDAT - Pocket Info Card Project	3,000
Ex	Seniors Week	2,752
Ex	Networking Breakfast	2,689
Ex	Volunteerism	10

In/Ex	Description	Change to Vote
Ex	SAS - AMP	8,919
Ex	SAS - CC	251
Ex	COMPACKS	465,015
Ex	COPS Ageing Parent Carers	454,569
Ex	Anti-Racism & Community Harmony	608
Ex	Youth Week	494
Ex	Ambrose Brown Park Upgrade	230,000
Ex	Bitou Bush Threat Abatement Plan Imp Stg 3	4,000
Ex	USP - Bray Park Wetland Restoration & Blacks Drain	60,971
Ex	Riparian Vegetation for Tweed Cane Farms - ID 64146	51
Ex	Improv Urban & Peri-Urban Bushland Tweed & Byron	90,703
Ex	Control of Indian Myna Birds on Crown Land	2,782
Ex	Integrated Control of Indian Mynas in Tweed & Byron Shires	8,184
Ex	Riparian Vine Weed Mapping & Suppress	28,859
Ex	Current Best Management Practice Coastal Floodplains	1,046
Ex	Bilambil Creek and Terranora Broadwater Estuary enhancement	43,721
Ex	Tweed Coast Environmental Weed Management	11,021
Ex	Threatened Species & EEC Recovery - Lower Tweed	11,643
Ex	Development of a Model Biodiversity DCP	38,851
Ex	Federal Blackspot Pgm 2009 MR142 Kunghur Village	6,296
Ex	R to R -Dept Transport Supplementary	5,632
Ex	R to R -Dept Transport	263,411
Ex	FAG - Road Component	458,956
Ex	Repair Kyogle Rd/Numinbah Rd	10,529
Ex	Nat Black Spot Pgm 2006 -Condong St	6,520
Ex	Auslink Blackspot 2008/09 Kyogle Rd	64,541
Ex	Cycleway 2009 - Kyogle Rd, Murwillumbah	49,953
Ex	DIPNR NSW Coastline Cycleways 2006	91,380
Ex	DIPNR NSW Coastline Cycleways 2007	16,939
Ex	Burringbar/Mooball Cycleway	259,385
Ex	Pedestrian Safety	4,649
Ex	High Pedestrian Activity 40 Zone Implementation Coronation Av	31,253
Ex	Traffic Signals Limosa Road & Kennedy Drive	950
Ex	NDMP 2006-07 Tweed Valley Floodplain Risk Mgt Plan & Study	2,366
Ex	NDMP 2004-05 Tweed Valley Community Flood Awareness Pgm	11,743
Ex	Country Pass Transp Infra 2004 - Interchange upgrade	33,194
Ex	Country Pass Trans Infra 2008 - Interchange	87,459
Ex	Coastal Community Group Storm Recovery Funding	5,000
Ex	Kingscliff Foreshore	202,888
Ex	Tweed Coastline Management Plan	124,619
Ex	Tweed River Mgt \$1:\$1	732,815
Ex	Tweed River Mgt 2:1	175,638
Ex	Tweed Coast Estuaries Mgt	76,026
Ex	Estuary Mgmt Plans - Cudgen & Cudgera Ck	518
Ex	Road Safety Direct Prog 50%	4,391
Ex	Road Safety Projects	5,901
Ex	Cycleway map development	2,457
Ex	SSP - Bus Shelters Security & Vandal Resistant Retrofit	180,000
Ex	NDF - January 08 Flooding Event Local Roads	470,790
Ex	SES Pottsville shed	50,000

In/Ex	Description	Change to Vote
<b>7 Year Plan</b>		
Ex	Plan of Management Duranbah Beach	10,000
	Grant funds	(5,903,370)

### General Fund

Based on current projections the General Fund is expected to remain as a “balanced budget”.

### Water Fund

Based on current projections the Water Fund is expected to remain as a “balanced budget”.

### Sewer Fund

Based on current projections the Sewer Fund is expected to remain as a “balanced budget”.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As discussed in the report.

### 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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56 [TCS-CM] 2008/2009 Statutory Financial Reports / Audit Report

**ORIGIN:**

**Financial Services**

**SUMMARY OF REPORT:**

Council's Statutory General Purpose Financial Reports in accordance with Section 413 of the Local Government Act, 1993 and the Special Purpose Financial Reports in accordance with the Local Government Code of Accounting Practice and Financial Reporting for the financial year ended 30 June 2009 have been completed.

Section 413 (2) – A council's financial reports must include:

- (a) a general purpose financial report;
- (b) any other matter prescribed by the regulations; and
- (c) ***a statement in the approved form by the council as to its opinion on the general purpose financial report.***

**RECOMMENDATION:**

**That the statement as to Council's opinion on the general purpose financial report as required by Section 413 (2)(c) of the Local Government Act and the Special Purpose Financial Reports under the Local Government Code of Accounting Practice and Financial Reporting be executed.**

## REPORT:

Council's Statutory General Purpose Financial Reports in accordance with Section 413 of the Local Government Act, 1993 for the financial year ended 30 June 2009 have been completed.

A copy of the financial reports will be tabled at the meeting.

## Legislation Requirements

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that: -

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
  - (a) a general purpose financial report;
  - (b) any other matter prescribed by the regulations; and
  - (c) ***a statement in the approved form by the council as to its opinion on the general purpose financial report.***
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
  - (b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report.
7. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.
8. It is a requirement of the Department of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Director General by 7 November of each year.

Council's Statutory General Purpose Financial Reports and Special Purpose Financial Reports for the financial year ended 30 June 2009 have been completed and audited. However due to the timing of the October Council meeting, the receipt of the Auditor's

Report and the requirement to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, has delayed the presentation of the Audited Financial Reports to the public until the November Council meeting.

The Audited Financial Statements and Auditors Report will be sent to the Department of Local Government before the 7 November as required.

## **Council of Tweed Shire**

### **General purpose financial report for the year ended 30 June 2009**

#### **Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)**

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- Presents fairly the Council's operating result and financial position for the year, and
- 
- Accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on Tuesday 20 October 2009

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Warren Polglase  
**Mayor**

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Phil Youngblutt  
**Councillor**

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Mike Rayner  
**General Manager**

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Michael Chorlton  
**Responsible Accounting Officer**



## **Council of Tweed Shire**

### **Special purpose financial reports for the year ended 30 June 2009**

#### **Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting**

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement "Application of National Competition Policy to Local Government"
- Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"
- The Local Government Code of Accounting Practice and Financial Reporting

To the best of our knowledge and belief, these Reports

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 20 October 2009.

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Warren Polglase  
**Mayor**

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Phil Youngblutt  
**Councillor**

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Mike Rayner  
**General Manager**

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Michael Chorlton  
**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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**57 [TCS-CM] Monthly Investment Report for Period Ending 30 September 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 \$134,281,612.30 invested as at 30 September 2009 and the net return on these funds was \$649,639.81 or 5.80% annualised for the month.

**RECOMMENDATION:**

**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 30 September 2009 totalling \$134,281,612.30 be received and noted.**

**REPORT:**

**Report for Period Ending 30 September 2009**

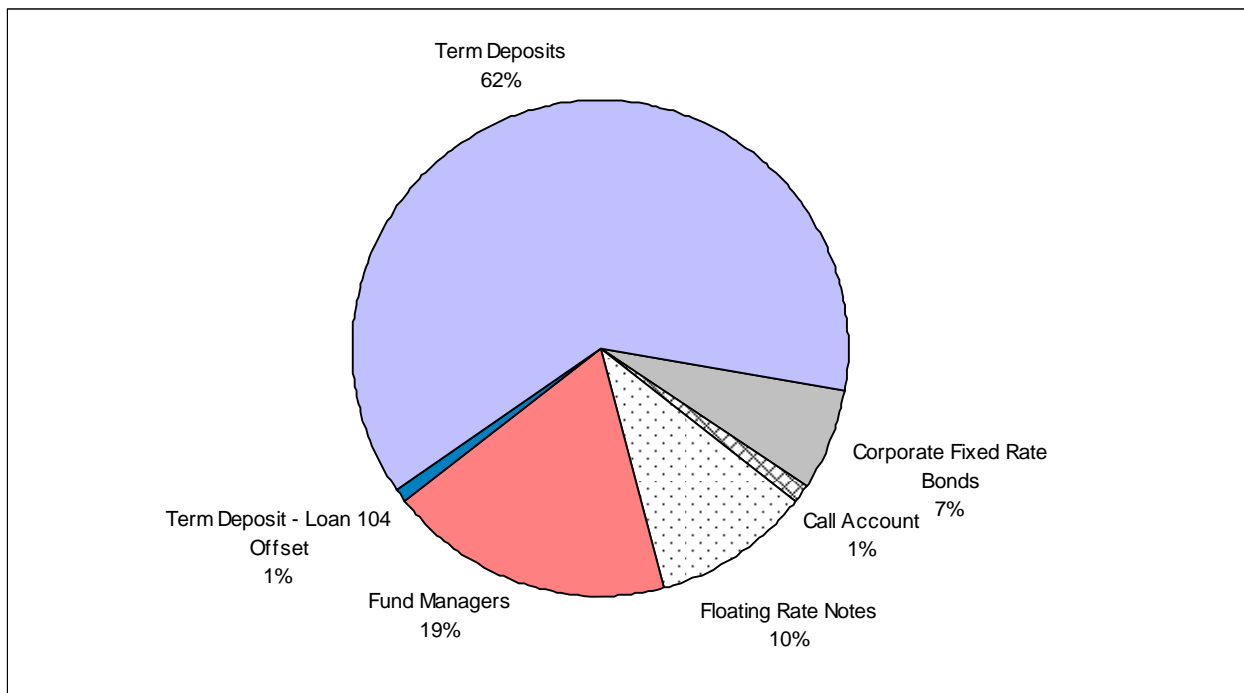
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

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

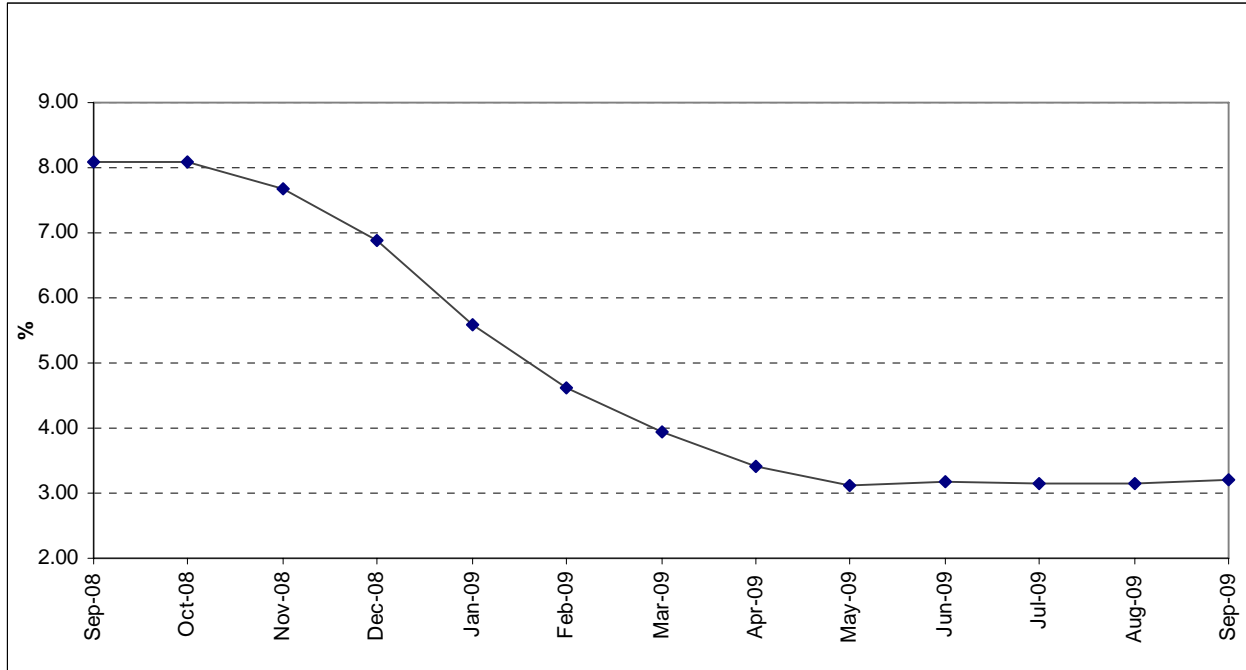
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
<b>Externally Restricted</b>	15,427	13,980	14,908	<b>44,315</b>
Crown Caravan Parks	10,145			<b>10,145</b>
Developer Contributions	29,762	19,327		<b>49,089</b>
Domestic Waste Management	8,035			<b>8,035</b>
Grants	3,794			<b>3,794</b>
<b>Internally Restricted</b>	13,816			<b>13,816</b>
Employee Leave Entitlements	1,685			<b>1,685</b>
Grants	2,535			<b>2,535</b>
Unexpended Loans	5,889			<b>5,889</b>
<b>Total</b>	<b>91,088</b>	<b>33,307</b>	<b>14,908</b>	<b>139,303</b>

Note: Restricted Funds Summary updated September 2009

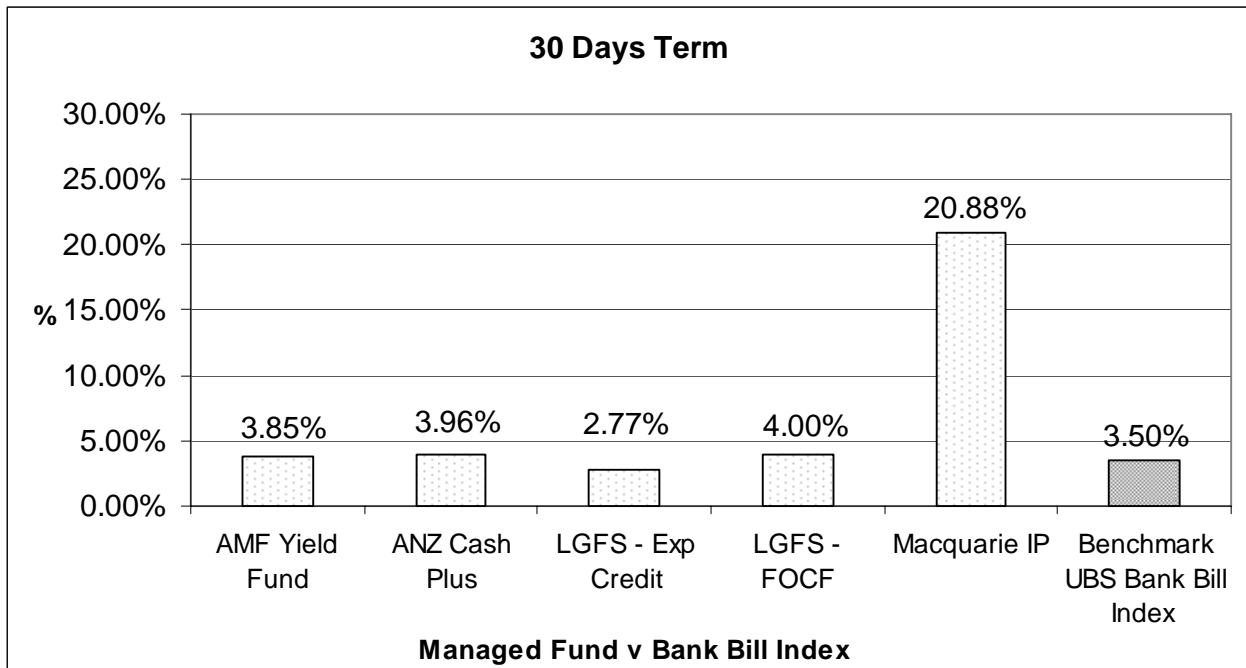
**2. CURRENT INVESTMENT PORTFOLIO BY CATEGORY**



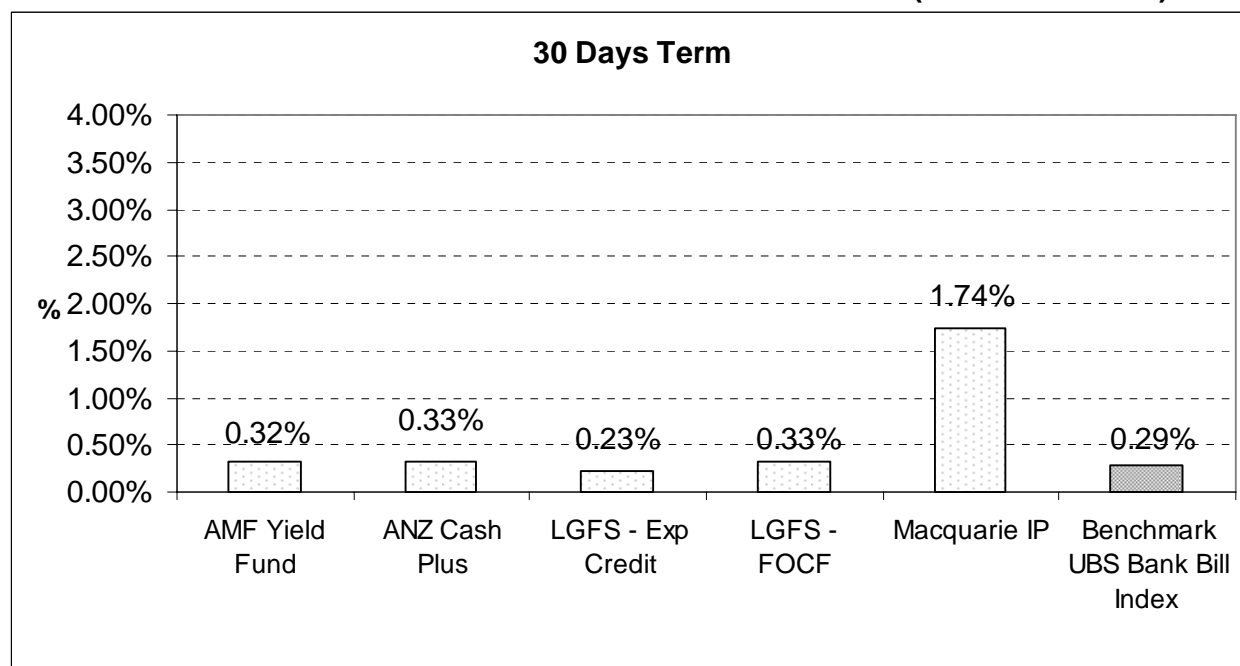
**3. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)**



**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	4.43%	\$1,107,691	\$1,111,105	\$3,414	Monthly
ANZ Cash Plus	AA	3.54%	\$888,078	\$888,797	\$718	Monthly
LGFS - Enhanced Cash	n/a	22.32%	\$5,591,566	\$5,604,156	\$12,590	Quarterly
LGFS - FOCF	AA-	25.57%	\$11,389,272	\$6,419,037	\$29,766	Monthly
Macquarie IP	A	44.14%	\$10,909,836	\$11,081,196	\$171,361	Quarterly
<b>Total</b>		<b>100%</b>	<b>\$29,886,442</b>	<b>\$25,104,291</b>	<b>\$217,849</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	2,280,000.00	7.28	AA
Bond	08/11/2011	ANZ	1,000,000.00	1,043,440.00	5.15	AA
Bond	22/04/2013	ANZ	1,000,000.00	1,108,670.00	8.65	AA
Bond	02/12/2010	Bank of Queensland	1,500,000.00	1,526,265.00	5.55	BBB+
Bond	02/12/2010	Bank of Queensland	1,000,000.00	1,017,510.00	6.00	BBB+
Bond	24/09/2012	Westpac	1,000,000.00	1,032,980.00	4.90	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,032,980.00	5.15	AA
FRN	17/08/2010	ANZ	1,000,000.00	981,414.00	3.57	AA
FRN	20/07/2010	CBA	1,000,000.00	999,750.22	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	1,007,926.80	3.60	AA
FRN	21/01/2011	CBA	2,000,000.00	2,015,853.60	3.60	AA
FRN	17/04/2012	CBA	1,000,000.00	1,025,620.38	4.41	AA
FRN	23/11/2012	Deutsche Bank Macquarie/HSB C	1,000,000.00	849,814.00	4.33	A+
FRN	24/01/2011	C	2,000,000.00	1,954,059.80	3.71	A
FRN	08/03/2012	Members Equity	2,000,000.00	1,877,400.00	4.44	BBB-
FRN	26/11/2010	NAB	2,000,000.00	2,008,527.30	3.75	AA
FRN	22/07/2010	Westpac	1,000,000.00	1,004,860.00	4.09	AA
ABS = Asset Backed Security		Total	24,500,000.00	22,767,071.10	4.80	
Bond = Fixed Rate Bond						
CDO = Collateralised Debt Obligation						
FRN = Floating Rate Note						

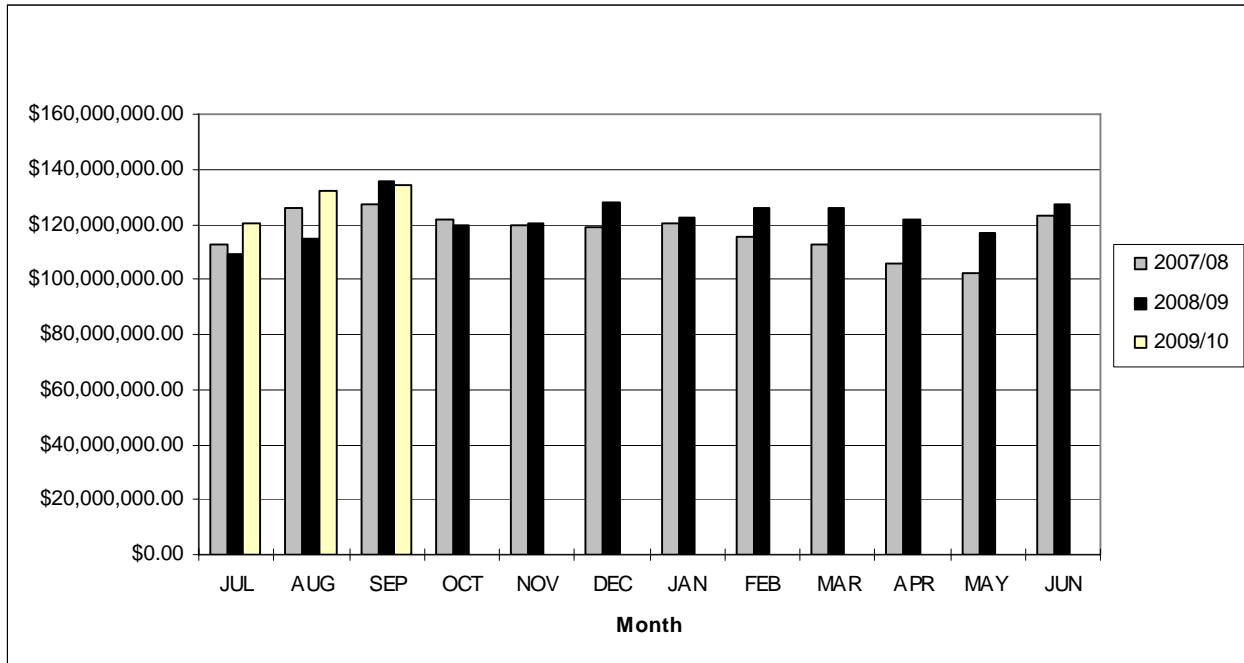
### 8. TERM DEPOSITS

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM (days)	Yield %	INCOME RECEIVABLE
07-Jul-09	06-Oct-09	Heritage Building Society	1,000,000.00	91	4.45	11,094.52
09-Jun-09	07-Oct-09	Suncorp Metway	1,000,000.00	120	4.45	14,630.14
13-Jul-09	12-Oct-09	LGFS	2,000,000.00	91	3.82	19,047.67
01-Jul-09	13-Oct-09	Westpac Bank	4,000,000.00	104	4.45	50,717.81
22-Jul-09	20-Oct-09	Westpac Bank	4,000,000.00	90	4.44	43,791.78
29-Jul-09	27-Oct-09	Westpac	1,000,000.00	90	4.44	10,947.95
28-Apr-09	28-Oct-09	CBA	910,250.00	183	5.87	26,766.21
05-Aug-09	03-Nov-09	National Australia Bank	2,000,000.00	90	4.30	21,205.48
08-Jul-09	10-Nov-09	ANZ	2,000,000.00	125	4.20	28,767.12
11-Aug-09	17-Nov-09	Adelaide/Bendigo Bank	2,000,000.00	98	4.40	23,627.40
18-Aug-09	18-Nov-09	IMB	1,000,000.00	90	4.53	11,169.86
02-Jun-09	01-Dec-09	National Australia Bank	1,000,000.00	106	4.39	12,749.04
10-Jun-09	15-Dec-09	Bank of Queensland	1,000,000.00	188	4.55	23,435.62
01-Jul-09	21-Dec-09	Westpac Bank	5,000,000.00	173	4.57	108,302.74
13-Aug-09	21-Dec-09	Bank of Queensland	3,000,000.00	130	4.45	47,547.95
10-Sep-09	12-Jan-10	Suncorp Metway	2,000,000.00	124	4.70	31,934.25

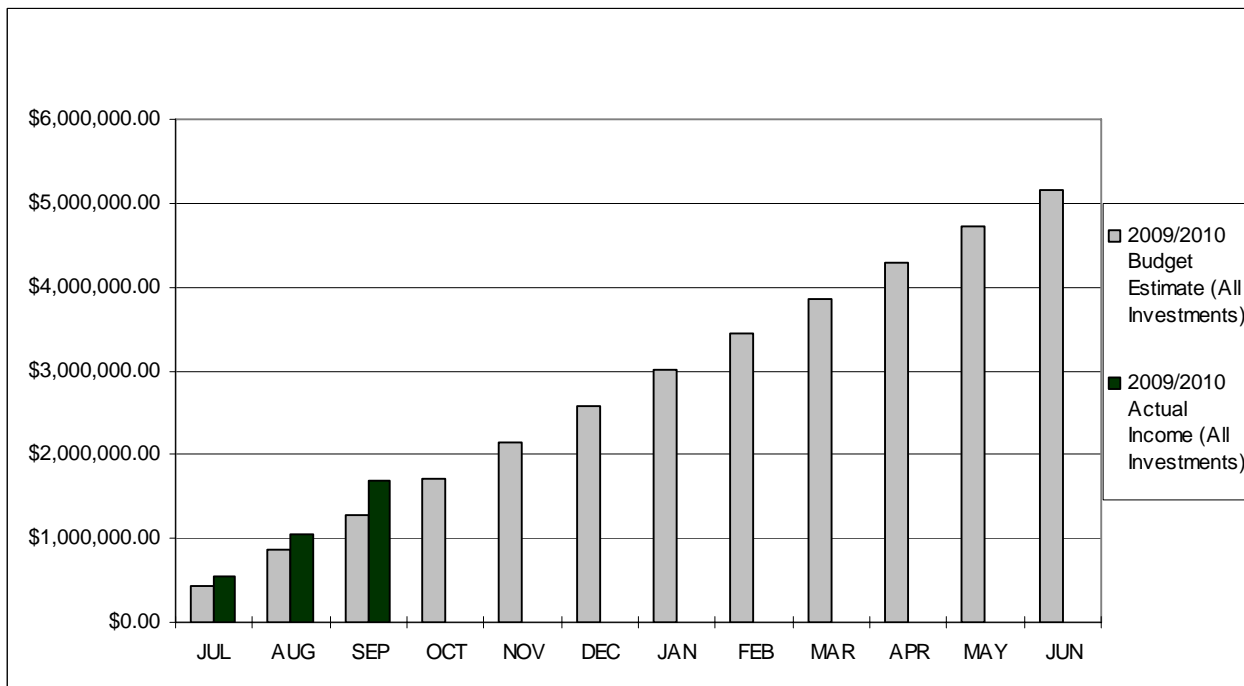
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM (days)	Yield %	INCOME RECEIVABLE
29-Jul-09	19-Jan-10	Westpac	4,000,000.00	174	4.60	87,715.07
10-Sep-09	09-Feb-10	Westpac Bank Newcastle Permanent Building Society	2,000,000.00	152	4.86	40,477.81
13-Aug-09	09-Feb-10	Westpac Bank National Australia Bank	1,000,000.00	180	4.91	24,213.70
21-Aug-09	17-Feb-10	National Australia Bank	4,000,000.00	180	4.80	94,684.93
25-Aug-09	23-Feb-10	National Australia Bank	3,000,000.00	182	5.44	81,376.44
25-Aug-09	23-Feb-10	National Australia Bank	3,000,000.00	182	4.61	68,960.55
01-Sep-09	03-Mar-10	National Australia Bank	8,000,000.00	183	4.93	197,740.27
10-Sep-09	09-Mar-10	National Australia Bank	2,000,000.00	180	4.91	48,427.40
27-May-09	27-May-10	ANZ	2,000,000.00	365	4.45	89,000.00
21-Aug-09	24-Aug-10	Bank of Queensland National Australia Bank	2,000,000.00	368	5.30	106,871.23
01-Sep-09	01-Sep-10	Members Equity Bank	4,000,000.00	365	5.53	221,200.00
07-Jul-09	05-Oct-10	Elders Rural Bank	1,000,000.00	182	4.60	22,936.99
17-Feb-09	16-Feb-11	Adelaide Bendigo Bank	1,000,000.00	729	4.62	92,273.42
17-Feb-09	17-Feb-11	Adelaide Bendigo Bank	2,000,000.00	730	4.70	188,000.00
02-Apr-08	01-Apr-11	Suncorp Metway	3,000,000.00	1095	8.30	747,000.00
28-May-09	30-May-11	LGFS	5,000,000.00	730	4.18	418,000.00
12-Nov-08	11-Nov-11	Suncorp Metway	4,000,000.00	1094	6.88	824,846.03
12-Nov-08	16-Nov-11	Investec Bank	1,000,000.00	1099	6.88	207,153.97
		<b>Total</b>	<b>84,910,250.00</b>	<b>Average return</b>	<b>4.90</b>	



**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	\$1,500,000.00	\$1,500,000.00	2.95%	-0.55%
Managed Funds	\$25,104,291.20	\$25,104,291.20	7.09%	3.59%
Direct Securities Investments	\$24,500,000.00	\$22,767,071.10	4.80%	1.30%
Term Deposits	\$84,910,250.00	\$84,910,250.00	4.70%	1.20%
	\$136,014,541.20	\$134,281,612.30	3.50%	Benchmark 30 Day UBS Bank Bill Index

**12. SECTION 94 DEVELOPER CONTRIBUTIONS - MONTHLY BALANCES REPORT - PERIOD ENDING - 30 SEPTEMBER 2009**

<b>No.</b>	<b>Contribution Plan</b>	<b>End of month balance</b>	<b>Contributions received this month</b>
01	DCP3 Open Space	\$3,674,243	\$0
02	Western Drainage	\$454,648	\$0
03	DCP3 Community Facilities	\$33,037	\$0
04	TRCP - road contributions	\$10,764,869	\$7,298
05	Open Space	\$1,345,529	\$3,649
06	Contribution Street Trees	\$183,728	\$0
07	West Kingscliff	\$814,317	\$0
10	Cobaki Lakes	\$161	\$0
11	Libraries	\$1,485,875	\$1,112
12	Bus Shelters	\$37,393	\$0
13	Cemeteries	-\$2,941	\$229
14	Mebbin Springs	\$68,391	\$0
15	Community Facilities	\$1,214,208	\$1,752
16	Surf Lifesaving	\$412,421	\$1,179
18	Council Admin - Tech Support	\$1,524,792	\$11,074
19	Kings Beach	\$1,043,015	\$0
20	Seabreeze Estate	\$571	\$0
22	Shirewide Cycleways	\$434,290	\$1,412
23	Shirewide Carparking	\$1,516,770	\$0
25	Salt Development	\$772,797	\$0
26	Plan 26 Shirewide Open Space	\$3,964,183	\$7,150
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
93	Const Roundabout West Murwillumbah	\$0	\$34,855
95	Bilambil Heights	\$490,121	
96	Community Fac Shire Wide	\$68,156	
<b>Total</b>		<b>\$30,560,948</b>	<b>\$69,710</b>

### **13. ECONOMIC COMMENTARY**

#### **Global Economy**

The global economy is resuming growth. With economic policy settings likely to remain expansionary for some time, the recovery will likely continue during 2010 and forecasts are being revised higher. The expansion is generally expected to be modest in the major countries, due to the continuing legacy of the financial crisis. Prospects for Australia's Asian trading partners appear to be noticeably better. Growth in China has been very strong, which is having a significant impact on other economies in the region and on commodity markets. For Australia's trading partner group, growth in 2010 is likely to be close to trend.

Sentiment in global financial markets has continued to improve. Nonetheless, the state of balance sheets in some major countries remains a potential constraint on their expansion.

The US economy shrank 3.8% in the last year, making this the deepest recession since the 1930s. Meanwhile, New Zealand's GDP expanded for the first time in 18 months. Both the NZ Central bank and the government want to ensure the next phase of growth in New Zealand is led by exports and investment rather than consumption and borrowing.

#### **Domestic Economy**

The Reserve Bank of Australia (RBA) at its meeting of 7 October, 2009 decided to raise the cash rate by 25 basis points to 3.25 per cent.

Economic conditions in Australia have been stronger than expected and measures of confidence have recovered. Some spending has probably been brought forward by the various policy initiatives. As those effects diminish, these areas of demand may soften. Some types of capital spending are likely to be held back for a while by financing constraints, but it now appears that private investment will not be as weak as earlier expected. Medium-term prospects for investment appear to be strengthening. Higher dwelling activity and public infrastructure spending is also starting to provide more support to spending. Overall, growth through 2010 looks likely to be close to trend.

Unemployment has not risen as far as had been expected. The weaker demand for labour over the past year or so has seen a moderation in labour costs. Helped by this and the earlier fall in energy and commodity prices, inflation has been declining, though measures of underlying inflation remained higher than the target on the latest reading. Underlying inflation should continue to moderate in the near term, but now will probably not fall as far as earlier thought.

Housing credit growth has been solid and dwelling prices have risen appreciably over the past six months. The RBA has also shown concern that an asset price "bubble" is emerging in Australian property prices, much the same as occurred in the US, UK and parts of Europe.

Business borrowing has been declining, as companies have sought to reduce leverage in an environment of tighter lending standards. Large firms have had good access to equity capital and access to debt markets appears to be improving, helped by the better-than-

expected economic conditions and increased willingness on the part of investors to accept risk. Share markets have recovered significant ground.

Interest rates facing prospective borrowers on fixed-rate loans have already risen to some extent, as markets have anticipated a higher level of the cash rate. For many business borrowers, increases in risk margins will still be occurring for some time yet. In addition, the exchange rate has appreciated considerably over the past year, which will dampen pressure on prices and constrain growth in the tradeables sector. These factors have been carefully considered by the Board.

In late 2008 and early 2009, the cash rate was lowered quickly, to a very low level, in expectation of very weak economic conditions and a recognition that considerable downside risks existed. The basis for such a low interest rate setting has now passed. With growth likely to be close to trend over the year ahead, inflation close to target and the risk of serious economic contraction in Australia now having passed, the RBA's view is that it is now prudent to begin gradually lessening the stimulus provided by monetary policy. This will work to increase the sustainability of growth in economic activity and keep inflation consistent with the target over the years ahead.

### 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 7.09% annualised for the month or 3.59% above benchmark, compared with bonds 4.80% and term deposits 4.70%. This significant out-performance again draws attention to the volatile returns experienced by fund managers during the last two (2) years.

An indication of Portfolio performance is provided by totalling investment income for the month and disregarding changes in capital values. Council had \$134,281,612 invested as at 30 September, 2009 and the accrued net return on these funds was \$649,639.81 or 5.80% annualised for the month.

*Source: Oakvale Capital Limited*

## 14. INVESTMENT SUMMARY AS AT 30 SEPTEMBER 2009

### GENERAL FUND

COLLATERISED DEBT OBLIGATIONS	0.00	
COMMERCIAL PAPER	0.00	
CORPORATE FIXED RATE BONDS	\$9,041,845.00	
FLOATING RATE NOTES	\$13,725,226.10	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	5,188,869.37	
TERM DEPOSIT - LOAN 104 OFFSET	910,250.00	
TERM DEPOSITS	51,000,000.00	
CALL ACCOUNT	1,500,000.00	<b>81,366,190.47</b>

### WATER FUND

TERM DEPOSITS	28,000,000.00	
FUND MANAGERS	17,273,218.41	<b>45,273,218.41</b>

### SEWERAGE FUND

TERM DEPOSITS	5,000,000.00	
FUND MANAGERS	2,642,203.42	<b>7,642,203.42</b>

<b>TOTAL INVESTMENTS</b>		<b>134,281,612.30</b>
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It should be noted that the General Funds investments of \$81 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

**Statutory Statement - Local Government (General) Regulation 2005 Clause 212**

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



**Chief Financial Officer  
(Responsible Accounting Officer)**

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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**58 [TCS-CM] Pecuniary Interest Returns 2008/2009**

**ORIGIN:**

**Corporate Compliance**

**SUMMARY OF REPORT:**

The Pecuniary Interest Returns for the period 1 July 2008 - 30 June 2009 are tabled in accordance with Sections 449 and 450A of the Local Government Act 1993.

**RECOMMENDATION:**

**That the Pecuniary Interest Returns for the period 1 July 2008 to 30 June 2009, as tabled, be received and noted.**

**REPORT:**

Section 449 of the Local Government Act 1993 requires the General Manager to obtain returns disclosing interest of Councillors and designated persons.

Section 450(a)(2) of the Local Government Act 1993 requires the General Manager to table such returns at the first meeting of Council held after the last day for lodgement of the returns, that date being 30 September 2009.

The returns relate to the period 1 July 2008 - 30 June 2009 and are available for inspection by members of the public.

**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

### 59 [SUB-SAC] Minutes of the Sports Advisory Committee Meeting held Monday 7 September 2009

Venue:

South Sea Islander Room, Tweed Heads Civic Centre

Time:

5.00pm

Present:

Councillor Kevin Skinner, Councillor Dot Holdom, Stewart Brawley, Merve Edwards, Linda Threlfo, Joanne Watters, Rob Neinhuis, Robert Gent

Apologies:

Nil

Minutes of Previous Meeting:

This meeting is the first meeting of the new Committee.

Stewart Brawley welcomed the Committee members and thanked them for volunteering their time to serve on the Committee. The objectives and functions of the Committee were outlined.

Nominations for Chairperson were called for.

Cr Skinner nominated Cr Holdom. The nomination was seconded by Merve Edwards and accepted by Cr Holdom. No other nominations were received.

Moved: Cr Skinner

Seconded: Merve Edwards

Business Arising:

Not applicable

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Correspondence Inwards:

Tennis Terranora

Tennis Terranora advised Council that they do not wish to be involved in the Arkinstall Park project and withdraw any previous commitment to support or involvement. Tennis Terranora also advised that they will investigate development of a facility at the previously considered site within the Bilambil Sports Complex or another site, offering opportunities for a permanent base.

The Committee discussed the constraints of the Bilambil site. Stewart Brawley noted that a new sports field area in Terranora may be available as an alternative site.

---

Pottsville Beach Tennis Club

Pottsville Beach Tennis club have requested that Council allocate a minimum of 1 hectare of the planned Black Rocks Sportsfields to the club for future relocation. This is consistent with Councils planning for this site and is supported by the Committee.

---

Agenda Items:

1. Lachlan Sherrington - Good Sports

Lachlan presented the "Good Sports Program" to the Committee. The Good Sports Program is an alcohol harm minimisation program delivered through the Australian Drug Foundation and part funded by the Roads and Traffic Authority. The program is based at community sports clubs to develop the clubs capacity to build and foster safe, healthy and family friendly environments. The program includes a club support officer to implement the program with member clubs within the region. Kits are supplied to clubs and they are assisted in progressing through the various levels of 'accreditation over a number of years.

The program seeks to partner with local councils through a Community Partnership Agreement.

Council's obligations under the agreement are a contribution of \$2,200.00 (GST inc) to aid in the cost of implementing the program, and support of the program through Councils strategic directions and policies.

The Committee considered the program an excellent initiative and one Council should support. The Committee supports the funding of the program from the sportsfields assets reserve fund.

Moved: Merve Edwards

Seconded: Linda Threlfo

RECOMMENDATION:

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That:-

1. That the Committee recommends that Council enter into a community partnership agreement with the Australian Drug Foundation for the Good Sports Program. The annual fee is to be funded from the sportsfields assets reserve fund.
2. That Council considers incentives for clubs that participate in the program through rebates of the seasonal licence fees.

---

2. Sportsfield Officer

Stewart Brawley outlined the rational and roles of the recently appointed Sportsfields Officer. The role is an expansion of an existing Gardener Tradesperson Position and the time spent on the sportsfields officer role will be funded from the sports fields assets reserve fund.

The Committee expressed support and enthusiasm for the role, recognising the potential that this may well evolve into a full time role.

---

3. Assets Reserve Funds

Stewart Brawley gave the Committee the background to the assets reserve fund and current status.

An application from Pottsville Cricket Club was considered. The Club is requesting \$7,000 contribution to the construction of cricket nets at Seabreeze. The Committee noted that the club had not made any financial contribution and accordingly, agreed to match whatever financial contribution the club make up to a maximum of \$3,500.

---

4. Arkinstall Park

Stewart Brawley gave the Committee the background to the Arkinstall Park Masterplan and Feasibility study consultancy. This has turned into a saga with individuals leaving the contracted consultancy and the firm being sold. All of the preliminary work of community and stakeholder consultation, design development etc was completed and a Masterplan for the site agreed upon. It has been extremely difficult getting the documentation finalised with the issues described above. A "Notice to Show Cause" was sent to the consultants who responded with some timelines to present the finished documentation. A draft final report is to be with Council within two weeks.

---

5. Depot Road

Stewart Brawley gave the Committee the background to the development of the proposed Depot Road sportsfields and presented the site plans.

---

6. Bounce Back

Bounce Back is a communications tool that Council has implemented that will provide the community with another option for attaining up to date information on field closures, beach closures, road closures etc. People will be able to text a code to a number on their mobile and receive back information on status of the code enquiry they have used.

---

7. Tweed Academy of Sport

Stewart Brawley declared an interest in this item as he is on the board of the North Coast Academy of Sport.

A proposal for the initiation of a Tweed Academy of Sport was tabled to the Committee. The Committee had a number of questions regarding the proposed academy such as support from sporting associations, other academies, pathways etc. The Committee considered they needed the opportunity to read the information and make further enquiries.

It was decided to invite the proponent to the next Committee meeting to discuss the proposal and answer questions.

---

General Business:

8. Walter Peate - Repco Rally

Merve Edwards enquired whether the rally would be responsible for any repairs to Walter Peate if required. The Committee was advised that the Rally have undertaken to repair any damage incurred.

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Next Meeting:

The next meeting of the Sports Advisory Committee will be held at Tweed Civic Centre on Monday 2 November 2009.

The meeting closed at 7.15pm

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

**1. Lachlan Sherrington - Good Sports**

**Recommendation 2 is not supported as it has an adverse budget implication.**

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**1. Lachlan Sherrington - Good Sports**

**That the Committee's recommendation being:**

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***That:-***

- 1. That the Committee recommends that Council enter into a community partnership agreement with the Australian Drug Foundation for the Good Sports Program. The annual fee is to be funded from the sportsfields assets reserve fund.***
- 2. That Council considers incentives for clubs that participate in the program through rebates of the seasonal licence fees.***

**be amended to read:-**

***"That Council enter into a community partnership agreement with the Australian Drug Foundation for the Good Sports Program. The annual fee is to be funded from the sportsfields assets reserve fund."***

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**60 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 24 September 2009**

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 9.00am

PRESENT:

Committee Members: Cr Barry Longland, Snr Constable Paul Henderson, NSW Police, 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 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, Mr Ray Clark.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 27 August 2009 be adopted as a true and accurate record of proceedings of that meeting

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC] Schedule of Outstanding Resolutions 24 September 2009

1. [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:

From Meeting held 27/8/09 (Item B1)

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.

*Current Status: That Item B1 from Local Traffic Committee meeting held 27 August 2009 remain on the list of Outstanding Resolutions.*

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2. [LTC] Old Lismore Road, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3999809; Traffic - Committee; Safety; Old Lismore Road; Bus Services - Routes

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B4)

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.

*Current Status: That Item B4 from Local Traffic Committee meeting held 27 August 2009 remain on the list of Outstanding Resolutions.*

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3. [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:

From Meeting held 27/8/09 (Item B6)

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.

Comments from Meeting held 24 September 2009:

The Chairman advised that the width of Healy Lane, Fingal Head is 5.2m, which is enough width to allow a car to be parked and for another vehicle to pass.

Correspondence is being awaited regarding the Progress Association's thoughts on removal or otherwise of the existing bollards in Healy Lane.

*Current Status: That Item B6 from Local Traffic Committee meeting held 27 August 2009 remain on the list of Outstanding Resolutions.*

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4. [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

*"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.*

*..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street."*

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

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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.

*Current Status: That Item B7 from Local Traffic Committee meeting held 27 August 2009 remain on the list of Outstanding Resolutions.*

- 
5. [LTC] Tomewin Road, Dungay

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948848; Traffic - Committee; Speed Zones; Tomewin Road; Dungay Creek Road

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B9)

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.

*Current Status: That Item B9 from Local Traffic Committee meeting held 27 August 2009 remain on the list of Outstanding Resolutions.*

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BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Bus Stops - Installation of J Poles

This item was dealt with later in the meeting at item B6.

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A2 [LTC] NSW Fire Brigade Fire Station - Marine Parade, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 5246358; Parking Infringement Notice; Fire Services; Traffic - Parking Zones; Traffic - Committee; Directional signs; Marine Parade; LN 28549

SUMMARY OF REPORT:

Request received in relation to the "No Stopping" sign that is located in front of the NSWFB Fire Station at 152 - 154 Marine Parade, Kingscliff.

*"In the past few months the sign has created some problems for the effective response of crews to incidents in the Kingscliff and Tweed districts. Due to nature of the street in front of the Station there is limited parking for crews who are responded to the Station for call outs. Crews are required to respond with haste to any call out requiring close to Station parking.*

*A Council Ranger attended the Station and informed staff that if they parked outside the Fire Station in the confined area that they would receive a parking fine. Crews gave information to the ranger about callouts, but he still refused to listen, stating that unless the sign was removed he was bound to carry out his duty.*

*I in turn contacted Tweed Shire and was informed same.*

*I would like to request The Traffic Committee consider that the sign be changed to Fire Service Personnel Only. This would solve any parking issues at times of response and also outside of these callouts limit any other people parking in the area. All Firefighters cars are identified by NSWFB emblem.*

*Also I have attached copy of a Infringement Notice that I believe is excessive for a firefighters vehicle that was fined for parking in said area.*

*If the Committee could consider this notice 3021122381 dated 22/6/2009 and consider the relinquishment of the penalty as the firefighter was needed to attend a property incident at Cabarita on this day.*

Installation of Fire Service Personnel Only signs is not in accordance with relevant guidelines and is not recommended. An alternative would be to remove the "No Stopping" signs from the Marine Parade frontage of the Fire Station. The Station Commander has advised that the Marine Parade access is used only by pedestrians and not vehicles. The Commander has no objection to the removal of the "No Stopping" signs which appear unwarranted at this location and were possibly installed to improve the sight distance for fire vehicles exiting the fire station directly onto Marine Parade.

Council officers have no objection to the removal of the "No Stopping" signs at this location.

#### RECOMMENDATION TO COMMITTEE:

That the existing "No Stopping" signs located on Marine Parade (west side) between Kingscliff Lane, Kingscliff and the Fire Station entrance be removed.

#### RECOMMENDATION TO COUNCIL:

That the existing "No Stopping" signs located on Marine Parade (west side) between Kingscliff Lane, Kingscliff and the Fire Station entrance be relocated and the arrow amended, as necessary, to enable parking outside the Fire Station from the Fire Station driveway to the adjacent Street.

*FOR VOTE - Unanimous  
PRESENT. DID NOT VOTE - Col Brooks*

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B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Marine Parade, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM5193122; Traffic - Committee; Traffic - Speed Zones; Traffic - Safety; Traffic - Local Area Traffic Management - LATM; Marine Parade, Kingscliff

SUMMARY OF REPORT:

Request received for conversion of the existing 40km/h lineal speed in Marine Parade, Kingscliff to a 40km/h High Pedestrian Zone. The Roads and Traffic Authority has requested that the Committee endorse this prior to issuing a schedule of works for the project.

The 40km/h lineal speed signs differ from the 40km/h High Pedestrian Zone signage in that additional information is provided on the sign to advise motorists of high pedestrian activity which is the case along Marine Parade, Kingscliff near the retail/shopping area.

The 40km/h signs will be replaced with 40km/h High Pedestrian Zone signage and associated road numerals.

COMMITTEE ADVICE:

The Committee noted the proposed installation of a 40km/h High Pedestrian Zone signage and associated road numerals on Marine Parade, Kingscliff.

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B2 [LTC] Tweed Valley Way, Burringbar

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 5068809; Traffic - Committee; Traffic - Cycleways - Other; Tweed Valley Way;

SUMMARY OF REPORT:

Request received for:-

1. Consideration of a safety rail between the road and path for the bicycle path between Burringbar and Mooball on Tweed Valley Way.
2. Reduction in speed limit to 50 km/hr on Tweed Valley Way from Burringbar to Mooball.

3. Installation of fixed speed cameras on Tweed Valley Way between Burringbar and Mooball.

The Local Traffic Committee considered at its February 2008 meeting a request to reduce the speed limit through Burringbar on Tweed Valley Way to 50 km/hr. The Committee at that meeting considered that the existing 60 km/hr speed limit was adequate and that the matter of speeding should be referred to Police.

Since receiving this correspondence additional delineation measures have been installed and Council officers will assess the adequacy.

The Committee considered the reduction of speed limit to 50 km/hr as unnecessary and has previously been discussed by Local Traffic Committee.

The issue of speed cameras could not be discussed because the Roads and Traffic Authority of NSW Representative was not present.

The Committee felt that speed cameras were possibly not warranted at this location.

COMMITTEE ADVICE:

That the Committee notes the concerns contained within the correspondence relating to the new cycleway on Tweed Valley Way between Burringbar and Mooball, however no action be taken as additional delineation measures have been installed.

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B3 [LTC] Crescent Street, Cudgen

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 5050277; 4817393; Traffic - Committee; Speed Zones; Control; Safety; Crescent Street, Cudgen

SUMMARY OF REPORT:

Two requests received in relation to:-

Submission 1:-

*"constant speeding, hooning etc. in the street and the noise and speed of buses. As a result of much discussion it was resolved unanimously to request that Council install low speed bumps in the street for a trial period of three months, and, if these prove to be unsuccessful they should then be removed.*

*A majority of Crescent Street resident have been unhappy about these traffic issues and this Association has been writing to Council about the problem at least since 2004."*

Submission 2:-

*"Although there is a 50km limit along the whole street, speeding traffic would seem to be causing serious concerns for residents, some of whom have to use it for pedestrian access into Cudgen, mainly to walk young children to school. Also, it has been stated that the current bus access in Crescent St does not meet RTA standards.*

*The street is narrow, steep and with a rough surface in parts. Although it was never intended as such, Crescent St is obviously used as a short cut for traffic from the Tweed Coast Rd onto the Cudgen plateau and beyond. I support the resident's call for reconsideration of their case for some form of traffic calming. They are suggesting a trial of low rise rubber "speed bumps" as a possible cost effective means of addressing the problem."*

Council's traffic database shows the following most recent traffic data for Crescent Street, Cudgen (south of Redman Lane):-

- Average Daily Traffic: 585 vpd (7 September 2007)
- 85<sup>th</sup> percentile speed: 50km/h (7 September 2007)
- No reported accidents (2004-2007)

From this data, the provision of speed calming devices in Crescent Street, Cudgen is not justified as the current speed limit reflects the speed environment.

The matter of speeding vehicles was considered by the Local Traffic Committee at its meeting of 18 March 2004. The Committee noted speed readings taken in the area (week ending 11 March 2004). Generally, the traffic count data indicated that there is not a speeding problem as the 85<sup>th</sup> percentile speed on Crescent Street is 51.5 km/h and Cudgen Road 60.8 km/h, which reflects the speed zones on these streets. The Committee resolved to take no further action. Crescent Street is the commercial bus route.

#### COMMITTEE ADVICE:

That:-

1. NSW Police consider additional taskings for speed enforcement through Crescent Street, Cudgen.
2. Council officers prepare a report to Council regarding this matter for its meeting scheduled for 20 October 2009.

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B4 [LTC] Tweed Valley Triathlon Series 2009/2010

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3949718; Traffic - Committee; Traffic - Safety; Sport and Recreation - General; Roads - General; Bicycle Matters - General; Cane Road, Murwillumbah Street, Tumbulgum Road, Queensland Road, Wharf Street,

and Old Ferry Road, Murwillumbah; Cane Road, and Racecourse Road, Tyngah

SUMMARY OF REPORT:

Request received for Local Traffic Committee endorsement of Tweed Valley Triathletes Inc. triathlon series for 2009/2010 being conducted in and around Murwillumbah.

This application is for:-

*"...season commencing Saturday 19<sup>th</sup> September 2009 and concluding Saturday 20<sup>th</sup> March 2010."*

Senior (adult) course: *"The cycle and run leave from the Tweed Regional Aquatic Centre." The cycle leg consists of a circuit which includes Tumbulgum Rd, Cane Road, Queensland Road, Murwillumbah St and Wharf St. The run leg goes along Tumbulgum Rd and then into Racecourse Rd for 1km and returning the same way."*

Intermediate (adult) course: *"...includes a 7km cycle leg along Tumbulgum Rd, Racecourse Rd, Queensland Rd, Murwillumbah St and Wharf St and a 2km run leg from the pool to the Tumbulgum Rd/ Racecourse Rd intersection and return."*

Junior course: *"includes a 3km cycle along Tumbulgum Rd, part way along Racecourse Rd and return and a 1km run to the Old Ferry Rd/ Tumbulgum Rd intersection and return"*

These criteria have been successfully conducted in previous years.

It is recommended that the events be approved subject to standard conditions and Police approval if required.

COMMITTEE ADVICE:

That the Tweed Valley Triathletes Inc. triathlon series for 2009/2010 events be approved subject to standard conditions and Police approval.

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B5 [LTC] Kyogle Road, Uki

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 4475822; 4967392; 5250438; Traffic - Committee; Speed Zones; Pedestrian Crossings; Safety; School Zones; Traffic - General; Smiths Creek Road; Kyogle Road

SUMMARY OF REPORT:

Two requests have been received in relation to the pedestrian crossing in Uki:-



- *"the traffic through Uki is increasing all the time and this will continue to do so now that the Nightcap Development has been approved.*
- *Trucks come thundering down the hill and couldn't possibly stop if someone stepped out onto the road.*
- *Cars overtake on the crossing, make illegal U-turns, park on it and use it as a drop off and pick up area, generally ignoring it.*
- *Even though the village is a 50 km/hr zone (and 40 km/hr for the School Zone) very few drivers take notice of the speed limit - Council has indicated that they have monitored speed and found it to be satisfactory.*
- *The school would like flashing lights.*
- *The suggestion of a 'raised crossing' which would force vehicles to slow down."*

Kyogle Road is a major distributor road and a classified road in Tweed Shire. The advice of the Roads and Traffic Authority of NSW should be sought for both the installation of a raised pedestrian crossing and flashing lights.

Council's traffic data indicates the following for Kyogle Road through the Uki village for the week ending 20 February 2008:-

85<sup>th</sup> percentile speed 58km/hr

Average Daily Traffic 2,500 vehicles per day (vpd) (2005 - 2,649 vpd, 2001 - 2,445 vpd)

Crash data indicates that there have been no recorded pedestrian incidents over the last 5 years.

Renae Harding P & C Association, Uki Public School, Maggie Wilkins-Russell, Area Coordinator, Uki Neighbourhood Watch and the Principal of UKI Public School, Mr Jeffrey Robinson addressed the Committee with the following comments:-

*"The ongoing problems of vehicles speeding through the Uki village and across the pedestrian crossing has become an urgent situation. During consultation with Council in 2002 and 2007 many issues were raised regarding traffic calming. The village speed limit is totally disregarded and motorists seem to still be travelling at 80 km/hr within the village. Everyone in the village has a horror story about the pedestrian crossing. Hoons do burn outs on the crossing and sometimes vehicles overtake other vehicles at the crossing.*

*The crossing possibly needs a change in texture and colour. There is also no defining points indicating the 'start' and 'end' of the village. The volume of traffic is also increasing. Consideration needs to be given for something obvious to force traffic to slow down, maybe speed cameras or a change of texture or colour leading to the crossing or installation of chicanes or narrow the road. Speed bumps are not considered appropriate due to noise issues with heavier vehicles.*

*From the School's perspective, Mr Jeffrey Robinson tabled a letter and petition and support from other schools. School operation is from 8.50am to 2.50pm. However, it needs to be remembered that other schools use the crossing starting much earlier in the morning to catch buses.*

*Mr Robinson advised that he had personally witnessed near misses on the crossing during the last 20 weeks that he has been at the School with parents having to drag children back when it is realised that a vehicle has no intention of stopping. The sound of screeching tyres occurs on a daily basis. The school flags are put out each day at 8.00am and removed at 3.20pm and have been left out all day as an extra precautionary tactic.*

*Parked cars often obscure the crossing signs. The 50km/hr speed limit is absolutely non existent at the southern end of Uki village.*

*Consideration of flashing 40 km/hr school zone signs is requested from 7:00am (due to children crossing the road to catch buses) and similar to the signs in Murwillumbah to clearly indicate to drivers that they are approaching the school. Also raised crossings are requested as they would be more easily seen. It was requested that existing signs and the crossing should be repaired. Tree plantings on the sides of the road could also give the impression to motorists to slow down.*

*The main bus stop for high school students is on the opposite side of the road at The Buttery with bus stops on both sides of the road for the interchange of students."*

The Committee noted that Council has previously resolved to consider a report on traffic safety measures in the village, which is currently being prepared.

COMMITTEE ADVICE:

That:-

1. Council officers consider re-linemarking all delineation lines and speed zone stencils throughout Uki village.
2. Council officers consider providing a low profile pedestrian crossing at the same location of the existing pedestrian crossing subject to discussion with the Roads and Traffic Authority of NSW.
3. Council officers discuss the possibility of installing the flashing 40 km/hr School Zone signs at the Uki School with the Roads and Traffic Authority of NSW.

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B6 [LTC] Bus Stops - Installation of J Poles

ORIGIN:  
Planning & Infrastructure

FILE NO: ECM 5194205; Traffic - Committee; Traffic - Parking Zones; Transport - Bus Services - Stops

SUMMARY OF REPORT:

The Chairman requested that this item be moved to the Informal Items Section B6 as LTC formal approval is not required.

Request received for the installation of "J Poles" along existing bus routes at locations where bus shelters are not provided.

When the "J Poles" are installed, the same parking restriction that applies to a bus zone will apply at each location. The sign on the "J" pole shows a bus symbol as shown on the photograph in the attachment.

Locations:

"J" Pole Installations	
Route 608	
Location	Bus Stop No.
Wharf Street (opp Tweed Bowls)	60027
Wharf Street (Tweed Village Shops)	60029
Mugga Way (F/S Ducat St)	
Quaterdeck (opp Anchorage)	
Norman Street (opp Margaret St)	
Kennedy Drive F/S Diamond Place	
Kennedy Drive - Caltex (Opp Rose Street)	60153
Kennedy Drive (No.184)	60181
Kennedy Drive (No.208)	60165
Scenic Drive (opp Warranga Drive)	
Scenic Drive (opp Mount Bilinga Circuit)	60175
Simpson Drive (O/S No.S4)	60177
Route 601	
Location	Bus Stop No.
O/S No.3 McPhail Street	
Ducat Street (cnr Mendian)	pull-off
Kennedy Drive - Caltex (opp Rose Street)	on-road
Kenney Drive (No.184)	on-road
Kennedy Drive (No.208)	on-road
Lakes Drive (opp Jacaranda Avenue)	on-road
Sunset Boulevarde (opp Poinsettia Avenue)	on-road
Sunset Boulevarde (opp Red Bass Avenue)	on-road
Jacaranda Avenue (No.70)	on-road
Jacaranda Avenue (No.38)	on-road
Scenic Drive (opp Mount Bilinga Circuit)	on-road
Simpson Drive (No.34)	on-road
Route 603	
Location	Bus Stop No.
Ti-Tree Avenue (opp Cassidy Crescent)	on-road
O/S 35 Sandlewood Drive	on-road
Hastings Point Holiday Village (opp)	on-road
Coast Road (near Efran Street)	on-road
Coast Road (near Pottsville Beach Motel)	on-road
Coast Road (past Coronation Avenue)	on-road
Overall Drive (opp Balmoral Street)	on-road
Overall Drive (opp Taylor Drivet)	on-road

Pre-Committee advice from an Roads & Traffic Authority of NSW Representative was that "Parking restrictions that apply to a 'bus stop' under Road Rule 195 are 20m before and 10m after the bus stop sign. This is appropriate for the installation of J Poles. If it was a 'bus zone' (road Rule 183), then each end of the zone would need to be signposted. On another note - J Poles, like bus Stops, can be approved by Council under the Passenger Transport Regulation. They do not require referral to LTC. Bus Zones, however, are regulatory devices and do require referral to LTC and approval under the delegation."

#### RECOMMENDATION TO COMMITTEE:

That the bus stop locations be approved as follows:-

Route 608	
Location	Bus Stop No.
Wharf Street (opp Tweed Bowls)	60027
Wharf Street (Tweed Village Shops)	60029
Mugga Way (F/S Ducat St)	
Quaterdeck (opp Anchorage)	
Norman Street (opp Margaret St)	
Kennedy Drive F/S Diamond Place	
Kennedy Drive - Caltex (Opp Rose Street)	60153
Kennedy Drive (No.184)	60181
Kennedy Drive (No.208)	60165
Scenic Drive (opp Warranga Drive)	
Scenic Drive (opp Mount Bilinga Circuit)	60175
Simpson Drive (O/S No.S4)	60177
Route 601	
Location	Bus Stop No.
O/S No.3 McPhail Street	
Ducat Street (cnr Mendian)	pull-off
Kennedy Drive - Caltex (opp Rose Street)	on-road
Kenney Drive (No.184)	on-road
Kennedy Drive (No.208)	on-road
Lakes Drive (opp Jacaranda Avenue)	on-road
Sunset Boulevarde (opp Poinsettia Avenue)	on-road
Sunset Boulevarde (opp Red Bass Avenue)	on-road
Jacaranda Avenue (No.70)	on-road
Jacaranda Avenue (No.38)	on-road
Scenic Drive (opp Mount Bilinga Circuit)	on-road
Simpson Drive (No.34)	on-road
Route 603	
Location	Bus Stop No.
Ti-Tree Avenue (opp Cassidy Crescent)	on-road
O/S 35 Sandlewood Drive	on-road
Hastings Point Holiday Village (opp)	on-road
Coast Road (near Efran Street)	on-road
Coast Road (near Pottsville Beach Motel)	on-road
Coast Road (past Coronation Avenue)	on-road
Overall Drive (opp Balmoral Street)	on-road
Overall Drive (opp Taylor Drivet)	on-road

#### COMMITTEE ADVICE:

That Council officers consider informing the public about the recent J Pole installations and parking around bus stops generally.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 29 October 2009 in the Mt Warning Meeting Room commencing at 9.00am.

There being no further business the Meeting terminated at 10.50am.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**A2 [LTC] NSW Fire Brigade Fire Station - Marine Parade, Kingscliff**

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

***"That the existing "No Stopping" signs located on Marine Parade (west side) between Kingscliff Lane, Kingscliff and the Fire Station entrance be relocated and the arrow amended, as necessary, to enable parking outside the Fire Station from the Fire Station driveway to the adjacent Street."***

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**61 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 2 October 2009**

VENUE:

Tweed Heads Civic Centre Meeting Room

TIME:

9am

PRESENT:

Mayor Polglase (Tweed Shire Council), Councillor Holdom (Tweed Shire Council), Maureen Logan (Community Elder), Jackie McDonald (Tweed Wollumbin AECG), Kyle Slabb (TBLALC), Garth Lena (Minjungbal Community), Vickie Cora ( Bundjalung Aboriginal Home Care), Leweena Williams (TACFS).

NON VOTING MEMBERS:

Councillor Milne, David Oxenham, Lesley Buckley, Lesley Mye.

GUEST/OBSERVERS:

Elize Appo, Josephine Appo, Aubrey Cora, Russell Logan, Chris Appo.

APOLOGIES:

Desrae Rotumah, Marvette Logan, Dr Glenda Nalder, Joyce Summers, Gary Corbett, Des Williams, Chris Morgan.

Moved: Councillor Holdom

Seconded: Garth Lena

RESOLVED that the apologies be accepted

Carried unanimously

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

Maureen Logan opened the meeting with a welcome to all present and paid respect to Elders past and present.

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MINUTES OF PREVIOUS MEETING:

Moved: Jackie McDonald

Seconded: Councillor Holdom

RESOLVED that the minutes of the meeting held Friday 4 September 2009 be accepted as a true and accurate record of the proceedings of that meeting with the following amendments.

Carried unanimously

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First amendment:

Item from Meeting held Friday 1 May 2009

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

2<sup>nd</sup> paragraph

*Mayor van Lieshout advised that she had met with persons who had provided information in relation to Aboriginality and other related issues. She also advised that she had not been able to meet with other community members as she had not had the time. Committee members questioned the authenticity of this information. Mayor indicated that she would be willing to meet and discuss the issues again at a future date and include the persons, with whom she had already met.*

Should read as follows:

2<sup>nd</sup> paragraph

*Mayor van Lieshout advised that she had met with persons who had provided information in relation to Aboriginality and other related issues. She also advised that she had not been able to meet with other community members as she had not had the time. Committee members questioned the authenticity of this information. Mayor van Lieshout indicated that she would be willing to meet and discuss the issues again at a future date and include the persons, with whom she had already met.*

Seconded amendment:

MINUTES OF PREVIOUS MEETING:

Moved: Max Boyd

Seconded: Joyce Summers

RESOLVED that the minutes of the meeting held Friday 7 August 2009 be accepted as a true and accurate record of the proceedings of that meeting.

Carried unanimously

Should read as follows:

*MINUTES OF PREVIOUS MEETING:*

*Moved: Councillor Holdom*

*Seconded: Joyce Summers*

*RESOLVED that the minutes of the meeting held Friday 7 August 2009 be accepted as a true and accurate record of the proceedings of that meeting.*

*Carried unanimously*

Third amendment:

Moved: Jackie McDonald

Seconded: Max Boyd

RESOLVED that Business Arising from Friday 7 August 2009 meeting has been dealt with.

Carried unanimously

Should read as follows:

*Moved: Jackie McDonald*

*Seconded: Councillor Holdom*

*RESOLVED that Business Arising from Friday 7 August 2009 meeting has been dealt with*

Carried unanimously

Fourth amendment:

GB 3 Terms of References for review & Code of Meeting Practice

Moved: Max Boyd

Seconded: Joyce Summers

RESOLVED that the Committee request the Councillor who is elected Mayor be requested to be a regular attendee at all meetings of this Committee.

Carried unanimously

Should read as follows:

*Moved: Councillor Holdom*

*Seconded: Joyce Summers*

*RESOLVED that the Committee request the Councillor who is elected Mayor be requested to be a regular attendee at all meetings of this Committee.*

Carried unanimously

Fifth amendment:

Incoming Correspondence

Harry Body tabled correspondence from Ms Alice Wilson.

Should read as follows:

*Harry Boyd tabled correspondence from Ms Alice Wilson.*

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BUSINESS ARISING:

Item from Meeting held Friday 2 November 2007

BA 1 Aboriginal Advisory Committee

David Oxenham advised the members that people attending a Committee meeting should contact the Aboriginal Liaison Officer and ask to be placed on the agenda. Ms McDonald suggested that Bugalwena Aboriginal Health Services should be represented

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on the Committee. Mr Oxenham advised that Mayor Polglase has the right to be a voting member of any of Council's Committees. General discussion was undertaken.

Councillor Holdom advised that the Committee requires a set of procedural rules and guidelines to allow observers to be permitted to attend. Further discussion regarding the Committee's Terms of Reference will be discussed at the November meeting.

Councillor Holdom advised that she had spoken with Mayor Polglase in regard to holding a morning tea with the local Aboriginal and Torres Strait Islander Community and general discussion was undertaken. The Committee suggested that signing of the **Memorandum** of Understanding could be undertaken at the event, with media invited to attend.

General discussion was undertaken.

Moved: Jackie McDonald

Seconded: Garth Lena

RECOMMENDATION that Council amends the Aboriginal Advisory Committee's Terms of Reference and Operational Guidelines to allow an additional Committee member from Bugalwena Aboriginal Health Services.

Carried unanimously

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Item from Meeting held Friday 1 May 2009

BA 2 Tweed River Festival

Item from Meeting held Friday 4 September 2009

Ms Mye advised that Kyle Slabb was performing the Welcome to Country at the 2009 Tweed River Festival.

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BA 3 Councillor Warren Polglase (Mayor)

Mayor Polglase advised the Committee that he will be attending future meetings of the committee when time permits and that his door is open for any community member to meet with him. General discussion was undertaken.

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Item from Meeting held Friday 7 August 2009

BA 4 Proposed Boyd's Bay Marina Development – Tweed Heads

Ms Mye advised that correspondence has been forwarded to the Department of Lands and no reply has been received to date.

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Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that Business Arising from Friday 4 September 2009 meeting has been dealt with.

Carried unanimously

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GENERAL BUSINESS:

GB 1 Reconciliation Action Plan

Councillor Holdom and Mr Oxenham spoke in regard to this matter in response to correspondence received from Anita Summers re: Reconciliation Action Plan.

After general discussion it was decided to place this item on the November Agenda.

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GB 2 Draft Tweed Shire Aboriginal Cultural Heritage Information for Councils -Interim Development Application Process

Councillor Holdom suggested that the Committee place the information on permanent display at both Tweed Shire Council offices.

After general discussion it was decided to place this item on the November Agenda.

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GB 3 Department of Environment & Climate Change – Aboriginal Heritage Information Licence Agreement

Ms McDonald advised the members that Council should understand that information gathered from this source is not the only information that Council requires. Council will still need to consult with the local Aboriginal Community.

Mr Slabb advised that information on local sites should be handled by the local Aboriginal people.

After general discussion it was decided to place this item on the November Agenda.

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GB 4 Kings Forest Estate Development

After general discussion the following recommendation was made.

Moved: Garth Lena

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Seconded: Vicki Cora

RECOMMENDATION that Council advises the developers of Kings Forest Estate project to enter into a partnership agreement with the local Aboriginal Community.

Carried unanimously

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#### GB 5 The Rise Estate Development

After general discussion the following recommended

Moved: Garth Lena

Seconded: Vicki Cora

RECOMMENDATION that Council advises the developers of The Rise Estate project to enter into a partnership agreement with the local Aboriginal Community.

Carried unanimously

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#### Incoming Correspondence

Arts Northern Rivers – Creation Day.

Cedric Daylight – Ngaraakwal Ngandowal Clans.

Jacky Hodges - Director, 2011 Census and Population Survey.

#### Outgoing Correspondence

Peter Turnell - Director, Fisheries Resources Management regarding Rob Slockee's Spanner Crab Licence.

Mark Gifford - Director, Reform, Compliance. Environment Protection and Water – Aboriginal Cultural Heritage Draft Community Consultation Requirements for Proponents.

Mr Richard Dunning Department of Land – Proposed Boyd's Bay Marina Development – Tweed Heads.

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 6 November 2009, at 9.00am in the meeting room, Minjungbal Aboriginal

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Cultural Centre, Corner Duffy Street and Kirkwood Road, Tweed Heads South.

The meeting closed at 1.00pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**BUSINESS ARISING:**

Item from Meeting held Friday 2 November 2007

BA 1 Aboriginal Advisory Committee

As per the Committee's recommendation being:-

*"That Council amends the Aboriginal Advisory Committee's Terms of Reference and Operational Guidelines to allow an additional Committee member from Bugalwena Aboriginal Health Services."*

**GENERAL BUSINESS:**

GB 4 Kings Forest Estate Development

As per the Committee's recommendation being:-

*"That Council advises the developers of Kings Forest Estate project to enter into a partnership agreement with the local Aboriginal Community."*

GB 5 The Rise Estate Development

As per the Committee's recommendation being:-

*"That Council advises the developers of The Rise Estate project to enter into a partnership agreement with the local Aboriginal Community."*

**62 [SUBCOM] Minutes of Sub-Committees Not Requiring Council Decision  
as at 20 October 2009**

The followed listed Minutes of Sub-committees are for distribution only as they do not require a Council decision.

**UNDER SEPARATE COVER:**

- 1. Minutes of the Community Cultural Development Advisory Committee Meeting held Thursday 3 September 2009 (ECM 6039836).**
  - 2. Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 September 2009 (ECM 6586603).**
  - 3. Minutes of the Beach Safety Liaison Committee Meeting held Wednesday 12 August 2009 (ECM 6973052).**
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## ORDERS OF THE DAY

- 63        **[NOR-CM] [PR-CM] Development Application DA08/1170 for a Two (2) Lot Subdivision at Lot 1 DP1073137, Nos 19 and 43 Turners Road, Wardrop Valley**

### NOTICE OF RESCISSION:

Councillors K Milne, D Holdom and B Longland move that Council resolution at Minute No. 241 in relation to Item 11 of the Meeting held on 15 September 2009 being:

**RESOLVED** that Development Application DA08/1170 for a two (2) lot subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley be approved, with the following conditions:-

### GENERAL

1. *The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos 2537-2 Revision A prepared by Chapman Surveys Pty Ltd and dated 7/8/08, except where varied by the conditions of this consent.*

[GEN0005]
2. *The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.*

[GEN0125]
3. *Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.*

[GEN0135]
4. *The development shall not result in damage to or loss of any threatened or endangered flora.*

[GENNS01]

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. *Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,552).*

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

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

[PCC0275]
6. *In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for*

*SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.*

[PCC0285]

7. *A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.*

[PCC0865]

8. *Prior to the issue of a Construction Certificate the following detail in accordance with Councils Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.*

*(a) copies of compliance certificates relied upon*

*(b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:*

- earthworks*
- roadworks, including*
  - (a) The upgrade of Turners Road from its intersection with Smarts Road, to the existing driveway access servicing proposed Lot 2, to provide a 6m formation with full width gravel pavement, minimum 150mm roadbase depth in accordance with Council's DCP – Section A5 – Subdivision Manual.*
  - (b) Required road drainage and batters.*
- access, including*
  - (c) Provision of a vehicular access providing a minimum 150mm depth roadbase from Turners Road to the property boundary of both proposed Lot 1 & 2.*
- stormwater drainage*
- sedimentation and erosion management plans*
- location of all service conduits (water, sewer, Country Energy and Telstra)*

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

[PCC0985]

9. *Erosion and Sediment Control shall be provided in accordance with the following:*



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

[PCC1155]

10. *The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) prepared in accordance with Councils Development Design Specification D7 - Stormwater Quality.*

[PCCNS01]

### **PRIOR TO COMMENCEMENT OF WORK**

11. *Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.*

[PCW0225]

12. *Civil work in accordance with a development consent must not be commenced until:-*

- (a) *a construction certificate for the civil work has been issued in accordance with Councils Development Design and Construction Specification C101 by:*
  - (i) *the consent authority, or*
  - (ii) *an accredited certifier, and*
- (b) *the person having the benefit of the development consent:*
  - (i) *has appointed a principal certifying authority,*
  - (ii) *has appointed a Subdivision Works Accredited Certifier (SWAC) in accordance with Tweed Shire Council's Development Control Plan, Part A5 - Subdivision Manual, Appendix C, with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:*
    - C4: Accredited Certifier – Stormwater management facilities construction compliance*
    - C6: Accredited Certifier – Subdivision road and drainage construction compliance*
  - (iii) *has notified the consent authority and the council (if the council is not the consent authority) of the appointment,*
  - (iv) *a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils*

*Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and*

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

[PCW0815]

13. *The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.*

[PCW0835]

14. *Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.*

[PCW0985]

### **DURING CONSTRUCTION**

15. *All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved Construction Certificate, drawings and specifications.*

[DUR0005]

16. *Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -*

*Monday to Saturday from 7.00am to 7.00pm*

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

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

[DUR0205]

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

- A. *Short Term Period - 4 weeks.*

*L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.*

- B. *Long term period - the duration.*

*L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.*

[DUR0215]

18. *Access to the property is to be provided in accordance with Chapter 4.1.3 (2) of Planning for Bushfire Protection 2006, except where varied by these conditions.*

[DUR0585]

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

[DUR0815]

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

[DUR0985]

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

[DUR0995]

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

[DUR1795]

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

[DUR1845]

24. *Any damage caused to public infrastructure during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate.*

[DUR1875]

25. *The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.*

[DUR2015]

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

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

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

[DUR2375]

## **USE**

27. *A roof catchment water supply source shall be provided for domestic purposes where a Council reticulated supply is unavailable. Any domestic water supply roof collection system is to be fitted with a first flush device. Minimum storage tank capacity shall reflect the dry seasonal periods experienced with the locality and shall be separate to any fire fighting requirements stipulated by the NSW Rural Fire Services. Installation, water collection, and maintenance of rainwater tanks used for drinking purposes must comply with NSW Health requirements.*

[USENS01]

## **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

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

[PSC0005]

29. *Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.*

*The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.*

[PSC0215]

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

[PSC0725]

31. *Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.*

*The plans are to be endorsed by a Registered Surveyor Certifying that:*

- (a) *the constructed Turners Road pavement and associated drainage and batters are contained within the nominated road reserve.*
- (b) *the plans accurately reflect the Work as Executed.*

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

[PSC0735]

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

[PSC0825]

33. *The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act must include the following:*

- *Future property owners shall be advised that proposed Lots 1 and 2 do not have a dwelling entitlement and rely on existing use rights in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.*

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

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

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

[PSC0835]

34. *Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot shall have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".*

[PSC0845]

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

[PSC0855]

36. *Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.*

[PSC0865]

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

*The following information must accompany an application:*

- (a) *original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.*

- (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

[PSC0885]

38. Prior to the application for a **Subdivision Certificate**, Council will undertake an inspection of the completed roadworks and once satisfied that all conditions of consent have been complied with, will issue a Compliance Certificate or the following:-

(a) Compliance Certificate - Roads

(b) Compliance Certificate – Drainage

**Note:**

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 – Subdivisions Manual and Councils Development Design and Construction Specifications.
2. The fee associated with Council's inspections is subject to Council's Fees and Charges, current at the time of payment.

[PSC0915]

39. The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

[PSC0925]

40. Prior to the issue of a Subdivision Certificate a properly dimensioned plan shall be submitted to Council for approval, showing the position of fences, structures (including the existing dwelling on proposed Lot 1) and the road formation, in relation to the proposed boundaries along Turners Road.

1. Any encroaching boundary fence is to be removed/relocated to the correct alignment.
2. Any encroaching part of the existing dwelling on proposed Lot 1 encroaching into the Turners Road road reserve shall be removed.

[PSC0945]

41. Prior to the issue of a subdivision certificate the applicant is required to lodge an application to operate an onsite sewerage management system for each individual dwelling under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issues with an approval.

[PSCNS01]

42. Where the road formation of Turners Road encroaches into private property, the submitted Subdivision Certificate must incorporate appropriate road widening within the subject allotment (generally taken to the existing fence line) to encompass such encroachments.

*Any such road widening shall be dedicated to Council, at no cost to Council.*

[PSCNS02]

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

1. *At the commencement of subdivision the property around the existing dwellings to a distance of 20 metres shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones.'*

be rescinded.

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**64 [NOM] Development Application DA08/1170 Lot 1 DP 1073137 Turners Road, Wardrop Valley**

**NOTICE OF MOTION - D Holdom:**

Councillor D Holdom moves that at the next Ordinary Meeting of Council I will move that Development Application DA08/1170 for a two (2) lot subdivision at Lot 1 DP 1073137, No. 19 & 43 Turners Road, Wardrop Valley be refused for the following reasons:-

1. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated compliance with the development standard as being unreasonable or unnecessary in accordance with State Environmental Planning Policy No. 1 – Development Standards
2. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with State Environmental Planning Policy (Rural Lands) 2008 as the proposal will result in:
  - development being incompatible with surrounding agricultural uses,
  - potential to create land use conflicts,
  - the proposed subdivision not supporting or enhancing the agricultural production of the site
3. Pursuant to Section 79C(1)(a)(i) the development proposal has not demonstrated due consideration or compliance with the 1(a) zone objectives within Clause 11 of the Tweed Local Environmental Plan 2000, as the proposed development does not:
  - protect the rural character and amenity;
  - prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.
4. Pursuant to Section 79C(1)(a)(i) the development proposal in seeking a subdivision for a residential purpose is not consistent with Clause 20(2)(a) of the Tweed Local Environmental Plan 2000, as the proposed Lots are below the minimum requirement of 40 hectares.
5. Pursuant to Section 79C(1)(c) the development site is not considered suitable for the development as proposed.
6. Pursuant to Section 79C(1)(e) the proposed development will result in prohibited development with dwelling houses located on undersized allotments that do not enjoy dwelling entitlements.
7. Pursuant to Section 79C(1)(e) the proposed development, is not within the public interest as the development would create two undersized lots in the 1(a) Rural zone.



8. Pursuant to s 79 C "Evaluation" possible financial losses and/or gains are not a consideration in determining any development application under the EP&A 79 legislation. This argument is not considered to be within the core value/s of the over all Public Interest 79C(1)(e) in determining any application that comes before Council, and should form no basis for merit consideration of any development application that comes before council.

**65 [NOM] "Code of Conduct" Training**

**NOTICE OF MOTION - J van Lieshout:**

Councillor J van Lieshout moves that at the upcoming "Code of Conduct" training for Councillors all areas which are deemed as "Conflict of Interest" and "Pecuniary Interest" relevant to all Board Positions held by Councillors on behalf of Council and their voting rights in respect of those positions - be clarified.

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**66 [NOM] Cross Promotion Tourism Opportunities**

**NOTICE OF MOTION - J van Lieshout:**

Councillor J van Lieshout moves that in view of the future opportunities for valuable Tourism in the Tweed and Northern Rivers Region and following the recent Repco Rally feedback of intended revisits to the area – it would be astute for Council to consider a “sister city” to identify valuable relationships which would generate cross promotional Tourism opportunities. This has been discussed at recent Tweed Tourism Board meetings and therefore it is requested that Council approve Clr van Lieshout to investigate opportunities with relevant councils in New Zealand for both for Christchurch and Auckland during an upcoming personal visit at end November at no cost to Council with a report to Council on the viability of that proposal for the December meeting.

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**67 [NOM] Koala Plan of Management**

**NOTICE OF MOTION - J van Lieshout:**

Councillor J van Lieshout moves that Council identifies the need to prioritise the feasibility study currently in process for costs involved for the proposed “Koala Plan of Management for Tweed Shire so that all developments with identified “Koala Habitat Sites” be subject to that Plan and that the report be included in the December Council Meeting.

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**68 [NOM] Casino to Murwillumbah Rail Corridor**

**NOTICE OF MOTION - B Longland:**

Councillor B Longland moves that:-

1. Council urgently conveys to the New South Wales Premier our serious concern that the Government's Transport Administration Amendment Bill (Rail Trails Bill) provides for the potential sale of the Casino to Murwillumbah rail corridor, and
  2. Council seeks an assurance from the Government that this rail corridor will remain in public ownership as part of long term public transport/public recreation planning for this part of New South Wales.
-

**69 [NOM] Koala Plan of Management [KM]**

**NOTICE OF MOTION - K Milne:**

Councillor K Milne moves that Council commits to a Koala Plan of Management regardless of whether the current funding application is successful and to initiate this process forthwith.

This Plan to be carried out in two stages as follows:

Stage 1 of the project to be the coastal areas, east of the Pacific Highway

- a) This stage of the Plan to be implemented first as a matter of urgency.
- b) A working group of qualified experts, headed by Council's biodiversity officer Dr Mark Kingston, to be established as a matter of urgency to determine the processes and financial commitment required.

Stage 2 of the project to be the areas west of the Pacific Highway

- a) The processes required for this stage to be determined by the working group.
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70 [NOM] Carbon Emissions

**NOTICE OF MOTION - K Milne:**

**Background**

**Extract -Lots of advice, little cash for urban climate change,**  
[Jon Herskovitz](http://www.reuters.com/article/latestCrisis/idUSSEO309543) & Angela Moon,  
<http://www.reuters.com/article/latestCrisis/idUSSEO309543>

Urban areas, home to just over half of the world's population, are key to attacking global warming because they account directly for 50-60 percent of human greenhouse gas emissions, according to U.N. Habitat.

"They (developing cities) have to learn the lessons of the many failures that modern cities made over the past 40 or 50 years in areas such as transportation systems and land use planning," Toshi Noda, a director for U.N. Habitat, told Reuters.

**STATEMENT OF DR R K PACHAURI**

Chairman, IPCC  
Director General, The Energy and Resources Institute  
Director, Yale Climate and Energy Institute

Excellencies, members of the media, distinguished ladies and gentlemen! I speak to you in the voice of the world's scientific community, which in November 2007 completed IPCC's Fourth Assessment Report (AR4), the collective effort of almost four thousand of the world's best specialists working tirelessly over five years. The uniqueness of this mammoth exercise lies in the fact that all the governments of the world – your own governments – approved of this report, and therefore have full ownership of its contents, some salient features of which I mention now.

We stated, "Warming of the climate system is unequivocal as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global sea level", and that "Most of the observed increase in temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic GHG concentrations".

In the twentieth century average global temperature increased by 0.740 C while sea level rise resulting from thermal expansion of the ocean and melting of ice across the globe amounted to 17 cms. In the Maldiv Islands where most of the land surface is barely a metre or two above sea level every storm surge and major upwelling of the seas represents a major danger to life and property. But this is not all. Climate change is already resulting in an increase in the frequency, intensity and duration of floods, droughts and heat waves. Precipitation has increased significantly in eastern parts of North and South America, northern Europe and northern and central Asia, whereas it declined in the Sahel, the Mediterranean, southern Africa and parts of south Asia.

Globally the area affected by drought has increased since the 1970s. The frequency of heavy precipitation events (or proportion of total rainfall from heavy falls) has increased over most areas.

If we take no action to stabilize the concentration of greenhouse gases in the atmosphere, then average temperature by the end of this century would increase anywhere from 1.1 degrees to 6.4 degrees C, with a best estimate at the lower end of 1.8 degrees and at the upper end of 4 degrees C. The world is increasing its emissions at a rate that may take us to the upper end of the range projected, which implies a total increase in these two centuries of over 7 degrees C, that is, over 12 degrees Fahrenheit. Yet between 1970 and 2004 global GHG emissions increased by 70% and carbon dioxide by 80%. We must halt this unacceptable trend.

Climate change, in the absence of mitigation policies would in all likelihood lead to:

- 1 Possible disappearance of sea ice by the latter part of the 21st century
- 2 Increase in frequency of hot extremes, heat waves and heavy precipitation
- 3 Increase in tropical cyclone intensity
- 4 Decrease in water resources due to climate change in many semi-arid areas, such as the Mediterranean Basin, western United States, southern Africa and north-eastern Brazil.
- 5 Possible elimination of the Greenland ice sheet and a resulting contribution to sea level rise of about 7 metres.

Without mitigation future temperatures in Greenland would compare with levels estimated for 125,000 years ago when paleo climate information suggests 4 to 6 m of sea level rise.

- 6 Approximately 20 to 30% of species assessed so far are likely to be at increased risk of extinction if increases in global average warming exceed 1.5 to 2.5 degrees.

In Africa, by 2020, between 75 and 250 million people are projected to be exposed to water stress due to climate change. By the same year in some countries of Africa yields from rainfed agriculture could be reduced by up to 50%. The impacts of climate change would be disproportionately severe on some of the poorest regions and communities of the world. My own analysis suggests that at least 12 countries are likely to tend towards becoming failed states and communities in several other states would show potential for serious conflict due to scarcity of food, water stress and soil degradation.

**Mitigation of emissions is essential, and the IPCC has assessed mitigation costs as modest. To limit average temperature increase at 2.0 and 2.4 degrees C, the cost of mitigation by 2030 would not exceed 3% of the global GDP. In other words, the so-called prosperity expected in 2030 would be postponed by a few months.** Further, mitigation carries many co-benefits, such as lower levels of air pollution and associated health benefits, higher energy security, larger employment and stable agricultural production, ensuring greater food security. A portfolio of technologies, currently available or expected to be commercialized, enable stringent mitigation efforts being mounted today.



It is heartening that the G8 leaders during the L'Aquila Summit recognized the broad scientific view of limiting increase in global average temperature to 2° C. **The IPCC has clearly specified that if temperature increase is to be limited to between 2.0 and 2.4° C, global emissions must peak no later than 2015. That is only six years from now.** But the 2.0° ceiling too would lead to sea-level rise on account of thermal expansion alone of 0.4 to 1.4 meters. This increase added to the effect melting of snow and ice across the globe, could submerge several small island states in the Caribbean, those in the South Pacific and the Maldives islands.

Avoiding the impacts of climate change through mitigation of emissions would provide incalculable benefits including economic expansion and employment. If those in this August gathering do not act on time, all of us would become leaders and citizens of failed states, because we would be failing in our sacred duty to protect this planet on which we all live. Science leaves us with no choice for inaction now.

## **AUSTRALIA 2020 YOUTH SUMMIT COMMUNIQUÉ**

### Introduction

This communiqué captures the ideas and proposals developed by the 100 engaged, passionate, and diverse young Australians who attended the 2020 Youth Summit on 12th and 13th April 2008.

Amongst the 100 delegates were Indigenous Australians, refugees, migrants, and second, third, fourth or more generation Australians. There were young mothers, people with disabilities, exceptionally gifted students and young carers. The young people were of various faiths and cultures. They were from the country; they were from the city. They brought their voices, experiences and energy to the task of formulating a national vision for 2020.

The Summit itself was an historic step, allowing young people to shape our national agenda. We hope it marks the beginning of an ongoing dialogue between young Australians and their government and the continuing engagement of youth in meaningful and high-level decision-making.

This communiqué is a catalyst for discussion for delegates to the Australia 2020 Summit. It draws their attention to an 'agenda of priorities' determined by the Youth Summit. The proposals contained in the agenda are practical, tangible, and achievable. Appendix A contains the leading proposals as determined by the Youth Summit delegation. Appendix B contains another 30 well developed ideas and proposals. Appendix C, which will be released at a later date, contains a list of other ideas submitted by delegates prior to and during the Youth Summit. As a whole, they testify to the potential and capacity of Australia's young people to shape our nation's future.

### *Extract from the list of issues young people raised:*

*Sustainability and Climate Change - population, sustainability, climate change and water*  
**Our vision is for Australia to be a world leader in addressing climate change, environmental sustainability and innovation. Australia will become carbon neutral and address all sources of carbon output.** The economy, society and the environment will be considered equally in all decisions made and the new economy will be based on renewable energy. A positive and future orientated citizenry are rewarded for their contributions to the environment and in the development of innovative strategies to tackling climate change. Australians will be mobilised to respond through an increased awareness of climate change and its effects. We will hold ourselves accountable for

decisions made and respond efficiently, effectively and in a timely manner to climate change.

Councillor K Milne moves that Council hold a series of public forums to determine new carbon reduction targets for Council and what is desired for the wider Shire area.

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## 71 [NOM] Positive Development

### Background

#### **DINZ Design Talk - Positive Development, Dr Janis Birkeland, Wellington**

<http://www.dinz.org.nz/Events/2009/February/10532>

ACT Urban Development Autumn Series, 4 April 2008. p.1

Positive Development

The Australian National Sustainability Initiative 1

Professor Janis Birkeland

QUT School of Design, GPO Box 2434

[Janis.Birkeland@qut.edu.au](mailto:Janis.Birkeland@qut.edu.au)

We have already exceeded the earth's carrying capacity. Therefore, genuine sustainability would require that urban development actually increase the bioregion's ecology and carrying capacity, or life support system. This is only possible with a new approach to environmental management, planning and design.

'Carbon neutral' buildings and 'low-environmental impact' cities do nothing to combat the effects of climate change or redress environmental degradation, says QUT Professor of Architecture Janis Birkeland.

'Even the best practice 'green buildings' we have today only to reduce negative social and environmental impacts relative to standard buildings - they are seldom self-sufficient, and almost never have net positive social and environmental gains'.

The cities of the future, argues Professor Birkeland, will have to reverse the damage already done, as well as to reduce future negative impacts.

'Green buildings are conventional designs that are tweaked with energy efficient technologies. They still replace nature - the life support system - with industrial mechanisms. It is an unsustainable process', Professor Birkeland said.

She has coined the term 'Positive Development' to describe a new form of architecture that not only produces clean air, soil, water, and food " but has positive ecological impacts.

There is probably no living example of Positive Development yet. However, Birkeland's new book *Positive Development: from Vicious Circles to Virtuous Cycles through Built Environment Design* explains how we can have our cake and eat it too.

Professor Birkeland isn't proposing that we tear down our cities. 'That would take too much time, energy and irreplaceable resources', she says. 'They need to be ecologically retrofitted'. Her book explains how existing development could be converted into 'sustainability solutions' that increases nature's free goods and services.

'Every year, poor urban design was killing more people than terrorism because cities are several degrees hotter than surrounding natural areas', she says. There are many ways

that urban design can combat this 'urban heat island' effect - which killed well over 26,000 people in Europe during the 2003 heatwave.

One way would be to wrap buildings in 'green scaffolding' that provide a range of climatic and ecosystem functions. We could retrofit buildings with elements like vertical landscapes that combine natural air and water purification, fish tanks for aquaponic food production, solar stacks and shower towers to support evaporative cooling, and so on.

There are rafts of self-funding ways of turning 'dead' buildings and urban spaces into living, breathing entities. By providing the infrastructure for nature in cities, we can generate profits, health and natural capital, while creating more public space for people.

Currently, Professor Birkeland is working with other staff and students at the Queensland University of Technology on a proposed national sustainability education centre in Canberra. It will not only enable visitors to explore sustainability practice, products and ideas, but demonstrate net Positive Development itself.

'Sustainability is a design problem', Professor Birkeland says, 'and saving the planet through design is as fun as it is challenging'.

*This talk draws on the Subtropical Cities 2008 Conference Brisbane, and the Sustainable Buildings 2008 (SB08) Conference Melbourne, as well as the book Positive Development (Earthscan 2008).*

## **Abstract**

Green buildings are not sustainable. Genuine sustainability would require that urban development provide net positive social and ecological gains to compensate for previous lost natural capital and carrying capacity. A new approach is proposed called 'Positive Development' which aims to add both ecological and social value beyond conditions that existed prior to development. How to achieve this could be demonstrated by a proposed Australian National Sustainability Centre in Canberra.

## **Keywords**

Sustainability, ecological design, green building, Positive Development, eco-retrofitting, living walls, Green Scaffolding, Green Space Wall, ecological space.

## **Introduction**

This paper details some means whereby net positive gains could be achieved in new construction. It provides:

- A brief overview of why sustainability requires a new form of architecture, and how our contemporary green building prototypes, methods and tools stand in the way.
- Some examples of potential positive design concepts that could be combined and integrated with structures to assist in achieving net Positive Development.
- Means to provide for eco-services in new buildings (as well as in retrofitting) and strategies for implementation like 'ecological space'.
- A sneak preview of a proposed national sustainability centre to demonstrate Positive Development while catalysing cross-sectoral, life-long learning for sustainability.

- Suggestions about how the proposed eco-design concepts could improve upon 'best practice' green building in at least eight ways.

#### The need for a new architecture

Humans have already exceeded the Earth's carrying capacity. Logically, therefore, urban areas must be retrofitted to increase bioregional carrying capacity in absolute terms just to be 'less' unsustainable - let alone to support existing population levels. Thus far, green buildings do not contribute to net sustainability. While they reduce relative resource consumption, they consume vast quantities of materials, energy and water in construction. Moreover, we have lost a third of our species of flora and fauna in recent decades, which are integral parts of our life support system.

- 1 Green buildings replace land and ecosystems with structures that, at best, only 'mimic' ecosystems. If all new buildings were 'green', for example, the acceleration of energy consumption would only be reduced by .04%. This is because only about 2% of the building stock is new each year, and the operating energy of buildings is 20% of total energy. Therefore sustainability cannot be achieved by adding more green buildings to the urban skyline.
- 2 It is now well established that buildings can be retrofitted to produce clean energy and improve human health and productivity while reducing their heating, cooling, lighting and ventilating bills.
- 3 In fact, cities can be retrofitted for less cost to society than doing nothing.
- 4 Investments in retrofits compare favourably with stocks and bonds, and one can buy securities in eco-retrofitting without being directly involved in development.
- 5 But while eco-retrofitting urban environments is necessary, there will always be a need for new buildings. How to retrofit the built environment through institutional and structural design is discussed in *Positive Development: from Vicious Circles to Virtuous Cycles* (Birkeland 2008). This paper focuses on new construction.

Environmental management, design and assessment methods do not provide much guidance. This is because, despite their emphasis on new construction, they are largely 'negative', as they only aim to reduce damage relative to standard buildings. Further, computer modelling and rating tools are, thus far, based on 'typical' buildings, so they reinforce non-sustainable building typologies. More fundamentally, they are premised on the presumed inevitability of negative impacts overall.

- 6 Hence, even so-called 'design' tools are aimed at impact mitigation, and do not encourage designers to create positive offsite impacts. While the ability to map impacts, resource flows and embodied energy in development has led to important insights, it has not led to ecologically or socially optimal design.
- 7 These tools and measurement concepts treat nature as a mere 'resource', conceived as material or energy inputs and outputs. This focus on numerical efficiency can lead to a sterile human-centred environment that is sub-optimal from an ecological perspective.

Units of energy (or money) cannot capture the essence of space, time and ecological waste in the built environment.

- 8 This headset is partly why designers still tend to segregate human and natural functions which creates 'dead', single-function spaces. Thus green buildings often add things like double skins that increase the urban heat island effect, atriums that only support limited human activities, living walls that only provide air-cleaning functions, and vertical wetlands that only filter water.
- 9 Sustainability is a matter of design, not just accounting. Urban development could provide eco-productive, bio-diverse, multifunctional spaces that integrate human and natural systems synergistically. To create a sustainable built environment, we need to appreciate that managerial processes cannot replace creative ones.

Some examples of eco-solutions

Buildings are being conceived now which also clean the air and water, reduce the urban heat island effect and produce healthy soil and food. However, buildings could go beyond 'impact neutral' development, and actually create surplus eco-services, ecosystem health and resilience. To meet this new standard, a development would need to add natural and social capital beyond what existed prior to development. Positive Design<sup>TM</sup> or Positive Development<sup>TM</sup> is that which expands both the ecological base (life support system) and the public estate (equitable access to means of survival). The aim of Positive Development is to take affirmative action to make environmental improvements beyond remediation and restoration by adding social and ecological value, both onsite and offsite, to over-compensate for embodied waste in production. In addition to the above elements, Positive Development would:

- Meet a 'sustainability standard', where development leaves the ecology (not just society) better off after construction than before. 9
- Be 'reversible'; that is, demountable, compostable and/or adaptable as appropriate in the particular circumstances. Reversibility is necessary to provide intergenerational equity, as future generations should not be locked into environments that prevent responsible social choice.
- Ensure individual access to the means of survival, such as heat, food, water and energy, as genuine democracy (social sustainability) cannot exist without resource security.
- Given the state of the world, then, designers must begin to design for nature, not just 'with' or 'like' nature. The author has called this approach of adding ecological as well as environmental value as design for eco-services. Eco-solutions already exist that can create net positive impacts in terms of natural capital, biodiversity, and so on. The following are (new and old) examples of positive design concepts that could be scaled up to a whole building, city-wide or regional level to enable nature to continue to support us.
- Living Machines? There are many variations on John Todd's Living Machines: a series of vessels containing ecosystems that produce healthy fish or plants at the end of the process.<sup>10</sup> Greywater, organic waste and sewage are increasingly being treated by using series of microbes, mushrooms and

- earthworms in a series of containers. A careful selection of plants in each container targets specific pollutants.
- 10 At the end of the biological chain, useful resources are produced, such as healthy food or toxin-free potting soils. Organic waste from offices or homes can be used in roof gardens or planting walls. Roofs are currently being retrofitted to support gardens that increase usable floor area, thermal insulation and food, reduce the urban heat island and so on. Moreover, heat from roof greenhouses can also be ducted throughout the building on the inside or outside of the structure.
- 11 Thus we can create a virtuous cycle where waste, in effect, cleans the air and water and builds soil.
- Solar ponds? Solar ponds are salt pools that collect and store solar energy. Solar energy (heat) is absorbed at the bottom of a 2 or 3-metre-deep salt pond. Heat is trapped in the bottom because the water is denser than at the surface due to the concentration of salt. The heated water is too heavy to rise and dissipate into the atmosphere. Heat at the bottom of the pond can be over 90 degrees Celsius and can be used for process or space heating, hot water or electricity production. In Australia which has serious salinity problems, for example, rural land damaged by past mismanagement can be reclaimed in this process. It can also produce salt as a by-product, and the heat from the solar pond can be used to dry the salt. Solar ponds are beginning to be developed and operated commercially. One in outback Australia will produce salt, process heat and grow brine shrimps for stock feed, while mitigating salination and returning land back into productive use.
- 12 Reverse' Trombe wall? Conventional Trombe walls create an air space between a masonry wall and exterior window.<sup>13</sup> Heated air rises to air vents at the top of the air space. When needed, the heated air is circulated through the room by convection (heat rising). The cooled air re-enters the space through vents at the bottom. The high thermal mass wall provides a heat storage bank. Usually, however, a Trombe wall is placed behind what would otherwise be a window. The author's 'reverse' Trombe wall is more practical, especially for retrofits. Here, glass walls would be retrofitted onto existing sun-facing masonry walls of old buildings without sacrificing natural lighting and views. Vents would simply be drilled through the wall. For non masonry walls, rock stacks (to store heat) could be inserted between the existing wall and new glazing, say, in a wire frame or gabion. In summer, the glass would be covered with shade-cloths or arbours, and the wall would cool the building by venting hot air to the outside. Simple adjustments to the amount of rocks can be made to correct the thermal mass.
- 13 Firefighting landscapes? After a fire, we tend to invest our resources on clearing native bushland from around the suburbs, at least in Australia. The bulldozer approach to fire-sensitive landscaping can exacerbate problems of erosion, flooding, siltation, dust, air pollution and so on. A more positive approach would be to add urban environmental amenities that create fire barriers and water sprays in greenbelts for fire fighting.
- 14 Water stored in recreational ponds or cisterns hidden in the landscape could be linked to gazebos, pavilions, arbours or green space frames that can automatically

supply water sprays and/or fountains in time of fire or extreme hot weather. Nothing can stop a firestorm; however, such landscape 'moats' around settlements could stop fires spread by embers and reduce risks to fire fighters and fauna. Rather than reduce ecosystems, these structures could support biodiversity habitats as well as social or recreational activities. Likewise, 'portable water sculptures' composed of water pipes have been used to facilitate social activity for urban youths while its sprays cool the streets.

- 15 Watercones? The watercone is one of several inventions that generate fresh water from unclean or salinated water using evaporation.<sup>15</sup> It consists of a clear plastic sloped surface over dirty or salty water. The heated water evaporates and condenses on the surface, without taking the impurities with it. The water then runs down into a collector. The proponents claim that watercones could save thousands of deaths related to dirty water. In fact, one could be given to every child in drought-ridden areas at relatively little cost (if a life is worth 20 Euros). There are many variations on this concept. For example, a wheelbarrow has been designed to be used by villagers that have to walk long distances to collect dirty water from streams or wells. The water is purified by the sun as the person walks back to their village. The concept could be combined with the Green Wall or Green Scaffolding modules to purify water in buildings. In humid regions, air could be de-humidified before entering the building while producing clean water.
- 16 Fuel cells and thermal chips? Fuel cells convert the chemical energy of hydrogen fuel directly into electrical energy, with healthy by-products like air and water. Thermal chips can purportedly convert heat directly into electrical energy. These systems can be more or less efficient, depending on their design and application. In the case of fuel cells, obviously, the source of the hydrogen should not be fossil fuel based, as that would destroy the sustainability of the whole system. Thermal chips are a semiconductor device that reputedly do not generate emissions, have moving parts, vibration or noise, and can operate at any scale.<sup>16</sup> The cooling chip could be used for small light-weight devices such as laptops, but perhaps also in larger-scale applications. The heat source could perhaps be waste heat or solar heat on a roof or wall.
- 17 So fuel cells and thermal chips can cool or supply electricity to buildings. Fuel cells can also produce water and generate surplus electric power (selling excess power back to the grid). The fuel cell has a low fuel-to-electricity conversion rate.

However, the energy not converted into electricity in a building fuel cell could perhaps operate the thermal chips.

Titanium Dioxide? Titanium Dioxide turns some air pollutants into harmless elements.

- 18 It can be painted onto buildings or roads or used in cement to reduce air and water pollution. It operates through a chemical process called 'photocatalysis' in which the Titanium Dioxide absorbs UV light which, in turn, causes a chemical reaction when the Titanium Dioxide comes into contact with vehicle emissions in the air. A concrete texture that increases the surface area would be more effective in destroying some of the pollutants. It would essentially be a self-cleaning surface, thus overcoming one of the problems of textured concrete surfaces at the same



time. There are issues surrounding the safety of Titanium Dioxide production and, like all eco-solutions, requires close examination for its whole-of-life implications and site specific uses. While not net positive in itself (ie only remedial), however, its potential contribution to the built environment is worth close examination.

Micro-labourers? Bacteria are used for many economic and environmental functions. For example, bacteria can be used in the bioremediation of toxic wastes, polluted soils, sewage sludge, petrochemical contamination and oil spills.

19 Oyster mushrooms have been effective in eliminating diesel fuel spills - without toxic oil residues in either the soil or mushrooms.

20 They have been shown to transform other toxic substances into harmless ones, and could provide a substitute for incineration.

Non-toxic insecticides can be produced from mushrooms to replace harmful agricultural and domestic poisons. Fungi have been used to rehabilitate logging roads to stop siltation. Bacteria are already being used to improve plant growth in desert conditions. Bacterial 'desert cubes' are now available that can turn conventional (new or existing) urinals into waterless systems. Downstream, these naturally occurring and safe microorganisms can even assist in improving the septic tank or sewage treatment plant.

21 More exotic uses are being discovered all the time.

For example, bacteria have been used to restore deteriorating historic buildings and sculptures, and even to produce lighting, energy and oxygen.

No examples yet exist of developments that expand both the ecological base and the public estate in absolute or net positive ways. The above eco-solutions, among many others, have not been applied to the built environment within a net positive architectural typology. They would need to be fully integrated with structures to make buildings both eco-productive and cost effective from a whole system perspective. Therefore, physical demonstrations of net Positive Development are needed to raise the bar for governments, industries, communities and homeowners.

Some strategies for implementing change

To compensate for past reductions in the Earth's carrying capacity, Positive Development would create urban spaces for natural ecosystems to function in their own right, as well as to provide essential services to humans. One of the ways to design for eco-services is through the concept of 'ecological space' - the ecological area per person or area in a development.

22 Ecological space is offered as just one example of how we can increase the ecological and social value of development. The author has previously proposed means of adding ecological space without sacrificing space for human activity. Green Scaffolding (for retrofitting) and Green Space Walls (for new construction) add ecological space while expanding living areas for humans and nature, as described below.

These structures support ecospheres that combine to provide eco-services, increase building life spans, eliminate the need for fossil fuels in building operation and so on.

Living walls and vertical landscapes also add ecological space, but they perform limited functions and do not foster ecosystem health, rehabilitation and resilience, or integrate eco-services with building structures. A benefit of these mini-laboratories for ecological study, restoration and expansion is that measurement of positive impacts is relatively straightforward. If providing for increased ecological functioning and resilience constitutes a good investment, extensive negative impact assessments would not be required. Why?

Humans cannot predict or measure 'complex systems' by definition, yet most building research funding goes into trying to predict and measure repercussions of standard construction materials and methods in complex, open systems. In industrial modes of development, the uncertainties of new chemicals and other interference in complex natural systems, require extensive 'negative impact' studies. We can only assess these by drawing boundaries and excluding impacts. In contrast, additions of positive impacts do not require the tracing of interactions between immune systems and environmental toxins. This means that it is not necessary to wait for science to be able to model or replicate nature, let alone predict thresholds of ecosystem collapse, before taking affirmative action to increase sustainability.

Incentives schemes for Positive Development would be relatively simple to foster, assess and measure. An example of an incentive scheme would be where ecological space contractors pay building owners for the use of roof tops, facades or other spaces to build up development credits. Ecological space lends itself to trading as well, along the lines of transferrable development rights or carbon offset schemes. However, in a Positive Development context, credits for trading purposes would only be allowed where these new spaces add net ecological value. In contrast, transferrable development rights and environmental trading schemes have usually allowed offsets that enable increased negative impacts in total, provided that some impacts elsewhere are mitigated. That is, they are still usually net negative.

The proposed sustainability learning centre Regulations and incentives do not tell people how to do things, only what not to do. Therefore, exemplars of Positive Development are necessary to show how ecological, environmental and structural systems can be combined. The proposed Australian National Sustainability Initiative (ANSI) is intended to demonstrate Positive Development and catalyse sustainability learning across all sectors and interests more rapidly. The ANSI project has a long history, and is advocated by a coalition of experts, public interest organisations and dedicated individuals that combine the unique expertise to realize this innovative architectural and educational program.

Canberra, as the nation's capital, is proposed as the location for the world's first living, working demonstration of Positive Development. **However, it is also envisaged that there will be a network of bioregional centres around Australia that demonstrate Positive Development in all bioregions and climate zones.** A

site for ANSI has been 'earmarked' by the ACT government in the East Basin area near Lake Burley Griffin, east of the Kingston Foreshore development.

- 23 But while the project is on the map, it is emphasized that the government has not yet formally considered or approved the development proposal.

In the Canberra project, a lightweight, demountable space frame structure (triangular truss) supports double skin modules that fulfil a range of environmental and ecological functions. These modules contain 'ecospheres' that create a variety of eco-services, environmental controls, and mini-ecosystems for study and biodiversity protection. The varied modules heat, cool and ventilate the building, and produce clean energy, air, water and soil. The ecospheres and eco-services are integrated with the structure itself.

Depending on the orientation and required environmental functions, the exterior Green Space Walls for new construction (and/or Green Scaffolding for retrofits) could contain, for example:

- \_ Vertical landscapes for water and air purification
- \_ Atriums (for solar collection and social functions) that 'deconstruct' the exterior
- \_ Louvers, blinds and/or pergola structures to support vines and provide shade
- \_ Mirrors, light shelves and/or skylights to direct light into the interior
- \_ Habitats for small animals to breed (eg frogs, beetles, lizards)
- \_ Mini-zoos that create 'animated wallpaper' when viewed from inside
- \_ Sail cloth structures designed for circulating cool air and low-cost shading
- \_ Solar stacks and shower towers integrated into the vertical truss
- \_ Bird and possum nests, fish ponds and butterfly garden areas
- \_ Pipes for exterior fountains (cooling mists and fire prevention) in the vertical truss
- \_ Internal Trombe wall gabions (from local construction rubble) for thermal storage
- \_ Vertical composters and worm farms that are visible to building users
- \_ Living machines to treat grey water (and even sewage) in sealed modules
- \_ Light weight vertical wind turbines integrated with vertical trusses
- \_ Corridors, external walkways and/or decks in some atriums

### Moving beyond 'best practice'

As well as addressing the problems of typical buildings, this example of design for ecoservices challenges 'best practice' green design in many ways. Eight examples of problems that are still frequently found in contemporary 'green buildings' are outlined to illustrate how they could be addressed by the proposed ANSI project.

1. Reduced externalities v. positive impacts: Green buildings reduce resource consumption relative to conventional buildings, but still generate negative impacts in the surrounding environment. For example, many so-called 'green' double skin buildings only reduce operating energy, while creating dead spaces and increasing the urban heat island effect. While 'gardens for living' require maintenance, we forget that machines for living also require continual maintenance, replacement or repair.

ANSI's Green Space Wall creates an ecological envelope that wraps around and defines a diversity of interior and exterior atriums and courtyard spaces. It will remediate the degraded site while generating surplus eco-services. Urban cooling can be achieved on

very hot days by, for example, spray mists from the pipe trusses, fed by rainwater stored under the building.

2. Substitution v. natural systems: Green buildings still create sterile environments that separate humans from nature, and often replace natural systems with high maintenance, mechanical equipment. Again, most green features are still usually single function 'add ons'. Living walls or vertical wetlands are important, but they only provide a couple of functions, like air and water filtering. Green buildings cannot substitute for the life support system. In contrast, the modules could support aquaponic food production systems where fish fertilize water for a hydroponic plant system.

ANSI's exterior walls would support many functional elements synergistically without removing space from human activities. In combination, the different modules could generate a wide range of ecological functions and increase the total biodiversity of the site. Ecological spaces and terrariums can support mini-zoos (for species too small to realize they are confined). It can also safe havens for the study and preservation of endangered plants, butterflies, frogs and beetles whose natural habitats are threatened. If the sensors indicate that a module is not performing, given the experimental nature of design for eco-services, it can be easily modified or replaced.

3. Carbon neutrality v. ecosystem integrity: Green buildings reduce relative CO2 emissions, but do not support the ecosystem integrity and resilience of the surrounding area. Reducing future CO2 emissions against what might otherwise have been built is not a net gain. Sometimes green building developers count mere 'offsets' of negative impacts through substitute measures like car pools or green energy payments - not ecological and social gains made by the building itself.

ANSI's design goes beyond carbon neutrality to add ecological value. The project would expand the adjacent protected wetlands and create a buffer between the protected area and the future high-density developments planned for the nearby area.

Portions of the buildings would support extensive native landscaping, to increase appropriate biodiversity. The ecosphere modules double as an essential part of the wall and insulation, as well as providing biodiversity habitat.

4. Add on v. Integrated: Green buildings 'add on' environmental design features, rather than fully integrate natural systems with the structure. Wind generators, solarcells, vertical wetlands and the like can therefore be said to add costs. Although reducing operating costs, such added structures can be high in embodied energy, water and waste.

ANSI's biosphere modules are supported off the ground by a structural system that is integrated with solar stacks, ventilation ducts and light-weight wind generators. The structure itself would clean and cool the air using natural systems, thereby replacing or reducing the air conditioning system. In winter, heated air from thermal storage on the building's sunny side can be circulated around the building to the cool side, and vice versa.

5. Permanence v. flexibility: Green buildings aim for permanence and durability, which cumulatively limit the lifestyle and land use options of future generations. Green buildings change the local ecology for all time and are, for practical purposes, 'irreversible'.

Nonetheless, while durable, they will often end up as toxic land fill, due to changing social and technological forces.

ANSI's modular space frame structure can grow, contract and change over time. This 'reversible', adaptable structure could be deconstructed and even moved to another location. The interior arrangement can be easily altered to accommodate changing exhibitions and education programs. Being modular, the shape of the exterior footprint could also be modified to over time with new decks, rooms or atriums.

Retractable sail cloth features enhance the natural air conditioning systems.

6. Terra-forming v. supporting the surrounds: Green buildings often have concrete slabs that compress the soil (a living thing) and eliminate land area from future ecoproductive functions. They sit heavily on the land, replacing native soil, biota and ecosystems. Often their design simply relies on floods and fires not occurring during the building's life span.

ANSI's vertical triangular trusses that support the ecosphere walls, do not require concrete footings. The whole structure acts as an autonomous space frame that 'floats' over the flood plane. Vertical thermal mass is provided by gabions in some modules, that can directly heat, cool and ventilate rooms, as well as stabilize temperature swings. Water stored in the structure can be used in fire fighting for neighbouring buildings.

7. Style v. experiential interest: Green buildings often follow styles suggested by architectural magazines. The idea of 'invisibility' is anathema to many developers as they want to compete for the biggest imprint on the skyline. Nonetheless, to some extent, they all end up looking alike. There is also little visual interest for building users on the inside (other than views) as the interiors are stationary.

ANSI's floor plates are narrow, and wrap around internal and external courtyards. The interior plan is a journey that conveys the idea of 'many pathways' to sustainability. As some of the walls themselves are biodiversity habitats and microzoos, they create visual interest. Each ecosphere can provide moving exhibits for people inside the buildings to learn about nature close up (eg worm farms, ant colonies, cavorting beasties). Towers serviced by water-powered elevators provide an overview of the site.

8. Health v. human comfort: Green buildings tend to confuse the human environment with the ecology. They try to apply uniform rules for noise, air quality, lighting and so on, which create artificial, inflexible and 'one size fits all' cubicles. This approach not only overlooks the subjective or 'biophilic' needs of humans, it ignores the needs of the life support system.<sup>27</sup> Replacing ecosystems with green buildings is a cancerous process that in the end is terminal.

ANSI's indoor/outdoor spaces create a variety of microclimates and opportunities for individual environmental controls. But it also combines social and ecological functions to optimize the use of space and increase the oxygen and natural light for more ecoproductive environments. The ecospheres, combined with vertical composting, worm farms, etc, can actually produce healthy, fertile soil for urban parks and food production. The structural concept enables the natural landscape to flow through, over and under the buildings, making the building almost invisible.

## Conclusion

Positive Development, as opposed to what is now called green building, is one of the prerequisites of sustainability. Research and design for ANSI is underway. The next stage in this project is to virtually model, quantify and test the positive contributions to social and ecological sustainability made possible through this new approach to sustainable design. Grant are being sought for the requisite modelling, research and development. A team of designers has been formed at QUT to further develop the architectural brief and design. **A detailed business plan is under development, and informal negotiations have begun with various developers.**

For further information, contact [janis.birkeland@qut.edu.au](mailto:janis.birkeland@qut.edu.au).

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<http://www.canberra.edu.au/centres/developing-cities/autumn-seminar/docs/birkeland.pdf>

see also

<http://www.radionz.co.nz/national/programmes/ninetonoon/20090216>

<http://www.campusreview.com.au/images-2008/content/issue6pg67.pdf>

Councillor Katie Milne, moves that Council:-

1. Requests Professor Dr Janis Birkeland to provide Council with a series of Positive Development workshops.
  2. Makes a request to the Australian Institute of Sustainability Initiatives (ANSI) for information on the processes required to be nominated as one of the bioregional project centres.
  3. Requests State and Federal Governments for assistance in implementing positive development initiatives especially in relation to current developments proposed.
  4. Seeks concurrence with current and future developers involved with projects in the Tweed Shire to be involved with Positive Development initiatives.
  5. Seeks to incorporate, by cooperative partnership agreements, education, research & development facilities based on conservation and sustainability initiatives into current and future developments proposals.
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**72 [NOM] Biodiversity, Food Security and Carbon Reduction**

**NOTICE OF MOTION - K Milne:**

Councillor Katie Milne, moves that Council commissions a study on:

- a) What is needed to further research, preserve, enhance, and care for the Tweed's flora, fauna, marine biodiversity, and to provide for food security and carbon reduction.
  - b) A Strategy to develop a sympathetic, Conservation based / World Heritage based economic and tourist niche industry for the Tweed.
  - c) Ways to create conservation based facilities, infrastructure, research and development, business opportunities and initiatives, to create positive impact development and policies needed to care for and conserve Tweed Shire's biodiversity assets, and to provide for food security and carbon reduction.
  - d) This study to identify various appropriate funds and assistance opportunities including government and private organisations (including international), developing partnerships, section 94 developer contribution funds or other means to resource measures identified, including this study.
  - e) This study to seek advice from various organisations such as the CSIRO, Universities, the Australian Institute of Sustainability Initiatives, local environmental, business and community organisations and the general public and create an ongoing implementation team.
  - f) This study to identify how these measures could be implemented through Council.
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**73 [NOM] Carbon Reduction - Red Meat and Dairy**

**NOTICE OF MOTION - K Milne:**

Councillor K Milne moves that Council promotes a less red meat and less dairy campaign and eliminates red meat from the Council menu.

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**74 [NOM] Speed**

**NOTICE OF MOTION - K Milne:**

Councillor Katie Milne, moves that Council adopts a “go slow” driving policy and campaign for all council workers and private contractors and the general public.

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**75 [NOM] Plastic Bags**

**NOTICE OF MOTION - K Milne:**

Cr Katie Milne, moves that:-

1. Council initiates a program to eliminate plastic bags from the Shire.
  2. Council to approach the business chambers for assistance in a partnership with this.
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**76 [NOM] Mayoral Vote**

**NOTICE OF MOTION - K Milne:**

Councillor K Milne moves that Council instigate the process to consider the election of mayor by popular vote.

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## **CONFIDENTIAL ITEMS FOR CONSIDERATION**

### **MAYORAL MINUTE IN COMMITTEE**

#### **1 [MM] General Manager Review Committee**

##### **REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)
- 

### **REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE**

Nil.

### **REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE**

#### **2 [EO-CM] Supply of Fill to Byron Regional Sport and Cultural Complex**

##### **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

**3 [EO-CM] Land Acquisition for Road and Compensation Purposes -  
Cudgen Road, Duranbah**

**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

**4 [EO-CM] Park Naming**

**REASON FOR CONFIDENTIALITY:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

