



TWEED
SHIRE COUNCIL

Mayor: Cr Warren Polglase

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

Agenda

Ordinary Council Meeting Tuesday 20 April 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 4.30pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

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20 [CNR-CM] Proposed Biodiversity Grants

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

On 27 January 2009 Council unanimously approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire.

To date 58 landholders have submitted applications under the Biodiversity Grant Program. Site visits have been made to 34 properties, 32 of which meet the Grant's criteria and 26 have been approved. The purpose of this report is to seek Council's approval to fund the remaining 8 private landowners in accordance with the provisions of the Biodiversity Grant Program.

RECOMMENDATION:

That Council approves the expenditure under its Biodiversity Grant Program to assist the private landowners to undertake the projects listed in the table contained within the report.

REPORT:

Introduction

On 27 January 2009 Council approved the implementation of a Biodiversity Grant Program to assist private landowners, community groups and researchers to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire. This initiative represents an important component of Council's Biodiversity Program.

The Biodiversity Grant Program supports projects that contribute to the following ecological priorities within Tweed Shire:

1. Rehabilitation of degraded habitats
2. Restoration of previously cleared areas
3. Threatened species recovery
4. Management of threatening processes
5. Monitoring and research

Applications under the program can be made throughout the year and are assessed using the following criteria:

1. Ecological benefits (eg. ecological status, multiple ecological priorities, contribution to State and regional biodiversity targets etc);
2. Value for money (including in kind contributions, external funding);
3. Technical capability and applicant track record;
4. Site security (preference will be given secure sites eg. conservation covenants, Environmental Protection zones etc);
5. Ongoing maintenance requirements;
6. Spread of projects across ecological priorities and the Shire (including projects funded from other sources).

To date 58 landholders have submitted applications for the Biodiversity Grant Program. Site visits have been made to 34 properties, 30 of which meet the Grant's criteria. Twenty six have been approved by Council, for which Agreements have been posted. To date, 23 of these have been signed and returned. The purpose of this report is to seek Council's approval to fund the 8 private landowners visited since the February meeting under the Biodiversity Grant Program to assist them as per the table below.

The proposed grants involve the provision of services by professional bushland regenerators to assist landholders to more effectively manage environmental weeds protect native vegetation and improve wildlife habitat.

Surname	Address	Total cost est. (\$)	Details
Price	Reserve Creek	2,275.00	Strong landholder commitment to maintain works in mod.-high biodiversity value flora and fauna area with connection to other high value properties.
Bloomfield	Uki	1,675.00	Strong landholder commitment to maintain works in high biodiversity value rainforest remnant.
Norman	Crystal Creek	3,350.00	Strong landholder commitment to maintain works in mod.-high biodiversity value flora and fauna area with connection to other high value properties.
McInnes	Chillingham	2,000.00	Strong landholder commitment. Connects to vegetation corridor to the south and riparian corridor to the north.
Granger	Dum Dum	1,525.00	Strong landholder commitment to maintain works in mod.-high biodiversity value flora and fauna area with connection to vegetation corridor and other Biodiversity grant applicants.
Baumer	Wardrop Valley	1,675.00	Strong landholder commitment. High potential for rainforest gully to regenerate on edge of vegetation corridor.
MacTaggart	Duranbah	4,110.00	Strong landholder commitment. Bounded by Cudgen Nature Reserve and 2 other Biodiversity Grant recipients undertaking tree planting projects to extend Koala corridor.
Youngblutt	Uki	1,220.00	Strong landholder commitment to maintain works in mod.-high biodiversity value flora and fauna area with connection to vegetation corridor and other Biodiversity grant applicants.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding for this project is to be sourced from the existing Biodiversity Program budget.

POLICY IMPLICATIONS:

This program is consistent with the adopted Tweed Vegetation Management Strategy 2004 and the Council resolution of 27 January 2009 which established the Biodiversity Grant Program.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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21 [CNR-CM] Provision of Funding by NSW Land and Property Management Authority towards Indian Myna Control on Crown Lands in Tweed and Byron Catchments

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

Tweed Shire Council has been awarded a \$3500 grant from the 2009/10 round of NSW Lands and Property Management Authority *Pest and Feral Animal Control Program* towards the control of Indian Mynas on Crown land within the Tweed and Byron Shires.

Through funding provided by the NSW Environmental Trust, a dedicated Indian Myna Control Officer has been employed three days a week over a period of two years to coordinate a control program in both Tweed and Byron Local Government Areas. This position commenced in August 2008. The project has been running well, with a commendable take-up of the project by the community.

The provision of additional project funding by the NSW Lands and Management Authority to assist in control effort, either on, or in the areas surrounding Crown Land in Tweed and Byron Shires, will make a meaningful contribution to ongoing Indian Myna control efforts.

RECOMMENDATION:

That Council:-

- 1. Accepts the grant of \$3500 from the NSW Land and Property Management Authority to contribute to Indian Myna control on Crown Land in Tweed and Byron Shires.**
- 2. Votes the expenditure.**

REPORT:



Hon Tony Kelly MLC
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

BIRDS.
NOXIOUS-INSECTS + PESTS
ENVIRONMENTAL TRUST GRANTS

TWEED SHIRE COUNCIL	
FILE No:	INDIAN MYNAS
DOC. No:	
REC'D:	17 DEC 2009
ASSIGNED TO:	KINGSTON, M
WARD COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>

DOC09/62513

8 DEC 2009

Mr Michael Rayner
General Manager
Tweed Shire Council
Tumbulgum Road
MURWILLUMBAH NSW 2484

Dear Mr Rayner

I refer to your application for financial assistance towards the control of Indian mynas on Crown land within the Tweed and Byron Catchments.

I am pleased to advise that I have approved grants of \$3,500 and for this purpose.

In order for the funds to be released it will be necessary for you to provide a tax invoice (GST inclusive).

All invoices should be directed to the Business Analyst, Crown Lands Funding Programs, Land and Property Management Authority (LPMA), GPO Box 15, Sydney 2001.

Please liaise with the local LPMA staff in implementing the project and report in writing when the work has been undertaken and the funds fully expended.

Yours faithfully

Tony Kelly MLC
Minister for Lands

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

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Nil.

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22 [CNR-CM] Koala Plan of Management

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

Council at its meeting of 19 January 2010 resolved that Council:

1. *Commences the Koala Habitat Study (Stage 1) in preparation for the Koala Plan of Management (Stage 2).*
2. *Officers bring forward a future report on the creation of a Tweed Shire Koala Plan of Management Steering Committee.*
3. *In accordance with its previous resolution (18 August 2009) consider an allocation in the 2010/2011 Budget to address any shortfall necessary to complete the Koala Plan of Management.*

This report provides an update on these resolutions.

In accordance with the first resolution, work has commenced on Stage 1 of the Koala Plan of Management. This has involved: (1) the preparation of a brief to prepare a background study entitled the Tweed Coast Koala Habitat Study; (2) the engagement of specialist consultants Biolink Ecological Consultants to prepare the study and; (3) commencement of the study.

In accordance with the second resolution, Council officers have prepared draft terms of reference for a Tweed Coast Koala Advisory Group to guide the development of the comprehensive Koala Plan of Management. The role and function of the advisory group and its proposed membership is based on that of similar groups formed elsewhere and advice provided by Department of Environment, Climate Change and Water (DECCW) and Department of Planning in relation to meeting the requirements of State Environmental Planning Policy 44 - Koala Habitat Protection.

In relation to funding, as advised previously, it is estimated that it will cost \$100,000 to undertake the comprehensive Koala Plan of Management (KPOM). To fund the project, Council officers lodged an application with NSW Environmental Trust to fund \$80,000 of the project cost with the remainder (\$20,000) to be sourced from Council's Biodiversity Program. Unfortunately, Council has been recently advised that its application was unsuccessful. Notwithstanding, Council has recently received confirmation of a \$40,000 grant from DECCW to support the development of the Plan including the Koala Habitat Study. It is proposed that additional funds necessary to complete the KPOM will be sourced from Council's Biodiversity Program supplemented by a proposed additional contribution of \$30,000 from Council's 2010/11 budget.

RECOMMENDATION:

That Council:-

- 1. Accepts the grant of \$40,000 from the NSW Department of Environment, Climate Change and Water to undertake koala field surveys and associated works as part of a Comprehensive Koala Plan of Management under SEPP 44.**
- 2. Notes the commencement of the Tweed Coast Koala Habitat Study (Stage 1) in preparation for the Comprehensive Koala Plan of Management (Stage 2).**
- 3. Endorses the Tweed Coast Koala Advisory Group Terms of Reference.**
- 4. Nominates a Councillor representative to sit on and chair the Tweed Coast Koala Advisory Group.**
- 5. Calls for nomination from the community and the community groups as detailed in the attached Terms of Reference for positions on the Tweed Coast Koala Advisory Committee.**
- 6. Officers bring forward a report with recommendations on the membership of the Tweed Coast Koala Advisory Committee.**

REPORT:

The following report provides the documentation to support the recommendations above:

1. Project scope and outcomes of the Tweed Coast Koala Habitat Study
2. Letter of offer from the Department of Environment Climate Change and Water to undertake to undertake koala field surveys and associated works as part of a Comprehensive Koala plan of management under SEPP 44.
3. Draft Tweed Coast Koala Advisory Group Terms of Reference (under separate cover)

Project scope and outcomes of the Tweed Coast Koala Habitat Study

*Contract EQ2010 039
Provision of Services Tweed Coast Koala Habitat Study*

Project Scope and Outcomes

To effectively support the development of the CKPOM the Tweed Coast Koala Habitat Study will need to provide the following:

- Overview of SEPP 44 and other relevant planning legislation.
- A review of koala habitat requirements, ecology and regional conservation status.
- A review of previous koala studies relevant to the Study Area.
- Survey and analysis of current (and past) koala distribution, population size and dynamics within the Study Area. This should be based on community-based and opportunistic records (e.g. NPWS Atlas records) and systematic survey.
- An analysis of preferred koala food trees in the Study Area.
- Mapping to delineate vegetation considered to be potential and core koala habitat.
- Mapping and assessment of key threats to koalas and their habitat including priority locations such as road mortality blackspots
- Mapping of regional and local corridors required for koala movement both within and adjoining the study area
- Assessment of areas suitable for habitat restoration and revegetation.
- Identification of koala care and welfare needs.
- Assessment of local population viability and future prospects.
- Recommendations and options to inform the preparation and implementation of the CKPOM.

Letter of offer from the Department of Environment Climate Change and Water



Environment,
Climate Change
& Water

Memo to: Mark Kingston of: Tweed Shire Council
From: John Turbill of: DECCW
Phone: 02 66 598 224
cc:
Date: 11 March 2010 No of pages (including this page): 1

RE: Contractual Agreement between DECCW and Tweed Shire Council to undertake koala surveys and habitat mapping for the Tweed Coast

Hi Mark

Attached is the signed Contractual Agreement for this project and the standard purchase order for invoicing of the \$44,000 (inclusive of GST).

Could council now please forward an invoice to DECCW at the address below for \$44,000 (inclusive of GST) referencing Purchase Order number 4500311231.

Thanks and look forward to a great project

Kind Regards

John Turbill
Biodiversity Assessment and Conservation Section

Address for Invoice:
Department of Environment, Climate Change and Water
Locked Bag 914
COFFS HARBOUR, NSW 2450

AGREEMENTS
TWEED SHIRE COUNCIL
FILE No: KOALA MANAGEMENT
DOC. No: _____
REC'D: 15 MAR 2010
ASSIGNED TO: KINGSTON, M
HARD COPY IMAGE

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

In accordance with Council resolutions of 18 August 2009 and 19 January 2010 an allocation of \$30,000 has been include in the draft 2010/2011 Budget

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Draft Tweed Coast Koala Advisory Group Terms of Reference (ECM 14878189)
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23 [CNR-CM] Regulation of Traffic - Heath Road, Round Mountain

ORIGIN:

Design/Natural Resource Management

SUMMARY OF REPORT:

Heath Road, which runs in an east-westerly direction off Round Mountain Road, forms the boundary between the localities of Round Mountain and Pottsville. It is a formed, but rough track, with no surface material, that extends to the western end of Cudgera Creek. The road also forms part of the south-western boundary of the southern part of the Cudgen Nature Reserve, being Lot 513 in DP 729269.

The road provides access to the Nature Reserve, by forking northwards alongside its western boundary, which ultimately provides access to Council's Round Mountain Sewerage Treatment Plant.

There has been a history of rubbish dumping along the road, starting at the intersection of Heath Road with Round Mountain Road, where a car has been dumped, immediately alongside a Council sign prohibiting the dumping of rubbish. Other domestic rubbish comprising a refrigerator, building rubble, paint cans and garden waste has been found next to the road at various intervals.

The land adjacent to the road has also been identified as containing potentially endangered ecological communities and habitat for threatened species or populations, thus the incursion of domestic and garden waste is having a negative impact on the land.

As the land is in close proximity to the Nature Reserve and the northern part of Council's environmental corridor at Koala Beach it is proposed to install a locked gate to restrict use of the road reserve to National Parks and in the event of bush fires allow access to the Rural Fire Service.

Council has the authority under section 122 of the Roads Act to regulate traffic on a public road. In this instance, due to the continued dumping of rubbish and the sensitivity of the land adjacent to the road, it is recommended that Council approve the installation of a locked gate at the intersection of Heath Road with Round Mountain Road.

RECOMMENDATION:

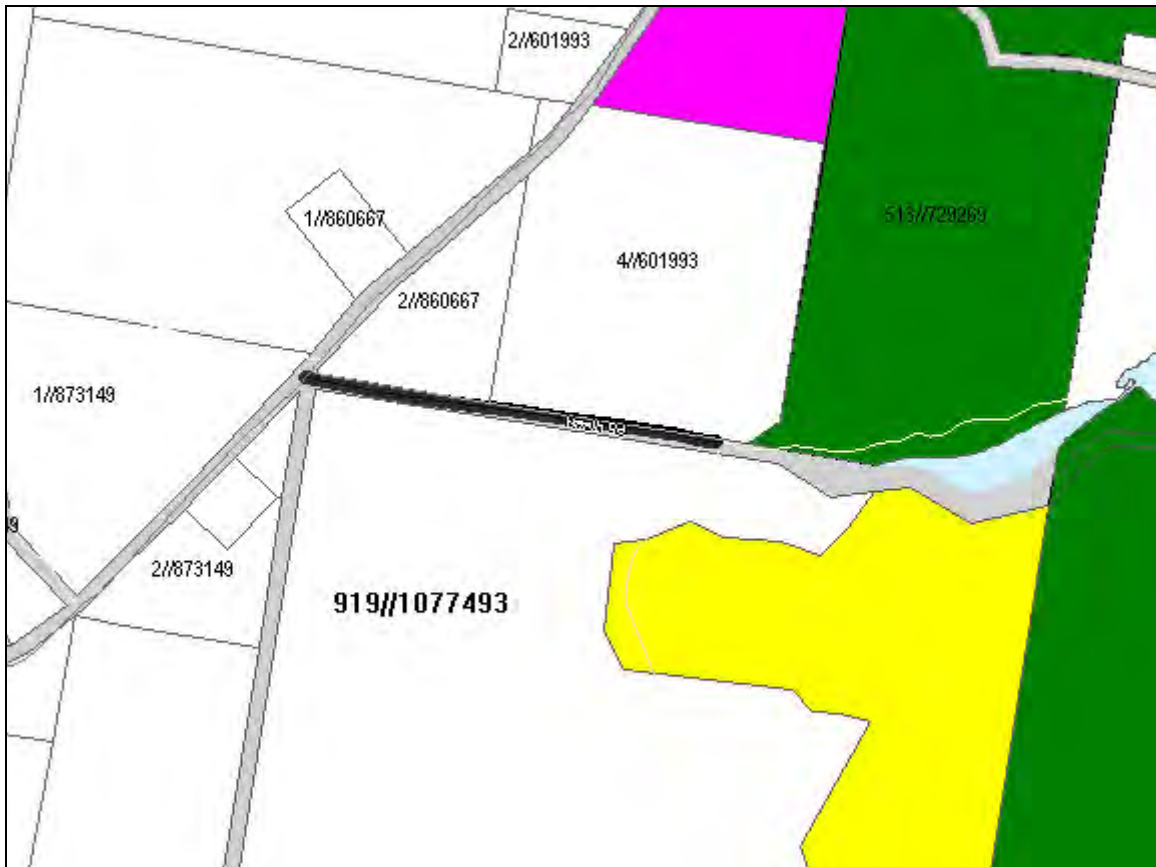
That Council:

- 1. Under section 122 of the Roads Act 1993, regulates the traffic on Heath Road, Round Mountain by means of a gated structure**
- 2. Advertises the regulation of traffic on Heath Road, Round Mountain in the Tweed Link.**

REPORT:

Heath Road, which runs in an east-westerly direction, forms the boundary between the localities of Round Mountain and Pottsville. It is a formed track, with no surface material, extends to the western end of Cudgera Creek. The road also forms part of the south-western boundary of the southern part of the Cudgen Nature Reserve, being Lot 513 in DP 729269.

The plan below shows the location of the subject road:



The road provides access to the Nature Reserve, by forking northwards and ultimately provides access along the western boundary of Lot 513 to Council's Round Mountain Sewerage Treatment Plant.

There has been a history of rubbish dumping along the road, starting at the intersection of Heath Road with Round Mountain Road, where a car has been dumped, notwithstanding a Council sign prohibiting dumping. Other domestic rubbish comprising of refrigerator, building rubble, paint cans and garden waste has been found next to the road at various intervals.

Several photographs follow showing the sign and the car next to it and various photographs showing the domestic and garden waste that has been dumped along Heath Road:









The land adjacent to the road has been identified as containing potentially endangered ecological communities, thus the incursion of domestic and garden waste is negatively impacting on the land.

It is proposed that the costs of any clean up and installation of gating at this site will be funded by the Tweed Byron Bush Futures Project, a NSW Government Environmental Trust Urban Sustainability Program that is currently running across both Shires. One of the core aims of this project is to '*deliver extensive on-ground works to address threats to bushland integrity*'.

The following vegetation communities were identified adjacent to Heath Road:

Broad-leaved Paperbark Closed Forest to Woodland – potential Endangered Ecological Community – '*Swamp sclerophyll forest on coastal floodplains of the NSW North Coast*'.

Coastal Swamp Mahogany Open Forest to Woodland – potential Endangered Ecological Community – '*Swamp sclerophyll forest on coastal floodplains of the NSW North Coast*' and potential Core Koala Habitat.

Coastal Tallowwood Open Forest to Woodland – potential Endangered Ecological Community – '*Subtropical coastal floodplain forest of the NSW North Coast bioregion*' and potential Core Koala Habitat.

Coastal Swamp Box Open Forest to Woodland - potential Endangered Ecological Community – '*Subtropical coastal floodplain forest of the NSW North Coast bioregion*'.

Coastal Brush Box Open Forest to Woodland - potential Endangered Ecological Community – '*Subtropical coastal floodplain forest of the NSW North Coast bioregion*'.

In addition a range of threatened fauna species have been recorded in the NPWS Wildlife Atlas using the vegetation communities listed above within one kilometre of Heath Road, these include the *Vulnerable* (TSC Act) species: Koala, Southern Myotis (a bat), Glossy Black-cockatoo, Common Planigale, Osprey, Little Bentwing-bat, Wallum Froglet, Black Bittern, Sanderling and Spotted-tailed Quoll (*Endangered* under the C'wealth EPBC Act) and the *Endangered* (TSC Act) Bush Stone-curlew and Black-necked Stork.

As the land is in close proximity to the Nature Reserve and the northern part of Council's environmental corridor at Koala Beach it is proposed to install a locked gate to restrict use of the road reserve to National Parks and in the event of bush fires allow access to the Rural Fire Service.

Council has the authority under section 122 of the Roads Act to regulate traffic on a public road. In this instance, due to the continued dumping of rubbish and the sensitivity of the land adjacent to the road, it is recommended that Council approve the installation of a locked gate at the intersection of Heath Road with Round Mountain Road.

It is intended to clean up the rubbish and to install the gate to prevent further dumping along Heath Road and maintain the integrity of the environment.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

All costs relating to the cleanup and installation of the gate will be derived through the Tweed Byron Bush Futures Project, a NSW Government Environmental Trust, Urban Sustainability Program grant obtained by Tweed and Byron Shires in 2009 to undertake sustainable management of significant urban and peri-urban bushland areas.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

24 [CNR-CM] Increasing Solar Power in the Tweed

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

This report details two initiatives to increase the amount of solar power generation in the Tweed Shire.

Initiative 1: Tweed Shire Council (TSC) Solar Rooftops Plan

The TSC Solar Rooftops Plan is an action plan for increasing the number of solar photovoltaic (PV) systems on community facilities in the Tweed Shire. It establishes a framework for maximising the economic, social and environmental benefit of solar PV installations, identifies a number of council assets suitable for solar PV systems and sources the funding required to implement the first two installations.

Initiative 2: Tweed Shire Council Alliance with a Solar Installer

To increase the voluntary uptake of solar photovoltaic (PV) systems in the local community, an alliance/partnership between Tweed Shire Council and a suitably qualified renewable energy business is proposed. Council will use its communication tools (eg. Tweed Link, website) to promote the solar alliance and the successful tenderer will install solar PV systems to paying customers within the shire. In return for local promotion, the successful tenderer will be required to provide TSC with free solar PV systems for installation on facilities identified in the TSC Solar Rooftops Plan. The Alliance will run for 12 months or 200 installations, whichever comes first.

RECOMMENDATION:

That Council:-

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

REPORT:

Solar Power Incentives

The introduction of the Australian Government Solar Credits Scheme (ie. solar rebate) and the NSW Solar Bonus Scheme (ie. gross feed-in tariff) have combined to make solar power a cost effective investment for NSW property owners. Based on a feed-in tariff of \$0.60 per kilowatt a nine panel, 1.5kW solar photovoltaic (PV) system will generate up to \$1642 worth of electricity per year and pay for itself in less than four years.

Solar Power in the Tweed

This report details two initiatives to increase the amount of solar power generation in the Tweed Shire being:

- Solar power on TSC Community Facilities.
- An alliance between TSC and a solar PV system installer to facilitate the voluntary uptake of solar power in the local community.

TSC Community Facilities

The TSC Solar Rooftops Plan is an action plan to guide the installation of solar photovoltaic (PV) systems on council owned, community managed facilities such as community halls and sporting clubhouses. It establishes a framework for maximising the economic, social and environmental benefit of solar power installations, identifies a number of community facilities suitable for solar PV systems and sources the funding required to implement the first two installations being Uki Sports Clubhouse and Crystal Creek Community Hall. The TSC Solar Rooftops Plan is attached to this report.

Facilitating Solar Power Uptake in the Local Community

Take-up rates of 'green technologies' in the local community increases significantly when Council facilitates the process. This was demonstrated between January 2007 and December 2008 when more than 50% of shire households had energy and water saving devices installed through a partnership between Tweed Shire Council and Fieldforce Pty/Ltd. In other local government areas where Fieldforce offered their service without Council support the take-up rate was around 30% of households.

Solar PV Alliance

An alliance / partnership between Tweed Shire Council and a suitably qualified solar installer will provide Tweed property owners with a simply way of reducing energy costs and environmental footprint through the application of renewable energy technology.

Tweed Shire Council will undertake a tender process to identify the most suitable solar installer, with the successful applicant's contribution to the Solar PV Alliance being:

- Timely installation of solar photovoltaic systems to paying customers within the Tweed Shire.
- Community donation proposal eg. installation of a free two kilowatt (kW) solar PV system on a community facility for every 30kW of capacity installed through the alliance.
- Progress reports on the total number and total kilowatt capacity of installations.

Tweed Shire Council's contribution to the alliance would include:

- Promotion of the Solar Photovoltaic Alliance via:
 - Media launch
 - Tweed Link, Council's newspaper with a circulation of over 38,500 copies per week.
 - Council website
 - Community networks

The alliance would be sought through Council's tender process with applicant submissions to outline the following:

- Pricing structure for product packages
- Capability and experience
- Examples of track record
- System information and specifications
- Community donation proposal
- Any additional benefits resulting from the partnership eg. local employment generation

The Alliance will run for 12 months or 200 installations, whichever comes first.

SOCIAL/ECONOMIC/ENVIRONMENTAL IMPLICATIONS:

Social: Facilitating the uptake of renewable energy technology in the shire will contribute towards increased social awareness around climate change and energy supply issues.

Economic: Properties that install a 1.5kW solar PV system will generate up to \$1642 worth of electricity each year, leading to increased disposable incomes and associated benefits to the local economy.

Environmental: Properties that install a 1.5kW solar PV system will reduce their carbon footprint by nearly 3 tonnes of CO₂ per year.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Legal: Probity issues relating to the Solar PV Alliance will be addressed by adhering to Council's procurement process.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Tweed Shire Council Solar Rooftops Plan (ECM 14571494)
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25 [CNR-CM] National Greenhouse and Energy Reporting Scheme

ORIGIN:

Waste Management

SUMMARY OF REPORT:

The *National Greenhouse and Energy Reporting (NGER) Act 2007*, and its subordinate legislation, establishes a national framework for reporting by corporations of their energy production, energy use, and greenhouse gas (GhG) emissions. Under the Act, it is now a requirement of all corporations who exceed the specified thresholds defined in the Act to report GhG emissions, as well as the quantity of energy which they are responsible for either consuming or producing. Most Local Governments are currently exempt from NGERS due to the definition of corporation and therefore did not need to report for 2008/2009. Tweed Shire Council did register; to clearly define its emission profile, and to pre-empt the amendment to the NGERS legislation that will ensure all Local Governments are required to participate for the next reporting period (2009-2010).

A GhG emissions profile for Council's electricity / fuel consumption and methane emissions from landfill and waste-water treatment operations concluded that Council did not trigger the corporate group threshold for the 2008/09 reporting period. However, the landfill component of Stotts Creek Resource Recovery Centre produced 27.48 kilotonnes of CO₂-e in 2008/09, triggering the facility threshold of 25 kt CO₂-e. As a result, activity data for the Landfill was submitted to the Australian Government Department of Climate Change on 30 October 2009. Without the methane gas capture system in place at the landfill, the exceedance would have been far higher.

NGERS is now an annual reporting requirement for Tweed Shire Council. Council's existing data management systems for energy, fuel and methane emissions are being refined in accordance with the NGERS requirements for data collection. These processes will assist annual reporting requirements into the future.

RECOMMENDATION:

That the report on the National Greenhouse and Energy Reporting Scheme be received and noted.

REPORT:

The *National Greenhouse and Energy Reporting (NGER) Act 2007*, and its subordinate legislation, establishes a national framework for mandatory reporting by corporations of their energy production, energy use, and greenhouse gas (GhG) emissions. Under the Act, it is now a requirement of all corporations who exceed the specified thresholds defined in the Act to report GhG emissions, as well as the quantity of energy which they are responsible for either consuming or producing. GhG emissions that need to be accounted for are defined in Section 7 of the Act and are as follows:

- carbon dioxide; or*
- methane; or*
- nitrous oxide; or*
- sulphur hexafluoride; or*
- a hydrofluorocarbon of a kind specified in the regulations; or*
- a perfluorocarbon of a kind specified in the regulations.*

Sources of the above GhG emissions to be reported on include both scope 1 (direct) and scope 2 (indirect) emissions as stated under Section 2.23 of the *National Greenhouse and Energy Reporting Regulations 2008*:

The NGER thresholds for facilities and corporations are summarised in Figure 1.2 of the *National Greenhouse and Energy Reporting Guidelines* and is provided below.



Notes: TJ = terajoule (10^{12} joules) of energy consumed or produced; kt = kilotonne (10^6 kilograms) CO_2 -e equivalent of greenhouse gases emitted. Conversion factors: Energy—1 terajoule = 1000 gigajoules, 1 gigajoule = 1000 megajoules, 1 megajoule = 1000 kilojoules, 1 kilojoule = 1000 joules; CO_2 -e emissions—1 kilotonne = 1000 tonnes, 1 tonne = 1000 kilograms.

It should be noted that most Local Governments are currently exempt from NGERs due to the definition of a 'corporation' in the Act and therefore do not need to report for the year 2008 - 2009. The legislation is currently being amended to ensure all Local Governments are required to participate in NGERs for the next reporting period (2009-2010).

Council Officers took this opportunity to register for the 2008/2009 reporting period, and clearly define Council's emissions profile. Council is one of twelve (12) Local Governments in Australia which are listed on the National Greenhouse and Energy Register; however it is unclear how many of these twelve Councils submitted any data in 2008/2009.

An in-house review of Tweed Shire Council's scope 1 and 2 GhG emissions (ie. scope 1 - electricity and fuel consumption, scope 2 - methane emissions from Stotts Landfill and waste-water treatment plants) concluded that Council did not trigger the corporate group threshold for the 2008/09 reporting period, however, the landfill component of Stotts Creek Resource Recovery Centre produced 27.48 25 kt CO₂-e in 2008/09, triggering the facility threshold of 25 kt CO₂-e. As a result, activity data for the Landfill was submitted to the Australian Government Department of Climate Change on 30 October 2009. The implementation of the methane gas recovery infrastructure at the Stotts Creek Landfill significantly reduced the emissions profile for this site, and will continue to mitigate a portion of emissions from the site for many years after the last tonne of waste is accepted for landfilling. The methane gas recovery infrastructure is by far Council's single most effective emissions management infrastructure.

Council is now required to submit a NGERs report annually from 2008/09. To assist this process into the future existing data management systems for energy, fuel and methane emissions are being refined in accordance with the NGERs requirements for data collection.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. NGERs 2008-2009 Submission Summary Report (ECM 9887851)
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26 [CNR-CM] Northern Rivers Food Links - Update

ORIGIN:

Director Community & Natural Resources

SUMMARY OF REPORT:

In February 2009, an alliance of councils across the Northern Rivers region, comprising of Lismore, Byron, Ballina, Tweed, Kyogle and Clarence Valley Councils and Rous Water were awarded \$1.9 million under the NSW Environmental Trust's Urban Sustainability Program to deliver the Northern Rivers Food Links Project.

Northern Rivers Food Links will contribute towards the Council 'Tweed Food Bowl Vision' resolution of 18 August 2009.

This report details the status of the Business Plan and associated governance structure for project delivery over the next two years and identifies the in-kind support required from Tweed Shire Council for project launch and implementation.

RECOMMENDATION:

That Council:-

1. **Endorses Option Two for the establishment of the Local Government Area Reference Group as detailed in the report.**
2. **Nominates a Councillor to participate in the project launch, being a '*local food cook off*' between a Councillor, chef and hospitality student.**

REPORT:

On 18 August 2009 Cr J van Lieshout tabled a mayoral minute – 'Tweed Food Bowl Vision' and resolved that:-

Council Officers investigate and prepare a feasibility report on the potential for Northern Rivers region to increase its food growing capacity together with studies on food related industry initiative and more sustainable "Paddock to Plate" and "co-operative marketing" opportunities.

Council takes an active involvement in the \$1.9 million Northern Rivers Food Links Project and that a suitable workshop presentation on the "Draft Food Link Project Business Plan" be arranged.

Council will recall the workshop presentation on the Northern Rivers Food Links Project on 22 September 2009. This report provides an update on the status of the project.

Background:

In February 2009, an alliance of councils across the Northern Rivers region, comprising of Tweed, Lismore, Byron, Ballina, Kyogle, Clarence Valley and Rous Water were awarded \$1.9 million under the NSW Environmental Trust's Urban Sustainability Program to deliver the Northern Rivers Food Links Project (the Project).

A Steering Committee was established comprising of staff from member Council's with Clarence Valley Council being appointed as the lead agency to administer the project on behalf of member Council's. Lismore City Council was initially the lead agency but withdrew from the position and Clarence Valley Council took up the role to allow the project to continue.

The Project consists of two stages, delivered over three years.

- Stage 1 (2009): Preparation of the Business Plan and establishment of the governance framework.
- Stage 2 (2010 and 2011): Implementation of the Business Plan.

Business Plan and Governance Framework

The Business Plan was prepared by independent consultants between March and September 2009 following extensive consultation with industry, community and councils across the northern rivers region and was approved by the NSW Environmental Trust in March 2010.

A summary of the Business Plan, including Project objectives, deliverables and governance framework is provided below.

Objectives

- Enhance the local food economy by strengthening links between the regions food producers, distributors, retailers and consumers.
- Support take-up of sustainable food production practices with particular emphasis on farming inputs, land-use management in a changing climate and off-farm environmental impacts.
- Reduce reliance on highly centralised food supply chains.

The General Managers from the seven participating councils have signed an agreement to continue co-operation and support for this project.

The Project will seek to achieve its objectives through a number of focus areas. These are listed below and have been divided according to their implementation on a shire-wide or regional basis.

Local Government Projects

Village Showcase: The projects will seek to fund at least one grassroots food-related initiative in each local government area, such as community gardens, local markets and community supported agriculture. Community and/or other groups seeking funding will be required to provide a cash/in-kind contribution.

Regional Projects

Marketing and Education: Will entail research of consumer attitudes to and awareness of locally produced food and the development of a marketing and education strategy to raise awareness of the benefits of consuming locally produced food.

Distribution: Will entail the identification of innovative, planned and co-ordinated actions aimed at the decentralization and localisation of food supply and distribution system.

LGA Food Resource Kit: Aims to support partner councils in the development and implementation of food related policy, procedures and practices to deal with emerging issues associated with food production.

Food Production and Distribution in Indigenous Communities: Aims to support activities to improve and upgrade food production, distribution and consumption in Aboriginal communities and Aboriginal community organisations throughout the region.

Sustainable Farming Practices: Aims to support sustainability initiatives, such as on-farm composting and/or biochar trials in a sector or location which have limited opportunities or take-up. Also aims to provide additional funding to training providers to allow them to extend their support beyond workshops to mentoring and/or focus groups to support people in implementing the change.

Business Development: Aims to provide opportunities for primary producers to make their farm businesses more financially sustainable, such as on-farm value adding and cooperative marketing.

Land Use Showcase: This will showcase existing and potential land use models (such as intentional communities and community supported agriculture) and promote new models.

Funding will be provided through the project to business, industry and community groups to implement a number of these activities. Information packages regarding the potential community funding and various project areas will be made available for the community following the approval of the Business Plan.

Governance Structure

The scale of the Project, and the involvement of seven councils requires a robust governance structure, including a project management team independent of any individual Council. Below is a summary of the governance structure for the Project, which will commence in April 2010.

Steering Committee

All councils partnered in the Project will be represented on a Steering Committee by at least two staff members, together with a representative from the Environmental Trust, the funding authority.

Project Management Team

A Project Management Team has been engaged, consisting of a Project Manager, Regional Project Officer and Local Government Project Officer. These personnel will be responsible for the successful initiation, implementation and completion of the projects.

The Project Manager will be responsible for overall project organisation, management, planning, implementation, monitoring and evaluation. The Project Manager will report to the Steering Committee.

The Local Government Project Officer will support the coordination of seven LGA Reference Groups and develop specific funding criteria for local government projects across the region.

The Regional Project Officer will support the co-ordination of a Regional Partnership Reference Group and develop specific funding criteria for regional project activities.

Reference Groups

Given the scale and complexity of the project and the range of interest groups throughout the region, a number of reference groups will be created. The reference groups will be supported by the relevant Project Officer who will assist with developing the criteria for the funding, promote the funding opportunities through the local media and provide support to applicants in putting together their submissions.

The overall role of the reference groups is to:

- Provide advice and feedback to community groups seeking support for project activities
- Provide advice to the Steering Committee on activities
- Provide advice and feedback on project activities once underway
- Communicate with constituents to explain decisions made by the Steering Committee

Local Government Area (LGA) Reference Group

A reference group will be established in each LGA with the responsibility for:

- Village showcase projects

The short listing of applications for projects under this focus area will be the responsibility of the local government area reference group set up by each of the partner councils. These short listed projects will then be recommended to the Steering Committee for selection.

Establishing the LGA Reference Group

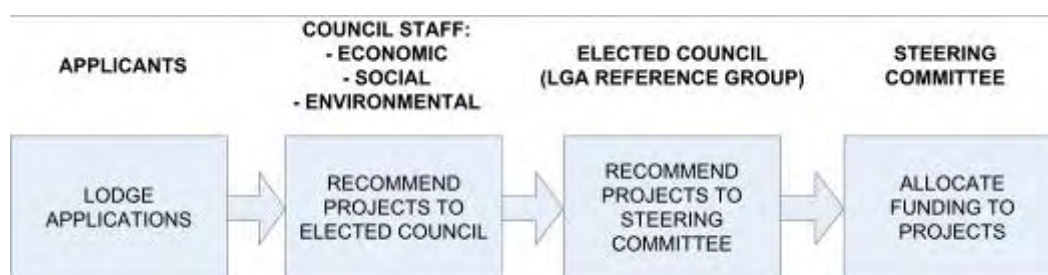
Each Council is choosing a slightly different framework for establishment of the LGA Reference Group based on existing governance structures within their own organisation. Two options that fit within the Tweed Shire Council framework are as follows:

Option One:

LGA Reference Group comprising two councillors to represent the community and three council staff representing economic, social and environmental management issues respectively.

Option Two:

Council staff to assess applications and prepare a business paper for Council endorsement as detailed in the flowchart below.



Recommendation: That Council endorses Option Two for the establishment of the LGA Reference Group.

Regional Partnership Reference Group

This is the largest reference group, reflecting the breadth of activities covered. It will be responsible for:

- Marketing and education
- Distribution
- Food production and distribution in indigenous communities
- Sustainable agriculture projects.

Membership of the Regional Reference Group will be drawn from identified stakeholder groups and membership numbers will be capped at thirteen. Expressions of Interest will be sought for membership of the Regional Reference Group and selection of the members completed by the Steering Committee with support from the Project Manager.

Event to Launch the Project to the Community

Put simply, the aim of Northern Rivers Food Links is to increase the availability of locally produced food in local stores and to get the community excited about locally produced food so this flows through to purchasing decisions. With this in mind, an innovative community launch is required to get the project off on the right foot.

The Project Steering Committee has chosen a 'local food cook off' in each local government area using the 'cook and the chef' format as the basis for the event. In each local government area a Councillor, a chef and a hospitality student will use local ingredients to prepare a dish in front of local media and event attendees. A date has not been set for the launch, but is anticipated to occur between 26 April and 7 May 2010.

Recommendation: That Council nominates a Councillor to participate in the 'local food cook off' between a Councillor, chef and student.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The only direct costs to Council associated with this project are of an in-kind nature though the commitment of staff time on the Steering Committee and the LGA Reference Group. The project budget has allocated funds for a project management team to provide the human resources required to deliver most of the activities covered by the project.

No legal implications have been identified.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

27 [CNR-CM] Policy - Oxley Cove Canal Estate - Flood Debris Removal

ORIGIN:

Natural Resource Management

SUMMARY OF REPORT:

In times of flood and after high flows in the upper catchment, large amounts of woody debris and rubbish are transported down the Tweed River and washed into the Oxley Cove canal estate under the influence of wind and river currents.

Debris can form large and very dense rafts which obstruct vessel access and the ability to use canal beaches.

Council receives a significant number of calls for assistance from waterfront property owners who wish to free their foreshores from flood debris.

This policy sets out when and how debris will be removed from canal foreshores.

This policy will allow Council staff to provide affected residents with clear information on the level of service which will be provided in the removal of flood debris.

Consultation with affected landowners will be undertaken prior to finalising the policy.

RECOMMENDATION:

That the Oxley Cove Canal Estate - Flood Debris Removal Policy be placed on public exhibition in accordance with Section 160 of the Local Government Act 1993, following which a report be brought forward for Council's consideration for adoption.

REPORT:

Introduction:

In times of flood and after high flows in the upper catchment, large amounts of woody debris and rubbish are transported down the Tweed River and washed into the Oxley Cove canal estate under the influence of wind and river currents. Debris is trapped and concentrated in a number of locations throughout the canal system.

Debris can form large and very dense rafts which obstruct vessel access and the ability to use canal beaches. Large logs are often stranded which require significant manpower to remove.

Due to tides and changes in wind direction, debris may move around within the canal system, some re-entering the river, but most re-stranding on beaches.

Council receives a significant number of calls for assistance from waterfront property owners who wish to free their foreshores from flood debris.

This policy sets out when and how debris will be removed from canal foreshores.

This policy will allow Council staff to provide affected residents with clear information on the level of service which will be provided in the removal of flood debris.

Consultation with affected landowners will be undertaken prior to finalising the policy.

Rationale for Debris Removal

Council will remove debris when a flood or other high flow event results in an accumulation of significant amounts of debris.

Debris is removed for the following reasons:

- To maintain the amenity of foreshores
- To allow reasonable navigational access to the waterways and foreshore
- To allow reasonable recreational access to beaches for residents

A campaign to remove debris will be commenced within one week following a major event, depending on the availability of staff. It must be recognised that following large floods there will be a large number of urgent jobs to attend to, throughout the Shire.

Residents should be aware that their property boundary extends two metres (on average) beyond their canal revetment wall. As such, it is the responsibility of property owners to undertake any maintenance in this area, beyond that which Council deems acceptable, at their own expense.

Methods of Debris Removal

- Debris is removed by Council staff by hand using a small boat.
- Debris is transported to a location where it is loaded onto trucks and transported to landfill.

- On occasions when severe debris accumulations are present, a commercial vessel, excavators and bob-cats can be used.
- Access to the canal system to undertake this work is very restricted.
- Access restrictions and the existence of pontoons makes extensive use of machinery impossible, increases the entrapment of debris and increases safety risk to staff collecting debris.
- Occasionally a clean up campaign will be halted for a number of days to allow high tides and wind to either remove or re-concentrate debris.

Residents can assist by:

- Collecting and stacking large debris on foreshores where it can be more efficiently removed by Council staff.
- Removing large debris from deep water around pontoons and stacking it on the foreshore.
- If residents rake beaches clean and push debris into the canal, it may be taken out of the canal by wind and tide. However, it must be recognised that in many cases this debris will simply become stranded on another resident's foreshore.

Standard of Service Provided

- It is impossible to remove all debris from the canal system, and debris will not be collected from the undeveloped south eastern foreshore.
- The objective of a clean up will be to remove the majority of large debris (sticks, branches etc approximately 1 metre and above) which is causing a significant problem to access as described in section 2.
- Council will not attempt to remove all small sticks and debris moving around the canal system under the influence of tide and wind.
- Rubbish will be targeted.
- Council will not collect piles of small debris (small sticks, leaves, grass etc) raked into mounds and left on beaches and above the high tide line by residents. This type of material may be bagged by residents and left on the footpath for Council collection.
- Council will collect bagged debris left on the foot path, two weeks after the commencement of a canal clean-up.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Canal debris removal is undertaken by the NRM Unit and funded under the canal maintenance budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. Draft Policy - Oxley Cove Canal Estate - Flood Debris Removal (ECM 14484809)
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REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS

28 [EO-CM] Double View Road - Parish of Condong - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/1

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve through Lots 9 - 12 in DP 11924, and north south and east of Lot 2 in DP 563711 at Farrants Hill, from the Land & Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

This application complies with Council's 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. The application however does comply with each of the exception categories, noted below:-

- "1. Applications will be considered for closure of roads which are demonstrably redundant in terms of access if not otherwise ineligible.*
- 2. Application will be considered for closing road reserves where the proponent is opening a more negotiable corridor serving the same access role.*
- 4. Terrain where topographical constraints argue strongly for a more logical boundary definition for the purposes of road verge maintenance, safety fencing or private property access."*

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve through Lots 9 - 12 in DP 11924, and north south and east of Lot 2 in DP 563711 at Farrants Hill.

RECOMMENDATION:

That:-

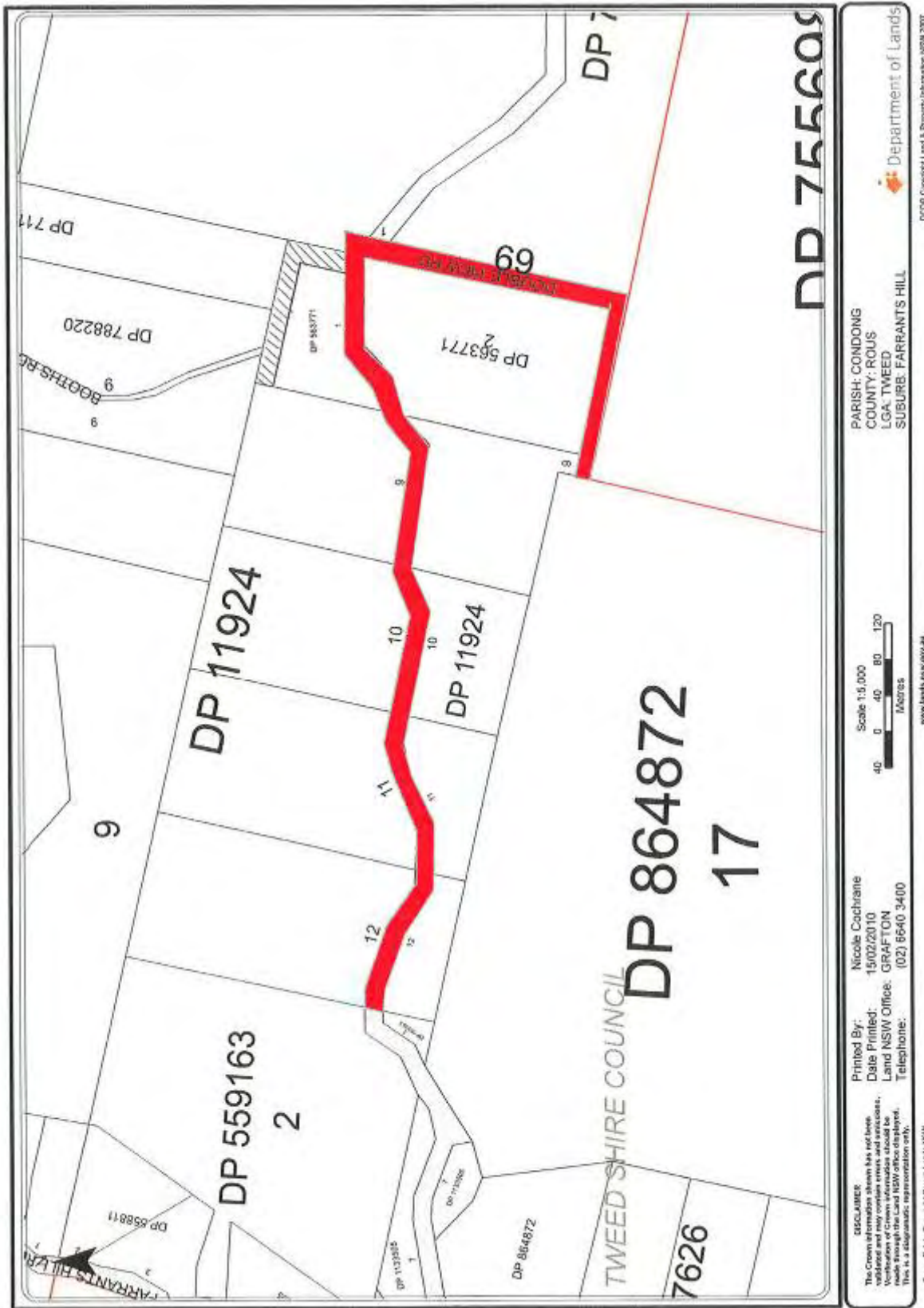
- 1. Council consents to the closure of part of the road reserve that runs through Lots 9-12 in DP 11924, and north south and east of Lot 2 in DP 563711 at Farrants Hill; and**
- 2. As a condition of this consent the owners of Lots 1 and 2 DP 563771 are to open and dedicate public road access from Booths Road to the boundary of Lot 69 DP 755698 prior to closure of the road reserve.**

3. **As a condition of the consent, the owners of Lots 11 and 12 in DP 11924 be required to create a Right of Carriageway in favour of Lot 11 and burdening Lot 12 to secure access to Lot 11 in the event that Lot 11 is sold separately to Lot 12.**
4. **The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
5. **Easements be created over public authority reticulation services, if any; and**
6. **All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has received a notice of application to close a section of unformed Crown Road reserve, known as Double View Road, shown highlighted in the plan, through Lots 9 - 12 in DP 11924, and north south and east of Lot 2 in DP 563711 at Farrants Hill, from the Land & Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

Plan of proposed road closure:-



The owner of Lot 69 in DP 755698 immediately to the east of the road reserve has applied to construct the road reserve, from the existing formation at the western end of Double View Road to his western boundary.

The applicant was advised in writing via his solicitor that various farming activities had evolved over time on parts of the road reserve including the establishment of dams and orchards. The road reserve is also constrained by steep gradients and significant trees and vegetation which could affect the feasibility of the proposed property access.

It was proposed that should the applicant wish to continue with the application he may be required to realign the road corridor which could involve negotiation with the affected land owners to minimise environmental impacts.

The applicant had been advised that an alternative to continuation with this application would be to negotiate a right of access over Lot 1 in DP 563771 from Booths Road. A potential corridor is shown hatched in the plan above. The owner of Lot 1 had provided his concurrence to this alternative and subsequently the application was then withdrawn.

Correspondence relating to this matter has been received by the applicants of this road closure application which expresses their objection to the formation of the road and notes that the owner of Lot 69 currently gains access to his property via Clothiers Creek Road and has the potential to gain further access if required via a negotiated right of carriageway from Booths Road over Lot 1 in DP 563771. In their opinion formation of this section of road reserve would be detrimental to the environment and is as such unnecessary.

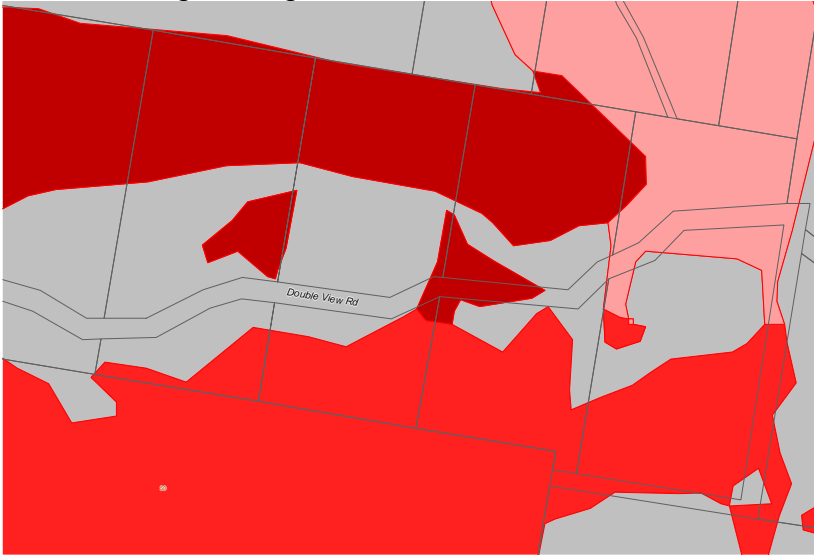
The road reserve is noted as containing Old Growth Rainforest and is key habitat State Forest. There is in small sections a range of low to high ecological status and sensitivity. There does not appear to be any other environmental factors or wildlife corridors affecting this section of the road reserve.

The applicants have expressed their interest in maintaining the road reserve upon closure in its natural state with no further impact on the area to be undertaken. The owner of Lots 1 and 2 in DP 563771 has advised Council that he would be happy to create and dedicate a public road reserve leading from Booths Road to the western boundary of Lot 69 in DP 755698 should the closure be approved.

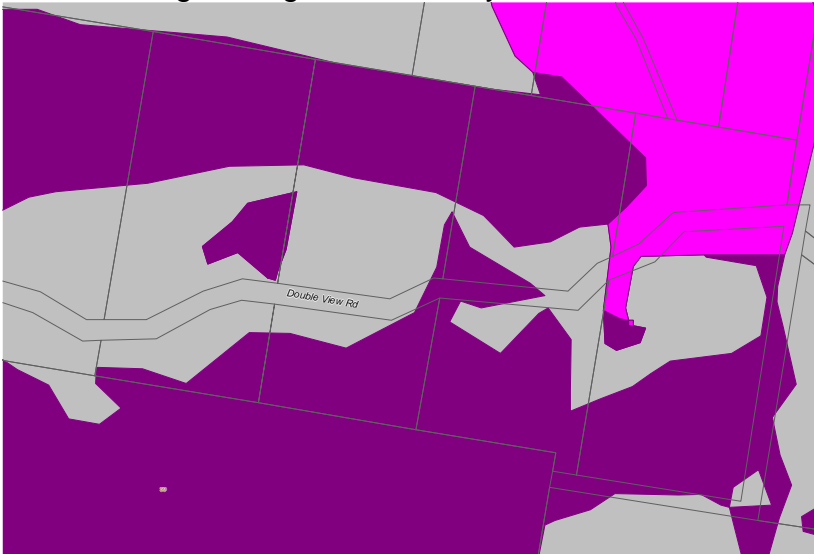
Plan showing Old Growth Forest as identified:-



Plan showing Ecological Status:-



Plan showing Ecological Sensitivity:-



It is to be noted that the owners of Lots 9 and 10 have a Right of Carriageway over Lot 1 from Booths Road to access their property.

Lots 11 and 12 are currently in the same ownership and to ensure that Lot 11 has a secure access in the event that Lot 11 is sold separately a Right of Carriageway should be created over Lot 12.

This application complies with Council's 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. The application however does comply with each of the exception categories as noted below:-

1. *Applications will be considered for closure of roads which are demonstrably redundant in terms of access if not otherwise ineligible.*
2. *Application will be considered for closing road reserves where the proponent is opening a more negotiable corridor serving the same access role.*
4. *Terrain where topographical constraints argue strongly for a more logical boundary definition for the purposes of road verge maintenance, safety fencing or private property access."*

It is recommended that Council does not object to the closure and purchase of the unformed section of Crown Road Reserve known as Double View Road, subject to the owners of Lots 1 and 2 DP 56377 opening a public road from the end of Booths Road to the western boundary of Lot 69 DP 755698 and a Right of Carriageway for the benefit of Lot 11 burdening Lot 12.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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1. **Confidential Attachments** - Copies of correspondence (ECM 8987406; 9234663; 9743524; 10971342; 11316260; 12333746).
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29 [EO-CM] Lot 52 DP 755685 - Parish of Berwick - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/4

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve west of Lot 52 in DP 755685 at Dungay, from Land and Property Management Authority. 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 appears to currently exist within it. There is no current formation of the road reserve.

The section of road reserve proposed to be closed is approximately 250m in length and falls within a road network leading from Bracken Road to Tomewin Road at Dungay.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 2** Road capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and
- Clause 6** Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows.

As the proposal is not consistent with Clause 2, 3 or 6 of Council's Policy, it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown Road reserve west of Lot 52 in DP 755685 at Dungay.

RECOMMENDATION:

That Council objects to the closure and purchase by the applicant of the section of Crown road reserve west of Lot 52 in DP 755685 at Dungay.

REPORT:

Council has received a notice of application to close a section of Crown Road reserve west of Lot 52 in DP 755685 at Dungay, from Land and Property Management Authority. 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 appears to currently exist within it. There is no current formation of the road reserve.

The section of road reserve proposed to be closed is approximately 250m in length and falls within a road network leading from Bracken Road to Tomewin Road at Dungay. Bracken Road is formed from the southern intersection of Tomewin Road for approximately 760m, it then travels a further 1.2km to the southern boundary of the applicant's property, Lot 52. From the northern boundary of the applicant's property the road reserve then travels approximately another 2km, over mountainous and heavily treed landscape to meet up with the northern intersection of Tomewin Road.

The entire road reserve could be suitable as a walking trail containing scenic escarpments.

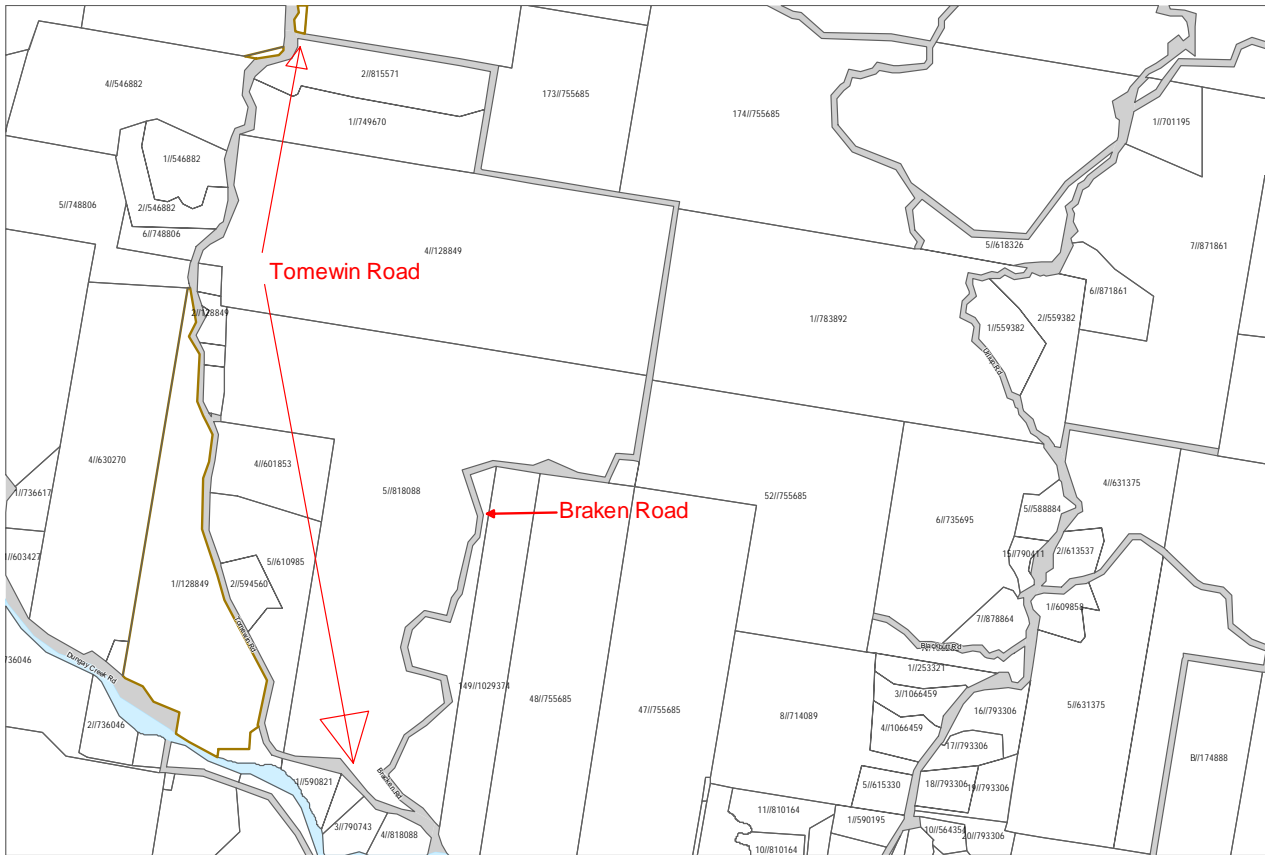
The southern part of the proposed road closure is cleared with the remaining section of around 135m in length being heavily treed with young forest growth which is identified on Council's Geographical Information System (GIS) as having a high ecological status and moderate ecological sensitivity and as being key habitat.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 2** Road capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and
- Clause 6** Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows.

As the proposal is not consistent with Clause 2, 3 or 6 of Council's Policy, it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown Road reserve west of Lot 52 in DP 755685 at Dungay.

Plan showing connection between Bracken Road and Tomewin Road:-



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

30 [EO-CM] Lot 311 DP1000653 Parish of Mooball - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/9

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve on the eastern boundary of Lot 311 in DP 1000653 at Cudgera Creek, from the Land and Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

This application complies with Council's 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.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve east of Lot 311 in DP 1000653.

RECOMMENDATION:

That:-

- 1. Council approves the closure of part of the road reserve on the eastern boundary of Lot 311 in DP 1000653 at Cudgera Creek; and**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. Easements be created over public authority reticulation services, if any; and**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has received a notice of application to close a section of Crown Road reserve on the eastern boundary of Lot 311 in DP 1000653 at Cudgera Creek, from Land and Property Management Authority. Council has been requested to provide its concurrence 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. A small section of the road reserve is moderately treed and Council's GIS systems show a small section noting some ecological status however this appears to have minimal impact.

This application complies with Council's 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.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve east of Lot 311 in DP 1000653.

Plan of section of Crown road proposed to be closed:-



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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31 [EO-CM] Parish of Nullum - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/3

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek, from the Land and Property Management Authority. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

As this application covers a large area of road reserve it has been split into three sections.

Section 1. Road reserve running through the southern section of Lot 40 in DP 755730 from Rowlands Creek Road to Rowlands Creek and then running north east to the southern boundary of Lot 3 in DP 44783.

Section 2. Road reserve running through Lot 40 in DP 755730 east to west and along the western boundary of Lot 2 in DP 539592.

Section 3. Road reserve running east to west through Lot 2 in DP 539592 and the section running east to west along the southern boundary of Lot 2 in DP 539592.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council infrastructure appears to currently exist within it.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 2** Roads capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and
- Clause 6** Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows.

As the proposal is in conflict with Clauses 1, 2, 3 and 6 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

RECOMMENDATION:

That Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

REPORT:

Council has received a notice of application to close a section of Crown Road reserve east of Lot 2 in DP 706328 at North Arm, from Land and Property Management Authority. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

As this application covers a large area of road reserve it has been split into three sections.

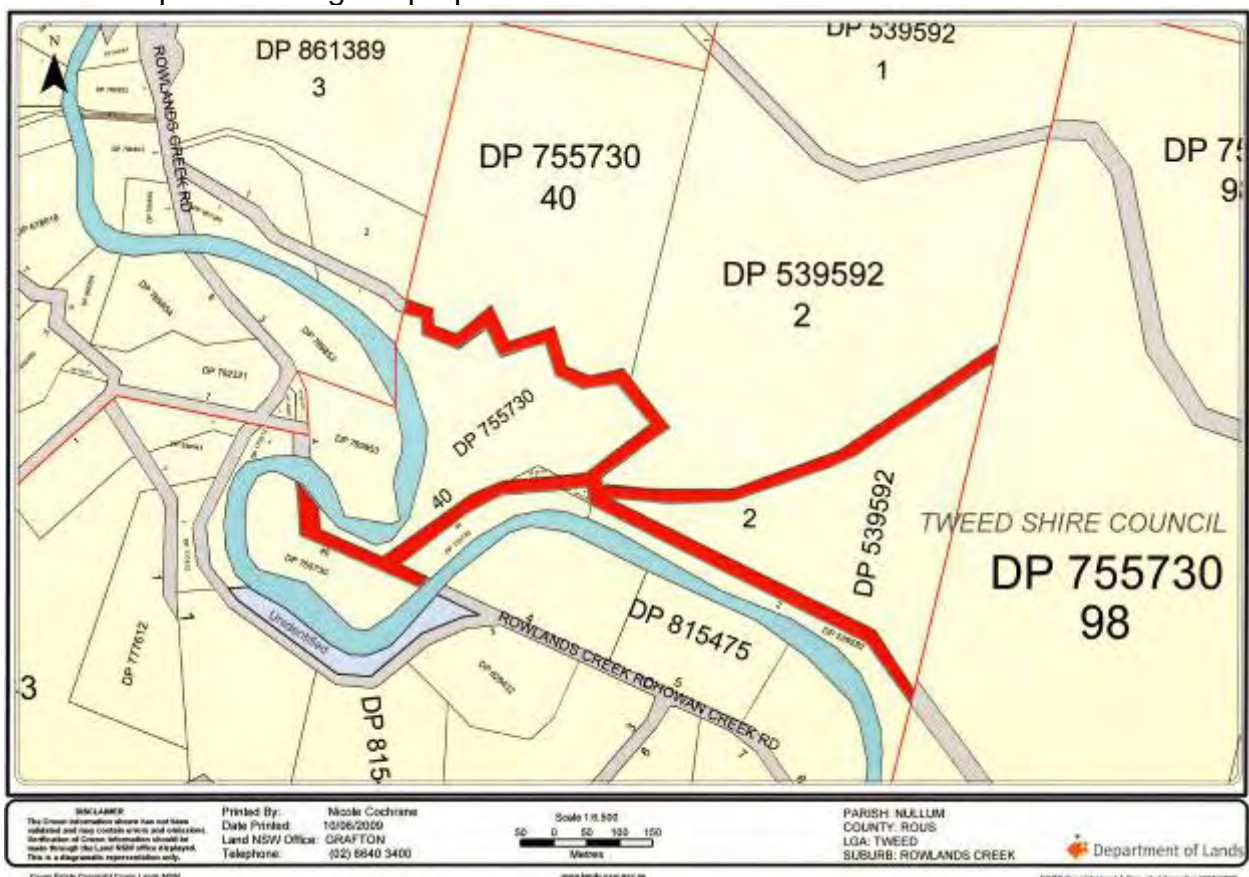
Section 1. Road reserve running through the southern section of Lot 40 in DP 755730 from Rowlands Creek Road to Rowlands Creek and then running north east to the southern boundary of Lot 3 in DP 44783.

Section 2. Road reserve running through Lot 40 in DP 755730 east to west and along the western boundary of Lot 2 in DP 539592.

Section 3. Road reserve running east to west through Lot 2 in DP 539592 and the section running east to west along the southern boundary of Lot 2 in DP 539592.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council or other infrastructure appears to currently exist within it.

Below is a plan showing the proposed Road Closure:-



Section 1.

The southern section of this road reserve contains a formed track leading directly from Rowlands Creek Road to Rowlands Creek. Closure of this section of road would sever this connection and prevent public access.

Aerial view showing road formation leading to Rowlands Creek:-



There is further formation leading north east from the above section of road to the dwelling located on Lot 3 in DP 44783. This parcel is currently owned by the applicant however if the property is sold in the future there will be no legal access or road frontage available to it. For this reason the proposal should not be supported.

Aerial view showing road formation leading to residence at Lot 3 DP 44783:-



Rowlands Creeks is identified as a key fish habitat area and carries a wetland conservation value of 100-200 within this area as shown on Council's Geographical Information System (GIS). The GIS also shows the road reserve has moderate vegetation and shows a moderate to high ecological status and high ecological sensitivity in parts.

Section 2.

This road reserve runs through Lot 40 in DP 755730. Council's GIS shows it is heavily vegetated, contains a significant subregional fauna corridor with nearby threatened and protected fauna species has a high ecological status and moderate ecological sensitivity.

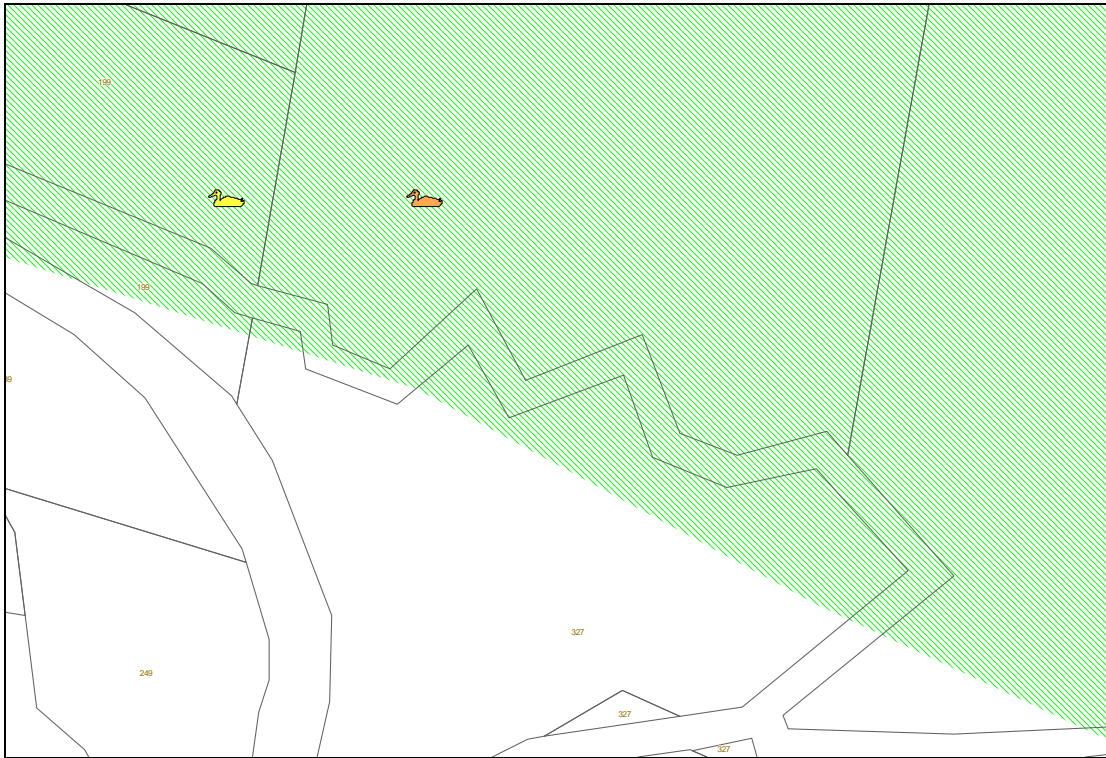
This section of road falls within a road network and closing it would sever this connection.

For these reasons the proposal should not be supported.

Aerial photo showing vegetation over road reserve:-



Plan showing subregional fauna corridor and notification of threatened and protected fauna species:-



Section 3

The road reserve running through Lot 2 in DP 539592 appears to have formation over the majority of it and may provide access to the adjoining parcel of land. Council's GIS shows there is a subregional fauna corridor within the majority of the road and that it has moderate to high ecological status and moderate ecological sensitivity.

It may be possible that a dwelling/building has been erected either within or very close to the road reserve however without a comprehensive survey of the area it is difficult to determine the exact location of the structure in respect of the road.

For these reasons the proposal should not be supported.

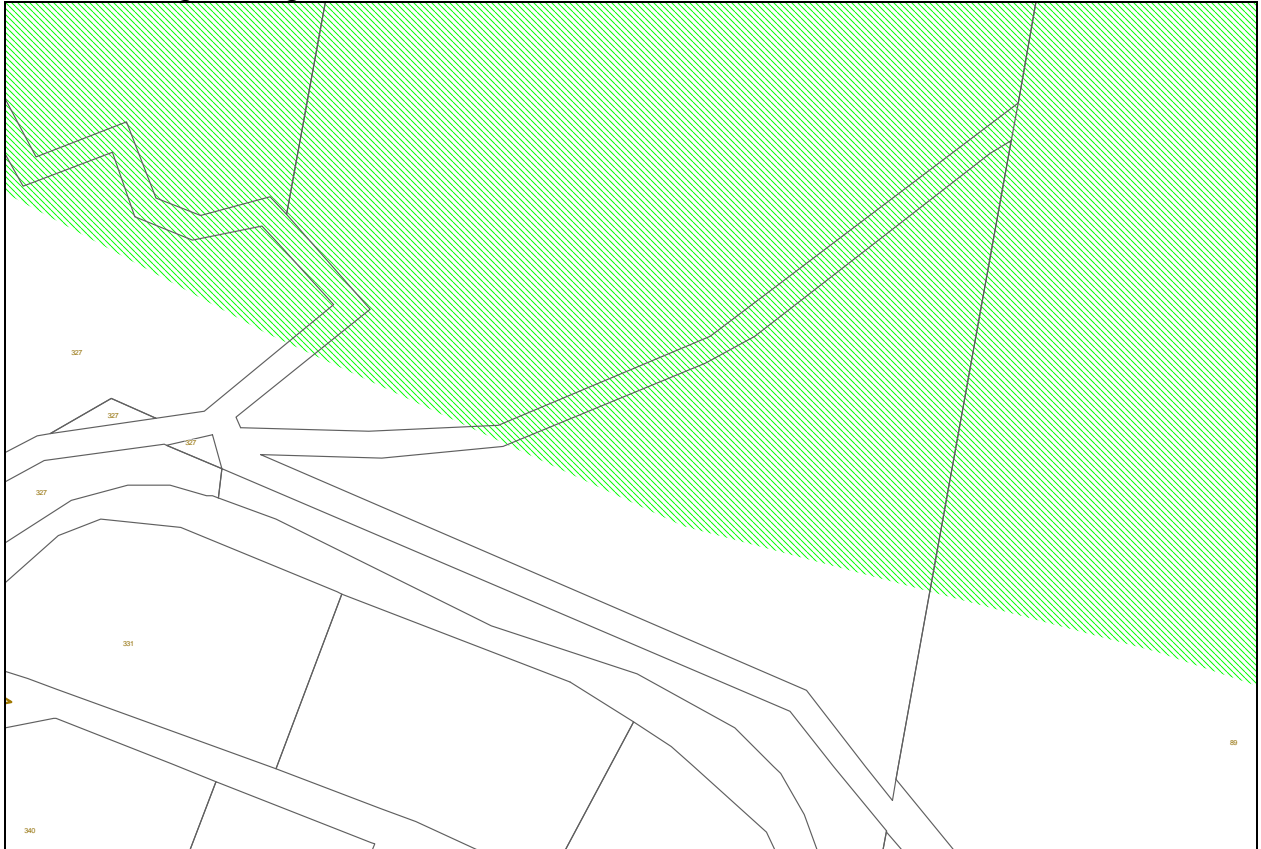
Aerial photo showing road formation and vegetated area:-



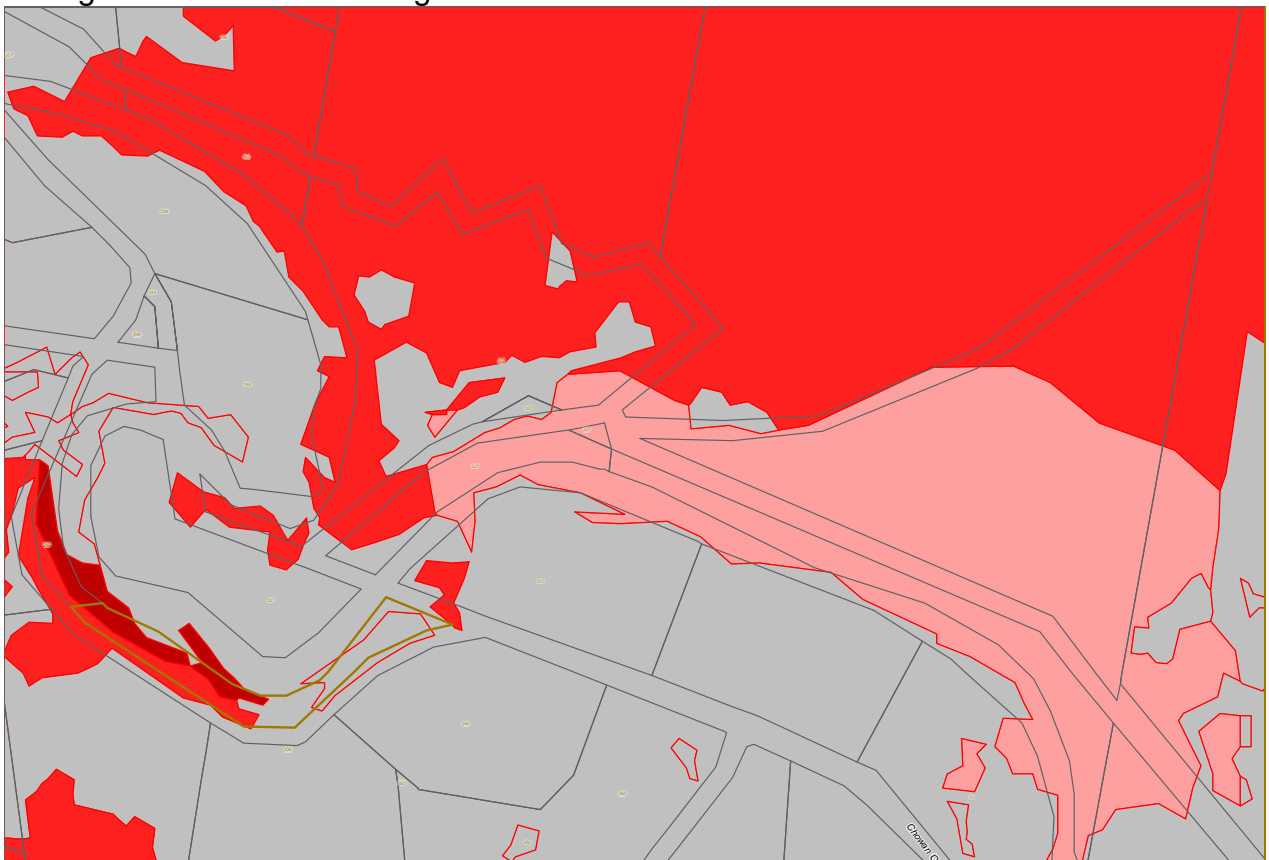
Structure in vicinity of road reserve:-



Plan showing subregional fauna corridor:-



Plan showing the Ecological Status of the whole area. 'Darker shaded' area being 'high' and the 'lighter shaded' area being 'moderate':-



Plan showing the Ecological sensitivity of the whole area. The 'lighter shaded' area being moderate and the 'darker shading' being high:-



Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 2** Roads capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and
- Clause 6** Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows.

As the proposal is in conflict with Clauses 1, 2, 3 and 6 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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32 [EO-CM] Lot A in DP 108795 - Parish of Tyalgah - Road Closure Application

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received a notice of application to close Crown Road reserves east and west of Lot A in DP 108795 at Tyalgah, from Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

Council's policy on Road Closures notes that roads not eligible for closure include

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 2** Roads capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and

As the proposal is not consistent with Clauses 1, 2 and 3 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the sections of Crown road reserve east and west of Lot A in DP 108795 at Tyalgah.

RECOMMENDATION:

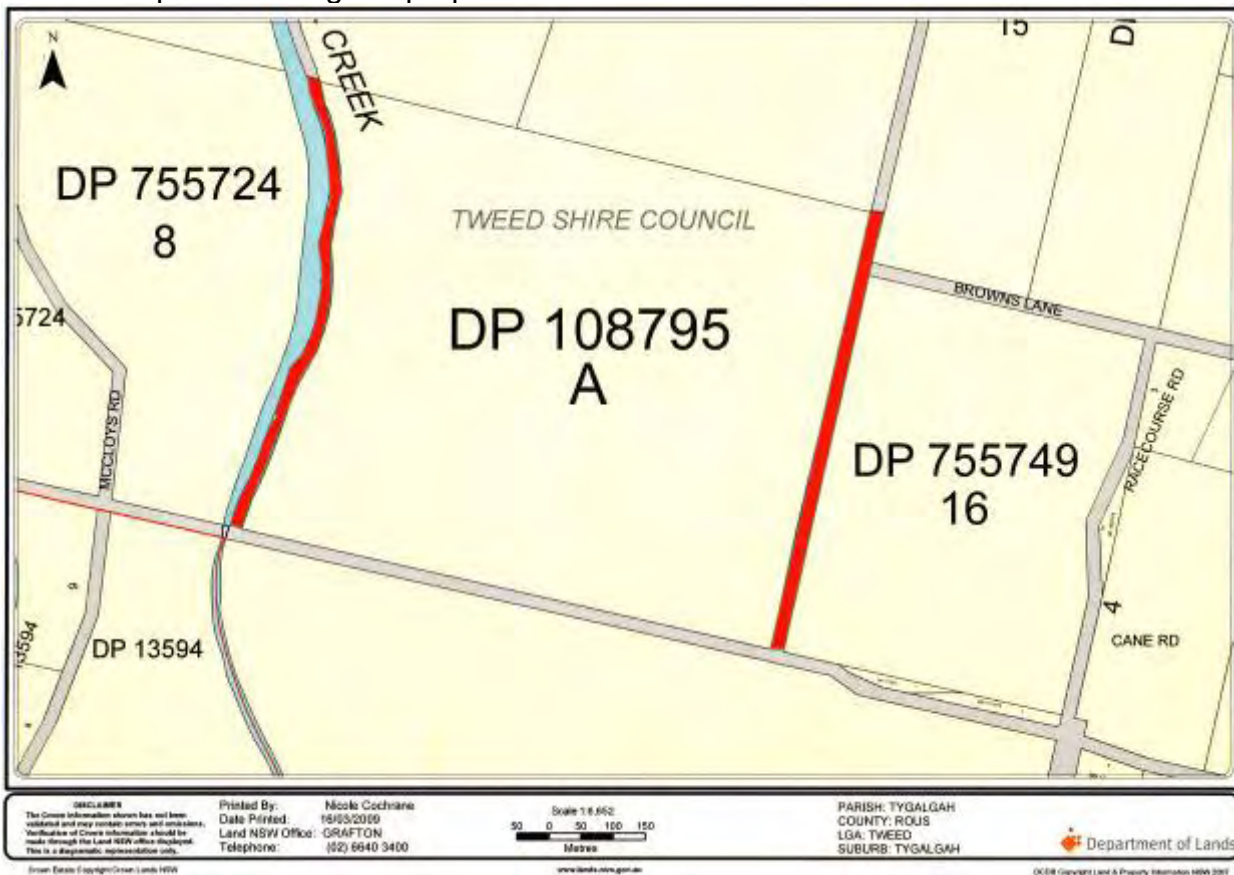
That Council objects to the closure and purchase by the applicant of the sections of Crown road east and west of Lot A in DP 108795 at Tyalgah.

REPORT:

Council has received a notice of application to close Crown Road reserves east and west of Lot A in DP 108795 at Tygalgah, from Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

Below is a plan showing the proposed Road Closure:-



The section of road reserve on the western boundary of Lot A runs along the length of Mayal Creek which is protected riparian under Section 26D of the Water Act. This section of road reserve and creek contain key fish habitat and estuary threatened species.

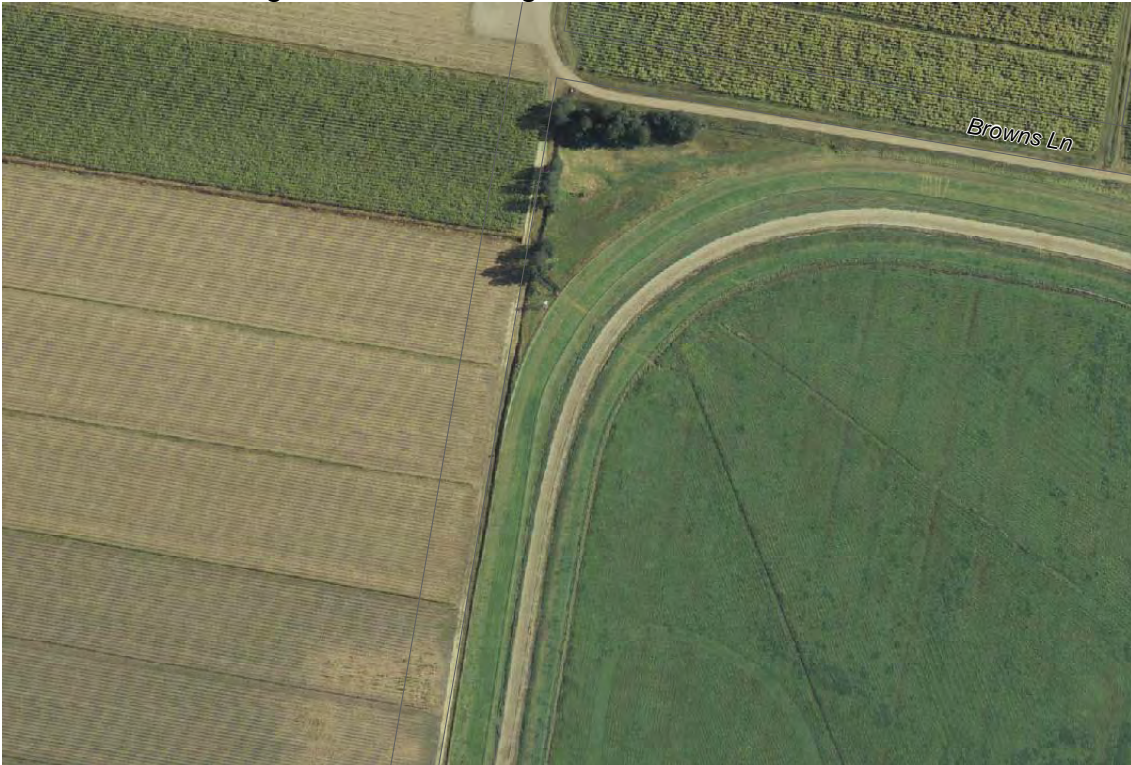
Council is implementing foreshore regeneration within the region of the Tweed Shire and are utilising road reserves which adjoin the creeks and rivers to allow access to these areas. Council has encountered problems with land owners where access to the foreshore area is only available through private 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 and should not be closed.

There is formation on the road running the length of the eastern boundary of Lot A from Browns Lane north to the south west boundary of Lot 15 in DP 755749 and also south to the intersection of Cane Road.

Aerial view showing formation leading north:-



Aerial view showing formation leading south:-





Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 2** Roads capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and

As the proposal is not consistent with Clauses 1, 2 and 3 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the sections of Crown road reserve east and west of Lot A in DP 108795 at Tygalgah.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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33 [EO-CM] Lot 4 DP 733832 - Parish of Tyalgum - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/12

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve west of Lot 4 in DP 733832 at Brays Creek, from Land and Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

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.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve west of Lot 4 in DP 733832 at Brays Creek.

RECOMMENDATION:

That:-

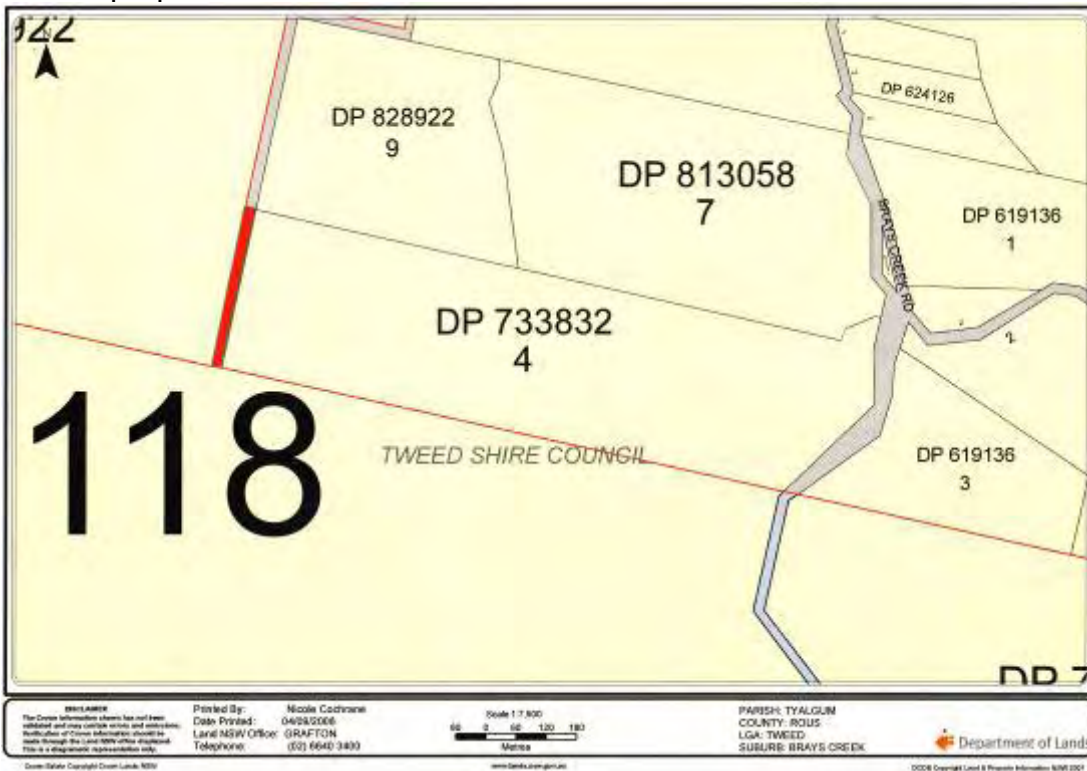
- 1. Council consents to the closure of part of the road reserve that runs west of Lot 4 in DP 733832 at Brays Creek; and**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. Easements be created over public authority reticulation services, if any; and**
- 4. All necessary documentation be executed under Common Seal of Council.**

REPORT:

Council has received a notice of application to close a section of Crown Road reserve west of Lot 4 in DP 733832 at Brays Creek, from Land and Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

A small section of the road reserve is moderately treed however there appears to be minimal environmental impact within this area. There is no formation of the road reserve and it does not appear to impact on any of the surrounding properties.

Plan of proposed road closure:-



Aerial view of the road reserve:-



This application complies with Council's 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.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve west of Lot 4 in DP 733832 at Brays Creek.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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34 [EO-CM] Lot 10 in DP 1131920 - Parish of Dunbible - Road Closure Application

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received a notice of application to close Crown Road reserves within Lot 1 in DP 583624, within north and east of Lot 10 in DP 1131920 and east of Lot 11 DP 1131920 at Byangum, from the Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As this part of the proposal is in conflict with Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the sections of Crown road reserve along the eastern and northern boundaries of Lot 10 in DP 1131920 and the first 100m along the eastern boundary of Lot 11 in DP 1131920, shown hatched on the plan in the body of this report.

It is further recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve which runs through Lot 10 in DP 1131920 and into Lot 1 in DP 583624.

RECOMMENDATION:

That Council

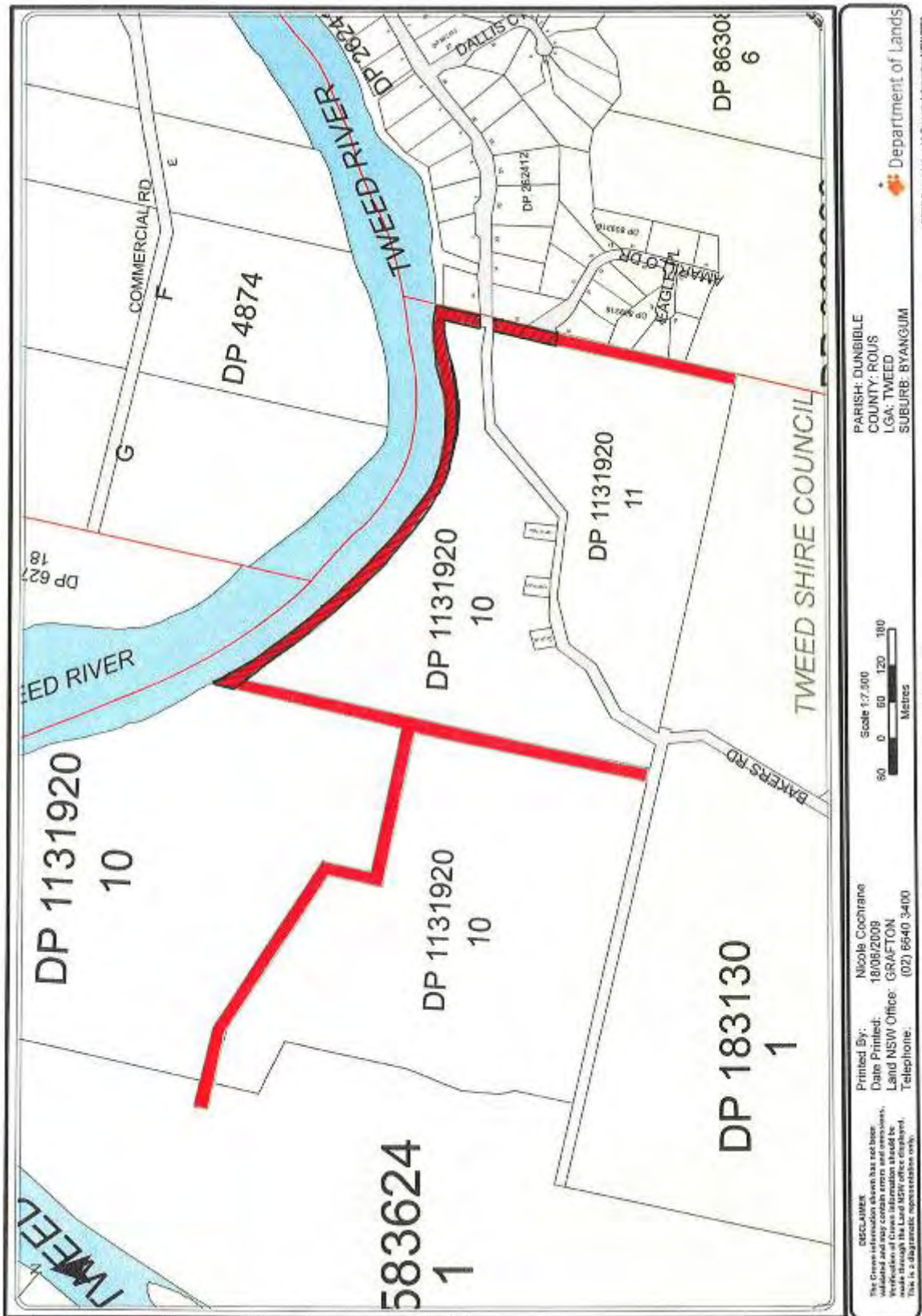
- 1. Objects to the closure and purchase by the applicant of the sections of Crown road along the eastern and northern boundaries of Lot 10 in DP 1131920 and the first 100m along the eastern boundary of Lot 11 in DP 1131920 at Byangum.**
- 2. Does not object to the closure and purchase by the applicant of the sections of Crown road which runs through Lot 10 in DP 1131920 and into Lot 1 in DP 583624.**

REPORT:

Council has received a notice of application to close Crown Road reserves within Lot 1 in DP 583624, within north and east of Lot 10 in DP 1131920 and east of Lot 11 DP 1131920 at Byangum, from the Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

Below is a plan showing the proposed Road Closure:-



The section of road reserve on the northern boundary of Lot 10 runs along the length of the Tweed River which is protected riparian under Section 26D of the Water Act. This section of road reserve and creek contain key fish habitat and estuary threatened species.



In so far as the remaining sections of the proposed road closure there appears to be no environmental impact or formation. It would therefore be recommended that Council does not object to the closure of the section of Crown road reserve which runs through Lot 10 in DP 1131920 and into Lot 1 in DP 583624.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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35 [EO-CM] Lot 1 in DP 755754 - Parish of Wollumbin - Road Closure Application

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received a notice of application to close Crown Road reserves forming part of the southern and eastern boundaries of Lot 1 in DP 755754, within and east of Lots 10 and 30 in DP 755754 at Byangum, from the Land and Property Management Authority. Council has been requested to provide its consent or objection to the closure of these sections of Crown Public Road.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council infrastructure appears to currently exist within it.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As this part of the proposal is in conflict with Clause 1 and 5 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve within south and east of Lot 1 in DP 755754 as well as the section of Crown road reserve east and within Lot 10 in DP 755754 (shown hatched on the plan in the body of this report).

It is further recommended that Council does not object to the closure and purchase by the applicant of the narrow Crown road reserve which runs east and through Lot 30 in DP 755754.

RECOMMENDATION:

That Council:-

- 1. Objects to the closure and purchase by the applicant of the sections of Crown road forming part of the southern and eastern boundaries of Lot 1 in DP 755754 as well as the narrow Crown road reserve east and within Lot 10 in DP 755754 at Byangum.**
- 2. Does not object to the closure and purchase by the applicant of the sections of Crown road reserve which run east and through Lot 30 in DP 755754.**

REPORT:

Council has received a notice of application to close Crown Road reserves within south and east of Lot 1 in DP 755754 (excluding Lot 101 in DP 755754) within and east of Lots 10 and 30 in DP 755754 at Byangum, from the Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

The section of road reserve on the north east boundary of Lot 1 and east and through Lot 1 in DP 755754 and Lot 10 in DP 755754 lead directly to the Oxley River which is protected riparian under Section 26D of the Water Act. These sections of road reserve and river contain key fish habitat and estuary threatened species.

The road on the south east and southern boundary of Lot 1 and the road east and through Lot 10 show low to high ecological status and sensitivity.

Council is implementing foreshore regeneration within the region of the Tweed Shire and 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 and should not be closed.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As this part of the proposal is in conflict with Clauses 1 and 5 of Council's Policy it is recommended that Council objects to the closure of the section of road reserve within south and east of Lot 1 in DP 755754 and east and within Lot 10 in DP 755754 (as shown hatched on the plan above).

The remaining sections of road reserve proposed to be closed east and through Lot 30 in DP 755754 are unformed and have no direct impact on the surrounding properties. There is minimal environmental impact within this area.

It is recommended that Council does not object to the closure and purchase of the Crown Road reserves east and through Lot 30 in DP 755754.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

36 [EO-CM] Lot 5 DP 377684 Parish of Condong - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/1

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve south of Lot 5 in DP 600974 within Lot 3 in DP 834433 north and west of Lot 5 in DP 377684 at Eviron, from Land and Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

This application complies with Council's 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.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve south of Lot 5 in DP 600974 within Lot 3 in DP 834433 north and west of Lot 5 in DP 377684 at Eviron.

RECOMMENDATION:

That:-

- 1. Council consents to the closure of part of the road reserve that runs south of Lot 5 in DP 600974 within Lot 3 in DP 834433 north and west of Lot 5 in DP 377684 at Eviron; and**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered valuer;**
- 3. Easements be created over public authority reticulation services, if any; and**
- 4. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has received a notice of application to close a section of Crown Road reserve south of Lot 5 in DP 600974 within Lot 3 in DP 834433 north and west of Lot 5 in DP 377684 at Eviron, from Land and Property Management Authority. Council has been requested to provide its concurrence or objection to the closure of this section of Crown Public Road.

The road contains no natural vegetation and there appears to be minimal environmental impact within this area. There is no formation of the road reserve and it does not appear to impact on any of the surrounding properties, which all have access via either Tweed Valley Way or Eviron Road.

Plan of proposed road closure:-



Aerial view of the road reserve:-



This application complies with Council's 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.

It is recommended that Council does not object to the closure and purchase of the section of Crown Road Reserve south of Lot 5 in DP 600974 within Lot 3 in DP 834433 north and west of Lot 5 in DP 377684 at Eviron.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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37 [EO-CM] Lot 95 in DP 755754 - Parish of Murwillumbah and Wollumbin - Road Closure Application

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received a notice of application to close Crown Road within Lot 4 DP 705636 and road separating that lot from Oxley River, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum, from the Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As this part of the proposal conflicts with Clauses 1 and 5 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve which runs along the eastern boundary of Lot 4 DP 705636, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.

It is further recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve which runs through Lot 4 in DP 705636.

RECOMMENDATION:

That Council:-

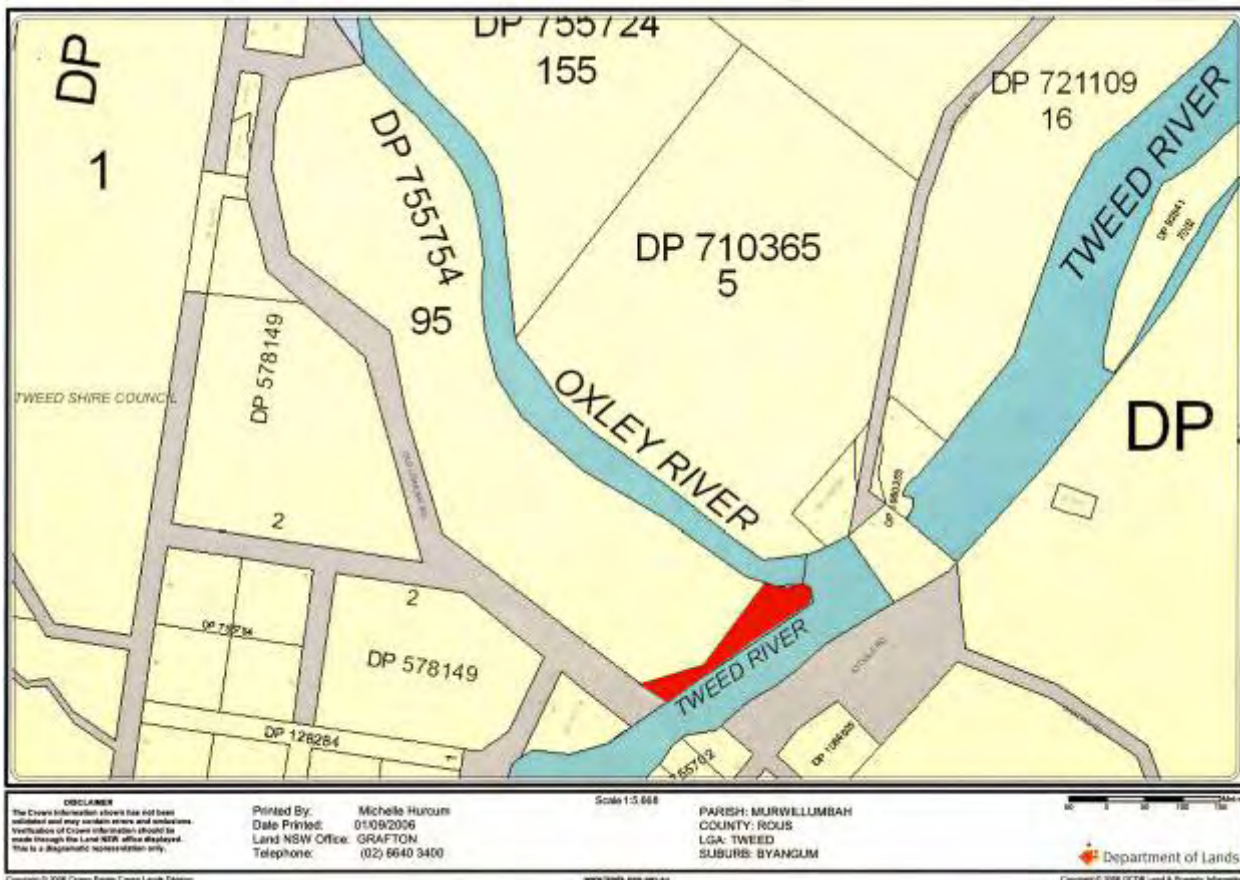
- 1. Objects to the closure and purchase by the applicant of the sections of Crown road reserve which runs along the eastern boundary of Lot 4 DP 705636 and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.**
- 2. Does not object to the closure and purchase by the applicant of the sections of Crown road reserve which run through Lot 4 in DP 705636.**

REPORT:

Council has received a notice of application to close Crown Road within Lot 4 DP 705636 and road separating that lot from Oxley River, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum, from the Land and Property Management Authority. 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 infrastructure appears to currently exist within it.

Below are plans showing the proposed Road Closure:-





The section of road reserve on the eastern boundary of Lot 95 and the eastern boundary of Lot 4 run along the Tweed River and the Oxley River which are protected riparians under Section 26D of the Water Act. These sections of road reserve and river contain key fish habitat and estuary threatened species.

Council is implementing foreshore regeneration within the region of the Tweed Shire and 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 and should not be closed.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As the proposal is in conflict with Clauses 1 and 5 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve which runs along the eastern boundary of Lot 4 DP 705636, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.

The remaining section of road reserve proposed to be closed running through Lot 4 is unformed and has no direct impact on the surrounding properties. There is minimal environmental impact within this area.

It is recommended that Council does not object to the closure and purchase of the Crown Road reserves which runs through Lot 4 in DP 705636.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

38 [EO-CM] Doon Doon - Naming of a Council Public Road

ORIGIN:

Design

FILE NO: GS5/1 Pt 6

SUMMARY OF REPORT:

Councils Road Technical Officer recently identified a Council public road reserve which at this time is unnamed and as such to alleviate any confusion relating to the location of this road reserve it has become necessary to name it. A plan of reference is attached.

An advertisement was published in the Tweed Link calling for written submissions for the naming of this road however no suggestions were received at the end of the submission period.

The road runs off Lone Pine Road and in attempting to keep with the theme of the area it is suggested that the road be called after a native Australian pine. One such species is the Cypress Pine.

It is therefore recommended that the road running off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon be called **"Cypress Lane"**.

RECOMMENDATION:

That Council:-

- 1. Publicises its intention to name the road that runs off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon as Cypress Lane.**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.**

REPORT:

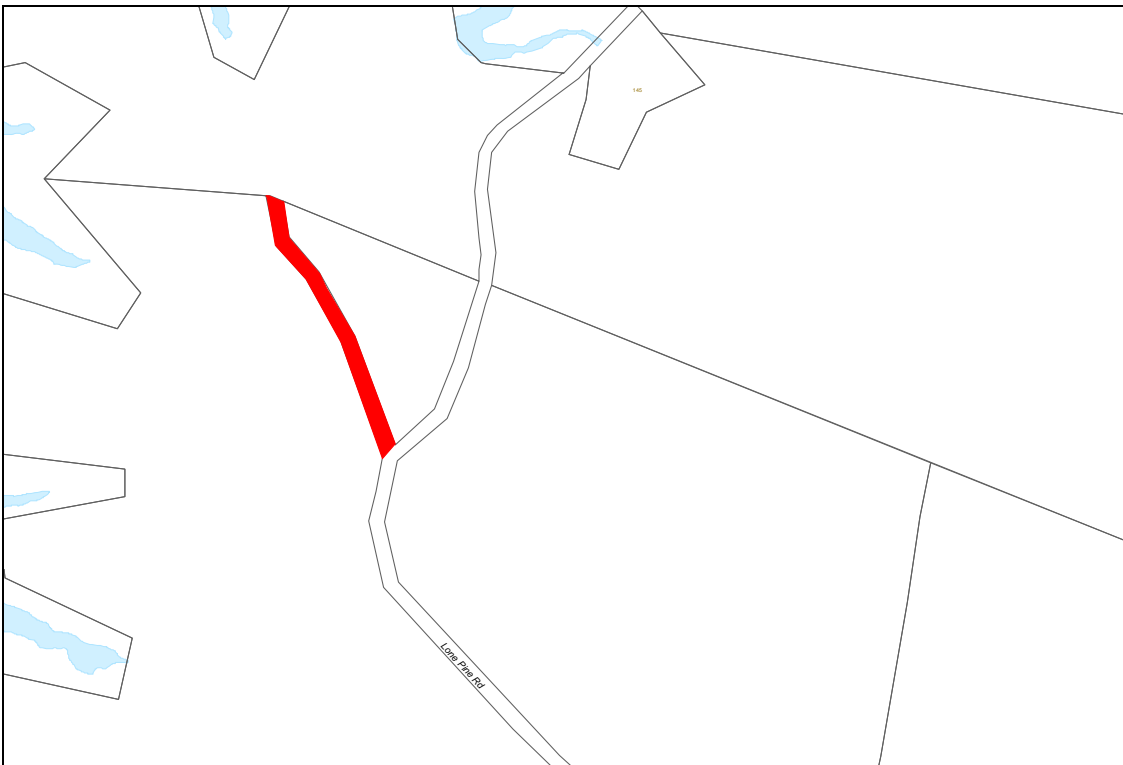
Councils Road Technical Officer recently identified a Council public road reserve which at this time is unnamed and as such to alleviate any confusion relating to the location of this road reserve it has become necessary to name it. A plan of reference is shown below.

An advertisement was published in the Tweed Link calling for written submissions for the naming of this road however no suggestions were received at the end of the submission period.

The road runs off Lone Pine Road and in attempting to keep with the theme of the area it is suggested that the road be called after a native Australian pine. One such species is the Cypress Pine.

It is therefore recommended that the road running off Lone Pine Road approximately 1km north from the intersection of Commissioners Creek Road at Doon Doon be called **“Cypress Lane”**.

Plan showing the road proposed to be named:-



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

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39 [EO-CM] Pottsville - Naming of a Council Public Road

ORIGIN:

Design

FILE NO: GS5/1 Pt6

SUMMARY OF REPORT:

Council has received a written request to name a public road which runs off Coronation Avenue at Pottsville, next to St Marks Anglican Church. A plan of reference is attached.

Submissions for appropriate names were sought from the public via an advertisement in the Tweed Link. Council has received a variety of names from the public as noted below:-

Broadhead Lane	Berkleys Road
Jubilee Lane	Purple Place
Festival Lane	Eve Lane
Afflick Street or Afflicks Road	Bundjulung Lane
Colin Street	Wooyung Lane
Col's Road	Minjangbal Lane
Vincent Street	Poole Lane
Lester Lane	St Marks Place

After careful consideration of each of the suggested names it is recommended that in keeping with the historical significance of the area and its early pioneers and land owners that the road running off Coronation Avenue next to St Marks Anglican Church be named "**Berkleys Lane**".

RECOMMENDATION:

That Council:-

- 1. Publicises its intention to name the road that runs off Coronation Avenue next to St Marks Anglican Church as Berkleys Lane.**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2000.**

REPORT:

Council has received a written request to name a public road which runs off Coronation Drive at Pottsville, next to St Marks Anglican Church. A plan of reference is shown at the end of this report.

Council has received a variety of names from the public as noted below:-

Broadhead Lane	Berkleys Road
Jubilee Lane	Purple Place
Festival Lane	Eve Lane
Afflick Street or Afflicks Road	Bundjalung Lane
Colin Street	Wooyung Lane
Col's Road	Minjangbal Lane
Vincent Street	Poole Lane
Lester Lane	St Marks Place

It is suggested on behalf of the parishioners of St Marks Church that the road be named **Broadhead Lane** after the recently deceased Mr Stan Broadhead.

Mr Broadhead was a long time resident in the Burringbar and Pottsville area, a member of the church for many years and actively involved within the local community of Pottsville and Burringbar.

The names Jubilee Lane and Festival Lane were also suggested as alternatives to Broadhead Lane. A suggestion was also received for **St Marks Place** after the Church located on the corner.

Several suggestions were submitted by members of the Afflick family for **Afflick Lane, Colin Street, Col's Road, Vincent Street and Lester Lane** noting that the Afflick family has owned and resided at the end of the road proposed to be named for over 50 years. The current owner is the widow of the late Colin Lester Afflick.

Council's policy on Road Naming notes that names of living persons should not be used however the suggestions relate to the family name and Christian names of early land owners who are now deceased. Council Officers are unsure however if this will be acceptable on these terms by the Geographic Names Board who have overriding authority on the naming of Council public roads.

The name **Purple Place/Parade** was suggested as fitting with the theme of the immediate area i.e. Royal names. It was also noted that the local school colours are predominantly purple. This submission also suggests that Council plant purple flowering flora to further enhance this suggestion.

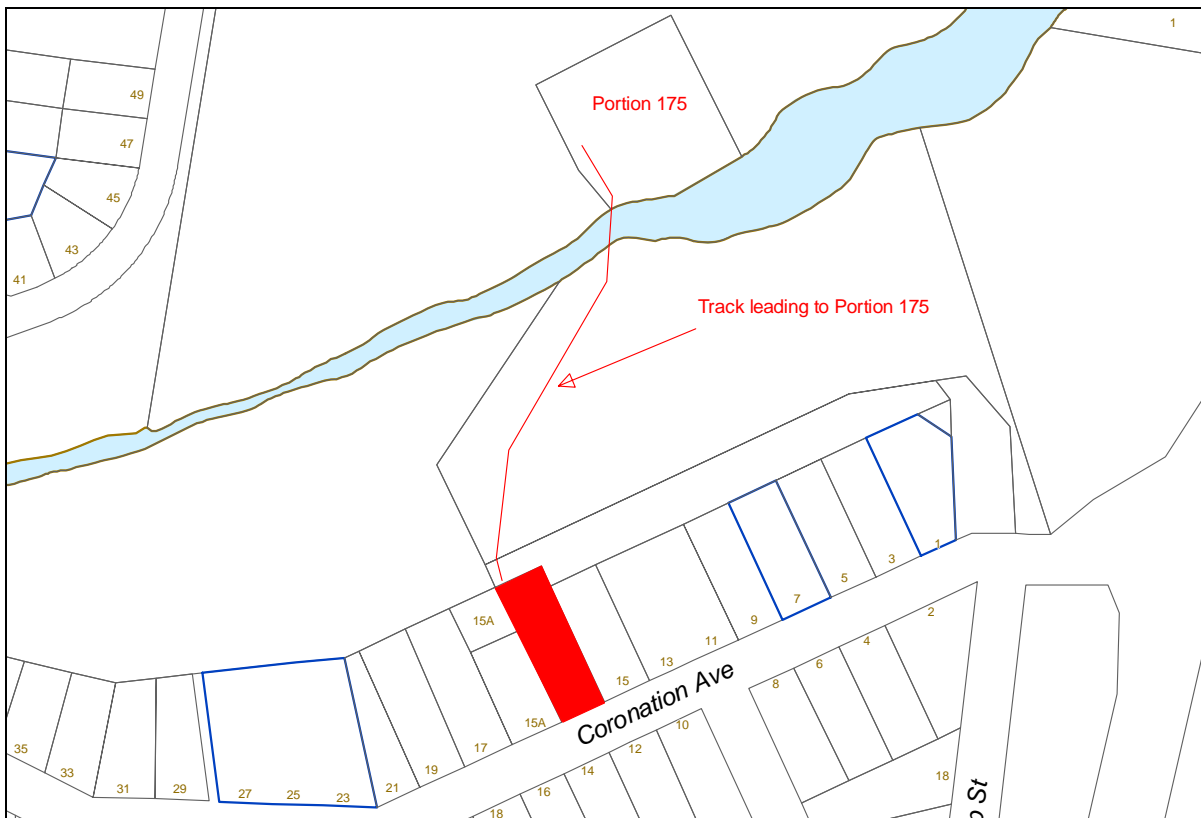
The names of **Eve Lane/Crescent, Bundjulung or Wooyung Lane and Minjangbal Lane** were submitted by one of the residents of this road. The name "Eve" is derived from Dr Eve Fesl, the first aboriginal woman to be appointed Director of the Aboriginal Research Centre at Monash University who in 1988 received the Order of Australia Medal for work within the ethnic community and maintenance of the Aboriginal language. The other names are of Aboriginal origin however both Wooyung and Minjungbal Drive already exist within the Tweed Shire and therefore do not comply with Council's Policy on Road Naming.

A submission was also received for the name of **Poole Lane** which was signed by a number of local residents. This suggestion is in honour of Mr Arthur John Poole (1927-2005) in acknowledgement of his contributions to the Pottsville community during his life. Mr Poole is has been noted was instrumental in the formation of the Pottsville Dune Care Group, an inaugural member of the Pottsville Community Association, an active member of the Clean Up Australia campaign, an honorary ranger for Tweed Shire Council as well as a long term warden for St Marks Anglican Church.

Lastly the submission for **Berkleys Road** was received which notes that the property, portion 175, which is accessed from this road was originally called "Berkleys" after the pioneering owner of this land, Mr Berkley. The road was formed for the purpose of accessing portion 175. In accordance with Councils Policy on Road Naming it would be appropriate to name the road after the original pioneer of the immediate area.

Due to the functional nature of this road, it is considered that its designation is more appropriately termed "*lane*" therefore it is recommended that the road running off Coronation Avenue next to St Marks Anglican Church be named "**Berkleys Lane**".

Plan showing the road proposed to be named:-



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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

40 [EO-CM] Unformed Part of Road Reserve - Ozone Street, Chinderah

ORIGIN:

Design

FILE NO: PF4030/2170 Pt5 and DA09/0006

SUMMARY OF REPORT:

In December 2009 issued a notice to remove a locked gate and caravans stored on the unformed road reserve of Ozone Street in response to concerns raised by a resident of the Tweed Heritage Park. The advice received was that the unformed road reserve of Ozone Street on the southern boundary of the caravan park was gated off, blocking access to the drain and pedestrian access to the south-eastern corner of the caravan park. The resident also advised that the owner stored caravans on the western end of the road reserve, just south of the entry into the caravan park.

The owner of the caravan park responded to Council's request for the removal of the gate and caravans by requesting a peppercorn licence for the occupation of the road reserve.

On October 22 2009 Council issued development consent for a four lot industrial subdivision, which includes the construction of the western part of Ozone Street for access to the subdivision from Chinderah Bay Drive.

In light of the approval granted for the four lot subdivision, a licence for the continued storage of caravans within the road reserve will create a conflicting use. In this regard, it is recommended that Council pursue the removal of the caravans and locked gate from the road reserve to ensure that these will not obstruct the construction of the access road pursuant to its authority under section 107 of the Roads Act, 1993.

RECOMMENDATION:

That:-

- 1. Council orders the landowner of the Tweed Heritage Caravan Park operating on Lots 102, 103 and 104 in DP 755701, at his/her own cost, to remove, within 28 days of receiving a notice, all unauthorised obstructions, including caravans, locked gate and other items, stored or located within the unformed road reserve of Ozone Street on the southern boundary of the above lots pursuant to the authority granted under section 107 of the Roads Act, 1993.**
- 2. If such caravans, locked gate and other items are not removed, then Council is to remove the caravans, locked gate and other items from the road reserve and charge costs plus overheads and administrative costs to the landowner of the Tweed Heritage Caravan Park operating on Lots 102, 103 and 104 in DP 755701.**

REPORT:

In December 2009 issued a notice to remove a locked gate and caravans stored on the unformed road reserve of Ozone Street in response to concerns raised by a resident of the Tweed Heritage Park. The advice received was that the unformed road reserve of Ozone Street on the southern boundary of the caravan park was gated off, blocking access to the drain and pedestrian access to the south-eastern corner of the caravan park. The resident also advised that the owner stored caravans on the western end of the road reserve, just south of the entry into the caravan park.

The owner of the caravan park responded to Council's request for the removal of the gate and caravans by requesting a peppercorn licence for the occupation of the road reserve.

On October 22 2009 Council issued development consent for a four lot industrial subdivision, which includes the construction of the western part of Ozone Street for access to the subdivision from Chinderah Bay Drive.

In light of the approval granted for the four lot subdivision, a licence for the continued storage of caravans within the road reserve will create a conflicting use. In this regard, it is recommended that Council pursue the removal of the caravans and locked gate from the road reserve to ensure that these will not obstruct the construction of the access road pursuant to its authority under section 107 of the Roads Act, 1993.

The aerial photo below shows the caravans within the road reserve:



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council may be exposed to a damages claim regarding unauthorised occupation and blocking by others of a road reserve under the care and control of Council.

POLICY IMPLICATIONS:

Council is exercising its responsibilities under the Roads Act 1993 to manage public roads under its care and control.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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- 41 **[EO-CM] Easement for Underground Powerlines 3 wide within Lot 14 in DP 746154, Lot 836 in DP 856271 and Lot 1435 in DP 1005048 - Foxhill Place, Banora Point**

ORIGIN:

Design

SUMMARY OF REPORT:

Country Energy is seeking the creation of an Easement for Underground Powerlines 3 metres wide within the subject parcels, being Council owned land at Banora Point.

Lot 836 is a drainage reserve and with Lot 14 is classified as operational land. Lot 1435 is a public reserve dedicated to Council when DP 1005048 was registered in 1999 and is classified as community land.

There are no statutory restraints in creating easements within Council owned operational land.

Section 46 of the *Local Government Act* provides that an estate, lease or licence in respect of community land may be granted for the provision of public utilities and works associated with or ancillary to public utilities. An "estate" in this context is an "interest, right or encumbrance". An easement, by definition is a "right enjoyed by the owner of one piece of land to carry out some limited activity (short of taking possession) on another piece of land". Pursuant to section 46 Council can approve the creation of an easement within Council owned community land.

Compensation for the easement has been agreed and the necessary documentation for the creation of the easement has been received from legal representatives for Country Energy.

The documentation has been approved and it is now necessary for Council to resolve to approve the creation of the easement within Council land and to execute all necessary documentation under the Common Seal of Council.

RECOMMENDATION:

That:-

1. **Council approves the creation of an Easement for Underground Powerlines 3 wide within Lot 14 in DP 746154, Lot 836 in DP 856271 and Lot 1435 in DP 1005048;**
2. **Country Energy bears all survey and legal costs relating to the creation of the Easement for Underground Powerlines; and**
3. **Council executes all documentation under the Common Seal of Council.**

There are no statutory restraints in creating easements within Council owned operational land.

Section 46 of the *Local Government Act* provides that an estate, lease or licence in respect of community land may be granted for the provision of public utilities and works associated with or ancillary to public utilities. An “estate” in this context is an “interest, right or encumbrance”. An easement, by definition is a “right enjoyed by the owner of one piece of land to carry out some limited activity (short of taking possession) on another piece of land”. Pursuant to section 46 Council can approve the creation of an easement within Council owned community land.

Compensation for the easement has been agreed in the sum of \$2,754, and Council has received the necessary documentation for the creation of the easement from Country Energy’s legal representatives.

The documentation has been approved and it is now necessary for Council to resolve to approve the creation of the easement within Council land and to execute all necessary documentation under the Common Seal of Council.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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42 [EO-CM] Variation of Restriction on Use Created in DP 1120559 - 32
Kellehers Road, Pottsville

ORIGIN:

Design

FILE NO: DA2805/35

SUMMARY OF REPORT:

Council has received a request to vary a Restriction on Use created in DP 1120559 over Lot 272, where Council has the authority to vary, release or modify the Restriction.

The Restriction on Use registered over all Lots in DP 1120559 states:-

- “(a) On every lot except those lots marked “Duplex” on the Plan of Subdivision no main building shall be used for any purpose other than as a single dwelling house lot.*
- “(b) No granny flat shall be constructed unless it is within the main building and provided the granny flat does not exceed 1/3 of the floor area of the main building or have a gross floor area not exceeding 50 m2, whichever is the lesser.”*

The applicant, Creative Planning Solutions (CPS), is acting on behalf of the State Property Authority who is considering the purchase of the subject lot for the Department of Ageing, Disability and Home Care (DADHC) and the Department of Human Services (DHS).

The DADHC intends to develop the land for a group home and is seeking the modification of the Restriction over Lot 272 to ensure that there are no impediments to their intended development.

RECOMMENDATION:

That Council advises the applicant that it will not consider the modification of the Restriction of Use created over Lot 272 in DP 1120559 until the Department of Ageing, Disability and Home Care (DADHC) provides evidence and results of the public consultation.

REPORT:

Council has received a request to vary a Restriction on Use created in DP 1120559 over Lot 272, where Council has the authority to vary, release or modify the Restriction.

The Restriction on Use registered over all of the Lots in DP 1120559 states:

- “(a) On every lot except those lots marked “Duplex” on the Plan of Subdivision no main building shall be used for any purpose other than as a single dwelling house lot.
- (b) No granny flat shall be constructed unless it is within the main building and provided the granny flat does not exceed 1/3 of the floor area of the main building or have a gross floor area not exceeding 50 m², whichever is the lesser.”

The applicant, Creative Planning Solutions (CPS), is acting on behalf of the State Property Authority who are considering the purchase of the subject lot for the Department of Ageing, Disability and Home Care (DADHC) and the Department of Human Services (DHS).

The plan below shows the subject parcel highlighted in black:-



The DADHC intends to develop the land for a group home and is seeking the modification of the Restriction to ensure that there are no impediments to the intended development.

It is to be noted that the proposed development will not require development consent pursuant to SEPP (Infrastructure) 2007 and SEPP (Affordable Rental Housing) 2009.

The application is attached to this report and provides a very generalised description of the proposal, noting that group homes under the latter SEPP with 10 bedrooms or less are exempt. The application notes that the building proposed for the site will be a single dwelling, but used for a group home.

The proposed development will be within land zoned 2(a) Low Density Residential, and will be zoned R2 Low density Residential under the draft LEP. "Group homes" are identified as development 'permitted with consent' under the provisions of the Land Use Table within the draft LEP. Group homes are not prohibited within the zone of the current Tweed LEP.

The application for the modification was assessed against the following criteria to determine whether Council would have any objections to the variation of the Restriction:-

1. Had Council imposed a condition in the consent for the subdivision requiring the restriction on the parcel;
2. Does the proposal abide by current planning instruments; and
3. As the proposal will not require development consent, will there be an opportunity for public consultation prior to commencement.

Response:

1. A review of Consent 1152/2001DA shows that Council did not impose a requirement for the Restriction on the subdivision of land, known as the Black Rocks Estate at Pottsville in 2002. It would appear that the restriction arose out of an intention by the developer to direct the development of the estate by selecting specific parcels that would allow the construction of duplexes by noting such on the plan and creating the restriction on the residue parcels in the plan.

The plan shows that Lot 272, having an area of 939.7 m² was not marked with "DUP", see the plan below. It is to be noted that on this page of DP 1120559 that those lots that are marked "DUP", notably Lots 264 to 266 have areas over 1000m². These parcels are to the north of the subject land. However, Lots 275 and 276, across the road from Lot 272 have areas over 1200m².

Therefore the developer's imposition of the Restriction is viewed as arising from an intention by the developer to impose development standards on to the estate.

2. As noted in the discussion above, the proposal does not conflict with current planning instruments.
3. As the proposal will not require development consent, there are no provisions for public comment on the proposal. Clause 17(1)(d) of the Infrastructure SEPP provides that no consultation is required for exempt or compliant development.

Discussion

As noted above, there are no impediments to the proposal to modify the Restriction to allow group homes over Lot 272 from a planning perspective. However, as the proposal is to be undertaken by a public authority, the DADHC, there will be no opportunity for the public to comment on the proposal, nor does there appear to be any obligations on the authority to notify adjacent landowners who may be affected by the proposal. In this regard, it is recommended that Council not consider the request until the authority provides evidence of and results to the public consultation.

It is understood that the authority is in negotiations with the current landowner to purchase the land, and may not pursue the purchase should Council not approve the modification of the Restriction. However, this should not affect Council's requirement for public consultation. Should there be any objections to the proposal from the public, or more specifically, adjacent landowners, Council may be presumed to be the consent authority and be open to criticism for the lack of public consultation.

The applicant is seeking the modification of the Restriction so that it reads:-

“On every lot except those marked “Duplex” on the Plan of Subdivision no main building shall be used for any purpose other than as a single dwelling house lot or a group home lot.”

The applicant is, in essence, requesting that the Restriction be modified per se, however, should Council approve the modification, then the modification should only extend to Lot 272 and not the other affected lots, that is, all the Lots created in the plan, which numbered 23.

Recommendations

In light of the above discussions and the fact that the Authority is seeking Council's approval to the modification which will impact on the purchase of the subject lot, there are two alternative approaches that can be taken:-

1. Advise the applicant that Council will not consider the modification of the Restriction of Use created over Lot 272 in DP 1120559 until the DADHC provides evidence and results of public consultation. Upon receipt of this information a further report will be made to Council to report on the results of the consultation;

or

2. Advise the applicant that Council will approve the modification to the Restriction on Use created over Lot 272, but will not sign the documentation to register the modification until:-
 - (a) the Authority provides evidence of and results to public consultation in relation to the proposed development; and
 - (b) the Authority has purchased the land and will be proceeding with the proposal.

It is to be noted that the adoption of the first option does not address the Authority's pending purchase of the land.

The adoption of the second option addresses the pending purchase, but provides a qualification to the approval that public consultation must be undertaken. It is difficult to impose a further qualification that Council must be satisfied that there are no substantial objections to the development, as the Authority could argue that the group home development may fall within the parameters of a 'single' dwelling under the planning instruments. The request for the modification to the Restriction could be viewed as being unnecessary if the proposed building is less than 10 bedrooms within a single building and the application may be construed as being overly prudent.

Nonetheless, the former option is the preferred option in relation to providing Council with an opportunity to require public consultation for a development that has the potential to attract public interest, where Council is not the consent authority.

It may not be appropriate for Council to consider the modification prior to any public consultation occurring.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Creative Planning Solutions - Request for Modification of Section 88B Restrictions (ECM 14876758).
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43 [EO-CM] EC2010-019 Kingscliff Foreshore Protection Project Construction of Cudgen Headland Surf Life Saving Club Seawall

ORIGIN:

Design

FILE NO: EC2010-019

SUMMARY OF REPORT:

This report outlines the tender for construction of the Cudgen Headland Surf Life Saving Club Seawall. The work is part of the Kingscliff Foreshore Protection Project.

This report provides a recommendation on the preferred tenderer. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report. It is recommended that Council accepts the tender of Australian Sheet Piling Pty Ltd for EC2010-019 – Kingscliff Foreshore Protection Project Construction of Cudgen Headland Surf Life Saving Club Seawall subject to a Part V determination being issued.

If a Part V determination is not issued prior to the Council meeting on 20 April 2010, a late addendum report will be presented with a Recommendation to defer awarding the Contract.

ATTACHMENT A is **CONFIDENTIAL** in accordance with Section 10A(2)(c) or 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

RECOMMENDATION:

That:-

- 1. The tender from Australian Sheet Piling Pty Ltd be accepted to the value of \$369,900 exclusive of GST for Tender EC2010-019 Kingscliff Foreshore Protection Project Construction of Cudgen Headland Surf Life Saving Club Seawall.**

2. **ATTACHMENT A** be treated as **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:

Background

Council Tender EC2010-019 invited responses for the construction of the Cudgen Headland Surf Life Saving Club Seawall. The work is part of the Kingscliff Foreshore Protection Project.

Selection Criteria

Tenders were assessed based on the criteria listed below and as detailed in Clause 23 of the Conditions of Tendering.

Item	Criterion	Weighting %
1	Design & Innovation	20
2	Tender Price (Total Normalised Score)	40
3	Time Performance	10
4	Quality Assurance	10
5	Contract Experience	10
6	OHS and Risk Management	10
	Total	100

Tenders Received

A total of seven (7) responses for tender EC2010-019 were collected from the tender box and recorded immediately after the advertised closing time of 4.00pm 17 March 2010:-

Tenderer	ABN
Australian Sheet Piling Pty Ltd	52 096 820 941
Civil Team Engineering	34 118 683 186
Concrib Pty Ltd	40 010 401 484
Hannas Civil Engineering Pty Ltd	42 051 354 753
Lund Constructions Pty Ltd	31 060 365 586
Probuild Civil (QLD) Pty Ltd	46 010 870 587
Talon Civil	90 048 417 455

A late tender was received from Vibropile via facsimile on 19 March 2010. This submission was deemed non-conforming and was not considered further.

Tender Evaluation

The tender evaluation was conducted by Council's Tender Assessment Panel. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(c) or 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

Based on the evaluation results, it is recommended that Tenderer Australian Sheet Piling Pty Ltd be nominated for EC2010-019 – Kingscliff Foreshore Protection Project Construction of Cudgen Headland Surf Life Saving Club Seawall, subject to a Part V determination being issued.

If a Part V determination is not issued prior to the Council meeting on 20 April 2010, a late addendum report will be presented with a Recommendation to defer awarding the Contract.

Details of Australian Sheet Piling Pty Ltd relative competitiveness is shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Evaluation Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

Funding for the project has been allocated from two sources. A \$198,500 grant for the work has been provided by the Department of Environment and Climate Change which is to be matched on a dollar for dollar basis from the 2009/2010 Council Budget for the Kingscliff Foreshore Protection Project.

POLICY IMPLICATIONS:

The recommendations in this report are consistent with Council's Procurement Policy, Procurement Procedure, Contracts Management Process document and Tenders Procedure.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

1. **Confidential Attachment A** - Supplementary Information EC2010-019 Kingscliff Foreshore Protection Project Construction of Cudgen Headland SLSC Seawall (DW 14872488).
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44 [EO-CM] EC2010-033 Expressions of Interest for the Leased Management Rights of the Tweed Regional Aquatic Centre

ORIGIN:

Recreation Services

FILE NO: EC2010-033

SUMMARY OF REPORT:

This report outlines the tender for an Expression of Interest for Leased Management Rights of the Tweed Regional, Aquatic Centre. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report. It is recommended that Abermain Holdings, Belgravia Leisure, Blue Fit and DUSwimming be invited to submit a tender for the Leased Management Rights of the Tweed Regional, Aquatic Centre.

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. Council invites Abermain Holdings, Belgravia Leisure, Blue Fit and DUSwimming to submit a tender for the Leased Management Rights of the Tweed Regional Aquatic Centre.**
- 2. ATTACHMENT A be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

REPORT:

Background

Council Tender EC2010-033 invited Expressions of Interest for the:-

Leased management Rights of the Tweed Regional, Aquatic Centre.

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

Item	Criterion	Weighting %
1	History in the aquatic and leisure venue management industry	20
2	Skills, qualifications and experience of the Principals lodging the EOI	10
3	Current and past contracts or management experience in the management or operation of comparable venues	20
4	Current and past contracts or management experience in the management or operation of comparable venues	20
5	Current and past contracts or management experience in the management or operation of comparable venues	30
	Total	100

Tenders Received

A total of seven responses were received for Tender EC2010-033:-

Abermain Holdings
Belgravia Leisure
Blue Fit
DUSwimming
Leanne Baker
Swim Fit
Swim World

Tender Evaluation

The Tender Evaluation was conducted by Council's Tender Panel, consisting of Patrick Knight, Stewart Brawley and Mark Upson. 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.

Based on evaluation of the expressions against the selection criteria, it is recommended that Abermain Holdings, Belgravia Leisure, Blue Fit and DUSwimming be invited to submit a tender for the Leased Management Rights of the Tweed Regional, Aquatic Centre

Details of Abermain Holdings, Belgravia Leisure, Blue Fit and DUSwimming's relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Evaluation Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Funding is provided within the 20010/2011 Budget for Leased Management Rights of the Tweed Regional, Aquatic Centre.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. **Confidential Attachment A** - Supplementary Information EC2010-033 (ECM 148880154).
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45 [EO-CM] EC2010-017 Supply and Laying of Asphaltic Concrete Overlays

ORIGIN:

Works

FILE NO: EC2010-017

SUMMARY OF REPORT:

This report outlines the tender for EC2010-017 Supply and Laying of Asphaltic Concrete Overlays. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation Report included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report.

It is recommended that Council accepts the tender of Suncoast Asphalt Pty Ltd for the supply and laying of asphaltic concrete overlays to various streets in the shire.

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 Suncoast Asphalt Pty Ltd be accepted to the value of \$330,254.55 exclusive of GST for tender EC2010-017 Supply and Laying of Asphaltic Concrete Overlays.**
- 2. The General Manager be given delegated authority to approve variations up to 20% above the initial tender price. Any variations to be reported to Council following completion of the works.**
- 3. The ATTACHMENT A be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

REPORT:

Background

Council Tender EC2010-017 invited responses for the resurfacing of a number of streets in the shire with asphaltic concrete overlays.

Funding for the works is made up from allocations in the general fund's Road Asphalt Resurfacing and the 2004/05 Rate Rise Asphalt Resheeting budgets.

Tenders Received

A total of four (4) responses were received for tender EC2010-017 Supply and Laying of Asphaltic Concrete Overlays. Tenders were received from the following:

- Boral Asphalt
- ELH Road and Bridge Construction
- Pioneer Road Services
- Suncoast Asphalt

Tender Evaluation

The Tender Evaluation was conducted by Council's Tender Evaluation Panel, consisting of the Senior Contracts Engineer, Manager Works and Maintenance Engineer. 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 non-price criteria. 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 selection criteria and weightings were determined prior to the issuing of the Tender:-

Tender Price	60%
Time Performance	5%
Quality Assurance	10%
Environmental Management	10%
Current Commitments	5%
OHS and Risk Management	10%

Based on the Tender Evaluation, it is recommended that Suncoast Asphalt Pty Ltd be awarded contract EC2010-017 Supply and Laying of Asphaltic Concrete Overlays.

Details of Suncoast Asphalt Pty Ltd's relative competitiveness are shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Evaluation Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

Funding is provided within the 2009/2010 Budget for these works from the Road Asphalt Resurfacing and 2004/05 Rate Rise Asphalt Resheeting budgets.

POLICY IMPLICATIONS:

The recommendations in this report are consistent with Council's Procurement Policy, Procurement Procedure, Contract Management Process document and Tenders Procedure.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. **Confidential Attachment A** - Supplementary Information EC2010-017 Supply and Laying of Asphaltic Concrete Overlays (ECM 14861923).
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46 [EO-CM] Jack Evans Boat Harbour - EC2009-143 Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works

ORIGIN:

Planning & Infrastructure

FILE NO: GC12/3-2009143

SUMMARY OF REPORT:

Tenders were invited from three prequalified tenderers selected through an expressions of interest process for Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour. Three tenders were received by the advertised closing date of 24 March 2010.

The Boat Harbour Upgrade has been the subject of numerous reports to Council. Council received 15 expressions of interest for this tender late in 2009 and at Council's meeting of 15 December 2009 Council considered a report relating to the expressions of interest submissions and resolved:

"That:-

- 1. Council invite fully priced tenders from the following preferred Contractors for the Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour:
- Seymour White Pty Ltd
- Neumanns Contractors Pty Ltd
- Multispan Pty Ltd*

- 2. Council invite fully priced tenders from the following alternative Contractors for the Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour should any preferred Contractor not be able or willing to tender (in order of preference):
- Abergeldie Constructions Pty Ltd
- GMW Urban Pty Ltd"*

In accordance with Council's resolution the three preferred Contractors were invited to submit a fully priced tender. These three tenders were received by the advertised closing date of 24 March 2010. The tender provided for two options of works to be priced – Stage 1A (or Work Package 1) only and also Stage 1A and Stage 1B (or Work Package 2). The tenders were scored by a Council officer assessment panel against prescribed criteria.

This report provides a recommendation of the preferred tenderer to perform the works.

RECOMMENDATION:

That:-

- 1. Council awards the contract EC2009-143 Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour to Multi Span Australia Pty Ltd for Work Package 2 (Stage 1A and Stage 1B) for the lump sum price of \$6,189,414.55 excluding GST.**
- 2. The General Manager be given delegated authority to approve variations up to 20% above the initial contract price.**
- 3. ATTACHMENT A be treated as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.**

REPORT:

Introduction

Tender were called from three preferred Contractors for Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour. Three fully priced tenders were received by the nominated closing date of 24 March 2009.

The Jack Evans Boat Harbour embellishment works has been the subject of numerous reports to Council. Council received 15 expressions of interest for this tender late in 2009 and at Council's meeting of 15 December 2009 Council considered a report relating to the expressions of interest submissions and resolved:

"That:-

1. *Council invite fully priced tenders from the following preferred Contractors for the Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour:*
 - *Seymour White Pty Ltd*
 - *Neumanns Contractors Pty Ltd*
 - *Multispan Pty Ltd*

2. *Council invite fully priced tenders from the following alternative Contractors for the Foreshore, Boardwalk, Amenities Facilities, Landscaping and Associated Construction Works for the Jack Evans Boat Harbour should any preferred Contractor not be able or willing to tender (in order of preference):*
 - *Abergeldie Constructions Pty Ltd*
 - *GMW Urban Pty Ltd*

In accordance with Council's resolution the three preferred Contractors were invited to submit a fully priced tender. These three tenders were received by the nominated closing date of 24 March 2010.

The scope of the proposed works includes the provision of all materials, plant and labour for the construction of the following:-

- Removal of some concrete paths, modular seabees revetment (paving) and foreshore rock revetment as required;
- Demolition as required;
- Dewatering as required;
- Minor drainage works;
- Trenching for footings;
- Harbour earthworks and sand earthworks for the "beach" area;
- Concrete and granite paving works including compacted granular basecourse;
- Foundation Piling (nominated steel screw piles);
- Reinforced concrete works (foundations, retaining walls, planters, ramps, blinding, steps, seats, edging);
- Precast concrete works (walls, decking, platforms, facing panels);
- Carpentry (timber boardwalk, decking, seating);

- Metalwork (balustrades, rails, bollards, seating, recycle and litter bins, gratings);
- Painting (timber decking, panels, steel edging);
- Landscaping (remove weeds, subgrade cultivation, topsoiling, bioretention zones and garden beds, instant turfing, mulching, tree / shrub placement and maintenance period);
- Rock revetment works;
- Irrigation works;
- Electrical equipment (light poles and luminaries, bench seat lighting, LED strip lighting, conduits);
- Electrical equipment (main switchboard, controls, general power and light, etc).
- Electrical cabling and wiring for lighting;
- Conduiting for electrical cabling and future CCTV;
- Site works including set-out, temporary works, earthworks, roads, drainage, landscaping, etc;
- Preparation of 'Work – As – Executed' drawings;
- Temporary site services and site facilities including the Principal's site office, access, drainage, amenities etc;
- Site services including water supply, underground telecommunications, sewer and power services; and
- Environmental protection (including erosion and sediment control and removal / treatment of unsuitable dewatering), monitoring and maintenance activities.

The construction of the kiosk and amenities buildings near the Twin Towns complex was not included in the scope of works due to budgetary constraints.

Tender lump sums were requested for two substages of the work titled Stage 1A and Stage 1B with a price to be submitted for Stage 1A component only (Work Package 1) and another price to be submitted for all works being both Stages 1A and 1B (Work Package 2). These substages were included in the tender documentation as it was considered that there would be insufficient funding available for all of the Stage 1 works. The Stage 1A/1B boundary is located at the rear of the Twin Towns complex with Stage 1A being from this line along the northern foreshore to Coral Street and Stage 1B being the southwestern side of the harbour.

Three tenders were received by the nominated closing date of 24 March 2009. Tenders were received from the following preferred Contractors:-

1. Multi Span Australia Pty Ltd
2. Neumann Contractors
3. Seymour White Constructions Pty Ltd

Council's day labour crew is currently finalising the construction of the following works:-

- major drainage including the installation of gross pollutant traps for water quality improvement;
- carpark and landforming components of the construction in the northern part of the site; and
- the primary retaining wall structure for the first story wall component of the future Goorimahbah parklands.

Tender Assessment Panel

Prior to Tenders being called an Assessment Panel was established to carry out the assessment of the tenders. The composition of the Panel was as follows:-

<i>John Zawadzki</i>	Tweed Shire Council Traffic Engineer (Chairperson)
<i>Ted Gibson</i>	Tweed Shire Council Contracts Engineer
<i>Robert Hanby</i>	Tweed Shire Council Construction Engineer
<i>Georgina Wright</i>	Consultant Landscape Architect
<i>Mathew Greenwood</i>	Tweed Shire Council Internal Auditor (Probity Advisor)

The general terms of reference for the Assessment Panel were as follows:-

- Assess the tenders submitted in accordance with the specified criteria;
- Undertake an individual initial assessment of the tender price and non-price data;
- Review any written responses;
- Identify and seek further clarifications (as required) from the tenders and review any qualifications and departures;
- Score all responses against the specified price and non-price assessment criteria and agreed assessment criteria weightings; and
- Summarise the tender score results and sign the summary documents as a true record of the decisions made.

Tender Evaluation

The tenders were assessed by the Assessment Panel against the criteria set out in the Tender document. This assessment is the subject of the Confidential Attachment. The attachment is listed as CONFIDENTIAL in accordance with Section 10A(2) (c) and (d) of the Local Government Act 1993, as discussion of the information in open Council would disclose commercial information, may prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor or reveal a trade secret.

The submissions were scored against various prescribed criteria which attracted various weightings as follows:-

Assessment Criteria	Weighting
Cost.	70%
Quality Management System compliance.	5%
OHS&R management system compliance.	5%
Environmental management compliance.	5%
Experience and level of performance of the applicant on similar work; management experience; collaborative experience.	5%
Demonstration by the applicant of available resources.	
Proposed delivery methodology.	10%

The cost criterion was weighted relatively highly in this tender since many other qualitative Contractors' attributes were previously assessed as part of the expressions of interest evaluation.

A detailed assessment sheet which provides the Assessment Panel's scores for the above criteria and an overall score for each submission is shown in the confidential attachment to this report.

In consideration of the tender lump sums the following was noted:-

- The expected life of the timber substructure for the proposed boardwalk (as tendered) is about 15 - 20 years. The life expectancy could be increased by substituting the timber substructure with a fibre composite substructure in those areas where the substructure is located within or close to the tidal zone, which constitutes approximately 80% of the entire boardwalk. The expected design life of a fibre composite substructure is a minimum of 40 years. The cost for the fibre composite substructure would be approximately \$540,000 additional to that tendered, however approximately \$1,000,000 in timber substructure replacement costs could be required over a 40 year period. Therefore there could be a relatively significant saving in the long term.
- Neumann Contractors proposed variations which would reduce their tendered lump sum by approximately \$1.6M, however these variations proposed a reduction in the scope of works which was considered not comparable for the purpose of tender evaluation when referenced to the other tenderers who proposed the full scope of works.

Probity

Council's internal auditor, who was a probity advisor as part of the Tender Evaluation Panel, is of the opinion that the tendering process has adequately addressed the five fundamentals of probity:-

- Best value for money
- Impartiality
- Dealing with conflicts of interest
- Accountability and transparency
- Confidentiality

The above opinion was achieved after the probity advisor provided probity advice to the evaluation panel, attended key meetings in the evaluation process and performed a variety of probity tests.

The scope of these tests covered the five fundamentals of probity over the following periods:-

- Prior to the issue of EOI,
- Prior to the closing date for proposals and
- During the assessment / evaluation of the submitted tenders.

Early Contractor Involvement

The tendering process adopted an Early Contractor Involvement (ECI) process for this project which enabled the selected tenderers to become fully aware of all obligations required under the contract to ensure that Council received tenders which offered the best value for money. This EOI process involved the conducting of two workshops held in January and February 2010. Alternative designs that offered project savings over the design detailed by the Landscape Architecture Consultants were discussed.

Expected Project Expenditure and Project Funding

The expected project expenditure for the overall project is as follows:-

EXPECTED PROJECT EXPENDITURES	Cost \$ Excl. GST
Contract Lump Sum	\$6,189,415
Contract Contingencies and Variations (\approx 10%)	\$618,941
Council works (major drainage, local carpark and additional landscaping)	\$2,000,000
TOTAL	\$8,808,357

The available budget for the proposed works is shown in the table below:-

EXPECTED PROJECT FUNDING	Cost \$ Excl. GST
Council [Loans] funding	\$5,000,000
NSW Department of Planning (Coastal Cycleway)	\$92,950
Council Section 94 (developer) Cycleway funds	\$92,950
Council Section 94 (CP26 casual)	\$1,000,000
Federal funding	\$1,818,182
TOTAL	\$8,004,082

Considering the above expected project expenditure and project budget, there is a shortfall in funding to complete the project of \$8,808,357 - \$8,004,082 = \$804,275.

Unfortunately therefore, the total Stage 1 work will not be able to be fully completed with the available funding. Stages 1A would be able to be funded however only part of Stage 1B could be constructed. Alternatively cutting back works or finding alternative construction techniques to minimise costs are options. Some of these options include:-

- Removal of the boardwalk along the northern foreshore
- Drastically reducing the electrical lighting component of the work
- Constructing concrete pavements rather than timber boardwalks
- Constructing the Stage 1A works together with the construction of only a partial component of the Stage 1B works thus leaving much of the southwestern foreshore unimproved.

The above options are undesirable for differing reasons. For example, a concrete substitution for the timber areas is not compliant with contractual agreements with the design consultant, Aspect Studios. To ensure that a product which was originally intended to provide a community focal point for Tweed Heads, it is strongly recommended that additional funding of \$800,000 be sought by Council to enable the entire Stage 1 works (all of the foreshore area) to be completed. There are also significant cost savings in site establishment costs (in the six figure mark) in completing all works as part of the one contract.

Expected Project Timeframe

The expected duration of the contract is 45 weeks as follows:

- Commence construction May 2010
- Complete construction February 2011

Council's day labour crews are about to complete construction of the major drainage, carpark and landforming components for the project.

Tender Recommendation

Based on the tendered information it is recommended that Multispan Pty Ltd's tender be accepted.

Multi Span Australia Pty Ltd has completed a number of projects successfully including The Tweed Regional Aquatic Centre in Murwillumbah and Tweed Art Gallery Stages 1 and 2. Referees have advised that Multi Span Australia Pty Ltd's performance on these projects exceeded the minimum standards specified.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The construction will occur over the 2009/2010 and 2010/2011 financial years. Funding is expected as advised in this report. It is recommended that additional funding of \$800,000 be listed for Council's consideration as part of the 2010/2011 budget so that the entire Stage 1 works can be completed.

POLICY IMPLICATIONS:

Letting this Contract will complete a significant part of the Tweed Heads Masterplan and create an outstanding regional attraction.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. **Confidential Attachment** – Supplementary A - EC2009-143 (ECM 14879930).
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REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

47 [TCS-CM] Policy - Business Continuity Management

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

As a result of an external review of Council's Draft Business Continuity Plan a Policy has been developed to ensure that Council is able to continue to deliver its key services to residents following a significant business interruption event.

The proposed Policy is contained within the report for consideration by Council. In accordance with Section 161(2) of the Local Government Act 1993 it is deemed that as this Policy relates directly to the operations of Council there is no necessity to place the document on public exhibition.

RECOMMENDATION:

That :-

1. **The Business Continuity Management Policy Version 1.0 be adopted and included as a Corporate Policy in accordance with Section 161(2) of the Local Government Act 1993.**
2. **In accordance with Section 377 of the Local Government Act 1993 the General Manager be granted delegated authority in the event of the Business Continuity Plan being implemented to approve emergency expenditure to a limit of \$1 million, to be expended as required to maintain the operations of the Council.**

REPORT:

As a result of an external review of Council's Draft Business Continuity Plan a Policy has been developed to ensure that Council is able to continue to deliver its key services to residents following a significant business interruption event.

The policy seeks to put measures in place prior to a business interruption event and to identify actions to be taken during and following such an event to ensure that key services continue to be available to the residents of the Shire. As an aid in the operation of this plan various sub-plans are being developed to ensure that service delivery both internal and external can be maintained during a business interruption event.

The following Policy is provided for consideration by Council:

The cover page has a dark blue background with abstract, lighter blue geometric shapes. The text is white and positioned as follows:

Policy

Business Continuity Management
Version 1.0

Adopted by Council at its meeting on xxx
Minute No xxx:

Division: Technology and Corporate Services
Section: Corporate Governance
File Reference:
Historical Reference:

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1 INTRODUCTION

1.1 PURPOSE

The purpose of this policy is to ensure that Council is able to continue to deliver its key services to residents following a significant business interruption event, such as the failure/loss of a major Council facility or the failure/loss of an external resource, such as telecommunications or power supply.

The terminology of Councillor contained in this policy also applies to an Administrator/s of Council, where applicable and with any legislative modification.

1.2 OBJECTIVES AND COVERAGE OF THE POLICY

The Business Continuity Management Policy seeks to put measures in place prior to a business interruption event and to identify actions to be taken during and following such an event, to ensure that key services continue to be available to the residents of the Shire.

This policy applies to all functions of Council and to all staff involved in the delivery of these functions, including Council officers, employees, visitors and contractors.

1.3 LEGISLATIVE COMPLIANCE

There is no current legislative requirement for the implementation of Business Continuity Management; however there would be an expectation that Council undertakes business continuity planning as part of its overall Governance responsibilities.

1.4 OTHER NSW GOVERNMENT POLICY PROVISIONS

Nil

1.5 DIVISION OF LOCAL GOVERNMENT CIRCULARS TO COUNCILS

Division of Local Government Circular 07-12, Business Continuity Plans was issued in April 2007. It notes that "Councils should ensure that they have in place a well developed business continuity plan that addresses the key risks to council's continued activities and provides a well articulated plan to minimise the potential impact of these risks."

1.6 ICAC PUBLICATIONS

Nil

1.7 DEFINITIONS¹

Business continuity management: Business Continuity Management provides for the availability of processes and resources in order to ensure the continued achievement of critical objectives.

Business interruption: Any event, whether anticipated (i.e., public service strike) or unanticipated (i.e., blackout) which disrupts the normal course of business operations at an organization location.

For definitions of other key BCM terminology, refer to Standards Australia's HB 221:2004 Business Continuity Management.

2 BUSINESS CONTINUITY MANAGEMENT

2.1 OVERALL INTENT

This Business Continuity Policy will help Council to ensure:

- The continuity of key services to the Tweed community;
- The well-being and safety of employees in their working environment;
- The protection of the organisation's assets and records.

2.2 BUSINESS CONTINUITY MANAGEMENT FRAMEWORK

Council will maintain a Business Continuity Management Framework, which will detail the whole of Council system to ensure continuity of key services following a business interruption event of sufficient magnitude to affect the ability of Council to deliver its services, either as a whole, or in part.

This whole of Council Business Continuity Management Framework will be underpinned by specific Business Continuity and Business Recovery Plans developed by Directorates for key services under their control.

This framework will include the following:

- Council's Business Continuity Policy
- Definition of the interrelationship between the various business continuity documents within Council
- Identification of key services to be maintained in the event of a business interruption event. This will be supported by a Business Impact Analysis and will state acceptable service levels e.g. maximum acceptable outage times
- Responsibilities for training of staff and regular testing of the plans
- Responsibilities and timing for reviews of the plans
- Reference to specific plans developed by Directorates

¹ Standards Australia's HB 221:2004 *Business Continuity Management*

2.3 BUSINESS CONTINUITY PLANS

Each Director is responsible for developing Business Continuity Plans and Business Recovery Plans to support identified critical services under their control. These plans should support the levels of service determined, on a whole of Council basis, in the Business Continuity Management Framework.

It is the responsibility of each Director to ensure that staff receive adequate training and that plans are kept current and that they undertake review, testing and maintenance of these plans, as required by the Business Continuity Plan Framework document.

2.4 RESPONSIBILITIES

1. Manager Corporate Governance is responsible for overseeing the management and assessment of risk across Council. On the advice of the Risk Management Committee will set the policy for Council's business continuity management.
2. Manager Corporate Governance is responsible for the implementation of business continuity management, including the oversight of appropriate documentation and the setting of requirements for training, testing and monitoring of the business continuity plans.
3. Directors are the Business Continuity Plan owners with responsibility for ensuring that all critical functions under their responsibility have been identified and that Business Continuity and Recovery Plans are established, maintained and reviewed.
4. All staff of Council are expected to recognise the importance of business continuity, to be familiar with the provisions of this policy, and to support the processes that will manage appropriately any threat to business continuity.

2.5 SUPPORTING DOCUMENTS

- Business Continuity Management Framework
- Risk Management Policy
- Risk Management Framework
- Critical Incident Management Policy
- Critical Incident Management Procedure
- Emergency Response Procedures
- Disaster Management Plans

3 OTHER MATTERS

3.1 STATUS OF THE POLICY

The provisions of the Business Continuity Management Policy shall remain valid until revoked or amended by Council.

Part of the Roles and Responsibilities recommendations contained within the Business Continuity Plan is for the General Manager (Business Continuity Director) to have a delegation to expend funds in the event of an emergency and to enable this Council is required to extend this delegation to the General Manager.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

In accordance with the Business Continuity Plan and associated delegation requirements.

POLICY IMPLICATIONS:

Business Continuity Management Policy will become a Corporate Policy of Council.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

48 [TCS-CM] Policy - Enterprise Risk Management

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

An external review of Council's Risk Management practices has been undertaken. As a result of this review an Enterprise Risk Management policy is proposed which is designed to communicate Council's commitment to managing enterprise-wide risks and establish clear responsibilities to ensure that all levels of Council, management and staff are aware of and responsible for the management of risk.

In accordance with Section 161(2) of the Local Government Act 1993 it is deemed that as this Policy relates directly to the operations of Council there is no necessity to place the document on public exhibition.

The proposed policy is submitted for consideration by Council.

RECOMMENDATION:

That the Enterprise Risk Management Policy Version 1.0 be adopted as a Corporate Policy of Council in accordance with Section 161(2) of the Local Government Act 1993.

REPORT:

An external review of Council's Risk Management practices has been undertaken by the firm InConsult. As a result of this review an Enterprise Risk Management policy is proposed which is designed to communicate Council's commitment to managing enterprise-wide risks and establish clear responsibilities to ensure that all levels of Council, management and staff are aware of and responsible for the management of risk.

The proposed Policy is as follows:



Policy

Enterprise Risk Management

Version 1.0

Adopted by Council at its meeting on xxx
Minute No: xxx

Division: Technology and Corporate Services
Section: Corporate Governance
File Reference:
Historical Reference: xxx

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Enterprise Risk Management

1. INTRODUCTION

Risk is defined as the effect of uncertainty on objectives.

Tweed Shire Council understands that large, unmitigated risks can adversely impact its stakeholders and its ability to achieve strategic, operational, financial and regulatory objectives.

Risk management involves coordinated activities to direct and control the organisation with regard to risk. It is a systematic process that involves establishing the context of risk management, identifying risks, analysing risks, addressing risks, periodically monitoring risks and communication and consultation. Risk management explicitly addresses uncertainty but, whilst it is based on the best available information, it does not eliminate all risk. The application of risk management thinking, principles and practices aims to help Council deliver quality services, improve decision-making, set priorities for competing demands/resources, minimise the impact of adversity and loss, ensure regulatory compliance and support the achievement of objectives.

2. PURPOSE

The purpose of this Enterprise Risk Management Policy is to communicate Council's commitment to managing enterprise-wide risks and establish clear responsibilities to ensure that all levels of Council, management and staff are aware of and responsible for the management of risk.

3. SCOPE

This policy applies to all councillors, directors, management, staff, contractors and volunteers across all Council activities and processes.

4. POLICY STATEMENT

4.1 MANDATE AND COMMITMENT

Tweed Shire Council is committed to the formal, systematic, structured and proactive management of risks across the organisation.

Council recognises that whilst risk is inherent in all its activities, the management of risk is good business practice, creates value, is integral to sound corporate governance and in some instances, a mandatory legal requirement. In particular, effective risk management can lead to better decision-making and planning as well as better identification of opportunities and threats.

4.2 RISK MANAGEMENT FRAMEWORK

Council's risk management framework is a set of components that provides the foundations and organisational arrangements for designing, implementing, monitoring reviewing and continually improving risk management throughout the organisation.

Council is committed to maintaining an effective, efficient and tailored risk management framework that consists of:

- this policy
- a risk management plan
- supporting policies that complement risk management such as fraud prevention, business continuity management, OH&S management systems and code of conduct.

The framework will enable:

- a formal, structured approach to risk management that is appropriate to the organisation's activities and operating environment;
- a risk management approach consistent with the principles of AS/NZS ISO 31000:2009;

4.3 RISK APPETITE

Risk appetite is the amount and type of risk that an organisation is prepared to pursue, retain or take. It is expressed in the form of a risk appetite statement which covers a number of critical risk categories. The current risk appetite statement is:

Financial

1. *There is no appetite for decisions that have a significant negative impact on Council's long term financial sustainability*

Legal and Regulatory

2. *There is no appetite for non compliance with legal, professional and regulatory requirements*

Human Resources

3. *There is no appetite for compromising staff safety and welfare*

Operational

4. *In considering opportunities a disciplined approach to the management of risk must be taken.*
5. *Council's approach to managing risk should set an example to the rest of the community.*
6. *There is considerable appetite for improvements to service delivery*
7. *There is considerable appetite for improved efficiency of Council operations*

Environmental

8. *There is considerable appetite for decisions that promote ecologically sustainable development*

4.4 IMPLEMENTING RISK MANAGEMENT

Council is committed to ensuring that a strong risk management culture exists and will develop and maintain a risk management plan that:

- aligns risk management processes to Council's existing planning and operational processes;
- allocates sufficient funding and resources to risk management activities;
- provides staff with appropriate training in risk management principles;
- assigns clear responsibilities to staff at all levels for managing risk;
- embeds key controls to manage risks into business processes;
- establishes appropriate mechanisms for measuring and reporting risk management performance;
- communicates risk management policies, plans and issues to staff and other stakeholders;
- takes human and cultural factors into account; and
- is dynamic, iterative and facilitates continual improvement

4.5 ACCOUNTABILITIES AND RESPONSIBILITIES FOR MANAGING RISK

Council is ultimately responsible for adopting and committing to this risk management policy, identifying and monitoring emerging risks and fully considering risk management issues contained in Council reports.

The **Risk Management Committee** is responsible for establishing and reviewing the framework for identifying, monitoring and managing significant business risks.

The **General Manager** is responsible for leading the development of an enterprise risk management culture across the organisation and ensuring that the Risk Management Policy and Plan are being effectively implemented.

The **Executive Management Team** is responsible for considering urgent, sensitive and/or complex risk management issues that cannot be resolved by staff, the Risk Management Committee or the Corporate Management Team.

The **Corporate Management Team** is responsible for adopting and periodically reviewing Council's Risk Management Plan, considering and discussing risk management issues and initiatives brought to its attention by the Risk Management Committee and providing feedback to the Risk Management Committee on risk management issues.

The **Manager Corporate Governance** is responsible for ensuring that all administrative requirements necessary for the implementation of the Risk Management Plan across Council are in place.

Directors are responsible for ensuring that the Risk Management Policy and Plan are being effectively implemented within their areas of responsibility.

Internal Audit will periodically review the risk management framework, including the internal controls designed to manage risk.

Managers at all levels, are the risk owners and are required to create an environment where the management of risk is accepted as the personal responsibility of all staff, volunteers and contractors. Managers are accountable for the implementation and maintenance of sound risk management processes and structures within their area of responsibility in conformity with Council's risk management framework.

All **staff** are required to act at all times in a manner which does not place at risk the health and safety of themselves or any other person in the workplace. Staff are responsible and accountable for taking practical steps to minimise Council's exposure to risks including contractual, legal and professional liability in so far as is reasonably practicable within their area of activity and responsibility.

5. EFFECTIVE DATE

[Insert date of adoption by Council]

6. REVIEW DATE

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any material changes in circumstances.

Following the adoption of this policy appropriate intervention and service levels will be determined through a network of training and workshop sessions conducted with staff.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Financial resources are available within the Risk Management expenses area of the budget to undertake the requirements associated with Enterprise Risk Management.

POLICY IMPLICATIONS:

Will become a Policy of Council and will aid in risk management practices being undertaken in accordance with the principles of AS/NZ ISO 31000:2009.

This may have implications having regarding to Council's resolution of 22 January 2003.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

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49 [TCS-CM] Monthly Investment Report for Period Ending 31 March 2010

ORIGIN:

Financial Services

SUMMARY OF REPORT:

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 \$121,130,909 invested as at 31 March 2010 and the accrued net return on these funds was \$489,575 or 4.85% annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at 31 March 2010 totalling \$121,130,909 be received and noted.

REPORT:

Report for Period Ending 31 March 2010

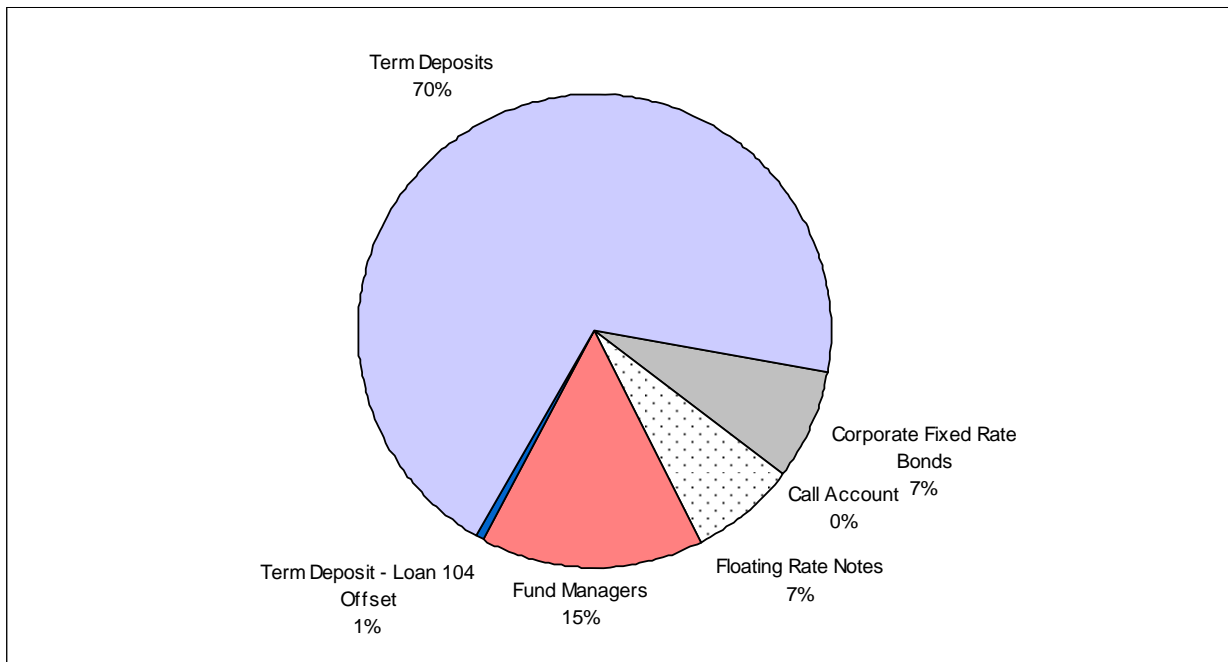
The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies.

1. RESTRICTED FUNDS AS AT 31 MARCH 2010

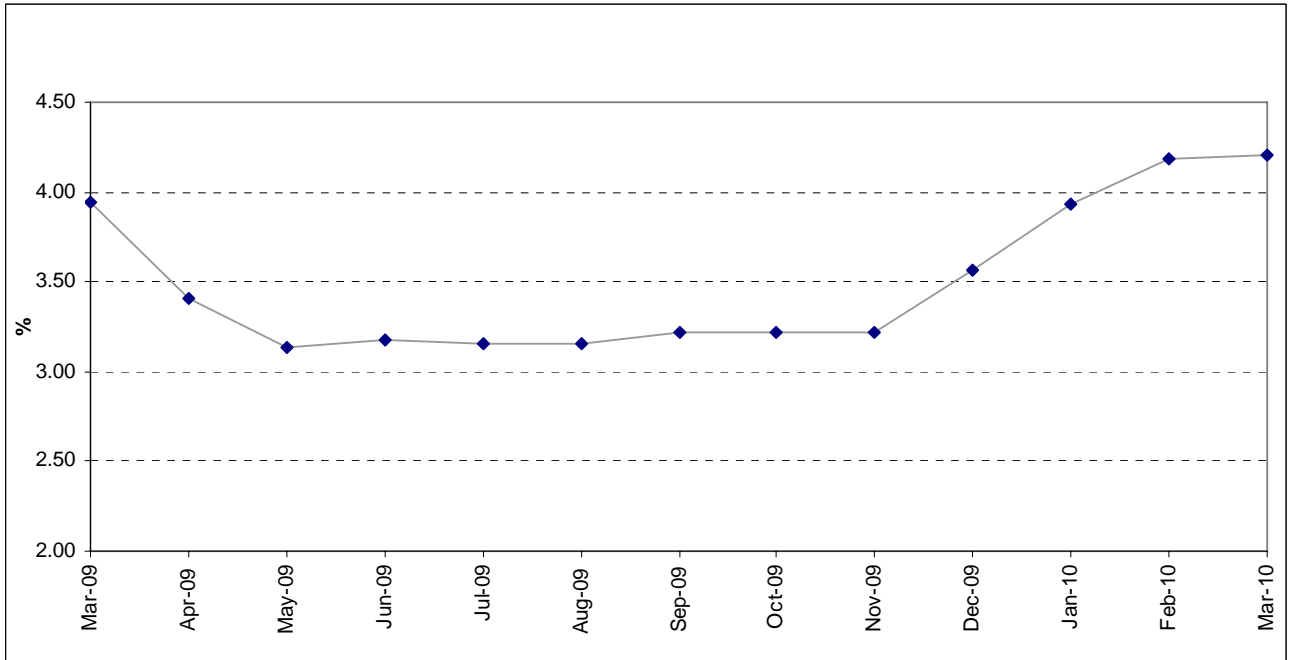
Description	(\$'000)			Total
	General Fund	Water Fund	Sewer Fund	
Externally Restricted	15,427	13,980	14,908	44,315
Crown Caravan Parks	10,145			10,145
Developer Contributions	29,762	19,327		49,089
Domestic Waste Management	8,035			8,035
Grants	3,794			3,794
Internally Restricted	13,816			13,816
Employee Leave Entitlements	1,685			1,685
Grants	2,535			2,535
Unexpended Loans	5,889			5,889
Total	91,088	33,307	14,908	139,303

Note: Restricted Funds Summary next update September 2010

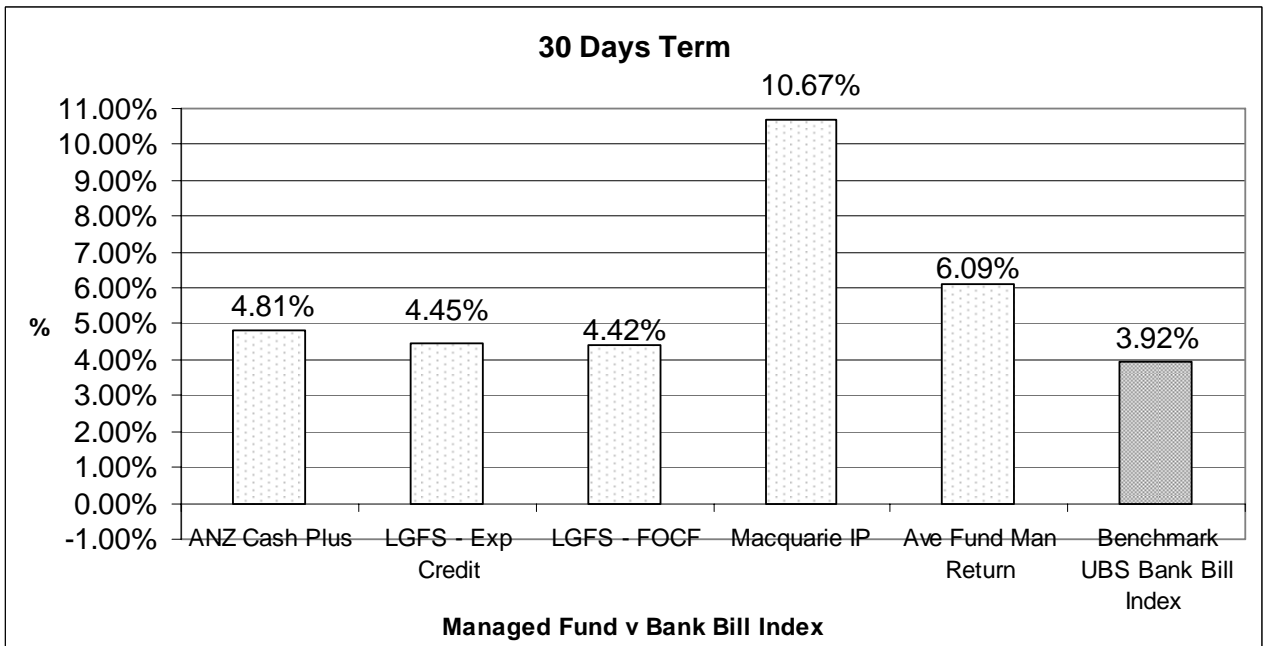
2. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



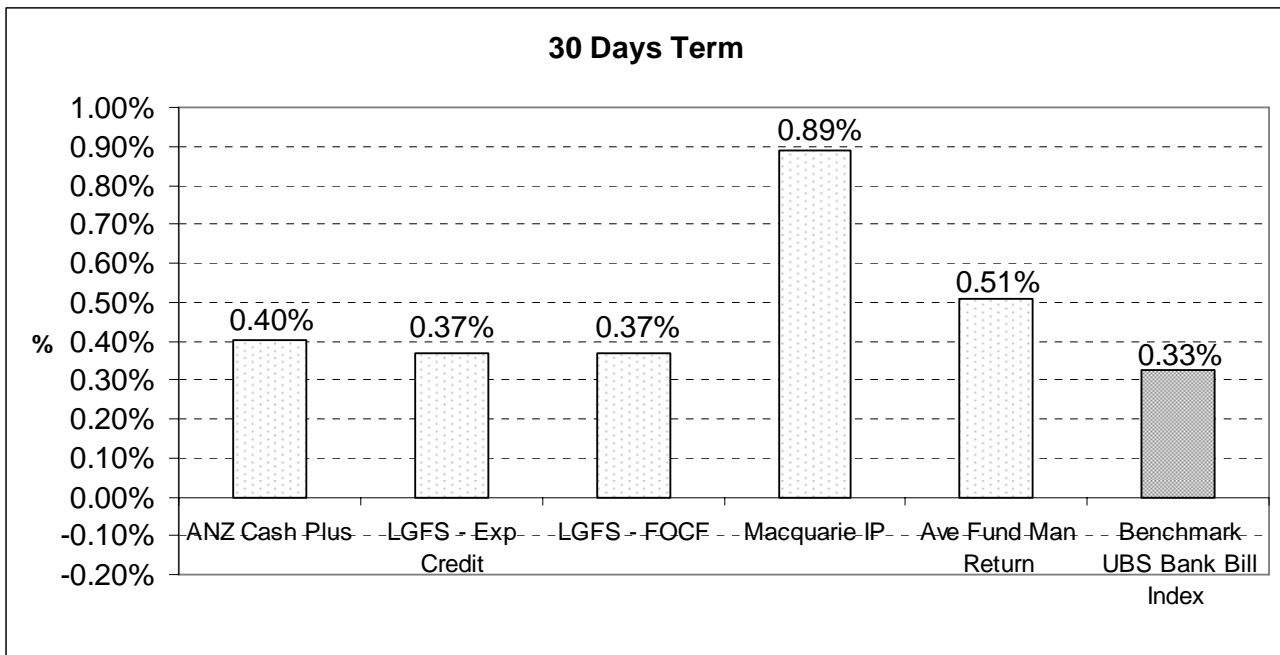
3. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



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



5. FUNDS MANAGERS PERFORMANCE FOR MONTH - NET OF FEES AND CAPITAL VALUE CHANGES (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
ANZ Cash Plus	AA	3.00%	\$548,884	\$551,080	\$0	Monthly
LGFS - Enhanced Cash	n/a	31.22%	\$5,720,962	\$5,742,163	\$52,493	Monthly
LGFS - FOCF	AA-	35.66%	\$6,533,808	\$6,557,834	\$68,842	Quarterly
Macquarie IP	A	30.12%	\$5,491,762	\$5,539,260	\$0	Quarterly
Total		100%	\$18,295,417	\$18,390,336	\$121,335	

7. DIRECT SECURITIES

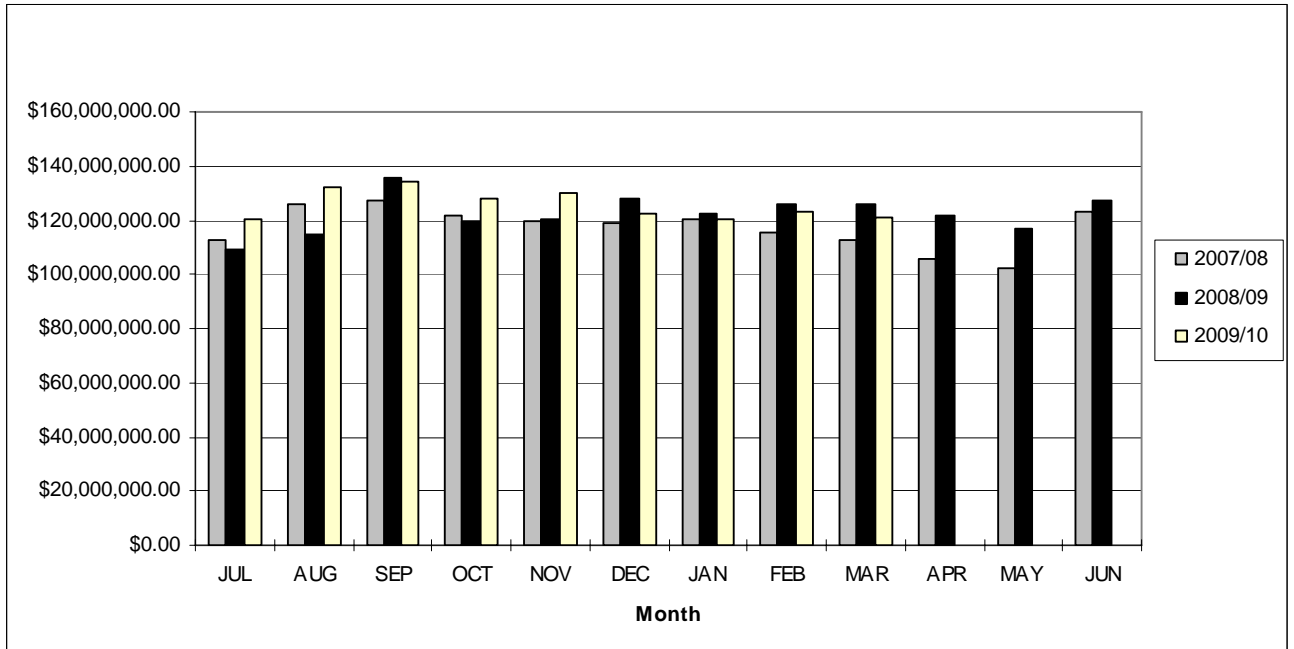
Investment Type	Final Maturity	Counterparty/ Product Name	Face Value	Market Value	% Return on Face Value	Credit Rating
Bond	08/11/2011	ANZ	1,000,000.00	1,039,240.00	5.15	AA
Bond	22/04/2013	ANZ	1,000,000.00	1,099,570.00	8.65	AA
FRN	17/08/2010	ANZ	1,000,000.00	996,583.00	4.46	AA
Bond	02/12/2010	Bank of Queensland	1,500,000.00	1,524,090.00	5.55	BBB+
Bond	02/12/2010	Bank of Queensland	1,000,000.00	1,016,060.00	6.00	BBB+
FRN	20/07/2010	CBA	1,000,000.00	1,008,547.34	4.47	AA
FRN	21/01/2011	CBA	1,000,000.00	1,009,493.18	4.66	AA
FRN	17/04/2012	CBA	1,000,000.00	1,020,638.89	4.41	AA
FRN	23/11/2012	Deutsche Bank	1,000,000.00	871,175.00	5.13	A+
FRN	24/01/2011	Macquarie/HSBC	2,000,000.00	1,987,440.73	4.83	A
FRN	08/03/2012	Members Equity	2,000,000.00	1,914,280.00	5.32	BBB-
Bond	22/01/2018	CBA Zero Coupon Bond	2,000,000.00	2,280,000.00	7.28	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,027,290.00	4.90	AA
Bond	24/09/2012	Westpac	1,000,000.00	1,027,290.00	5.15	AA
ABS = Asset Backed Security		Total	17,500,000.00	17,821,698.14	5.43	
Bond = Fixed Rate Bond						
CDO = Collateralised Debt Obligation						
FRN = Floating Rate Note						

8. TERM DEPOSITS AS AT 31 MARCH 2010

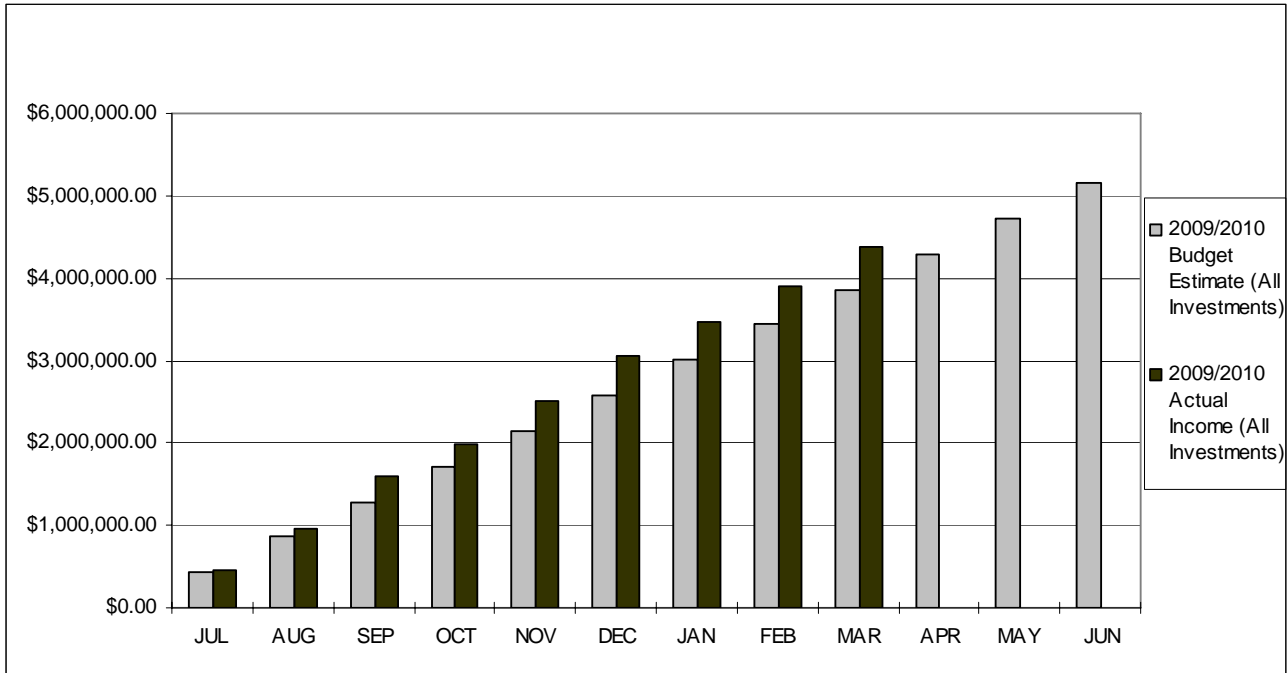
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
05-Jan-10	06-Apr-10	Police & Nurses Credit Society Ltd	1,000,000.00	91	6.000	14,958.90
12-Jan-10	12-Apr-10	LGFS Savings & Loans Credit Union	2,000,000.00	90	4.890	24,115.07
11-Jan-10	13-Apr-10	SGE Cr Union	1,000,000.00	92	6.200	15,627.40
14-Jan-10	13-Apr-10	CBA	1,000,000.00	89	6.100	14,873.97
28-Oct-09	28-Apr-10	IMB	868,875.00	182	4.505	19,517.79
18-Feb-10	18-May-10	QLD Police CU	1,000,000.00	89	5.377	13,110.31
25-Feb-10	18-May-10	ANZ	1,000,000.00	82	5.920	13,299.73
27-May-09	27-May-10	LGFS	2,000,000.00	365	4.450	89,000.00
01-Mar-10	28-May-10	QLD Country CU	5,000,000.00	88	5.170	62,323.29
19-Feb-10	15-Jun-10	Suncorp Metway	1,000,000.00	116	6.000	19,068.49
09-Feb-10	15-Jun-10	CUA	2,000,000.00	126	6.050	41,769.86
17-Feb-10	22-Jun-10	LGFS	1,000,000.00	125	5.940	20,342.47
22-Mar-10	22-Jun-10	New England CU	1,000,000.00	92	5.040	12,703.56
19-Feb-10	22-Jun-10	Westpac Bank	1,000,000.00	123	6.000	20,219.18
03-Feb-10	05-Jul-10	Westpac Bank	3,000,000.00	152	6.600	82,454.79
11-Jan-10	13-Jul-10	Bank of QLD	2,000,000.00	183	6.600	66,180.82
12-Jan-10	20-Jul-10	Suncorp Metway	2,000,000.00	189	6.400	66,279.45
16-Sep-09	20-Jul-10	Suncorp Metway	2,000,000.00	307	5.200	87,473.97
16-Sep-09	20-Jul-10	Suncorp Metway	2,000,000.00	307	5.200	87,473.97
03-Feb-10	03-Aug-10	Suncorp Metway	2,000,000.00	307	5.200	87,473.97
17-Feb-10	03-Aug-10	Metway	3,000,000.00	181	6.500	96,698.63
21-Aug-09	24-Aug-10	Westpac Bank	3,000,000.00	167	6.600	90,591.78
01-Sep-09	01-Sep-10	Bank of QLD	2,000,000.00	368	5.300	106,871.23
11-Feb-10	07-Sep-10	NAB	4,000,000.00	365	5.530	221,200.00
10-Dec-09	14-Sep-10	Citibank	1,000,000.00	208	6.280	35,787.40
19-Jan-10	21-Sep-10	Westpac Bank	1,000,000.00	278	6.750	51,410.96
07-Oct-09	05-Oct-10	Westpac Bank	2,000,000.00	245	6.630	89,005.48
05-Nov-09	05-Oct-10	Suncorp Metway	1,000,000.00	363	6.010	59,770.68
09-Feb-10	12-Oct-10	Westpac Bank	2,000,000.00	334	6.260	114,566.58
20-Oct-09	19-Oct-10	Westpac Bank	2,000,000.00	245	6.800	91,287.67
20-Oct-09	19-Oct-10	Bank of QLD	1,000,000.00	364	6.050	60,334.25
17-Feb-10	26-Oct-10	Bankwest	1,000,000.00	364	6.000	59,835.62
23-Feb-10	09-Nov-10	Westpac Bank	2,000,000.00	251	6.760	92,973.15
02-Mar-10	16-Nov-10	Bank of QLD	2,000,000.00	259	6.300	89,408.22
02-Mar-10	29-Nov-10	IMB	1,000,000.00	259	6.290	44,633.15
04-Mar-10	30-Nov-10	ANZ	3,000,000.00	272	6.250	139,726.03
01-Dec-09	07-Dec-10	ANZ	4,000,000.00	272	6.300	187,791.78
10-Dec-09	14-Dec-10	Westpac Bank	2,000,000.00	370	6.800	137,863.01
03-Dec-09	14-Dec-10	NAB	1,000,000.00	369	6.650	67,228.77
05-Jan-10	21-Dec-10	Westpac Bank	1,000,000.00	376	7.050	72,624.66
16-Dec-09	21-Dec-10	Suncorp Metway	1,000,000.00	350	6.900	66,164.38
		Westpac Bank	1,000,000.00	370	7.000	70,958.90

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield	INCOME RECEIVABLE
17-Feb-09	16-Feb-11	Elders Rural Bank	1,000,000.00	729	4.620	92,273.42
17-Feb-09	17-Feb-11	Adelaide Bendigo Bank (BCU)	2,000,000.00	730	4.700	188,000.00
09-Mar-10	08-Mar-11	Bananacoast CU	1,000,000.00	364	6.850	68,312.33
02-Apr-08	01-Apr-11	Suncorp Metway	3,000,000.00	1095	8.300	747,000.00
12-Nov-08	11-Nov-11	Suncorp Metway	4,000,000.00	1094	6.880	824,846.03
12-Nov-08	16-Nov-11	Investec Bank	1,000,000.00	1099	6.880	207,153.97
			84,868,875.00			6.104

9. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED

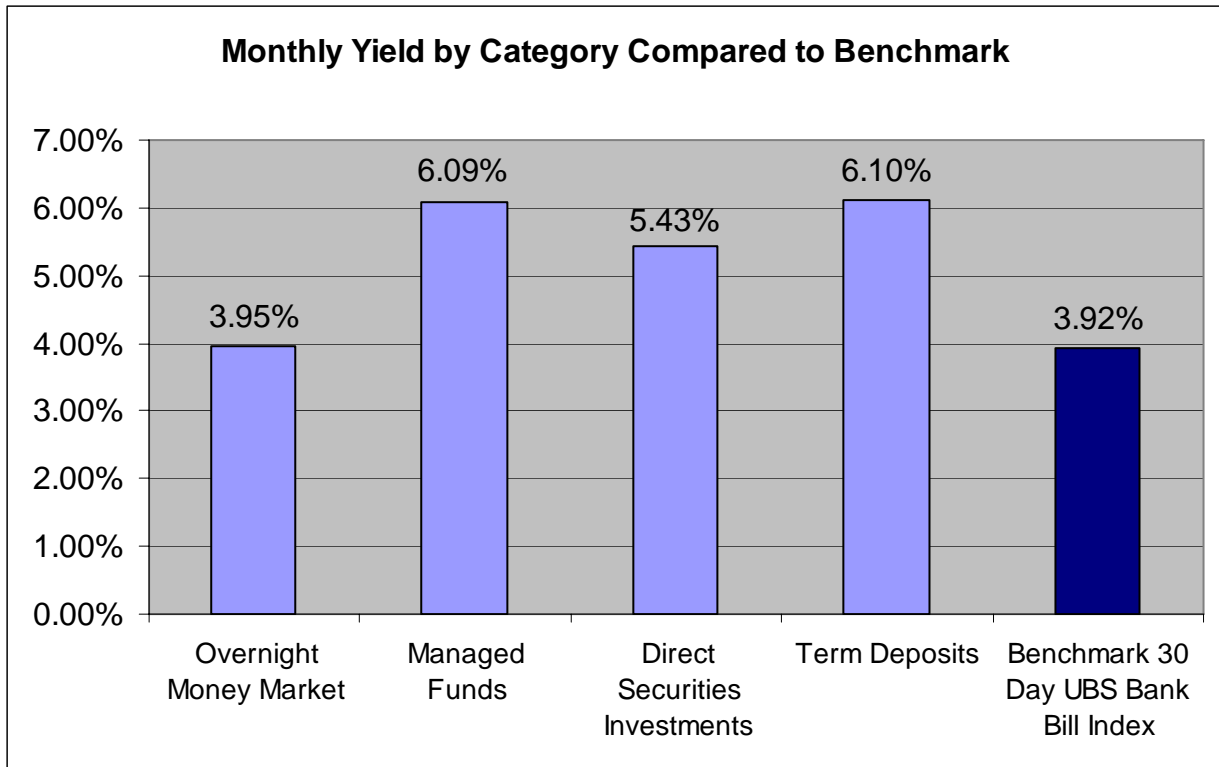


10. TOTAL PORTFOLIO INCOME YEAR TO DATE



11. PERFORMANCE BY CATEGORY

Category	Face Value	Market Value	Average Yield	Above/(Below) 30 day BBSW Benchmark
Overnight Money Market	\$50,000.00	\$50,000.00	3.95%	0.03%
Managed Funds	\$18,390,336.11	\$18,390,336.11	6.09%	2.17%
Direct Securities Investments	\$19,500,000.00	\$17,821,698.14	5.43%	1.51%
Term Deposits	\$84,868,875.00	\$84,868,875.00	6.10%	2.18%
Benchmark 30 Day UBS Bank Bill Index	\$122,809,211.11	\$121,130,909.25	3.92%	Benchmark 30 Day UBS Bank Bill Index



12. SECTION 94 DEVELOPER CONTRIBUTIONS - MONTHLY BALANCES & RECEIPTS REPORT - PERIOD ENDING 31 MARCH 2010

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	DCP3 Open Space	-3,704,679.35	
02	Western Drainage	-458,367.95	
03	DCP3 Community Facilities	-33,310.74	
04	TRCP	-11,648,913.32	-58,140.00
05	O/Space	-1,320,786.52	-16,658.00
06	Contribution Street Trees	-186,313.95	-7,128.00
07	West K'Cliff	-817,877.64	
10	Cobaki Lakes	162.67	
11	Libraries	-1,554,562.38	-21,775.00
12	Bus Shelters	-26,620.54	-1,624.00
13	Cemeteries	-8,053.68	-3,326.00
14	Mebbin Springs	-68,958.69	
15	Community Facilities	-1,243,176.53	-1,152.00
16	Surf Lifesaving	-402,200.47	-2,912.00
18	Council Admin - Tech Support	-1,677,324.67	-50,014.97
19	Kings Beach	-1,051,670.19	
20	Seabreeze Estate	-575.30	
22	Shirewide Cycleways	-466,769.98	-11,901.00

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
23	Shirewide Carparking	-1,747,434.11	
25	Salt Development	-779,209.94	
26	Plan 26 Shirewide Open Space	-4,015,715.39	-126,988.00
27	Tweed Hds Masterplan & Streetscaping	-76,904.08	
28	Seaside City	645.38	
91	DCP14	-82,525.27	
92	Public Reserve Contributions	-103,749.45	
94	Terranora Village Footpath	113,949.00	
95	Bilambil Heights	-494,188.26	
96	Community Fac Shire Wide	-68,721.96	
98	Marana Park Roundabout	0.00	
Total		-31,923,853.31	-301,618.97

13. ECONOMIC COMMENTARY

Global Economy

The global economy is growing, and world GDP is expected to rise at close to trend pace in 2010 and 2011. The expansion is still hesitant in the major countries, due to the continuing legacy of the financial crisis, resulting in ongoing excess capacity. In Asia, where financial sectors are not impaired, growth has continued to be quite strong, contributing to pressure on prices for raw materials. The authorities in several countries outside the major industrial economies have now started to reduce the degree of stimulus to their economies.

Global financial markets are functioning much better than they were a year ago and the extraordinary support from governments and central banks is gradually being wound back. Credit conditions remain difficult in some major countries as banks continue to face loan losses associated with the period of economic weakness. The concerns regarding some sovereigns appear to have been contained at this stage.

Domestic Economy

The Reserve Bank of Australia (RBA) increased the cash rate to 4.25% on 6 April, noting "With the risk of serious economic contraction in Australia having passed some time ago, the Board has been lessening the degree of monetary stimulus that was put in place when the outlook appeared to be much weaker. Lenders have generally raised rates a little more than the cash rate."

Interest rates to most borrowers nonetheless have been somewhat lower than average. The Board judges that with growth likely to be around trend and inflation close to target over the coming year, it is appropriate for interest rates to be closer to average. Today's decision is a further step in that process."

Australia's terms of trade are rising, adding to incomes and fostering a build-up in investment in the resources sector. Under these conditions, output growth over the year ahead is likely to exceed that seen last year, even though the effects of earlier expansionary policy measures will be diminishing. The rate of unemployment appears to have peaked at a much lower level than earlier expected. The process of business sector de-leveraging is moderating, with the pace of the decline in business credit lessening and indications that lenders are starting to become more willing to lend to some borrowers. Credit for housing has been expanding at a solid pace. New loan approvals for housing have moderated over recent months as interest rates have risen and the impact of large grants to first-home buyers has tailed off. Nonetheless, at this point the market for established dwellings is still characterised by considerable buoyancy, with prices continuing to increase in the early part of 2010.

Council's Investment Portfolio Performance

All investment categories out-performed the UBS 30 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 2.19% pa above the 30 day UBS bank bill index for the last 12 month period.

70% of available funds are now invested in term deposits with managed funds being slowly reduced to take advantage of higher returns and lower risks associated with term deposits.

An indication of Portfolio performance is provided by totalling investment income for the month and disregarding changes in capital values. Council had \$121,130,909.23 invested as at 31 March 2010 and the accrued net return on these funds was \$489,575.18 or 4.85% annualised for the month.

14. INVESTMENT SUMMARY AS AT 31 MARCH 2010

GENERAL FUND

COLLATERISED DEBT OBLIGATIONS	0.00	
COMMERCIAL PAPER	0.00	
CORPORATE FIXED RATE BONDS	9,013,540.00	
FLOATING RATE NOTES	8,808,158.14	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	3,835,235.00	
TERM DEPOSIT - LOAN 104 OFFSET	868,875.00	
TERM DEPOSITS	52,000,000.00	
CALL ACCOUNT	50,000.00	74,575,808.14

WATER FUND

TERM DEPOSITS	22,000,000.00	
FUND MANAGERS	11,789,537.47	33,789,537.47

SEWERAGE FUND

TERM DEPOSITS	10,000,000.00	
FUND MANAGERS	2,765,563.62	12,765,563.62

TOTAL INVESTMENTS 121,130,909.23

It should be noted that the General Funds investments of \$74 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



**Chief Financial Officer
(Responsible Accounting Officer)**

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

50 [TCS-CM] Tweed Futures 2004/2024 Strategic Plan

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The Tweed Futures 2004/2024 Strategic Plan that was adopted in September 2004 stated:

“Tweed 4/24 will be updated every 4-5 years to respond to changing circumstances and new information. The first update will take place after the next local government elections in late 2008.

With the introduction of Integrated Planning and Reporting and the resultant Community Strategic Plan to be implemented effective 1 July 2011, in line with Council nominating as a Group 2 Council for reporting purposes, a comprehensive review of the Tweed Futures 04/24 Priorities Action Plan has been undertaken.

An outcome of this review is that the outstanding and ongoing priorities of the Tweed Futures 04/24 Strategic Plan will form the basis of the Community Strategic Plan that is currently under development.

Therefore, the Tweed Futures 2004/2024 Strategic Plan will be finalised as of this review and ongoing and outstanding actions taken up within the Community Strategic Plan.

RECOMMENDATION:

That:

- 1. The review of Tweed Futures 2004/2024 Strategic Plan be noted and the outstanding and ongoing actions identified within this plan be transferred to form the basis of the Community Strategic Plan.**
- 2. The Tweed Futures 2004/2024 Strategic Plan document be finalised effective from the date of this Council meeting.**

REPORT:

The Tweed Futures 2004/2024 Strategic Plan that was adopted in September 2004 stated:

“Tweed 4/24 will be updated every 4-5 years to respond to changing circumstances and new information. The first update will take place after the next local government elections in late 2008.

With the introduction of Integrated Planning and Reporting and the resultant Community Strategic Plan to be implemented effective 1 July 2011, in line with Council nominating as a Group 2 Council for reporting purposes, a comprehensive review of the Tweed Futures 04/24 Priorities Action Plan has been undertaken.

An outcome of this review is that the outstanding and ongoing priorities of the Tweed Futures 04/24 Strategic Plan will form the basis of the Community Strategic Plan that is currently under development. There is a distinct advantage in moving these action items to the new document in that there was extensive community consultation and feedback in the preparation of the initial Tweed Futures document. An attachment to this report is a review of the thirty seven (37) action items disclosing responses and status of each item.

The Community Strategic Plan currently under development will be based around the following themes, which are very similar to those that formed the content of the Tweed Futures document:

- Civic Leadership
- Supporting Community Life
- Strengthening the Economy
- Caring for the Environment
- Infrastructure

The ongoing and outstanding action items will be easily integrated into the new document and themes, without losing the emphasis that was placed on them in the preparation of the original plan.

As a result of this review the Tweed Futures 2004/2024 Strategic Plan will be finalised and all who were involved in the preparation are acknowledged for their valued input as this document has established a footprint for the future of the Tweed.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Review and update in accordance with the review requirements of the Tweed Futures 2004/2024 Strategic Plan.

POLICY IMPLICATIONS:

Transfer of actions will accord with the preparation of the Community strategic Plan as a Group 2 council, with an effective implementation of 1 July 2011.

UNDER SEPARATE COVER:

1. Tweed Futures Action Plan Review (DW 14883166)
-

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51 [TCS-CM] Policy - Refund Transaction Version 1.0

ORIGIN:

Director

SUMMARY OF REPORT:

Council is frequently requested to refund overpayment of service application charges/ fees or where a development application or an application for service is withdrawn. In undertaking such request, Council incurs an administration cost, which is not always recovered.

There are a number of charges or fees for service which should attract an administration fee for the processing of a refund. Further, except provided by legislation or where the initial work is significant there should be a consistent administration fee for the processing of the refund of charge, fee for service including administering a refund for an overpayment.

Section 608(1) of the Local Government Act 1993, enables Council to charge and recover an approved fee for any service it provides.

RECOMMENDATION

That:-

- 1. Council approves the inclusion in the draft 2010/2011 Fees and Charges of a Refund Administration Fee structure as follows:**
 - a. A \$20.00 Administration Fee will apply to all refunds due to overpayments where the applicant is at error.**
 - b. A \$20.00 Administration Fee will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:**
 - 603 & 149 (2) (5) Certificates**
 - Dwelling Entitlement Search**
 - Dwelling Consent Search**
 - Drainage Diagram**
 - Swimming Pool Certificate**
 - Outstanding Notices Building or Health**
 - Caravan Parks, Camping Grounds, Manufactured Homes.**
 - Section 68 Stormwater Drainage Works**
 - Section 138 Driveway Access to Property**
 - Water Services**
 - Freedom of Information Request**

- c. A \$60.00 Administration Fee will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:
- Building Information
 - Construction Certificate Fees
 - Complying Development Certificate Fees
 - Sewer Application
 - On Site Sewage Management System Application
 - Stormwater Application
- d. Building Certificate Fee – 75% of original fee
- e. Development Application Fees - calculated by Town Planner or Building Surveyor as per Section 52 Environmental Planning and Assessment Regulation 2000
2. The Refund Transaction Policy be advertised in conjunction with the Draft Management Plan, Draft Fees and Charges, Draft Revenue Policy and Draft Budget.

REPORT:

Council is frequently requested to refund overpayment of service application charges/ fees or where a development application or an application for service is withdrawn. In undertaking such request, Council incurs an administration cost, which is not always recovered.

There are a number of charges or fees for service which should attract an administration fee for the processing of a refund. Further, except provided by legislation or where the initial work is significant there should be a consistent administration fee for the processing of the refund of charge, fee for service including administering a refund for an overpayment.

Section 608(1) of the Local Government Act 1993, enables Council to charge and recover an approved fee for any service it provides.

Council is currently charging the following fees for refunds:

Service	Fee for Service	Refund Administration Fee
Building Certificate Fee	From \$210	75% of original fee
Building Information	\$72	\$60.00
Development Application Fees	Varying	calculated by Town Planner or Building Surveyor as per Section 52 of Environmental Planning and Assessment Regulation 2000
Sewer Application	\$107.50 or \$207.00	\$60.00
On Site Sewer Management	\$218 or \$500	\$60.00
Water Services	Varying	\$20.00
Construction Certificate Fees	Varying	\$60.00
Complying development Certificate Fees	Varying	\$60.00

Council frequently receives payments from individuals which require refunding due to: a) payments being in excess of the Council relevant fee or b) as a result of an application being withdrawn.

To ensure a uniform approach throughout Council the following is proposed to form part of a new Refund Transaction Policy. A proposed new administration fee structure includes an administration fee for refunding an overpayment and withdrawn application/s and should be incorporated into the draft 2010/2011 Fees and Charges.

Refund Procedure

- Where an application is submitted in writing it is to be withdrawn in writing including requests for refund;
- Refunds to be in the form of EFT or cheque only, excepting the Art Gallery, Tweed Heads and Kingscliff Swimming Pools where refunds are given by cash, or EFTPOS due to the nature and low value of the transaction;
- Refunds to be issued only in the name appearing on Council's receipt record unless the person on the receipt authorises in writing another person or entity;
- Copy of receipt to be attached to refund request.

A) Underpayments

Council will not accept underpayment for any application or service.

B) Refunds for overpayment

A \$20 Administration Fee will apply to all refunds due to overpayments where the applicant is at error.

C) Refunds for withdrawals

- i) a \$20.00 Administration Fee will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:
 - 603 & 149 (2) (5) Certificates
 - Dwelling Entitlement Search
 - Dwelling Consent Search
 - Drainage Diagram
 - Swimming Pool Certificate
 - Outstanding Notices Building or Health
 - Caravan Parks, Camping Grounds, Manufactured Homes.
 - Section 68 Stormwater Drainage Works
 - Section 138 Driveway Access to Property
 - Water Services
 - Freedom of Information Request

- ii) A \$60.00, Administration Fee will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:
 - Building Information
 - Construction Certificate
 - Complying Development Certificate
 - Sewer Application
 - On Site Sewage Management System Application
 - Stormwater Application

The proposed new fee structure does not apply to payments in relation to:

- General Fund rates
- Domestic/ Non Domestic Waste Management and Sanitary Charges
- Water Access and Volumetric Charges
- Sewer Access, Special, Usage and Trade Waste Charges
- Annual On Site Sewerage Management Fee
- Bonds and Security Deposits

The proposed new Policy is as follows:



Policy

Refund Transaction

Version 1.0

Adopted by Council at its meeting on xx

Minute No: xx

Division:	Technology and Corporate Services
Section:	Financial Services
File Reference:	N/A
Historical Reference:	N/A

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Refund Transaction

Purpose

To formalise the practice of refund transactions and create uniform practices across Council.

Statement

Council is frequently requested to refund overpayment of service application charges/ fees or where a development application or an application for service is withdrawn. In undertaking such request, Council incurs an administration cost, which is not always recovered.

Procedures

- Council will not accept underpayment for any application or service.
- Where an application is submitted in writing it is to be withdrawn in writing including requests for refund;
- Refunds to be in the form of EFT or cheque only, excepting the Art Gallery, Tweed Heads and Kingscliff Swimming Pools where refunds are given by cash, or EFTPOS due to the nature and low value of the transaction;
- Refunds to be issued only in the name appearing on Council's receipt record unless the person on the receipt authorises in writing another person or entity;
- Copy of receipt to be attached to refund request.

Associated Fee

- a. An Administration Fee¹ will apply to all refunds due to overpayments where the applicant is at error.
- b. An Administration Fee² will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:
 - 603 & 149 (2) (5) Certificates
 - Dwelling Entitlement Search
 - Dwelling Consent Search
 - Drainage Diagram
 - Swimming Pool Certificate *
 - Outstanding Notices Building or Health
 - Caravan Parks, Camping Grounds, Manufactured Homes.
 - Section 68 Stormwater Drainage Works
 - Section 138 Driveway Access to Property *
 - Water Services
 - Freedom of Information Request

* No refund will apply where an inspection has been undertaken.

¹ Refer to Council's Fees and Charges

² Refer to Council's Fees and Charges

- c. An Administration Fee³ will apply to the following services when the application is withdrawn/cancelled in writing from the applicant once lodged in Council's system:
- Building Information
 - Construction Certificate
 - Complying Development Certificate
 - Sewer Application
 - On Site Sewage Management System Application
 - Stormwater Application
- d. Building Certificate Fee – 75% of original fee
- e. Development Application Fees - calculated by Town Planner or Building Surveyor as per Section 52 Environmental Planning and Assessment Regulation 2000.

Exclusions

The proposed new fee structure does not apply to payments in relation to:

- General Fund rates
- Domestic/ Non Domestic Waste Management and Sanitary Charges
- Water Access and Volumetric Charges
- Sewer Access, Special, Usage and Trade Waste Charges
- Annual On Site Sewerage Management Fee
- Bonds and Security Deposits

³ Refer to Council's Fees and Charges

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Section 608(1) of the Local Government Act 1993, enables Council to charge and recover an approved fee for any service it provides.

The proposed administration fee will not result in any additional revenue, but rather is being introduced to recoup labour and administration costs already incurred by council in commencing a service which is either overpaid or later withdrawn by the applicant.

POLICY IMPLICATIONS:

The attached Refund Transaction Policy is a new Policy to be advertised in conjunction with the Draft Management Plan, Draft Fees and Charges, Draft Revenue Policy and Draft Budget.

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 (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.

52 [TCS-CM] 2010/2013 Draft Management Plan, incorporating the 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees and Charges

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

The 2010/2013 Draft Management Plan is part of the process of providing clear purpose and direction in the management planning of Council's proposed activities, functions and services over the next three years. The Plan incorporates the 2010/2011 Draft Budget with a total expenditure of \$203 million, Draft Revenue Policy and Draft Fees and Charges.

The Minister for Local Government, under Section 508A of the Local Government Act 1993, determined in 2007 that the percentage by which Tweed Shire Council may increase its general income for 2010/2011 is 8.5% above that for 2009/2010, which includes year five of Council's 7 Year Infrastructure and Services Plan.

The 2010/2011 Draft Budget has an extensive capital works expenditure program of \$72 million that will support growth and community needs in the Shire.

In accordance with Section 405 of the Local Government Act 1993, Council must give public notice of the preparation of the Draft Management Plan and publicly exhibit the Plan for not less than twenty-eight (28) days. This report formalises this requirement.

RECOMMENDATION:

That:

- 1. Council places the 2010/2013 Draft Management Plan, incorporating the 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees and Charges on exhibition for public comment from Friday 23 April 2010 to Monday 24 May 2010.**
- 2. Copies of the 2010/2013 Draft Management Plan, 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees & Charges be available on Council's website, at the Civic Centre offices and libraries and copies provided to each of the resident, community and business groups detailed in the report.**

REPORT:

1. What is the Management Plan?

Council's Management Plan is the strategic mechanism within which planning, financial policy making and management takes place.

The Management Plan is Council's primary business planning document.

2. Management Plan - 2010/2013

The Management Plan provides a three-year program aimed at effectively meeting the expected needs of the community. The Plan states Council's vision, mission, projects and initiatives that Council proposes to undertake during 2010/2011 and priorities for 2011/2012 and 2012/2013.

Each project or initiative has attached to it performance management measures and target dates, which will be used to determine how Council is performing during the 2010/2011 component of the Plan.

Regular status reports are provided to Council within 8 weeks after the end of each quarter highlighting the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

This Draft Management Plan has been prepared on the themes of:

- Civic leadership;
- Supporting Community Life;
- Strengthening the Economy;
- Caring for the Environment; and
- Infrastructure.

These themes will form the basis of the new Community Strategic Plan to be implemented effective from 1 July 2011 as part of the new integrated planning and reporting framework.

3. Community Consultation

The next stage of the Management Plan process involves seeking feedback from the community, as to their views on the Draft Plan. To facilitate this process the Draft Management Plan and supporting documents will be placed on public display on Council's website www.tweed.nsw.gov.au, Tweed Heads and Murwillumbah Civic Centres and libraries at Tweed Heads, Murwillumbah and Kingscliff.

To comply with the *Management Planning for NSW Local Government guidelines*, Council will be inviting local Chambers of Commerce, Ratepayers/Residents Associations/Community Groups in the Shire, to provide feedback on the 2010/2013 Draft Management Plan. To assist in this feedback process, copies of the Draft Plan will be forwarded to each of the following groups:

Banora Point & District Residents Association
Cabarita Beach/Bogangar Residents Association
Caldera Environment Centre
Casuarina Residents Association
Chinderah & District Residents Association
Cudgen Progress Association
Fingal Head Community Association
Friends of Terranora
Hastings Point Residents Association
Kingscliff Ratepayers & Residents Association
Mooball & District Moovers
Murwillumbah & District Chamber of Commerce
Murwillumbah Ratepayers & Residents Association
Pottsville Beach Business Association
Pottsville Community Association
SALT Village Residents Association
Tweed Coast Chamber of Commerce
Tweed District Residents & Ratepayers Association
Tweed Economic Development Corporation
Tweed Heads Chamber of Commerce
Tweed Landcare
Tweed Tourism
Tyalgum District Community Association
Uki Village & District Residents Association

Ratepayers and residents are encouraged to express their views on the Plan to Council, and are able to seek clarification of issues associated with the various projects and initiatives from the appropriate Council officers.

Submissions received will be considered by Council at its proposed meeting of Tuesday 15 June 2010, with the view to finalising and adopting the 2010/2013 Draft Management Plan, incorporating the 2010/2011 Draft Budget, Draft Revenue Policy and Draft Fees and Charges.

4. Project Highlights from the 2010/2013 Draft Management Plan

Listed below are key project highlights to be undertaken in the 2010/2011 financial period:

Community capital works projects;

- Murwillumbah Community Centre redevelopment \$1,000,000
- Kingscliff library extensions \$3,000,000
- Tweed Heads, Jack Evans Boat Harbour works \$3,700,000
- Arkinstall Park Regional Sports Facilities stage 1 works \$2,488,400

Roads and Transport works;

- Snake Creek Bridge \$800,000
- Road Drainage works \$1,115,238
- Uki traffic calming \$15,000

Water and Sewer works;

- Water Main works \$5,115,000
- Sewer Main works \$3,026,000
- Sewer Pumping Stations works \$1,744,500
- Banora Point Wastewater Treatment Plant Upgrade \$28,063,243
- Burringbar / Mooball Sewerage Scheme \$6,397,000
- Tyalgum Waste Water Treatment Plant \$1,432,000

Environmental Projects;

- Tweed Coast Koala Plan of Management \$70,000
- Tweed Coast Estuary Management Plan Review \$100,000
- Bush Futures Implementation \$498,000

Efficiencies to Council Operations

- ePlanning Complying Development Role Model Site
 - Upgrade of Property Management system \$135,000
 - Spatially correct cadastre with data exchange to LPMA \$85,000
- Contact Service Centre Implementation \$135,000

Planning Reform

- Stage 2 Local Environmental Plan – Rural Lands Study 2011 \$170,000
- Hastings Point Locality Plan (adoption) 2010 \$5,000
- Development Control Plan and Section 94 Plan (Area E) Terranora (Public Exhibition) 2010 \$0
- New Locality Plans for Tyalgum and Kingscliff (Public Exhibition) 2011 \$70,000
- Development Control Plan for Master planned Estates (Public Exhibition) 2011 \$20,000
- Development Control Plan for Rural Tourism (Public Exhibition) 2011 \$40,000
- Affordable Housing Strategy (Public Exhibition) 2011 \$70,000

5. 7 Year Infrastructure and Services Plan

The 2010/2013 Draft Management Plan and 2010/2011 Draft Budget incorporate projects due to be delivered in Year 5 of the 7 Year Infrastructure and Services Plan. This Plan commenced in 2006/2007 and the Minister for Local Government on 15 August 2007 gave approval for a special variation to general income under Section 508A of the Local Government Act 1993 for years 2008/2009 to 2012/2013 for a structured increase above the Ministerial allowable increase in General Income as follows:

- 2008/2009 is 9.50% above that for 2007/2008
- 2009/2010 is 9.50% above that for 2008/2009
- 2010/2011 is 8.50% above that for 2009/2010
- 2011/2012 is 7.50% above that for 2010/2011
- 2012/2013 is 7.50% above that for 2011/2012

As part of the Draft Management Plan and Budget process, a review of the 7 Year Infrastructure and Services Plan in relation to project costs and project timing has been undertaken with the following program changes made as a result of this review:

Project	Cost	Action	Comment
Museum Tweed Heads	\$3,000,000	Defer to 2011/2012	Project cannot proceed until the new LEP is adopted which permits use on the proposed site.
Museum Murwillumbah	\$1,000,000	Defer to 2011/2012	Project subject to Development approval and sourcing of additional funding.
Kingscliff Caravan Park amenities	\$500,000	Defer to 2011/2012	This project cannot commence until sand nourishment is completed.
Coastline Management Plan	\$2,200,000	Defer to 2011/2012	Project subject to sourcing sand supply and related Development approval.
Coastline Management Plan	\$3,500,000	Defer to 2012/2013	As above.
Council Accommodation	\$5,832,376	Deleted	A review of Council's Developer Contribution Plans by the Department of Planning has resulted in CP 18 being suspended resulting in a large reduction in funds into this Plan. An application is currently being made to continue this Plan until such time as the loan component has been repaid.
Tweed Coast Depot	\$5,500,000	Deleted	A review of Council's Developer Contribution Plans by the Department of Planning has resulted in CP 18 being suspended resulting in a large reduction in funds into this Plan. An application is currently being made to continue this Plan until such time as the loan component has been repaid.
Regional all access playground	\$350,000	Defer to 11/12	Planning for this facility is not sufficiently advanced to facilitate construction before 2011/2012.
Botanical Gardens	\$100,000	Defer to 2011/2012	As above.
Tweed Heads Master Plan	\$3,000,000	Reduce to \$1,000,000	At this time insufficient funds are available in this Plan as estimated in the original 7 year Plan.

Project	Cost	Action	Comment
Tweed Heads Master Plan	\$800,000	Additional funding	To fund works in 2010/2011 program
Cudgen Creek Bridge	\$1,400,000	Defer to 2012/2013	A recent upgrade to the bridge deck has delayed the need for this work to be completed until 2012/13.

6. Legal Requirements

Section 402 of the Local Government Act 1993, provides that during each year a Council must prepare a Draft Management Plan with respect to:

- Council's activities for at least the next three years; and
- The Council Revenue Policy for the next year.

The Act further provides that the Draft Management Plan must contain the following statements with respect to the Council's activities for the period to which it relates: -

- A statement of the principal activities that the Council proposes to conduct;
- A statement of the objectives and performance targets for each of its principal activities;
- A statement by which the Council proposes to achieve these targets;
- A statement of the manner in which the Council proposes to assess its performance in respect to each of its principal activities; and
- Statements with respect to such other matters as may be prescribed by the regulations.

The act requires the statement of principal activities to include the following particulars: -

- Capital works projects to be undertaken;
- Services to be provided;
- Asset replacement programs to be implemented;
- Sales of assets;
- Activities of a business or commercial nature;
- Human Resource activities (such as training programs);
- Activities to properly manage, develop, protect, enhance and conserve the environment in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- Activities in response to and to address priorities identified in, the Council's current comprehensive report as to the state of the environment and any other relevant reports;
- Programs to be undertaken by the Council to implement its equal employment opportunity plan; and
- Details of access and equity strategies identified in the Social Plan and other plans that are integral to social justice and which enhance community wellbeing.

Section 405 of the Local Government Act 1993 requires Council to give public notice of its Draft Management Plan and place on exhibition for not less than twenty-eight (28) days.

Council, in accordance with Section 406 of the Local Government Act 1993 must, prior to 30 June 2010, adopt the Management Plan for 2010/2013.

7. Budget Overview

The intention of the Local Government Act is that financial planning is an integral part of the Management Plan and Council must show how it proposes to fund the activities it plans to undertake.

The Draft Management Plan includes details of sources, amounts and the basis of calculation of proposed revenue to be raised in the next year (s.404). These details are supported by a detailed estimate of Council's income and expenditure (s.404(1)). A general estimate of income and expenditure for the second and subsequent years covered by the Management Plan has also been prepared (s.404(4)).

8. The Budget Summary

The budget provides information on the types of services that Council proposes to provide during the 2010/2011 financial year and at what level.

As a financial plan, the budget outlines how much the Council services will cost and how they will be funded. The budget includes appropriations from operational funds for capital projects and the cost impact of the maintenance of these projects is reflected in the document.

9. Council's Financial Plan (2010/2011)

The Minister for Local Government, under Section 508A of the Local Government Act 1993, determined in 2007 that the percentage by which Tweed Shire Council may increase its general income for 2010/2011 is 8.5% above that for 2009/2010, which includes year five of Council's 7 Year Infrastructure and Services Plan.

The budget as presented is balanced. If any surplus funds become available from operations during the year, they will be applied to increase the level of accumulated funds or to offset increased expenditure in other operations.

10. Budget Format

Program Budgeting provides both a financial and management analysis of the individual programs and services offered by Council and in conjunction with the various program objectives and performance measures allow an ongoing review of services related back to the individual program objective. Extensive use of activity based costing is used to support this process.

The Financial Strategies segment of the strategic component of the Management Plan outlines the key financial strategies, which have been incorporated into the development of the budget. Such strategies include: -

- To maintain a Balanced Budget;
- To maximise income from all sources, subject to the stated policies of Council;
- To provide works and services at levels commensurate with budget allocation;
- To restrain expenditure, wherever possible;
- To achieve economy of operation; and
- To optimise the return on funds and investments.

11. Revenue Policy

1. The Local Government Act insists upon greater reliance on user charges and less reliance on rates.
2. Council's Revenue Policy aims to balance these considerations with its community service obligations.

The Revenue Policy for a charge or fee identifies: -

- Cost relating to a particular service or function of local government;
- Any revenue which may be earmarked for that service or function; and
- Options for recovering the cost of a service or function.

Council exists to provide services for the benefit of the local community. Therefore it should operate in an efficient manner. The provision of services must take account of a number of major characteristics of local government including: -

- A large part of its revenue comes from ratepayers who understandably expect a certain level and quality of service for payment of rates;
- Local Government policies, budget and pricing;
- Local Government receives grants from other tiers of government which often prescribes policies and pricing practices;
- Commonwealth and State Legislation are prescriptive in certain areas in relation to the powers of local government; and
- A responsibility of allocating revenues in the most efficient and effective manner.

Variation to General Income for 2010/2011

Proposed 2010/2011 Rate Structure (Minimum Rates)

	2010/11	2009/10
	\$	\$
Ordinary Rate:-		
Residential	810.60	747.10
Business	866.25	798.40
Farmland	810.60	747.10
Sewerage Charge	568.00	527.00
Water Access Charge	106.00	102.00
Domestic Waste Management		
Domestic Waste Service Charge	99.20	102.90
Domestic Waste Management Charge	47.35	48.70
Waste Minimisation and Recycling Charge	60.30	41.20
Landfill Management Charge	25.00	25.00
Minimum Rate	1,716.45	1,593.90
Pensioner Rebate	425.00	425.00
Net Pensioner Minimum Rate	1,291.45	1,168.90

12. Fees and Charges

What services can be charged for?

The following questions are addressed when considering the level of fees and charges covered in the Draft Revenue Policy:

- Which groups (persons or entities) will benefit from the service?
- Can this target group be charged for the service?
- Should this target group be charged for the service?
- How will the target group be charged?
- Will the target group pay, or will other groups be forced to subsidise the provision of the service?

Fees and Charges have been increased by 2.9% except for statutory charges set by the State Government. A complete list of the Draft Fees and Charges for 2010/2011 is an attachment to this report and is recommended for placement on public exhibition.

New Fees and Charges

Council is proposing to implement a new refund administration fee structure with the Draft Policy being placed on public exhibition in conjunction with the Draft Management Plan and Draft Revenue Policy following the April Council Meeting.

13. Conclusion

In preparing the Budget, every effort has been made to address the objectives and strategies of the Draft Management Plan and is presented after review by Council's senior officers.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

In accordance with Section 402 of the Local Government Act 1993 preparation of the Draft Management Plan.

A balanced budget of \$203 million and a Capital Works Program of \$72 million is proposed for the financial period 2010/2011.

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 or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Draft 2010/2013 Management Plan (ECM 14883564)
 2. Draft 2010/2011 Budget (ECM 14880123)
 3. Draft 2010/2011 Fees and Charges (ECM 14880124)
 4. Draft 2010/2011 Revenue Policy and Statement (ECM 14880122).
-

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

53 [SUB-AAC] Minutes of the Tweed Shire Council Aboriginal Advisory Committee meeting Committee Meeting held Friday 5 March 2010

Venue:

Minjungbal Museum, Kirkwood Road Tweed Heads South

Time:

9am

Present:

Councillor Holdom (Tweed Shire Council), David Oxenham (Tweed Shire Council), Garth Lena (Minjungbal Museum), Jackie McDonald (TWAECG), Desrae Rotumah (Tweed Coop/Minjungbal Museum), Joyce Summers (Canowindra), Maureen Logan (Community Elder),

Guests Observers:

Councillor Milne (Tweed Shire Council), Lester Bostock (Visitor), Dr Glenda Nalder (Community), Heather Hancock (SCU) and Damien Jacobsen (SCU).

Apologies:

Beck Couch, Rick Nolan, Aunty Bakoi Boulton, Jeanette Saunders and Christine Morgan

Moved: Jackie McDonald

Seconded: Joyce Summers

RESOLVED that the apologies be accepted

Carried unanimously

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

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

Minutes of Previous Meeting:

Moved: Maureen Logan

Seconded: Garth Lena

RESOLVED that the Minutes of the Tweed Shire Council Aboriginal Advisory Committee meeting held Friday 5 February 2010 be accepted as a true and accurate record of the proceedings with the follow three amendments

Carried unanimously

Amendment 1

Item from Meeting held Friday 6 November

BA 2 David Oxenham -Tweed Shire Council Tweed Water Supply Augmentation

Third page

Working Group in December 2009. Council's understanding is that the Aboriginal Advisory Committee prefers for Council to continue to consult directly to the Aboriginal Advisory Committee rather than through the Community Working Group. Ms McDonald expressed some concern over the community being asked to choose an option of which all will result in the destruction of Aboriginal Cultural Heritage. David Oxenham advised that the Community Working Group had met 3 times. They are currently discussing environmental and social impacts of the options. Council continues to send [Ms McDonald](#) and Kyle Slabb all information from the Community Working Group to remain informed. There are another 2 more meetings. Public information sessions are to be held from 2pm-7pm at Tweed Heads 10/02, Murwillumbah 18/02, and Pottsville 23/02. The CWG will prepare a report with recommendations to Council and the community.

Amendment 2

Item from Meeting held Friday 2 October 2009

BA 4 Draft Tweed Shire Aboriginal Cultural Heritage Information for Council's web site – Interim Development Application Process

Third page

Councillor Milne noted that perhaps a shire wide Cultural Heritage Study [would assist this process](#).

Amendment 3

GB 4 Draft Terranora/Cobaki Management Plan

Ms McDonald advised that updates on Cultural Heritage [issues and or new information](#) need to be provided re: Draft Terranora Cobaki Management Plan.

Item to be deferred until the March meeting

Business Arising:

Item from Meeting held Friday 5 February 2010

BA 1 Southern Cross University Research Project – Cultural Fisheries in Northern NSW

Mr Damien Jacobsen introduced himself to the committee and recapped what was discussed at the last committee meeting.

Mr Jacobsen advised that the workshop will be held on Thursday 18 March 2010 and it is hoped that many local community members will attend the workshop

Item from Meeting held Friday 5 September 2007

BA 2 Memorandum of Understanding (MOU)

Ms McDonald advised the Committee that the Tweed Wollumbin Aboriginal Education Consultative Group has issues with the Memorandum of Understanding and tabled an amendment on behalf of the organisation.

General discussion was undertaken.

Ms Mye was instructed to amend the Memorandum of Understanding and email out to members as soon as possible and this item to be placed on Friday 9 April 2010 agenda.

Item from Meeting held Friday 6 November 2009

BA 3 Fingal Boat Harbour - Regional Local Community Infrastructure Plan

Ms Mye tabled correspondence which she received from Mr Ian Bentley requesting that two Aboriginal Committee members be nominated who reside at Fingal meet with him on site re: Southern Fingal Boat Harbour Redevelopment.

Garth Lena and Maureen Logan were nominated and Dr Glenda Nalder advised that she would also attend.

Item from Meeting held Friday 5 February 2010

BA 4 Draft Far North Coast Regional Conservation Plan

Mr David Oxenham advised the Committee that Council had forwarded correspondence to DECCW however Council had not received a response to date.

General discussion was undertaken

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLUTION that Council write to Department of Environment, Climate Change and Water (DECCW) stating that whilst it is acknowledge that past and contemporary history is acknowledge there appears to be no translation of these principles into clear defined actions, directions and improved outcomes and to whom is responsible for these implementations of these direct actions.

Further to that the Aboriginal Advisory Committee extends an invitation to a representative of DECCW to attend a future Committee meeting.

Carried unanimously

Item from Meeting held Friday 5 February 2010

BA 5 Terranora/Cobaki Broadwater Aboriginal Cultural Heritage Management Plan

Item deferred until Friday 9 April 2010

Item from Meeting held Friday 5 February 2010

BA 6 Travis McCarron Memorial Park

Mr David Oxenham advised that the naming of parks is addressed by Council in confidential meetings.

Councillor Holdom advised that she has been communicating with Kirsty and Ricky McCarron.

Discussion was undertaken

Item from Meeting held Friday 6 November

BA 7 David Oxenham - Tweed Shire Council Tweed Water Supply Augmentation

Mr Oxenham advised the Committee of where the process is currently at and advised the Committee that a Community Meeting will be facilitated on Wednesday 24 March 2010 at Minjungbal Museum. Mr Oxenham acknowledged that Des Williams attended a Water Meeting held at Uki on Saturday 27 February 2010.

Dr Glenda Nalder enquired about compensation from Council if Cultural Heritage sites are destroyed during the building process.

General discussion was undertaken

Moved: Maureen Logan

Seconded: Garth Lena

RESOLVED that Business Arising from Friday 5 February 2010 meeting has been dealt with

Carried unanimously

Agenda Items:

AI 1 Heather Hancock Southern Cross University – Associate Professor of Midwifery

Ms Hancock gave a brief background on herself and her role at Southern Cross University. Ms Hancock advised the Committee that there will be an Official Launch of the Bachelor of Midwifery in June 2010 (final date to be confirmed), Lakeside Drive, Southern Cross Campus. Ms Hancock advised the Committee that the Bachelor of Midwifery commenced two weeks in the local area.

Ms Hancock enquired about the local Aboriginal women performing a special ceremony at the Official Launch.

The Committee suggested that Ms Hancock meet with the ladies from Canowindra re: the ceremony.

Councillor Holdom suggested that Ms Hancock address the Tweed Shire Council Councillors at Community Access re: same.

Ms Mye was instructed to place this item on the Friday 9 April 2010 agenda.

Cr Holdom left the meeting.

AI 2 4 Lot Industrial Subdivision – DA09/0006

Councillor Milne advised the Committee of her concerns in regard to the Industrial Subdivision.

Councillor Milne advised that if the Subdivision proceeds, fish habitat, plant life and waterways will be affected.

General discussion was undertaken.

Moved: Councillor Milne

Seconded: Garth Lena

RECOMMENDATION that Council provide further information about issues relating to Ozone Street to inform future planning

Carried unanimously

AI 3 Tweed Coast Regional Crown Reserve Plan of Management

Item deferred until Friday 9 April 2010

AI 4 Arkinstall Park, South Tweed Heads

Ms Desrae Rotumah enquired about the redevelopment of Arkinstall Park.

General discussion was undertaken

The Committee suggested to forward an invite to the appropriate Council Officer to a future Committee meeting to discuss the proposed redevelopment.

General Business:

GB 1 60 Tringa Street, Tweed Heads West

Ms McDonald advised the Committee that 60 Tringa Street Tweed Heads West was approved for development many years ago.

Ms McDonald advised that residents of Tringa Street have just received new notification in regard to the development and she has concerns that if a Cultural Heritage Assessment is not performed that the Community might lose Cultural Heritage items.

General discussion was undertaken

Moved: Jackie McDonald

Seconded Garth Lena

RECOMMENDATION that Council consider a Cultural Heritage Assessment being performed on the proposed section 96 Development Application, Industrial Development site, 60 Tringa Street, Tweed Heads West

Carried unanimously

GB 2 Local Environment Plan (LEP)

Councillor Milne advised that the Local Environment Plan is on display and it is very important that people view the plan.

General discussion was undertaken

Moved: Councillor Milne

Seconded: Garth Lena

RECOMMENDATION that Council extends the LEP Exhibition period for a further two months

Carried unanimously

Moved: Councillor Milne

Seconded: Garth Lena

RESOLUTION that the appropriate Council Officer attends the next Aboriginal Advisory Committee meeting to discuss the LEP

Carried unanimously

GB 3 Process between TBLALC and TSC re: damage to Significant Sites

Councillor Holdom advised the Committee that Councils Officers and two representatives of TBLALC meant to discuss a process in regard to Aboriginal Cultural Heritage/Significant Sites being damaged.

Councillor Holdom advised that commencing immediately that Councils Officers will investigate any damage to Cultural Heritage/Significant Sites, advise DECCW and within 48 hours TBLALC will be notified.

Mr Des Williams advised that Ms Mye has a list of Knowledge Holders/Traditional Owners for the area and she would contact each person notifying them of any damage found. Mr Williams advised that TBLALC has primary care but would not exclude the Community.

The Aboriginal Advisory Committee will be advised at Committee meetings.

General discussion was undertaken

GB4 Councillor Holdom Recommendations to Councils

Item deferred until Friday 9 April 2010

GB 5 "Between River and Sea" - Historical Images of Kingscliff

Item deferred until Friday 9 April 2010

GB 6 Peter Boyd – CMA

Item deferred until Friday 9 April 2010

GB 7 Tweed Shire South Sea Islander Recognition Day 25th August 2010

Ms Mye tabled correspondence which she received from Ms L Togo.

Ms Mye was instructed to invite Ms Togo along to a future meeting

GB 8 2010 Unity Festival

Ms Mye tabled correspondence which was received from the Unity Festival requesting a letter of support.

General discussion was undertaking.

The Committee thought due to circumstances it is best left for the moment

Moved: Desrae Rotumah

Seconded: Joyce Summers

RESOLVED that inward and out going correspondence has been received and noted

Carried unanimously

Next Meeting:

The next meeting of the Tweed Shire Council Aboriginal Advisory Committee meeting Committee will be held Friday 9 April 2010.

The meeting closed at 1.35pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

AI 2 4 Lot Industrial Subdivision – DA09/0006

The recommendation was put forward by the Committee to recognise the potential impact of this development on fish habitat plant life and the adjoining waterway.

GB 1 60 Tringa Street, Tweed Heads West
Nil.

GB 2 Local Environment Plan (LEP)

Council at its meeting of 16 March 2010 extended the LEP exhibition period by one month.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

AI 2 4 Lot Industrial Subdivision – DA09/0006

Recommendation that Council notes the concerns of the Aboriginal Advisory Committee in relation to the Ozone Street development on the potential impact of the adjoining waterway.

GB 1 60 Tringa Street, Tweed Heads West

As per the Committee's recommendation, being that, Council considers a Cultural Heritage Assessment being performed on the proposed section 96 Development Application, Industrial Development site, 60 Tringa Street, Tweed Heads West.

GB 2 Local Environment Plan (LEP)

Recommendation that Council recognises the request from the Aboriginal Advisory Committee to extend the LEP exhibition period by two months and notes that at its meeting of 16 March 2010, Council extended the period by one month.

54 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 25 March 2010

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.30am

PRESENT:

Committee Members: Cr Barry Longland (Deputy Mayor), Ms Liz Smith, Roads and Traffic Authority, Snr Constable Paul Henderson, NSW Police, Mr Col Brooks representing Mr Thomas George MP, Member for Lismore, Mr Rod Bates representing Mr Geoff Provest MP, Member for Tweed.

Informal: Mr John Zawadzki (Chairman), Mr Ray Clark, Mr Danny Rose, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Mr Paul Brouwer.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 18 February 2010 be adopted as a true and accurate record of proceedings of that meeting

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC] Schedule of Outstanding Resolutions 25 March 2010

From Meeting held 26 November 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 and 24 September 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 26 November 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 17 December 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 18 February 2010 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 25 March 2010 remain on the list of Outstanding Resolutions.

-
3. [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.

..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street."

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

Another alternative is to provide a narrow central median on Kennedy Drive which would prevent right turns from both the boat ramp area and Norman Street into Kennedy Drive. This is very undesirable as it would inconvenience many motorists and encourage possibly less safe "U" turns to be made on Kennedy Drive away from the intersection.

Council officers will advise the Committee of the accident history of this intersection.

Council officers advised that of seven accidents from 2005 to 2008, four of them were right rear crashes. The right turns were from Kennedy Drive into Norman Street. Council officers suggested that a right turn lane be further investigated with a view for reducing this type of crash.

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 and 24 September 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B7 from Local Traffic Committee meeting held 26 November 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B7 from Local Traffic Committee meeting held 17 December 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 18 February 2010 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 25 March 2010 remain on the list of Outstanding Resolutions.

4. [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 85th 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 24 September 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B9 from Local Traffic Committee meeting held 26 November 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B9 from Local Traffic Committee meeting held 17 December 2009 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 18 February 2010 remain on the list of Outstanding Resolutions.

Current Status: That Item B1 from Local Traffic Committee meeting held 25 March 2010 remain on the list of Outstanding Resolutions.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Unnamed Road off Coronation Avenue, Pottsville

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 13587785; Coronation Avenue; Loading Zones; Parking Zones

SUMMARY OF REPORT:

The as yet unnamed road off Coronation Avenue, Pottsville has been upgraded to enable access to the rear of the newly constructed shops.

The Committee has previously approved a loading zone on Coronation Avenue for this development which is only operational at night.

This request is to install a loading zone in the unnamed lane adjacent to the development, to enable deliveries during the day. At the end of the unnamed lane there is a vehicle turnaround area that requires prohibitive parking signage to ensure that this area is clear to function as intended.

Liz Smith arrived at 10.50am

The request is for:-

1. A loading zone posted as 9.00am - 5.00pm Mon - Fri, 9.00am - 12pm Sat on the unnamed lane off Coronation Avenue, Pottsville adjacent to the shops.
2. "No Parking" signage be installed in the vehicle turnaround area in the unnamed lane off Coronation Avenue, Pottsville.

The Committee considered that a day time loading zone on Coronation Avenue within the existing 'evenings only' loading zone was a more appropriate location. The length of the loading zone to be one small delivery vehicle space. This space is to be immediately east of the unnamed road / Coronation Avenue intersection and be sign posted '9.00am - 5.00pm Mon - Fri, 9.00am - 12pm Sat.' It was also recommended that a sight board be placed at the end of the unnamed road.

RECOMMENDATION TO COMMITTEE:

That:-

1. A loading zone posted as 9.00am - 5.00pm Mon - Fri, 9.00am - 12pm Sat on the unnamed lane off Coronation Avenue, Pottsville adjacent to the shops.

2. "No Parking" signage be installed in the vehicle turnaround area in the unnamed lane off Coronation Avenue, Pottsville.

RECOMMENDATION TO COUNCIL:

That:-

1. A loading zone posted as '9.00am - 5.00pm Mon - Fri, 9.00am - 12pm Sat' on Coronation Avenue, Pottsville be installed adjacent to the recently constructed shops to cater for a small commercial vehicle only.
2. The existing 'evenings only' loading zone be shortened to accommodate the daytime loading zone in (1) above.
3. "No Parking" signage be installed in the vehicle turnaround area in the unnamed lane off Coronation Avenue, Pottsville.

FOR VOTE - Councillor Barry Longland, Snr Constable Paul Henderson, Liz Smith, Rod Bates

PRESENT. DID NOT VOTE - Col Brooks

A2 [LTC] Prospero Street, South Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 13495992; 13478864; Prospero Street; - Traffic - Committee; Postage Matters; Signs - Traffic Issues; Traffic - Parking Zones

SUMMARY OF REPORT:

Request received for the traffic sign at the Licensed Post Office in Prospero Street, South Murwillumbah to be amended to read "No Stopping Mail Zone 2.30-4.30pm only" and "15 mins parking" at other times.

A Mail Zone was installed at this location following a request from Australia Post. No spaces were lost as a result of this installation. It is considered that the mixing of regulatory signage is undesirable and confusing to users, however it may be practical to limit the all hours application of the current Mail Zone.

RECOMMENDATION TO COMMITTEE

That the existing Mail Zone located in Prospero Street, South Murwillumbah be amended by including the following hours of operation:-

"2.30pm - 4.30pm Monday - Friday"

RECOMMENDATION TO COUNCIL

That:-

1. The existing Mail Zone located in Prospero Street, South Murwillumbah be amended by including the following hours of operation:-
"2.30pm - 4.30pm Monday - Friday"
2. The mail zone also be marked as 15 minute time limited parking 9.00am to 2.30pm Monday to Friday.

FOR VOTE - Councillor Barry Longland, Snr Constable Paul Henderson, Liz Smith, Col Brooks

PRESENT. DID NOT VOTE - Rod Bates

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Battle on the Border 2010

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 13785790; Traffic - Committee; Safety; Road - Closures - Temporary; Bicycle Matters

SUMMARY OF REPORT:

Battle on the Border 2010 Road Course Specification has been received for events in 2010.

The proposed races are as follows:-

Thurs	Time Trial	10.00am to 10.50am	15km	Tyalgum Hall out and back
29		11.00am to 1.00pm	28km	
April				

Two time trials are proposed along the following roads:-

Coolman Street, Cudgerie Street, Tyalgum Road and return.

A temporary road closure has been requested for Coolman Street between 10.00am and 1.00pm on Thursday 29 April 2010.

Council Meeting held Tuesday 20 April 2010

Sat May	1	Terrible Time Trial Road Race Champs (U19) Road Race Champs (U19)	7.00am to 10.10am 9.30am to 12.39pm Under19 Men 9.50am to 11.56am Under 19 Women	5km 123km 71km	Stokers Siding Hall North out and back Stokers Siding, Crabbes Creek Road, Mistral Road Stokers Siding, Mooball Hotel, Mistral Road
		Rapid Road Race (Tour de Tweed)	10.00am to 4.35pm TOUR All Divisions. Divisions in total	82 - 123 km 29 - 58km 10 (U17 & U15)	Stokers Siding, Smiths Creek Road, Bakers Road

Four road races are proposed along the following roads:-

Stokers Road, Smiths Creek Road, Tweed Valley Way, Mistral Road, Kyogle Road and Bakers Road.

The Forest Hill Climb (end of Bakers Road) has safety concerns in relation to narrow pavement width and vehicle sight distances.

The applicants have requested a temporary speed limit reduction to 60km/h on Kyogle Road from Byangum Bridge to Smiths Creek Road for south/west bound traffic between 11.00am to 2.00pm.

A temporary road closure has been requested for Stokers Road from Stokers Siding to Mistral Road from 9.30am to 2.00pm on Saturday 1 May 2010.

Sun May	2	Epic Road Race (Tour de Tweed) World Selection Road Race (Under 19) World Selection Road Race (Under 19) GranFondo (189km social ride) GranFondo (136km social ride) GranFondo (100.74km social ride) PiccoloFondo (56.16km social ride)	7.45am to 1.45pm TOUR 8.00am to 10.50am Under 19 Men 8.10am to 10.25am Under 19 Women 9.00am to 3.18pm 9.30am to 2.19pm 12.00pm to 3.34pm 2.00pm to 4.14pm	43 - 121 km 108km 76km 189km 136km 100km 56km	Tweed Coast Road, Tweed Valley Way, Scott Street Casuarina Way, Mistral Road, Forest Hill, Mt Warning Road (finish at car park) Casuarina Way, Mistral Road, Forest Hill, Mt Warning Road (finish at car park) Bells Boulevard, Tyalgum Road, Nimbin Road, Tomewin Road, Casuarina Way Bells Boulevard, Mooball, Tyalgum Road, Tomewin Road, Plantation Road Bells Boulevard, Burringbar Rg, Tyalgum Road, Plantation Road Bells Boulevard, Tweed Coast Road, Tweed Valley Way, Casuarina Way
		MinoreFondo (11.02km social ride)	2.15pm to 3.00pm	11km	Bells Boulevard, Viking Street, Cudgen Road, Dianella Drive

Eight road races are proposed along the following roads:-

Tweed Coast Road, Tweed Valley Way, Scott Street, Casuarina Way, Mistral Road, Bakers Road, Byangum Road, Mt Warning Road, Forest Hill, Mt Warning, Eviron Road. Bells Boulevard, Tyalgum Road, Nimbin Road, Tomewin Road, Casuarina Way. Mooball Road, Plantation Road. Tweed Valley Way, Smiths Creek Road. Viking Street, Cudgen Road, Dianella Drive, Duranbah Road, Donalyn Court, Farrants Hill Road, Clothiers Creek Road, Kyogle Road. Other roads are involved. Please refer to the attachments for the GranFondo map routes.

The applicants have requested a temporary speed limit reduction to 60km/h on:-

- Kyogle Road from Byangum Bridge to Smiths Creek Road for south/west bound traffic between 8.45am to 11.00am.
- Tweed Coast Road from Cudgen Road to Rosewood Avenue, Cabarita between 7.30am to 4.00pm.
- Clothiers Creek Road and Rosewood Avenue, Cabarita between 7.30am to 4.00pm.
- Tweed Coast Road Cabarita to Wooyung between 7.30am to 4.00pm.

Mon 3	Criterion (14	8.00am to 3.10pm	Closed Circuit	Salt Park, Bells Boulevard
May	divisions)	TOUR		

The Criterion is proposed along the following roads:-

Bells Boulevard, Pass Street, Shipstern Street, Saltwater Crescent, Casuarina Way.

The applicants have requested that these roads be temporarily closed on Monday 3 May 2010 from 7.00am to 4.00pm (apart from Casuarina Way) which will be under traffic control management.

*John Zawadzki left the meeting at 11.30am and handed over the Chair to Ray Clark
Cr Longland left the meeting at 11.30am*

The Roads and Traffic Authority of NSW Representative raised concern with the lack of data in relation to temporary speed zones and that a Traffic Management Plan has not been provided.

Cr Longland returned to the meeting at 11.35am

COMMITTEE ADVICE:

That the temporary road closures on Coolman Street, Tyalgum, Stokers Road, Stokers Siding, Bells Boulevard, Pass Street, Shipstern Street, Saltwater Crescent, and partial closure of Casuarina Way be supported. This is subject to the submission of the following:-

1. The submission of adequate traffic management plans and traffic control plans;
2. Evidence of extensive community consultation;
3. Standard conditions of approval; and

4. NSW Police approval.

traffic management plans, traffic control plans and proof of extensive community consultation and NSW Police approval incorporating standard conditions.

B2 [LTC] Lions Greenback Tailor Fishing Competition

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 12629977; 13579228; Pandanus Parade; Traffic - Committee; Lions;
Roads - Closures - Temporary; Festivals - Other

SUMMARY OF REPORT:

Request received for the temporary road closure of Pandanus Parade Cabarita Beach for the Lions Greenback Tailor fishing Competition on the 12 and 13 June 2010 (long weekend).

The times of closure are proposed to be:-

From early Saturday morning 12 June until 1.30pm allowing for sign on.

From early Sunday morning until mid afternoon, allowing access for the competitors to weigh their catches, the VRA and the Surf Club vehicles on display, along with 3 vehicles showcasing the major sponsors.

Emergency vehicles will have access to the site at all times

COMMITTEE ADVICE:

That the Committee has no objection to the proposed temporary road closure of Pandanus Parade from 6.30am Saturday 12 June to 1:30pm and Sunday 13 June from 6.30am to 3.30pm, subject to standard conditions of approval and prior liaison between the event organisers and affected businesses.

B3 [LTC] Duranbah Road, Duranbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 13139007; Duranbah Road; Traffic - Committee; Safety - Speed Zones;
LN 8999

SUMMARY OF REPORT:

Request received regarding the speed of traffic near 213 Duranbah Road, Duranbah.

".... Approx 400m down the road north the 80 kmh speed limit changes to "drive to suit conditions". As it is quite a good stretch of road past our property we have cars speeding past at 100km and over and the Quarry trucks as well drive too fast and will cause major damage.... We had a fatality before Christmas just before the "drive to suit conditions" sign but I believe changing the road to 80kmh is a positive step in slowing down traffic on this road."

The correspondent has advised of the poor alignment of Duranbah Road relative to the driveway and does not want to relocate the driveway to a more suitable location.

The request for speed limits is a matter which requires referral to the Roads and Traffic Authority of NSW. Council officers will inspect the location of the driveway and report to the meeting.

Speed limits are generally not reduced to address isolated hazards such as driveways however the Committee agreed that a review of the speed limit in this area should be conducted.

COMMITTEE ADVICE:

That the speed limit along this section of Duranbah Road in general be referred to the Roads and Traffic Authority of NSW for their assessment and advice to the Committee.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 22 April 2010 in the Mt Warning Meeting Room commencing at 10.30am.

There being no further business the Meeting terminated at 12.20pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1 (LTCJ Unnamed Road off Coronation Avenue, Pottsville

Nil.

A2 (LTCJ Prospero Street, South Murwillumbah

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

As per the Committee's recommendations being:

A1 (LTCJ Unnamed Road off Coronation Avenue, Pottsville)

1. ***A loading zone posted as '9.00am - 5.00pm Mon - Fri, 9.00am - 12pm Sat' on Coronation Avenue, Pottsville be installed adjacent to the recently constructed shops to cater for a small commercial vehicle only.***
2. ***The existing 'evenings only' loading zone be shortened to accommodate the daytime loading zone in (1) above.***
3. ***"No Parking" signage be installed in the vehicle turnaround area in the unnamed lane off Coronation Avenue, Pottsville.***

A2 (LTCJ Prospero Street, South Murwillumbah)

1. ***The existing Mail Zone located in Prospero Street, South Murwillumbah be amended by including the following hours of operation:-***
"2.30pm - 4.30pm Monday - Friday"
 2. ***The mail zone also be marked as 15 minute time limited parking 9.00am to 2.30pm Monday to Friday.***
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55 [SUBCOM] Minutes of Subcommittees Not Requiring a Decision of Council

UNDER SEPARATE COVER:

- 1. Minutes of the Disability Access Advisory Committee Meeting held Wednesday 17 March 2010 (ECM 14572546)**
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ORDERS OF THE DAY

- 56 [NOR-Crs J van Lieshout, W Polglase and P Youngblutt] Vegetation Clearing at Lot 4 DP 1106447 Tweed Coast Road, Chinderah**

NOTICE OF RESCISSION:

Councillors J van Lieshout, W Polglase and P Youngblutt move that Council resolution at Minute No 151 in relation to Item 19 of the Meeting held 16 March 2010 being:

".... that a Penalty Infringement Notice (PIN) be issued to the owner of Lot 4 DP 1106447 Tweed Coast Road, Chinderah for breach of Council's Tree Preservation Orders."

be rescinded.

- 57 [NOM-Cr B Longland] Memorial - Vicinity Byangum Bridge**

NOTICE OF MOTION:

Councillor B Longland moves that Council brings forward a report on the feasibility of establishing a suitable memorial to the Hatton family on Council land in the vicinity of the Byangum Bridge. The memorial to be centred around a replanted seedling taken from the original "Hatton's fig tree" adjacent to Kyogle Rd at Byangum which has to be removed for safety reasons. Council should consult with the Uki & South Arm Historical Society to determine a suitable dedication for the newly planted fig tree.

- 58 [NOM-Cr D Holdom) Far North Coast Regional Strategy - Environmental Zone Reduction(s)**

NOTICE OF MOTION:

Councillor D Holdom moves that the General Manager invites and attends a meeting between all General Managers, as identified in the "Far North Coast Regional Strategy", to discuss any matters that each Council may have with regard to possible Environmental Zone reduction/s etc, across their individual Shires and as the councils that form the collective as defined in and by the Far North Coast Regional Strategy, the Mayor from each Council is to also attend the said meeting with their respective General Manager.

59 [NOM-Cr K Milne] Section 94 Plans

NOTICE OF MOTION:

Councillor K Milne moves that Council investigates the possible engagement consultants through the Institute of Sustainable Futures and Social Advocacy Networks to review Council's section 94 plans.

60 [NOM-Cr K Milne] Population Committee

NOTICE OF MOTION:

Councillor K Milne moves that Council establish a Population Advisory Committee to address population issues for the Tweed Shire.

61 [NOM-Cr K Milne] Sustainable Water Options

NOTICE OF MOTION:

Councillor K Milne moves that Council prepares a report on the legislative impediments that inhibit Council from achieving improved outcomes for the environment, waterway health and impact on the community in relation to Council's proposed water management strategies.

62 [NOM-Cr K Milne] Local Environment Plan Exhibition Extension

NOTICE OF MOTION:

Councillor K Milne moves that the exhibition of the draft Tweed Local Environment Plan 2010 be extended for a further two months until the end of June 2010 due to the complexity of the documents, the significant implications for the Tweed, and the need to ensure that the Tweed environment is provided with protection appropriate to its internationally significant status.

63 [NOM-Cr K Milne) Local Environment Plan Fact Sheets

NOTICE OF MOTION:

Councillor K Milne moves that Council provides fact sheets outlining the changes and implications of the draft Local Environment Plan (LEP) and makes these available as soon as possible in the locations where the LEP is exhibited.

64 [NOM-Cr K Milne) Local Environment Plan Public Consultation

NOTICE OF MOTION:

Councillor K Milne moves that:-

1. Council conducts an open public forum on all aspects and implications of the draft Local Environment Plan (LEP).
 2. This forum to follow the style of the rural zoning workshop, including a presentation by staff and open forum discussion time held at the Murwillumbah and Tweed Auditoriums.
-

65 [NOM-Cr K Milne] Food Policy

NOTICE OF MOTION:

Councillor K Milne moves that Tweed Shire Council prepares a report on the potential to develop a Food Policy.

The aim of this Food Policy would be to promote health and sustainability and improve access to fresh local foods.

It links with sustainability: health, access to shops/fresh food, breast feeding promotion & facilities, community gardens, strategies to reduce food miles, transport, promotion and purchase of fresh local produce, supporting local economy, biodiversity, waste minimisation, food markets, home delivery service etc.

The policy could include the following aspects:

- i) That the sustainability of food, ethical food production and food miles is addressed in food procurement/tender policies for council operated food services and when catering meals and meetings.
- ii) Where possible, purchase and promote consumption of fresh local food supply from within the Tweed, or from at least within 100 KMs of the Shire
- iii) Council should consider food security their planning e.g. access to shops, community food gardens.
- iv) Improve opportunities for recycling food waste locally.

Further, that Tweed Council supports 'food security' in the region:

- Ensure that food security remains a basic objective, along with water, energy, housing and transport, for a Sustainable LGA.
- Contribute to development of a Food Policy (as in Toronto, Knoxville)
- Tweed Purchasing and Tender Policies include commitment to purchase foods for all council services and use that are:
 - fresh locally produced foods from the Tweed Shire
 - ethically produced foods
 - free range chicken and eggs (avoid caged birds)
 - avoid 'unsustainable fisheries'

- non GMO foods and/or
- Fair Trade foods from developing countries
- Avoid use of trans fats
- Organic (when not prohibitive in price)
- Identify suitable buildings, such as warehouses, to accommodate food distribution centres for emergency food aid.
- Encourage food outlets within walking distance of residential areas selling essential food items, fresh fruit and vegetables, and food co-ops in shopping centres and precincts.
- Planning instruments and policies be used to support Farmers Markets.
- Identification of potential food growing areas within the LGA. There are opportunities for urban farming and growing food in cities, and many examples of this both locally and internationally, with the opportunity to contribute to local fresh food supply.
- The provision of 'urban agriculture' as a permissible use under the LEP would allow the establishment of community gardens and city farms on land that is vacant and unproductive, including cleared land in schools, hospitals, parkland, church grounds etc. (Community gardens produce food with environmental benefits and important social and health benefits for participants, bringing members of the community together)
- Plan for community food gardens in Seniors Living SEPPS and multi unit dwellings
- Develop guidelines for food growing on 'Green Roofs'
- New street and park planting could incorporate food producing trees

UNDER SEPARATE COVER:

1. Background-Food Policies (ECM 14879767).
-

66 [NOM-Cr K Milne] Investment Opportunities

NOTICE OF MOTION:

Councillor K Milne moves that:-

1. Council prepares a report on the possibility of engaging an investment consultant to maximise Council's income base.
 2. A key element of such an investment strategy would be a focus on sustainable, ethical and low impact activities potentially partnering with disadvantaged groups.
 3. A list of Council owned properties with potential investment opportunities to be provided but this should not focus on selling these properties but rather enhancing their current use.
-

67 [NOM-Cr K Milne] Banora Point Highway Upgrade

NOTICE OF MOTION:

Councillor K Milne moves that Council undertakes a preliminary review of the Banora Point Upgrade in regard to the environment, landscaping plans, Water Sensitive Urban Design, visual impact from the river, sustainable use of materials, graffiti potential and flooding.

68 [NOM-Cr K Milne] Rowing and Canoeing Policy

NOTICE OF MOTION:

Councillor K Milne moves that Council develops a policy to promote the opportunities for rowing and canoeing on the Tweed River in light of the Olympic grade level of the Rowing Course at Murwillumbah and the ideal natural attributes of the Waterways.

69 [NOM-Cr K Milne] Tweed Wetlands

NOTICE OF MOTION:

Councillor K Milne moves that Council holds a workshop on the state of the Tweed Wetlands and pressures from development such as at Waterlily Close Nunderi.

70 [NOM-Cr K Milne] Food Stalls and the Tweed Road Contributions Plan

NOTICE OF MOTION:

Councillor K Milne moves that Council conducts a workshop on the Tweed Road Contributions Plan with a view to ascertaining whether this plan is prohibitive to encouraging local food stalls.

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QUESTIONS ON NOTICE

71 [QT-Cr K Milne] Breaches

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation outline Council's policy for development breaches of the Environmental Planning and Assessment Act and the imposition of fines for developers.

72 [QT-Cr K Milne] Cobaki Infrastructure

QUESTION ON NOTICE:

Councillor K Milne asked can the General Manager provide details on any real or potential costs implications for Tweed ratepayers through the infrastructure requirements of Cobaki Lakes development?

73 [QT-Cr K Milne] Draft Local Environment Plan Implications

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation outline any proposed changes to the current planning controls with the draft Local Environment Plan that have major implications for the Tweed environment or residents other than those already identified through previous questions.

74 [QT-Cr K Milne] Implications in the draft Local Environment Plan for Koala Habitat and the Koala Plan of Management

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation outline the implications of the draft Local Environment Plan (dLEP) for reduced protection for koala habitat and corridors and the potential for reduced effectiveness of the forthcoming Koala Plan of Management under the new controls proposed in the dLEP.

75 [QT-Cr K Milne] Compliance Issues Cobaki Lakes and Kings Forest

QUESTION ON NOTICE:

Councillor K Milne asked can the Director Planning and Regulation provide details of inspections to monitor compliance issues at Kings Forest and Cobaki Lakes over the last two years and any updates or outcomes of these inspections, including the adequacy of current erosion and sediment control measures utilised, especially in light of concerns for the Cobaki Broadwater?

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

- 1 [PR-CM] Unauthorised Earthworks and Clearing at Lot 2 DP 871483, Lot 14 DP 252178, Lot 1 DP 871483, No. 975 Tomewin Road, Tomewin**

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

REPORTS FROM THE ACTING DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 2 [EO-CM] Land Acquisition for Road - Centennial Drive, Pottsville**

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)

- 3 [EO-CM] Acquisition of Land for Road - Brooks Road, Kynnumboon**

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)

4 [EO-CM] Urban Addressing - Bilambil Heights

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)

