



TWEED
SHIRE COUNCIL

Mayor: Cr K Skinner (Mayor)

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

Agenda

Ordinary Council Meeting Tuesday 18 January 2011

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

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.

Items for Consideration of Council:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	7
1	Minutes of the Ordinary and Confidential Meeting of Council held Tuesday 14 December 2010	7
	SCHEDULE OF OUTSTANDING RESOLUTIONS	9
2	Schedule of Outstanding Resolutions	9
	MAYORAL MINUTE	17
3	[MM] Mayoral Minute for the Period 2 December to 4 January 2011	17
4	[MM-CM] Resealing of Piggabeen Road and the Reconstruction of Kennedy Drive	23
	ORDINARY ITEMS FOR CONSIDERATION	25
	REPORTS THROUGH THE GENERAL MANAGER	25
	REPORTS FROM THE DIRECTOR PLANNING AND REGULATION	25
5	[PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards	27
	REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES	31
6	[CNR-CM] Request for "In Kind" Support/Waive Fee	31
7	[CNR-CM] International Women's Day - Acceptance of Grant	41
8	[CNR-CM] Waiving of Disposal Fees - Cudgen Headland Surf Life Saving Club	45
9	[CNR-CM] 2009-2010 Annual Report North East Waste Forum	47
10	[CNR-CM] Contract EC2009-115 Tyalgum Water Treatment Plant Upgrade	51
	REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS	55
11	[EO-CM] Floodplain Management Authorities Conference 2013	55
12	[EO-CM] Naming of a Council Public Road - Banora Point	61
13	[EO-CM] Road Naming - Piggabeen Bypass, Tweed Heads West	65
	REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES	69
14	[TCS-CM] Update to Recommendations from the Second Report of the Tweed Shire Council Public Inquiry 2005	69
15	[TCS-CM] Procurement Policy Version 1.3	75

16	[TCS-CM] Monthly Investment Report for Period Ending 31 December 2010	87
REPORTS FROM SUB-COMMITTEES/WORKING GROUPS		89
17	[SUB-TRRM] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 18 November 2010	89
18	[SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 December 2010	95
19	[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2010	103
20	[SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 December 2010	111
21	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 December 2010	117
ORDERS OF THE DAY		129
22	[NOR-Crs K Skinner, W Polgalse and P Youngblutt] - [PR-CM] Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code	129
23	[NOM-Cr K Skinner] Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code	131
24	[NOM-Cr D Holdom] En Globo Procedures for Monthly Council Meetings	132
25	[NOM-Cr J van Lieshout] Aboriginal Advisory Committee	132
26	[NOM-Cr Milne] Fast Food Capital	132
27	[NOM-Cr Milne] Ethical Investments for Council Funds	133
28	[NOM-Cr Milne] Youth in New Developments	133
29	[NOM-Cr Milne] Green Spaces for Small Lots	133
30	[NOM-Cr Milne] Permeable Pavements	133
31	[NOM-Cr Milne] New South Wales Weirs Policy	134

CONFIDENTIAL ITEMS FOR CONSIDERATION	135
REPORTS THROUGH GENERAL MANAGER IN COMMITTEE	135
REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE	135
1 [EO-CM] Land Acquisition for Road and Compensation Purposes - Nobbys Creek Road, Nobbys Creek	135
ORDERS OF THE DAY IN COMMITTEE	135
2 [NOR-Crs P Youngblutt, J van Lieshout and K Milne] [PR-CM] Equestrian Pad Compliance Matter Lot 7 DP 826941 No 308 Tomewin Road, Dungay	135
3 [NOM-Cr Milne] Equestrian Pad at Dungay	136

THIS PAGE IS BLANK

CONFIRMATION OF MINUTES

1 Minutes of the Ordinary and Confidential Meeting of Council held Tuesday 14 December 2010

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Minutes of the Ordinary Council Meeting held Tuesday 14 December 2010 (ECM 25704997).
 2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Tuesday 14 December 2010 (ECM 25697586).
-

THIS PAGE IS BLANK

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 Schedule of Outstanding Resolutions

FOR COUNCILLOR'S INFORMATION:

17 November 2009

ORDERS OF THE DAY

55 [NOM-Cr D Holdom] Local Government Aboriginal Network Conference 2012

444

Cr D Holdom
Cr K Skinner

RESOLVED that Council staff investigate and report back to Council on lodging a bid to hold the Local Government Aboriginal Network Conference in the Tweed Shire in 2012.

Current Status: To be reported to a future Council Meeting.

16 February 2010

28 [CNR-CM] Sewerage Strategy for Future Pottsville Area Development

90

Cr B Longland
Cr J van Lieshout

RESOLVED that notwithstanding Council's adopted Urban Release Strategy, Council proceeds with negotiations for the preparation of a Memorandum of Understanding (MOU) which would involve:

- (a) Landholder/proponent funded sewerage and reuse strategy to facilitate the development of Urban Land Release Strategy Areas 5, 6 and 7, and Employment Land Release Area 7;
- (b) Memorandum of Understanding (MOU) covering terms of reference, risk allocation, timings and scope for the strategy stages and to obtain agreements for the proposal to fund the various stages of the strategy; and
- (c) Preparation of a report to Council with MOU and funding agreements for Council approval before proceeding with engaging consultants for the preparation of the strategy.

Current Status: Report being prepared for the 15 February 2011 meeting.

ORDERS OF THE DAY

57 [NOM-Cr K Milne] Tree Removal Approval

NOTICE OF MOTION:

114

Cr K Milne
Cr K Skinner

RESOLVED that a report be brought forward on an appropriate system that requires authorisation for tree removal on private lands such as implemented in other councils.

Current Status: A report will be submitted to a future Council meeting dependent on outcomes of discussions with the Department of Planning on draft LEP 2010.

18 May 2010

ORDERS OF THE DAY

62 [NOM-Cr K Skinner] Community and Operational Land

358

Cr K Skinner
Cr D Holdom

RESOLVED that Council officers investigate and bring forward a preliminary report on parcels of Council owned "Community" and "Operational" land that could potentially be considered for alternative and more appropriate use, acknowledging that Council and community needs and circumstances change over time.

Current Status: At the meeting of the Executive Management Team held 12 November 2010 the following decision was made in reference to this matter:-

that the Director Engineering and Operations undertakes further investigation in relation to the second round properties identified as "Community" and "Operational" land that could potentially be considered for alternative and more appropriate use.

Following these further investigations, a report will be prepared for consideration of Council.

21 September 2010

ORDERS OF THE DAY

54 [NOM-Cr B Longland] Museums

664

Cr B Longland

Cr D Holdom

RESOLVED that in view of Council's 2004 Memorandum of Understanding with the combined Historical Societies involving Council's 7-Year Plan commitment to a purpose-built Museum at Tweed Heads and the extension of the Murwillumbah Museum, could a comprehensive report be brought forward on the following:

- the scope for revisiting the design and cost estimates for both projects with the architect with a view to identifying substantial savings. In the case of the Murwillumbah project, an amount of approximately \$2million being a more realistic estimate;
- how it is intended that the \$1million Museum commitment from the Federal Government will be utilised before its expiry on 30 June 2011;
- assuming significant cost reductions can be found, plans for the urgent completion of a Development Application for the Murwillumbah Museum extensions in order that funding opportunities can be exploited as and when they become available;
- reassurance of Council's commitment to these projects (and possible planned commencement dates), for the dedicated volunteer Historical Society workforce involved in the acquisition, care, maintenance and display of the valuable collection that is now in the ownership of Council.

Current Status: A Workshop has been held with the Museum Advisory Committee and a report will be submitted to a future Council meeting.

56 [NOM-Cr D Holdom] Workshop-Department of Environment, Climate Change and Water NSW 2010 Border Ranges Rainforest Biodiversity Management Plan - NSW and Queensland, Department of Environment, Climate Change and Water NSW, Sydney

666

Cr D Holdom

Cr K Milne

RESOLVED that the General Manager organises a workshop for Councillors on the Department of Environment, Climate Change and Water NSW 2010 Border Ranges Rainforest Biodiversity Management Plan - NSW and Queensland, Department of

Environment, Climate Change and Water NSW, Sydney, similar to the public workshop held on 4 September 2010 at the Canvas and Kettle Restaurant, Murwillumbah.

Current Status: Workshop to be scheduled.

19 October 2010

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

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

686

Cr K Milne

Cr B Longland

RESOLVED that Council:

....

6. *Develops a water friendly garden Policy.*

Current Status: Policy to be developed.

16 November 2010

48 [NOM-Cr Milne] Public Transport Strategy

803

Cr K Milne

Cr B Longland

RESOLVED that Council brings forward a report on developing a long term Public Transport Strategy and how future transport corridors can be preserved in the Tweed.

Current Status: A scoping meeting has been held and a report is being prepared for a future Council meeting.

51 [NOM-Cr Milne] Marine Litter Volunteer Groups

806

Cr K Milne
Cr K Skinner

RESOLVED that Council brings forward a report on:

1. How Council could assist/enhance or provide support for the establishment of permanent volunteer groups in the removal of rubbish and fishing line along the riverbanks and waterways.
2. Ways to establish a mechanism to fund the removal of this rubbish along the waterways.

Current Status: Report to be prepared.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

3 [CNR-CM] EQ2010-151 Share Farming Proposal at Lot 602 DP 1001049 Duranbah

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

C 58

RECOMMENDED that this item be deferred to allow for a further report to be brought forward.

Current Status: Report to be brought forward.

14 December 2010

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

16 [PR-CM] Development Application DA10/0430 for the Erection of a Second Dwelling to Create a Dual Occupancy at Lot 494 DP 755740, No. 15 Adelaide Street, Tweed Heads

830

**Cr K Skinner
Cr W Polglase**

RESOLVED that this item be deferred to schedule a workshop to include consideration of this Development Application in addition to Sellicks Lane.

Current Status: Workshop scheduled for 25 January 2011.

17 [PR-CM] Development Application DA10/0552 for a Proposed Subdivision to Create a Public Road, Associated Acoustic Fencing and Residual Lot at Lot 12 DP 830659, Chinderah Road, Chinderah

831

**Cr D Holdom
Cr K Skinner**

RESOLVED that:

1. This item be deferred to schedule a workshop during February between Council, the applicants, adjoining landholders directly affected and key community members representing Royal Pacific Caravan Park (1), Heritage Caravan Park Residents' Association (1), Chinderah Lakes Caravan Park (1), Chinderah Residents' Association (1) and the Roads and Traffic Authority.
2. The applicant be encouraged to pursue alternative access options.

Current Status: A workshop, with the owner, will be held prior to the Community Access meeting on 13 January 2011 with a second Workshop, with residents, scheduled prior to the Community Access meeting of 10 February 2011.

- 19 [PR-CM] Development Application DA10/0480 for the Demolition of Existing Dwellings and Construction of a Function Centre at Lots 9 and 10 Section 4 DP 2974; Nos. 9 and 11 River Street, South Murwillumbah

835

Cr J van Lieshout
Cr W Polglase

RESOLVED that this item be deferred, with amended plans to be reported, at a future Council meeting.

Current Status: Report being prepared.

ORDERS OF THE DAY

- 47 [NOM-Cr Polglase] Regional Funding

870

Cr W Polglase
Cr D Holdom

RESOLVED that Council arranges a meeting with Regional Development Australia - Northern Rivers (RDA-NR) to consider key community infrastructure projects for Tweed Shire. This meeting to be arranged to enable the Federal Member for Richmond, Justine Elliot, to be in attendance.

Current Status: Meeting to be organised.

- 50 [NOM-Cr Milne] National Iconic Landscape Strategy

873

Cr K Milne
Cr B Longland

RESOLVED that Council brings forward a report on developing a National Iconic Landscape Strategy to protect the National Iconic Landscape Values of the Tweed Shire including a review of the Scenic Landscape Evaluation Report.

Current Status: Report to be prepared.

THIS PAGE IS BLANK

MAYORAL MINUTE

3 [MM] Mayoral Minute for the Period 2 December to 4 January 2011

Councillors,

COMMITTEE MEETINGS

Attended by the Mayor

- NONE

Inability to Attend by the Mayor

- NONE
-

INVITATIONS:

Attended by the Mayor

- 05 Dec 2010 - Welcome to Students of Tohoku Foreign Language College, Sendai, Japan - Kingscliff TAFE Campus Canteen
- 08 Dec 2010 - Murwillumbah East Primary School Presentation Assembly - Murwillumbah Civic Centre
- 08 Dec 2010 - NSW Business Chamber Christmas Party
- 08 Dec 2010 - Opening of Cabarita Streetscape – Tweed Coast Road, Cabarita
- 09 Dec 2010 - Piggabeen Bypass Opening - Corner Piggabeen Road and Carramar Drive, Tweed Heads West (Cr Holdom also advised her attendance)
- 13 Dec 2010 - Thomas George MP, Christmas Get Together - Escape Gallery Cafe, Murwillumbah

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

- 05 Dec 2010 - Opening of the Doon Doon Hall refurbishment - Doon Doon Hall, Cram's Farm Park, 145 Commissioners Creek Road, Doon Doon (attended by Crs Polglase, Longland and Holdom)

- 10 Dec 2010 - School Annual Presentation Day, presentation of 'Tweed Shire Council CH Hall Memorial Award for Citizenship - Uki Public School, 1463 Main Street, Uki (attended by Cr Longland)

Inability to Attend by or on behalf of the Mayor

- 02 Dec 2010 - Summerland Credit Union Branch Opening - 56 Griffith St, Coolangatta
- 03 Dec 2010 - Festival of Ability Far North Coast - Alstonville Leisure & Entertainment Centre
- 03 Dec 2010 - Murwillumbah District Business Chamber Breakfast - Murwillumbah Service Club
- 07 Dec 2010 - Tweed Daily News Client Christmas Party 2010 - The Ivory Tavern, 156 Wharf St, Tweed Heads
- 07 Dec 2010 - Launch of StepUP and AddsUP programs by Lismore Neighbourhood Centre to support low income earners – Lismore City Hall, 1 Bounty St, Lismore
- 08 Dec 2010 - Lindisfarne 2010 Speech Night - Lindisfarne Anglican Grammar School, Sunshine Ave, Tweed Heads South
- 09 Dec 2010 - Thomas Noble & Russell Christmas Party - Gordon Pavilion, Oakes Oval, Lismore
- 09 Dec 2010 - Opening of Cudgen Headland Surf Life Saving Club refurbished Training Room - Cudgen Headland Surf Life Saving Club, Kingscliff
- 11 Dec 2010 - Filipino Support Group, Tweed Region, Christmas Party – South Tweed Sports Club
- 13 Dec 2010 - Wollumbin High School Awards Presentation - Wollumbin High School, North Arm Rd, Murwillumbah
- 15 Dec 2010 - Tweed Valley Respite Service AGM & Christmas Party - Dungay Hall, Jack Williams Place, Dungay
- 15 Dec 2010 - Regional Development Australia - Community Health Conversation "Health Reform and the Northern Rivers Region" - Lismore - Northern Rivers University Department of Rural Health, Liz Rummery Lecture Theatre, 61 Uralba Street
- 15 Dec 2010 - Tweed Community Options annual Christmas Afternoon Tea - HACC Centre, Activities Room, Corner of Heffron Street and Minjungbal Drive, Tweed Head South
- 18 Dec 2010 - Cabarita Beach SLSC, Deck opening - the Clubhouse, Pandanus Parade, Cabarita Beach

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 6 Dec 2010 - Councillor Personal Development Day 2, Financial Issues in Local Government - Richmond Valley Council, Casino, Graham Place – attended by Crs Milne and van Lieshout

Information on Conferences to be held

Councillors, please refer to the Councillor portal for complete Conference information

- 9 Feb 2011 - “A” Division Conference, Shires Association of NSW – Kyogle – Attendance is open to all Councillors. There is also a dinner in Kyogle on the evening of 8 February 2011
- 22-25 Feb 2011- Floodplain Management Authorities (FMA) Annual Conference - Tamworth Regional Entertainment and Conference Centre – Registration \$1045 plus 3 – 4 nights accommodation
- 23 Feb 2011 - Shires Association of NSW Special One Association Conference (one day only) - The Portside Centre, Level 5, Symantec House, 207 Kent Street, Sydney – Registration Fee \$88, Deadline 18 February 2011 - *The next step toward dealing with the issue of One Association, members' opportunity to consider the outcomes of the August Convention and provide direction to the Executive so it can be progressed to the next stage. Each member council is entitled to one voting delegate. Councils may send as many observers as required.*

SIGNING OF DOCUMENTS BY THE MAYOR:

- 07 Dec 2010 - Lease – Tweed Tourism Inc – Tweed Heads and Murwillumbah Visitor Information Centres
 - 14 Dec 2010 - Section 88B Instrument – Land Acquisition – Quarry Purposes – Lot 1 DP774820, Lot 1 DP248515 and Lot 26 DP615931
 - 22 Dec 2010 - Mortgage Agreement – Cabarita Beach Surf Life Saving Club Incorporated
-

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by Councillor	Topic	Councillors For	Councillors Against	Proposed Workshop Date
17/11/2010	Cr Holdom	Unity Festival	Milne Holdom Skinner Longland	Polglase Van Lieshout Youngblutt	25.01.11
17/11/2010	Cr Holdom	Tweed Valley Wildlife	Milne Holdom Skinner Longland Van Lieshout	Polglase Youngblutt	25.01.11
17/11/2010	Cr Holdom	Code of Meeting Practice	Milne Holdom Skinner Longland Youngblutt Van Lieshout	Polglase	25.01.11
30/11/2010	Cr Holdom	Tweed Coast Koala Habitat Study with BioLink and TCKH Committee	Milne Holdom Skinner Longland Van Lieshout	Polglase Youngblutt	08.02.11 3.30pm- 4.30pm prior to TCKH Committee meeting
13/12/2010	Cr Skinner	Cost Recovery Compliance	Milne Holdom Skinner Longland Polglase Van Lieshout	Youngblutt	25.01.11

**Proposed Motions for 'A' Division Conference
to be held at Kyogle 09 February 2011**

1. Koala and Biodiversity Protection

Tweed Shire Council moves,
That

The LGSA makes representations to the Premier, the Minister for the Environment and the Minister for Planning, to take urgent and effective action to ensure the protection and preservation of the Koala as a national icon along the NSW Coast, and to provide greater emphasis on reversing the rapid decline of biodiversity.

2. Native Vegetation Act

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister for increased enforcement of the Native Vegetation Act especially in relation to the coastal areas where smaller amounts of clearing ie less than 1 hectare can have significant effects but are generally not prosecuted or fined.

3. BASIX

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to review and update the BASIX legislation to:

1. Provide for greater water conservation and energy efficiency outcomes and
- 2 To provide flexibility to Councils to allow BASIX to be used as a minimum standard rather than the maximum standard.

4. Speed Restrictions in NSW Waters

Tweed Shire Council moves,
That,

The LGSA makes representations to the Minister for consideration of providing speed restrictions for recreational activities in NSW waters.

5. Developer contributions for Aboriginal Culture Heritage

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to include the ability for Councils to establish developer contribution plans for Aboriginal Cultural Heritage.

6. Developer contributions for Environmental Maintenance

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to include the ability for Councils to establish developer contribution plans for ongoing maintenance of lands dedicated by developers for Environmental Protection.

7. Marine Waste

Tweed Shire Council moves,
That

The LGSA makes representations to the Minister to provide regular funding for the removal of fishing line and rubbish in the marine environment eg from a percentage of the NSW Fishing Licence scheme.

RECOMMENDATION:

That:

- 1. The Mayoral Minute for the period 02 December 2010 to 04 January 2011 be received and noted.**
 - 2. Attendance of Councillors at nominated Conferences be authorised.**
 - 3. Councillors consider motions for the 'A' Division Conference.**
-

4 [MM-CM] Resealing of Piggabeen Road and the Reconstruction of Kennedy Drive

Councillors,

Given the massive amount of damage done to our roads during this extended wet season I would like to propose the following resolution.

"That council borrow the necessary funds to implement the resealing of Piggabeen Road and the reconstruction of Kennedy Drive as a matter of priority."

RECOMMENDATION:

That Council borrows the necessary funds to implement the resealing of Piggabeen Road and the reconstruction of Kennedy Drive as a matter of priority.

THIS PAGE IS BLANK

ORDINARY ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
 - (a) the provisions of
 - (i) any environmental planning instrument; and
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

THIS PAGE IS BLANK

5 [PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards

ORIGIN:

Director Planning and Regulation

SUMMARY OF REPORT:

In accordance with the Department of Planning's Planning Circular PS 08-014 issued on 14 November 2008, the following information is provided with regards to development applications where a variation in standards under SEPP1 has been supported.

RECOMMENDATION:

That Council notes the December 2010 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

REPORT:

On 14 November 2008 the Department of Planning issued Planning Circular PS 08-014 relating to reporting on variations to development standards under State Environmental Planning Policy No. 1 (SEPP1).

In accordance with that Planning Circular, the following Development Applications have been supported where a variation in standards under SEPP1 has occurred.

DA No.	DA10/0412
Description of Development:	Boundary adjustment
Property Address:	Lot 3 DP 717240 & Lot 8 DP 804836 No. 347 Pottsville Road Sleepy Hollow
Date Granted:	09/12/2010
Development Standard to be Varied:	Clause 20(2)(a) - Minimum lot size 40ha
Zoning:	1(a) Rural
Justification:	The applicant seeks consent for a boundary adjustment of two existing Lots 3 & 8 to create proposed Lots 20 & 21. The purpose of this boundary adjustment is to locate an existing shed (currently located on existing Lot 8) onto existing Lot 3 (or from proposed Lot 21 to proposed Lot 20).
Extent:	Boundary adjustment to existing Lot 3 (14.38ha) and Lot 8 (72.77ha) to create Proposed Lot 20 (14.5ha) and Proposed Lot 21 (72.65ha).
Authority:	Tweed Shire Council

DA No.	DA10/0612
Description of Development:	Tennis Court
Property Address:	Lot 9 DP 1092500 No. 43 Sunnycrest Drive Terranora
Date Granted:	21/12/2010
Development Standard to be Varied:	Clause 22(4)(a) - Setbacks to designated roads
Zoning:	1(c) Rural Living
Justification:	SEPP 1 variation required to permit the construction of a private tennis court with four overhead lights within 30 metres of Terranora Road which is a designated road. The proposal has been considered under the provisions of clause 24 of the Tweed LEP2000 which is considered to be unnecessary and unreasonable due to the nature of the proposal and its impact on Terranora Road. The proposal has also been considered under the provisions of clause 22(4) (a) of the Tweed LEP 2000 in relation to safety of traffic using Terranora Road and the proposal has been considered to be acceptable by Council's Traffic Engineer.
Extent:	Tennis court setback 8m from Terranora Road in lieu of 30m for a designated road.
Authority:	Tweed Shire 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.

THIS PAGE IS BLANK

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

6 [CNR-CM] Request for "In Kind" Support/Waive Fee

ORIGIN:

Community & Cultural Services

SUMMARY OF REPORT:

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

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

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

RECOMMENDATION:

That Council:-

1. With reference to the request from Model United Nations Assembly, Rotary International District 9640, provides the Tweed Heads Civic Centre for a reduced fee of \$196.50 being 50% of the full fee of \$281 and 50% of the full set-up fee of \$112 on 18 and 19 March 2011 for the MUNA 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".
2. With reference to the request from United Hospital Auxiliaries of NSW Inc, provides the Tweed Heads Civic Centre:
 - (a) South Sea Islander Room (including kitchen) free of charge for the 2011 meetings (12) to be held on 3 January, 7 February, 7 March, 4 April, 2 May, 6 June, 4 July, 1 August, 5 September, 3 October, 7 November and 5 December 2011;
 - (b) Auditorium for a reduced fee of \$113.50 being 50% of the full fee of \$227 for the fashion parade to be held on 30 May 2011;
 - (c) Auditorium and South Sea Islander Room for a reduced rate of \$299 being 50% of the full fee of \$598 for the Annual Hospital Fete on 8 October 2011;

- (d) Decline the request for a reduction of fees for the set up of the Annual Hospital Fete on 6 and 7 October 2011;**

and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".

- 3. With reference to the request from Scripture Union Kingscliff Beach Mission, provides the Kingscliff Amenities Hall free of charge for the free school holiday program from 27 December 2010 to 1 January 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".**
- 4. With reference to the request from The Tweed Hospital, North Coast Area Health Service, provides the Tweed Heads Civic Centre free of charge for the Tweed Hospital Remembrance Service on 17 November 2011, and that Council's support is recognised with the following acknowledgement "This programme has been supported by Tweed Shire Council".**

REPORT:

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

Organisation Name	Request	Est \$ Amount of Waiver	Recommendation	Meet Guidelines?
Model United Nations Assembly, Rotary International District 9640	Request fee be reduced for hire of Tweed Heads Civic Centre on 18 and 19 March 2011 for MUNA 2011.	\$196.50	That the hire fee be reduced to \$196 being 50% of the full fee of \$281 plus 50% of the full set-up fee of \$112.	Yes.
United Hospital Auxiliaries of NSW Inc (Tweed Heads Branch)	Request fee be waived and reduced for the hire of the Tweed Heads Civic Centre for 2011 meetings (12), fashion parade on 30 May 2011, set up of Fete on 6 and 7 October and Fete on 8 October 2011.	\$1420.50	That the fee of \$1,008 be waived for the 2010 meetings and that the fee be reduced to \$412.50 being 50% of the full fee of \$825 for fashion parade and Fete. That the request for a reduction in the costs of the set-up of the fete be declined.	Yes.
Scripture Union Kingscliff Beach Mission	Request fee be waived for hire of the Kingscliff Amenities Hall for free school holiday activities from 27 December 2010 to 1 January 2011.	\$624	That the fee of \$624 be waived.	Yes.
The Tweed Hospital, North Coast Area Health Service	Request fee be waived for hire of the Tweed Heads Civic Centre on 17 November 2011 for the Tweed Hospital Remembrance Service.	\$185	That the fee of \$185 be waived.	Yes.

A copy of each of the requests is reproduced below.



Model United Nations Assembly
Rotary International - District 9640
Rotary Year 2010 - 2011



Contact:
District Chairman
Graham HOWIE

6 Suncrest Avenue, ALSTONVILLE NSW 2477
Email: muna@rotary9640.org

Phone: 02 6628 0624
Mobile: 0412 709 935

Monday, 22 November 2010

Mr Gary Corbett
Manager, Community & Cultural Services
Tweed Shire Council
PO Box 816
MURWILLUMBAH 2484

Dear Mr Corbett

RE: Rotary District 9640 Model United Nations Assembly (MUNA), 2011

I have confirmed with David Martain a booking for MUNA 2011 which will take place at the Tweed Heads Civic Centre on Saturday 19th March, 2011. I have also discussed with David the fact that the set-up of MUNA will take place on the Friday afternoon, 18th March.

Last year, the Council charged our Committee an amount of \$180.00 for rent. The Committee appreciates your Council's generous consideration by charging this nominal fee. We would be most grateful if the Council could consider a similar charge for next year's activity.

The Council's consideration in this matter and a Tax Invoice for the rent for MUNA 2011 would be appreciated so I can forward it to our District Treasurer for payment.

Thank you again for your continued sponsorship in this Rotary programme. We truly appreciated the Council's on-going support in assisting us to conduct MUNA over the past few years.

Yours sincerely

Graham Howie
District Chairman
Rotary District 9640 MUNA 2011 Committee

COMMUNICATIONS
GIVE CIB - TH - MUE
TWEED SHIRE COUNCIL
TEL: 07 6628 0624
FAX: 07 6628 0624
DATE: 23 NOV 2010
INITIALS: [] []
[] []

(P.M.C.H.S.)



United Hospital Auxiliaries of N.S.W. INC.

(Tweed Heads Branch)

*"Let us Hold High the
Lamp of Service for
the Welfare of our
Hospitals."*

P.O. Box 1067,
Tweed Heads 2485
Phone: (07)

Mr Gary Corbett
Manager Community & Cultural Services
Tweed Shire Council
P.O. Box 816
MURWILLUMBAH NSW 2484

DONATIONS

TWEED SHIRE COUNCIL

FILE No: *CIVIC CENTRE - TH - HIRE*

DOC. No:

RECD: 24 NOV 2010

ASSIGNED TO: *MCLEAN, A*

HARD COPY IMAGE

(A, MC & CS)

Dear Mr Corbett,

I wish to confirm bookings at the Tweed Heads Civic Centre for 2011 made with David Martain

South Sea Islander Room (including kitchen)

- Monday 3 January
- " 7 February,
- " 7 March,
- " 4 April,
- " 2 May,
- " 6 June,
- " 4 July,
- " 1 August,
- " 5 September,
- " 3 October,
- " 7 November,
- " 5 December

Auditorium

- Monday 30 May - Fashion Parade
- Auditorium, South Sea Islander Room, etc
- Thursday 6 & Friday 7 October - setting up for Fete
- Saturday 8 October - Annual Fete.

Window in the Library

September - to advertise Fete.

Our members are grateful for Council's approval to use the South Sea Islander room for our meetings at no charge. We would be obliged if we could have the Auditorium for the Fashion Parade and the Auditorium, South Sea Islander room, etc., for our Fete at a reduced rate as in previous years.

The flyers for the fashion parade & fete will contain the acknowledgement "The programme has been supported by the Tweed Shire Council "

We appreciate the assistance that David Martain gives to us at all times.

Yours sincerely



Elva Wenban
Secretary
Ph: 0755249839

President: Jan Tobin
Treasurer: Helen Boddington

19th November 2010

DONATIONS:

TWEED SHIRE COUNCIL	
FILE No:	HALL-KINGSCLIFF
BOOK No:	
DATE:	9 DEC 2010
ASSIGNED TO:	MCLEAN, A
HAIR COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>

10/12/10

Dear Sir/Madam,

I write to you in regards to fees that apply to the use of the amenities hall at Kingscliff. For nearly 60 years Scripture Union has run a free children's holiday program in the Kingscliff area over the Christmas break. For the last couple of years we have had the privilege of using the facilities in the amenities hall. Scripture Union is a not for profit organization and the leaders that organise and run the programs are all volunteers, there to serve the community.

We appreciate the support given from council in past years through the waiver of fees associated with the hire of the council hall at Kingscliff.

I have been in contact with the owners of the holiday park next to the hall and have booked the hall for the dates of 27th December, 2010 to the 1st of January, 2011 for the hours of 8 am-12 noon, and 6 pm-9 pm, each day. I am requesting that the fees be waived for the hire of the hall on these dates.

Yours faithfully,

Rachel Kickbusch
Director SU Kingscliff Beach Mission
0402 656 989
rachelk@kickbuschmission.com

1/16-18 Georgina Street
Woody Point, QLD, 4019



**NORTH COAST
AREA HEALTH SERVICE
NSW HEALTH**

The Tweed Hospital
16/18 Powell Street Tweed Heads NSW 2485
Phone: (07) 5536 1133 Fax: (07) 5506 7411

CSO2010/003
DH:se

REMEMBRANCE DAY.
DONATIONS

CIVIC CENTRE - TWEED HEADS - HIRE

TWEED SHIRE COUNCIL
FILE No: APPRECIATION
DOC. No:
REC'D: -2 DEC 2010
ASSIGNED TO: MCLEAN/A
HARD COPY <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

25 November 2010

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

Dear Sir

I write to thank you for the use of the Civic Centre for The Tweed Hospital Remembrance Service which was held on Thursday 18th November 2010. Once again the event was very inspiring with approximately 150 people in attendance.

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

The Tweed Hospital Chaplaincy Service is currently arranging to conduct the 2011 Remembrance Service which is scheduled to be held on Thursday 17th November 2011 and request that council once again waive fees for the use of the Civic Centre Auditorium.

Your consideration of my request would be greatly appreciated.

Yours sincerely

Denise Harris
Acting Director of Nursing & Midwifery Services
The Tweed / Byron Network

North Coast Area Health Service
Locked Bag 11 Lismore NSW 2480
Tel (02) 6620 2100 Fax (02) 6621 7088
Website www.ncahs.nsw.gov.au
ABN 37 940 606 483

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

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

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

POLICY IMPLICATIONS:

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

Festivals Policy.

Donations Policy.

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (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.

THIS PAGE IS BLANK

7 [CNR-CM] International Women's Day - Acceptance of Grant

ORIGIN:

Community and Cultural Services

SUMMARY OF REPORT:

International Women's Day ("IWD") is celebrated across the world each year on 8 March. The day provides an opportunity for the community to recognise the achievements of women and their contribution to society. On this day, women can celebrate the progress that has been made but also contemplate those areas of women's lives where true equality has not yet been achieved.

The Office for Women's Policy 2011 IWD Grants encourages local Councils to organise an event in partnership with community organisations that provide opportunities for women to participate in and celebrate IWD. The United Nations theme for the 2011 International Women's Day is "Celebrating 100 Years."

Each year Council's Community and Cultural Services Unit develop and facilitate a partnership with a local Community Organisation or Non Government Organisation to deliver an event targeted at a specific demographic. This year the event will be run in partnership with Tweed Valley Respite Service, a not-for-profit community group. A planning committee has been formed to oversee the celebration and facilitate the event.

An event will be held on 8 March 2011 in Murwillumbah focusing on all women and celebrating their strengths, creativity, diversity and the changing role of women over the past 100 years.

RECOMMENDATION:

That Council:

- 1. Accepts the International Women's Day Grant of \$1,000 from The Office of Women's Policy, Premier and Cabinet for the International Women's Day event on 8 March 2011.**
- 2. Completes the relevant documentation and votes the expenditure.**

REPORT:

International Women's Day ("IWD") is celebrated across the world each year on 8 March. The day provides an opportunity for the community to recognise the achievements of women and their contribution to society. On this day, women can celebrate the progress that has been made but also contemplate those areas of women's lives where true equality has not yet been achieved.

The Office for Women's Policy 2011 IWD Grants encourages local Councils to organise an event in partnership with community organisations that provide opportunities for women to participate in and celebrate IWD. The United Nations theme for the 2011 International Women's Day is "Celebrating 100 Years."

A grant to a maximum of \$1,000 (+GST) is available for community events and programs such as conferences, forums, awards and competitions to acknowledge and celebrate International Women's Day. Funding for 2011 IWD Grants is only available to NSW Local Government Councils.

Each year Council's Community and Cultural Services Unit develop and facilitate a partnership with a local Community Organisation or Non Government Organisation to deliver an event targeted at a specific demographic. This year the event will be run in partnership with Tweed Valley Respite Service, a not-for-profit community group. A planning committee has been formed to oversee the celebration and facilitate the event.

An event will be held on 8 March 2011 in Murwillumbah focusing on all women and celebrating their strengths, creativity, diversity and the changing role of women over the past 100 years.

2011 celebrations will be an all inclusive, multigenerational event; consisting of a traditional high tea. During the high tea, local women from many aspects of the community will enjoy a slide show of images of women through the decades, both locally and nationally. There will also be a procession of fashion throughout the decades as well as art works and posters celebrating women over the past 100 years, and their changing roles. The celebration will conclude with an awards ceremony, with nominations being taken for clients, volunteers, carers and staff who continue to make a difference in the community and may otherwise be unrecognised for their hard work.

The event will be of benefit to all women in the community but of particular benefit to women living with a disability, frail aged women, women affected by Dementia, their carers, volunteers and staff of Tweed Valley Respite Service. Resources/information for women will be distributed on the day and benefit the recipients. An evaluation of the event will be prepared based on the number of attendees and their feedback in relation to the event in accordance with the condition of funding; a funding report will be provided to the Office for Women's Policy by 31 March 2011.

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.

THIS PAGE IS BLANK

8 [CNR-CM] Waiving of Disposal Fees - Cudgen Headland Surf Life Saving Club

ORIGIN:

Waste

SUMMARY OF REPORT:

The Cudgen Headland Surf Life Saving Club will be hosting the 2011 NSW State Surf Life Saving Championships over seven days in March 2011. A request has been received from Cudgen Headland Surf Life Saving Club to waive the rubbish disposal fees for waste and litter materials collected over the carnival. The request does not align with Council's Waiving of Disposal Fees Policy, which allows Council Officers to waive disposal fees on request to not for profit organisations requiring disposal of unwanted second hand goods or community organisations undertaking community restoration or clean up programs. It is estimated that the value of this request is approximately \$3500 (based on five tonnes per day over seven days).

As Council is the major contributor and sponsor of this event, and as this fee waiver incurs a minimal direct cost for Council, it is considered reasonable to waive the landfill fees on this occasion.

RECOMMENDATION:

That Council approves the request from the Cudgen Headland Surf Life Saving Club to waive disposal fees during the NSW State Surf Lifesaving Championships subject to the carnival being a waste wise event.

REPORT:

The Cudgen Headland Surf Life Saving Club will be hosting the 2011 NSW State Surf Life Saving Championships over seven days in March 2011. A request has been received from Cudgen Headland Surf Life Saving Club to waive the rubbish disposal fees for waste and litter materials collected over the carnival. The request does not align with Council's Waiving of Disposal Fees Policy, which allows Council Officers to waive disposal fees on request to not for profit organisations requiring disposal of unwanted second hand goods or community organisations undertaking community restoration or clean up programs. It is estimated that the value of this request is approximately \$3500 (based on five tonnes per day over seven days).

As Council is the major contributor and sponsor of this event, and as this fee waiver incurs a minimal direct cost for Council, it is considered reasonable to waive the landfill fees on this occasion.

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.

9 [CNR-CM] 2009-2010 Annual Report North East Waste Forum

ORIGIN:

Waste

SUMMARY OF REPORT:

Council was a Member Council of North East Waste Forum (NEWF) in 2009/2010 financial year. In accordance with the Memorandum of Agreement, the Forum produces an Annual Report for the Member Council's. The Annual Report outlines the projects delivered, performance against objectives, and a financial statement.

RECOMMENDATION:

That the 2009/2010 North East Waste Forum Report be received and noted.

REPORT:

Council was a Member Council of NEWF in 2009/2010 financial year. In accordance with the Memorandum of Agreement, the Forum produces an Annual Report for the Member Council's. The Annual Report outlines the projects delivered, performance against objectives, and a financial statement.

Key outcomes for the NEWF Member Councils contained in the report include:

- 194 tonnes of electronic waste collected for recycling;
- Establishment of a collection and recycling program for compact fluorescent tubes;
- 17,503kg of household hazardous waste collected for responsible reprocessing or disposal;
- Collection of regional recycling and resource recovery data;
- 242,572 hits on the NEWF website;
- 10 events participated in the Waste Wise Events Program;
- 37 centres participated in the Early Childhood Waste Wise Education Project;
- 14 businesses participated in the Business Waste Reduction Program;
- 14 landfill staff participated in the Landfill Operators Training;
- 32 media articles were published;
- 24 venues experienced the mobile waste wise education performance ("The Greenhouse");
- A new Memorandum of Agreement established an improved governance model; and
- \$215,000 NSW State Government funding to assist NEWF Member Councils in undertaking these programs which meet the objectives of the NSW Waste and Resource Recovery Strategy.

A 2010/2011 Annual Operation Plan commenced on 1 July 2010 to coincide with the new Memorandum of Agreement coming into effect, and the Tweed Shire Council taking on Host Council status. The Annual Operational Plan aims to further improve regional recycling and efficiencies in waste management.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Council commits \$45,496.45 as a Member Council contribution to NEWF, funded from the waste management budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (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. NEWF Annual Report 2009/2010 (ECM 26039265)
-

THIS PAGE IS BLANK

10 [CNR-CM] Contract EC2009-115 Tyalgum Water Treatment Plant Upgrade

ORIGIN:

Water

SUMMARY OF REPORT:

This report outlines the tender for Contract EC2009-115 Tyalgum Water Treatment Plant Upgrade.

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

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 declines to accept any of the Tenders received for EC2009-115 Tyalgum Water Treatment Plant Upgrade as no tender represents value for money.**
2. **Council enters into direct negotiations, in accordance with the Independent Commission Against Corruption (ICAC) Guidelines, with any person for the internal construction component of the work to ensure project timeframes are met and to provide best value for money.**
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:

Background

Tyalgum village is currently served with drinking water from the Tyalgum Water Treatment Plant (WTP). The Tyalgum water supply was installed in the 1960's and the system extracts water from the Tyalgum Weir Pool, an integral part of Tyalgum Creek.

The weir pool has a usable storage capacity of 7.5 ML. The water drawn from the pool undergoes coarse filtration at the extraction point and is then disinfected using sodium hypochlorite solution. No other form of treatment is provided. The existing reticulation system currently services a population of 220 people. The average annual water extraction from the weir pool is 32 ML/a.

It has been identified that improved water treatment processes are required to ensure that potable water supply will meet the requirements of the Australian Drinking Water Guidelines.

During the period 2002/2003, the village was placed on severe water restrictions for a period of 25 weeks, when the Tyalgum Creek stopped flowing. During this period, potable water was carted 24 km from Murwillumbah to Tyalgum, at significant cost.

To ensure that supply of potable water to Tyalgum Village will meet Australian Drinking Water Guideline requirements and to reduce the requirement to cart potable water to the village during dry periods, it is proposed to construct a new water treatment plant.

Tyalgum Water Treatment Plant Upgrade

At a meeting on 20 July 2010 Council accepted the following four contractors for inclusion on the tender panel for the upgrading of the Tyalgum Water Treatment Plant: -

- Aquatec-Maxcon Pty Ltd
- Haulton Constructions (Aust) Pty Ltd
- Pall Australia Pty Ltd
- Veolia Water Solutions and Technologies (Australia) Pty Ltd

These contractors were invited to submit a tender to complete works for EC2009-115. The Tender period closed on 24 November 2010.

The tender evaluation was conducted by Council's Tender Evaluation Panel, consisting of Water and Sewerage Capital Works Engineer, Senior Contracts Engineer and Contracts Engineer. A summary of the tender evaluation process and outcomes is included in CONFIDENTIAL ATTACHMENT A.

The tender prices received were substantially above the estimated budget for the work. Assessment of the tenders received has indicated the prices tendered do not represent good value for money.

On this basis, and consistent with Local Government Regulation 2005 Clause 178, it is recommended that Council declines to accept any of the tenders, that the tendering process for EC2009-115 be closed and tenderers notified of Council's decision advising that the tenders do not represent value for money.

It is now proposed to complete direct negotiations with a party or person/s to redefine the scope of works with the aim of providing efficiencies and cost-savings to Council. This may be achieved through Council directly completing some discrete components of work.

A direct negotiation process has been chosen rather than re-inviting fresh tenders or applications to ensure the process produces high quality outcomes and the best value for money.

Direct negotiations shall be undertaken in accordance with Independent Commission Against Corruption (ICAC) guidelines as required by the Local Government Regulation 2005.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. **Confidential Attachment A** - Supplementary Information in relation to the Tender EC2009-115 Tyalgum Water Treatment Plant Upgrade (ECM 26766364)
-

THIS PAGE IS BLANK

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

11 [EO-CM] Floodplain Management Authorities Conference 2013

ORIGIN:

Planning and Infrastructure

SUMMARY OF REPORT:

The Floodplain Management Authorities of NSW (FMA) are contemplating a National Conference in 2013 and have suggested that Tweed Shire would be an ideal venue due to its available conference facilities and its proximity to an international airport at Coolangatta.

This report seeks direction from Council regarding its willingness or otherwise to host this conference and provide the necessary budget and staff resources.

RECOMMENDATION:

That Council makes application to host the Floodplain Management Authorities Conference in 2013 and, if successful, provide an initial allocation of \$100,000 in the 2011/2012 budget with further provision for income and expenditure in the 2012/2013 budget.

REPORT:

Council is an active member of the Floodplain Management Authorities of NSW (FMA) which provides an effective network for sharing floodplain management expertise with fellow practitioners and obtaining guidance from the state and federal government funding agencies.

Each year, an annual conference is hosted by one of the member Councils and future conference venues are selected 2 years ahead at each conference.

The FMA is considering holding a “National” conference to be held in 2013 where delegates will be invited from all over Australia and overseas.

Tweed Shire has a number of suitable conference venues and has the advantage of proximity to Coolangatta airport with direct flights interstate and some international routes.

The FMA has raised the idea of Tweed Shire hosting the 2013 conference and it is therefore open for Council to consider nominating.

If Council is of a mind to nominate as host for the 2013 conference, an application will need to be submitted prior to the next FMA Annual Conference in February 2011.

The conference usually attracts approximately 300 delegates and also provides a separate program for delegate’s partners. It is not possible to measure the financial advantage to the local economy but it is likely to be reasonably beneficial for our tourist industry and provide some positive publicity for Council.

The most recent conference was hosted by Gosford City Council in 2011 and the income and expenditure was as follows:-

Total Income:	\$283,589
Total Expenditure:	\$295,747
Net Deficit:	\$ 12,158

Most recent conference hosts have engaged conference consultants to manage the organisation and administration. (The above figures include this cost)

The conference work load has grown significantly over the years and a “national” conference would be more demanding on staff resources. Therefore Tweed Shire would also need to engage consultants to assist in the organisation of the conference if its nomination is successful.

With careful management it is envisaged that a similar financial result to that experienced at Gosford would be achieved, if Tweed Shire is appointed as conference host for 2013.

Project Description

The conference organisation and administration involves a range of issues such as :-

1. Report to Council to obtain budget commitment
2. Preparing a presentation to bid for the conference
3. Familiarisation with FMA Conference Manual requirements
4. Formation of conference committee
5. Decision/engagement of conference consultants
6. Investigate conference venue options and negotiate hiring costs, catering, etc. and select venue
7. Obtain quotes for audio visual technology (microphones/projectors/etc) and engage
8. Reserve sufficient accommodation for delegates over range of prices
9. Search for suitable Master of Ceremonies
10. Seek suitable entertainment for conference dinner etc
11. Investigate and arrange suitable technical tours
12. Negotiate and arrange transport
13. Seek and arrange keynote speakers
14. Arrange flights/accommodation/etc for keynote speakers
15. Arrange conference satchel and inclusions
16. Arrange gifts for presenters
17. Arrange Minister for official opening
18. Seek sponsors
19. Arrange/negotiate booth exhibitors
20. Call for conference papers
21. Read and select conference papers
22. Arrange conference sessions and "group" papers for each session
23. Arrange session Chairpersons
24. Customer Relations
25. Accounting and payments
26. Advertising and promotion
27. Prepare progress reports and attend each FMA meeting in Sydney
28. Brochure design and printing/distribution
29. Website design and registration facility
30. Investigate and arrange program for accompanying persons (tours, transport, catering, shopping, gifts, and coordination with conference social program)
31. Upload conference papers to website after conference.
32. Prepare financial statements following conference
33. Prepare and submit report to FMA following conference
34. Report to Council
35. Approve "Time in lieu" leave for all Council staff working overtime during the organisation and running of the conference

Whilst the above summary represents a considerable workload, Council has the resources to achieve the high standard required in a professional manner.

The conference is a major event and it requires a firm commitment from Council to ensure its success

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

LEGAL:

Nil

RESOURCE:

Council staff will be required to organise and oversee much of the preparation for the conference, even with the assistance of conference consultants.

These staff resources will be drawn primarily from the Engineering and Operations Division (Planning and Infrastructure Unit) as well as the Communications and Marketing Unit (Events). This could require significant reallocation of staff resources, particularly in the immediate lead up to the event.

However the workload is manageable barring staff shortages through unforeseen circumstances.

FINANCIAL:

Based on the experience of other host Councils, the net result at the end of the project is likely to be a deficit of approximately \$10,000 to \$20,000.

However, every effort will be made to secure a "break even" or small profit result.

Most of the income is only received shortly before the conference through delegates' registrations and sponsorships.

Most of the expenditure will occur during and after the conference when final payments are made to caterers and the many other service providers.

Some expenditure will be necessary ahead of 2013 for advertising, payment of deposits, progress payments to conference consultants, lease of a conference promotion booth at the 2012 conference, etc.

It will therefore be necessary to allocate funds in the 2011/2012 budget to enable these payments with a further allocation in the 2012/2013 budget to provide the cash flow ahead of receiving the anticipated income.

An amount of \$100,000 would be appropriate in the 2011/2012 budget and the final allocation for the 2012/2013 financial year should be determined in the light of progress at that stage.

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.

THIS PAGE IS BLANK

12 [EO-CM] Naming of a Council Public Road - Banora Point

ORIGIN:

Design

FILE NO: GS5/1 Pt6

SUMMARY OF REPORT:

A written request has been received seeking to name the road which runs from Lochlomond Drive to Terranora Road at Banora Point near Buncrana Terrace and Kerry Court (see following Plan).

Recently Australia Post contacted Council regarding the ambiguity of a property address which is located on this unnamed road reserve. The relevant property has frontage to Lochlomond Drive, however the steep topography prevents access from this street and the property is accessed from Terranora Road thus causing confusion to the postal delivery services.

The property owner has suggested the name O'Sullivan Drive. The name is derived from the O'Sullivan family and in particular to the owners late grandfather Timothy O'Sullivan who along with his three brothers, was a pioneer of the area at the end of the nineteenth century.

It is recommended that Council publicises its intention to name the road which runs from Lochlomond Drive to Terranora Road at Banora Point as "**O'Sullivan Drive**".

RECOMMENDATION:

That Council:

- 1. Publicises its intention to name the road which runs from Lochlomond Drive to Terranora Road at Banora Point as "O'Sullivan Drive" allowing one month for submissions or objections to the proposal;**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.**

REPORT:

A written request has been received seeking to name the road which runs from Lochlomond Drive to Terranora Road at Banora Point near Buncrana Terrace and Kerry Court (see following Plan).

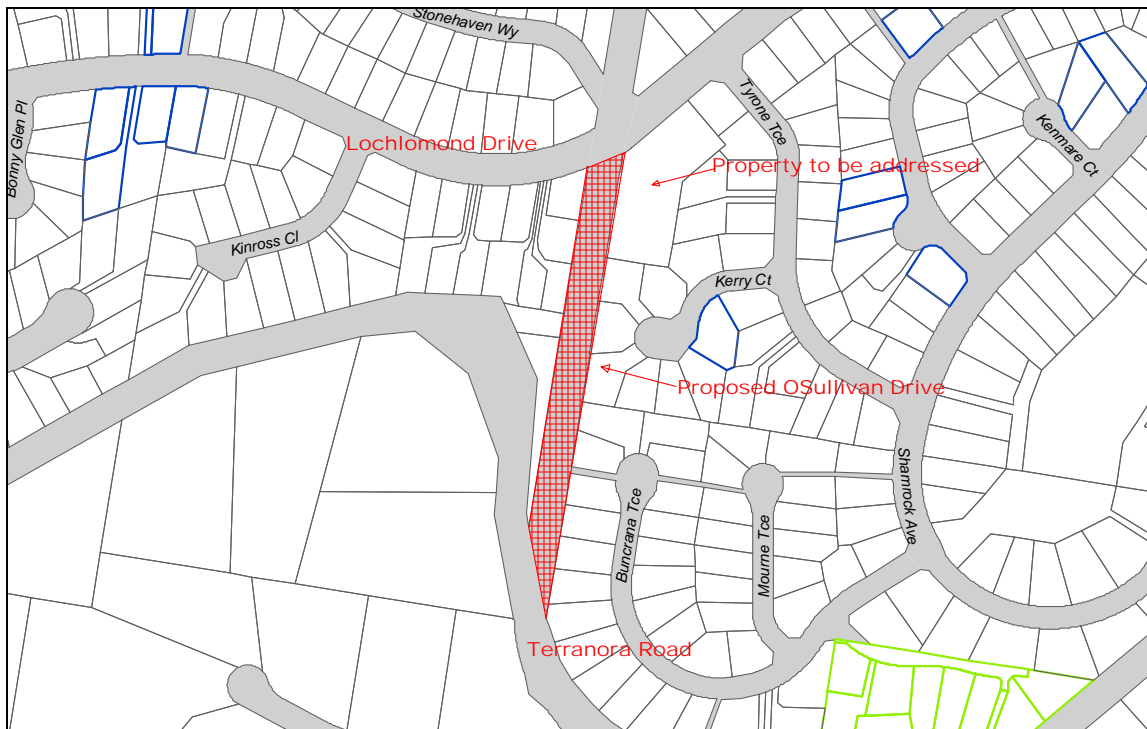
Recently Australia Post contacted Council regarding the ambiguity of a property address which is located on this unnamed road reserve. The relevant property has frontage to Lochlomond Drive, however the steep topography prevents access from this street and the property is accessed from Terranora Road thus causing confusion to the postal delivery services. The owner of the property was contacted by Council in this regard and was provided with the option of an address off Lochlomond Drive or as an alternative naming the road reserve and being addressed from the new road name. The option of naming the road was more practical in this instance and the owner has suggested the name O'Sullivan Drive.

The name is derived from the O'Sullivan family and in particular to the owners late grandfather Timothy O'Sullivan who along with his three brothers, was a pioneer of the area at the end of the nineteenth century. The property in question is the site of the third farmhouse built on what was then the family property known as Clonakilty, named in salute to the bay in County Cork, Ireland, from whence the O'Sullivan boys came to settle on the Tweed. There is already a road within Banora Point that has been named Clonakilty Drive. At the time the property stretched from the Old Banora Point Public School (near the current SES headquarters) and the road in question, and was bound to the east by a swamp that is now the site of the present golf course. It has since been subdivided and the residue of the original land grant is located within the road proposed to be named and still owned by the descendant of Timothy O'Sullivan.

The naming of the road does not incur Council responsibility for maintenance or upgrading of what is essentially a long private driveway located within the road reserve.

It is recommended that Council publicises its intention to name the road which runs from Lochlomond Drive to Terranora Road at Banora Point as "**O'Sullivan Drive**".

Below is a plan showing the road proposed to be named "O'Sullivan Drive".



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.

THIS PAGE IS BLANK

13 [EO-CM] Road Naming - Piggabeen Bypass, Tweed Heads West

ORIGIN:

Design

SUMMARY OF REPORT:

Council has recently completed the construction of the Piggabeen Bypass at Tweed Heads West. The bypass road was constructed to reduce the volume of traffic away from residential properties and extends for a length of 1.4km. It is now necessary to name the bypass road for identification purposes. This will not affect any residential addresses.

During the construction of the bypass a shell midden was exposed at the junction of Piggabeen Road and Anconia Avenue and was recognised by the members of the local Aboriginal community.

Traditional owner representatives of the area indicated that the Piggabeen Road midden site is culturally significant as it is a tangible link to the past and confirms the importance of this area in traditional times. Bearing this in mind Council considered that the local Aboriginal community should be included in all aspects of the investigation, artefact interment and road naming.

The Aboriginal Advisory Committee, after consultation with the local aboriginal community, have proposed that the road be named **Tulgi Way** (pronounced Tul-gai) in recognition of the traditional people and the cultural significance of the area.

Tulgi is derived from the name Tul-gi-gin which is the name for the traditional aboriginal people who lived along the North Arm of the Tweed River. The Ridgeland of Anconia Avenue was a gathering place of the Tul-gi-gin people who are members of the Nganduwal Language Group of the Bundjalung Nation.

It is recommended that Council publicises its intention to name the newly formed Piggabeen bypass road at Tweed Heads West as **“Tulgi Way”**.

RECOMMENDATION:

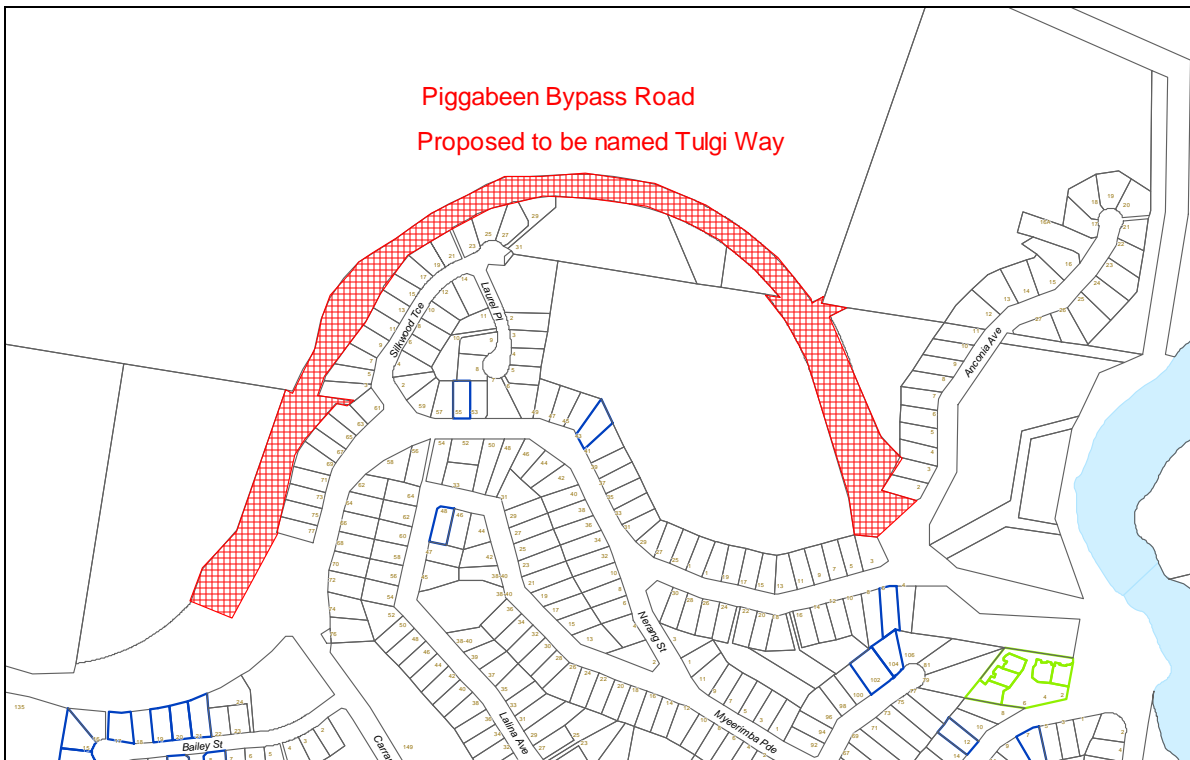
That Council:

- 1. Publicises its intention to name the newly formed Piggabeen bypass road at Tweed Heads West as “Tulgi Way” allowing one month for submissions or objections to the proposal;**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.**

REPORT:

Council has recently completed the construction of the Piggabeen Bypass at Tweed Heads West. The bypass road was constructed to reduce the volume of traffic away from residential properties and extends for a length of 1.4km. It is now necessary to name the bypass road for identification purposes, this will not affect any residential addresses.

The plan below shows the extent of the bypass which is to be named:



During the construction of the bypass a shell midden was exposed at the junction of Piggabeen Road and Anconia Avenue and was recognised by the members of the local Aboriginal community. The midden was reported to the NSW National Parks and Wildlife Service and Council commissioned a detailed field investigation to determine the cultural significance of the site.

The site was assessed as a small Aboriginal shell midden, the deposit of which most probably represents a single ephemeral event, possibly a single meal for a small group of Aboriginal people who carried a collection of shell fish to a high cool spot away from the mosquitoes and overlooking the estuary below.

The shell dates suggest the midden was created during the early to mid 17th century and therefore predates the European discovery of eastern Australia. The dates confirm that in traditional times the “old people” were utilising and exploiting the resources in the Cobaki Broadwater and Terranora Creek area, where numerous other midden sites have been located.

Traditional owner representatives of the area indicated that the Piggabeen Road midden site is culturally significant as it is a tangible link to the past and confirms the importance of this area in traditional times. Bearing this in mind Council considered that the local Aboriginal

community should be included in all aspects of the investigation, artefact interment and road naming.

The remains of the midden have been interred within a site identified by the local Aboriginal community and thus the only remaining item to be addressed is the naming of the road.

The Aboriginal Advisory Committee, after consultation with the local aboriginal community, have proposed that the road be named **Tulgi Way** (pronounced Tul-gai) in recognition of the traditional people and the cultural significance of the area.

Tulgi is derived from the name Tul-gi-gin which is the name for the traditional aboriginal people who lived along the North Arm of the Tweed River. The Ridgeland of Anconia Avenue was a gathering place of the Tul-gi-gin people who are members of the Nganduwal Language Group of the Bundjalung Nation.

It is recommended that Council publicises its intention to name the newly formed Piggabeen bypass road at Tweed Heads West as "**Tulgi Way**".

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.

THIS PAGE IS BLANK

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

14 [TCS-CM] Update to Recommendations from the Second Report of the Tweed Shire Council Public Inquiry 2005

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Council at its meeting held 14 December 2010 resolved:

"that Council brings forward a report on the recommendations of the Daly Inquiry the implementation of these recommendations and any outstanding issues."

The Minister for Local Government, as a result of the Second Report of the 2005 Tweed Shire Council Public Inquiry, directed recommendations 14, 17 and 21 to Council for consideration and advice. This report provides an update to the Administrator's Minute that was considered by Council on 7 February 2006 where it was resolved:

"that the Tweed Shire Council Public Inquiry - Second Report - Administrators Minute be received and noted and a copy be forwarded to the Minister for Local Government, indicating appropriate actions to Recommendations 14, 17 and 21 from the Tweed Shire Council Public Inquiry Second Report."

A copy of the Administrator's Minute report and correspondence from the Minister for Local Government are an attachment to this report.

RECOMMENDATION:

That Council receives and notes the update to the recommendations from the Second Report of the Tweed Shire Council Public Inquiry 2005.

REPORT:

Council at its meeting held 14 December 2010 resolved:

“that Council brings forward a report on the recommendations of the Daly Inquiry the implementation of these recommendations and any outstanding issues.”

The Minister for Local Government, as a result of the Second Report of the 2005 Tweed Shire Council Public Inquiry, directed recommendations 14, 17 and 21 to Council for consideration and advice. This report provides an update to the Administrator’s Minute that was considered by Council on 7 February 2006 – refer below:

Recommendation 14

That an urgent and widespread review be made of the council’s planning regime including its strategic planning, the Local Environment Plan and the various Development Control Plans to ensure:

- ***that future development occurs in areas that are appropriate to the nature of that development***
- ***that council’s planning regime presents a clear and understandable picture of council’s vision for the future development of the area***
- ***that council’s planning regime is both coherent, equitable and resilient***
- ***that conditions of consent are able to give effect to councils intentions and are enforceable***

Council has made significant improvements and progress in its strategic planning since the time of and the recommendations emanating from the 2005 Public Inquiry.

Planning Reforms Unit

A key action has been the formation of the Planning Reforms Unit within the Planning and Regulation Division in 2006. The principle aim of the Unit was to implement the new “template” LEP format through a comprehensive review of the Tweed LEP, but its role has since expanded to managing most facets of strategic land-use policy development, with exception of Section 94 planning, which is managed by Council’s Engineering and Operations Division.

The Unit’s policy functions include:

- LEPs,
- DCPs,
- Locality Planning,
- High order strategic land-use policy planning and
- Strategic land-use strategies

Council’s current strategic planning approach aligns with the NSW Government’s direction on responsible and sustainable growth management for the Tweed Shire that best serves the interests and needs of the present communities without compromising its ability to meet future needs, particularly through the under utilisation of land.

Extensive policy direction is provided at the State level through policies including the Far North Coast Regional Strategy, Settlement Planning Guidelines, the North Coast Regional Environmental Plan, Coastal Policy 1997 and Coastal Design Guidelines, that provide the area of Tweed with a Regional context and assist in directing the management of natural and built environments, and the growth of coastal villages, towns and rural hinterlands. The current strategic policy planning has taken the principles and objectives of these Policies and combined them with a bottom-up policy planning approach that has embraced community consultation and input to deliver a suite of strategies that relate specifically to the Tweed Shire.

Council's strategic and forward planning framework is also dependant on a clear link between the vision and actionable items in *Tweed Futures 4/24* and the current place based and long-term strategy planning being undertaken.

The Tweed Urban Land Release Strategy and Employment Land Release Strategy 2009 was adopted by Council on 17 March 2009, and is a significant component of the Council's overarching strategic policy framework and its recent adoption will significantly improve Council's ability to respond and manage the increasing demand for greenfield release of valuable and scarce land. These Strategies will be further underpinned by several key future planning projects that will be aimed at maximising social, economic, housing and infrastructure sustainability opportunities, and environmental and natural resource protection.

A more coherent, consolidated package of planning policy controls was achieved through the adoption of the Tweed Development Control Plan 2008, including a greatly enhanced and contemporary set of controls for residential development (Section A1).

Locality based controls for Cabarita Bogangar, Murwillumbah, Pottsville and Hastings Point have also been delivered through the Planning Reforms Unit program.

Council wide Local Environmental Plan

In terms of a new Council wide LEP, the following actions have been taken since 2006:

31 March 2006

The Standard Instrument Order (Local Environmental Plans) 2006 took effect, requiring all NSW Councils to prepare new Council wide LEPs in a Standard LEP Template format.

19 August 2006

Department of Planning letter to Council – agreement that the Tweed LEP is to be prepared in two stages.

Stage 1 – a new Draft LEP to be prepared in the format of the new Standard LEP Template, predominantly a roll-over of Tweed LEP 2000 controls, with the exception of the implementation of Draft Tweed LEP No. 21 (Tweed Vegetation Management Plan), as well as more recent locality based planning controls for Murwillumbah and Cabarita.

Stage 2 – a concurrent Draft LEP to address more detailed strategic issues generated through Council's Urban and Employment Lands Release, Rural Lands, and Tweed Vegetation Management Strategies.

It was also agreed that the NSW Department of Planning (DoP) would prepare a stand-alone LEP for the Tweed Heads CBD, to advance the initiatives of the Tweed Heads Masterplan.

16 October 2007

A draft Stage 1 LEP was forwarded to the DoP by Council officers to seek Section 65 Certification to publicly exhibit the draft LEP.

7 August 2008

The DoP wrote to Council and issued a conditional Section 65 Certificate enabling Council to publicly exhibit the Draft Stage 1 LEP, following the finalisation of a series of "Outstanding Matters".

8 December 2009

A revised s 65 certificate was issued on the basis of the current Draft Plan.

27 January 2009

Council endorsed the co-exhibition of the Draft Tweed LEP 2010 and the Draft Tweed City Centre LEP (also Draft DCP and Vision document).

February to 31 March 2010

Public exhibition period of the Draft Tweed LEP 2010 and the Draft Tweed City Centre LEP (also Draft DCP and Vision document).

31 March to 30 April 2010

Extended public exhibition period following Council support for a Mayoral Minute at Council's Meeting of 16 March 2010.

Council officers are now working closely with the Department of Planning to resolve a number of complex environmental, legal and planning issues, and are aiming for a gazettal of both major LEP's by the end of 2011.

Council's Engineering and Operations Division has also been implementing the major legislative reform relating to Section 94 developer contributions, and completed an extensive update of all its existing contributions plans in 2010.

Recommendation 17

The Council must urgently undergo a process of implementing identified and enforceable controls on the SALT development, probably through the adoption of a master plan supported by DCP.

No further updated required as the response provided in the Administrator's Minute of 7 February 2006 covered the terms of the recommendation.

Recommendation 21

1. ***That Council's Administrators give consideration whether Stacks/Northern Rivers has carried out its retainer to represent council's interests at the Public Inquiry.***
2. ***That the Council's Administrators give consideration whether Stacks/Northern Rivers has breached its retainer to represent council's interests at the Public Inquiry and, if so, whether it should seek tenders for the provision of legal services from another or other legal firms.***

A direct result of this recommendation was that the Administrators reviewed the provision of legal services with the outcome being tenders were invited during June 2006 for a panel of Legal Service Providers, in two categories for a period of three years. The initial panel were appointed by Council resolution in August 2006.

At the Council meeting of 15 September 2009, Tender AC2009-073 – Provision of Legal Services for a three year period commencing 15 September 2009 was considered with the following outcome:

RESOLVED that Council in accordance with Tender AC2009-073:

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

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

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

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

3. *Appoints Stacks – The Law Firm to conduct appropriate Local and District Court matters.*

Regular Legal Services Reports are considered and reviewed by Council and the allocation of matters within the categories is working well for Council.

Council Enhancements from Other Recommendations

As well as providing comment on the three specific recommendations referred by the Minister, Council also took the opportunity to review the following recommendations:

Recommendation 5 (4)

Revising s.10 and s.366 of the Local Government Act 1993 to ensure that councils provide open and transparent governance systems where closed meetings and extraordinary meetings are used to a minimum.

The method of reporting tenders to Council has been amended to provide for a report in the ordinary agenda with a confidential attachment disclosing the financial aspects of the tenders, rather than the complete report being considered in Confidential Committee as was the previous practice. This change process has worked well for Council.

Extraordinary meetings are also kept to a minimum and only called, when deemed necessary in accordance with the applicable clauses of the Code of Meeting Practice.

Recommendation 5 (5)

Requiring councillors to report to council on meetings with special interest groups, such as proponents of development, including written records of what was discussed at the meetings.

This recommendation was considered by Council and the following enhancement to the Model Code of Conduct is a direct outcome of this recommendation.

Meetings with Developers and Consultants

9.9 All Council Officials must record details of all meetings relating to development applications or sale of Council Property, which take place with Developers and Consultants involved on the appropriate form (file note) or electronic record and forwarded to other councillors and appropriate staff. The record will include information on any meetings with persons who may want to develop or have other matters that should be reported to Council, excluding general and counter enquiries. The appropriate form must be registered in Council's Corporate Records Management system within five (5) days of the meeting.

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. Administrator's Minute dated 7 February 2006 (ECM 1340505)
 2. Letter dated 8 September 2005 from Minister for Local Government (ECM 1269122)
-

15 [TCS-CM] Procurement Policy Version 1.3

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

A review of Council's Procurement Policy (Version 1.2) has been undertaken by Council's Executive and Corporate Management Teams. The suggested changes are based on Tendering Guidelines for NSW Local Government, amendments to the Local Government Act 1993 and Independent Commission against Corruption guidelines.

The principal changes are underlined and italicised in Procurement Policy Version 1.3 and include:

- Enhancement of the section – "Business Ethics" to manage lobbying by contractors and suppliers
- Enhancement of the section – "Procurement of Goods and Services"
- A section inserted – "Issue of a Purchase Order"

Other changes reflect reformatting of the Procurement Policy (Version 1.2) to enable a more effective flow of information.

It is recommended that in accordance with Section 160 of the Local Government Act 1993 the draft Procurement Policy (Version 1.3) be placed on public exhibition for 28 days, with a report to be prepared for consideration by Council at the conclusion of the public submission period.

RECOMMENDATION:

That Council, in accordance with Section 160 of the Local Government Act 1993, places the draft Procurement Policy (Version 1.3) on public exhibition for 28 days specifying a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the Council.

REPORT:

A review of Council's Procurement Policy (Version 1.2) has been undertaken by Council's Executive and Corporate Management Teams. The suggested changes are based on Tendering Guidelines for NSW Local Government, amendments to the Local Government Act 1993 and Independent Commission against Corruption guidelines.

The principal changes are underlined and italicised in Procurement Policy Version 1.3 and include:

- Enhancement of the section – “Business Ethics” to manage lobbying by contractors and suppliers

The Independent Commission against Corruption advises that the lobbying of Councillors by tenderers, about the outcome of a tender process is normally NOT permissible. Contractors or Suppliers are not to canvass Councillors or Staff in respect to gaining an advantage over other Contractors or Suppliers for the supply of a good or service to Council.

- Enhancement of the section – “Procurement of Goods and Services”

Council Officers are to ensure that quotations are obtained for the purchase of a good or service.

The need to obtain a quotation is waived where Council has entered into “preferred supplier” arrangements. Similarly, the same waiver applies to arrangements facilitated by Local, State and Federal Governments.

Quotations for the purchase of mobile plant may close at the Tender Box at the Murwillumbah Depot; however the number of invitations required is the same as above.

- A section inserted – “Issue of a Purchase Order

Purchase orders should be raised for the purchase of all goods and services, with exception of telephone, electricity, legal services, and recruitment of casual employees, credit card purchases, licences and software maintenance.

The orders are to be raised prior to the action occurring. It is a requirement of this Policy, that confirmation orders not be raised, except in exceptional circumstances.

In regard to providers who are on preferred supplier arrangements, a purchase order will be raised in accordance with the Procurement Procedures.

The current Procurement Procedure is being reviewed to reflect the changes to the draft Procurement Policy and it is intended to describe in detail the steps that Council Officers should undertake in complying with this Policy, including the requirements of the Code of Conduct.



Policy

Procurement

Version 1.3

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

Division: Technology and Corporate Services
Section: Governance
File Reference:
Historical Reference: Version 1.0 adopted 15 December 2004,
1.1 adopted 19 October 2005, Reviewed
21 July 2009, 1.2 adopted xxxxx

THIS PAGE IS BLANK

Procurement

Objectives

The objectives of Tweed Shire's Procurement Policy are as follows:

- To ensure Council at all times complies with the NSW Local Government Act 1993, the NSW Local Government (General) Regulations 2005 and the Tendering Guidelines for NSW Local Government in relation to the procurement of goods and services;
- To clearly define a procurement framework, responsibilities and procedures for guidance to Council;
- To assist Council in achieving the most advantageous price and purchasing conditions;
- To overcome duplication of effort and research throughout the organisation and at the same time ensure co-operation and understanding from contractors and suppliers by consistent and regular procurement practices;
- To ensure that Council's procurement policies, practices and procedures are best practice and meet the highest level of public accountability.

Legal Requirements

The procurement of goods and services by Council must be in accordance with the Legislative framework that is defined in the NSW Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government.

Local Government Act 1993

Section 55

Details the requirements for tendering.

Section 55A

Details the extended operation of Section 55 to council related activities.

Sections 400B to 400N

Details the provisions pertaining to Public Private Partnerships.

Council entering into a Public Private Partnership (PPP) must now comply with the relevant definitions, guidelines, restrictions, procedures and processes.

The Act defines a PPP as an "arrangement between a council and a private person for the purposes of:

- (a) providing public infrastructure of facilities (being infrastructure or facilities in respect of which the council has an interest, liability or responsibility under the arrangement), or
- (b) delivering services in accordance with the arrangement, or both".

Some arrangements are excluded from the operation of the PPP legislation under Division 7 of Part 13 of the Local Government (General) Regulation 2005.

Local Government (General) Regulation 2005

Clauses 163-179

Details the administration of tenders, including:

- *the prerequisite requirements*
- *submissions*
- *opening of tenders*
- *determinations and*
- *notification of successful tenders.*

Clause 210

Provides for the particular responsibilities of the General Manager

Clause 212

Provides for the authorisation of expenditure

Occupational Health and Safety

When undertaking purchases for goods and services Council Officers must adhere to the requirements of Council's Operational Management System Purchasing Statement (including appendixes 6A and 6B) and the "OHS Purchasing Guidelines" document.

Business Ethics

Council has a Business Ethics Policy which outlines the moral standards which guide the organisation in carrying out its business. It is the morality based structural framework which guides decision making and behaviour by all members of the organisation - in their role.

Council Officers are to inform potential contractors and suppliers of the Business Ethics Policy such as Code of Conduct issues relating to conflicts of interest, gifts and hospitality, and equity and honest dealings. The method of disclosure of the statement principles will be dependant upon the circumstances of the tender or quotation.

Contractors and Suppliers and the employees of the Contractors and Suppliers are expected to comply with the provisions of the Business Ethics Policy.

The Independent Commission against Corruption advises that the lobbying of Councillors by tenderers, about the outcome of a tender process is normally NOT permissible. Council's tender advertisements will contain a statement that Contractors or Suppliers are not to canvas Councillors or Staff in respect to gaining an advantage over other Contractors or Suppliers for the supply of goods and services to Council.

In all Council contracts, there will be a clause inserted to provide for termination of a contract and the payment of damages, if any contract is entered into as a result of a corrupt act such as bribery or other inducements by the Contractor/Supplier or the Contractor/Supplier employees.

Included in new contracts will be a latent conditions clause, which clearly places the onus on a contractor or supplier to inform the Superintendent of Works of the discovery of a latent condition.

Procurement Management Activities

Council's procurement activities must be carried out in accordance with this Procurement Policy and supporting Procedure/s, including the Code of Conduct.

Council Officials are obligated to ensure that all of Council activities involving procurement follow accepted standards of behaviour and ethical principles.

Ethical Behaviour

Council Officers have a responsibility to perform their duties and conduct themselves in a manner, which ensures that they maintain a reputation for fair dealing and that the integrity of the procurement function is beyond reproach.

The following guidelines are provided to assist in satisfying this responsibility.

Fair and Honest Dealing

Council Officers must ensure that prospective contractors and suppliers are afforded equal opportunity to tender/quote for all goods and services required. Impartiality should be maintained at all times so that no action is taken which could evoke criticism of the Council. It is important that Council Officers protect the commercial interests of all existing and potential contractors or suppliers. Disclosures must not be made, other than in the course of official Council business, of information supplied by means of the tender or quotation process.

Confidentiality of commercially sensitive material such as prices, discounts, rebates, profits, manufacturing and product information or other matters which come to notice in the course of official duties, must be maintained at all times in accordance with this Policy and Council's Code of Conduct.

Supplier Contact

Council encourages its officers to research the market to identify new sources of supply for goods/services required by Council and to encourage such sources to tender or quote details of their products/expertise to Council. Only by so doing it can they be sure they are obtaining the best service for Council in all areas.

Conflict of Interest

Council Officers are advised to avoid situations where private interests conflict with their Council procurement duties. This conflict extends to business undertakings by way of contract or purchase agreement with members of the Officer's family or with a firm in which the Officer has a material interest. Officers finding themselves in this situation are required to disclose the details to their Director.

Private interests can be of two types: pecuniary or non-pecuniary

Council's Code of Conduct Clauses 7.5 to 7.20 describe what is a pecuniary or non-pecuniary conflict of interest and how Officers should manage either of the two interests.

Green Procurement

Green procurement refers to the purchase of goods or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products or services may include, but are not limited to, those which contain recycled content, minimise waste, conserve energy or water, and reduce the amount of toxins disposed of or consumed.

Quality Assurance

Quality is an integral and core element in the provision of all goods, services and works. Council encourages contractors and suppliers to have quality assurance accreditation under Australian Standard 3902 or International Standards ISO 9002 for manufacturers and distributors and Australian Standard 3901 or International Standard ISP 9001 for design, manufacture and services.

At the discretion of the actioning council officer, Quality Assurance may be a mandatory condition of the procurement of a good or service.

Value for Money

Council bases procurement decisions on the principle of 'value of money' over the life cycle of products rather than the 'lowest cost' and gives preference to the purchase of environmentally friendly products where they are performance competitive and cost competitive (as described in the Procurement Procedure) with the competing product purchase.

Officers making decisions on the procurement of goods and services must evaluate the following issues in determining the appropriate contractor or supplier of goods and services.

Officers are to ensure the following:

- contractors or suppliers have equal opportunity to clarify what is being sought
- all documentation to suppliers is clear and concise and that it does not contain inconsistencies or is ambiguous
- the performance of prospective contractors or suppliers is investigated to ensure that they could provide a service or product that is value for money
- communicating with contractors/suppliers on their performance and encouraging improvement

Procurement Preference

Council through the provisions of this Policy aims to encourage the development, promotion and growth of business and industry within the Shire boundaries.

Evaluation criteria relating to price, quality, performance, special services, environmental accreditation and other non-price factors must be recognised and taken into consideration in determining the most advantageous tender or quotation for Council acceptance.

In the event of a valuation being equal, Council prefers to purchase Australian made products and services and to purchase them locally.

Council may, by resolution from time to time restrict the buying of goods, works or services from foreign countries.

Procurement of Goods Services

Council Officers are to ensure that to adhere to the provisions of the supporting Procurement Procedures which manage the purchasing of goods and services.

A summation of the Procedures are as follows:

Requirement to obtain a Quotation prior to purchasing

Council officers are to ensure that quotations are obtained for the purchase of a good or service. The criteria governing the number of quotations that must be obtained is described as follows:

- 1. Minimum Quotations Required – procurement of goods & services**
Purchases under **\$ 1,000 (inclusive of GST)**
No quotation necessary

Purchases from **\$1,001 to \$10,000 (inclusive of GST)**
Invite at least two (2) written quotations using market knowledge – (facsimile or email acceptable)

Purchases from **\$10,001 to \$24,999 (inclusive of GST)**
Invite at least three (3) written quotations using market knowledge – facsimile or email acceptable.

Purchases from **\$25,000 to \$149,999 (inclusive of GST)**
Invite at least three (3) written quotations – Documentation is to close in the Tender Box.

The need to obtain a quotation is waived where Council has entered into "preferred supplier" arrangements. Similarly, the same waiver applies to arrangements facilitated by Local, State and Federal Governments.

Quotations for the purchase of mobile plant may close at the Tender Box at the Murwillumbah Depot; however the number of invitations required is the same as above.

- 2. Minimum Quotations Required – Procurement of Construction Activity Works**

Purchases under **\$2,000 (inclusive of GST)**
No quotation necessary

- 2.1 Purchases from **\$2,001 to \$10,000 (inclusive of GST)**
Invite at least two (2) written quotations – facsimile or email acceptable.
- Purchases from **\$10,001 to \$ 24,999 (inclusive of GST)**
Invite at least three (3) written quotations– facsimile or email acceptable.
- Purchases from **\$25,000 to \$149,999 (inclusive of GST)**
Invite at least three (3) written – Documentation is to close in the Tender Box.
- 2.2 Council Officers will consider using the open quotation procedures in circumstances where the market is not widely known or where it appears there will be conflicts of interest, likely allegations or perceptions of corruption or public sensitivity about the process or decision.
- 2.3 Council Officers are to check that goods or services intended for procurement are on State Government Contract before the inviting of quotations is implemented. The results obtained must be benchmarked against the State Government Contract prices.
- 2.4 Quotations are to be requested from persons who are known to Council as suitable contractors or suppliers of goods and services. In order to avoid any suggestion of favouritism or collusion Council Officers are to ensure that the quotations obtained are genuine. If a non-genuine quotation is received, the Council Officer is to refer the non-genuine quotation to their Manager for advice.
- 2.5 Where verbal quotations are required it is to be remembered that such verbal quotations are to be documented by the appropriate Council Officer against the purchase order.

Issue of a Purchase Order

Purchase orders should be raised for the purchase of all goods and services, with exception of telephone, electricity, legal services, recruitment of casual employees, credit card purchases, licences and software maintenance.

The orders are to be raised prior to the action occurring. It is a requirement of this Policy, that confirmation orders not be raised, except in exceptional circumstances.

In regard to providers who are on preferred supplier arrangements, a purchase order will be issued in accordance with the Procurement Procedures.

Exceptional Circumstances Ordering Procedures

The use of these orders should only be limited to:

- emergency works – as outlined in Council's Business Continuity Plan and/or Computer Systems Disaster Recovery Plan.
- breakdown at water or sewerage treatment plants or other Council infrastructure, which exposes Council to a public, staff or environmental safety risk.
- breakdown of major plant with no suitable temporary replacement available.

Contract Administration

Council Officers are to record appropriate information pertaining to each new contract in the Contracts Register – Contract Manager System which is facilitated on Council's Computer Network.

The definition of a contract applicable to the Contract Manager System is:

- with a value of \$150,000 inclusive of GST and over; or
- if the contract is approved by Council with a value of \$150,000 inclusive of GST and over, with exception of annual supply contracts.

However, Council officers may also record in the Contract Manager System information details other contracts not defined above.

Council officers are required to record Class 1, 2 and 3 contracts as defined by the Government Information (Public Access) Act 2009 in Council's Contract Register on the right to information section of Council's internet website.

Disposal of Land or Goods

Council has policies for the disposal of land, plant, equipment and goods. The criteria for the disposal of these assets are contained within Council's Disposal of Land and Disposal of Assets Policies.

Purchasing Delegations

Council officers are able to sign/approve Purchase Requisitions and official Council Orders within the financial limitations as delegated by the General Manager.

Audit of Procurement Policy

An audit of procurement activities will be included in Council's Yearly Internal Audit Plan.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Procurement Policy Version 1.2 be updated to Version 1.3.

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.

16 [TCS-CM] Monthly Investment Report for Period Ending 31 December 2010

ORIGIN:

Financial Services

SUMMARY OF REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

There is a requirement by Council's investment consultant to allow at least 5 working days following the end of the month to provide the statistics for this report. Due to this time constraint there will be an addendum report provided to Council for consideration at its meeting on 18 January 2011.

RECOMMENDATION:

Refer to addendum report.

REPORT:

As per summary.

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.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

17 [SUB-TRRM] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 18 November 2010

Venue:

Coolamon Cultural Centre

Time:

4:15pm

Present:

Cr Barry Longland; Kathryn King (Acting Senior Museum Curator); Max Boyd (Community); Gary Fidler (Community); Sandra Flannery (Community); Faye O'Keeffe (Community); Joan Smith (Tweed Heads Historical Society); Denise Garrick (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Mary Lee Connery (Uki & South Arm Historical Society); Ron Johansen (Murwillumbah Historical Society); Beverley Lee (Murwillumbah Historical Society); Carol Piggott (Observer).

Apologies:

Gary Corbett, Yvonne Waddington.

Minutes of Previous Meeting:

Moved: Joan Smith

Seconded: Mary Lee Connery

RESOLVED that the Minutes of the Tweed River Regional Museum Advisory Committee meeting held Thursday 16 September 2010 be accepted as a true and accurate record of the proceedings of that meeting, with the following amendment: Page 1, Point 3, line 3 should read "Public liability" not "personal liability".

Business Arising:

1. Visit by Kylie Winkworth, museum consultant.

Ms Winkworth has set a tentative date of 14 December 2010 for her visit. She apologised for the delay in sending a proposal regarding her visit, but she hopes to have something sent within the next few days.

2. Public liability insurance.

In response to Denise Garrick's question regarding Council's public liability insurance, Kathryn King outlined that public liability insurance was between the public and Council, and Council's public liability insurance coverage is \$400 million.

Agenda Items:

1. Acting Senior Museum Curator's Report

Prior to the tabling of the Report, Kathryn King circulated an email to members of the Committee, regarding a meeting/workshop on 14 December with Paul Berkemeier,

Councillors, Council staff and Museum Advisory Committee members to discuss the project, and options and opportunities to reduce costs.

The workshop will be preceded by a light lunch at 12.30pm in the Canvas and Kettle and the meeting will follow in Murwillumbah Council Chambers from 1pm - 2.30pm.

Report for 17 September – 18 November 2010
Museum Building and Development Program

- Proposed building program

A workshop to discuss the Murwillumbah extensions will take place Tuesday 14 December with architect Paul Berkemeier, the Museum Advisory Committee, Councillors and staff.

- Works to Existing Buildings

The Museum received positive feedback and local media attention with the official launch of Murwillumbah Museum's new front entrance stairs and access ramp. Mayor of Tweed, Councillor Warren Polglase, and Murwillumbah Historical Society President, Ron Johansen, were the official ribbon cutters at the event on Friday 17 September.

- Dedication of Norm Smith display

On the same morning that Murwillumbah Museum front ramp and stairs were officially opened, a dedication took place honouring late Life Member of the Murwillumbah Historical Society, Norm Smith. Norm's family presented to the Museum a display case containing radar artefacts which will now remain as part of the Museum's permanent display. Norm served in the RAAF in World War II and his training in radar technology saw him posted to the secret operations of Radar Unit 305. Norm was also well known in the community from his time teaching at Fernvale public school.

- Museum Foundation

The Museum Foundation AGM was held Thursday 16 September 2010 and the following officers were appointed.

President	Max Boyd
Vice President	Gary Fidler
Secretary	Carol Piggott
Treasurer	Carol Piggott
Director	Ron Johansen
Director	Doug Anthony
Director	Colleen Hewitson

- Museum staff movements

Mr Joshua Tarrant has been appointed to the position of Senior Museum Curator. He will commence work on Monday 6 December at the Coolamon Centre. Kathryn King will act in the position until 3 December, and will commence the 2 day permanent part time position of Collections Assistant on 9 December.

- Friends of the Museum

The Friends of the Museum have produced a 2011 wall calendar featuring thirteen photographs from the Museum's collection. The calendar will retail for \$10. There is limited stock, so please get your orders in soon by contacting Liz Bretherton on (02) 6672 5660.

- Museum sites closed over Christmas New Year period

The Museums will be closed over the Christmas New Year period from 17 December 2010 till week beginning 10 January 2011.

Conservation / Collections

- Acquisitions and Deaccessions

No acquisitions or deaccessions to report this meeting.

Projects

- Unity Festival

The Museum participated in the Unity Festival held at the Murwillumbah Showgrounds on Saturday 2 October. Museum objects, publications and film documentaries made up the display as well as information on the Museum Friends, Foundation and building program. There was considerable interest from families and younger audiences, who were keen to have a closer look at some of the objects exhibited.

- Migration Projects

- *Sea Change*: Migration Project 1970s and 1980s

The project is in its final stages. Images have been sourced and scanned and captions are being finalised. Text will go to the proof reader before being sent to the graphic designer in December, the same designer who produced 'The Other Side of the World' and 'Families of Fortune'. A morning tea photo shoot was held last Thursday 11 November, in which participants from the project met at the Coolamon to share stories and have their photos taken for inclusion in the publication.

- South Sea Islander and Sikh project

The project team met on 11 November. There are two more interviews to be conducted and then work will begin on production. All interviews will be transcribed and passed back to interviewees. A good selection of supporting photographs have been sourced and scanned. Next meeting is scheduled for Thursday 3 February 2011 at 10am.

- Research IT files

A meeting was held on 4 November to review electronic research files held on the shared network. The goal is to complete an inventory and assessment of all files, and then identify priority projects in relation to updating the electronic research files.

Recommendations: That the Acting Senior Museum Curator's report be received and noted by the Committee.

Moved: Kathryn King

Seconded: Denise Garrick

RESOLVED that the Acting Senior Museum Curator's Report be received and noted by the Committee.

2. Murwillumbah Historical Society Report

Report tabled, circulated and read. Ron Johansen also noted that the Murwillumbah Branch will be closed from 17 December 2010 to 12 January 2011.

Moved: Ron Johansen

Seconded: Sandra Flannery

RESOLVED that the Murwillumbah Historical Society report be accepted.

3. Tweed Heads Historical Society Report
Report tabled, circulated and read.

Moved: Joan Smith

Seconded: Denise Garrick

RESOLVED that the Tweed Heads Historical Society report be accepted.

4. Uki & South Arm Historical Society Report

Report tabled, circulated and read. Helena Duckworth also extended an invitation to the Doon Doon Hall opening at Cram's Farm, 5 December 2010 at 3:30pm.

Moved: Helena Duckworth

Seconded: Mary Lee Connery

RESOLVED that the Uki & South Arm Historical Society report be accepted.

General Business:

1. Meeting/Workshop regarding Museum project building costs

Max Boyd read the email from Paul Berkemeier regarding options for reducing costs on the Museum's building projects.

Before discussion began on this topic, Joan Smith enquired about the success of the meeting between Justine Elliot, Gary Fidler and Sandra Flannery.

Gary Fidler responded that at the meeting, he had requested \$10 million out of the \$800 million available to Regional Development. Justine Elliot was unsure of how this money would be distributed, but offered help with applying for smaller grants, such as funding for the Friends Night of Vintage Film.

Sandra Flannery added that Ms Elliott explained that the unspent \$1 million previously granted by the Federal Government to the Museum project actually posed a potential problem, as it is unlikely the Government will give any more funds until this money is spent. Sandra also stated that Justine Elliot seemed enthusiastic about the project.

Discussion followed to the effect that Justine Elliot is the correct representative to approach for Federal Government and Regional Development funding, and that Tweed Shire Council should be applying for funding to meet the costs of the museum building projects. It was also agreed that as the Murwillumbah museum building project is 'shovel ready', it should be well placed to gain funding in relation to other projects which are just at a conceptual stage.

The Committee is extremely dissatisfied and disappointed at the attitude and lack of communication from Tweed Shire Council with regards to the building project eg. not disclosing that there was a registered Native Title Claim on the land at Flagstaff Hill, and not consulting Murwillumbah Historical Society about plans to purchase the Masonic Hall or State Government building to use as an alternative to the current museum.

Discussion returned to the contents of the email. Committee members expressed their willingness to be present at the December meeting with Council and the architect to discuss options for the building projects.

In relation to the other options which have been canvassed for Murwillumbah Museum, such as the Masonic Hall, these were discussed and ruled out in favour of the current site, which Council owns already and which has historical significance.

Max Boyd was told by the CEO of Arts Northern Rivers that other Councils on the North Coast envy Tweed for what it has achieved in the cultural sector, however Max now feels that the Shire is going backwards culturally.

Mary Lee Connery stated that Tweed Shire Council has a duty of care to look after the collections of the Museum and the buildings. The Council has managed to save money not having a full-time Curator or a Collections Assistant for some time, so should have extra funding to put into the project.

It was recommended to all Committee members that they lobby their Councillors and encourage others in the community to voice their support for the Museum project.

RECOMMENDATION:

That the Tweed River Regional Museum Advisory Committee expresses its grave concern that the Tweed River Regional Museum projects at Murwillumbah and Tweed Heads seem to have stalled. This is despite the completion of preliminary design work and their inclusion in the Tweed Shire's Council's 7-year Infrastructure and Services Plan. The Committee recommends the urgent pursuit of Federal Government Capital Grant funding to compliment the 7-year plan allocation and the existing approval of \$1 million from the Federal Government.

Moved: Barry Longland

Seconded: Sandra Flannery

Carried by unanimous decision.

RECOMMENDATION:

That Tweed Shire Council invites all members of the Museum Advisory Committee, as well as Tony Duke, CEO Arts Northern Rivers, to the meeting/workshop on the 14 December 2010 regarding the Museum project costs.

Moved: Barry Longland

Seconded: Denise Garrick

Carried by unanimous decision.

2. Masonic Hall

The Murwillumbah Historical Society has not been consulted regarding the purchase of the Masonic Hall to use instead of or in conjunction with the present Museum building. Consideration of this site is not what the Historical Society wants and is not what was committed to in the Memorandum of Understanding.

At the meeting on 14 December, it will be expressed that there is no other option for the Murwillumbah Branch of the Museum except for its present site, and the proposed 2-storey extension.

Discussion followed on the role that the Cultural Development Officer had played in the formation of Tweed River Regional Museum. The Committee feels that the Tweed Shire Cultural Advisory Committee should be approached to comment on the Museum project and the lack of Council support for cultural facilities in the Tweed Shire. The Committee expressed surprise and disappointment that the position of Cultural Development Officer had been cut back to 3 days per week, and that the Cultural Advisory Committee had not met for many months.

RECOMMENDATION:

That Tweed Shire Council re-instates the Cultural Development Officer as a full-time position.

Moved: Denise Garrick

Seconded: Barry Longland

Carried by unanimous decision.

3. Museum brochure

As a volunteer, Fay O'Keeffe feels that each site should have its own professionally produced brochure, similar to the one that covers all branches.

To be discussed at the next meeting.

4. South Sea Islander celebration

Max Boyd attended a planning meeting for the 150th celebration of the arrival of South Sea Islanders in the area, to take place in 2013. Max informed the Committee and Historical Society members as they may want to have input.

Kathryn King advised that the Museum had been in contact with the organisers and expressed interest in participating in the project and had provided details of useful contacts within the Tweed South Sea Islander community.

Details of the project will be passed on to the new Curator, Joshua Tarrant.

Next Meeting:

The next meeting of the Tweed River Regional Museum Advisory Committee will be advised in the future after the new Curator has set dates for 2011.

The meeting closed at 5:45pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

GB1. Meeting/Workshop regarding Museum project building costs

Nil.

GB2. Masonic Hall

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

GB1. Meeting/Workshop regarding Museum project building costs

That the Executive Management Team notes the Advisory Committees views.

GB2. Masonic Hall

That Tweed Shire Council notes the advisory committee's position in relation to the Cultural Development Officer.

18 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 December 2010

Venue:

Minjungbal Museum, Tweed Heads South

Time:

9:00am

Present:

Aunty Joyce Summers (Canowindra Aged and Disability Cooperative); Jackie McDonald (Tweed Wollumbin AECG); Garth Lena (Minyungbul Community); Chris Appo (Bugalwena Aboriginal Health Team); Cr Joan van Lieshout (Tweed Shire Council) (left at 11.47am); Leweena Williams (Tweed Byron Local Aboriginal Land Council) (arrived at 11.00am)

Ex-officio:

David Oxenham (left at 11.05am), Anne McLean and Gabby Arthur (Minutes) (Tweed Shire Council);

Guest Observers:

Grantley Paulson (Community); Ian Fox (Converge Heritage and Community) (arrived at 10.05am), David Hannah and Jason Young (Tweed Shire Council) (arrived at 10.20am); Lance Tarvey (National Parks & Wildlife Service) (arrived at 11.30am)

Apologies:

Cr Dot Holdom (Tweed Shire Council); Marvette Logan (Bundjalung Aboriginal Home Care Group); Glenda Nalder; Des Williams (Tweed Byron Local Aboriginal Land Council)

Moved: Jackie McDonald

Seconded: Garth Lena

The Chair was declared vacant and nominations were called. Aunty Joyce Summers was nominated and was unanimously elected to Chair the meeting.

Aunty Joyce Summers opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 5 November 2010 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

1. Item 3 in the Inwards Correspondence - Letter from Canowindra Aged & Disability Cooperative. Council advised that such issues should be directed to Council and shouldn't come through this Committee as they are a personal issue. Investigations will be made by David Oxenham, and Council will resolve the issue outside of this Committee.
2. Piggabeen Road Midden Material Reinterment
Jackie McDonald and Garth Lena attended a site inspection with Council and National Parks & Wildlife Service and a site has been selected for the reinterment. Signage will be erected near the roundabout. Anyone wishing to attend the reinterment to contact Jackie McDonald.

Agenda Items:

1. Aboriginal Development Officer position
The draft Position Description was tabled. It is proposed to change the position from a Liaison Officer (Job Grade 4A) to a Development Officer (Grade to be determined). There will be a reduction in the number of hours for the Officer however this will enable a budget and funds available for projects. The Position Description will go through a re-evaluation process and will be advertised in the New Year. The interview panel will consist of 3 Council members and an Aboriginal community member.

Item deferred until arrival of Tweed Byron Local Aboriginal Land Council representative.

Deferred item recommenced at 12.14pm.

Tweed Byron Local Aboriginal Land Council advised that it has a meeting on 7 December 2010 and Tweed Wollumbin AECG has a meeting on 6 December 2010 and the Position Description will be discussed at those meetings and the organisations will provide letters to Council following the meetings. The Members agreed that they give in principle support for the position.

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that the Aboriginal Advisory Committee give in principle support to the new Position Description of the Aboriginal Development Officer, subject to confirmation in writing by Tweed Byron Local Aboriginal Land Council.

2. Wording for Erratum for "Between River and Sea"
Suggestion of wording for erratum:

This erratum corrects an error that was made in the original 300 print production of the "Between River and Sea" book. The words in error which are deleted are contained in the opening paragraph on page 5:

"For many thousands of years the *Ngarakwal/Nganduwal* flourished in the Tweed Valley, one of the richest and most reliable sources of sustenance known to any indigenous people in Australia".

and should be replaced with:

"For many thousands of years the *"Goodjimbingurra Clan of the Nganduwal/ Minyungbal People"* people flourished in the Tweed Valley, one of the richest and most reliable sources of sustenance known to any indigenous people in Australia".

Council to email wording for erratum to Committee Members for consideration and further discussion at meeting to be held on 4 February 2011.

3. Pacific Highway, Banora Point Upgrade - Discussion re Land Bridge and Artist/Art Work
Item deferred until arrival of Tweed Byron Local Aboriginal Land Council representative.

Deferred item recommenced at 12.32pm.

The RTA need to know urgently what design the Aboriginal community would like used on the land bridge. The design will be printed on galvanised steel and attached to the bridge. Discussion regarding design by Auntie Joyce Summers depicting:

Heading North - Razorback, pelican, waves, Cook Island

Heading South - Wollumbin, the River and Aboriginal warriors.

Jackie McDonald to provide suggestion to the AFG meeting and request the RTA designers to prepare a computer image. Image to be discussed and confirmed at the Aboriginal Advisory Committee meeting on 4 February 2011.

4. Entry Signage to Shire
At the Aboriginal Advisory Committee meeting on 2 February 2007, it was resolved that the Committee endorse the following wording "Tweed Shire acknowledges the Naganduwal/Minjungbal people of the Bundjalung Nation" subject to endorsement of the Tweed Byron Local Aboriginal Land Council.

Signs are currently at Tweed/Tugun Bypass, just before the Wooyung turn-off on Tweed Valley Way, on the new highway at the border, west from Kyogle, west from Nimbin, north at Numinbah and north at Tomewin. A new sign is needed on the Tugun Bypass.

The Committee noted that it was necessary for the size of the printing to be readable from a distance.

Item deferred until arrival of Tweed Byron Local Aboriginal Land Council representative.

Deferred item recommenced at 12.25pm.

Confirmation required from Tweed Byron Local Aboriginal Land Council regarding the entry sign on Tweed Valley Way near Wooyung south of Cudgera Creek. Jackie McDonald to provide confirmation regarding sign driving south from Coolangatta Airport.

Moved: Garth Lena

Seconded: Jackie McDonald

RECOMMENDATION:

1. That signage be erected at the Kyogle Road and Numinbah entry points to the Shire.
 2. That the agreed welcome be included on the entry signage at Wooyung subject to confirmation from the Tweed Byron Local Aboriginal Land Council.
5. Indigenous Public Placemaking Project ("IPPP")
An IPPP meeting was held on 22 November 2010 which was the first time the group had met since 2009 and an update was provided of where the project is up to with the Jack Evans Boat Harbour redevelopment. The civil component of the works should be finished in May 2011. Council's Community and Cultural Services Unit was approached regarding installation of public art on the site. Garth Lena's "3 Brothers" was selected as the artwork. Council has engaged a consultant. A site meeting at Jack Evans Boat Harbour will be held on 6 December 2010. Chris Appo advised that he will attend the site meeting on 6 December 2010, if possible.

Council tabled the File Note.

David Hannah and Jason Young arrived at 10.20am.

6. Update on Piggabeen Road Midden Material Reinterment (David Hannah) (10.30am)
The official opening of the Piggabeen Bypass will be held on Thursday, 9 December 2010 at 10.30 at the corner of Piggabeen Bypass and Carramar Drive at the roundabout area (the road will be closed). Aboriginal community members and Committee members are welcome to attend. David Hannah to advise who will be doing the Welcome to Country. David advised that there is an opportunity for the Aboriginal community to speak about the process at the opening. The Committee agreed that through the exposure of the midden material it has enlightened the Aboriginal community regarding the advancement of dating materials. Jackie McDonald may speak at the opening.

Garth Lena, Jackie McDonald and Cyril Scott attended a site inspection with David Hannah and National Parks & Wildlife Service and located a site to reinter the midden materials. David showed the members the capsule which will hold the midden material which is currently held by Ian Fox. Ian Fox to give the midden material to David Hannah and the midden material to be placed in the capsule by Garth Lena and Jackie McDonald prior to reinterment next week. David Hannah to liaise with Garth and Jackie regarding date and time for reinterment.

Bypass name and the wording for the sign discussed.

Moved: Garth Lena

Seconded: Jackie McDonald

RESOLVED:

That the following words be used on the sign:

"In this location are the salvaged remains of an Aboriginal midden which was destroyed during construction of the Piggabeen Road Bypass in 2009.

The shellfish remains were dated in the mid 17th Century and predate the European discovery of Eastern Australia.

The ridgeland of Anconnia Avenue was a gathering place of the Tul-gi-gin People who are members of the Nganduwal Language Group of the Bundjalung Nation."

Moved: Garth Lena

Seconded: Jackie McDonald

RECOMMENDATION that the newly-constructed Piggabeen Bypass be called "Tulgi Way" in recognition of the traditional people and the cultural significance of the area.

7. Kirkwood Road Upgrade Project (David Hannah/Jason Young) (11am)

As the project is evolving, the community are being advised of how the project is moving forward. Planning approval for the eastern and western sections of the project is being done as a Part V Application by Council. There have been 3 scar trees identified in the area: the cycle path has been relocated to avoid one of the trees, another one has not been identified as significant, and the other tree is significant but may require removal. The Committee advised that the scar section of the tree needs to be preserved. Further discussion to take place regarding the scar trees at the meeting on 4 February 2011.

Leweena Williams arrived at 11.00am

David Oxenham left the meeting at 11.05am.

Construction of the eastern side of the project is subject to approval but should commence in around August 2011 and will take about 15 months to complete. Construction of the western side of the project will commence in the future subject to development of the land.

The Committee requested that Council consider that since the scar tree has to be sacrificed and given the intellectual and cultural input by the Aboriginal community that job and training opportunities are provided for Aboriginal people. Part of the project will be constructed by Council and some may be constructed by a contractor - perhaps a clause could be included in the contract. Revegetation and weed management will be required which may provide opportunities for bush regeneration through training or employment opportunities for Aboriginal people.

Moved: Chris Appo

Seconded: Leweena Williams

RECOMMENDATION that Council considers providing training and employment opportunities for Aboriginal people and Indigenous contractors in the Kirkwood Road project as compensation for the possible loss of the culturally significant scar tree.

Ian Fox sought permission from the Committee for the new map alignment for the Kirkwood Road upgrade be included in the final report prepared by Converge.

Moved: Garth Lena

Seconded: Chris Appo

RESOLVED that the Committee approves Converge to include the addendum letter and updated map provided by Tweed Shire Council in the Final Cultural Heritage Assessment Report prepared by Converge for the Kirkwood Road upgrade.

David Hannah and Jason Young left the meeting at 11.25am

8. Cr Joan van Lieshout
Cr van Lieshout addressed the Committee regarding the reason she was nominated to go on the Aboriginal Advisory Committee.

Cr van Lieshout asked to leave and left the meeting at 11.47am.

9. Crown Land Projects on the Tweed
This item was deferred until the next meeting.

10. Naming of new Reserve between Cobaki Broadwater and Piggabeen Road deviation (Lance Tarvey, DECCW) (11.30am)
Lance Tarvey arrived at 11.30am but waited in the foyer until 11.50am for his business to arise.
Lance Tarvey tabled a map showing the area of the new reserve.

How did land come to DECCW?

The land was previously used for running cattle and goats. The land was acquired by QLD Main Roads as it is close to Tugun Bypass. The site is part of the compensation for loss of habitat as a result of Tugun Bypass. The role of National Parks & Wildlife Service ("NPWS") (under contract to QLDMR) is to convert the site to its original state which includes rainforest and wetlands.

NPWS needs to consult with Gold Coast Native Title regarding the Crown Land to the north west of the Reserve site.

There is the opportunity for the naming of the Reserve. Committee members requested to take the suggested name of "Cobaki Nature Reserve" or to seek alternate names from their organisations, and to discuss at February 2011 meeting. Following the February meeting, the Committee to report back to Lance Tarvey at NPWS with chosen Reserve name.

There are identified culturally significant sites within the Reserve. Ian Fox, Garth Lena and Jackie McDonald have identified some shell middens in the Reserve and Ian provided an approximate site location. Lance Tarvey to liaise further with Ian Fox.

The Wollumbin Committee have advocated that a position within NPWS be identified as an Aboriginal position.

Lance left the meeting at 12.13pm.

11. Update on Kirkwood Road project and Limpinwood Field Assessment (Ian Fox) (12pm)
Ian Fox reported that the ground surface where the telecommunications tower is to be erected at Limpinwood is on an old road. The assessment showed there was no midden material and it is not a culturally significant site. However on the nearby ridgeline, there are culturally significant sites. The Committee has accepted the results as provided by Ian Fox.

Chris Appo left at 12.48pm

Incoming Correspondence:
To be discussed at the next meeting.

General Business:
Nil.

Next Meeting:
The next meeting of the Aboriginal Advisory Committee will be held Friday, 4 February 2011.

The meeting closed at 12.50pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Entry Signage to Shire
Nil.

Update on Piggabeen Road Midden Material Reinterment
Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

4. Entry Signage to Shire

That this item be deferred pending Tweed Byron Local Aboriginal Land Council approval and a review of design options by Council's sign writer.

6. Update on Piggabeen Road Midden Material Reinterment

That the newly-constructed Piggabeen Bypass be called "Tulgi Way" in recognition of the traditional people and the cultural significance of the area.

THIS PAGE IS BLANK

19 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 December 2010

Venue:

Cudgen Surf Club

Time:

9.10am

Cr Milne opened the meeting by welcoming members and recognising traditional owners of the land on which we are meeting.

Present:

Cr Katie Milne (Chair); Cr Dot Holdom; Robert Quirk (NSW Cane Growers' Association); Richard Hagley (Department of Environment, Climate Change & Water); Carl Cormack (NSW Maritime Authority); Bob Loring (Department of Primary Industries - Fisheries); Lance Tarvey (Department of Environment, Climate Change & Water); Martin Dobney (Action Sands Chinderah); Scott Petersen (Tweed River Charter Operators); Rhonda James (Restoration Industry); Judy Robinson (Fingal Head Community Representative); Max Boyd (Community Representative); Jane Lofthouse, Tom Alletson, Mark Kingston (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary); Graeme Dunlavia (Regional Manager NSW Maritime); Paul Morgan, Jason Young (Tweed Shire Council).

Apologies:

David McPherson (NSW Land & Property Management Authority); Peter Baker (Tweed Agriculture Representative); Kyle Slabb (Tweed Byron Local Aboriginal Land Council); David Oxenham, Sebastien Garcia-Cuenca (Tweed Shire Council); Claire Masters (Tweed Landcare Inc).

Suspension of Standing Orders:

Standing Orders were suspended to deal with NSW Maritime issues as Carl and Graeme had to attend another appointment.

1. Old Fingal Boat Harbour

Carl advised members that NSW Maritime is going to install four buoys and signage to clearly delineate between the area for boats and the swimming area. Signage will be erected on the foreshore, as well as on the buoys.

There was a lengthy discussion about the need to have boats in this area and the potential for conflict between users.

Rhonda and Judy attended the meeting 9.15am

Graeme and Carl emphasised that NSW Maritime wants to maintain boat access in the Old Boat Harbour as few other beaching areas exist in the lower river due to rock training walls. Noted that NSW Maritime is the regulatory authority for boating activities.

Jane advised that Council rangers could be asked to monitor usage of the area.

Moved: Max Boyd

Seconded: Robert Quirk

RESOLVED that the situation be monitored by NSW Maritime and Council for six months and reviewed again after that period.

2. NSW Maritime Boating Study

Carl advised that the review of the Tweed Estuary Boating Plan will take place in April 2011 and extensive consultation will be undertaken during this review.

Lance attended at 9.30am

Tom advised the tender for the study of assessment of impact of boat wake on Tweed River bank erosion and review of the river bank management plan closes next week. The study will be completed in time to be included in the review of the Boating Plan.

Tom offered to email brief to those members interested - Cr Milne, Cr Holdom and Richard Hagley requested a copy.

Carl and Graeme left at 9.35am

Resumption of Standing Orders:
Standing Orders were resumed.

Minutes of Previous Meeting:

Moved: Rhonda James

Seconded: Max Boyd

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 13 October 2010 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Catchment Trailer

Tom advised that he discussed this matter with Dan Walton who advised that the catchment trailer has been refurbished.

BA2. Urban Stormwater Quality Management Plan

Tom advised that Australian Wetlands and Design Flow have been appointed to complete a review of the Urban Stormwater Quality Management Plan. Project should be complete by June 2011. A presentation will be made to the committee.

BA3. Boat Wake Impact on Tweed River Bank Erosion

The study brief for an assessment of impact of boat wake on Tweed River Bank Erosion and review of the river bank management plan has been sent to a number of relevant consultants. Tom briefed the Committee on some background research that has uncovered a couple of interesting papers.

BA4. Kerosene Inlet Works (Banora Point Upgrade Compensation)

Tom provided an update on the restoration works proposed for Kerosene Inlet (Banora Point Upgrade compensation). The draft Review of Environmental Factors (REF) for proposed works is completed. Application for work may be lodged before the end of year.

BA5. Erosion Stabilisation Projects

Tom provided an update on erosion stabilisation projects. The work done at Chinderah has been effective and the contractor is coming back to rebuild a small part of wall. The wall has also been repaired at Philp Parade and the work at Dry Dock Road completed.

Stabilisation works will be finalised at Oxley Cove in the new year and the Budd Park project in Murwillumbah will commence next year at a cost of between \$400,000 and \$500,000.

Jason Young & Paul Morgan attended at 9.45am

BA6. Tweed River Festival

Jane updated members on the success of the 2010 Tweed River Festival and advised that it was likely venue will continue to alternate between Jack Evans Boat Harbour and Budd Park to reach a wider audience.

The 2011 Festival will take place at Jack Evans Boat Harbour in November 2011.

Cr Milne advised of her support for the festival and alternating the venue but requested an investigation into an alternative to fireworks as the finale.

Suspension of Standing Orders:

Standing Orders were again suspended to deal with Agenda Item 4 - Kirkwood Road Project Update.

Agenda Item:

A4. Kirkwood Road Project Update

Jason Young, Infrastructure Engineer from Council's Design Unit, made a presentation on the Kirkwood Road upgrade.

There was a lengthy discussion on the impacts of the roadworks, including the potential for impact from acid sulfate soils disturbance and runoff.

Cr Holdom left the meeting at 10.35am

Moved: Max Boyd

Seconded: Cr Milne

RESOLVED that the following recommendation be submitted to Council.

RECOMMENDATION:

That Council ensures the selection/acceptance process of tenderer for construction of the Kirkwood Road Project has heavy emphasis placed on environmental management at the construction phase and that there be a clear understanding of the compensatory measures to be integrated into the project.

Moved: Max Boyd

Seconded: Robert Quirk

RESOLVED that the following recommendation be submitted to Council.

RECOMMENDATION:

That Council forward the options for the compensatory habitats/measures for the Kirkwood Road Upgrade Project to the Tweed River Committee for input/review during the exhibition period.

Paul and Jason left at 11am

Resumption of Standing Orders:
Standing Orders were resumed.

BA7. Sediment and Erosion Control

Cr Milne referred to this item from the last meeting reiterating the serious concerns about the issue from Pat Dwyer.

As Pat was not in attendance, Bob advised that he would contact Pat and follow up on what action has been/is being taken.

After a lengthy discussion it was decided that an urgent meeting be arranged between Cr Milne, David Oxenham, Jane, and Tom with the Director Planning & Regulation and relevant staff to raise the Committee's concerns on lack of monitoring of sediment and erosion control at Cobaki Estate development site.

Agenda Items:

A1. Marine Debris Removal from Foreshore

Cr Milne requested by the way of a motion to Council that the issue of foreshore debris be addressed through community action. Tom considered that a good starting point to develop a plan to address this issue was at the Tweed River Committee meeting.

Various options were discussed for:

- Education Campaigns
- Stopping litter at source
- Signage

Scott suggested signage incorporate a photograph of an Osprey with information about the birds and the a line requesting people to take more care and highlighting litter impact on wildlife.

Cr Milne suggested that the Waste budget should include the clean up of marine waste and also that developer contributions should include fees for this.

Moved: Cr Milne

Seconded: Judy Robinson

RESOLVED that Tom approach Adam Faulkner, Council's Coordinator Waste Management, to discuss the possibilities of developing an integrated project for cleaning up marine waste.

2. Cobaki and Terranora Implementation Update

Tom gave a brief update on progress on a number of projects at Cobaki and Terranora broadwaters and catchments.

3. Regulation of Vehicle Activity on Sandbank adjacent to Letitia Spit

Tom advised of a conversation with Council rangers regarding the regulation of vehicle activity on sandbank adjacent to Letitia Spit. Land and Property Management Authority has been contacted with a request for advice on how Tweed Shire Council could be delegated authority to regulate vehicle use on the river entrance sand bank.

There was a lengthy discussion on what action could be taken to prevent 4WD access to the sandbank given that access is across private land (TBLALC).

Moved: Rhonda James

Seconded: Scott Peterson

RESOLVED that the following recommendation be submitted to Council.

RECOMMENDATION:

That Council write to NSW Land and Property Management Authority requesting assistance with restriction of 4WD vehicles on the sandbank adjacent to Kerosene Inlet on Letitia Spit.

Moved: Max Boyd

Seconded: Judy Robinson

RESOLVED that Council work with the Tweed Byron Local Aboriginal Land Council to pursue funding to engage at least two fulltime aboriginal rangers to patrol their land.

Moved: Rhonda James

Seconded: Robert Quirk

RESOLVED that a meeting be arranged with all stakeholders to discuss issues and possible cooperation in what can be done to prevent access to Letitia Spit to reduce ecological impacts.

4. Kirkwood Road Project Update
Dealt with in Standing Orders.

5. Byrrill Creek Riparian Restoration Project

Byrrill Creek Riparian Restoration Project. The implication of Council's decision to pursue building a dam on the ongoing Byrrill Creek Riparian Rehabilitation Project was discussed.

Tom advised of a meeting between himself, David Oxenham and Jane through which the restoration project will continue predominantly with weed removal.

6. Riparian Buffer Widths

At the request of Cr Milne, a summary of Tweed Shire Council policy on riparian buffer widths was summarised with comments provided by Tom and Mark.

After discussion it was decided to have a more in depth discussion on this subject at a future date.

7. 2011 Meeting Dates

The meeting dates for 2011 are:

- 9 February 2011
 - 13 April 2011
 - 8 June 2011
 - 10 August 2011
 - 12 October 2011
 - 14 December 2011
-

General Business:

GB1. Stotts Creek Oil Spill

There was a brief discussion on the recent Stotts Creek oil spill. A cane vehicle tipped into the drain but was successfully stopped from entering the Tweed River.

GB2. 2011 NSW Coastal Conference

Jane advised that the 2011 conference will be held in Tweed Shire from 9 to 11 November 2011.

GB3. Unexpended Funds

A program budget update is to be provided at the next meeting.

Agenda Item for Next Meeting

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 9 February 2011 in the Canvas & Kettle Meeting Room, Murwillumbah.

The meeting closed at 12.55pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

A4. Kirkwood Road Project Update

Nil.

3. Regulation of Vehicle Activity on Sandbank adjacent to Letitia Spit

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A4. Kirkwood Road Project Update

1. That Council ensures the selection/acceptance process of tenderer for construction of the Kirkwood Road Project has heavy emphasis placed on environmental management at the construction phase and that there be a clear understanding of the compensatory measures to be integrated into the project.

2. That Council forward the options for the compensatory habitats/measures for the Kirkwood Road Upgrade Project to the Tweed River Committee for input/review during the exhibition period.

3. Regulation of Vehicle Activity on Sandbank adjacent to Letitia Spit

That Council write to NSW Land and Property Management Authority requesting assistance with restriction of 4WD vehicles on the sandbank adjacent to Kerosene Inlet on Letitia Spit.

THIS PAGE IS BLANK

20 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 8 December 2010

Venue:

Cudgen Surf Club

Time:

1.45pm

Present:

Cr Barry Longland (Chair); Cr Katie Milne; Terry Kane (Cabarita Beach-Bogangar); Richard Hagley (Department of Environment, Climate Change & Water); Lance Tarvey (Department of Environment, Climate Change & Water); Gary Thorpe (Hastings Point); Rhonda James (Restoration Industry); John Harbison (Mooball); Jason Pearson (Kingscliff); Jane Lofthouse, Tom Alletson, Stewart Brawley (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

David McPherson (NSW Land & Property Management Authority); Ian Rabbitts (Fingal Head); David Cranwell (Pottsville); David Oxenham and Sebastien Garcia-Cuenca, Mark Kingston (Tweed Shire Council).

Minutes of Previous Meeting:

The Minutes of meeting held Wednesday 13 October 2010 will be presented at the meeting scheduled for Wednesday 9 February 2011.

Business Arising:

BA1. Local Native Species in Landscaping

Stewart advised that Council does have two policies regarding local native species in landscaping.

- Development Design Specifications - Landscaping Public Places
- Tree Management Guidelines for Council Managed Land

Stewart also advised that staff use a standard consent condition and that Sandy Pimm, Council's Ecologist/Town Planner, has produced a spreadsheet that includes suitable plants as well as some plants that cannot be used.

There was a lengthy discussion on how strict Council's guidelines should be, in particular for large developments and whether the Tweed River Committee should have input into future large development applications.

Moved: Terry Kane

Seconded: Gary Thorpe

RESOLVED that the following recommendation be submitted to Council.

RECOMMENDATION:

That Council reviews the various existing policies on vegetation selection for developments and Council projects in order to place greater emphasis on use of appropriate local native plant species.

Moved: Rhonda James

Seconded: Cr Longland

RESOLVED that the training manuals being developed for DuneCare groups contain "best practice" guidelines for weed control and dune restoration. Guidelines are to be written in a simple format and provide advice on appropriate species selection.

BA2. Pottsville - Items Requiring Attention

Tom read to the meeting a letter from David Cranwell (absent from the meeting) regarding items the Pottsville community regard as requiring attention.

Potts Point - formal access to creek and bank stabilisation.

Jane advised the works have been completed.

Mooball Creek - suggested works to improve track to beach

A lengthy discussion was held on the viability of improving the track. Various options were discussed as well as the advantages and disadvantages.

Tom and Rhonda to further investigate the site. It was decided that track experts would need to be consulted if the track goes ahead.

Littoral Area between Ambrose Brown Park and Caravan Park

The Committee agreed that the vegetation is regrowing and no action was required. Weeding is to be maintained.

Access Track at Hastings Point

Jane advised that this work had been done.

BA3. Section 94 Funding

Cr Longland advised a workshop was held on 9 November and the current cap is \$20k for brown field and \$30k for green field sites.

It is important the Committee looks at methods for funding bushland management as most of the development happens on the coast.

Cr Milne noted Section 94 funds can be used for "bushland tracks".

Staff continue to pursue contributions for roadside vegetation as part of Section 94 Funding
- Jane to investigate and report back to committee meeting.

Gary left at 2.42pm

BA4. Community Strategic Plan

Submissions have closed and the strategic plan is to be revised and adopted by Council. Jane explained about the extensive consultation and the high level of concern in the community about environmental management issues.

BA5. Beach Access Closures

Jane will consult with Rod Keevers about formalising triggers for access closures.

Discussion held on procedure to prepare policy and noted that it should sit within the Emergency Action Plan of the Coastline Management Plan.

BA6. Fingal Boat Harbour

Cr Milne advised of the decision from the Tweed River Committee meeting regarding the actions by NSW Maritime.

NSW Maritime is going to install four buoys and signage to clearly delineate between the area for boats and the swimming area. Signage will be erected on the foreshore, as well as on the buoys.

RESOLVED that the situation be monitored by NSW Maritime and Council for six months and reviewed again after that period.

Agenda Items:

A1. Coastal Hazard Lines and Coastal Erosion DCP

Discussion held on current hazard lines. The Coastal Erosion DCP being developed will cover new development as well as existing development. DCP will go before Council in February 2011.

Important to have landholders as well as other stakeholders represented at future consultation meetings regarding the DCP to get a wider view from the community on this issue.

A2. Kingscliff Foreshore Update

Sand coming back in at southern end. Funding from government is to be used to replace car park placement of a rock toe on the beach and for pumping sand from the creek and placing on the foreshore.

The piled seawall at the front of Cudgen Surf Life Club may be out flanked. Work being done to try and prevent that from happening.

A licence from NSW Land and Property Management Authority to investigate whether sand can be dredged from Area 5 and placed at Kingscliff has been granted.

Council is to undertake environmental studies at beginning of 2011.

*Cr Longland left at 3.15pm
Cr Milne took over the Chair*

Jane advised that pumping out of Cudgen Creek and minor beach nourishment will be carried out before the Surf Life Saving State Titles in March. Tenders closed today (8 December 2010) and work would commence as soon as possible after the holiday period.

A detailed explanation of what Council is undertaking in regards to the foreshore is to be circulated to the public.

A3. Bitou Bush Program Update

Rhonda advised that the projects are proceeding well with the amount of Bitou bush being reduced over the past 10 to 12 years.

The northern containment zone for Bitou bush has now been extended to the Tweed Shire southern boundary, therefore NRCMA funds are coming through for the whole of Tweed Shire rather than just the Fingal peninsula. Queensland has its Bitou bush under control so it is important to reduce spread northward.

A4. 2011 Meeting Dates

Meeting dates for 2011 are:

- 9 February 2011
 - 13 April 2011
 - 8 June 2011
 - 10 August 2011
 - 12 October 2011
 - 14 December 2011
-

General Business:

GB1. NSW Coastal Conference

Jane advised that the 2011 conference will be held in Tweed Shire from 9 to 11 November 2011.

GB2. Cook Island Plan of Management

Lance advised the Cook Island Plan of Management has been on display and submissions have now been reviewed. Minor amendments were made to the Plan and it has now gone to the Minister for approval.

GB3. Cabarita South Holiday Park - Bogangar

Terry noted that the proposed holiday park is referred to in the Coastline Plan of Management.

After discussion it was decided that the Committee should put in a submission and a sub-group be formed to work on the submission. The sub-group will consist of:

Cr Milne; Jane; Terry and Rhonda.

Some of the issues to be looked at include:

Vegetation removal; park footprint extending north of Goanna Track; overall footprint of park; creation of two new access tracks.

John left the meeting at 3.50pm

GB4 Tweed Estuary Projects

Tom will be sending out a brief for a review of the Estuary Management Plan in January. The Sustainable Agriculture Program is partner in an Australian Research Committee grant to investigate acid sulfate soils remediation in the coastal catchments.

Next Meeting:

The next meeting of the Tweed Coastal Committee will be held on Wednesday 9 February 2011 in the Canvas & Kettle Meeting Room, Murwillumbah

The meeting closed at 3.55pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

BA1. Local Native Species in Landscaping

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

BA1. Local Native Species in Landscaping

That Council reviews the various existing policies on vegetation selection for developments and Council projects in order to place greater emphasis on use of *appropriate local native plant species*.

THIS PAGE IS BLANK

21 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 December 2010

Venue:

Mt Warning Meeting Room

Time:

Commencing at 9.30am

Present:

Committee Members: Cr Barry Longland (Deputy Mayor), Mr Ian Shanahan, Roads and Traffic Authority, Sgt Richard Baxter, NSW Police, Mr Geoff Provest MP, Member for Tweed. Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore.

Informal: Mr John Zawadzki (Chairman), Mr Ray Clark, Mr Wayne Haayer, Mr Rod Bates, Mr Danny Rose, Ms Judith Finch (Minutes Secretary), Ms Cathy Martin (in training).

Apologies:

Mr Thomas George MP, Member for Lismore.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minute of the Local Traffic Committee Meeting held 25 November 2010 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC] Schedule of Outstanding Resolutions Meeting held 16 December 2010

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.*

From Meeting held 22 July 2010:

Mr George requested that Col Brooks be present at the meeting with the School on behalf of Mr George.

Current Status: That Item 1 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 21 October 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 27 August 2009).

From Meeting held 25 November 2010:

It was recommended that the existing bus zone signage located in Eyles Avenue outside the Murwillumbah Primary School be amended to state "Bus Zone 8.00am - 9.30am School Days".

This matter of the existing bus zone signage located in Eyles Avenue outside the Murwillumbah Primary School to be amended to state "Bus zone 8.00am - 9.30am School Days" has been referred to the Formal Items Section A of this Agenda.

2. [LTC] Kennedy Drive, Tweed Heads West

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3948168; Traffic - Committee; Kennedy Drive, Tweed Heads; Kennedy Drive - Tweed Heads West; Norman Street; Parking - Zones; Traffic - Lights; Traffic - Roundabouts; Boat Ramps

SUMMARY OF REPORT:

From Meeting held 27/8/09 (Item B7)

Concern received in relation to increasing traffic problems along Kennedy Drive.

"In particular the intersection of Norman Street and Kennedy Drive causes local residents a great deal of frustration which is worsened by parking of boats and boat trailers using the boat ramp located on the opposite side of the road.

..... Norman Street is one of the few streets where right hand turns are permitted and this also contributes to traffic problems. He has suggested that either a roundabout or traffic lights are needed to facilitate turning into and out of Norman Street."

The Norman Street/Kennedy Drive intersection has been the subject of community concern for a number of years.

A concept design for a roundabout has been previously completed by Council officers and unfortunately there is insufficient room within the road reserve to install a small roundabout. The installation of traffic signals would not meet the warrants of the Roads and Traffic Authority of NSW guidelines.

Another alternative is to provide a narrow central median on Kennedy Drive which would prevent right turns from both the boat ramp area and Norman Street into Kennedy Drive. This is very undesirable as it would inconvenience many motorists and encourage possibly less safe "U" turns to be made on Kennedy Drive away from the intersection.

Council officers will advise the Committee of the accident history of this intersection.

Council officers advised that of seven accidents from 2005 to 2008, four of them were right rear crashes. The right turns were from Kennedy Drive into Norman Street. Council officers suggested that a right turn lane be further investigated with a view for reducing this type of crash.

From Meeting held 25/11/10:

Council's Traffic Engineer advised that a consultant has been appointed to look at signalised intersection treatment options for the Kennedy Drive / Norman Street intersection.

From Meeting held 16/12/10:

It was suggested that the bridge on Kennedy Drive near the Norman Street intersection could be added to the scope for the proposed investigation of traffic issues along Kennedy Drive between Rose Street and Norman Street (Roads and Traffic Authority of NSW and Council).

Current Status: That Item 2 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 25 November 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 27 August 2009).

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.

-
3. [LTC] Kennedy Drive, Tweed Heads - Tweed Street Audit

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 19660428; Traffic - Committee; Pedestrian Crossings; Traffic - Safety;
Kennedy Drive, Tweed Heads

SUMMARY OF REPORT:

From Meeting held 23 September 2010 (Item B5):

Request received for the provision of a safe crossing for people near Kennedy Plaza. It is reported that "since the opening of the new bypass the traffic is horrific and pedestrians can wait up to 15 minutes". It is also reported that "motorists making illegal right hand turns into Kennedy Plaza also contribute to traffic congestion".

Kennedy Drive near Kennedy Plaza carries over 20,000 vehicles per day, which is significant. A marked pedestrian crossing was located in this vicinity prior to the installation of the traffic signals at Ducat Street. This crossing was removed on request from the Roads and Traffic Authority of NSW as the signals provided a much safer crossing point for pedestrians. The signals are located approximately 200m west of the middle of the shopping centre. There is also a pedestrian underpass connecting residents on the southern side of Kennedy Drive to the shopping centre.

The pedestrian warrant for a marked or signalised pedestrian crossing would not be met at this location.

Council's crash database shows 6 reported crashes occurred in the vicinity of Kennedy Plaza between 2004 and 2009, none of which involved a pedestrian.

The Roads and Traffic Authority of NSW Representative advised that the Roads and Traffic Authority of NSW were investigating the Ducat Street/Kennedy Drive signals which will include the Kennedy Plaza area. It was suggested that this matter be listed as an Outstanding Resolution until the Roads and Traffic Authority of NSW have finalised their investigation. This investigation may include the possibility of the inclusion of a pedestrian refuge, which is the subject of concern.

Current Status: That Item 5 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 25 November 2010 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 23 September 2010).

From meeting held 16/12/10:

It was suggested that the bridge on Kennedy Drive near the Norman Street intersection could be added to the scope for the proposed investigation of traffic issues along Kennedy Drive between Rose Street and Norman Street (Roads and Traffic Authority of NSW and Council).

COMMITTEE ADVICE:

That Kennedy Drive, Tweed Heads South be listed on the Outstanding Resolutions report.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [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:

This matter has been re-referred from the previous Local Traffic Committee meeting when considering Outstanding Resolution Item 1 (Eyles Avenue, Murwillumbah) it was noted that the existing bus zone signage located in Eyles Avenue outside the Murwillumbah Primary School should be amended to state "Bus zone 8.00am - 9.30am School Days" to align with standard school opening times.

This matter has been provided a recommendation through the previous minutes however was not forwarded to Council for adoption. It therefore requires re-referral.

RECOMMENDATION TO COUNCIL:

That the existing bus zone signage located in Eyles Avenue outside the Murwillumbah Primary School be amended to state "Bus Zone 8.00am - 9.30am School Days".

FOR VOTE - Col Brooks, Ian Shanahan, Cr Barry Longland, Sgt Richard Baxter
PRESENT. DID NOT VOTE - Geoff Provest

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Blakeney's Road, Stokers Siding

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 24762889; Traffic - Committee; Directional Signs; Access to Property - Driveways; Traffic - Safety; Blakeney's Road Stokers Siding

SUMMARY OF REPORT:

Request received for:

1. The provision of a mirror to be installed on the south side of Blakeney's Road, opposite the driveway at 15 Blakeney's Road.
2. A 'Concealed Driveway' sign on the eastern side of the driveway at 15 Blakeney's road Stokers Siding which may benefit westbound traffic indicating that they slow down.

The request states:

"The entrance to our property is on a slight bend in Blakeney's Road Stokers Siding, due to traffic increase over the last few years, it has made our access onto this road dangerous and there may be a nasty accident if something is not done.

My wife and I both drive Nissan Patrols, which gives us a little more height, as we approach Blakeney's Rd from the North, we cannot see if there are vehicles approaching us from the East until we are almost across the bitumen pavement. The traffic approaches us from the East at up to 100 plus km per hour they don't slow down, they can see us before we see them.

When a car goes down our driveway onto Blakeney's road, they see less than we do, we have had some close calls."

Traffic mirrors are generally not installed in speed environments greater than 50 km/h (as required by Roads and Traffic Authority of NSW guidelines) which is the case here.

Sight distance from the driveway of No. 15 Blakeney's Road to the west as measured from aerial photography is approximately 85m.

Council's accident database for the period 2003 to 2008 shows no vehicular accidents at this location.

Council officers will inspect the site in regard to actual sight distances and report to the meeting.

Council officers advised that:

1. Sight distance from the driveway to the left is approximately 45 metres.
2. 85th percentile speed is possibly around 70 km/h although this was not actually measured.
3. Stopping sight distance for 70 km/h and a driver reaction time of 1.5 seconds is about 70 metres.

Council officers also advised that existing driveways are the responsibility of the property owner.

COMMITTEE ADVICE:

That:

1. Council consider placement of "concealed driveway" signage on the eastern approach to the driveway at No. 15 Blakeney Road, Stokers Siding.
2. The correspondent be advised of non compliance with relevant guidelines of a traffic mirror installation at the requested location.

B2 [LTC] Duranbah Road, Duranbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 25018984; Traffic - Committee; Speed Zones; Weight of Vehicles - incl B-Doubles; Duranbah Road

SUMMARY OF REPORT:

Request received regarding LTC assistance in relation to the speed of haulage trucks on Duranbah Road.

Development consent conditions provided on 28 August 1996 required that the management plan for the quarry limit the truck speeds to 60km/h for roadways connecting to the quarry. The roadway is not signposted as 60km/h.

Concern is raised in relation to the narrow carriageway in sections, trucks forcing motorists off the roadway, speed of vehicles, difficulty exiting some driveways and safety of school children waiting for buses.

In addition to the sand extraction quarry several gravel quarries also exist.

Traffic surveys have shown an increase in heavy vehicle numbers on Duranbah Road.

This item was discussed at the Local Traffic Committee meeting held 25 March 2010:

"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 this request be referred to the Roads and Traffic Authority of NSW for their assessment and advice to the Committee.

It was noted that there is a possibility for a speed limit for trucks and buses only to be applied if justified. It is suggested that Council officers research this matter further including obtaining more detailed speed traffic data.

COMMITTEE ADVICE:

That this item be moved to the list of Outstanding Resolutions for further investigations.

B3 [LTC] Local Traffic Committee 2011 Meeting Schedule

ORIGIN:

Planning & Infrastructure

FILE NO: Traffic Committee

SUMMARY OF REPORT:

The following tentative dates are proposed for Local Traffic Committee Meetings in 2011 (Thursday):

17 February
24 March
28 April
26 May
22 June
28 July
25 August

22 September
27 October
24 November
22 December

As Committee members would be aware, Local Traffic Committee meetings will commence at 9.30am and end at approximately 12.00 noon, depending on the extent of the Agenda. B-double applications will be considered as an additional Agenda for the Local Traffic Committee if required.

COMMITTEE ADVICE:

That the following meeting schedule be endorsed for Local Traffic Committee meetings in 2011:

17 February
17 March
21 April
19 May
23 June
21 July
18 August
22 September
20 October
17 November
15 December

B4 [LTC-LATE] Battle on the Border April to May 2011

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 25601373; 25601380; Traffic - Committee; Safety; Bicycle - Events; Salt Park; Gunnamatta Avenue; Bells Boulevard; Casuarina Way; Salt Water Crescent, Shipstern Street, Pass Street, Smiths Creek Road; Stokers Siding; Stokers Road; Adcocks Road; Mistral Road; Tweed Valley Way Murwillumbah to Mooball; Cudgen Road; Duranbah Road; Eviron Road; Clothiers Creek Road; Dianella Drive; Plantation Road

SUMMARY OF REPORT:

The Battle of the Border is proposed to take place on 30 April to 2 May 2011 and is a series of on-road bicycle races with some roads remaining open and others being closed to traffic.

First races begin on Saturday 30 April commencing at Stokers Siding (Stokers Road) and involves primarily Stokers Road and Tweed Valley Way.

Sunday 1 May commences at SALT Central Park, travels south to Cabarita and west along Clothiers Creek Road and returns along Eviron Road through Cudgen and returning back on Tweed Coast Road to Dianella Drive.

Monday 2 May is a closed circuit criterium in SALT Village using Bells Boulevard, Pass Street, Shipstern Street, Salt Water Crescent and Casuarina Way. This is a public holiday in Queensland for Labour Day. It commences at 8.00am and finishes at 2.00pm.

It is recommended that the road closures be approved subject to the standard conditions and Police approval.

COMMITTEE ADVICE:

That the road closures for the Battle on the Border April to May 2011 events be approved subject to standard conditions, evidence of adequate community consultation and Police approval.

B5 [LTC-LATE] Kingscliff Triathlon March 2011

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 25458170; 25458172; 25458181; 25459183; Traffic - Committee; Safety; Road Closures - Temporary; Bicycle Matters - General; Parks - Faulk; Casuarina Way; Cudgen Road; Marine Parade; McPhail Avenue; Ozone Street, Seaview Street; Sutherland Street; Wommin Bay Road

SUMMARY OF REPORT:

The Kingscliff Triathlon is proposed to take place on 6 March 2011 between 6.00am to 12.00pm, using similar routes as the event held in September 2010.

Changes from the previous event include:

- Transition area is in the carpark near the surf club
- The swimming race will now be held in Cudgen Creek, not in open ocean

It is proposed that the roads associated with the conduct of the Kingscliff Triathlon, 6 March 2011, being Marine Parade, Wommin Bay Road, Chinderah Bay Drive, be closed from 6.00am to 12.00pm with staged re-openings under the direction of Police.

It is recommended that the road closures be approved subject to the standard conditions and Police approval.

COMMITTEE ADVICE:

That the road closures for the Kingscliff Triathlon 2011 events be approved subject to standard conditions, evidence of adequate community consultation and Police approval.

B6 [LTC - LATE] Pacific Highway, Tweed Heads

ORIGIN:
Planning & Infrastructure

FILE NO: Traffic - Committee; Speed Zones; Pacific Highway, Tweed Heads

SUMMARY OF REPORT:

The Committee considered the anomaly between speed limits northbound and southbound on the Gold Coast Highway at the QLD/NSW border.

The Roads and Traffic Authority of NSW Representative undertook to consider a review of the speed limits north and south on the Gold Coast Highway at the QLD/NSW border.

COMMITTEE ADVICE:

That the Roads and Traffic Authority of NSW Representative consider arranging a review of the speed limits north and south on the Gold Coast Highway at the QLD/NSW border.

Next Meeting:

The next meeting of the Local Traffic Committee will be held Thursday 17 February 2011 in the Mt Warning Meeting Room commencing at 9.30am.

There being no further business the Meeting terminated at 10:37am.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A1 [LTC] Eyles Avenue, Murwillumbah

Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A1 [LTC] Eyles Avenue, Murwillumbah

As per the Committee's recommendation being:

That the existing bus zone signage located in Eyles Avenue outside the Murwillumbah Primary School be amended to state "Bus Zone 8.00am - 9.30am School Days".

THIS PAGE IS BLANK

ORDERS OF THE DAY

- 22 **[NOR-Crs K Skinner, W Polgalse and P Youngblutt] - [PR-CM] Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code**

NOTICE OF RESCISSION:

Councillor K Skinner, W Polgalse and P Youngblutt move that the resolution for Item 11 [PR-CM] Tweed Development Control Plan Section B23 - Hastings Point Locality Based Development Code at Minute Number 823 being:

that:

1. *Council receives and notes the amendments to the publicly exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, arising from the review of public consultation submissions.*
2. *Council adopts the exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, as amended, and provided as an attachment to this report, and resolves to give public notice of the Plan's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.*
3. *Section 4.1.3.6 paragraph 6 (Page 87) be replaced with the following:*
 - *"Where Council will consider a residential flat building on or behind the beach dune area or that is otherwise visually prominent to or from the beach, estuary or headland, it shall be a maximum of 8m (2 storeys) in presentation to the beach, estuary, headland or in combination, whichever applies.*

The remainder of the site can be a maximum of 10m (3 storeys) with the third level to be a maximum footprint of 50% of the internal spaces below".

 - *Figure 4.8 (Page 86) be deleted from the Plan.*
 - *Figure 5.2 (Page 161) of the Plan be amended so that the far right mid layer white box is dropped to be in line with the white box immediately adjacent to it.*
 - *The wording of control 3. of Part 4.2.3.6 – Subdivision Control 3 (page 105) be amended to read as follows:*
 - *"3. A new public park located outside of the required vegetated riparian buffer is to be considered."*
4. *Council forwards a copy of the adopted Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, to the Director-*

General of the NSW Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.

be rescinded.

23 [NOM-Cr K Skinner] Tweed Development Control Plan Section B23 – Hastings Point Locality Based Development Code

NOTICE OF MOTION:

Councillor K Skinner moves that:

1. Council receives and notes the amendments to the publicly exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, arising from the review of public consultation submissions.
2. Council adopts the exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, as amended, and provided as an attachment to this report, and resolves to give public notice of the Plan's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000, subject to the following further amendment also being adopted:

Despite the two storey height limitations applying to residential buildings in the Central and Southern Precincts of the Plan, Council will consider residential redevelopment proposals with a three storey building height in those circumstances where a development application involves the consolidation of two or more allotments of land.

The wording of control 3.of Part 4.2.3.6 – Subdivision Control 3 (page 105) be amended to read as follows:

“3. A new public park located outside of the required vegetated riparian buffer is to be considered.”

3. A notice to be placed in the Tweed Link notifying of the repeal of the Hastings Point Interim Development Controls within the Tweed Development Control Plan Section A1 – Residential and Tourist Development Code and commencement of Tweed Development Control Plan Section – B23 Hastings Point Locality Based Development Code.
 4. Council forwards a copy of the adopted Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, to the Director-General of the NSW Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.
-

24 [NOM-Cr D Holdom] En Globo Procedures for Monthly Council Meetings

NOTICE OF MOTION:

Councillor D Holdom moves that:-

1. The General Manager investigates and reports back to Council on *En Globo* procedures being adopted by Council within the context of monthly Council Meetings; and
 2. A workshop be arranged for Councillors on *En Globo* procedures.
-

25 [NOM-Cr J van Lieshout] Aboriginal Advisory Committee

NOTICE OF MOTION:

The Aboriginal Advisory Committee has a very important role in advising Council on the legal and cultural practice of the Aboriginal people and their requirements in Council activities and decisions. It is imperative that Councillors are aware of the opportunity which exists in having partiality and pecuniary and non-pecuniary conflicts in interests in their role as Committee members.

In view of my recent resignation from the Aboriginal Advisory Committee it is my belief that a full review of the committee and its function and the role of Council as Committee members from a Council perspective be undertaken.

Councillor J van Lieshout moves that the General Manager arranges a comprehensive workshop with the elected body and relevant staff to discuss the future role of the Committee in representing a fair and true perspective in its relevance Advisory to Council on Aboriginal matters.

26 [NOM-Cr Milne] Fast Food Capital

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on options for limiting the influx of fast food restaurants in the Shire and their visual impact.

27 [NOM-Cr Milne] Ethical Investments for Council Funds

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the opportunity of investing Council funds in Ethical Investments.

28 [NOM-Cr Milne] Youth in New Developments

NOTICE OF MOTION:

Councillor K Milne moves that Council seeks advice from appropriate youth organisations on options for planning in new greenfield areas to reduce crime and enhance youth experience and specifically in relation to the current Cobaki development.:

29 [NOM-Cr Milne] Green Spaces for Small Lots

NOTICE OF MOTION:

Councillor K Milne moves that Council mandates that small lot housing should only be approved only where they back onto green spaces.

30 [NOM-Cr Milne] Permeable Pavements

NOTICE OF MOTION:

Councillor K Milne moves that:

Council mandates permeable pavements into all new developments, including Cobaki and Kings Forest developments, unless there are overriding circumstance that would make this impractical in certain circumstances.

31 [NOM-Cr Milne] New South Wales Weirs Policy

NOTICE OF MOTION:

Councillor K Milne moves that:

Council seeks the advice from the NSW Government Office of Water, on the Tweed Shire Water Demand and Supply Management Strategies, as a matter of urgency especially in relation to greenfield developments, and to inform the Cobaki subdivision applications currently on exhibition, in light of the NSW Weirs Policy which states that:

"An increase in town water supply for the purposes of meeting projected population demand cannot be used as a justification to approve a proposal to build a new, or expand an existing weir, if environmentally friendlier alternatives to meeting that demand exist, which are also economically feasible."

and to ascertain the effect this may have on the viability of either dam option being approved.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

- 1 [EO-CM] Land Acquisition for Road and Compensation Purposes - Nobbys Creek Road, Nobbys Creek

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)
-

ORDERS OF THE DAY IN COMMITTEE

- 2 [NOR-Crs P Youngblutt, J van Lieshout and K Milne] [PR-CM] Equestrian Pad Compliance Matter Lot 7 DP 826941 No 308 Tomewin Road, Dungay

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

NOTICE OF RESCISSION:

Councillor P Youngblutt, J van Lieshout and K Milne move that the confidential resolution on Item 1 at Minute No C63 of the Meeting held 14 December 2010 being:

.... that Council advises in writing the owners of No's. 308 and 420 Tomewin Road, Dungay that Council has received legal advice regarding the equestrian pad and that no further action will be undertaken by Council.

be rescinded.

3 [NOM-Cr Milne] Equestrian Pad at Dungay

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

NOTICE OF MOTION:

Councillor K Milne moves that Council defers the recommendation at Item no.1 of the December confidential meeting on the Equestrian Pad at Dungay, to hold a workshop to include attendance of the Canefarmers Association and the adjacent landholders:
