

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

37 [CNR-CM] Integrated Sustainable Floodplain Farming Northern Rivers Catchment Management Authority - 2012/2013

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

SUMMARY OF REPORT:

Council resolved at the October 2012 Council meeting to accept a Northern Rivers Catchment Management Authority grant of \$55,000 to undertake floodplain management works on the Tweed floodplain. 'This project will facilitate through on-ground works and extension outcomes, the active management of acid sulfate soils, flood-gated drains and floodplains as well as overall land management practices to implement soil health (reduce soil acidification and improve soil carbon)'.

The purpose of this report is to seek Council's approval to fund works on private properties, as listed within the report, in accordance with the provisions of the Grant.

RECOMMENDATION:

That Council approves the proposed on ground works on the private properties listed in the table contained within the report for the Integrated Sustainable Floodplain Farming Project.

REPORT:

Council resolved at the October 2012 Council meeting to accept a Northern Rivers Catchment Management Authority grant of \$55,000 to undertake floodplain management works on the Tweed floodplain. 'This project will facilitate through on-ground works and extension outcomes, the active management of acid sulfate soils, flood-gated drains and floodplains as well as overall land management practices to implement soil health (reduce soil acidification and improve soil carbon)'.

The project outcomes are:

- Condition of native vegetation improved
- Farmers assisted to increase their uptake of sustainable farm and land management practices (soil health/soil carbon and Acid Sulfate Soil Best Management Practices) that deliver improved ecosystem services
- Knowledge, skills and engagement of land managers and farmers in managing our natural resources and environment

The proposed works involve the provision of services by professional bushland regenerators to undertake primary and maintenance weed control, tree planting and assist landholders to more effectively manage floodplain waterways including drainage channels. Concurrently on one of the three farms listed below the project will facilitate the implementation of a trial demonstrating soil carbon/ health and crop health benefits using recycled and composted resources.

Name	Area	Details	Cost Estimate (\$ excl. GST)
Ms Julie Schiller	Tyngalah - Sugarcane Farm	140m cane drain rehabilitation: banks reforming (Landholder contribution), installation of erosion control mats, planting of ground covers species, two years maintenance.	\$4329.60
Mr Bernard Schiller	Clothier Creek (Beef Cattle Farm)	500m drain rehabilitation: Fencing & banks reforming (Landholder contribution), planting of trees and ground covers species (2440 plants), two years maintenance.	\$9803.64
Mr Paul Bolster	Chinderah (Tea Tree Farm)	Supply 100t of grinded green waste and 50t of feedlot manure. Materials are to be used by the landholder to manufacture compost to be applied at various rates to tea tree crop. Undertake compost/ soil sampling and analysis.	\$3353.07
TOTAL			\$17,486.30

OPTIONS:

1. Council approves proposed on ground works on the private properties listed in the table contained within the report.
2. Council does not approve proposed on ground works on the private properties listed in the table contained within the report.

CONCLUSION:

This project will further contribute to research and on ground works taking place in the fields of Acid Sulfate Soils, Soil Carbon and Sustainable agriculture in the region.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$55,000 from NRCMA plus \$22,000 Council contribution through the Tweed River Estuary Program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.5 Improve the environmental capacity of the Tweed agriculture lands
- 4.5.1 Promote and encourage sustainable and innovative agricultural practices

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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38 [CNR-CM] River Health Grants

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

SUMMARY OF REPORT:

This report provides Council with details of proposed investments in river and riparian management through implementation of the River Health Grants Program.

The goal of this project is to improve the quality of Tweed Waterways by subsidising works on private properties, for example by revegetation, weed control and provision of off stream water for cattle. The source of funding for this program is the Water Unit mandatory dividend for water and sewerage.

RECOMMENDATION:

That Council approves the proposed River Health Grants included within this report.

REPORT:

Since June 2006 Council has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition. The goal of this program is to enhance the environmental condition of Tweed waterways, improve the water quality of raw water extracted for treatment at Bray Park. At the March 2013 meeting, Council approved to amend the Water Supply Catchment Stream Bank Protection Version 1.2 to include subsidisation of riparian rehabilitation works in all natural waterways of the Shire, and renamed the River Health Grants policy. The amended policy was on exhibition for 28 days up to 28 May 2013.

The River Health Grants Program has been successful in attracting a diverse range of landholders, from traditional farmers to rural lifestyle property owners and has made an immediate improvement in the riparian conditions of treated areas. In each case of funding, an agreement with land holders will be signed that details Council's contribution to the project and the commitments and responsibilities of the land holder.

There are seven proposed River Health Grant projects included in this report. The projects are relatively minor and all of them build upon previous work undertaken at each site and include a significant in-kind contribution from the landowners. There are two riparian fencing projects to restrict stock access to waterways which will be regenerated to native vegetation. Bush regeneration is also proposed to be undertaken at the Mt Warning Rainforest Park along Korumbyn Creek and at two sites along Bilambil Creek. The other project is to replace cattle yards that Council determined require removing on Road Reserve within metres of Duroby Creek. The landowners will contribute around \$20,000 in cash and in-kind assistance to pull down old yards, cleaning site and erecting new yards and keeping cattle off the creek banks.

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Bourchier	Mt Warning	400	Control environmental weeds and restore native riparian vegetation to reduce bank erosion.	\$1,500
Lazer	Bilambil	50	Control coral tree infestation and provide plants for revegetation.	\$1,760
Godfrey	Bilambil	100	Follow up weed control maintenance of revegetation site	\$1,320
Gilliland	Bilambil	1,500	Replace cattle yards and restrict stock access to Duroby Creek	\$11,000
Graham	Stokers Siding	100	Fence creek to restrict stock access and prepare bank for riparian planting works	\$1,500
Gibson	Urliup	850	Fence creek lines to restrict cattle access and regenerate riparian habitat.	\$7,000
Lofts	Doon Doon	730	Control noxious weeds, Camphor and privet, and regenerate native riparian vegetation.	\$6,000

CONCLUSION:

The projects nominated for approval in this round of river health grant agreements includes significant in-kind contributions from the property owners. The projects will achieve the aims of the River Health Grants Scheme, and are in accord with the River Health Grants Policy.

COUNCIL IMPLICATIONS:

a. Policy:

River Health Grants 1.0.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.5 Revegetate riparian zones
- 4.1.2.5.1 River health grants on private land

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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39 [CNR-CM] Great Eastern Ranges - Border Ranges Small Grant

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

SUMMARY OF REPORT:

Council has been awarded a \$25,100 grant from the Great Eastern Ranges Initiative for the Upper Rous River Vegetation Connectivity Enhancement Project. In accordance with the grant, a further \$17,825 will be contributed to the project from Council's Biodiversity Grant Program. Participating landholders will contribute the equivalent of \$11,900 in labour costs during the project.

RECOMMENDATION:

That Council:

- 1. Accepts the Great Eastern Ranges Initiative Grant, Contract Number 0439, Upper Rous River Vegetation Connectivity Enhancement in the amount of \$25,100.**
- 2. Votes the expenditure.**

REPORT:

Council has been awarded a \$25,100 grant from the Great Eastern Ranges Initiative for the project Upper Rous River Vegetation Connectivity Enhancement. In accordance with the grant, a further \$17,825 will be contributed to the project from Council's Biodiversity Grant Program. Participating landholders will contribute the equivalent of \$11,900 in labour costs during the project.

The project involves ecological restoration of approximately 30 hectares of land straddling four kilometres of the Upper Rous River within a key Border Ranges Connectivity Priority Area. It will mitigate threats to biodiversity and enhance vegetation connectivity and water quality in an area of high biodiversity supporting a significant number of threatened species. Regeneration will be augmented by in-fill planting to accelerate canopy development, inhibit re-emergence of weeds and boost the regenerative capacity of riparian vegetation. The project area is identified in the *Tweed Vegetation Management Strategy (2004)* as having High to Very High Ecological Status and Sensitivity and is within a Regional Wildlife Corridor and a designated Climate Change Corridor.

Specific actions will include:

- Ecological restoration of 30 hectares of riparian land
- In-fill planting of 200 suitable species of native plants
- Increased connectivity of riparian vegetation
- Landholder training and education
- Monitoring and reporting of the work, including reporting of any rare and threatened flora and fauna

Project outcomes will be entered into the Border Ranges Alliance Atlas of Living Australia website.

The project is to be completed by 10 October 2013.

Dear Applicants,

Your applications to the GER Border Ranges Small Grants have been assessed and final projects selected.

The successful applicants are:

- Tweed Shire Council
- Brunswick Valley Landcare
- Wilsons Creek Huonbrook Landcare
- Envite (part funded)

Thank you for submitting an application. All projects submitted were excellent. I will include a brief outline of the successful projects in the next Border Ranges email update. If you haven't been successful we will keep your projects in mind for any future opportunities.

Warm Regards
Georgia

Georgia Beyer
Border Ranges Alliance Facilitator
Great Eastern Ranges
(02) 6626 0304
georgiab@nct.org.au



www.borderrangesalliance.org.au
www.greastemranges.org.au

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A total of \$17, 825 will be contributed to the project from Council's Biodiversity Grant Program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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40 [CNR-CM] Proposed Closure of Creek Street Round Mountain Western Access

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

SUMMARY OF REPORT:

Creek Street, which runs in an east-westerly direction off Round Mountain Road, is a rough track with no surface material that extends to the western side of Cudgera Creek. It does not connect to the portion of Creek Street that originates on Tweed Coast Road. The road also forms the northern boundary of Tweed Shire Council's Hastings Point Wastewater Treatment Plant adjacent to Round Mountain Road (Lot 3 DP 601993) and bisects Cudgen Nature Reserve (Lot 513 DP 729269 and Lot 520 DP 729387) and provides access to it.

There has been a history of incursions by 4WD vehicles which cause damage to significant vegetation at this site.

The land adjacent to the track has been identified as comprising endangered ecological communities and habitat for threatened species or populations, including koalas. The damage caused by recreational vehicles and the potential incursion of environmental weeds will have a negative impact on vegetation communities and habitat at this site.

Entry to the Creek Street road reserve should be restricted to Council staff for access to an existing sewer line; National Parks and Wildlife Service officers and Rural Fire Service offices and volunteers in the event of bushfires, to ensure protection of this significant habitat.

Council has the authority under section 122 of the Roads Act to regulate traffic on a public road. In this instance, in order to restrict incursions by 4WD vehicles, limit dumping of rubbish and the spread of environmental weeds and to protect significant habitat, it is recommended that Council approve the installation of a locked gate at the intersection of Creek Street and Round Mountain Road.

RECOMMENDATION:

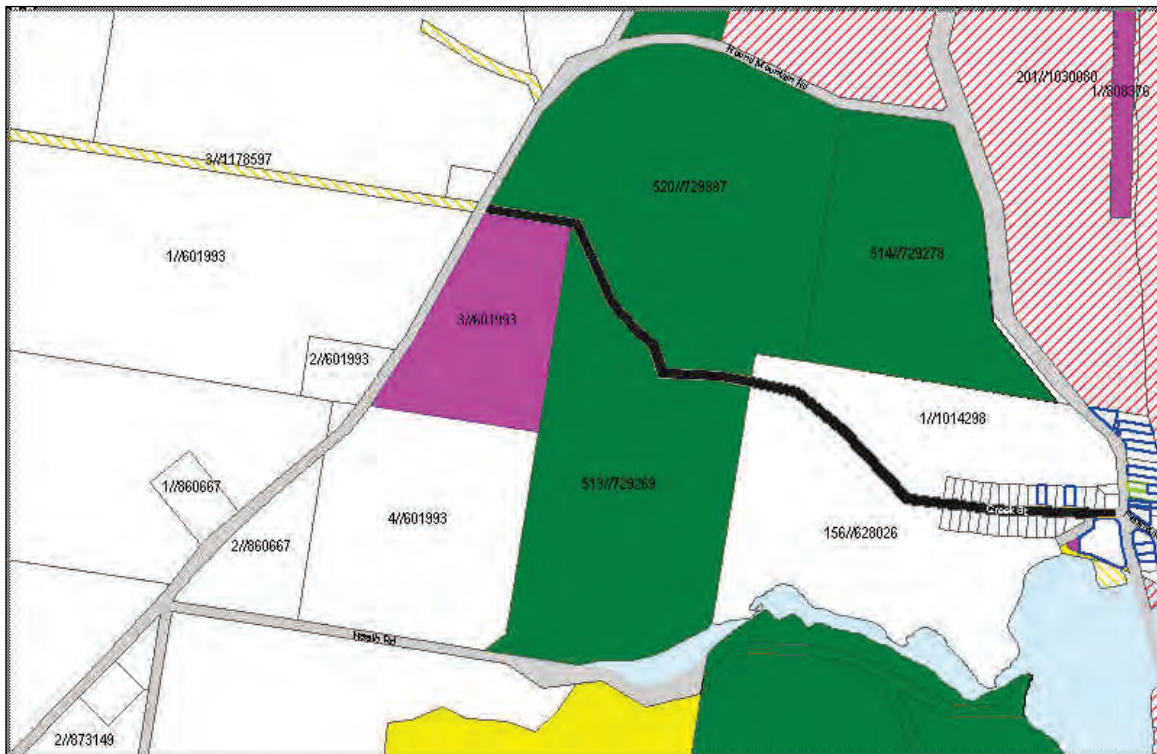
That Council:

- 1. Regulates the traffic on Creek Street, Round Mountain by means of a gated structure at the intersection of Creek Street and Road Mountain Road, as per Section 122 of the Roads Act 1993.**
- 2. Advertises the regulation of traffic on Creek Street, Round Mountain in the Tweed Link.**

REPORT:

Creek Street, which runs in an east-westerly direction off Round Mountain Road, is a rough track with no surface material that extends to the western side of Cudgera Creek. It does not connect to the portion of Creek Street that originates on Tweed Coast Road. The road also forms the northern boundary of Tweed Shire Council's Round Mountain Wastewater Treatment Plant adjacent to Round Mountain Road (Lot 3 DP 601993) and bisects Cudgen Nature Reserve (Lot 513 DP 729269 and Lot 520 DP 729387) and provides access to it.

The plan below shows the location of the subject road:



There has been a history of incursions by 4WD vehicles which cause damage to significant vegetation at this site. There is also a history of rubbish dumping and unauthorised parties in the vicinity of the site. Recent reports from NSW National Parks and Wildlife Service officers (NPWS, OEH) indicate that the track has been opened up again by 4WD enthusiasts who have caused considerable damage as the site was waterlogged during access events. NPWS officers have requested assistance from Council in managing this access point. Similar incursions were previously reported for Heath Road, Round Mountain on 20 April 2010, located one kilometre south of Creek Street on the southern side of the a Wastewater Treatment Plant which was subsequently gated.

The photograph below shows fresh tyre marks leading into the Nature Reserve:



The land adjacent to the track has been identified as comprising endangered ecological communities and habitat for threatened species or populations, including koalas. The damage caused by recreational vehicles and the potential incursion of environmental weeds will have a negative impact on vegetation communities and habitat at this site.

It is proposed that the costs of any remediation at the site will be funded by the Office of Environment and Heritage (OEH) through its NPWS officers and the installation of gating at this site will be funded by the Tweed Shire Council's Bushfire Hazard Reduction budget.

The following vegetation communities were identified adjacent to Creek Street:

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

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

Entry to the Creek Street road reserve should be restricted to Council staff for access to an existing sewer line; National Parks and Wildlife Service officers and Rural Fire Service offices and volunteers in the event of bushfires, to ensure protection of this significant habitat.

Council has the authority under section 122 of the Roads Act to regulate traffic on a public road. In this instance, in order to restrict incursions by 4WD vehicles, limit dumping of rubbish and the spread of environmental weeds and to protect significant habitat, it is recommended that Council approve the installation of a locked gate at the intersection of Creek Street and Round Mountain Road.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

All costs relating to installation of the gate will be derived through Council's Bushfire Hazard Reduction budget and for site remediation through NPWS or OEH funding.

c. Legal:

Not applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.2 Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire
- 4.2.2.2 Management of council owned bushland
- 4.2.2.2.2 Management of bush fire risk

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

41 [CNR-CM] Tender Evaluation Report - EQ2012-284 Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

SUMMARY OF REPORT:

Expressions of Interest (EOI) were called for from companies and individuals interested in providing Natural Vegetation Regeneration/Restoration services on Council managed lands. The work to be performed under the subsequent Expression of Interest (EOI) includes the provision of all labour, plant and materials and the performance of all operations of whatever kind necessary for the complete of such works. While the total amount available for Natural Resource Management (NRM) regeneration/restoration works is likely to exceed \$200,000 per annum, no offer of work is implied by this EOI. The top 10 assessed service providers will be added to the NRM Unit, Natural Vegetation Regeneration/Restoration Services Panel of Providers list for 2013. All quoted hourly rates will remain current for a period of two years from the date of submission being 9 January 2013.

RECOMMENDATION:

That:

- 1. The service providers assessed as being in the top 10 submitted Expressions of Interest be accepted for EQ2012-284 Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services - Panel of Providers list.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

Tender Background

The work to be performed under the subsequent Expression of Interest (EOI) includes the provision of all labour, plant and materials and the performance of all operations of whatever kind necessary for the complete and proper Service of Natural Vegetation Regeneration/Restoration on Council managed lands. While the total amount available for regeneration/restoration works is likely to exceed \$200,000 per annum, no offer of work is implied by this EOI. The top 10 assessed service providers will be added to the Natural Resource Management Unit, Natural Vegetation Regeneration/Restoration Services Panel of Providers list 2013. All quoted hourly rates will remain current for a period of two years from the date of submission being 9 January 2013.

Tender Evaluation Panel

Council's Tender Evaluation Panel was made up of Council's Waterways Program Leader, Biodiversity Project Officer and Bushland Officer.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EQ2012-284 Request for Expressions of Interest to Provide Natural Vegetation Regeneration/Restoration Services on 4 December 2012 in Tweed Link. The tender was also advertised on Council's website and existing Panel members and targeted candidates for restoration work were provided with full documentation directly on 28 November 2012.

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 9 January 2013 in the Tender Box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah. 19 tender submissions were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN
Austspray	89 122 731 775
Basically Bush Restoration	37 742 558 257
Bowerbird	80 554 251 292
Bushland Restoration Services	44 105 030 573
Eddie Roberts	79 540 298 832
EnviTE Inc	51 288 461 579
Forest Restorations	33 035 164 843
Gecko Regen	28 124 611 463
Madhima Gulgan Community Association Inc.	73 873 870 365
Scrubland Restorations	97 609 116 551
Virida Sylvis	26 425 615 090
Activeco Pty Ltd	65 151 965 847
Angus Murray	63 540 526 327
Ecosure	63 106 067 976
Enhance Environmental	25 647 854 370
Maia Bushland Restorations	66 010 350 684
Managing for Productivity	51 645 921 724
NatureCall	81 127 154 787
Treeline Forest Management	70 147 071 396

Evaluation Summary

The EOI evaluation was conducted as per the Tender Evaluation Plan dated 30 November 2012. EOIs were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering. The details of the price and non price evaluation are shown on the attached Tender Evaluation Spreadsheet

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Tender Price)	Schedule 2	30
Financial Details and Capacity	Schedule 4	Yes/No Item
Previous and Current Works (Experience)	Schedule 4	20
Project Management (Key Personnel)	Schedule 5	20
WHS and Risk Management	Schedule 7	10
Environmental Management	Schedule 7	10
Quality Management	Schedule 7	10
Company Insurances	Schedule 9	Yes/No Item
	Total	100

It is recommended that Expressions of Interest from:

- Austspray
- Basically Bush Restoration
- Bowerbird
- Bushland Restoration Services
- Eddie Roberts
- EnviTE Inc.
- Forest Restorations
- Gecko Regen
- Madhima Gulgan Community Association Inc.
- Scrubland Restorations
- Virida Sylvis

be accepted and these companies/individuals be added to the Natural Resource Management Unit, Natural Vegetation Regeneration/Restoration Services Panel of Providers list 2013 which will remain current for two years from the date of submission being 9 January 2013.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

Funding for the provision of services to be supplied from Council's Biodiversity, Waterways and Sustainable Agriculture Program budgets and from external funding sources.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire
- 4.2.1.3 Prepare, review and implement vegetation and biodiversity management plans
- 4.2.1.3.1 Implementation of priority actions in Vegetation Management Plans and Bushfire Risk Management Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Combined Assessment - Panel of Providers - Bushland Restoration 2013-15 (ECM 3080825)

42 [CNR-CM] Cultural Development Officer

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

SUMMARY OF REPORT:

At its meeting of 16 May 2013 Council resolved as follows:

"that a report be submitted to council detailing firstly, the manner in which the budgeted salary for the position of Cultural Development Officer has been allocated since the position was vacated and secondly, the future of this position."

Council's Cultural Development Officer position has been substantively vacant since July 2010. Since that time the budget for the position has been reallocated to resourcing an education officer at the Art Gallery, a number of cultural development allied projects and activities, and to assist in balancing over expenditure in other areas of Council. At this stage it is proposed to retain the position however over the next 12 months it is proposed to engage a temporary cultural Communications Officer to prepare for and implement communications and marketing initiatives for the Margaret Olley Art Centre and Tweed Regional Museum - Murwillumbah.

RECOMMENDATION:

That Council notes the allocation of the funding for the Cultural Development Officer position.

REPORT:

The Cultural Development Officer (CDO) position was vacated on 14 July 2010. In March 2011 the position hours were reduced to fund a part time Education Officer at the Art Gallery. In the 2010/2011 financial year the remaining budget for the CDO position was reallocated to the Jack Evans Boat Harbour Goorimahbah (\$50,000) and to balance other miscellaneous over expenditures within the Division (\$44,671). In the 2011/2012 financial year the budget for the CDO position was reallocated to Museum Salaries (\$15,000) and other miscellaneous over expenditures (\$42,658). In this financial year, 2012/13, the budget for the CDO position has been partly reallocated to cover the Community Options Program ABC contribution to the General fund due to the loss of the COMPACKS program (\$17,993). The remaining budget is currently being utilised for:

- the implementation of the Collection Management System (Vernon) for the Art Gallery (1 day per week for 11 weeks);
- review/updating of the *Cultural Policy*, the *Placemaking and Pubic Art Policy* and associated processes, with assistance being provided by Arts Northern Rivers as required.

In the 2013/2014 financial year, the budget allocation for the CDO position will be used to engage a Communications Officer - Cultural to be shared between the Art Gallery and the Museum and assist with communication requirements for the delivery of two large infrastructure projects that will significantly reposition the Tweed's cultural reputation - the construction and opening of the Margaret Olley Art Centre and the Murwillumbah Museum extension and related cultural projects. The role will deliver communication initiatives including marketing and promotional activities for the two facilities, new websites and social media activities, events, promotions and exhibition assistance to support Council's significant investment in these expanded/new facilities.

During 2013/2014, the CDO role will be reviewed to ensure Council's capacity for implementing the revised/updated cultural policies and plans in 2014/2015.

OPTIONS:

1. That Council receives and notes the report.
2. That Council defers the report and requests further information.

CONCLUSION:

In the absence of a substantive officer in the Cultural Development role, the budgeted salary has been expended performing tasks and meeting responsibilities that would have been met, at least in part, by such an officer and to ensure Council has met various responsibilities in responding to role related enquiries.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

A budget of \$64,940 is allocated for the 2013/2014 financial year; expenditure on the review/updating of the policies will be accomplished in the remaining allocation for 2012/2013 (\$44,000).

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 2.1.3.5 Provide accessible cultural development programs
- 2.1.3.5.1 Deliver a range of cultural programs relevant to local lifestyles, building on former City of the Arts programs

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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43 [CNR-CM] New Murwillumbah Community Centre - Lions Club of Murwillumbah

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

SUMMARY OF REPORT:

The Lions Club of Murwillumbah has advised Council that the youth space within the new Murwillumbah Community Centre does not, in their view, conform to the aims of the bequest for which they are the Trustee.

This report outlines the implications of the withdrawal of this bequest.

RECOMMENDATION:

That Council officers investigate other options to fund the \$300,000 shortfall in funding for the Murwillumbah Community Centre.

REPORT:

Council awarded the Murwillumbah Community Centre construction tender EC2011-123 to Multi Span Australia Pty Ltd on 18 October 2011. At the time, project funding included Federal Government grants, Lions Club of Murwillumbah (Lions Club) donation, sale of other Council assets and Section 94 contributions.

Since that time, the Murwillumbah Community Centre, including a youth centre has been completed and officially opened on 24 November 2012.

Advice received from the Lions Club notes that in their view the completed youth centre falls short of the intent of the bequest made by the late Edward John Navin. Council's Community Services Coordinator, Youth Development Officer and a St Josephs Youth Service representative attended a meeting of the Lions Club on 26 March 2013 to discuss the programs and activities on offer from the Murwillumbah Youth Centre. At the meeting, Lions Club members explained the intent of the bequest was to construct a Police Citizens Youth Centre (PCYC) style of service in Murwillumbah to provide structured activities and a place for young people to drop-in. It has never been Council's intention to provide and resource such a facility. The current youth centre in the Murwillumbah Community Centre provides a range of support services for young people, including some activities. It is anticipated that over time the number and frequency of activities will increase but not to the extent which will satisfy the Lions Club.

The following letter from the Lions Club was received on 10 May 2013, noting the Lions Club Board has unanimously agreed not to release the \$300,000 bequest for Murwillumbah Community Centre. The letter further notes however that the Lions Club is open to further discussions with Council should a proposal be put forward that meets the terms of the late Mr Navin's will.



Lions Club of Murwillumbah Inc.

PO Box 612, Murwillumbah. NSW. 2484.

ABN 93 847 391 657



President: Margaret Organ
Ph: 6677 7290

Secretary: Peter Richards
Ph: 6672-1471
Email pri26277@bigpond.net.au

10/05/2013

David Oxenham

Director Community and Natural resources

Dear David.

Further to our phone conversation, I would like to inform you that the Board of the Murwillumbah Lions Club, has unanimously decided to adhere to the letter from our Solicitors Egan Simpson, dated the 6th December, 2012.

However, we the Lions Club are still open to further discussions with Council, should you come up with another proposal which comes close to the wording of the "Last Will and Testament" of Edward John Navin.

Kind regards,

Peter Richards
(Secretary)

Donations.
M/SBH COMMUNITY CARE

TWEED SHIRE COUNCIL	
FILE No:	SERVICE ORGT - LION
DOC. No:	
REC'D:	14 MAY 2013
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Council staff will again meet with Lions Club members to present the draft *Youth Strategy and Action Plan (2013-2017)* "the Strategy" and discuss opportunities for supporting young people in Murwillumbah through the Strategy. It is understood that members of the Lions Club are particularly interested in PCYC style activities to engage young people and minimise anti-social behaviour in and around Murwillumbah.

The Strategy contains a number of actions that the Lions Club could partner with Council to deliver including:

STRATEGIC OUTCOME 3 - YOUNG PEOPLE ARE INVOLVED IN LOCAL EVENTS AND A RANGE OF CREATIVE, SPORTING AND SOCIAL ACTIVITIES	
Action 2	Establish a group of young people who volunteer to design and manage events and programs in public places such as Knox Park etc
Action 3	Coordinate a Youth Projects grant to seed-fund young people's initiatives
Action 4	Partner with community service groups to deliver programs and activities for young people in Council halls, parks and youth centres
STRATEGIC OUTCOME 5 - YOUNG PEOPLE FEEL SAFE AND PROTECTED FROM DRUGS, ALCOHOL AND VIOLENCE	
Action 7	Support 'CoolHeads' after-hours binge drinking program in areas where young people are engaging in anti-social activities at night, including Knox Park, etc
STRATEGIC OUTCOME 6 - YOUNG PEOPLE CAN GET AROUND, HAVE ACCESS TO SERVICES AND HAVE AFFORDABLE PLACES TO LIVE	
Action 2	Engage with private bus companies about extending their services to weekends and evenings in areas where there currently is no service.

OPTIONS:

1. That Council officers investigate alternative funding sources for the Murwillumbah Community Centre.
2. That Council defers the report and requests further information.

CONCLUSION:

Council staff will explore opportunities for the Lions Club to partner with Council and community service groups to develop preventive and diversionary programmes for youth, including community events and activities, and improved transport services in the Murwillumbah locality. Council should note the bequest of the late Mr Navin will not be released to fund the construction of the Murwillumbah Community Centre.

COUNCIL IMPLICATIONS:

a. Policy:

Youth Version 1.0.

b. Budget/Long Term Financial Plan:

A further report will be presented to Council detailing funding arrangements following the sale of Council's Nullum Street property.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.5 Provide vibrant and accessible town, community and business centres
- 2.5.2 Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents
- 2.5.2.2 Plan for and provide new community buildings in line with population growth

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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44 [CNR-CM] Submission to NSW Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

SUMMARY OF REPORT:

The purpose of this report is to inform Council that officers have made a submission to the "NSW Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People."

RECOMMENDATION:

That Council receives and notes the "Submission to Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People".

REPORT:

This inquiry is a current Legislative Council inquiry conducted by the Social Issues Committee. The inquiry was established on 15 November 2012 to inquire into and report on strategies to reduce alcohol abuse among young people in NSW. The terms of reference were advised by the Hon. Minister Humphries MP, Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales on 31 October 2012. The submission closing date was Friday 1 March 2013.

Council's submission:

- Identifies the particular substance abuse issues that are prevalent in the Shire.
- Describes relevant features of the local scene, the local tourism-based economy, law enforcement difficulties with existing regulations, the resources that are required to be devoted to resolving issues and protecting people, the role of the Liquor Accords, and the problem of secondary supply of alcohol as it affects young people.
- Outlines projects aimed at addressing particular issues such as the Cool Heads program, efforts to increase the number of youth events, the RRISK program, promotion of courtesy bus services at venues, the former Night Link and Taxi Link services, dual taxi ranks, and cooperation with the police on both sides of the Queensland and NSW border.

The issues identified in the submission are supported by the draft *Youth Strategy and Action Plan (2013-2017)*.

OPTIONS:

1. That Council receives and notes the report.
2. That Council defers the report and requests further information.

CONCLUSION:

Strategic Outcome 5 of the draft *Youth Strategy and Action Plan (2013-2017)* is that "Young people feel safe and protected from drugs, alcohol and violence". Young people are often the victims of alcohol abuse by others and through secondary supply, are exposed to the adverse influences of alcohol. Council and community have addressed these issues by adopting preventive and diversionary programmes for youth, engaging them in community events, providing facilities and seeking to improve transport services. Ultimately, however, innovative social policies and legislation are required to effect a correction in our use of alcohol generally.

COUNCIL IMPLICATIONS:

a. Policy:

Youth Version 1.0.

b. Budget/Long Term Financial Plan:

The "Submission to Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People" has no financial implications for Council.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
- 2.1.1.3 Improve service to young people

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Council's Submission to NSW Legislative Council Inquiry into Strategies to Reduce Alcohol Abuse Among Young People (ECM 2984413)
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45 [CNR-CM] Acceptance of Commonwealth Government Grant Funding for Margaret Olley Art Centre

SUBMITTED BY: Director

Valid



Supporting Community Life

SUMMARY OF REPORT:

A grant from the Commonwealth Government through the Department of Regional Australia, Local Government, Arts and Sport totalling \$1,000,000 has been approved. The grant funding was approved through the Department's Community Infrastructure Grant scheme for the Margaret Olley Art Centre.

RECOMMENDATION:

That:

- 1. Council accepts the grant funding totalling \$1,000,000 from the Commonwealth Government's Community Infrastructure grant round and votes the expenditure as part of Council's budget allocation for the construction of the Margaret Olley Art Centre at the Tweed River Art Gallery.**
- 2. All documentation, if required, be executed under the Common Seal of Council.**

REPORT:

Council successfully applied to the Commonwealth Government through the Community Infrastructure Grant scheme for funding of \$1,000,000 to be allocated to the construction of the Margaret Olley Art Centre at the Tweed River Art Gallery. This funding was sought following the gift of \$1,000,000 from the Margaret Olley Trust in November 2011. This funding will be allocated towards consultancy fees, construction costs and exhibition fit-out expenses.

Further financial assistance for this capital project has also been committed by the Tweed River Art Gallery Foundation Ltd, the Friends of the Tweed River Art Gallery Inc. and Council.

A copy of the letter is reproduced below:



The Hon Anthony Albanese MP

Minister for Infrastructure and Transport
Minister for Regional Development and Local Government
Leader of the House

06 MAY 2013

Reference: B13/187

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

2120-MARGARET OLLEY ART
COT GRANT - GENERAL
TWEED SHIRE COUNCIL
FILE No: COT GRANT - LOCAL PROJECT
DOC. No:
REC'D: 13 MAY 2013
ASSIGNED TO: OXENHAM, D
HARD COPY ☐ IMAGE ☒

Dear Mr Oxenham

**COMMUNITY INFRASTRUCTURE GRANTS PROGRAM – CIG088 MARGARET
OLLEY ART CENTRE (MOAC)**

I am pleased to advise you that I have approved funding of up to \$1,000,000 (GST exclusive) under the Community Infrastructure Grants Program to the Tweed Shire Council for the Margaret Olley Art Centre project. This approval delivers on the Governments funding commitment.

Provision of funding is dependent on the preparation and execution by both parties of a Funding Agreement that sets out the terms and conditions under which the funding is provided, and the settling of other details, including confirmation of final project costs.

You must enter a Funding Agreement within four weeks of the project being approved otherwise the offer of funding will be reviewed and may be withdrawn. You will shortly be contacted by an officer from my Department to discuss the Funding Agreement.

The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under Australian law and falls within the terms of Australian Taxation Office ruling GSTR 2012/2. You may wish to seek guidance from the Australian Taxation Office or your tax adviser on the impact of Community Infrastructure Grants Program funding on your organisation's taxation liabilities.

I have written to the Hon Justine Elliot MP, Member for Richmond advising her about the Margaret Olley Art Centre project and have asked that she liaise with you about details of any public announcement of this funding. I ask that the funding approval be kept confidential until an announcement is agreed with the Hon Justine Elliot MP.

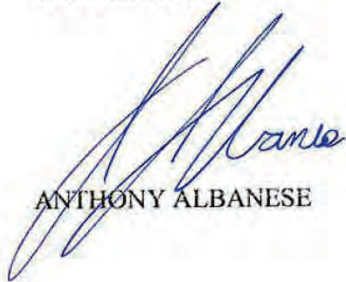
PARLIAMENT HOUSE CANBERRA ACT 2600

Telephone: 02 6277 7680 Facsimile: 02 6273 4126

Should you wish to conduct a project launch at the conclusion of the project or at another suitable time, please contact my Department on 1800 005 494 to arrange a suitable date. It would be appreciated if you could provide three possible dates and at least six weeks notice to my Department. This will allow time to make the appropriate arrangements for me or my representative to attend.

I wish you every success with the Margaret Olley Art Centre project.

Yours sincerely



ANTHONY ALBANESE

OPTIONS:

Option 1: Council accepts the grant funding of \$1,000,000 from the Commonwealth Government through the Department of Regional Australia, Local Government, Arts and Sport.

Option 2: Council does not accept the grant funding.

CONCLUSION:

It is recommended that Council accepts the grant offer of \$1,000,000 from the Commonwealth Government and votes the expenditure as part of Council's budget allocation for the construction of the Margaret Olley Art Centre at the Tweed River Art Gallery.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The budget for the Project included the amount of \$1,000,000 from the Commonwealth Government.

c. Legal:

Council must accept conditions of grant, including submitting of regular reports in order to receive grant progress payments.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.1.6 Develop purpose-built extension to Tweed River Art Gallery as the Margaret Olley Art Centre

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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46 [CNR-CM] Water Demand Management - Residential Water Saving Program for 2013-2014

SUBMITTED BY: Water

Valid



Supporting Community Life

SUMMARY OF REPORT:

The residential water saving program is a key component of the Demand Management Strategy Implementation Plan which was adopted by Council in May 2011.

The program is being run in stages over a three year period and commenced on 1 July 2011 with the introduction of a residential rebate for water saving shower heads, aerators and spouts/mixers.

A number of other activities were added to the program in 2012-2013 based on the performance of the original rebate, audit results and a community survey which was conducted in May 2012.

The key elements of the residential water saving program in 2012-2013 were:

- expanded rebate for showers, aerators, spouts/mixers and flow controllers/regulators
- new residential rebate for dual flush toilets
- “Meet your Meter” competition and website resources to encourage residential households to monitor their own water use and make water savings
- ongoing links with Council’s “Target 180” residential campaign
- improved water consumption bills
- better information on Council’s website
- continued promotion of rebates and campaigns to further build community awareness and reward/encourage positive behaviour change

The cost and effectiveness of both rebates and other supporting activities carried out in 2012-2013 were monitored and assessed on an ongoing basis. This information has been used to design the residential water saving program proposed for 2013-2014.

Lessons learnt from the success of the residential toilet rebate in 2012-2013 have played a significant role in shaping the proposed residential program for 2013-2014. Council’s financial and human resource constraints have also been important considerations, along with changing attitudes towards the rainwater tank as a water saving alternative and the cost effectiveness of other options.

For 2013-2014, the following key activities are proposed:

- continue rebate for showers, aerators, spouts/mixers and flow controllers/regulators
- introduce a web-based register for residential rainwater tanks
- continue ongoing links with Council's "Target 180" residential campaign
- improve water consumption bills even further to provide for quarterly billing, pro-rata charging and better general information
- explore the cost and feasibility of a future rebate for residential rainwater tanks
- continue to promote rebates and campaigns to further build community awareness and reward/encourage positive behaviour change
- continue to monitor and evaluate the cost and effectiveness of the program

RECOMMENDATION:

That Council endorses the key actions proposed within this report to be implemented in year three of the residential water saving program in 2013/2014.

REPORT:

Background

The first year of the residential water saving program commenced on 1 July 2011 with the introduction of Council's residential rebate for water saving shower heads, aerators and spouts/mixers.

In June 2012, Council endorsed the following activities for the second year of the residential water saving program in 2012/2013. These activities were based on the performance of the residential shower/tap ware rebate in its first year, audit results and community feedback provided through a survey conducted in May 2012.

- Continue the existing residential rebate with some tightening of conditions to ensure that the products being installed deliver the expected water savings.
- Introduce a new residential rebate for dual flush toilets.
- Introduce a 'Meet your Meter... and Win' for residential water users to encourage householders to monitor their water use and make water savings.
- Introduce a web-based register for residential rainwater tanks.
- Develop clear links with Council's "Target 180" campaign.
- Prepare new water consumption bill format, quarterly billing and pro-rata charging for residential water consumption.
- Increase promotion and access to information using simple messages and untapped opportunities such as media, Council's website and involving other stakeholder groups.
- Investigate alternative rebate payment options and assistance for cash-poor and disadvantaged customers.
- Develop partnerships and other options to deliver a cost-effective water use assessment and installation service to residential homes.
- Research the feasibility of a rebate for residential rainwater tanks in year three of the Residential Water Saving Program.
- Continue to build community awareness and research additional ways to reward and promote positive behaviour change.
- Monitor and evaluate the impact and effectiveness of all rebates and supporting activities to assist with the design of the Residential Water Saving Program in year three.

These elements were successfully implemented in 2012-2013 as planned, with the exception of:

- developing and launching a web-based register for residential rainwater tanks
- delivering a cost-effective water use assessment and installation service to residential homes
- exploring the cost and feasibility of a future rebate for residential rainwater tanks

To address these outstanding elements, it is proposed that the web-based register for residential rainwater tanks be developed and launched as part of the residential water saving program in 2013-2014. Further consideration of a household assessment and installation service and a rebate on residential rainwater tanks is being postponed until 2014-2015. This delay is necessary due to current financial and human resource constraints as well as a need to monitor recent trends in water efficiency before investigating these types of projects.

Establishing a household assessment and installation (retrofit) service will be very costly and labour intensive so sufficient budget and staff are necessary to resource such a scheme. Careful planning and development of business partnerships, with clear responsibilities and rules would be required.

Changing attitudes towards residential rainwater tanks as a water saving measure need to be fully taken into account before considering a Council rebate. The NSW and Federal Governments have stopped their tank rebate programs and in South East Queensland, the rules have recently been relaxed and rainwater tanks are no longer mandatory for new dwellings. BASIX requirements still apply in NSW however there is anecdotal evidence around the state that some households are disconnecting their tank pumps and reverting to town water for internal household use i.e. toilet flushing.

Tank installations have always been less cost effective than other water saving initiatives such as toilet and shower replacements due to the much higher setup costs involved. Disconnection, probably due to rising electricity costs, would make tank installations less reliable as water saving solutions and tank rebates even less cost effective. Careful consideration of these issues is required before Council considers offering a rebate on residential rainwater tanks. Another option such as a repeat round of residential toilet rebates may provide a better cost benefit result.

Residential Shower/Tap Ware Rebate

The original rebate for water saving shower heads, aerators and spouts/mixers has been running since 1 July 2011. In 2012-2013 the rebate was expanded to include flow controllers/regulators, the maximum rebate amount was increased to \$100 and installation of eligible products by a licensed plumber was made mandatory.

Currently, the rebate is 50% of the combined cost of eligible products and associated installation costs up to a maximum of \$100. Any combination of products is eligible for the rebate but there is a limit of one rebate per household and two of any individual product. Showerheads must be at least 3-star WELS rated (7.5 - 9L/min) and aerators, spouts, mixers and flow controllers/regulators must be at least 4-star WELS rated (6.0 – 7.5L/min).

Participation and Estimated Water Savings

As at 21 May 2013, 588 households had taken up the residential rebate. A total of 302 shower heads, 229 spouts/mixers, 617 aerators and 9 flow controllers/regulators had been installed. The total rebate contribution by Council is \$34,121.93 (over the two years) with the average rebate being \$58.23.

Based on the performance of similar rebate programs, water savings of about 15kL/annum can be expected per household. This applies whether one or two shower heads are replaced. As at 21 May 2013, 242 households had installed either one or two shower heads so the estimated water saving is 3.63ML/annum.

For households where only the aerators, spouts/mixers or flow controllers have been replaced or installed, the water saving is assumed to be about 5kL/annum. As at 21 May 2013, 346 households had installed these products so the resulting water saving is about 1.73ML/annum.

The total estimated water saving from the shower/tap ware rebate is therefore 5.36ML/annum. Assuming a conservative ten year replacement life for shower heads and other products covered by this rebate, Council's expenditure to achieve this water saving has been about \$1,706.10/annum. The annualised cost of the shower/tap ware rebate is therefore about \$0.32/kL making it very cost effective when compared with the current cost of water which is \$2.05/kL.

The Demand Management Strategy Implementation Plan adopted by Council in May 2011 allocated an annual budget of \$160,000 to fund the residential water saving program, including rebates. The take-up of the shower/tap ware rebate has fallen well short of the projected 2500 households but this allowed for a significant expansion of the overall residential program in its second year.

Audit Results

A random selection of 25 participating households (7.5% of total participants at the time) was audited in April and May 2012. The main purpose of the audit was to check that products claimed as part of the rebate were still installed. The other aim of the audit was to check that installed products were achieving water savings as predicted. The main findings of the audit were:

- all of the products claimed under the rebate were still installed and in good working order
- although all shower heads installed under the rebate were 3-star WELS rated as per the condition of the rebate, some were found to be using a lot more than the 9L/min expected making the average flow rate of shower heads audited about 11.5L/min
- some shower heads were using as much as 18L/min and did not appear to be restricted
- almost all of the high-flow shower heads had been installed by someone other than a licensed plumber - it was possible that the restrictor may have been removed in some cases
- the average flow rate from spouts/mixers and aerators installed under the rebate was about 7.5L/min, consistent with a 3 or 4-star WELS rating as expected
- most participants were satisfied with the performance of the products they had installed

Based on these audit findings, the conditions of the rebate were updated to make installation by a licensed plumber mandatory. Further, to improve the performance of aerators and tap ware, the required WELS rating was upgraded to 4 stars.

A follow up audit of applications received during 2012-2013 is due to be carried out in July 2013.

Residential Dual Flush Toilet Rebate

The residential rebate for dual flush toilets ran from 15 October 2012 to 7 December 2012. Council offered the rebate on new 4-star WELS rated dual flush toilet suites purchased and installed in existing residential homes. The rebate was up to \$200 per toilet suite (cistern and pan), including installation, with a limit of two (2) toilet suites per customer account.

The rebate was only for the replacement of toilets in existing premises. It did not cover toilets installed in new dwellings or major renovations that are subject to the NSW Government's BASIX requirements.

The rebate was retrospective from 1 July 2012 so toilet suites purchased from 1 July 2012 were eligible. The rebate offer was due to close on 30 June 2013 but the unexpectedly high uptake rate meant that it had to be closed after less than two months on 7 December 2012.

All toilet replacement work and associated plumbing were required to be carried out by a licensed plumber. This was to comply with the NSW Plumbing Code and to ensure that toilets and cisterns were installed correctly and would perform as expected. The application form included a declaration which the plumber was required to sign and the applicant was required to return to Council once the toilet was installed. Applicants were advised that the Council may request that the rebate be refunded if the plumber's declaration was not returned.

To be eligible for the rebate, the new toilet suite was required to replace a single flush toilet or an outdated dual flush toilet with a full flush of nine litres or more and half flush of 4.5 litres or more. To ensure compatibility and performance, the whole toilet suite (pan and cistern) had to be replaced.

Toilet suites could be purchased from any plumbing retailer or through the licensed plumber engaged to carry out the work. All retailers of toilets located within the shire were consulted about the rebate and invited to partner with Council. Six of the 11 local retailers opted to offer the rebate in-store to customers on Council's behalf. All of the retailers were provided with application forms and fliers which they could provide to their customers.

If the toilet was purchased from one of the retailers offering the rebate at the point of sale, the applicant filled out the application form and presented the completed, signed form to the retailer. The retailer verified their eligibility by sighting a copy of their latest water consumption bill and personal identification. Once the retailer confirmed that the customer was the authorised owner of the property and that the property was connected to Council's water supply system, the retailer deducted up to \$200 per toilet suite from the purchase price of the toilet suite/s and associated fittings. The retailer then recovered this amount from Council.

The applicant was still required to forward the plumber's declaration to Council once the installation work had been completed.

If the cost of the toilet purchased in-store was less than the full \$200 rebate, the applicant could claim the difference to cover part of the installation costs. A separate section on the application form was provided for customers who chose this option.

Alternatively, toilets could be purchased from any other retailer (in Tweed Shire or not) or the plumber. These application forms were submitted directly to Council and applicants were sent a cheque to the value of their rebate.

Participation and Estimated Water Savings

The residential toilet rebate proved to be more successful than anticipated. Prior to establishing the rebate, the number of single flush and outdated dual flush toilets remaining in the shire was not known. A range of estimates from 15% to 35% of all residential households existed for various other locations around Australia. The overwhelming response to Council's rebate offer suggests that the number of households with old, inefficient toilets was and still is significant.

Overall 1624 households took up the residential toilet rebate. A total of 2553 toilet suites were installed, with 695 households installing one toilet and 929 households installing the maximum of two.

The total rebate contribution by Council was \$508,196.65 and the average rebate was \$313.12.

Based on the evaluation of similar offers, water savings of about 30kL/annum can be expected per household, whether one or two toilets were replaced. Tweed's estimated total water saving is therefore 48.72ML/annum.

Assuming a conservative ten year replacement life for toilets covered by this rebate, Council's expenditure to achieve this water saving has been about \$50,819.67/annum. The annualised cost of the toilet rebate is therefore about \$1.04/kL making it very cost effective when compared with the current cost of water which is \$2.05/kL.

Expenditure

The Demand Management Strategy Implementation Plan adopted by Council in May 2011 allocated an annual budget of \$160,000 to fund the residential water saving program, including rebates. Some budget was carried over from 2011-2012 but the exceptional take-up of the residential toilet rebate means that the original budget has been expended.

A review of the Demand Management implementation schedule, in particular the costing and timing of remaining program elements, has allowed the toilet rebate to be funded from the Demand Management budget. However, the residential water saving program will be constrained financially in its final year in 2013-2014.

Audit Results

Applicants were advised that Council would carry out random audits of participating households to check that toilet suites had been installed correctly and were performing satisfactorily. Each audit also verified the application form details, the quality of the installation work, that both the toilet pan and cistern had been replaced and that new suites were 4-star WELS rated (3L half flush, 4.5L full flush).

A selection of 31 participating households was audited between 9 April 2013 and 3 May 2013. This represented a cross section of applicants that had obtained in-store rebates from the major retailers, those who had applied for the rebate directly through Council and those for which the plumber's declaration had not been returned.

The main findings of the audit were:

- all of the toilet suites claimed under the rebate had been installed and were 4-star WELS rated
- the toilets were in good working order and the flush mechanism was working properly
- installation work was generally of an good standard
- one property will need to be audited again because the way in which a cistern was installed and comments by the owner suggested that the toilets may be moved in future
- most participants were satisfied with the performance of the new toilets
- some participants were having difficulty with the flush buttons on some brands and models
- all participants felt positive about the rebate process

Based on these audit findings and given the mandatory requirement for a plumber's declaration for each toilet, Council can be confident that the majority of toilets claimed under the rebate, if not all, have been installed and are working correctly.

It is proposed to carry out a follow up audit in six months.

Outstanding Plumbers Declarations

On 3 May 2013, a letter was sent to 248 applicants who had received a toilet rebate but had not returned a plumber's declaration for the installation. Applicants were asked to provide the relevant plumbers declarations by 31 May 2013. As at 21 May 2013, 125 plumbers' declarations are still to be received. Affected applicants have been advised that if they do not return the plumber's declaration by the due date, as per the conditions of the rebate, Council will be requesting repayment of any rebate amount that they have received.

Further Assessment of Water Savings

The total reduction in potable water use resulting from both rebate offers is currently estimated to be 54.08ML/annum. This is based on the outcomes of similar programs implemented by other water utilities in Australia over the past few years. In the interim, results obtained by other councils and water utilities implementing similar programs are considered to be a reasonable estimate of the water savings that can be expected.

Community Survey

A survey seeking input from members of the community and other stakeholders was run during May 2012 to provide input to the residential water saving program. A full report of the survey was previously presented to Council in June 2012 and is available on request.

The key findings of the survey have influenced subsequent residential water saving initiatives and campaigns. A brief summary of the actions that have been taken in response to the relevant survey findings is provided here for Council's information.

While 61% of those surveyed had heard about Council's residential water saving rebate, the others had not. Regular articles and advertisements in the Tweed Link have been employed to raise awareness of rebate offers. Partnerships with plumbing retailers and mail outs to plumbers in the shire have been used to reach more customers.

Many people already had water efficient fittings and fixtures in their homes. Innovative offers and education programs are the only way to achieve further water savings in this group.

About 14% of those surveyed said they had not applied for the rebate because they were too busy and had not got around to it. Application processes have been made as simple as possible. Informed plumbers and retailers are better equipped to assist customers. More information about water saving options and the potential financial benefits is being posted in Council's website.

Some 10% of those surveyed were renting. Mail outs to real estate agents in the shire have informed them and landlords about both rebates. Applications are received regularly from a number of agents for works arising from their property inspections.

About 16% of people were not interested in a rebate due to the overall cost involved and the initial outlay. A partnership with retailers enabled participants to claim the toilet rebate at point of sale, avoiding the need for customers to pay for toilets up front in most cases.

52% of those surveyed said they prefer to get a discount directly through the store for a number of reasons. This option was provided through the partnership with toilet retailers.

However 27% of people said they prefer to apply for a rebate through Council because they consider it is safer, more trustworthy and shows that Council is leading the way. This option is always available whether or not a partnership with plumbers and/or retailers exists.

Approximately 31% of those surveyed were concerned about the complexity of application forms and red tape/paperwork when claiming a rebate. The language used on application forms, fliers and letters has been kept as straight forward as possible. Council has a duty of care to ensure that water efficient fittings and fixtures are installed correctly, perform satisfactorily, meet the rebate conditions and comply with the NSW Plumbing Code. To this end, applicants are required to provide adequate information on application forms to confirm these details.

Those surveyed indicated their preferences for other rebates that Council might offer. Rebates for dual flush toilets (56%), rainwater tanks (74%), washing machines (66%), dishwashers (46%), swimming pool covers (35%) and water efficient garden products (62%) were all well supported. Council responded by offering the toilet rebate in 2012-2013. A mail out of outdoor tap nozzles/restrictors is being considered for Council's water efficient garden program due to be launched in 2013.

When asked about a reasonable rebate level, a majority of those surveyed felt that a Council contribution of 50% of the cost was reasonable. The shower/tap ware rebate offer is 50% up to a maximum of \$100 for parts and labour. The toilet rebate was up to \$200 per toilet suite which also represents about 50% of the total cost, given that the average cost of installing one toilet was about \$200.

20% of those surveyed felt that information about water efficiency and education programs were very important. Council has responded by improving water consumption bills and making them easier to understand. Better information about the household's water use is being provided. The "Meet Your Meter" competition and campaign run in 2012-2013 encouraged householders to monitor their water use and make water savings. The information provided on Council's website is continually being supplemented. A general water saving brochure is being developed.

About a quarter of those surveyed said they would be interested in participating in a street or community program relating to sustainable water use. They suggested that a handyman could be made available to check for leaking taps and conduct free home water audits in specific areas. Council could then show households how their water use compares with other similar households and send phone/email notifications to families reaching their targets. Due to resource constraints, Council has delayed the implementation of a retrofit service which might fit this model. Council is moving in this direction with the consideration of smart metering and an on-line customer interface that could provide real time water consumption data to customers.

There was significant support for additional incentive programs. For example, those doing the right thing and saving water should be rewarded. The “Meet Your Meter” competition run in 2012-2013 encouraged residents to monitor their water consumption for a week and show that it was below Council’s target of 180L/person/day.

OPTIONS:

Council’s endorsement of activities proposed in the third year of the residential water saving program (2013-2014) is being sought.

CONCLUSION:

Proposed Residential Water Saving Program for 2013-2014

The activities proposed in the third year of the residential water saving program (2013-2014) are outlined below. These activities are based on the performance of both rebates, audit results, financial and staff constraints, industry/government trends and community feedback.

Continue the existing residential rebate for showers, tap ware and flow controllers/regulators

The existing residential rebate for shower heads, aerators, spouts/mixers and flow controllers is still attracting participants even though the uptake rate in 2012-2013 was 50% of the uptake rate in 2011-2012. The proposal is to continue the rebate in 2013-2014 with no changes.

Introduce a web-based register for residential rainwater tanks

This activity was first proposed in 2012-2013 but has not yet been implemented.

Council revised its policy on residential rainwater tanks and adopted an amended Policy entitled *Rainwater Tanks in Urban Areas* in September 2011. However, rainwater tanks under 10,000 litres generally do not require Council approval so there are no records of these installations. Council has no way of collecting information about the types, volumes and uses of tanks being installed on existing homes and businesses.

To assist with the gathering of relevant data and to check the extent to which Council’s Policy is being followed, a voluntary on-line register of rainwater tanks is proposed. Participants would enter their name, property details and key information about their tank system directly into the register. To encourage participation, everyone who registers their tank would go into a six-monthly draw to win a prize to the value of \$500.

Continue ongoing links with Council’s “Target 180” residential campaign

The aim of the Target 180 campaign is to reduce residential water consumption in the shire. It sets clear, voluntary targets for daily water use expressed in litres per person per day. The campaign is running over a number of years up to the end of 2020 with the intention of slowly reducing residential water use as the years go by. The starting target is 180L/person/day by the end of 2013, followed by a lower target of 170L/person/day by the end of 2016 and finally a target of 160L/person/day by December 2020.

The campaign hopes to raise customers’ awareness of the importance of being water wise. The key message is that if everyone does their bit, together we can make a big change in the amount of water we waste unnecessarily.

Information about the “Target 180” campaign will continue to be provided on all water consumption bills and the distinctive logo will continue to be included on all relevant publications and advertising.

Improve water consumption bills even further to provide for quarterly billing, pro-rata charging and better general information

New-look water consumption bills were introduced in June 2012 for all water customers. The bills had been extensively modified to provide all water users with clear, more detailed information about their water use.

The next step in providing customers with better information about their water use will occur by mid 2014 when Council plans to introduce quarterly water meter reading and consumption billing. The progression to three-monthly water consumption bills will provide more frequent feedback to customers about their water use and means that problems such as leaks may be identified and rectified more quickly.

Along with quarterly meter reading, pro-rata charging for water consumption will be introduced. This means that water use will be charged at the unit rate (\$/kL) that applies in the year when the use actually occurred. This means a more equitable charging regime for everyone.

These changes will assist in bringing Council’s water consumption billing regime in line with NSW Office of Water Guidelines. Importantly, water customers will have the information necessary to better respond to Council’s water saving initiatives.

Explore the cost and feasibility of a future rebate for residential rainwater tanks

Currently there is no funding assistance for the installation of rainwater tanks and the community survey clearly indicated that a Council rebate for tanks would be well received and supported.

The feasibility, costs and benefits of a residential tank rebate need to be carefully considered in light of emerging trends in this space. A review of these issues will be carried out in the next 12 months before Council considers offering a rebate on residential rainwater tanks.

Continue to promote rebates and campaigns to further build community awareness and reward/encourage positive behaviour change

Staff will continue to promote water conservation/efficiency and rebates by attending community events such as the Tweed River Festival, Seniors Expo, Local Government Information Day and Environment Day.

Articles and advertisements are regularly published in the Tweed Link and media releases are used to announce new programs, important milestones and achievements. Mail outs to plumbers, plumbing retailers and real estate agents based in the shire will continue to be used to keep them informed and able to assist in reaching water customers.

The Water Unit is now producing a six monthly newsletter called “Water Matters” that is being mailed out to all water users with their water consumption bills. The newsletter is being used as an opportunity to showcase Council’s water saving initiatives and achievements.

Information provided on Council's website is continually being updated and expanded to support specific programs and address customers' questions.

Additional promotional opportunities will continue to be investigated with a view to targeting new and harder-to-reach audiences. Simpler advertisements with pictures of products and a few key messages are being used.

Council is a member of the Savewater Alliance. Links to the savewater.com website, which offers a vast amount of information about water efficiency and water efficient products, have made this type of information far more accessible to Tweed Shire residents.

It is envisaged that the upcoming Council-wide update/re-design of the website will provide further opportunity to reorganise the demand management, water efficiency and related education content. This will make this information even more readily accessible by the public.

In an effort to further promote the remaining residential rebate, other opportunities for working with product manufacturers, retailer groups, chambers of commerce, industry associations and other stakeholders will be explored. They may be able to assist in spreading awareness about what Council is offering and offer information and education to about water conservation to their customers.

As part of a WASIP (Waste and Sustainability Improvement Payment) funded project, 10 street banner poles are to be erected in five pairs at strategic locations in the shire. The banners were constructed in 2012-2013 and will be erected in 2013-2014. They will be available for Council use only, to promote environmental projects and key events. These banners and conventional street banners are another way that the water saving messages are being conveyed to the community.

New ways of rewarding residential water customers for taking water saving actions will be considered and developed if appropriate and cost-effective. Some local water utilities have achieved a positive response to the distribution of low-cost water saving products and/or branded products used to raise awareness of the issues at hand. One example is the mail-out of outdoor tap nozzles/restrictors with a cardboard backing suitable for a message and logo to all residential water users in the shire. This kind of promotion might link-in well with the "Target 180" and water efficient garden campaigns. The feasibility and cost of this kind of promotion is being assessed further.

Continue to monitor and evaluate the cost and effectiveness of the program

A follow up audit of shower//tap ware rebate applications received during 2012-2013 is due to be carried out in July 2013. Toilet suites installed during the toilet rebate will be audited again in November 2013.

Participation rates and community feedback will continue to be monitored on an ongoing basis and taken into account when making decisions about future programs/campaigns/directions.

Further community engagement may be considered once the overall three year demand management program has been rolled out. This might provide useful input to future water efficiency activities.

Water consumption by all water users, including participating households will continue to be monitored and reported quarterly to Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The Residential Water Saving Program including rebates/discounts, associated activities and prizes are funded from the three-year Demand Management budget adopted by Council along with the Demand Management Strategy Implementation Plan on 17 May 2011.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
- 2.3.2.1 Deliver Demand Management Strategy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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47 [CNR-CM] Sale of No. 1 Nullum Street Murwillumbah - Engagement of Agent

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 18 April 2013 Council resolved to seek expressions of interest for the advertising and sale of No. 1 Nullum Street, Murwillumbah.

All submissions have been received and assessed, and it is recommended that Council engage the recommended agency as per the assessment report, a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. Council engages the recommended agency as per the assessment report attached as a confidential attachment to this report.**
- 2 ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

At its meeting held on 18 April 2013 Council resolved to seek expressions of interest for the advertising and sale of No. 1 Nullum Street, Murwillumbah.

All submissions have been received and assessed, and it is recommended that Council engage the recommended agency as per the Assessment Report, a confidential attachment to this report.

OPTIONS:

1. To pursue the sale of No. 1 Nullum Street, Murwillumbah by public tender and engage the agency recommended.
2. To not pursue the sale of No. 1 Nullum Street, Murwillumbah.

CONCLUSION:

All local agents provided relatively similar expressions of interest, however, the recommendation made in the assessment report determines a best value for money outcome.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land Version 1.1.

b. Budget/Long Term Financial Plan:

Council has previously resolved to commit the funds generated from the sale of this property to the construction of the Murwillumbah Community Centre.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
 - 1.3.1.16 Provision of property and legal services for internal clients
 - 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential)* Attachment 1. Valuation by Valuers Australia dated 28 March 2013 (ECM 3002524)
 - (Confidential)* Attachment 2. Agency Submission from Bruce Steel Real Estate (ECM 3073947)
 - (Confidential)* Attachment 3. Agency Submission from Ray White Real Estate (ECM 3076332)
 - (Confidential)* Attachment 4. Agency Submission from P Smith & Son (ECM 3077084)
 - (Confidential)* Attachment 5. Agency Submission from Murwillumbah Real Estate (ECM 3073663)
 - (Confidential)* Attachment 6. Agency Submission from Elders Real Estate (ECM 3074648)
 - (Confidential)* Attachment 7. Assessment of Agent Submissions Report (ECM 3080141)
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48 [CNR-CM] Federal Government Grant Funding - Building Better Regional Cities

SUBMITTED BY: Director

Valid



Supporting Community Life

SUMMARY OF REPORT:

At its meeting held on 26 June 2012, Council resolved to accept a grant from the Federal Government and proceed with a Building Better Regional Cities infrastructure project delivering affordable housing at Fraser Drive, Tweed Heads South.

The project was initiated however Council's housing provider, Horizon Housing Company, was unable to reach agreement with the developer.

An alternate site and developer have been negotiated and the Federal Government has announced the transfer of the funding from the previous project to the new project.

The new project is to occur within the Hundred Hills Estate in Murwillumbah and will enhance the original project by resulting in an extra 10 affordable dwellings.

A copy of the project proposal is attached to this report for the information of Council.

RECOMMENDATION:

That Council:

- 1. Approves the change of site for the Building Better Regional Cities project from Homesteads at Fraser Drive to Hundred Hills Estate in Murwillumbah.**
- 2. Executes all necessary documentation under the Common Seal of Council.**

REPORT:

At its meeting held on 26 June 2012, Council resolved to accept a grant from the Federal Government and proceed with a Building Better Regional Cities infrastructure project delivering affordable housing at Fraser Drive, Tweed Heads South.

The project was initiated however Council's housing provider, Horizon Housing Company, was unable to reach agreement with the developer.

An alternate site and developer have been negotiated and the Federal Government has announced the transfer of the funding from the previous project to the new project which will proceed jointly with Horizon Housing, who is the body managing the project with Council.

The new project is to occur within the Hundred Hills estate in Murwillumbah and will enhance the original project by resulting in an extra 10 affordable dwellings.

A copy of the project proposal is attached to this report for the information of Council.

OPTIONS:

1. To not accept the transfer of the Federal Government Grant from the Fraser Drive project to the Hundred Hills project.
2. To accept the transfer of the Federal Government Grant from the Fraser Drive project to the Hundred Hills project.

CONCLUSION:

As the funding is to be attributed to affordable housing in the Tweed it is recommended that Council proceed to execute all necessary documentation to enable the Hundred Hills project to proceed as it fulfils the objectives of the funding.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

There are negligible budget implications for Council to proceed with this proposal.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.2 Improve opportunities for housing choice
- 2.2.2 Support the supply of affordable housing, to reduce housing stress and homelessness
- 2.2.2.2 Support the supply of affordable housing
- 2.2.2.2.1 Advocate for a greater proportion of social housing to meet the needs of low moderate income households and improved design in existing housing

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Horizon Housing Project Proposal (ECM 3020210)

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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

49 [EO-CM] Lot 57 DP 263729 - Creation of Easement for Sewer at Pottsville

SUBMITTED BY: Design

FILE REFERENCE: DA12/120

Valid



Civic Leadership

SUMMARY OF REPORT:

A development for the construction of a granny flat at Pottsville was conditioned to create an easement for an existing sewer line identified during the development.

Condition 50 requires the creation of an easement prior to the issue of an occupation certificate and the landowner has provided the necessary documentation for the creation of the easement for signature by Council under Common Seal.

It is recommended that Council approve the creation of the easement and to execute the transfer documentation under the Common Seal of Council.

RECOMMENDATION:

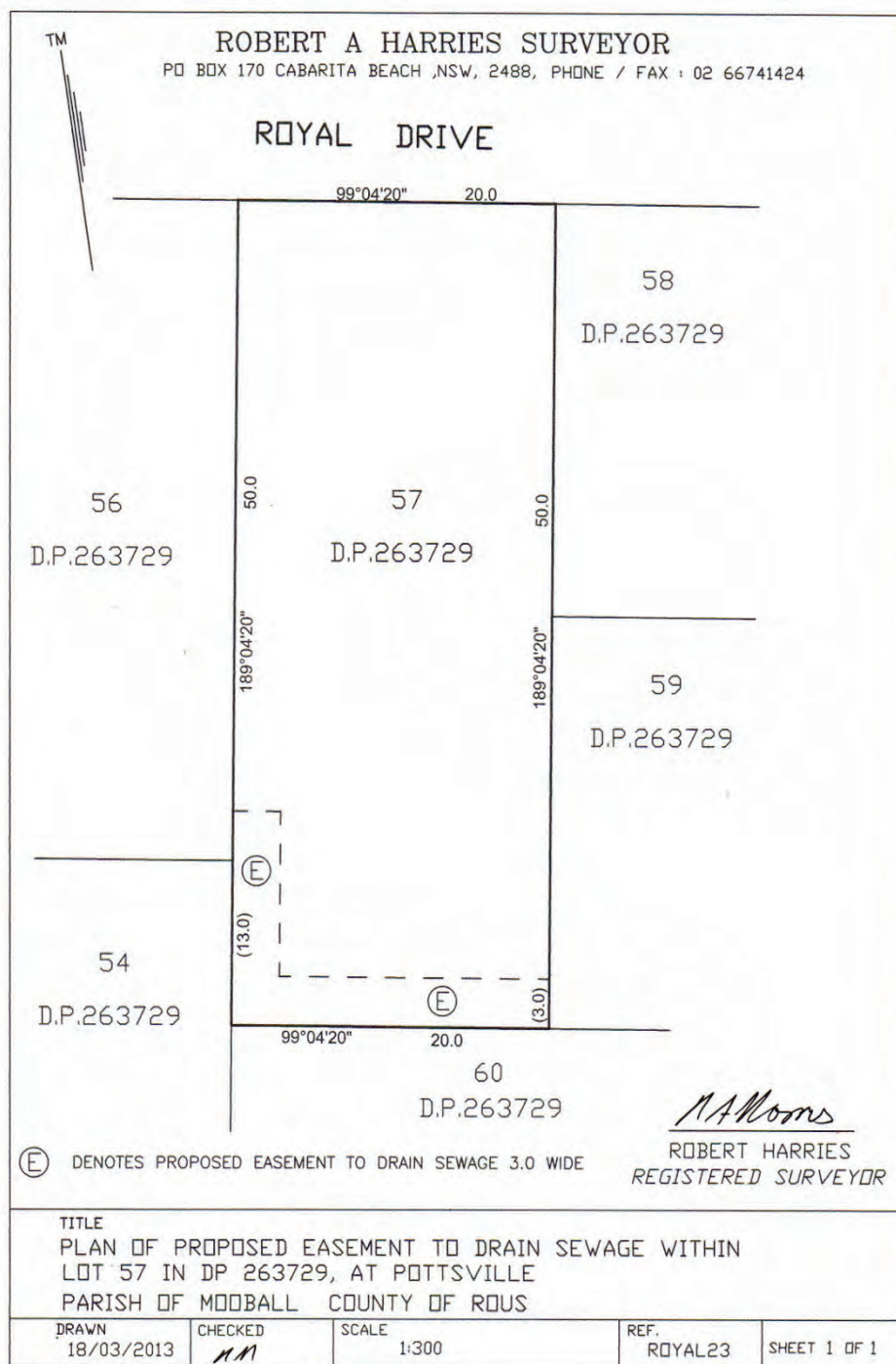
That :

- 1. Council approves the creation of an Easement to Drain Sewage 3 wide within Lot 57 DP 263729 at Pottsville pursuant to consent condition 50 of DA12/120; and**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

A development for the construction of a granny flat at Pottsville was conditioned to create an easement for an existing sewer line identified during the development.

Condition 50 requires the creation of an easement prior to the issue of an occupation certificate and the landowner has provided the necessary documentation for the creation of the easement for signature by Council under Common Seal. The plan below shows the location of the easement within Lot 57:



It is recommended that Council approve the creation of the easement and to execute the transfer documentation under the Common Seal of Council.

OPTIONS:

There is no option but to approve the creation of an easement which complies with a condition of consent.

CONCLUSION:

That Council approves the creation of the easement as it complies with the condition of consent and must be executed by Council to enable registration.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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50 [EO-CM] Release and Creation of Easement - Seaside City Development, Kingscliff

SUBMITTED BY: Design

FILE REFERENCE: DA12/0393

Valid



Civic Leadership

SUMMARY OF REPORT:

Stages 3-6 of the "Seaside City" subdivision and development, are underway and the plan of subdivision is currently being finalised, but not as yet registered. It was identified during the construction of the development that it was necessary to alter the location of sewage infrastructure through two (2) lots at either end of the development.

The Easement to Drain Sewage is in place, created in DP1162588, which now needs to be amended to reflect the new position of the sewer infrastructure. A Section 88B Instrument has been drawn up which effectively releases that part of the easement no longer required through proposed Lots 48 and 99 and creates the easement in the new location within those lots, currently known as Lots 336 and 412 in DP1162588 respectively.

To enable the release of the unnecessary section of the current easement, shown as "D" in the new plan of subdivision, Council is required to sign the section 88B instrument under Common Seal, as the benefitting authority.

RECOMMENDATION:

That:

- 1. Council provides consent to the partial release of the Easement to Drain Sewage through Lots 336 and 412 in DP1162588 marked "D" in the proposed plan of subdivision shown in the body of the report; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

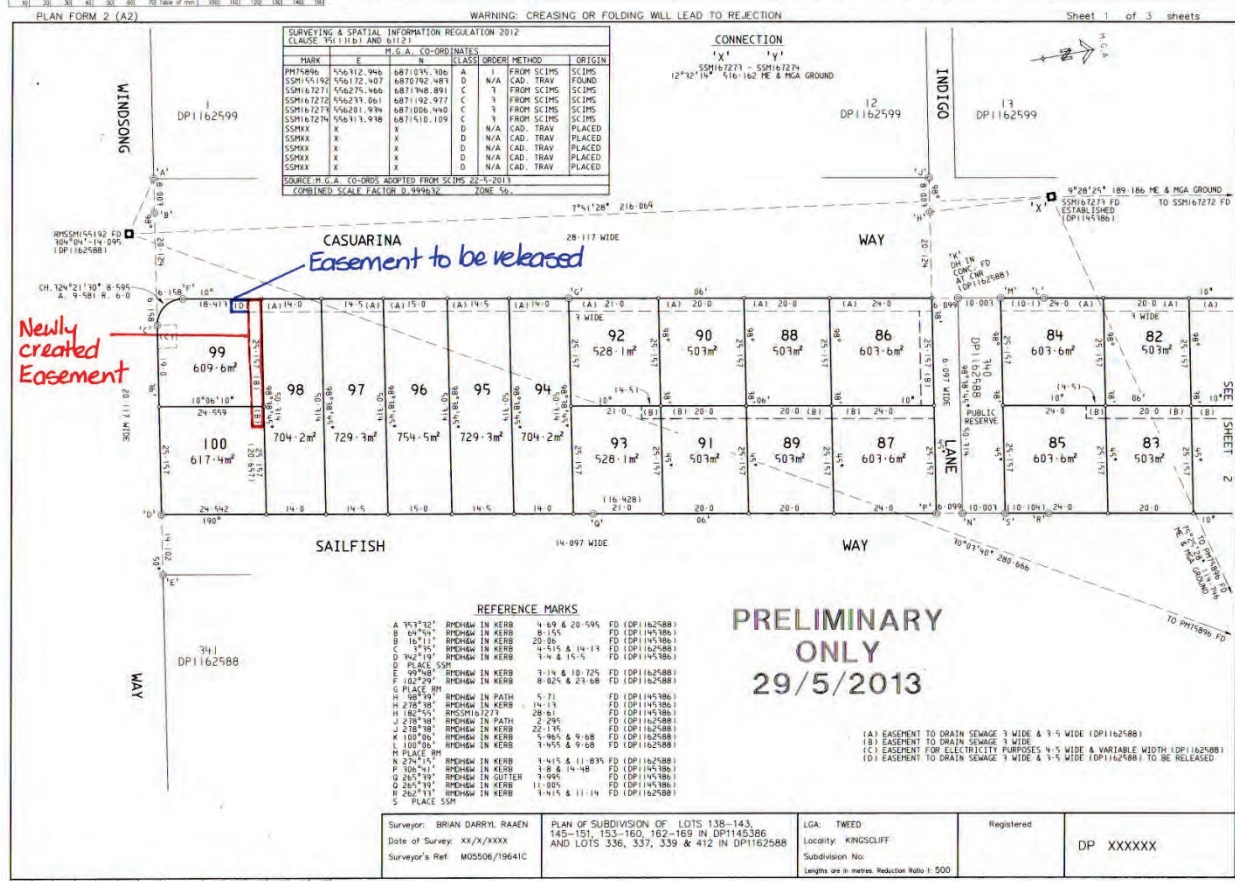
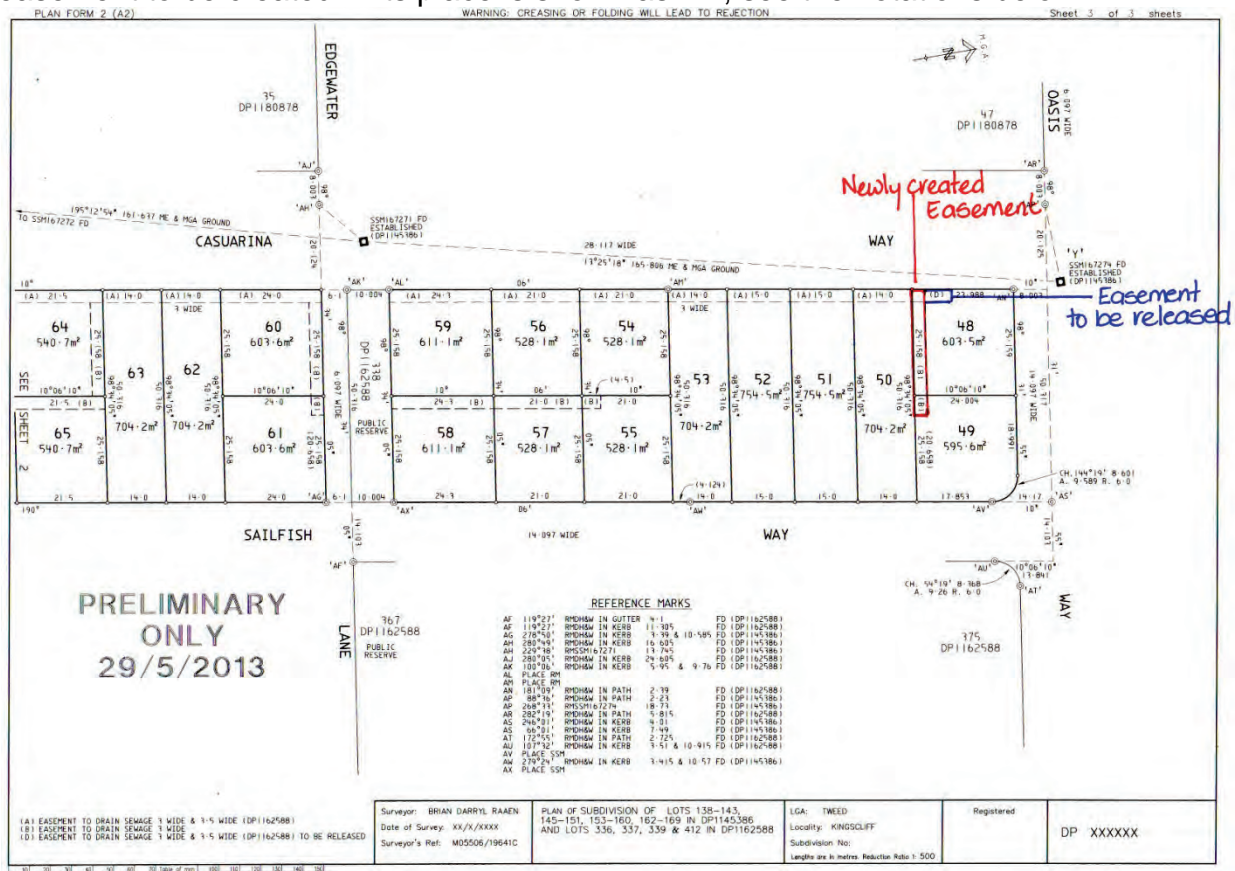
Stages 3-6 of the "Seaside City" subdivision and development are underway and the plan of subdivision is currently being finalised, but not as yet registered. It was identified during the construction of the development that it was necessary to alter the location of sewer infrastructure through two (2) lots at either end of the development.

The Easement to Drain Sewage is in place, created in DP1162588, which now needs to be amended to reflect the new position of the sewer infrastructure. A section 88B instrument has been drawn up to effect the release of that part of the easement no longer required through proposed Lots 48 and 99 and to create an the easement in a new location within those lots, currently known as Lots 336 and 412 in DP1162588 respectively.

The current easement extends between Lots 336 and Lot 412, as shown below, with Lot 336 at the northernmost extent and Lot 412 at the southernmost extent of the easement:



The sections of the easement proposed to be released are shown as "D" in the new plan of subdivision within Lots 48 (previously Lot 336) and Lot 99 (previously Lot 412) and the easement to be created in its place is shown as "B", see the notations below:



This relocation of sewer infrastructure has the potential to alter the impact on the development potential of the affected lots, so it is necessary for the easements to correctly reflect the location of the infrastructure. On this basis, the amendment of the easement location is supported.

OPTIONS:

1. Council approves the release of that part of the Easement to Drain Sewage 3 and 3.5 Wide created within Lots 336 and 412 in DP1162588 and the creation of a new Easement to Drain Sewage 3 Wide to reflect the actual location of the sewer infrastructure.
2. Council does not approve the release of that part of the Easement to Drain Sewage 3 and 3.5 Wide created within Lots 336 and 412 in DP1162588 and the creation of a new Easement to Drain Sewage 3 Wide to show the actual location of the sewer infrastructure.

CONCLUSION:

As the infrastructure has been physically relocated as shown in the new plan of subdivision and identified as "B" it is unnecessary to retain that section of the Easement to Drain Sewage 3 and 3.5 Wide created in DP 1162588 shown as "D" in the new plan of subdivision.

To enable the release of the unnecessary section of the current easement, as created in DP1162588, Council is required to sign the section 88B instrument under Common Seal as the benefitting authority.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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51 [EO-CM] Licence of Road Reserve - Terranora Road, Terranora - NBN Rollout

SUBMITTED BY: Design

Valid



Civic Leadership

Council has received an application from Visionstream, acting for NBN Co Limited (NBN Co.), seeking to licence an area of road reserve at Terranora.

NBN intend to install a freestanding monopole approximately 40 metres in height with associated equipment units at the base of the monopole within the Terranora area which will form part of the national NBN network.

NBN is a high speed broadband network that is intended to utilise a combination of optical fibre, fixed wireless and satellite technology to offer advanced broadband services to Australia. This proposed tower will provide high speed wireless broadband to the areas outside of NBN Co.'s optic fibre footprint.

Visionstream is a telecommunications company who have been sub-contracted by Ericsson who is the main contractor engaged to install the wireless network component of the NBN. Visionstream has approached Council in relation to establishing a licence which would allow them to undertake the development of a communications tower on Council's road reserve at the Walls Quarry access off Terranora Road. Any licence arrangements will require the proposed development to have all the necessary approvals granted prior to construction.

Visionstream has identified the subject land as providing the necessary elevation for the proposed infrastructure and are seeking an area of approximately 80 m² and a five year licence with three options of five years each at a commencing rental of \$10,000 per annum and annual 2.5% rental increases.

It is recommended that Council approve entering into the licence subject to negotiating the final terms and the relevant planning approval being issued for the infrastructure.

RECOMMENDATION:

That:

- 1. Council approves entering into a licence with NBN Co Limited for an area of approximately 80 m² of road reserve at Terranora adjacent to Walls Quarry for a term of 5 years with 3 options for five years commencing with a rental of \$10,000 per annum compounding annually by 2.5 % subject to the relevant planning approvals being issued for the proposed infrastructure and subject to the terms and conditions of the licence being finalised; and**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Council has received an application from Total Visionstream, acting for NBN Co Limited (NBN Co.), seeking to licence an area of road reserve at Terranora.

NBN intends to install a freestanding monopole approximately 40 m in height with associated equipment units at the base of the monopole.

Illustrative plans of the types of tower infrastructure are shown below. In this instance the proposal is for the standard monopole.





The telecommunications infrastructure will not impact on the road reserve or the access to the quarry.

NBN is seeking an area of approximately 80 m² and a five year licence with three options of five years each at a commencing rental of \$10,000 per annum and annual 2.5% rental increases.

The *Roads Act* is silent regarding the granting of licences over road reserves by roads authorities and Council has granted many licences for various purposes. A licence will not trigger requirements for the proposed licensee to be an adjacent landowner, nor be constrained by time limits as per section 57 of the Act, which limits the term of a lease, together with any option to renew to not exceed 5 years.

In this regard, the granting of a licence provides a mechanism to grant long term right of occupation to NBN.

It is recommended that Council approve entering into the licence subject to negotiating the final terms of the licence agreement and NBN obtaining the relevant planning approvals for the infrastructure

OPTIONS:

1. To approve a licence to the NBN for the rental agreed upon to assist in the establishment of the high speed broadband network in the Tweed local government area, or
2. To not approve a licence to the NBN for the rental agreed upon to assist in the establishment of the high speed broadband network in the Tweed local government area

CONCLUSION:

As the proposed infrastructure is part of a national broadband network which, when constructed, will benefit the Tweed, it is recommended that Council approve the licence to NBN to facilitate the proposal.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Rental income will be derived from a Council asset that would otherwise be unused.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

52 [EO-CM] Licence to Telstra - Kingscliff Reservoir, Faulks Street, Kingscliff

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

Telstra leased a site at the Kingscliff Reservoir, which expired in 2009, whereupon Council advised them that Council was phasing out installations on water infrastructure due to the impact on water operations and would not offer another lease.

There are other existing lease arrangements with other telecommunication carriers, which will expire in March 2020.

Telstra were offered a licence to occupy to expire at the same time and this was accepted. The terms of a licence agreement have been negotiated and it is necessary to resolve to approve entering into the licence with Telstra and to execute all documentation under the Common Seal of Council.

RECOMMENDATION:

That :

- 1. Council approves entering into a licence with Telstra for the occupation of land at the Kingscliff Reservoir, Faulks Street, Kingscliff being lease area described as Lot 1 DP 856787 to expire on 31 March 2020; and**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

Telstra leased a site at the Kingscliff Reservoir, which expired in 2009, whereupon Council advised them that Council was phasing out installations on water infrastructure due to the impact on water operations and would not offer another lease.

There are other existing lease arrangements with other telecommunication carriers, which will expire in March 2020. Telstra was offered a licence to occupy to expire at the same time and this was accepted.

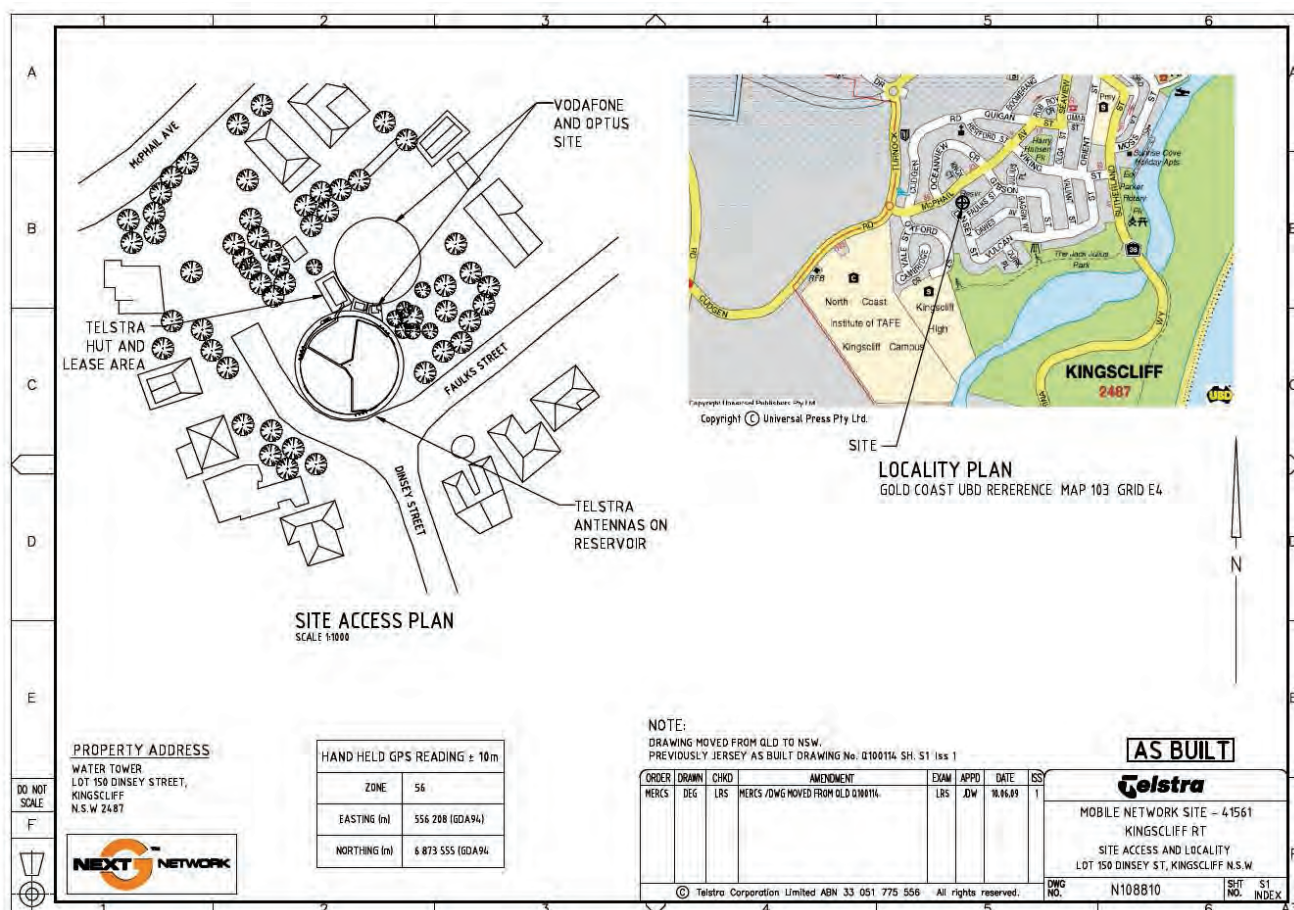
An agreement was reached for a licence with a term of 7 years and 6 months to commence on 1 September 2012, from the expiry of the Telstra lease at the site, to enable a seamless right of tenure for their existing infrastructure on the site.

Commencing rental has been agreed at \$21,000 + GST, with annual 3% increases.

The land is classified as operational, so there are no statutory restraints in granting the licence.

The terms of a licence agreement has been negotiated and it is necessary to resolve to approve entering into the licence with Telstra and to execute all documentation under the Common Seal of Council.

The plan below shows the location of the Telstra infrastructure at the Kingscliff reservoir site, within a hut on a lease parcel and on the reservoir:



OPTIONS:

1. To approve entering into a licence with Telstra for a period of 7 years and 6 months at the Kingscliff Reservoir; or
2. To not approve entering into a licence with Telstra for a period of 7 years and 6 months at the Kingscliff Reservoir site.

CONCLUSION:

As Telstra will not be expanding the infrastructure on site, and whilst there remains other telecommunication carriers on site, it is recommended that Council enter into a licence with Telstra until all other leases expire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Income to be derived from the reservoir site.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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53 [EO-CM] Acquisition of Land for Road Purposes - Tweed Coast Road, Pottsville

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

A roundabout was recently constructed by Council at the intersection of Tweed Coast Road and Boronia Avenue at Pottsville to assist with the safe ingress and egress of the Pottsville North Caravan Park. Since the construction it was noted that part of the road formation encroaches into Lot 7016 in DP 1055269, being Crown Reserve 140011, and Lot 1 in DP589881 (both parcels form the Pottsville North Caravan Park).

To allow Council to rectify the encroachment it is necessary to complete an acquisition of the Crown Land being an area of 343.8m² from Lot 7016 DP1055269 and an area of Council owned land 121.7m², from Lot 1 in DP 589881. A plan of acquisition has been registered as DP1178291 and shows the subject parcels to be acquired as Lots 1 and 2.

The concurrence of the Department of Lands and the Tweed Coast Reserve Trust has been obtained for the acquisition of Lot 1 DP1178291 with compensation payable as per the valuation report provided by Valuers Australia. Lot 2 in DP1178291 is Council owned operational land.

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

RECOMMENDATION:

That:-

- 1. Council approves the acquisition of:**
 - (i) Lot 1 DP 1178291 being Crown Land, and**
 - (ii) Lot 2 DP 1178291 being Tweed Shire Council Land,****under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor; and**
- 2. Lots 1 and 2 in DP 1178291 are dedicated as road following the gazettal of the acquisition; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

4. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because it contains:-**
- (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

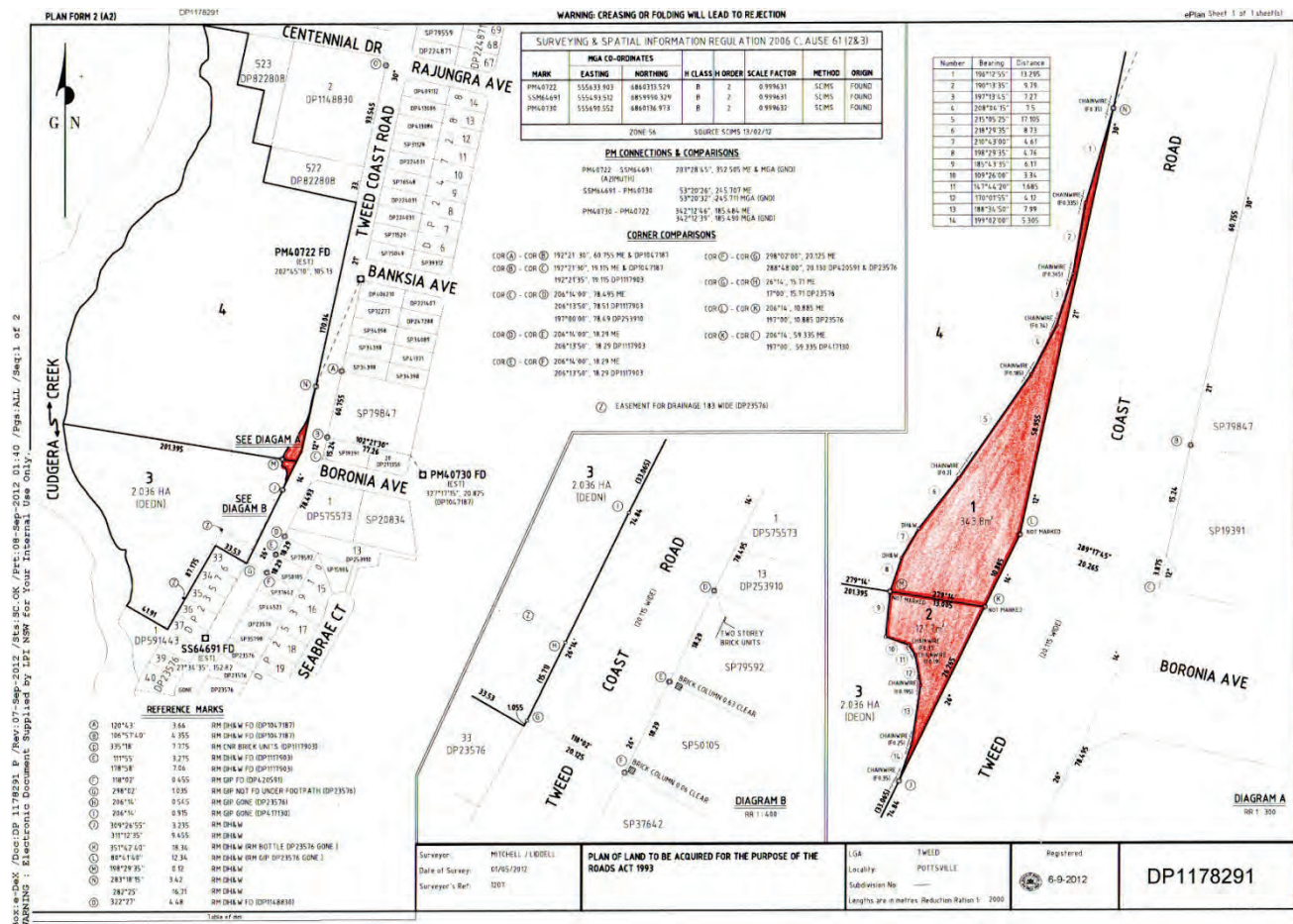
A roundabout was recently constructed by Council at the intersection of Tweed Coast Road and Boronia Avenue at Pottsville to assist with the safe ingress and egress of the Pottsville North Caravan Park. Since the construction it was noted that part of the road formation encroaches into Lot 7016 in DP 1055269, being Crown Reserve 140011, and Lot 1 in DP589881 (both parcels form the Pottsville North Caravan Park).

Below is an aerial photo showing the encroachment of the road onto Lot 7016 and Lot 1.



To allow Council to rectify the encroachment it is necessary to complete an acquisition of the Crown Land being an area of 343.8m² from Lot 7016 DP1055269 and an area of Council owned land 121.7m², from Lot 1 in DP 589881. A plan of acquisition has been registered as DP1178291 and shows the subject parcels to be acquired as Lots 1 and 2.

Below is a copy of DP 1178291 showing Lots 1 and 2 proposed to be acquired.



The concurrence of the Department of Lands and the Tweed Coast Reserve Trust has been obtained for the acquisition of Lot 1 DP1178291 with compensation payable as per the valuation report provided by Valuers Australia. Lot 2 in DP1178291 is Council owned operational land.

OPTIONS:

- Council approves the acquisition of Lots 1 and 2 in DP 1178291 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
- Council does not approve the acquisition of Lots 1 and 2 in DP 1178291 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 nor the making of the necessary application to the Minister and/or Governor;

CONCLUSION:

The acquisition of Lots 1 and 2 in DP 1178291 is recommended to proceed under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 whereby an application is to be made to the Department of Local Government for approval to the acquisition.

Upon acquisition and Gazettal of Lots 1 and 2 in DP 1178291, the parcels are to be dedicated as public road under Section 10 of the Roads Act, 1993.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Tweed Coast Holiday Parks

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.2 Complete land acquisitions including valuations

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1 Valuation Report (ECM 3076668).

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54 [EO-CM] Dulguigan Road, Kynnumboon - Land Acquisition for Road Purposes and Compensation

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

A section of Dulguigan Road, at the intersection of Tomewin Road, Kynnumboon is to be upgraded and widened to improve motorist safety. A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1 and 2 in DP 1183188 for dedication as road and closure of surplus parts of the existing road to create Lot 3 for compensation purposes.

The owner of Lot 1 in DP727408 has consented to the acquisition and is to receive compensation by way of transfer of closed road and the monetary difference at the current rating value for the difference in area of the land to be acquired compared to the amount of land to be provided as compensation.

Further the owner of Lot 1 in DP727408 has agreed to accept the extension of the current drainage pipe at the intersection of Tomewin Road and Dulguigan Road and the construction of an access behind the proposed guard rail onto existing levies adjacent to the creek to complete the compensation for the acquisition.

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

RECOMMENDATION:

That:

- 1. Council approves the acquisition of Lots 1 and 2 in DP 1183188 with the land owners agreement for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor; and**
- 2. Council approves the acquisition of Lot 3 in DP 1183188 for compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and the making of the necessary application to the Minister and/or Governor; and**

3. Council approves the total compensation for the acquisition as noted in the body of the report; and
4. Lots 1 and 2 in DP 1183188 be dedicated as road following gazettal of the acquisition; and
5. All necessary documentation be executed under the Common Seal of Council.

REPORT:

A section of Dulguigan Road, at the intersection of Tomewin Road, Kynnumboon is to be upgraded and widened to improve motorist safety. A survey plan has been prepared and registered under the Roads Act, 1993 for the acquisition of Lots 1 and 2 in DP 1183188 for dedication as road and closure of surplus parts of the existing road to create Lot 3 for compensation purposes.

The owner of Lot 1 in DP727408 (now Lot 4 in DP 1183188) has consented to the acquisition and is to receive compensation by way of transfer of closed road and the monetary difference at the current rating value for the difference in area of the land to be acquired compared to the amount of land to be provided as compensation.

Further the owner of Lot 1 in DP727408 (now Lot 4 in DP 1183188) has agreed to accept the extension of the current drainage pipe at the intersection of Tomewin Road and Dulguigan Road and the construction of an access behind the proposed guard rail onto existing levies adjacent to the creek to complete the compensation for the acquisition.

In summary

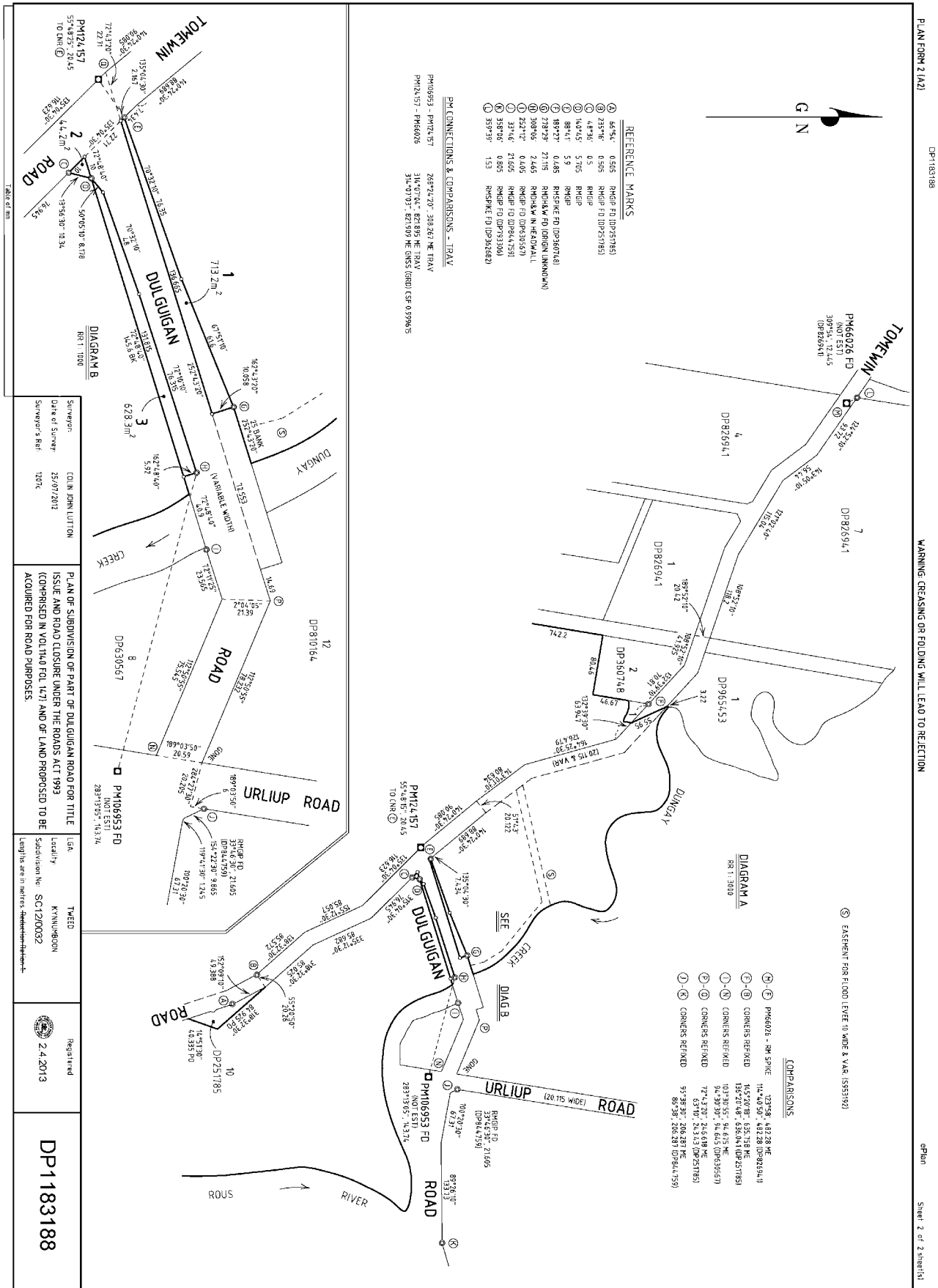
Lots 1 and 2 in DP 1183188 are to be acquired from the owner of Lot 4 DP 1183188 (previously Lot 1 DP727408)

Lot 3 in DP 1183188 is road proposed to be closed and acquired for the purposes of compensation to the owner of Lot 4 DP1183188 (previously Lot 1 DP727408)

The owner has agreed to the acquisition of Lots 1 and 2 in exchange for the transfer of Lot 3, closed road, and works in kind.



Box:e-DeX /Doc:DP 1183188 P /Rev:03-Apr-2013 /Sts:9C.OK /Prt:04-Apr-2013 01:34 /Pgs:ALL /Seq:2 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.



Box:e-DeX /Doc:DP 1183188 P /Rev:03-Apr-2013 /Sts:SC.OK /Prt:04-Apr-2013 01:34 /Pgs:ALL /Seq:3 of 3
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 1 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

LOTS 1 & 2 (LAND IN 1/727408) ARE PROPOSED TO BE ACQUIRED AS PUBLIC ROAD.

LOT 3 IS PUBLIC ROAD PROPOSED TO BE CLOSED (PREVIOUSLY LAND IN VOL 148 FOL 52 VIDE R3975-1603).

22/12/2013

DP1183188

Registered: 2.4.2013

Title System: TORRENS

Purpose: ROADS ACT 1993

PLAN OF SUBDIVISION OF PART OF DULGUIGAN ROAD FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993 (COMPRISED IN VOL 148 FOL 52) AND OF LAND PROPOSED TO BE ACQUIRED FOR ROAD PURPOSES.

LGA: TWEED

Locality: KYNNUMBOON

Parish: KYNNUMBOON

County: ROUS

Use PLAN FORM 6A
for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I, Stephen Haskin in approving this plan certify
(Authorised Officer)

that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature: [Signature]

Date: 27 November 2012

File Number: CF 051212

Office: [Signature]

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed ROAD CLOSURE set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: TWEED SHIRE COUNCIL

Date of Endorsement: 31.12.12

Accreditation no: SC12/0032

Subdivision Certificate no: SC12/0032

File no:

* Delete whichever is inapplicable.

Surveying and Spatial Information Regulation, 2006

I, Colin John Lutton

of Tweed Shire Council

a surveyor registered under the *Surveying and Spatial Information Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying and Spatial Information Regulation, 2006* and was completed on: 27/08/2012

The survey:

Relates to Lots 1, 2, & 3 only
(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature: [Signature] Dated 25/07/2012

Surveyor registered under the *Surveying and Spatial Information Act, 2002*

Datum Line: TS12080 - TS12083 MGA

Type: Rural

Plans used in the preparation of survey/compilation

DP251785	DP360748	DP609657
DP630567	DP727408	DP739080
DP793306	DP810164	DP826941
DP844759	DP943719	DP965453
R4437-1603	R593-1759	R3975-1603

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE:1207c

* OFFICE USE ONLY

OPTIONS:

1. Council approves the acquisition of Lots 1 -3 in DP 1183188 for the purposes of road and compensation to the affected land owner
2. Council does not approve the acquisition of Lots 1-3 for the purposes of road and compensation to the affected land owner.

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Voted through the Infrastructure Program 2011/2012 – Road Rehabilitation.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.2 Complete land acquisitions including valuations

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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55 [EO-CM] Depot Road, Kings Forest - Lot 1 DP 397082

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 24 January 2012 Council resolved to, inter alia, enter into a lease over Lot 1 DP 397082 over an area of 33 m². In proceeding with the lease, it has been noted that the area approved under the resolution of 24 January 2012 should reflect the area of premises sought by the lessee in their initial correspondence, being an area of 80 m².

All plans showing the area to be leased reflects the larger area.

It is recommended that Council approve the amendment of the resolution of 24 January 2012 to change the leased area from 33 m² to 80 m².

RECOMMENDATION:

That Council approves the amendment of resolution for Item 26 in the meeting held on 24 January 2012, Minute number 44, to amend the area of lease from 33 m² to 80 m².

CONCLUSION:

As Council has approved the granting of the lease, the area as shown in the plan attached to the report, which more closely reflects the true area of 80 m², is required to be disclosed in the lease document

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Revenue equivalent to lease payment on an annual basis.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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56 [EO-CM] Easement for Underground Powerlines - 50 Pioneer Parade, Banora Point

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 2 March 2013, Council received a report relating to the disposal of Council land. It was resolved to inter alia, enter into negotiations with Essential Energy regarding a vacant parcel at Pioneer Parade, Banora Point.

Essential Energy requested Council to consider the creation of either a 3 metre wide or a 10 metre wide easement for proposed underground powerlines to form part of a new underground 11kV distribution feeder from Banora Point Zone substation to improve the supply and reliability of supply to customers in Banora Point.

Council resolved to offer the whole of the parcel for sale to Essential Energy as they indicated that their preference would be the 10 metre wide easement. Essential Energy have advised that they do not purchase whole properties, but easements only and advised that they would accept a 3 metre wide easement and made an offer of compensation.

As it is necessary to relocate a concrete path within the parcel to the northern boundary of the parcel to maintain access to the pedestrian overpass bridge, it has been agreed that the proposed easement would lie beneath the path to reduce the impact on the development potential of the parcel.

The compensation agreed upon will cover the costs of relocating the path and it is recommended that Council accept the compensation offered.

Council intends to register a Right of Public Access over the same easement corridor to limit the impact of the both easements. This action will occur in a separate plan prepared by Council.

It is now necessary for Council to also resolve to create both the Easement for Underground Powerlines and the Right of Public Access and to execute all necessary documentation necessary for the creation of each easement under Common Seal.

RECOMMENDATION:

That Council:

- 1. Approves the creation of an Easement for Underground Powerlines 3 wide within Lot 33 DP 218264 for the quantum of compensation set out in this report;**
- 2. Approves the creation of a Right of Access over the proposed corridor for the Easement for Underground Powerlines 3 wide within Lot 33 DP 218264;**
- 3. Executes all documentation under the Common Seal of Council.**

REPORT:

At its meeting held on 2 March 2013, Council received a report relating to the disposal of Council land. It was resolved to inter alia, enter into negotiations with Essential Energy regarding a vacant parcel at Pioneer Parade, Banora Point.

Essential Energy requested Council to consider the creation of either a 3 metre wide or a 10 metre wide easement for proposed underground powerlines to form part of a new underground 11kV distribution feeder from Banora Point Zone substation to improve the supply and reliability of supply to customers in Banora Point.

Council resolved to offer the whole of the parcel for sale to Essential Energy as they indicated that their preference would be the 10 metre wide easement. Essential Energy have advised that they do not purchase whole properties, but easements only and advised that they would accept a 3 metre wide easement and made an offer of compensation.

As it is necessary to relocate a concrete path within the parcel to the northern boundary of the parcel to maintain access to the pedestrian overpass bridge, it has been agreed that the proposed easement would lie beneath the path to reduce the impact on the development potential of the parcel.

The plan below indicates the location of the proposed easement and relocated path along the northern boundary:



The compensation agreed upon, the sum of \$5,000 will contribute to the costs of relocating the parcel and it is recommended that Council accept the compensation offered and to execute all necessary documentation necessary for the creation of the easement under Common Seal.

Council intends to register a Right of Public Access over the same easement corridor to limit the impact of the both easements.

OPTIONS:

1. To approve the creation of the Essential Energy easement for underground powerlines 3 metres wide within Lot 33 DP 218264, nor the creation of a Right of Public Access for the relocated path within the parcel within the easement corridor: or
2. To not approve the creation of the Essential Energy easement for underground powerlines 3 metres wide within Lot 33 DP 218264, nor the creation of a Right of Public Access for the relocated path within the parcel within the easement corridor: or
3. To maintain the status quo and not relocate the path and retain ownership of the parcel.

CONCLUSION:

As there was only one objection to the disposal of the parcel, it is recommended that Council maximise its return on the parcel and accept the Essential Energy compensation for the easement creation to contribute to the costs of relocating the path. This will then create a parcel that can be placed on the market for sale by public tender.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Compensation to be paid for the creation of an easement within Council Land, to be attributed to the proposed works within the parcel.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

57 [EO-CM] Tweed Shire Roadside Vegetation Management Plan

SUBMITTED BY: Works

Valid



Caring for the Environment

SUMMARY OF REPORT:

The Tweed Shire is located in one of Australia's most diverse biological regions. As the rural road network penetrates most of the physical environments within the Shire, a wide range of Endangered Ecological Communities, native vegetation types and flora species of conservation significance occur along roadsides.

A project to prepare and implement a Roadside Vegetation Management Plan (RVMP) was initiated in 2012.

The purpose of the RVMP is to provide road maintenance staff with best practice management guidelines for areas of remnant native vegetation and individual species located on roadsides.

The preparation of Council's RVMP and Roadside Vegetation Management Guidelines has now been completed. The next stage of the project is to integrate the RVMP guidelines into routine road maintenance activities.

RECOMMENDATION:

That progress towards the implementation of best practice guidelines for managing remnant native vegetation on roadsides, specifically completion of the documents, Tweed Shire Roadside Vegetation Management Plan and Roadside Vegetation Management Guidelines for Tweed Shire Council - 2013, be received and noted by Council.

REPORT:

The Tweed LGA is located in the Border Ranges biodiversity hotspot, one of Australia's most diverse biological regions. The subtropical rainforest, wet sclerophyll forest, mountain headlands, rocky outcrops and transition zones between forests found in the region support an extensive variety of bird and macropod species and a rich variety of primitive plant species.

LGA-wide mapping (Kingston *et al.* 2004) demonstrates the diversity of vegetation types in the Tweed Shire. Some of the native vegetation has particular conservation significance, including communities listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) as Endangered Ecological Communities (EECs). The Tweed LGA environments provide known and potential habitat for flora and fauna species listed as threatened (endangered or vulnerable) on schedules of the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As the rural road network penetrates most of the physical environments within the Shire, a wide range of EECs, native vegetation types and flora species of conservation significance occur along roadsides.

Under the Roads Act 1993, Tweed Shire Council is responsible for maintaining the local road network, including roadsides, and accordingly a project was initiated to prepare and implement a Roadside Vegetation Management Plan (RVMP) to be incorporated into the existing Works Unit rural road management strategy.

The RVMP is guided by the NSW Roadside Environment Committee documents *Managing Roadsides* and the *Roadside Handbook* (NSW REC 1996).

The RVMP aims to provide best practice management guidelines for areas of remnant native vegetation and individual species within road reserves. The Plan focuses on identification and protection of:

- Native vegetation of high conservation significance, including Endangered Ecological Communities (EECs), other mature native vegetation in good condition and fauna habitat;
- Threatened flora species; and
- Features of cultural significance.

Preparation of the Tweed Roadside Vegetation Management Plan included the following objectives and tasks:

- To survey, assess and map the conservation values of native vegetation along Council maintained rural roadsides in the Tweed Local Government Area (LGA);
- The creation of a GIS database to store all key survey information and facilitate production of maps to identify management zones;
- Development of specific management responses for works and activities by management zone;
- Preparation of a set of guidelines for use by in-field staff that incorporates the specific management responses for works activities and management zone maps;
- Determination of priorities for habitat restoration and revegetation of road reserves; and
- Identification of priorities for noxious weed control.

Bushland Restoration Services in association with Landmark Ecological Services were contracted in April 2012 to prepare the RVMP and Roadside Management Guidelines for use by field staff.

The next stage of the project is to implement the RVMP into routine road maintenance activities. This will involve the installation of the roadside markers indicating the RVMP management zones and individual threatened species and EECs, and training of field staff in use of the RVMP and applicable roadside activities for each of the management zones.

Opportunities for grant funding of the project will be actively pursued.

OPTIONS:

Nil.

CONCLUSION:

The RVMP and Guidelines have been prepared in accordance with the NSW Roadside Environment Committee documents *Managing Roadsides* and the *Roadside Handbook* (NSW REC 1996). They provide best practice management guidelines for areas of remnant native vegetation and individual species within road reserves.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Preparation of the RVMP has been funded from 2011-2012 Budget. Implementation of the Plan will be funded within existing budget for road maintenance.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.3 Roadside Vegetation Management Plan

Attachment 1. Tweed Shire Roadside Vegetation Management Plan
(ECM 3069601)

Attachment 2 Roadside Vegetation Management Guidelines for Tweed Shire Council - 2013 (ECM 3069623)

58 [EO-CM] Construction of Community/Sportsfield Building at the Piggabeen Sports Complex

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

SUMMARY OF REPORT:

In 2010, the Tweed Heads Seagulls Rugby League Football Club Ltd (the club) was successful in its application through the Community Building Partnership Program for funding of \$85,111 toward construction of a community/sport field pavilion at the Piggabeen Sports Complex.

The building was part funded through the 2010 round of the program and the club was of the understanding that the funding for the completion of the building would be forthcoming in subsequent rounds. On the basis of this understanding and the requirement to utilise the funds within agreed time frames, the club commenced construction of the building.

Advice from the club is that the funding program changed in the intervening period and the changes rendered their project ineligible for further funding. Consequently, the building has remained only partially constructed and the club has been pursuing options for funding to facilitate the completion of the building.

The estimated cost to complete the building is \$248,000. The club has confirmed funding of \$75,000 from the National Rugby League (NRL) and an additional \$25,000 from the State Government. In addition to this, the Tooheys New Crew program has committed to support the project through project management, the use of their corporate sponsors to supply materials and promoting the project to encourage the donation of discounted goods and services.

The club has approached Council for a contribution of \$50,000 toward the project. This figure represents the shortfall between their confirmed funds and the amount the Tooheys New Crew program is willing to underwrite.

RECOMMENDATION:

That Council commits \$50,000 from the budget item 'grant applications opportunities fund' in the 2013/2014 Budget, to the completion of construction of the sports building at the Piggabeen Sports Complex.

REPORT:

In 2010, the Tweed Heads Seagulls Rugby League Football Club Ltd (the club) was successful in its application through the Community Building Partnership Program for funding of \$85,111 toward construction of a community/sport field pavilion at the Piggabeen Sports Complex.

The building was part funded through this round of the program and the club was of the understanding that the funding for the completion of the building would be forthcoming in subsequent rounds. On the basis of this understanding and the requirement to utilise the funds within agreed time frames, the club commenced construction of the building.

Advice from the club is that the funding program changed in the intervening period which rendered their project ineligible for further funding. Consequently, the building has remained only partially constructed and the club has been pursuing options for funding to facilitate the completion of the building.

The estimated cost to finish the building is \$248,000. The club has confirmed funding of \$75,000 from the National Rugby League (NRL) and an additional \$25,000 from the State Government. In addition to this, the Tooheys New Crew program has committed to support the project through project management, the use of their corporate sponsors to supply materials and promoting the project to encourage the donation of discounted goods and services. This would be undertaken through a recorded event to be broadcast on The Footy Show, broadcast on NBN.

The club has approached Council for a contribution of \$50,000 toward the project. This figure represents the shortfall between their confirmed funds and the amount the Tooheys New Crew program is willing to underwrite.

Comment:

The proposal presents an opportunity to council from a number of perspectives.

The current status of the unfinished building renders an area within the complex unusable and potentially unsafe (photos shown at the end of this report). If the building is not completed in the near future, the structure will continue to deteriorate and will cost more for Council to either rectify or remove.

The building is located on Council land and therefore becomes a Council asset. Council will attain a community asset for a reasonably minor contribution.

The nature of the Tooheys New Crew projects is that they receive contributions from a range of organisations across the community in addition to the commitments the State Government and National Rugby League. Under these circumstances, it may be considered incongruous for Council, as a major benefactor, not to provide a contribution to the project.

Funding Option:

The 2013/2014 budget has an allocation of \$50,000 in a fund titled 'grant applications opportunities fund'. This fund was initiated to support funding applications which require a contribution. Considering the benefits to be accrued from this project and the confirmation of other funding sources, it is considered that this is an appropriate allocation of these funds.





OPTIONS:

1. Allocate \$50,000 from the 2013/2014 budget item 'grant applications opportunities fund' to this project to facilitate the completion of the building.
2. Decline the request for a contribution.

CONCLUSION:

The proposal to complete the building at Piggabeen represents an opportunity for Council from a number of perspectives. From a purely pragmatic perspective, the existing partially constructed building will start to deteriorate rapidly if left in its current state. If this happens, the cost to Council will be significantly greater than the amount requested, potentially without the community benefits of new building.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$50,000 is provided in the 2013/2014 budget item 'grant applications opportunities fund'.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.2 Provide conveniently placed and well equipped community facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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59 [EO-CM] EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council

SUBMITTED BY: Contracts

FILE REFERENCE: EC2013-028

Valid



Civic Leadership

SUMMARY OF REPORT:

This report outlines the tender for EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council for the period 1 July 2013 until 30 June 2015. Tenders were called for the supply of a wide range of plant categories to be hired by Council to service its operational requirements over the period of the hire agreement. Rankings were established by comparing hourly rates tendered for each plant category and are listed in **CONFIDENTIAL ATTACHMENT 1**. It is recommended that Council accepts the ranking schedule for EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council for the period 1 July 2013 until 30 June 2015 as included as a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. In relation to EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council, Council accepts the ranking schedule for the period 1 July 2013 until 30 June 2015 as listed in a Confidential Attachment to this report.**
- 2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because they contain:-**
 - (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.**

Council tender EC2013-028 closing 10 April 2013 has been called for the Registration of Interest for the Hire of Plant and Equipment to Council.

Tenders were called for the following categories of plant and equipment:

- Backhoe
- Crushing Plant
- Dozers
- Excavator - mini
- Excavator - tracked,
- Excavator - "long-Reach"
- Excavator - with Rock-breaker hammer
- Excavator - wheeled
- Loader - skid-steer & attachments
- Loader - tracked
- Loader /Front end - wheeled
- Low-Loader
- Pavement Milling Profiler & attachments
- Roller - footpath
- Roller - Multi-tyre
- Roller - 3 Point
- Roller - padfoot - vibrating and non vibrating
- Roller - smooth drum, vibrating & non – vibrating
- Screening Plant
- Water Cart – Including Council Extraction Permit

Miscellaneous Plant and Equipment:

- Cherry-picker / Travel-Tower
- Concrete Pump equipment
- Cranes
- 1 Tonne Utes
- Vacuum Excavation Equipment and/or Service Locations
- Heavy Duty Post Driver
- High Pressure Drain Cleaner, including Root-cutter and CCTV
- Under-road Borer
- Tilt Tray Truck – suitable for container transport
- Crane Truck
- Wheeled Tractor - with or without attachments, including flail –mower, slasher & spray units etc.

On-site Plant and Equipment:

- Dewatering
- Directional Arrow
- Lighting Tower
- Portable Traffic Light
- Portable Toilet, including servicing
- Road Barriers, including New Jersey Kerbs and Water Filled Safety Barriers
- Temporary Site Sheds, including generator and associated equipment
- Tree Mulching machinery & gang
- Trenching & Shoring
- Variable Message Board.

Rates submitted will remain fixed and be reviewed at six monthly intervals over the term of the agreement. Contract rate variations will be made in accordance with a formula which addresses variations in fuel, labour and other costs (registration, insurance etc) fluctuations.

Tenders Received

A total of 74 contractors submitted to Tender EC2013-028. There was a decrease in tender submission numbers from the previous 2011/2013 contract period however there was still strong interest from local and regional contractors.

Tender Evaluation

The Tender Evaluation was conducted by Council's Engineering and Operations Division's Contract Unit staff with input from Council's Works Coordinator who has extensive knowledge of road construction plant performance and capabilities. A copy of the Tender Evaluation Report is included in **ATTACHMENT 1** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers hourly hire rate. 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.

In accordance with the hourly rates submitted for each plant item category it is recommended that Council accepts the ranking schedule for EC2013-028 Registration of Interest for the Hire of Plant and equipment to Council for the period 1 July 2013 until 30 June 2015 as included as a confidential attachment to this report.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the ranking schedule as listed in the confidential attachment.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No budget implications. Provision made in Maintenance and Constructional Operational budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
 - 1.3.2 Council will seek the best value in delivering services
 - 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
 - 1.3.2.5.1 Incorporate "value for money" criteria into Tender Evaluation Plans
 - 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council - Evaluation (ECM3080821).

(Confidential) Attachment 2. EC2013-028 Registration of Interest for the Hire of Plant and Equipment to Council - Excel Spreadsheet (ECM3078917).

60 [EO-CM] EC2013-029 Registration of Interest for Contract Truck Haulage

SUBMITTED BY: Contracts

Valid



Civic Leadership

SUMMARY OF REPORT:

This report outlines the tender for EC2013-029 Registration of Interest for Contract Truck Haulage for the period 1 July 2013 until 30 June 2015. Two (2) ranking schedules were established for each truck category and are listed in **CONFIDENTIAL ATTACHMENTS 1 and 2**. It is recommended that Council accepts the ranking schedules for Contract Haulage for the period 1 July 2013 until 30 June 2015 as included as a confidential attachment to this report.

RECOMMENDATION:

That:

1. In relation to EC2013-029 Registration of Interest for Contract Truck Haulage, Council accepts the ranking schedules for the period 1 July 2013 until 30 June 2015 as listed in the Confidential Attachment to this report.
2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Council tender EC2013-029 closing 10 April 2013 has been called for the Registration of Interest for Contract Truck Haulage for the period 1 July 2013 until 30 June 2015.

Tenderers were required to submit hourly rates for the following haulage categories:-

A Rate - Truck Hourly Rate (11.5 – 15 Tonne capacity)

A Rate - Truck with 500 mm Dia. Rock Hourly Rate

A Rate – Truck and Dog Trailer Hourly Rate

A Rate – Semi Tipper

Rates submitted will remain fixed and will be reviewed at six monthly intervals over the term of the agreement. Contract rate variations will be made in accordance with a formula which addresses variations in fuel, labour and other costs (registration, insurance etc) fluctuations.

All submissions were listed in the nominated haulage categories with rates submitted compared to establish two (2) ranking schedules. One ranking taking into consideration the Hourly A Rate submitted, and the other ranking taking into consideration the calculated cost per tonne per hour hire rate for each truck in each category.

Hire decisions will be made over the term of the arrangement in accordance with one of the two rankings depending on the job requirements.

Tenders Received

A total of twenty nine (29) contractors submitted 49 submissions to tender EC2013-029.

Rates received were generally very competitive with no significant increase to rates submitted for the 2011/2013 tender period.

Tender Evaluation

The Tender Evaluation was conducted by Council's Engineering and Operations Division's Contract Unit staff with input from Council's Works Coordinator. A copy of the Tender Evaluation Report is included in **ATTACHMENTS 1 and 2 which are CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain 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 their tendered rates. 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.

In accordance with the hourly rates submitted for each truck category it is recommended that Council accepts the ranking schedules, included with this report as a Confidential attachment, for EC2013-029 Registration of Interest for Contract Truck Haulage for the period 1 July 2013 until 30 June 2015.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the ranking schedules as listed with the confidential attachment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No Budget implications. Provision made in Maintenance and Construction Operational Budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate "value for money" criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2013-029 Registration of Interest for Contract Truck Haulage (ECM 3080828)
Attachment 2. EC2013-029 Registration of Interest for Contract Truck Haulage Hourly Rate Ranking (ECM 3074684)

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61 [EO-CM] EC2013-030 Registration of Interest for the Hire of Small Plant

SUBMITTED BY: Contracts

Valid



Civic Leadership

SUMMARY OF REPORT:

Tender for the Registration of Interest for the Hire of Small Plant was called to source a panel of providers from which small plant items will be hired for use in operational areas. Items to be hired are construction tools, for example powered hand tools, plate compactors, generators, concrete finishers etc that are used in construction work and not carried by Council as part of its plant inventory.

These items are generally hired for daily or short term periods and are collected and returned from the place of hire by Council operational staff.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

RECOMMENDATION:

That in relation to EC2013-030 Registration of Interest for the Hire of Small Plant Council accepts all suppliers as listed for the period 1 July 2013 until 30 June 2015 with hire decisions to be made following reference to submitted catalogue rates and additional charges that may apply.

REPORT:

Tender Background

Tender EC2013-030 Registration of Interest for the Hire of Small Plant was called to source a panel of providers from which small plant items will be hired for use in operational areas. Items to be hired are construction tools, for example powered hand tools, plate compactors, generators, concrete finishers etc that are used in construction work and not carried by Council as part of its plant inventory.

These items are generally hired for daily or short term periods and are collected and returned from the place of hire by Council operational staff.

The hire period will be for the period 1 July 2013 until 30 June 2015.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for Tender EC2013-030 Registration of Interest for the Hire of Small Plant on 19 March 2013 in the Sydney Morning Herald. The tender was also advertised in the Tweed Link.

Tender Addendums

There were no (Notice to Tenderers) issued before close of tender.

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Seven (7) submissions were recorded at the Tender Box opening and their details are as follows:

Tenderer
Kingscliff Hire and Landscape Supplies
Kennards Hire
Coates Hire
Hakka Hire
Allcott Hire
Murwillumbah Hire
Dynamic Excavations

Tender Evaluation

The tender evaluation was conducted by Council's Engineering and Operations Division Contract Unit staff with input from Council's Works Coordinator who has extensive knowledge of road construction plant performance and capabilities.

Hire decisions will be made by the Works Coordinator following consideration of where the hire items are to be used in relation to the hire Company's place of business, reference to catalogue rates and additional charges that might apply. For example hire items required for works in the Murwillumbah region could be obtained from Murwillumbah Hire or Hakka Hire and similarly for works in the Tweed Heads area could be obtained from Coates Hire or Kingscliff Hire thus minimising any operational delays and delivery charges if the item was required to be delivered to site. As with hire decisions made for the hire of larger plant items Council's Works Coordinator is considered in the best position to direct staff to the most beneficial cost and operational hire company location for each particular small plant hire requirement.

It is recommended that Council accepts the tender submissions as submitted for EC2013-030 Registration of Interest for the Hire of Small Plant to Council for the period 1 July 2013 until 30 June 2015 with hire decisions to be made following reference to submitted catalogue rates and additional charges that may apply.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts all suppliers as submitted.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

Provision made in Operational Maintenance and Construction budget areas for Small Plant Hire costs.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate “value for money” criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

62 [EO-CM] EQ2013-033 Supply and Delivery of Selected Materials

SUBMITTED BY: Contracts

Valid



Civic Leadership

SUMMARY OF REPORT:

This report outlines the tender for EQ2013-033 Supply and Delivery of Selected Materials.

The supply period will be for a twelve (12) month term from 1 July 2013 until 30 June 2014. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT 1.**

RECOMMENDATION:

That:

- 1. Council awards contract EQ2013-033 Supply and Delivery of Selected Materials for the Period 1 July 2013 until 20 June 2014 to the following suppliers:**

ITEM	SUPPLIER
Concrete Pipes	Rocla Pty Ltd
Concrete Surrounds	Rocla Pty Ltd
Concrete Kerb Inlets	Rocla Pty Ltd
Concrete Headwalls	Rocla Pty Ltd
Herbicides	Williams Group Australia
Premix Cement	Williams Group Australia
Bagged Cement	Williams Group Australia
Reinforcing Mesh	Williams Group Australia
Ag Pipe	Williams Group Australia
900mm Dia. PVC SW Pipe	Williams Group Australia
Geotextile Materials	Geofabrics Australasia Pty Ltd
Electrode 12P	Williams Group Australia
Form Ply 2.4 x 1.2	Tellam Civil Products
Woven Silt Film	Geofabrics Australasia Pty Ltd
Footpath Materials	Blackwoods
Star Pickets 1.67m Bitumen Coated	Williams Group Australia

2. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
- (d) **commercial information of a confidential nature that would, if disclosed:**
 - (i) **prejudice the commercial position of the person who supplied it, or**
 - (ii) **confer a commercial advantage on a competitor of the council, or**
 - (iii) **reveal a trade secret.**

REPORT:

Quotations closing 17 April 2013 were called for the Supply and Delivery of Selected Materials into Council's Murwillumbah Depot Store for the period 1 July 2013 until 30 June 2014.

The supply contracts are called on an annual basis for selected large dollar turnover items purchased for issue through the Store.

Items offered to tender are as follows:

Concrete Pipes	Concrete Surrounds
Concrete Kerb Inlets	Concrete Headwalls
Herbicides	Premix Cement
Bagged Cement	Reinforcing Mesh
Ag Pipe	90mm Dia. PVC Stormwater Pipe
Geotextiles Material	Electrode 12P
Form Ply 2.4 x 1.2	Woven Silt Film
Footpath Materials	Star Pickets 1.67m Bitumen Coated

Tenders Received

Following the close of tenders a total of ten (10) submissions had been received.

Submissions received are as follows:

Blackwoods
Geofabrics
Global Synthetics Pty Ltd
Iplex Pipelines
Jestomic
RCPA
Rocla Pty Ltd
Tellam Civil Products
Williams Group Australia
Wychitella Holdings

Tender Evaluation:

A copy of the Tender Evaluation Report is included in **ATTACHMENT 1** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

Based on the conforming prices received and previous supply history considerations, it is recommended that the following suppliers be awarded supply contracts for the Period 1 July 2013 until 30 June 2014:

ITEM	SUPPLIER
Concrete Pipes	Rocla Pty Ltd
Concrete Surrounds	Rocla Pty Ltd
Concrete Kerb Inlets	Rocla Pty Ltd
Concrete Headwalls	Rocla Pty Ltd
Herbicides	Williams Group Australia
Premix Cement	Williams Group Australia
Bagged Cement	Williams Group Australia
Reinforcing Mesh	Williams Group Australia
Ag Pipe	Williams Group Australia
900mm Dia. PVC SW Pipe	Williams Group Australia
Geotextile Materials	Geofabrics Australasia Pty Ltd
Electrode 12P	Williams Group Australia
Form Ply 2.4 x 1.2	Tellam Civil Products
Woven Silt Film	Geofabrics Australasia Pty Ltd
Footpath Materials	Blackwoods
Star Pickets 1.67m Bitumen Coated	Williams Group Australia

OPTIONS:

Not Applicable.

CONCLUSION:

That Council accepts the recommendation set out in the table within the Recommendation for EQ2013-033 Supply and Delivery of Selected Materials for the period 1 July 2013 until 30 June 2014.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

No direct budget implications. Day to day purchases for operational needs to carry out budgeted maintenance functions.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.5 Procurement of works, goods and services by quotation and tendering.
Incorporate “value for money” criteria into Tender Evaluation Plans
- 1.3.2.5.1 Preparation of tender/quotation documents and contract administration and supervision

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) **Attachment 1** - EQ2013-033 Supply and Delivery of Selected Materials (ECM 3078538).

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63 [EO-CM] EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body

SUBMITTED BY: Works

Valid



Civic Leadership

SUMMARY OF REPORT:

Tender EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 20 March 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

This report outlines the tenders received.

RECOMMENDATION:

That:

- 1. Council awards the contract EC2013-045 Specification No1 - Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis to Murwillumbah Truck Centre for the amount of \$212,610 (Exclusive of GST).**
- 2. Council awards the contract EC2013-045 Specification No2 - Build and Supply of One (1) 10 Cubic Metre Tipping Body to Vince McNamara Engineering for the amount of \$38,400 (Exclusive of GST).**
- 3. The General Manager is given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.**
- 4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

Tender Background

Tender EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 20 March 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The combined unit will be utilised in a Truck and Dog application for the transport of heavy materials.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body on 23 February 2013 in the following media groups:

Sydney Morning Herald
Brisbane Courier Mail
Gold Coast Bulletin
Tweed Link
Councils Web Site

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 20 March 2013 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Four (4) Tenders were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN	Tendered Amount (Incl GST)
Newcastle Iveco	17 157 829 626	Confidential Information
Murwillumbah Truck Centre	72 001 859 454	
Westrac CAT	63 009 342 572	
Vince McNamara Engineering	58 103 518 878	

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering.

Criterion
Compliance with technical specification
Whole of life costs, Capital, Maintenance, Resale
Technical features evaluation and comparison i.e. Operational evaluation
Evaluation of equipment by qualified evaluation panel - Maintenance, Structural, Operator

A Tender Evaluation Plan was developed based on the premise that competitive tenders were to be received and scored against specific selection criteria in order to select the best value tender.

Refer to confidential ATTACHMENT 1 for the detailed Tender Evaluation Report.

The Tender Evaluation was conducted by Council's Tender Panel, consisting of the Plant and Materials Coordinator, Maintenance Technician and two experienced Council Equipment Operators.

The following assessment criteria was used in the Tender and Equipment evaluation process:

1. **NPV** – Capital Outlay, Whole of Life costing, Residual
2. **Operational evaluation Chassis** – Safety, design strength and build quality of chassis for application intended, suitability for application intended, emissions and environmental considerations, fuel economy factors, operational ability, innovation, product support, equipment warranty and training
3. **Maintenance evaluation** – Ease and speed of regular preventative maintenance, maintenance intervals, service and parts accessibility on machine, technician's safety when servicing, strength and quality of high wearing parts, parts availability from supplier, breakables and innovation in engineering
4. **Operator evaluation** – Ergonomics in cab and controls, safety, suitability for application intended, seating comfort - back and lumbar support, access/egress, visual search and daily maintenance checks

A copy of the Tender Evaluation Report is included in ATTACHMENT 1 which is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderer in relation to the tender price and the evaluation of the products offered by the tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

CONCLUSION:

After product analysis, product evaluation and criteria weighting, it is recommended that:

- **Murwillumbah Truck Centre is nominated for EC2013-045 Specification No1 for the supply of One (1) 24,000Kg GVM 6X4 Truck Chassis - Freightliner Coronado 114 Unit to Tweed Shire Council.**
- **Vince McNamara Engineering is nominated for EC2013-045 Specification No2 for the build and supply of One (1) 10 Cubic Metre Tipping Body to Tweed Shire Council**

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:
2012/2013 Fleet Budget.

c. Legal:
Not Applicable.

d. Communication/Engagement:
Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2013-045 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 10 Cubic Metre Tipping Body - Tender Evaluation Plan (ECM 3077288).

64 [EO-CM] EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial Truck Chassis and Build and Supply of One Water Tank

SUBMITTED BY: Works

FILE REFERENCE: EC2013-068



Civic Leadership

SUMMARY OF REPORT:

Tender EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

This report outlines the tenders received.

RECOMMENDATION:

That:

- 1. Council awards the contract EC2013-068 Specification No1 - Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis to VCV Brisbane for the amount of \$170,000 (exclusive of GST).**
- 2. Council awards the contract EC2013-068 Specification No2 - Build and Supply of One (1) 13,000 Litre Water Tank to Vince McNamara Engineering for the amount of \$88,045 (exclusive of GST).**
- 3. The General Manager is given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.**
- 4. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because it contains:-**
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

Tender Background

Tender EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The new water cart unit will be utilised for haulage and application of water to road works during road construction projects.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank on 16 March 2013 in the following media groups:

Sydney Morning Herald
Brisbane Courier Mail
Gold Coast Bulletin
Tweed Link
Councils Web Site

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 10 April 2013 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Fifteen (15) Tenders were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN	Tendered Amount (Incl GST)
Newcastle Iveco	17 157 829 626	Confidential Information
K&J Trucks	71 003 113 675	
Southside Truck Centre (2)	86 001 496 626	
Brown & Hurley (2)	66 010 732 966	
VCV Brisbane	27 000 761 259	
Murwillumbah Truck Centre (2)	72 001 859 454	
Gold Coast Isuzu	47 010 210 723	
Vince McNamara Engineering	58 103 518 878	
Capital Body Works	63 106 920 469	
Barry Burrows Engineering	15 065 104 323	
Marlin Truck Bodies	19 001 275 136	
Peak Engineering	14 660 608 035	

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering.

Criterion
Compliance with technical specification
Whole of life costs, Capital, Maintenance, Resale
Technical features evaluation and comparison i.e. Operational evaluation
Evaluation of equipment by qualified evaluation panel - Maintenance, Structural, Operator

A Tender Evaluation Plan was developed based on the premise that competitive tenders were to be received and scored against specific selection criteria in order to select the best value tender.

Refer to confidential ATTACHMENT 1 for the detailed Tender Evaluation Report.

The Tender Evaluation was conducted by Council's Tender Panel, consisting of the Plant and Materials Coordinator, Maintenance Technician, two experienced Council Equipment Operators and a suitably qualified and experienced Independent Evaluator.

The following assessment criteria was used in the Tender and Equipment evaluation process:

1. **NPV** – Capital Outlay, Whole of Life costing, Residual
2. **Operational evaluation Chassis** – Safety, design strength and build quality of chassis for application intended, suitability for application intended, emissions and environmental considerations, fuel economy factors, operational ability, innovation, product support, equipment warranty and training
3. **Maintenance evaluation** – Ease and speed of regular preventative maintenance, maintenance intervals, service and parts accessibility on machine, technician's safety when servicing, strength and quality of high wearing parts, parts availability from supplier, breakables and innovation in engineering
4. **Operator evaluation** – Ergonomics in cab and controls, safety, suitability for application intended, seating comfort - back and lumbar support, access/egress, visual search and daily maintenance checks

A copy of the Tender Evaluation Report is included in ATTACHMENT 1 which is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderer in relation to the tender price and the evaluation of the products offered by the tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

Non-Compliant Responses:

Four (4) Responses were deemed non-compliant against Council's technical requirements of tender.

Non-Compliant Responses
Murwillumbah Truck Centre (2)
Southside Truck Centre (1)
Barry Burrows Engineering (1)

CONCLUSION:

After product analysis, product evaluation and criteria weighting, it is recommended that:

- **VCV Brisbane** is nominated for EC2013-068 Specification No 1 for the supply of One (1) 24,000Kg GVM 6X4 Truck Chassis - Volvo FM370 Unit to Tweed Shire Council.
- **Vince McNamara Engineering** is nominated for EC2013-068 Specification No 2 for the build and supply of One (1) 13,000 Litre Water Tank Unit to Tweed Shire Council

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

2012/2013 Fleet Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1.

EC2013-068 Supply of One (1) 24,000Kg GVM Heavy Commercial 6X4 Truck Chassis and Build and Supply of One (1) 13,000 Litre Water Tank - Tender Evaluation Plan (ECM 3079938).

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65 [EO-CM] Greenfield Policy DCP-A5 Subdivision Manual Review

SUBMITTED BY: Planning and Infrastructure

FILE REFERENCE: GTI/DCP/A5

Valid



Civic Leadership



Supporting Community Life

SUMMARY OF REPORT:

At the meeting of 25 October 2012, Council supported a Notice of Motion that a report be brought forward:

"...in regard to enhancing Council's policies for major Greenfield developments to improve outcomes for:

- 1. Ecological sustainability appropriate to Tweed Shire's nationally and internationally significant environment and its current environmental stress,*
- 2. Community health planning, including meeting the needs of seniors and children,*
- 3. Planning for green spaces, community gardens, edible landscapes and wild places,*
- 4. Reduced carbon emissions, energy efficiency, and potential for greater on site waste management, and*
- 5. Opportunities to promote and facilitate a more localised economy through appropriate planning."*

This report is provided in response, and outlines a review process for the Tweed Development Control Plan Section A5 - Subdivision Manual (DCP-A5) to address the above sustainability criteria for greenfield development. DCP-A5 already provides the policy basis for many of these objectives, but should be reviewed to update the approach to site analysis, best practice urban design principles and infrastructure specifications. It will also provide the opportunity to update DCP-A5 for legislative changes and operational/housekeeping improvements raised by Council staff and developers.

This review will be undertaken in-house, and a working group has been formed to undertake the project.

A proposed work program is provided in this report, providing opportunities for Councillor workshops and industry consultation sessions as the project progresses.

RECOMMENDATION:

That in response to the Notice of Motion, Item 47 of the 25 October 2012 Council Meeting, Council notes the review of Tweed Development Control Plan Section A5 - Subdivision Manual as outlined in the subject report.

REPORT:

At the Council Meeting of 25 October 2012, the following resolution was made in response to a Notice of Motion:

"TITLE: CNL Ordinary Agenda

NOTICE OF MOTION:

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council brings forward a report in regard to enhancing Council's policies for major Greenfield developments to improve outcomes for:

1. *Ecological sustainability appropriate to Tweed Shire's nationally and internationally significant environment and its current environmental stress,*
2. *Community health planning, including meeting the needs of seniors and children,*
3. *Planning for green spaces, community gardens, edible landscapes and wild places,*
4. *Reduced carbon emissions, energy efficiency, and potential for greater on site waste management, and*
5. *Opportunities to promote and facilitate a more localised economy through appropriate planning.*

*The Motion was **Carried***

**FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne"**

This followed earlier consideration of a Notice of Motion at the 17 April 2012 meeting where the following was resolved:

"TITLE: CNL Ordinary Agenda

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that:

1. *The report to a Notice of Motion - Sustainability Development Control Plan be received and noted.*
2. *Council supports a review of Development Control Plan (DCP) A5 – Subdivision Manual, be undertaken, as soon as resources permit and to build upon existing sustainability and urban design principles.*

*The Motion was **Carried***

FOR VOTE - Unanimous"

The Executive Management Team has endorsed the review of Tweed Development Control Plan Section A5 - Subdivision Manual (DCP-A5) as the appropriate policy vehicle to review and update sustainability criteria for greenfield development. Sustainability is a broad term and encompasses environmental, social and economic values. The options that have been considered for the DCP-A5 review in determining the recommended course of action are provided as follows:

1. Structure

The existing DCP-A5 document was designed as a "one stop shop" for subdivision development. It consists of sections relating to masterplanning, constraints analysis, development controls, approvals process, certification process and references development design and construction specifications.

Issue

That much of this information is outside of the scope of a DCP, which should include development controls and other detailed provisions to achieve the purposes of environmental planning instruments, such as the LEP. Other information should be contained in Council policies and procedures.

OPTION	COMMENTS	TIME IMPLICATIONS	RESOURCE IMPLICATIONS
i) Generally retain the current structure as a single document forming a section of the Tweed DCP	Simplifies the scope of the review. However Planning Reforms advises this may allow aspects of the DCP to be challenged in court.	Low	Low
ii) Deconstruct the DCP and remove non-development control advice, policy and procedural information, and transfer this other information to new and existing documents for Council adoption as necessary	Requires developers and assessment officers to be familiar with and refer to a range of documents, adding complexity to the development process. Makes DCP more succinct and more relevant to what a DCP should contain. Allows some aspects of the document to be amended without having to follow the process for amending a DCP.	Medium	Medium

iii)	Adopt a suite of updated documents as per (ii) but collate them into a "Subdivision Manual", to retain the "one stop shop" objective RECOMMENDED	Still overcomes existing deficiencies in the DCP content, but still provides a "single document" for developers and assessing officers to reference.	Medium	Medium
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2. Scope

Issue

With the pending review of the NSW planning system (Department of Planning and Infrastructure White Paper), it is likely that there will be significant changes to the way Council assesses and approves subdivisions in the future. State and Regional Infrastructure Plans and Planning Panels have been flagged, which will likely limit the ability of documents like DCP-A5 to determine subdivision controls.

This raises questions as to the necessary extent of the review of DCP-A5 at this time.

OPTION	COMMENTS	TIME IMPLICATIONS	RESOURCE IMPLICATIONS
i)	Update relevant statutory controls and references to ensure best practice and good governance in subdivision development, without critical review.	Low	Low
ii)	Critical review of the A5 document to ensure sustainable urban and infrastructure planning for subdivisions generally based on the existing framework. RECOMMENDED	Medium	Medium

iii)	Complete rewrite based on a consultation process with all stakeholders (internal and external) considering a broad spectrum of development issues, and completion of further studies by Council, such as the Local Growth Management Strategy.	Would produce the most comprehensive review of the document, but will necessarily involve very long timelines, which may be overtaken by the White Paper and other changes to Local Government control over such development matters. May justify the use of consultants, which is not currently budgeted.	High	High
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3. Content

Based on the options assessment above, the adopted approach is to restructure the Subdivision Manual, to compile the relevant documents according to their purpose as a DCP, policy or procedure, and then to update each section based on statutory requirements and key issues identified by the stakeholder groups.

A project working group has been established for the DCP-A5 review project.

From the initial meetings with this group, the following key issues have already been identified:

a) Site Specific Considerations

Council's planners consider that more emphasis needs to be provided to ensure that site analysis drives good design outcomes for new subdivisions and accounts for site specific constraints and opportunities, rather than compliance with engineering specifications or economic imperatives of the developer. Engineering should fit the urban design, not the other way around - this can only be achieved if all constraints are well understood.

DCP-A5 currently contains some guidance in this regard but this needs updating. The existing section on masterplanning of subdivisions has largely been superseded for major urban release areas by the Coastal Protection and Major Projects SEPP, site specific development codes (Cobaki, Kings Forest) etc. and so provides the opportunity for a detailed review.

It is proposed to seek the expertise of the Planning Reforms Section to provide a new section of DCP-A5 to address site analysis and improved urban design. There is further scope to provide additional information in this regard in the Development Design Specifications, such as D13 - Engineering Plans to mandate submission of this information with a subdivision DA, and/or create a new D-Series specification dealing with urban design aspects of subdivisions.

b) Sustainability

As detailed at the start of this report, Council has resolved to introduce further policies for ecologically sustainable development (ESD). Addressing site constraints via proper analysis at the initial stages of a subdivision proposal, as outlined above, is intrinsic to ESD outcomes. A review of ESD approaches from other planning authorities, such as Sustainability Rating Tools, should be included in the review. Various options can then be presented back to Council for further consideration.

c) Exempt and Complying SEPP

Subdivision design should maximise the application of the SEPP, without compromising urban design values. The DCP needs to be updated to accommodate this legislation, which has been introduced since the Subdivision Manual was conceived.

d) Development Thresholds

In reviewing the document, it is important to consider the likely development patterns in the remaining urban release (greenfield) and likely redevelopment and infill (brownfield) sites - that is, the target audience for the Subdivision Manual.

As the majority of new greenfield urban residential subdivision will take place in the Cobaki and Kings Forest Estates, which are subject to Part 3A approved Concept Plans and Development Codes, focus may necessarily need to shift to smaller subdivision on the fringe of existing urban areas and infill development of residue land. Development controls may need to address these different contexts.

e) Housing Code

The implementation of the Residential and Tourist Development Code (DCP-A1) must be considered in the DCP-A5 review. Aspects such as lot configuration and orientation, driveway location, easements, and slope need to be part of developer's considerations when proposing subdivision designs and the future urban framework, not just maximisation of yield and minimisation of cost. In many cases these extra costs are passed on to the home builders.

f) Processing

The process review should aim to minimise assessment and processing time where practical, as this is a clear objective of changes to the NSW planning system. Emphasis should be given to pre-lodgement consultation, consideration given to the use of consent conditions to defer non-essential considerations, and bonding of non-essential items for subdivision certificates.

g) Other Council Resolutions

In addition to ESD, Council has requested further policy development in relation to:

- Community health planning, including meeting the needs of seniors and children;
- Planning for green spaces, community gardens, edible landscapes and wild places;
- Reduced carbon emissions, energy efficiency, and potential for greater on site waste management;

- Opportunities to promote and facilitate a more localised economy through appropriate planning;
- Landscape visual character of subdivisions, with reference to the Tweed Scenic Landscape Evaluation.

Clarification of these issues and some definitions will be necessary through Councillor workshops.

4. Consultation

A working group of key staff across the organisation will inform the review and contribute to the draft document(s). This will form the internal consultation process.

Early in the process, a Councillor Workshop will be held to ensure that the expectations of the review are compatible with the elected body. Further workshops can be held to address key issues and preferred options (such as ESD).

External consultation will allow input from the development industry, environmental groups and the wider community. The process used for the update of DCP-A1, being the release of discussion papers, and appraisal of good and bad examples of subdivision development could be used.

5. Program

The following key tasks for the review have been identified with estimated timeframes for completion. Various stakeholders across the organisation will be required to participate in this multi-disciplinary review, and Managers / Coordinators will be requested to allocate staff resources accordingly.

TASK	TIMEFRAME
Review of contents.	June 2013
Identification of what should be in, and what should be out, restructuring the DCP.	July 2013
Councillor Workshop - Introduction	August 2013
Allocation of tasks to work groups	August - December 2013
<ul style="list-style-type: none">• Review of site analysis and design aspects - P&I and Planning Reforms	
<ul style="list-style-type: none">• Review of DA checklists for subdivisions - P&I and Development Assessment	
<ul style="list-style-type: none">• Review of DCP-A5 against DCP-A1 and Exempt and Complying Code - P&I and Development Assessment	
<ul style="list-style-type: none">• Review of certification and compliance system - P&I and Development Engineers	
<ul style="list-style-type: none">• Review of technical advice - asset owners in EOD and CNR and Development Engineers	
Drafting of Exhibition Documents and Discussion Papers	January - February 2014
Councillor Workshop on drafts	February 2014
Stakeholders and community consultation	March 2014
Finalisation of drafts and adoption	May 2014

OPTIONS:

As detailed above, various options have been considered regarding the scope and content of the proposed review, and the final structure of the document. The review process outlined in this report is considered to provide the best opportunity to update the document to incorporate current best practice within a realistic timeframe utilising in-house resources and minimising costs. Given the likelihood of significant changes in the strategic planning approach to greenfield development foreshadowed by the White Paper, a more comprehensive review has been deferred.

CONCLUSION:

This report responds to Council's resolution regarding greenfield policy implications by outlining a review of Tweed Development Control Plan Section A5 - Subdivision Manual as the most appropriate policy vehicle to incorporate sustainability criteria. An update to this document is also necessary to respond to changes in the planning system and related legislation, and to update urban design and infrastructure provision requirements of developers to incorporate current best practice.

COUNCIL IMPLICATIONS:

a. Policy:

Tweed Development Control Plan Section A5 Subdivision Manual.

b. Budget/Long Term Financial Plan:

The review of DCP-A5 is proposed to be undertaken in-house, so cost implications are minimal.

c. Legal:

Amendments to DCP-A5 will be undertaken in accordance with applicable regulations in relation to public exhibition and reporting to Council prior to adoption.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
 - 1.3.1.24 Engineering design and construction specifications to be kept up to date with industry best practice
 - 1.3.1.24.2 Update Subdivision Manual
- 2 Supporting Community Life
 - 2.6 Improve Urban Design
 - 2.6.1 Design new urban areas to be sustainable, complement existing environmental values and the Tweed's scenic beauty
 - 2.6.1.2 Review and update Subdivision Manual and design specifications to ensure current best practice urban design and infrastructure standards are adopted

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

66 [EO-CM] Annual Indexation of Infrastructure Contribution Rates

SUBMITTED BY: Planning and Infrastructure

Valid



Strengthening the Economy

SUMMARY OF REPORT:

This report is for the information of Councillors and summarises the effects of indexation on S94 Plan developer contribution rates for the new financial year. The majority of contribution rates increase by varying amounts, depending on adopted Plan and Program dates.

The indexed contribution rates will come into effect on 1 July 2013.

RECOMMENDATION:

That Council notes the indexation of S94 contribution rates as detailed in this report and in accordance with:

- the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000,
- the ABS Implicit Price Deflator (IPD) index as adopted in each S94 Plan,
- the Tweed Shire Council Land Cost index for March 2013 as published in the 2013/2014 Revenue Policy and Statement and adopted in each S94 Plan and
- the clause entitled "Adjustment of Contribution Rates" as adopted in each S94 Plan.

REPORT:

Background:

Council reviewed all of its contribution plans between July and December 2009 in accordance with a Direction from the NSW Minister for Planning. This was a major undertaking, and to streamline the process the opportunity was taken to standardise Council's disparate S94 plans in line with the then current Department of Planning 'template for a S94 Plan'. The template included a section with reference to indexation of the plan's works program. The Environmental Planning and Assessment (EP&A) Act had always allowed for such indexation however the review process revealed that Council had never previously utilised this mechanism to update developer contribution rates, in most cases because the S94 plan did not allow for it, or in one case, because a process had not been implemented to apply the update. Therefore a benefit of the Direction was that this oversight was rectified during the review process.

All of the plans which were reviewed were exhibited for comment and adopted by Council in accordance with the usual requirements of the EP&A Act. The majority of the amended plans were adopted by Council in December 2009.

Annual indexation in accordance with the clause entitled "Adjustment of Contribution Rates" adopted in each S94 Plan and referred to in this report was applied to contribution rates where appropriate in July 2011 and July 2012, and this process is now being repeated for July 2013.

What is a S94 Plan for?

S94 of the Environmental Planning and Assessment Act enables Council to collect money from developers for the provision of additional infrastructure required as a result of that development. It is an attempt to implement a 'user pays' approach and the intention is to ensure that sufficient arterial road capacity, additional open space, community facilities and other community infrastructure continues to be provided by Council, without placing the burden to pay for that infrastructure onto existing residents and ratepayers.

To collect contributions from developers, Council must have a S94 Plan in place which has been adopted in accordance with the EP&A Act and Regulations. The plan must spell out the infrastructure required, how much it will cost, and clearly demonstrate a direct link (nexus) between the required work and the demand generated by the new population as a result of development.

Council currently has 23 active contribution plans, approximately half of these apply to the whole shire, the rest are area-specific plans. The majority of plans levy contributions on residential and tourist development, while others, like the Road Contribution Plan (No 4) and Council Admin Facilities Plan (No 18), also levy contributions for commercial development.

It should be noted that two plans were not updated to utilise the Department of Planning's 'Template for a S94 Plan' during the plan review and therefore do not include the clauses to enable indexation:

- S94 Plan No 27 - Tweed Heads Master Plan - this plan was being updated separately in conjunction with the Department of Planning and was excluded from the general 2009 review, however the Department's review has concluded and this plan is now scheduled for amendment which will include the application of the new template to enable future indexation.
- S94 Plan No 28 - Seaside City - this plan is an unusual case as it collects money on behalf of a developer in accordance with a ruling from the Land and Environment Court and was excluded from the 2009 review.

Indices:

The Department of Planning's 'template for a S94 Plan' includes clauses for indexation of the works program broken down in terms of land and non-land components, including a localised 'Land Cost Index'. It is open to Council to use any viable index, provided that it is 'readily accessible'.

Regulation 32 of the Environmental Planning and Assessment Regulation 2000 states as follows:

(3) A council may make the following kinds of amendments to a contributions plan without the need to prepare a new contributions plan:

(a) minor typographical corrections,

(b) changes to the rates of section 94 monetary contributions set out in the plan to reflect quarterly or annual variations to:

(i) readily accessible index figures adopted by the plan (such as a Consumer Price Index), or

(ii) index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan,

(c) the omission of details concerning works that have been completed.

Consequently the following indices were selected:

Non land component - IPD (Implicit Price Deflator):

This index is published by the Australian Bureau of Statistics and refers to the value of work done (implicit price deflator). It is referred to as Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001

This index is applied to components of a S94 Plan works program for non-land items such as open space embellishment and the construction of buildings, roads and car parks.

The currently available IPD figures are for December 2012, released by the ABS in April 2013.

Land component - TSC Land Cost Index:

Tweed Shire Council's Land Cost Index is a simple index calculated with reference to the movement in annual median property sale values and is published annually under the heading Land Cost Indexation in Council's Revenue Policy.

In 2009, escalating property values in Tweed Shire were of serious concern and price movements were noted well in excess of any non-land related index. It was felt that it was essential that an index that could closely reflect the actual cost to Council of the acquisition of land would be the most appropriate index to use, therefore the TSC Land Index was calculated and is now published annually.

At the time of preparation of this report, the currently available Land Cost Index figures are for March 2013, to be published in Council's Draft Revenue Policy 2013/2014.

Effect of indexation on contribution rates:

Plan		Component	Current \$	per unit	Rate at 1 July 2013	Increase per unit	increase per lot
1	Banora Point Open Space	Structured Open Space	\$1,061	person	\$1,083	\$22	\$53
		Casual Open Space with dedication	\$225	person	\$231	\$6	\$14
		Casual Open Space no dedication	\$691	person	\$710	\$19	\$46
2	Banora Point West Drainage Scheme*	Drainage	\$13,518	HA	\$13,884	\$366	\$36.60
4	Tweed Road Contribution Plan	Tweed Heads	\$822	Trip	\$844	\$22	\$143
		Tweed Heads South	\$1,329	Trip	\$1,365	\$36	\$234
		Cobaki	\$1,389	Trip	\$1,426	\$37	\$241
		Bilambil Heights	\$2,860	Trip	\$2,937	\$77	\$501
		Terranora	\$2,005	Trip	\$2,059	\$54	\$351
		Kingscliff	\$1,146	Trip	\$1,176	\$30	\$195
		Duranbah/Cabarita	\$1,155	Trip	\$1,186	\$31	\$202
		LAC4: Casuarina	\$1,324	Trip	\$1,360	\$36	\$234
		Pottsville	\$1,295	Trip	\$1,330	\$35	\$228
		LAC3: Koala Beach/Seabreeze	\$1,363	Trip	\$1,400	\$37	\$241
		Murwillumbah	\$1,328	Trip	\$1,364	\$36	\$234
		Rural - Inner East	\$1,822	Trip	\$1,871	\$49	\$319
		Burringbar	\$1,263	Trip	\$1,296	\$33	\$215
		Rural - Inner North	\$2,953	Trip	\$3,032	\$79	\$514
		Rural - Inner West	\$2,258	Trip	\$2,318	\$60	\$390
		Rural - Other	\$2,555	Trip	\$2,624	\$69	\$449
5	Local Open Space	Structured Open Space	\$251	person	\$259.12	\$8.12	\$19.49
		Casual Open Space	\$219	person	\$226.39	\$7.39	\$17.74
7	West Kingscliff	Structured Open Space	\$1,211	person	\$1,239	\$28	\$67.20
		Drainage	\$56,641	HA	\$56,641	Nil	Nil
10	Cobaki Lakes	Community facilities	\$489	person	\$494	\$5	\$13

Plan		Component	Current \$	per unit	Rate at 1 July 2013	Increase per unit	increase per lot
11	Libraries		\$340	person	\$349	\$9	\$22
12	Bus Shelters	bus shelters	\$25.77	person	\$ 26.46	\$0.69	\$1.66
13	Eviron Cemetery	Cemetery	\$50.61	person	\$5 1.28	\$0.67	\$ 1.61
15	Community Facilities	Community facilities	\$ 563.42	person	\$578.66	\$15.24	\$36.58
18	Council Admin/Tech Support	Admin	\$ 755.26	person	\$775.13	\$19.87	\$47.69
19	Casuarina Beach/Kings Forest	Community Facilities	\$918	person	\$943	\$25	\$60
		Structured Open Space	\$519	person	\$524	\$5	\$12
21	Terranora Village	Structured Open Space	\$507.20	person	\$520.92	\$13.72	\$32.93
		Community facilities	\$172.63	person	\$177.30	\$4.67	\$11.21
22	Cycleways	Cycleway	\$191.73	person	\$196.95	\$5.17	\$12.41
23	Offsite Parking	Tweed Heads	25,344	space	25,789	\$445	NA
		Murwillumbah	\$15,941	space	\$16,373	\$432	NA
		Kingscliff	27,716	space	28,466	\$750	NA
		Bogangar/Cab. Bch	\$27,716	space	\$28,466	\$750	NA
		Pottsville	21,223	space	21,301	\$78	NA
		Fingal Head	\$2,904	space	\$2,983	\$79	NA
25	SALT Open Space & Associated Carparking	Structured Open Space	\$956	person	\$966	\$10.00	\$24.00
26	Regional Open Space	Structured Open Space	\$1554.19	person	\$1595.85	\$41.66	\$99.98
		Casual Open Space	\$443.17	person	\$454.66	\$11.49	\$27.58
27	Tweed Heads Master Plan	Open space and streetscaping	\$616	person	\$616	Nil	Nil
28	Seaside City	For existing subdivisions, excludes open space	\$12,199	person	\$12,199	Nil	Nil
		For new subdivisions, includes open space	\$18,548	person	\$18,548	Nil	Nil

Effect of negative movements in indices:

The template for a S94 Plan, and therefore each updated Tweed Shire Council S94 plan, contains the following statements in the clause entitled 'Adjustment of Contribution Rates':

Note: In the event that the Current IPD is less than the previous IPD, the Current IPD shall be taken as not less than the previous IPD.

Note: In the event that the Current LV Index is less than the previous LV Index, the Current LV Index shall be taken as not less than the previous LV Index.

OPTIONS:

1. Note the indexation of contribution rates as recommended.

CONCLUSION:

Given that Council is authorised to regularly index contribution rates under the provisions of Regulation 32 of the Environmental Planning and Assessment Regulation 2000, and by the clause entitled "Adjustment of Contribution Rates" as adopted in each S94 Plan, indexation has been applied to contribution rates as detailed in this report. Contribution plans have been updated to specify the contribution and Council's financial systems have been updated accordingly. The updated contribution rates become effective on 1 July 2013. This report is tabled for the information of Councillors.

COUNCIL IMPLICATIONS:

a. Policy:

Council's adopted S94 Plans.

NSW Environmental Planning and Assessment Act and Regulations.

b. Budget/Long Term Financial Plan:

Because the Environmental Planning and Assessment Regulations and Council's adopted S94 contributions plans allow for indexation of contribution rates, Council is able to annually adjust contribution rates in accordance with specific adopted indices, thereby enabling Council to require that developers fairly contribute towards the current actual cost of providing the facilities required as a result of that development, as identified in the contribution plans.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development.
- 3.4.2.1 Provision of infrastructure
- 3.4.2.1.1 Review section 94 plans to ensure adequate provision of infrastructure

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

67 [EO-CM] Exhibition of Draft Section 94 Plan No 5 - Local Open Space Version 7

SUBMITTED BY: Planning and Infrastructure

Valid



Strengthening the Economy

SUMMARY OF REPORT:

Amendments to Section 94 Plan No. 5 – Local Open Space (CP5) are recommended for public exhibition. Version 7:

- Removes CP 27 - Tweed Heads Master Plan from the exclusion list, i.e. this plan will now apply to the CP 27 area.
- Updates the works program/contribution.
- Changes the term 'dwelling house' to 'detached dwelling house' to align with terminology in Council's other S94 Plans.

Revised contribution rates are as follows:

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL STRUCTURED OPEN SPACE						
Additional Resident Population for the purposes of structured open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading Indexed May 2013	Persons	Levy	INDEXED RATE 1 JULY 2009	INDEXED RATE Version 7 May 2013
Population ex development areas	33,609					
Aged care beds	-2,055					
Net population increase	0	\$7,560,000 \$8,176,140*				
Levy per						
• Person			1	\$240	\$251	\$259.12
• Dwelling house/lot			2.4	\$575	\$602	\$622
• 1 bedroom unit			1.3	\$312	\$327	\$337
• 2 bedroom unit			1.7	\$408	\$427	\$440
• 3 bedroom unit			2.1	\$504	\$528	\$544
• 4_ bedroom unit			2.4	\$575	\$602	\$622

* Including 5% admin levy

Does not apply to tourist accommodation or aged persons

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL CASUAL OPEN SPACE						
Additional Resident & Tourist Population for the purposes of casual open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading Indexed May 2013	Persons	Levy	INDEXED RATE 1 JULY 2009	INDEXED RATE Version 7 May 2013
Population ex development areas	33,609					
Tourist Beds	+500					
Net population increase	34,109	\$7,140,000 \$7,721,910*				
Levy per						
• Person			1	\$209	\$219	\$226.39
• Dwelling house/lot			2.4	\$502	526	\$543
• 1 bedroom unit			1.3	\$272	\$285	\$294
• 2 bedroom unit			1.7	\$356	\$373	\$385
• 3 bedroom unit			2.1	\$440	\$460	\$475
• 4_ bedroom unit			2.4	\$502	\$526	\$543

* Including 5% admin levy

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

RECOMMENDATION:

That

- Council adopts Draft S94 Plan No. 5 – Local Open Space Version 7 as a basis for exhibition and community discussion/consultation.**
- Draft S94 Plan No. 5 - Local Open Space Version 7 is exhibited as required by the Environmental Planning and Assessment Regulations.**

REPORT:

Background

Section 94 Plan No 5. – Local Open Space Version 6 was approved by Council on 9 October 2008. The update applied the Department of Planning's template for a Section 94 (S94) plan and provided for indexation of contribution rates. Contribution rates were indexed in accordance with the plan on 1 July 2009 (Version 6.0.1) and the admin levy rate was changed from 10% to 5% in accordance with a Direction from the Minister Planning in November 2009 (Version 6.1.1).

Performance criteria and standards for open space used in this plan are derived from Tweed Shire Council's Open Space Infrastructure Policy. This policy is overdue for review, and therefore Council's Recreation Services Unit has begun the process to develop an overarching strategy for the management of Public Open Space, which is expected to be completed in 2015.

What is a S94 Plan for?

S94 of the Environmental Planning and Assessment Act enables Council to collect money from developers for the provision of additional infrastructure required as a result of that development. It is an attempt to implement a 'user pays' approach and the intention is to ensure that sufficient arterial road capacity, additional open space, community facilities and other community infrastructure continues to be provided by Council, without placing the burden to pay for that infrastructure onto existing residents and ratepayers.

To collect contributions from developers, Council must have a S94 Plan in place which has been adopted in accordance with the EP&A Act and Regulations. The plan must spell out the infrastructure required, how much it will cost, and clearly demonstrate a direct link (nexus) between the required work and the demand generated by the new population as a result of development.

Certain amendments can be made to a S94 plan and contribution rates without requiring exhibition such as:

1. Correction of typographical errors
2. Regular indexation of rates in accordance with a method adopted in the plan
3. Removal of completed items from the works program

Other types of amendments must be exhibited for public comment for 28 days and any submissions received must be addressed and reported back to Council before the amended plan can be adopted.

Council currently has 23 active contribution plans, approximately half of these apply to the whole shire, the rest are area-specific plans. The majority of plans levy contributions on residential and tourist development, while others, like the Road Contribution Plan (No 4) and Council Admin Facilities Plan (No 18), also levy contributions for commercial development.

Amendment to S94 Plan No 5 - Local Open Space

Exclusion of CP 27 area - Section 94 Plan No 27 - Tweed Heads Master Plan - Local Open Space/Streetscaping (CP 27) collects contributions for local open space, therefore this area is to be excluded from this plan.

Update to Works Program - original costs at 2009 rates have been reorganised in the works program to better reflect the works that will be completed, while retaining the overall budget at the same total amount. The program has then been indexed in accordance with the latest ABS IPD to bring the rates to 2013 rates.

Amend definition - the term 'dwelling house' has been changed to 'detached dwelling house' to align with terminology in Council's other S94 Plans for the sake of consistency.

OPTIONS:

1. Resolve to exhibit the draft plan for public comment.
2. Resolve to exhibit the draft plan for public comment and schedule a workshop for Councillors outlining the purpose and function of S94 contributions.
3. Defer exhibition of the draft plan pending a workshop for Councillors outlining the purpose and function of S94 contributions.

CONCLUSION:

The changes proposed are considered minor, and Council is therefore requested to resolve to exhibit the plan as recommended.

COUNCIL IMPLICATIONS:

a. Policy:

S94 Plan No 5 - Local Open Space.
NSW Environmental Planning and Assessment Act and Regulations.

b. Budget/Long Term Financial Plan:

Because the Environmental Planning and Assessment Regulations and S94 Plan No. 5 - Local Open space contribution plans allow for indexation of contribution rates, Council is able to annually adjust contribution rates in accordance with specific adopted indices, thereby enabling Council to require that developers fairly contribute towards the current actual cost of providing the additional local open space required as a result of that development.

c. Legal:

Council is required to exhibit certain amendments to a S94 Plan in accordance with the NSW Environmental Planning and Assessment Act and Regulations.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development
- 3.4.2.1 Provision of infrastructure
- 3.4.2.1.1 Review section 94 plans to ensure adequate provision of infrastructure

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft S94 Plan No 5 - Local Open Space (Version 7) (ECM 3075331).

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68 [EO-CM] Amendment to Section 94 Plan No. 4 - Tweed Road Contribution Plan

SUBMITTED BY: Planning and Infrastructure

Valid



Strengthening the Economy

SUMMARY OF REPORT:

At its meeting of 18 April 2013, Council resolved to exhibit Draft Section 94 Plan No. 4 – Tweed Road Contribution Plan (TRCP) Version 6.1.1. This amendment is a relatively minor amendment to the Plan to correct an anomaly in the Sector Map so as to include all urban and industrial zoned land adjoining the Murwillumbah Sector (Sector 9) within Sector 9.

It is considered appropriate to move the urban areas of South Murwillumbah, Kielvale and the adjacent industrial areas from the rural sector these areas are currently located in (Sector 10) to the adjacent urban sector of Murwillumbah (Sector 9), because the land uses and traffic generation for these areas are more closely aligned. The amendment also takes into account lands identified in the Tweed Urban and Employment Lands Release Strategy 2009.

The Draft Plan was exhibited for 28 days from 1 May 2013 to 29 May 2013 in accordance with Regulation 2000 via Council's Tweed Link and website exhibition page. No submissions were received during the exhibition period which has now concluded, and while the exhibited plan proposed no changes to the calculation of contribution rates, it should be noted that annual indexation will be applied to all relevant contribution rates from 1 July 2013 (detailed in a separate report), the effects of which have been added to the table below for the information of Councillors:

Sector	Version 6.1.1 as exhibited effective 3 July 2013		Version 6.1.2 as to be indexed 1 July 2013	
	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin
10 - Rural - Inner East	\$1,822	\$11,843	\$1,871	\$12,162
9 - Murwillumbah	\$1,328	\$8,632	\$1,364	\$8,866
Reduction in Contribution	\$494	\$3,211	\$507	\$3,295

Draft S94 Plan No. 4 - Tweed Road Contributions Plan Version 6.1.1 as exhibited is hereby recommended for adoption by Council.

RECOMMENDATION:

That:

- 1. Council approves Draft S94 Plan No. 4 - Tweed Road Contribution Plan Version 6.1.1 as exhibited to repeal and replace version 6.0.1 in accordance with Clause 31 of the Environmental Planning & Assessment Regulations 2000;**
- 2. Given this version will come into effect after annual indexation to 1 July 2013 has been applied to rates in this plan, Council endorses the application of indexation to rates in this plan as detailed in the report to Council on this agenda entitled "*[EO-CM] Annual Indexation of Infrastructure Contribution Rates*" and that this plan be published as Version 6.1.2;**
- 3. Council gives Public Notice in the Tweed Link of Council's decision specifying that the amended Version 6.1.2 of the Plan (CP4) comes into effect on the date of the notice.**

REPORT:

1. Background

S94 Plan No.4 – Tweed Road Contribution Plan (TRCP) has been in existence since December 1990 for the purpose of enabling Council to levy Section 94 developer contributions for the provision of additional road capacity to service increased traffic loading as a result of urban growth and/or development demands. It also permits Council to recoup past expenditures on the road network made in anticipation of development throughout the entire Tweed Shire.

The TRCP provides an administrative framework under which the Tweed Road Development Strategy, the Lower Tweed and Pacific Highway Traffic Masterplan and other specific strategies may be implemented and coordinated.

The plan was last amended in July 2012 by the application of an indexed increase to contribution rates of 0.84% in accordance with the latest ABS Implicit Price Deflator for Engineering Construction available at the time of indexation. Indexation of contribution rates occurs annually.

2. Amendment

This report seeks Council's approval to exhibit Draft Section 94 Plan No. 4 – Tweed Road Contribution Plan (TRCP) Version 6.1.1. This amendment is a relatively minor amendment to the Plan to correct an anomaly in the Sector Mapping for Murwillumbah.

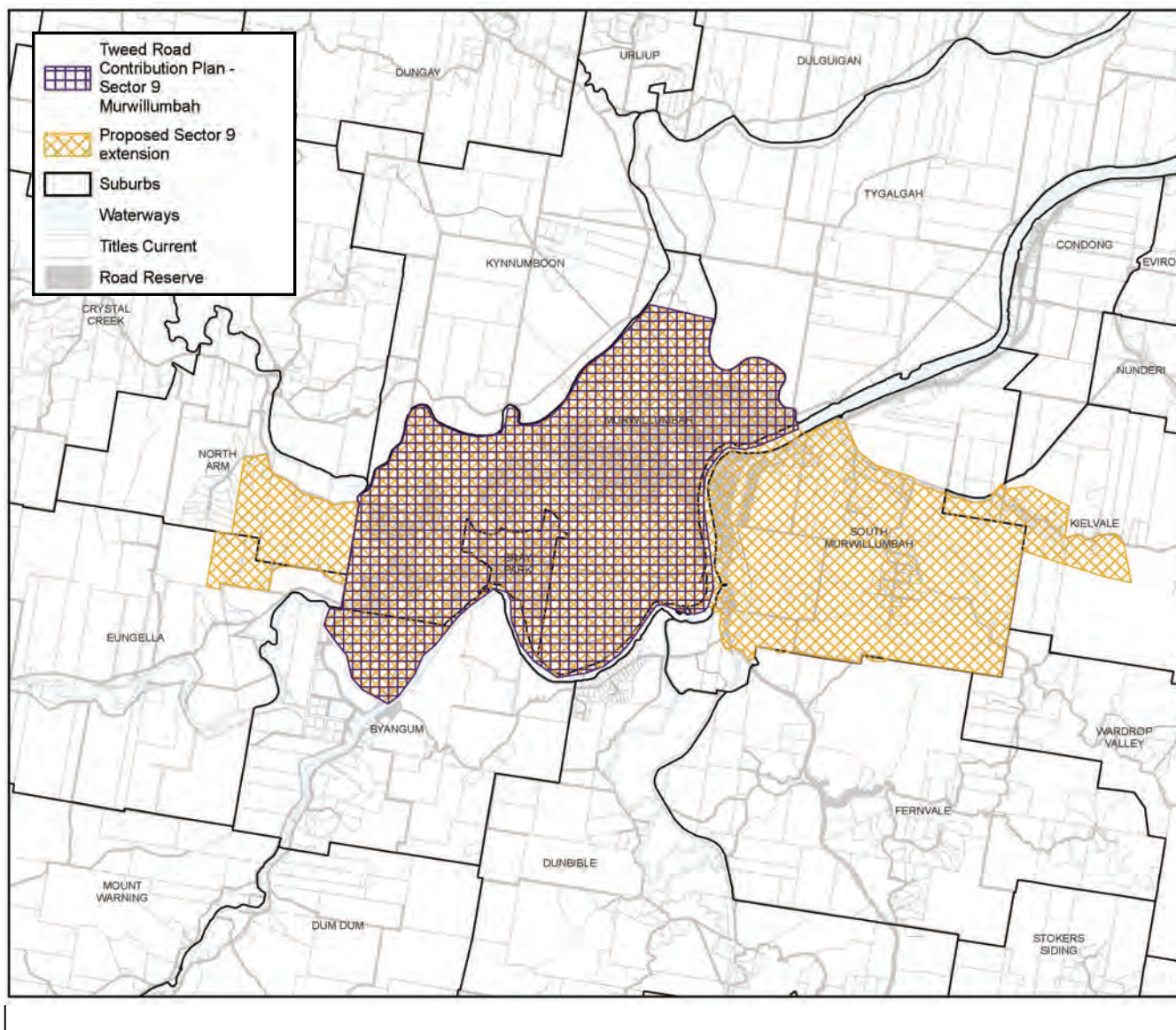
Zoned residential, commercial and industrial land in South Murwillumbah, including the Industry Central Estate, is currently located in Rural Inner East Sector (Sector 10). Being a rural sector with longer lengths of distributor road requiring upgrades and few potential contributors, it attracts relatively high contribution rates.

It is considered that the land uses and traffic generation for the zoned areas of South Murwillumbah and Kielvale are more closely aligned to the Murwillumbah Sector and it is therefore proposed to redraw the sector boundaries. The Rural Inner East Sector would generally include only rural land uses and trip generating development.

In considering the amended boundaries, the Tweed Urban and Employment Lands Release Strategy 2009 has been consulted. Extensive future industrial land in South Murwillumbah / Wardrop Valley and residential land in West Murwillumbah would also be included in Sector 9 under the draft boundaries.

The Draft Plan was exhibited for 28 days from 1 May 2013 to 29 May 2013 in accordance with Regulation 2000 via Council's Tweed Link and website exhibition page. No submissions were received during the exhibition period which has now concluded, and while the exhibited plan proposed no changes to the calculation of contribution rates, it should be noted that annual indexation will be applied to all relevant contribution rates from 1 July 2013 (detailed in a separate report), the effects of which have been added to the table below for the information of Councillors:

Sector	Version 6.1.1 as exhibited effective 3 July 2013		Version 6.1.2 as to be indexed 1 July 2013	
	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin	Contribution per Trip End including 5% admin	Contribution per Lot including 5% admin
10 - Rural - Inner East	\$1,822	\$11,843	\$1,871	\$12,162
9 - Murwillumbah	\$1,328	\$8,632	\$1,364	\$8,866
Reduction in Contribution	\$494	\$3,211	\$507	\$3,295



No recalculations of sector contributions are proposed under this amendment.

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

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

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

The timing of infrastructure works is largely influenced by development patterns which are out of the control of Council. Implementation of roads projects under the TRCP are determined by a 5 year rolling works program.

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

The proposed amendment would result in a reduction in development contributions for the land subject to the expanded Sector 9 boundary. This will have benefits for the affordability of development in residential, commercial and industrial zoned land, and lands identified for future urban release in this area.

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

The plan is a consumption based model which ensures developments are only charged a rate based on the traffic capacity they consume on the distributor road network. No changes to contribution calculations or apportionment are proposed under this "housekeeping" amendment.

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

No changes to works program estimates, trip generation or contribution apportionment are proposed under the draft. These aspects were updated in TRCP Version 6.0 (February 2012).

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

The demand for road infrastructure projects is based on traffic modelling in the Tweed Road Development Strategy, which takes into account likely development patterns over the life of the plan. The TRCP then allocates trip based contribution rates based on the traffic capacity (demand) that they consume. No remodelling is proposed under the draft.

4. Exhibition and Submissions

Council at its meeting held 18 April 2013 resolved to exhibit Draft S94 Plan No. 4 - Tweed Road Contribution Plan Version 6.1.1. The Draft Plan was exhibited for 28 days from 1 May 2013 to 29 May 2013 in accordance with Regulation 2000 via Council's Tweed Link and

website exhibition page. No submissions were received, therefore the Draft Plan is hereby recommended for adoption by Council.

POLICY IMPLICATIONS:

This amendment updates the Tweed Roads Contribution Policy to take into account current conditions.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The proposed amendments will result in a reduction in contribution rates in the subject areas, most notably in the South Murwillumbah industrial estate. The higher rates currently charged appear to be a long standing anomaly and require correction. Correcting this anomaly may have the added benefit in making development in this area more affordable and attractive. This business stimulus may offset the loss of income due to the lower trip rates, with little impact on the ability to implement works program items.

c. Legal:

Version 6.1.1 corrects an anomaly in the Sector Map so as to include all urban and industrial zoned land adjoining the Murwillumbah Sector (Sector 9) within Sector 9. This reduces the risk of legal challenges to consent conditions applying contributions under this plan.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. S94 Plan No. 4 - Tweed Road Contribution Plan Version 6.1.2 (ECM 3074910).

69 [EO-CM] Floodplain Management Association Conference 2013 Tweed Heads

SUBMITTED BY: Director

Valid



Supporting Community Life

SUMMARY OF REPORT:

The Floodplain Management Association (FMA) conference was hosted by Tweed Shire Council at Twin Towns Clubs and Resorts, Tweed Heads from 28-31 May 2013. This event was the First National Conference of the FMA, and attracted speakers and delegates from each Australian State and Territory, as well as international guests.

Council staff were heavily involved in the conference organisation, particularly Planning and Infrastructure Engineer, Danny Rose, who chaired the Program Organising Committee. Danny was also appointed to the FMA Executive as Technical Director, at the conference.

The conference exposed delegates to the floodplain management issues at the Tweed, its many natural assets during field trips, and high quality tourism services via social events and catering that showcased local produce and gifts.

The conference was highly successful, and Council's support was greatly appreciated by the FMA and the organisers.

RECOMMENDATION:

That:

- 1. The success of the First National Floodplain Management Association Conference 2013, which was initiated and financially supported by Council, be noted;**
- 2. Council commends all staff involved in hosting and organising the conference.**

REPORT:

Council is an active member of the Floodplain Management Association (FMA) which provides an effective network for sharing floodplain management expertise with fellow practitioners, consultants and 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. In January 2011, Council resolved to bid to host the 2013 Floodplain Management Association Conference, which was billed as the first National FMA Conference. This bid was successful, and planning commenced with the appointment of East Coast Conferences (ECC) to provide conference management services. Tweed was considered a suitable venue given its high quality conference facilities and accommodation, proximity to Coolangatta airport, and cross border ties, consistent with the National theme. Tweed had previously hosted the FMA conference in Tweed Heads in 1979 and in Murwillumbah in 1986.

Council's Planning and Infrastructure Engineer, Danny Rose, was appointed as chair of the Program Advisory Committee, which had representation from each Australian State and Territory, and included Council's Communications Officer Barbara Allen. The theme for the conference was "National Floodplain Management - shared experiences, national solutions", and a wide ranging program of keynote speakers, paper and poster presenters and trade displays was assembled. Sponsors included the Office of Environment and Heritage, the NSW State Emergency Service, and several consulting firms including Worley Parsons and BMT WBM.

The conference was held at Twin Towns Clubs and Resorts, Tweed Heads from 28-31 May 2013, and attracted over 330 delegates from each Australian State and Territory, as well as from the United Kingdom, the Netherlands and the United States, which provided a delegation representing the Association of State Floodplain Managers (ASFPM). This made it the largest conference ever for the FMA, and therefore the largest floodplain management event of its kind in Australia.

Mayor Barry Longland had the honour of opening the first National FMA Conference, with Councillor Katie Milne also attending as a delegate, alongside staff from Engineering and Operations and Planning and Regulation Divisions.

The Annual General Meeting (AGM) of the FMA was held at the conference, where due to the success of the Tweed Conference, a further National Conference was awarded to Brisbane City Council in 2015.

Also at the AGM, Danny Rose was appointed as Technical Director of the FMA, on a two year term. This is an honorary position, whereby Mr. Rose will work with the FMA executive to provide technical support to FMA members on important floodplain management policy issues such as flood insurance, mitigation funding, developing a national framework for floodplain management in Australia, and education programs for floodplain managers. Former Tweed Shire Council Flooding and Stormwater Engineer, Ian Dinham (now Director Engineering Moree Plains Shire Council) was also reappointed as Chair of the FMA.

Common themes across the conference program included:

- Imbalance in the amounts governments are spending on flood prevention / mitigation prior to flood events, compared with the amounts being paid annually on fixing flood damages and recovery efforts;
- Floodplain management funding in Australia is significantly lower than in the UK, USA and Netherlands;
- Flood insurance remains a significant issues for communities, the insurance bodies, and Councils;
- Integration of land use planning and floodplain management is fundamental to sustainable development.

On top of the technical program, delegates were provided with comprehensive field trips across the Tweed Valley, as well as social networking events at Twin Towns and at Salt Bar. These events highlighted local entertainment and local produce in its menus. Speakers also received gifts of local produce with the assistance of Destination Tweed.

At the closing ceremony, the Mayor had the honour of passing on the FMA banner to the Mayor of Deniliquin, who will host the next NSW Conference in 2014.

OPTIONS:

Not Applicable.

CONCLUSION:

The First FMA National Conference was a resounding success, with many delegates considering it the best event that they had attended. The FMA Executive are high in their praise for the support of Council and the efforts of its staff in providing such a high standard and informative event. Such events provide Council with positive exposure as a tourist destination, and continued involvement with the FMA will provide increased opportunities for our many flood issues to be heard at a state, and increasingly, a national level.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The FMA Conference was underwritten by Council and the FMA. With attendance at the conference exceeding forecasts, a modest profit is expected once the conference finances are acquitted. 50% of this profit will be provided back to Council.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.5 Ensure adequate stormwater drainage, flood management and evacuation systems are in place to protect people and property from flooding
- 2.3.5.7 Floodplain management services

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

70 [EO-CM] Disposal of Council Land - Engagement of Agent

SUBMITTED BY: Design

Valid



Civic Leadership

SUMMARY OF REPORT:

At its meeting held on 21 March 2013 Council resolved, inter alia, to seek expressions of interest from local agents for the marketing for the disposal of Council land.

This report provides an assessment of the submissions received and a recommendation for the engagement of an agent to market the sale of several parcels by public tender.

It is recommended that Council engage a marketing agent as per the recommendation made in the confidential Submission Assessment Report (Attachment No. 16), attached to this report.

RECOMMENDATION:

That:

- 1. Council engage the agent recommended in the Submission Assessment Report and proceed with the tender process for the disposal of Council land:**
 - Lot 1 DP 565594 - Bakers Road, Byangum;
 - Lot 400 DP 776483 - Darlington Drive, Banora Point;
 - Lot 916 DP 31277 - Piggabeen Road, Piggabeen; and
 - Lot 1 DP 1179345 - Piggabeen Road, Piggabeen
- 2. The ATTACHMENTS are CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, because it contains:**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

REPORT:

At its meeting held on 21 March 2013 Council resolved, inter alia, to seek expressions of interest from local agents for the marketing for the disposal of Council land.

This report provides an assessment of the submissions received and a recommendation for the engagement of an agent to market the sale of several parcels of Council land by public tender.

It is recommended that Council engage a marketing agent as per the recommendation made in the Submission Assessment Report (Attachment No. 16), attached to this report as a confidential attachment.

OPTIONS:

1. To approve the recommendation made in the Submission Assessment Report; or
2. To not approve the recommendation made in the Submission Assessment Report and engage another agent from the submissions made; or
3. To not approve or accept any of the submissions made and seek further expressions of interest.

CONCLUSION:

Having undertaken a selection process of local agents, as per the recommendation from 21 March 2013, and other submissions from agents responding to the notice of intention published earlier, it is recommended that Council engage the agent as recommended, to enable the process of disposal to proceed.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land Version 1.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
 - 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
 - 1.3.1.16 Provision of property and legal services for internal clients
 - 1.3.1.16.1 Review property and legal services section resources to ensure client timeframes for projects are maintained and implement appropriate remedial measures if required

UNDER SEPARATE COVER/FURTHER INFORMATION:

Ordinary Attachment 1: Council Resolution 21 March 2013 (ECM 2999245).

(Confidential Attachments):

- Attachment 1: Council Report 21 March 2013 (ECM 2965178);
 - Attachment 2: Valuation by Valuers Australia: Bakers Road, Byangum (ECM 2901008);
 - Attachment 3: Valuation by Valuers Australia: Darlington Drive, Banora Point (ECM 2901205);
 - Attachment 4: Valuation by Valuers Australia: Piggabeen Road, Piggabeen (ECM 2902854);
 - Attachment 5: P Smith & Son Submission (all properties) (ECM 3070788);
 - Attachment 6: Kingscliff Sales & Rentals Submission (ECM 3060056);
 - Attachment 7: The Professionals Submission - Bakers Road, Byangum (ECM 3052567);
 - Attachment 8: The Professionals Submission - Darlington Drive, Banora Point (ECM 3052568);
 - Attachment 9: The Professionals Submission - Piggabeen Road, Piggabeen (ECM 3052566);
 - Attachment 10: Ray White Submission - Bakers Road, Byangum (ECM 3058350);
 - Attachment 11: Ray White Submission - Darlington Drive, Banora Point (ECM 3058347);
 - Attachment 12: ECM 3058349: Ray White Submission - Piggabeen Road, Piggabeen (ECM 3058349);
 - Attachment 13: OneAgency Submission - Bakers Road, Byangum (ECM 3065674);
 - Attachment 14: OneAgency Submission - Darlington Drive, Banora Point (ECM 3073555);
 - Attachment 15: OneAgency Submission - Piggabeen Road, Piggabeen (ECM 3065697);
 - Attachment 16: Submission Assessment Report (ECM 3079887).
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71 [EO-CM] Twin Towns Radio Yacht Club Request for Owners Consent for Proposed Pontoon at Lake Kimberley

SUBMITTED BY: Director

Valid



Supporting Community Life

SUMMARY OF REPORT:

Twin Towns Radio Yacht Club Inc. has requested owners consent to submit a development application to construct a pontoon at Lake Kimberley.

The Radio Yacht Club use small radio controlled sailing boats on Lake Kimberley and need a flat access to launch and retrieve their vessels. The proposed pontoon will provide this access point and will be a far safer and convenient structure than the present temporary arrangements shown in their letter. Some members of the Yacht Club are elderly and the improved access pontoon would be far safer and convenient for club members.

If owners consent is granted the impacts of the proposed activity can be determined through a development assessment process and if acceptable the pontoon could go ahead.

RECOMMENDATION:

That Council grants owners consent for a development application to construct a pontoon for the Twin Towns Radio Yacht Club Inc at Lake Kimberley.

REPORT:

Twin Towns Radio Yacht Club Inc. has requested owners consent to submit a development application to construct a pontoon at Lake Kimberley. The preferred location is shown as "A" in the applicant's letter which is reproduced at the end of this report.

The Radio Yacht Club uses small radio controlled sailing boats on Lake Kimberley and need a flat access to launch and retrieve their vessels. The proposed pontoon will provide this access point and will be a far safer and convenient structure than the present temporary arrangements shown in their letter. Some members of the Yacht Club are elderly and the improved access pontoon would be far safer and convenient for club members.


If the pontoon receives development approval and the club wishes to proceed with construction it would be necessary to have a lease arrangement with the club. The terms of the lease would cover matters such as maintenance, operational requirements and termination. The lease would ensure that all costs for operation and maintenance of the facility are to be met by the lessee and not be a cost to Council.

The lake itself is operational land but the foreshore is community land which currently does not have a Plan of Management. It may also be necessary to complete a plan of management process to enable the pontoon to be constructed.

The Club has included letters of support from Banora Point & District Residents Association, Disability & Aged Information Service Incorporated, Lake and Park Volunteers Coordinator and a number of residents who live adjacent to and in the vicinity of the lake.

In the past Council has also received objections to the model yacht activities from residents who live adjacent to the lake complaining of the activity, the number of cars parked in the street near their residences and environmental impacts on the lake.

If it proceeds, the development application will deal with impacts on the environment and the amenity of adjoining residents, parking impacts, hours and time of operation etc. It would also deal with matters such as secondary contact water quality issues as this activity is taking place in part of the stormwater system.

 TWIN TOWNS RADIO YACHT CLUB Inc.	The Commodore Twin Towns Radio Yacht Club 77 Winders Place BANORA POINT NSW 2486
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12 April 2013

BOATING
LETTER OF SUPPORT
LAKE KIMBERLEY

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

TWEED SHIRE COUNCIL	
FILE No:	PONTOONS
DOC. No:	
REC'D:	16 APR 2013
ASSIGNED TO:	PAT.S
HARD COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>

Dear Sir,

RE: OWNERS CONSENT FOR PROPOSED PONTOON AT LAKE KIMBERLY

I wish to advise that the Twin Towns Radio Yacht Club is seeking the appropriate approvals to construct a pontoon on the shores of Lake Kimberly at Banora Point which would be available for use by our members as well as other clubs and members of the community for recreation purposes.

The first step in lodging a development application for the proposed pontoon requires consent from the owners. Given that the lake and its adjacent surrounds is under the control of Council, we respectfully seek Council's consent in order to progress the application.

The proposed location of the pontoon is on the western side of Lake Kimberly and two possible locations are indicated on the attached map of the lake.

The preferred location is marked 'A' on the map and although it is sited in front of several residences, it is clear of existing stormwater outfalls and has a depth better suited to our club's activities and other users of the lake such as kayakers.

Site 'B' is an alternative location should site 'A' not be acceptable to Council but has the disadvantage of being close to existing weed growth in the lake, is close to existing stormwater outfalls and is very shallow for launching small craft such as kayaks and radio controlled yachts.

The proposal is for a concrete floating pontoon having a width of 4 metres and a length of 5 metres, together with an aluminum framed ramp (having handrails on either side) from the existing concrete footpath adjacent to the lake. The pontoon and ramp would be anchored to the shore in accordance with engineering specifications.

The design specifications are to enable the facility to be utilised by persons having mobility difficulties and to be essentially maintenance free to lessen the possibility of any foreseeable on-going or future costs to the community.

At the present time, the club uses a temporary portable launching platform for members to launch / retrieve their craft and this platform is set in place and removed after each days sailing. This portable ramp is often "borrowed" by other members of the community to launch their kayaks.

The Twin Towns Radio Yacht Club is a community based not for profit sporting club and its members have sailed radio controlled model yachts on Lake Kimberly on a weekly basis since 2007 in accordance with a previously issued Council permit.

Although several of our members have slight mobility difficulties, we have noted that some potential members have excluded themselves due to the fact we do not have access to a suitable launching facility.

The current access and temporary launching platform is not conducive to people who may be wheelchair bound or unsteady on their feet. This is supported by a recent enquiry about our club's activities from the Disability and Aged Information Services Inc. (DAISI) where the lack of a pontoon excludes most of their constituency.

Our club has a healthy record of ensuring a negative environmental impact upon the lake as the model boats are silent (powered by the wind only), members clean up any litter found floating on the lake or found within close proximity to our activities. Several members live in close proximity and take great pride in the appearance of the lake environs.


We believe the proposed pontoon and associated ramp would have no environmental impact upon the lake and would also provide an additional much needed facility in the area for other members of the community to use. A similar facility has been provided by the Gold Coast City Council at Lake Laguna at Palm Beach which has significant public use and provides a safe area for public recreation.

Please find attached a map indicating the preferred location of the proposed pontoon, together with other documentation and correspondence supporting the proposal.

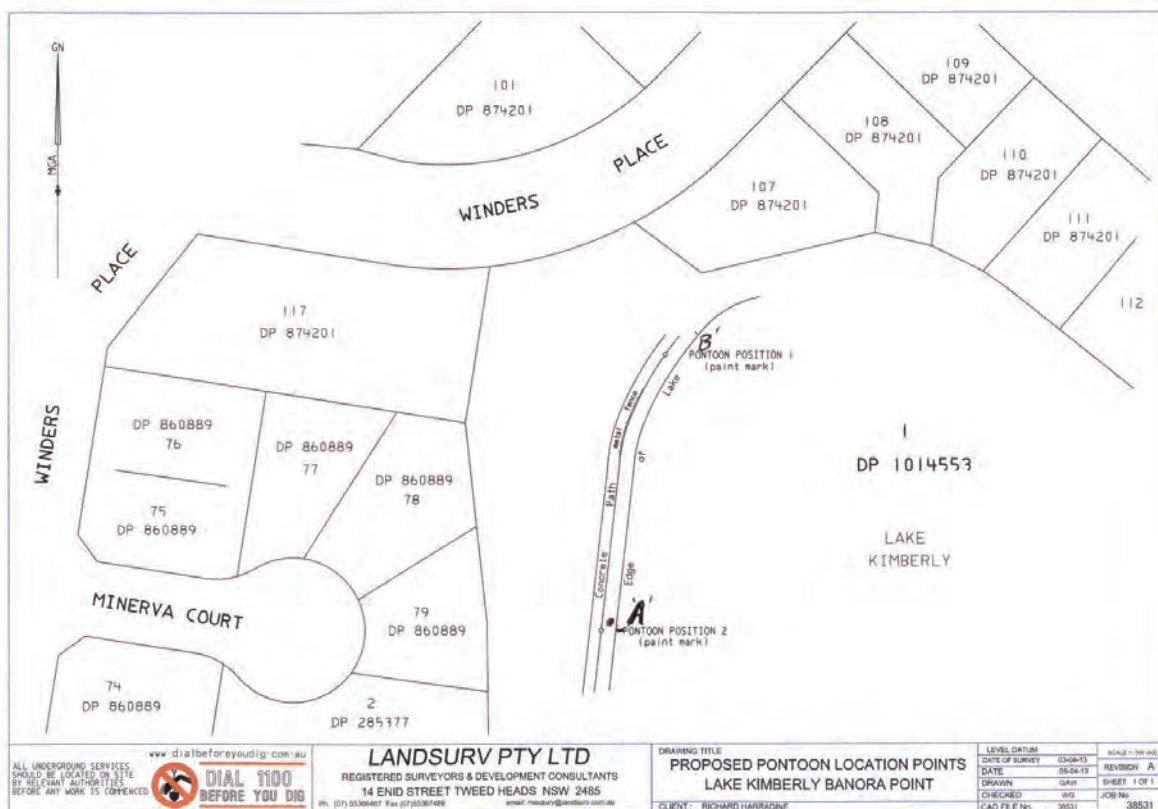
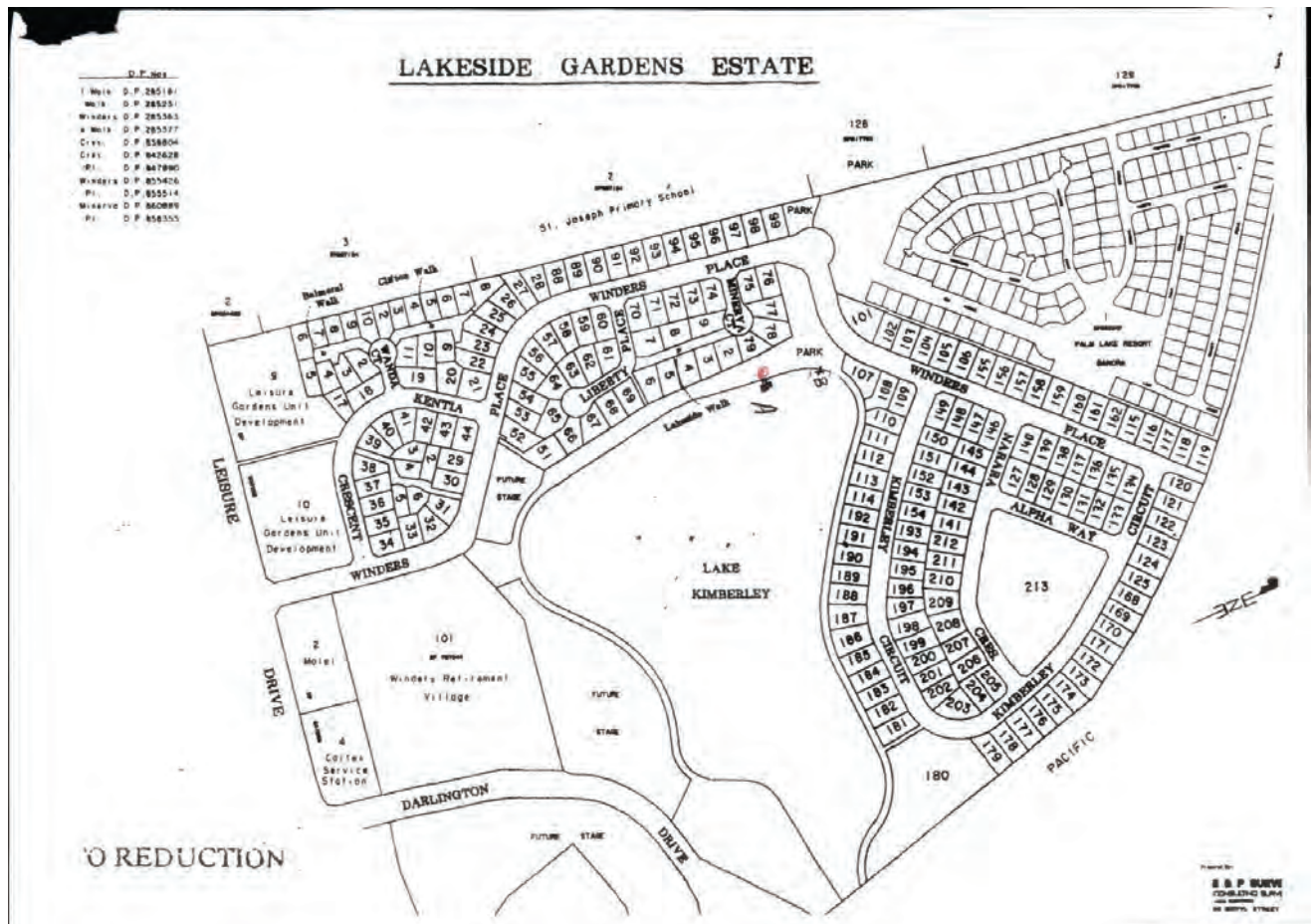
We look forward to receiving Council's "owners consent" in order to progress a Development Application for the proposal and any further assistance in helping our club reach its' objective would be appreciated.

Yours sincerely,

Richard Harradine
TTRYC Commodore



Submitted by
Alan Young
Secretary TTRYC
02 6674 1823





Allan Young
Twin Towns Radio Yacht Club
02 6674 1823

Date: 5 April 2013
Sales: Nathan Trevena

FLAT DECK PONTOON

5.0 metres x 4.0 metres - with 200mm Freeboard.

- Concrete deck is 125mm thick with F82 reinforced steel and concrete structural beams as per engineer's specifications with broom finish concrete surface
- Fully moulded exclusive rubber fender fitted to all 4 sides of the pontoon patented extrusion: **GREY**
- Floatation unit is SL Polystyrene encased with HDPE polyethylene liner fully welded and impervious to marine organisms and chemical/saltwater ingress
- No.3 x Mooring cleats fitted to the pontoon deck

GANGWAY

7.0 metres x 2.0 metres

- Aluminium gangway with cambered truss engineered to design live load and dead load as per Australian Standard AS3962.
- Deck finished in Mini-Mesh Panels
- Gangway comes supplied with back bracket (hinge bracket)
- Dual Handrails

OTHER WORKS

- No. x 3 - Supply and Install Abutment Blocks - Gangway and Cables
- No. x 1 - Supply and Install Cables and Turn Buckles.
- No. x 1 - Supply, Fabricate and Install Handrail to rear of pontoon
- No. x 1 - Supply and Install - Removable Galvanised Bollard to concrete at start of Gangway
- Price includes transport to site, crane to unload and installation.

CONDITIONS

- Engineering certification and drawing fees are included in the price
- Approvals by client
- Max Loading of 15 People on the Pontoon at any one time.
- If the condition of the water body where the pontoon is located or the piles are to be installed requires further works (dredging, clearing seabed, moving obstacles, stabilising soil, rock drilling etc) then these works are the responsibility of the owner. This applies to initial installation, as well as subsequent maintenance to ensure sufficient water depth for the pontoon to float. Pacific Pontoon & Pier can arrange these works on your behalf.
- Prices quoted are valid for 60 days
- A deposit of 10% of the quoted price is required to secure order for works
- The balance of monies are payable on practical completion/day of hand over, as per Terms of Purchase Contract.

Total Supply and Installation price - \$22,677.61 plus GST

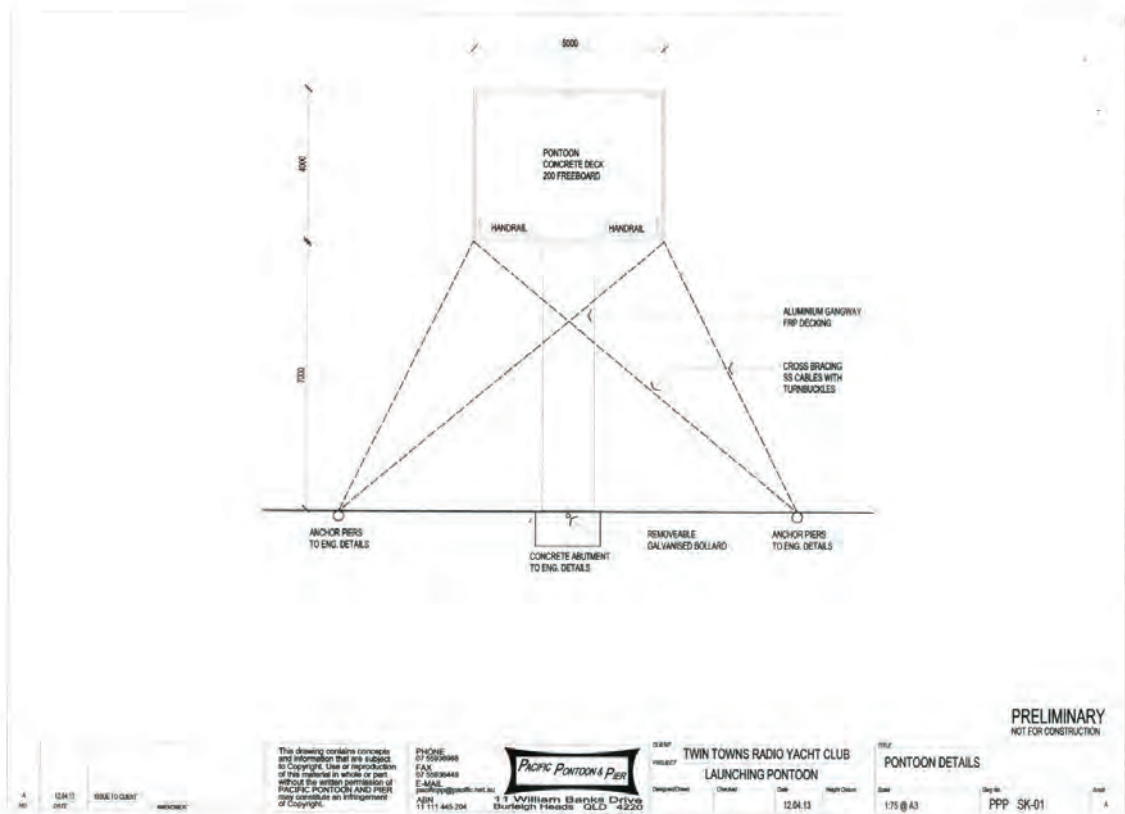
ACCEPTANCE OF QUOTE -

Signed by the Property Owner

Date

If you like to proceed with the quote please sign and return to our office by fax or contact our office

Page 1.





SUGGESTED AREA OF PAINTWORK



CURRENT ACCESS TO LAKE



INSURANCE ADVISERNET AUSTRALIA PTY LIMITED

Australian Financial Services Licence Number 240549
ABN 15 003 886 687

www.insuranceadviser.net

23/08/2012

To Whom it May Concern

CONFIRMATION OF INSURANCE CERTIFICATE

This is to certify that the undermentioned Insurance Policy has been issued and current until 4:00pm on 30/06/2013.

Insured's Name:	Aust Radio Yachting Assoc Inc & Affiliated Clubs
Interested Parties:	Refer Additional Policy Information Page
Insurers:	Altiora Insurance Solutions Pty Ltd
Policy Number:	HB 000600C-08-1548
Class of Risk:	Public & Products Liability
Brief Details of Cover:	Australia Wide Public Liability Limit of Indemnity \$20,000,000

This is to certify that the above policy is current to the expiry date shown above unless cancelled in the meantime, subject to Terms and Conditions of the policy

Disclaimer

The information provided is a summary only and does not amend, extend, alter or set out the full terms of the policy referred to nor do we confirm or warrant the Insurance cover is in force at the date of this advice. You must always refer to the policy for full details and to the extent of any inconsistency the policy prevails. The policy is also subject to the operation of the Insurance Contracts Act 1984 (cth), including in particular, the insurer's rights under section 28 in relation to pre contractual non disclosure or misrepresentation. We will not provide any updates in relation to the policy to any third party unless we specifically agree to do so in writing with that third party.

Yours Faithfully,

Graeme Allan

Authorised Representative No: 262108

428-19011197-19013640-39
PO Box 1735, BROADBEACH QLD 4218

BANORA POINT & DISTRICT RESIDENTS ASSOCIATION Inc.



President: John Sweeney 5524 5282 Secretary: Pat Tate 5524 2957 Treasurer: Charles Colgan 5523 4015
Vice President: Cliff Clothier 5524 7396 Vice President: Rod Bates 5524 2761
Correspondence: The Secretary, P.O. Box 936, Banora Point, NSW 2486
Website: www.banora.webs.com

Tuesday, 9 April 2013

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

Dear Troy,

At our monthly meeting on the 8th April Richard Harradine, the Commodore of the Twin Towns Radio Yacht Club (TTRYC) addressed the members re their proposal to erect a concrete floating pontoon on Lake Kimberly in Banora Point. After presenting the details of their proposal and answering questions from the members, Richard asked if our Association would write a letter of support for this project.

Our members voted to support this project by way of a letter as we believe this facility would be an asset not only to the TTRYC, but to the whole community and a project worthy of our support.

As well as providing a much easier and safer access for members of the TTRYC, this new access to the lake would enable persons with a disability to participate in this healthy outdoor activity. It would also encourage other recreational activities on the lake such as kayakers.

Lake Kimberley is a great asset to Banora Point and a large number of the population enjoy walking around the lake and with the addition of a floating pontoon, will enable many more residents to take advantage of this asset.

As the owners of Lake Kimberly, the granting of this consent by the Tweed Shire Council to the TTRYC, is the first step towards preparing a Development Application, and we wish them every success with this project.

Yours sincerely,



PAT TATE
Secretary



The General Manager
Tweed Shire Council
Murwillumbah 2484

01 April, 2013,

Dear Sir,

RE: support for the installation of a pontoon for Kimberley Lake

DAISI (the Disability & Aged Information Service Incorporated) is a not-for-profit community organisation formed in 1992. It grew out of a community groundswell seeking accessible information regarding local services and resources available to support the aged, and those of ages with a disability on the NSW Far North Coast.

Originally based in Lismore, the agency recently re-located to larger premises in Ballina with a 2nd office in Tweed Heads. And it is for the benefit of our Tweed Heads constituents that we write this letter.

We would like to add our support to the application by the Twin Towns Radio Yacht Club for the installation of a pontoon at Kimberly Lake. Radio controlled sailing is a growing sport in Australia. Unfortunately, for people with a disability in Tweed they are unable to participate safely in this social activity because of the lack of accessibility and the risk posed by the steps.

We would ask you, and your staff, to take these issues into account when assessing Twin Towns Radio Yacht Club's Development Application for the pontoon.

Regards,

Dona L. Graham BLJS(Crim), LLB
CHIEF EXECUTIVE OFFICER

Suite 7/31-35 Cherry Street Ballina, NSW 2478 ■ ABN: 78 054 760 155
Telephone: 02 6686 7887 ■ Freecall: 1800 800 340 ■ Fax: 02 6686 9392
Email: info@daisi.asn.au ■ Website: www.daisi.asn.au ■

 Family & Community Services
Ageing, Disability & Home Care

FILENOTE

Date:

8/4/2013

Prepared by:

Client:

Telephone:

Re:

PROPOSED PONTOON LAKE KIMBERLEY

DEAR SIRS

AS COORDINATOR OF THE LAKE KIMBERLEY AND HECBESWICK PARK CLEAN UP VOLUNTIERS, IT WOULD BE APPRECIATED IF THE TWIERD HEADS SHIRE COUNCIL WOULD CONSIDER A PROPOSAL OF A PONTOON AT THE NORTHERN END OF LAKE KIMBERLEY FOR THE USE OF THE TWIERD HEADS SOUTH MODEL YACHT CLUB.

THE MEMBERS OF THE MODEL YACHT CLUB REGULARLY HELP OUT WITH THE REMOVAL OF DEBRIS AND INVASIVE WEEDS BUILT UP AFTER THE SOUTHERLY CHANGE ON THE LAKE COMES THROUGH.

THE REMOVAL OF THE LAKE DEBRIS MAKES IT EASIER FOR THE LAUNCHING OF THE MODEL YACHTS SO THE KEELS ARE LESS LIKELY TO BE TANGLED UP AND DAMAGED BY THE WEEDS & DEBRIS.

P.T.O



CENTURION
mortgage services

NOTE

Date: _____ Prepared by: _____

Client: _____ Telephone: _____

Re: _____

IT WOULD BE A GREAT HELP
IF T.H.S. COUNCIL WOULD THEREFORE
CONSIDER AN APPLICATION FOR A
PONTON TO THE NORTHERN LAKE ENDS
TO BE USED BY THE
MODEL YACHT CLUB.

IT GOES WITHOUT SAYING THAT
THE MODEL YACHT CLUB WOULD
ABIDE WITH^{AND} WORK TOWARDS ANY
COUNCIL REGULATIONS THAT ARE
REQUIRED FOR THE APPROVAL OF
THE PONTON.

WE LOOK FORWARD TO YOUR EARLY
REPLY AND CONSIDERATION.

YOURS FINTHILLY

MODEL YACHT CLUB PRESIDENT :- RICHARD
LAKE & PARK VOLUNTEER COORDINATOR :- M. LEATHLEY

IF REQUIRED



CENTURION

From Denis Graham
4/17 Darlington Drive
Banora Point 2486

To Tweed Shire Council
Murwillumbah

Attn General Manager

I live beside Kimberley Lake at Banora Point and own a surf ski and have been using the lake to paddle in.

Because there are rocks below the concrete steps, I find it very unstable getting the ski in and out of the water. My ski is made of fibreglass and I am concerned about damaging it.
The Radio Sailing Club is trying to organise a pontoon in the lake which would assist me and anyone else who wishes to use these facilities. I therefore support their efforts for the installation of the pontoon.

Many thanks

Denis Graham
55 241750

29 March 2013


.....

The General Manager
Tweed Shire Council
Po Box 816
Murwillumbah NSW 2484

12/04/12

Stan Leskovec
51 Winders Place
Banora Point NSW 2486

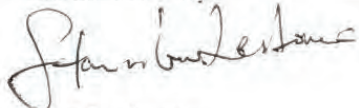
Dear Sir/Madam,

I am 78 years of age and enjoy walking around Kimberley Lake everyday with the aid of a walking stick. On Mondays I especially like to go for a walk and watch the small sailing yachts.

From a spectators point of view it would be much safer for the boats to be launch from a pontoon. I would therefore like to support their application for a pontoon on Kimberley Lake.

It gives me and others great pleasure to see the lake being utilized in such a way and hope the club will continue to use the Lake in a safer environment for all.

Yours faithfully



Stan Leskovec

The General Manager
Tweed Shire Council
Po Box 816
Murwillumbah NSW 2484

Mark Gibson
PO Box 707
Banora Point NSW 2486

10/04/2013

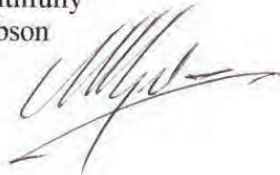
Dear Sir/Madam,

My son and I enjoy paddling our Kayak on Kimberly Lake when we have the opportunity. At present we find it very difficult to get our Kayak in the water.

We understand there is an application under consideration for a pontoon to be erected on Kimberly Lake. We would like to take this opportunity to support such an application. This will not only make access for us but, also for other groups and the general public easier.

Thank you for your consideration.

Yours faithfully
Mark Gibson

A handwritten signature in black ink, appearing to read 'Mark Gibson', with a stylized flourish at the end.

02/04/2013

Tweed Shire Council

Murwillumbah

Attention : The General Manager

Dear Sir,

I would like to confirm my support for a pontoon to be installed at Lake Kimberley, Banora Point.

I live beside the lake and I kayak occasionally in Lake Kimberley, and would do so more frequently if access to the water was made safer and easier.

Yours faithfully



Robyn Johansen

6 lakeside Walk

Banora Point.

07 55241308

From Neville Lynch
74 Kimberley Ct
Banora Point 2486

To Tweed Shire Council
Murwillumbah

Att; to the General Manager

Being a resident of Banora Point and living near Kimberley Lake I would like to be able to use my kayak on the lake from time to time but I have found it very difficult to launch the kayak , I support the Radio Sailing club in there endeavour to have a pontoon installed on the lake for the benefit of the community.

Kind Regards
Neville Lynch Ph 55 233639


.....

OPTIONS:

1. Grant owners consent for a development application to construct the pontoon.
2. Do not grant owners consent for a development application to construct the pontoon.

CONCLUSION:

It is concluded that owners consent should be granted so that the impacts can be determined through a development assessment process and if acceptable the pontoon could go ahead.

COUNCIL IMPLICATIONS:

a. Policy:

Use of public land to construct structures for use by organised clubs or groups.

b. Budget/Long Term Financial Plan:

Nil, provided a future lease requires the leasee to meet all costs.

c. Legal:

If the pontoon proceeds a formal lease arrangement will be required.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

72 [TCS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2013/2014 Operational Plan and Resourcing Strategy

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

SUMMARY OF REPORT:

Council placed the Draft Delivery Program 2013/2017 combined with the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 on public exhibition, following the April Council Meeting, for a period of 35 days, with submissions ending on 28 May 2013.

The Delivery Program 2013/2017 lists projects and services that Council will undertake over the next four years to implement community goals identified in the Community Strategic Plan 2013/2023. The Delivery Program 2013/2017 is informed by the Resourcing Strategy 2013/2023 which details Council's Long-term Financial Plan and Asset Management Planning in addition to Council's four year Workforce Management Plan.

The Operational Plan 2013/2014 is combined in the same document with the Delivery Program 2013/2017 and provides a more detailed account of planned works over the period. The Operational Plan 2013/2014 incorporates the 2013/2014 Budget, Revenue Policy and Fees and Charges.

In accordance with Council's Community Engagement Strategy, Council sought community input into the Draft Plans by convening three community round table sessions, inviting community groups and business representatives to attend these sessions. Council additionally sought general community feedback by advertising in the Tweed Link and in Media Releases.

This report contains a summary of community submissions received by Council during the public exhibition period together with input received from the community round table sessions.

Council must consider all public submission received concerning the Delivery Program 2013/2017, the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 before adopting the plans for the next four years.

RECOMMENDATION:

That Council adopts the following plans, as exhibited and amended: Delivery Program 2013/2017, Operational Plan 2013/2014, Revenue Policy and Statement 2013/2014, Part A, Budget 2013/2014, Part B, Fees and Charges 2013/2014 Part C and Resourcing Strategy 2013/2023.

REPORT:

Council placed the Draft Delivery Program 2013/2017 combined with the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 on public exhibition, following the April Council Meeting, for a period of 35 days, with submissions ending on 28 May 2013.

In accordance with Council's Community Engagement Strategy, Council sought community input into the Draft Plans by convening three community round table sessions, inviting community groups and business representatives to attend these sessions. Council additionally sought general community feedback by advertising in the Tweed Link and through Media Releases.

Members of the following organisations participated in the round table sessions:

- Banora Point & District Residents Association
- Caldera Institute for Sustainable Community Development
- Chinderah and District Residents Association
- Cudgen Progress Association
- Destination Tweed
- East Banora Residents Association
- Kingscliff Ratepayers and Progress Association
- Friends of Terranora
- Hastings Point Residents Group
- Murwillumbah District Chamber of Commerce
- Murwillumbah Ratepayers and Residents Association
- Oxley Cove Community Group
- Pottsville Community Association Inc
- Tyalgum District Community Association and
- Tweed Valley Landcare.

Written submissions were kindly received from:

- Banora Point & District Residents Association Inc.
- Friends of Terranora
- Murwillumbah Ratepayers and Residents Association Inc.
- Oxley Cover Ratepayers Group
- Pottsville Beach Real Estate
- Pottsville Community Association Inc.
- M Boyd on behalf of Tweed Life Education Group
- S Henderson

Draft Delivery Program 2013/2017 combining the Operational Plan 2013/2014

Eight submissions were received from community members, groups and business representatives within the Shire as part of feedback on the Delivery Program 2013/2017 combined with the Operational Plan 2013/2014.

The following amendments have been made to the Delivery Program 2013/2017 as a result of community submissions received and decisions by Council:

- An internal title change for the Communications and Marketing section to Communication and Customer Services. The title change has been reflected in the Delivery Program 2013/2014.
- Change to a key performance indicator on page 24 of the Delivery Program. Original wording was 'Community Satisfaction Survey - biennial project'. Reworded to 'A Biennial Community Satisfaction Survey Project'; measure percentage; target 100% in 2013/2014.
- Additional key performance indicator to page 32 of the Delivery Program 2013/2014.
 - P1.5.2.9 Review of Tweed Urban and Employment Lands Release Strategy 2009; measure percentage; target 100% in 2015/2016.
- Changes to Community Services key performance indicators on page 38 of the Delivery Program 2013/2014.
 - P2.1.1.8 Social Justice Charter; measure percentage; target 100% in 2014/2015.
 - P2.1.1.10 People with Diverse Sexualities Policy; measure percentage; target 100% in 2015/2016.
 - P2.1.1.14 Children (0-11) Policy; measure percentage; target 100% in 2014/2015.
- Corrections to the presented theme income and expenditure on page 35 and 68 of the Delivery Program. The 2013/2014 income and expenditure amounts have been corrected.

Below is a summary of submissions received:

Banora Point & District Residents Association

- Road funding and the likelihood of funding from both Federal and State Governments?

Officer Comment: Council receives dedicated road funding from the Federal Government in the form of Financial Assistance Grants and Roads to Recovery Grants. Council also receives dedicated road funding from the State Government for Regional Roads maintenance and improvement, and for Regional and Local Roads traffic facilities and natural disaster restoration. No other funding program is known that would facilitate additional funding applications.

- Kirkwood Road interchange full completion?

Officer Comment: For many years Council pursued a full interchange with the Pacific Motorway at Kirkwood Road with the Roads and Traffic Authority (now Roads and Maritime Services, RMS). However this was not endorsed by RMS as this new interchange would be located too close to the Kennedy Drive interchange, raising concerns about weaving traffic and safety issues on the highway. The adopted highway masterplan consists of the construction of local service roads across Terranora Creek between Kirkwood Road and Kennedy Drive, to provide highway access from Kirkwood Road to the Kennedy Drive interchange. Stages of the Kirkwood Road project beyond the current eastern works are not currently funded by Council or RMS, and timing will be dependent on development patterns and traffic growth in the catchment to the west (along Fraser Drive etc.). Discussions with RMS on this matter will continue.

- Climate change budget?

Officer Comment: This proposed program will entail the implementation of on ground energy reduction programs on Council managed assets to reduce energy consumption and therefore Councils Carbon Footprint.

Friends of Terranora

General comments:

- Congratulated Council on the level of service provided by the Contact Centre.
- Commented on the need for Local Government acknowledgement in the Commonwealth Constitution to ensure certainty of Federal Government grant funding to Local Government.
- Strongly opposed to a proposed County Council model, commenting on loss of identity, disproportionately paying for poor maintained infrastructure particularly in Bryon and Kyogle Shires.

Issues:

- Pest Management to consider fox control?

Officer Comment: Council's Pest Management program is commencing fox control on the coast.

- Increase frequency of roadside mowing in wetter months?

Officer Comment: Slashing, along with all road maintenance activities is based on balancing interventions, availability of resources and funding levels.

- Mount Warning National Park walking track?

The NSW National Parks and Wildlife Service is responsible for the Mount Warning National Park walking track and has recently announced that \$200,000 is available to upgrade the track.

- Loss of business generally?

Officer Comment: Council as part of its Business Incentive Policy has resolved to defer payments of developer contributions for up to six years, contributions now paid at occupation certificate stage, single parking contribution rate in Fingal and deferral of paid parking. Council will also be providing funding for beautification works for the entrance into Murwillumbah.

- Street tree section 94 contribution plan?

Officer Comment: A contribution plan for street trees terminated in 2010 following State Government changes. Remaining funds in this now terminated plan are to be allocated to each budget year until funding is exhausted.

- Road works scheduled for Terranora Road?

Officer Comment: \$150,000 is budgeted for road works between Federation Drive and Bongaree Road in 2013/2014. Current works are scheduled from The Parapet east 700 metres.

- Additional tourist information centre to showcase NSW Tourism?

Tweed Shire Council maintains two information tourist information centres at Murwillumbah and Tweed Heads. An additional centre to showcase NSW Tourism, although welcomed would need to be at the direction of NSW Tourism as this is their role.

- Changes to the Rural Living Zone?

Officer Comment: The Rural Living Zone is largely a lifestyle zoning which occurs at all levels of zoning where there is no access to reticulated services. Decision concerning the zoning of the land is not directed by a fluctuating housing market.

- Scenic Landscape Strategy?

Officer Comment: Council has provided \$60,000 in the Budget towards the Scenic Landscape Strategy Development Control Plan.

Murwillumbah Ratepayers and Residents Association

General comments:

- The Association is looking forward to a Master Plan for Knox Park and commended Council on new drainage works in the area of the new hockey fields.

Issues:

- The need for a footpath / cycleway connecting Murwillumbah to the Regional Art Gallery?

Officer Comment: Various options are currently being considered for a footpath link to the Art Gallery, however significant funding in the vicinity of \$250,000 would be required. Another option, being the conversion of the disused rail corridor as a potential rail trail pilot project is also being explored. A project of this size cannot be catered for in footpath program for 2013/2014, however will be considered in future programs, particularly if the project is eligible for grant funding. The nominated footpath projects provide missing links in the vicinity of schools, playgrounds and other high demand areas.

Oxley Cove Ratepayers Group

- Council investment should be based in the general Pacific Highway corridor.

Officer Comment: Council's investment in assets and infrastructure is dispensed across the entire Tweed Shire area. Ultimately investments are greater within the more populated areas of the Tweed. This is true of the coastal strip which houses the Pacific Highway and Tweed Coast Road which run through Tweed Heads, Chinderah, Kingscliff, Bogangar / Cabarita Beach and Pottsville. Often Council will invest large capital amounts in civil works in the more rural parts of the Tweed and this is in response to old and ageing infrastructure. These expenditure decisions are based on the Long Term Financial Plan and the Asset Management Plan which were exhibited as part of the Resourcing Strategy. It would be improper for Council as a government body to promote one capital expenditure over another simply because it would benefit one particular sector of the community at the expense of the remainder of the community.

- Oxley Cove repair to Tweed River bank wall?

Officer Comment: Council has undertaken significant expenditure in recent years out of the Tweed River Management Program budget to undertake revetment works at Oxley Cove. Council has limited allocation of funding for rock revetment works along the Tweed River so Council must prioritise the works which includes Oxley Cove.

Pottsville Beach Real Estate

- A rear service road for Coronation Avenue to be part of the Pottsville Village Strategy?

Officer Comment: This action is currently in the Tweed Development Control Plan Section B21 Pottsville Locality Based Development Code as adopted on 20 April 2010.

Pottsville Community Association Inc.

- The Delivery Program and Budget.

Officer Comment: The Delivery Program details activities that Council will undertake over the next four years. Activities are grouped under a service provided by Council. Each service is presented with a budget summary with a detailed version found in the Budget 2013/2014. A section in the Delivery Program called Integrated Planning and Reporting Framework attempts to explain the linkages between planning documents and provides examples of the linkages. Information in the examples are indicative only and are not intended to reflect the actual budget values.

- Strategy objective 2.3 'provide well-services neighbourhoods'?

Officer Comment: The Community Strategic Plan 2013/203 contains a community goal 2.3 with the objective to provide well services neighbourhoods. This objective is implemented in the Delivery Program 2013/2017 via Council's water supply service budget which includes expenditure on dams and weirs, reservoirs, water pumping stations, water mains, water treatment, water consumer services and water fund management.

- Budget W005 Water Treatment costs tripling in expenditure over the four years?

Officer Comment: The Bray Park water treatment plant opened in April 2010. Membranes used in the treatment process have a life of approximately seven years contribute to the costs of water treatment. Council has budgeted the replacement of the membranes in years 2016/2017.

- Domestic Waste service displays a zero budget?

Officer Comment: Legislation prescribes the charges that Council can place on domestic waste management services. The annual charge is limited to recovering the cost of providing the service therefore income received must equal expenditure and results in a zero budget value for the service.

- Expenditure on Recreation Service Management increase over four years?

Officer Comment: Recreation service management has an annual budget of \$1.13 million with annual increases linked to consumer price index.

- Why is the budget expressed in (\$000) and the Infrastructure Program expressed in whole dollars?

Officer Comment: Council acknowledged the differences and will in the future present the Infrastructure Plan in thousands of dollars to be consistent with the budget. Where there is a difference between the two documents the budget will take precedence.

- Tweed Floodplain Management Committee?

Officer Comment: The Delivery Program is organised around the four strategic themes. The Floodplain Management Committee falls within and listed under the Supporting Community Life Theme.

- The key performance indicator P1.3.1.1 Community Satisfaction Survey - biennial project' should reflect increased satisfaction rather than value?

Officer Comment: The indicator has been reworded to 'Biennial Community Satisfaction Survey Project'; measure percentage; target 100%.

- The key performance indicator 'Percentage of pensioner to total rateable properties' the target of 30%?

Officer Comment: The target of 30% reflects the current percentage of pensioner rateable properties to total rateable properties.

- The inclusion of a five yearly review to the Urban and Employment Lands Strategy 2009?

Officer Comment: A new project has been added to the Development Planning and Assessment service in the Civic Leadership Theme. Itemised as P1.5.2.9 Review of the Tweed Urban and Employment Land Release Strategy 2009; measure percentage, target 100% in the 2015/2016 year.

- An Environmental Strategy?

Officer Comment: Council will be preparing a Tweed Shire Council Sustainability Strategy item P4.1.2.1; measure percentage; target is 100% in 2013/2014.

- Why are positive and negative accounting numbers?

Officer Comment: Income is represented by a negative number and expenditure as a positive number - this is consistent with accounting standards.. Consideration will be given in future, for possible measures to improve clarity.

- Why under the Caring for the Environment heading does income greatly exceed expenditure when protection of the environment is a key objective?

Officer Comment: Expenditure does not exceed income, values were incorrectly represented in the Draft Report and this has now been amended.

- The Environmental Sustainability and Sustainable Agriculture services have no allocated funding?

Officer Comment: The absence of a monetary cost on a strategy does not necessarily indicate that it is not resourced. Some strategies are resourced by staff labour. Often a salaried officer will spread their time over a number of programs, other than the one to which their salary is costed.

- Regulatory service is an important function of Council with legislation only as strong as its enforcement the suggestion is that further enforcement key performance indicators be considered?

Officer Comment: Council will consider the addition of further enforcement key performance indicators in the 2014/2015 financial year.

- No additional funds have been allocated to the Regulatory Service despite enforcement being identified as a key role for the community?

Officer Comment: The cost of \$903,000 for Regulatory Services is the net cost of the service, and may appear low because the expenses are offset by substantial income (\$764,000) for parking infringements and animal fines and fees. For funding to be increased to Regulatory Services, a corresponding reduction needs to be made to other strategies.

- Funding for Coastal Management why is the key performance indicator increased by 50% over the four years while the budget is decreased?

Officer Comment: The budget includes more than an allocation for physical management of the coastal zone. This allocation also relates to coastal zone management planning which is underway at the moment. The Coastal Zone Management planning process will be completed in the next 2 years.

Comments on the Resourcing Strategy

The Workforce Management Plan

- The case for 'contracting out' being value for money?

Officer Comment: In determining the feasibility of contracting out any given service, consideration is given to the whole of life cycle of the cost of the decision, including factors such as impact on local employment, and cost to the environment.

- Statements in section 3.2.8 A of the Resourcing Strategy where the 'complex and uncertain operating environment' is considered with regard to projected population growth that is considered to be incorrect?

Officer Comment: While there is some discrepancy in the projected population growth, a population increase of 29% to 36% is probable by 2031.

- Zero growth in staff numbers identified in the 10 year Financial Plan relies on contracting out work and is therefore felt to be questionable in terms of sustainability?

Officer Comment: Council notes the concerns raised and will consider the issue at the next review of the 10 year Financial Plan.

Asset Management Plan

- Asset statistics differ between the Asset Management Plan and Delivery Program?

Officer Comment: Asset statistics in the Delivery Program reflects current asset statistics.

- The Hastings Point sewerage treatment facility is carefully managed and adequate for the population it currently serves. Council during the next four years has no plans to upgrade sewerage facilities in the southern coastal areas of the shire.

Officer Comment: The monies allocated during this delivery program are to upgrade sludge lagoon and effluent flow balancing component capacity to match the main process capacity of 18,000 Equivalent persons (EP). Historic difficulties with the dune ex-filtration system have been overcome and the capacity and performance of this component is now in excess of the plant.

This 18,000 EP capacity is adequate for existing zoned land within the catchment area for this plant.

It is more than likely that land to the south and west of Pottsville identified to be potentially rezoned for urban uses will be serviced by new treatment facilities which could be privately owned and operated.

Comments on the Draft Budget

- Executive summary in the Draft Budget is presented in thousand dollars and has been changed to reflect this fact.
- Works items in the Infrastructure Program should be referenced to the street and or villages the works will be undertaken?

Officer Comment: Most street names are unique in the shire, therefore the addition of locality names is usually not necessary to identify the location of the street. However, the suggestion will be considered in future budget preparations.

Mr Boyd submission on behalf of Tweed Life Education Group

- Mr Boyd provided a submission on behalf of the Tweed Life Education Group requesting Council to consider increasing the funding provided by \$30,000.

Officers Comment: Council will consider increasing funding for Tweed Life Education Group by 50% in the September quarterly budget review.

S Henderson

- Of the roads named requiring attention?

Officer Comment: Brisbane Street, Byangum Road, Wommin Bay Road, Sullivan Road and Dry Dock Road are all listed for rehabilitation in 2013/14.

Round Table Community Sessions

Council held as part of the Community Engagement Strategy three separate community 'round table' discussion sessions with community and business representatives during May. The purpose of the round table sessions was to gather community input into Council's annual review of the Delivery Program 2013/2017 combined with the Operational Plan 2013/2014. Three sessions were held on 10, 17 and 27 May 2013.

Below is a summary of issues raised:

General fund income

- Reduction of \$4 million to general income is attributed to an 'affordable housing grant'.

Community services

- The Banora Point Community Centre additional expense is for the employment of a Seniors Information Officer.
- A child and family development expense is for continuation of the Life Education Van being relocated within the Shire.
- Faulks Park toilet upgrade over two years.
- Residents Kit Community Handle is a new council initiative.
- Festivals and events funding assistance will commence with round one funding reported in July.
- Council will continue to fund disability access initiatives. Council has an Aged and Disability Officer who works with the community to identify and resolve equal access issues. Council's Pedestrian Access Mobility Plan ('PAMP') further aims to ensure disability access in pedestrian areas.

Community infrastructure

- \$100,000 is budgeted for the upgrade of Wilson Park Banora Point. Council will work with the community and residents association groups to determine how the funding is expended.
- Budd Park upgrade landscaping will soon commence.
- A Draft Master Plan for Knox Park Murwillumbah is being prepared with community consultation to follow the release of the Draft Plan. \$1 million is available for the project with Council contributing \$500,000.

Infrastructure

- Oyster Point Road to Wilson Park is scheduled for kerb and guttering.
- Sutherland Street has scheduled drainage works.
- Murphy's Road has scheduled kerb and gutter.
- Boronia Avenue will receive 50 metres of kerb and gutter.
- Chinderah Road is to receive drainage and road reconstruction works together with improvement to Terrance Street.
- Cudgen Creek Bridge will be wholly replaced in 2014/2015.
- Uki footpath extension has \$10,000 in the first year and \$41,900 in 2 years.
- Ewing Street, Kyogle Road and Mooball Street pedestrian and cycleway funding is appreciated.
- Drainage works in the area of new hockey fields in Murwillumbah is commended.

Business and tourism initiatives

- Wharf Street and Bay Street Tweed Heads. The recently gazetted Tweed City Local Environmental Plan 2012 provides incentives for private land owners to invest in the area.
- Other initiatives to help business owners, Council's Business Incentive Policy introduced deferred payments of developer contributions for up to five years, contributions now paid at occupation certificate stage, single parking contribution rate in Fingal, the beautification of Murwillumbah entrance and deferral of paid parking.
- Lack of parking at the Murwillumbah Tourist Centre for long vehicles. Parking is available at the railway station and Council will investigate a pedestrian crossing.

Planning initiatives

- A Master Plan for Murwillumbah as the current Development Control Plan review is for the central business district only. The 'art deco' theme of Murwillumbah must be retained and formalised in planning instruments.

Environmental initiatives

- Climate change initiatives are indirectly funded for example flood mitigation and will be a component of Councils proposed Sustainable Strategy.
- Bushland management initiatives provide assistance to private land owners and other programs for public land. Management of the land incorporates wildlife and habitat.
- Energy efficient street traffic lighting - Council will continue its policy of replacing old lights with energy efficient lights. Council has installed solar panels on Halls and new buildings for example the extension to the Art Gallery. A more effective energy efficient air-conditioning 'chiller' system is planned in the Art Gallery extensions.
- Funding for pest management should include fox's as this animal is a significant pest risk to native animals.
- Cross-Tenure Invasive Animal Control to Protect Native Fauna Council received \$100,000 grant from the NSW Environmental Trust to carry out three distinct programs. Each program supports the Tweed community in control works of non-indigenous vertebrate species that pose a significant threat to native fauna species. These are: Cane Toad exclusion from a breeding site adjacent to a conservation reserve; expansion of the existing Indian Myna control program; and collaborative, cross-tenure, feral Dog, Fox and feral Cat control to protect native fauna.

General issues

- Flood modelling levels at Oxley Cove have affecting insurance levies.

Officer Comment: Council has conducted flood studies for the Tweed Valley using the best available data, calibrated against known flood events, for a range of flood events up to the Probable Maximum Flood (PMF), in accordance with State Government requirements. This flood information is freely available, including to the insurance industry. Pricing of insurance premiums is determined by the insurers, not Council. Council provides site specific flood information on request to assist residents with flood insurance enquiries. The Floodplain Management Association, of which Tweed Shire Council is an active member, is currently working with the Insurance Council of Australia to try and resolve a number of issues around affordability of flood insurance and consistency of property assessments

- Tide recorder at the mouth of the Tweed River.

Officer Comment: A tide recorder at the Tweed River mouth has not been necessary to date, as there are more relevant gauges for flood prediction and emergency response purposes at Barneys Point and at Dry Dock Road. Further gauging if required could be considered in future funding rounds for gauges, in consultation with the Bureau of Meteorology and the State Emergency Service.

- Location of the bait and tackle shop in Pottsville and use of footpath for gas bottle exchange.

Officer Comment: Council has approved a development application for the use of the premises. Council officers will write to the proprietor requesting that the goods be removed from the footpath.

- Illegal camping in the Pottsville. Wooyung Reserve.

Officer Comment: Rangers conduct patrols when they are in the area of Pottsville and Wooyung. If they see someone camping, they advise them that there is no camping other than in a recognised camping ground. If there is no one with the vehicle or tent, they place a notice on the vehicle/tent and check that they have moved on the next day. The offence is to disobey a notice in a public place. If there is no sign, this cannot be enforced.

- Derelict cars on private property in and around Oxley Cove and Banora Point

Officer Comment: Council can deal with abandoned vehicles on public places through the Impounding Act. If vehicles are on private properties there is a possibility for Council's Environment Health Unit to have them removed.

Overall impression of the Delivery Program presentation and format

Most organisations commented the format of the Delivery Program is much easier to understand and navigate when compared to Council's previous Program.

Draft Budget 2013/2014 Part B

It is proposed to include an introduction within the 2013/2014 Budget papers that provide an overall snapshot of Council's budget.

Council resolved at its meeting of 18 April 2013 to allocate \$100,000 to a Climate Change fund in the 2013/2014 budget and each subsequent budget to implement actions relating to Council's Sustainability Officer and that any savings recouped such as energy efficiencies are reinvested into the fund.

It is proposed to make this amendment in the September 2013 quarterly budget review.

Budget Summary

The 2013/2014 Budget expenditure amounts are as follows:

	(\$000)
General Fund	\$118,492
Sewer Fund	\$40,466
Water Fund	\$35,261
Total	\$194,219

All of the above funds are budgeted for a balanced result.

The following table presents a summary of the major changes affecting the 2013/2014 budget.

Item	Indexation	Approximate Effect on Budget
Employee costs	3.5%	\$1.8 million
Materials and Contracts	3.0%	\$2.5 million
Electricity costs - (excluding street lighting)	10.0%	\$580,000
Insurance	5.0%	\$72,000
General rates (Approx. for minimum rates)	3.4%	\$2.9 million

Major Projects

Refer to the Delivery Program 2013/2017, Theme Supporting Community Life and the Tweed Shire Council Infrastructure Program 2013/2017 page 53.

Infrastructure Program

At its meeting on 16 May 2013, Council resolved to actively support converting the Casino to Murwillumbah rail line to a rail trail. Whilst there needs to be a feasibility study carried out for the whole project regarding its cost and economic and recreational benefits to the community, there is an opportunity in the short term to construct a pilot project to demonstrate its benefits and generate enthusiasm for completion of the entire project. In this regard construction of a rail trail from the Murwillumbah Railway Station to the Tweed River Regional Art Gallery would be an ideal initial pilot project as there is a real need to provide an attractive and safe pedestrian and cycleway access to the art gallery, and it would establish Murwillumbah as the key starting node for the larger rail trail project. To facilitate this project an item of \$200,000 will be inserted into the projected Cycleways and Pedestrian Facilities Program for 2014/2015. It is proposed to carry out survey, investigation and design during 2013/2014 and also seek grants to supplement Council's own funding.

Fees and Charges 2013/2014 Part C.

Additions and amendments to the Fees and Charges 2013/2014 Part C include:

1. Richmond Tweed Regional Library Fees

In 2010 the management of Richmond Tweed Regional Library obtained legal advice recommending that member Councils of Byron, Lismore, Ballina and Tweed include library fees in their respective advertised Fees and Charges. The Richmond Tweed Regional Library does not collate their fees for the next financial year until approximately May in each year. Council therefore did not have an opportunity to include the library fees in the exhibited Fees and Charges documents and as they are not a fee directly charged by Council they are now included in the 2013/2014 Fees and Charges, for the information of residents, with no necessity to be advertised.

2. GST Private Rulings

The Federal Government amended *A New Tax System (Goods and Services Tax) Amendment Regulation 2012*(NSW) which removed the previous Division 81 Treasurer's Determination for treatment of GST. Accordingly, many New South Wales Local Government councils have contracted Genesis Accounting Pty Limited Chartered Accountants and similar firms to seek GST private rulings from the Australian Taxation Office. These private rulings are being distributed to councils as they become available. Not all private rulings were available before the public exhibition period of the Fees and Charges 2013/2014 Part C, and further private rulings are expected over the next six months.

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Cemetery Fees	Family research per hour (min 1hr)	No	22/05/2013	\$86.00	\$82.00	GST Private Ruling
Cemetery Fees	Application to carry out major refurbishment work in a Cemetery		22/05/2013	\$535.00	New	GST Private Ruling
Cemetery Fees	Application to carry out minor refurbishment work in a Cemetery		22/05/2013	\$181.00	New	GST Private Ruling
Hazard reduction - overgrown blocks of Land	<P>(a) Administration charge for hazard reduction works carried out under Local Government Act (1993) PLUS</P>	No	22/05/2013	\$172.70	\$164.50	GST Private Ruling
Hazard reduction - overgrown blocks of Land	(b) Hazard reduction works contractors fee in excess of administration charge		22/05/2013	POA	POA	GST Private Ruling
Health and Administration	Private Burial Approval Fee	No	22/05/2013	\$258.00	\$245.00	GST Private Ruling
Health and Administration	Private Burial within Private Cemetery Inspection Fee	No	22/05/2013	\$134.00	\$127.00	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Hoardings (per lineal metre per week)	No	22/05/2013	\$4.70	\$4.30	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Application	No	22/05/2013	\$102.50	\$97.60	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration up to 3 hours	No	22/05/2013	\$9.20	\$8.80	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration 3 hours to 1 day	No	22/05/2013	\$27.80	\$26.50	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Each day thereafter	No	22/05/2013	\$37.10	\$35.30	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration up to 3 hours	No	22/05/2013	\$17.40	\$16.60	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration 3 hours to 1 day	No	22/05/2013	\$52.10	\$49.60	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Each day thereafter	No	22/05/2013	\$69.50	\$66.20	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration up to 3 hours	No	22/05/2013	\$41.70	\$39.70	GST Private Ruling
Hoardings (Enclose Public Place) and Temporary Road Closures	Duration 3 hours to 1 day	No	22/05/2013	\$123.90	\$118.00	GST Private Ruling

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Hoardings (Enclose Public Place) and Temporary Road Closures	Each day thereafter	No	22/05/2013	\$162.10	\$154.40	GST Private Ruling
Pontoons and Jetties on Council Reserves - licence fee	Annual Licence Fee	No	22/05/2013	\$210.00	\$210.00	GST Private Ruling
Richmond Tweed Regional Library	Visitor's Membership Fee	No	22/05/2013	\$36.00	\$36.00	GST Private Ruling
Richmond Tweed Regional Library	Reservations on Richmond Tweed Regional Library Items		22/05/2013	\$2.00	\$2.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Inter-Library Loans (Items not held by Richmond-Tweed)		10/05/2013	\$4.00	\$4.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Kit Bags (If a Kit is returned without its bag)	Yes	10/05/2013	\$2.20	\$2.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Overdue Items (Daily Fee per overdue item capped at \$3.50)		22/05/2013	\$0.10	\$0.10	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Processing Fee for Lost Items (not including Periodicals)		22/05/2013	\$10.00	\$7.70	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Copies from photocopier black and white and colour A4		10/05/2013	\$0.20	\$0.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Copies from photocopier black and white and colour A3		10/05/2013	\$0.40	\$0.40	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Photo Quality Prints	Yes	10/05/2013	\$3.40	\$3.40	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Genealogy Bibliography	Yes	10/05/2013	\$5.65	\$5.65	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Community Information Directories - per Local Government Area (hard copy)		10/05/2013	\$34.00	\$34.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Community Information Directories - per Local Government Area (on disk)		10/05/2013	\$22.00	\$22.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Community Information Directories - per section up to 25 organisations		10/05/2013	\$2.20	\$2.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Butts and Certificates of the First Publicans		10/05/2013	\$38.50	\$38.50	Fees provided by Lismore City

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
	Licences 1930-1960 (hard copy)					Council 9 May 2013
Richmond Tweed Regional Library	Butts and Certificates of the First Publicans Licences 1930-1960 (on disk)		10/05/2013	\$22.00	\$22.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Index to Certificates of Depasturing Licences 1837-1860 (hard copy)		10/05/2013	\$38.50	\$38.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Index to Registers of Land Grants - Leases and Purchases 1820-1856 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Index to Registers of Land Grants - Leases and Purchases 1792-1865 (hard copy)		10/05/2013	\$51.00	\$51.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Family History Research Gazetteer (hard copy)	Yes	10/05/2013	\$38.50	\$38.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star Vol. 1 1876-1884 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star Vol. 2 1885-1889 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star Vol. 3 1889-1892 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star Vol. 4 1893-1896 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star Vol. 5 1897-1899 (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to the Northern Star 1900-1902 (on disc)	Yes	10/05/2013	\$11.30	\$11.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	A Northern Star Index for the Family Historian 1920-1924 (hard copy)		10/05/2013	\$22.65	\$22.65	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	An Index to The Clarence and Richmond Examiner (hard copy)		10/05/2013	\$45.30	\$45.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Place Names of the Tweed, Brunswick and Upper Richmond Region (booklet)		10/05/2013	\$5.65	\$5.65	Fees provided by Lismore City Council 9 May 2013

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Richmond Tweed Regional Library	Sequels, Series and Sequences (hard copy)	Yes	10/05/2013	\$22.65	\$22.65	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fast Facts Reference and Info Service - Information faxed between branch libraries for patrons		10/05/2013	N/A	\$0.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fast Facts Reference and Info Service - Information faxed to patron's own machine		10/05/2013	N/A	\$0.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	USB Memory Sticks	Yes	10/05/2013	\$9.20	\$9.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Scanning (library local history photos by staff per photo)		10/05/2013	\$2.30	\$2.25	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC Use (per half hour) - Non-Members	Yes	10/05/2013	\$2.20	\$2.25	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC Use (per half hour) - Reciprocal Visitors	Yes	10/05/2013	\$2.20	\$2.25	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Headphones (per set)	Yes	10/05/2013	\$2.00	\$2.05	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - sending personal faxes to anywhere (first page)		10/05/2013	\$4.00	\$4.50	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - sending personal faxes to anywhere (each page thereafter)		10/05/2013	\$1.00	\$1.10	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - receiving personal faxes (up to 6 pages)		10/05/2013	\$2.20	\$2.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Fax Charges - receiving personal faxes (each page over 6 pages)		10/05/2013	N/A	\$0.20	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Phone Charges (local call)	Yes	10/05/2013	\$0.30	\$0.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Research Work (per hour - pro rata for lesser periods)		10/05/2013	\$95.00	\$95.00	Fees provided by Lismore City Council 9 May 2013

Activity	Fee	GST?	Date changed	2013-14 Amt	2012-13 Amt	Narration
Richmond Tweed Regional Library	Promotional Sales - Library Bags (short and long handles)		10/05/2013	\$3.00	\$3.00	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Historical collection (plus charge by service provider)		10/05/2013	\$10.30	\$10.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Talking Book Replacements - Sound Library, Chivers Audio, BBC Audio (CDs)		10/05/2013	\$16.45	\$16.45	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Talking Book Replacements - Sounding, Isis, Magna Story Sound (CDs)		10/05/2013	\$18.70	\$18.70	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Clipper Audio, Recorder Book (CDs)	Yes	10/05/2013	\$11.30	\$11.30	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	Non public library inter-library loans	Yes	10/05/2013	\$17.00	New	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC use (15 minutes) - Reciprocal Visitor	Yes	10/05/2013	\$1.10	New	Fees provided by Lismore City Council 9 May 2013
Richmond Tweed Regional Library	PC use (15 minutes) - Non-Members	Yes	10/05/2013	\$1.10	New	Fees provided by Lismore City Council 9 May 2013

Council initiated advice to the community

- Tweed Link issue 806, 23 April 2013 all residents of the Shire were asked to comment and provide input on services and infrastructure priorities.
- Media Release Tuesday 19 April 2013 notification to all residents that the Draft Budget for 2013/2014 is open for public comment.

Input sought on services and infrastructure priorities

Council is seeking public comment on the Draft Integrated Planning and Reporting documents comprising the 2013/2017 Delivery Program, 2013/2014 Operational Plan, Resourcing Strategy, Revenue Policy (including Fees and Charges) and Budget.

The integrated planning documents provide a guide for Council operations and assist the organisation meet community demands for services and infrastructure by maximising what it can achieve with its available resources.

The 2013/2017 Delivery Program, which incorporates the 2013/2014 Operational Plan, is structured on the Community Strategic Plan strategic themes: Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

The 2013/2014 budget is \$194.2 million, comprising \$118.5 million in the General Fund, \$35.2 million in the Water fund and \$40.5 million for the Sewer fund.

This budget represents the first year since the conclusion of Council's 7 Year Infrastructure and Services Plan and incorporates an approved total permissible increase to ordinary rates of 3.4 per cent.

Some of the projects included in the draft documents include:

- \$7.75 million towards Arkinstall Park Master Plan.
- \$9.08 million towards road construction capital works.
- \$1.6 million for drainage construction.
- \$4.7 million for the Clarrie Hall Dam Spillway.
- \$12.9 million in sewer infrastructure.

The Ordinary Residential Rate is proposed to increase by 3.4 per cent over the 2012/2013 rate, the Sewerage Charge by 6.31 per cent, the Water Access Charge by 7.81 per cent, the Domestic Waste Service Charge by 11.48 per cent, the Domestic Waste Management Charge by 4.14 per cent, the Waste Minimisation and Recycling Charge by 0.08 per cent and the Landfill Management Charge by 30.57 per cent. This brings the proposed increase in the total rates and residential charges for those on the minimum rate (nearly 50 per cent of ratepayers) to 5.59 per cent more in 2013/2014 than 2012/2013.

"The documents will be on public exhibition from 23 April 2013 to 28 May 2013 with access via printed copies and Council's website www.tweed.nsw.gov.au," Mr Chorlton said.

"As an additional engagement method it is also planned to convene a forum to enable input from the community groups Council regularly consults with.

"This discussion is envisaged to occur towards the latter part of the public exhibition period, to enable the group's adequate time to review the documentation prior to providing input," he said.

Media Release

Friday 19 April 2013



Comment on 2013/2017 Delivery Program and 2013/2014 Operational Plan

Council maximises what can be achieved with available resources.

After adopting the 2013/2023 Community Strategic Plan in March, Council last night resolved to place on exhibition the Draft Integrated Planning and Reporting documents comprising the 2013/2017 Delivery Program, 2013/2014 Operational Plan, Resourcing Strategy, Revenue Policy (including Fees and Charges) and Budget.

The integrated planning documents provide a guide for Council operations and assist the organisation meet community demands for services and infrastructure by maximising what it can achieve with its available resources.

The 2013/2017 Delivery Program, which incorporates the 2013/2014 Operational Plan, is structured on the Community Strategic Plan strategic themes: Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

"The format of the 2013/2017 Delivery Program has changed from previous versions to promote easier navigation of the plan. Strategic themes are colour coded and each service of Council is linked to a strategic theme and costed back to the budget," Council's Acting Director Technology and Corporate Services, Michael Chorlton, said.

"Where appropriate, Council services are further linked to the 10 year Asset Management Plan and four year Workforce Management Plan. The total cost of all principal activities planned under a strategic theme is presented. A four year program of infrastructure works is detailed separately and costed back to a supporting four year budget program," he said.

The 2013/2014 budget is \$194.2 million, comprising \$118.5M in the General Fund, \$35.2M in the Water fund and \$40.5 million for the Sewer fund. This budget represents the first year since the conclusion of Council's 7 Year Infrastructure and Services Plan and incorporates an approved total permissible increase to ordinary rates of 3.4 per cent.

Some of the projects included in the draft documents include:

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- \$12.9 million in Sewer infrastructure.

[more/](#)

Contact: Fran Silk (02) 6670 2575 or 0409 751 208
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OPTIONS:

1. Considers the content of the public submissions and make amendments.
2. Adopts the Draft documents as exhibited, with minor changes as highlighted in the report.

CONCLUSION:

Council is required to adopt the Delivery Program 2013/2017, the Operational Plan 2013/2014 and the Resourcing Strategy 2013/2023 associated documents by 30 June 2013. All draft documents will be updated and uploaded to Council's Web Site following any resolutions from 20 June 2013 Council meeting that impact the documents.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

Sections 403, 404 and 405 Local Government Act 1993 applies.

b. Budget/Long Term Financial Plan:

As outlined within the Report and the Draft 2013/2014 Budget and Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1.3.2.4 Update Delivery Program

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Submissions (ECM 3082246) from:

- Banora Point & District Residents Association Inc.
- Friends of Terranora
- Murwillumbah Ratepayers and Residents Association Inc.
- Oxley Cove Ratepayers Group
- Pottsville Beach Real Estate
- Pottsville Community Association Inc
- M Boyd
- S Henderson

Attachment 2. Delivery Program 2013/2017 (ECM 3083880)

Attachment 3. Revenue Policy and Statement 2013/2014 Part A (ECM 3082232)

Attachment 4. Budget 2013/2014, Part B (ECM 3082231)

Attachment 5. Fees and Charges 2013/2014 Revenue Policy, Part C (ECM 3082230)

Attachment 6. Resourcing Strategy supporting the Community Strategic Plan 2013/2023 (ECM 3082217).

73 [TCS-CM] Amended 2013/14 Fees and Charges

SUBMITTED BY: Financial Services

Valid



Civic Leadership

SUMMARY OF REPORT:

This report contains 2013/2014 Fees and Charges amendments that require exhibition/re-exhibition due to omissions and amendments to the original 2013/2014 Operational Plan and Budget documents.

RECOMMENDATION:

That the Fees and Charges 2013/2014 as proposed in this report be placed on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

REPORT:

The Draft Fees and Charges document placed on exhibition as part of the 2013/2014 Operational Plan and Budget requires a number of amendments, that will result in the need to exhibition/re-exhibition, due to the following:

Title of fee	Explanation
Outdoor Dining Fees	Omitted from original Fees and Charges document due to a database error.
Section 149 Fax Transmission Fee	Amended to be consistent with other fax transmission fees applied by Council.
Conveyancing Drainage Diagram Fax Transmission Fee	Amended to be consistent with other fax transmission fees applied by Council.
Animal impounding Daily Maintenance Charge	Adjusted for 'rounding' to provide more efficient monetary transactions.

It is recommended that the following fees and charges be exhibited for 28 days:

Activity/Function	Title of Fee/Charge	Fee or Charge Levied 2012/2013 \$	Fee or Charge Levied 2013/2014 \$	Est. Yield \$	Pricing Category	GST included
Outdoor Dining - Fees for Use of Footpath	base fee per m2 per year					
	Application for approval to use part of footpath for the purpose of conducting a restaurant	252.00	265.00	75960	A	N
	Tweed Heads - CBD Street Upgrade Area	117.00	123.00		A	Y
	Tweed Heads - No Street Upgrade	75.00	79.00		A	Y
	Kingscliff - CBD Street Upgrade Area	117.00	123.00		A	Y
	Kingscliff - No Street Upgrade Area	75.00	79.00		A	Y
	Murwillumbah - CBD Upgrade Area	117.00	123.00		A	Y
	Murwillumbah - No Street Upgrade Area	75.00	79.00		A	Y
	Bogangar/Cabarita - CBD Street Upgrade Area	117.00	123.00		A	Y
	Bogangar/Cabarita - No Street Upgrade Area	75.00	79.00		A	Y
	Other Villages - Street Upgrade Area	117.00	123.00		A	Y
	Other Villages - No Street Upgrade	75.00	79.00		A	Y

Section 149 and Coastal Protection Act Certificates	Fax Transmission Fee	24.00	25.00		A	Y
Conveyancing Drainage Diagram	Fax Transmission Fee	N/A	25.00		A	Y
Impounding Fees - dogs, cats	Daily maintenance charge for each animal detained	17.80	19.00		A	N

OPTIONS:

1. Council place the amended and omitted fees and charges on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.
2. Council not place the amended and omitted fees and charges on public exhibition for 28 days inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

CONCLUSION:

It is unfortunate that the Outdoor Dining Fees were inadvertently omitted from the Fees and Charges document exhibited with the 2013/2014 Operational Plan and Budget. These omissions coupled with some minor amendments need to be exhibited/re-exhibited for public comment.

COUNCIL IMPLICATIONS:**a. Policy:**

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The above amended fees and charges cannot be adopted and charges by Council until the conclusion of the new exhibition period.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.1 Implement Revenue Policy

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

74 [TCS-CM] Review of Council Policies**SUBMITTED BY: Corporate Governance**

Valid

**Civic Leadership****SUMMARY OF REPORT:**

Council in accordance with Section 165(4) of the Local Government Act 1993 is required to review policies prior to 15 September 2013, which is 12 months after the declaration of the poll for the last general election, or they are automatically revoked. Any policy adopted since 15 September 2012 is not required to be reviewed.

A detailed review of 89 Council Policies has been undertaken by Council Officers which has resulted in the development of the policy matrix disclosed in the report.

The effect of the review is:

No change (with exception of new standard format)	52
Transfer to separate Strategy section	2
Policies reviewed in current Council term - 15 September 2012	13
Policies to be deleted, reason described in matrix	10
Policies with proposed minor amendments	7
Policies either on Council Agenda or public exhibition	4
Policies yet to be reviewed	1

It is proposed that 10 policies be deleted and 7 policies with proposed amendments, as per the attachments, which reflect minor formatting changes or change in Council circumstances, be adopted without the necessity of being advertised.

RECOMMENDATION:

That Council:

- 1. Approve no changes (with exception of placing the Policy in the new standard format) to the 52 policies as outlined in the policy matrix in the report.**
- 2. Transfers the Asset Management Strategy and Community Engagement Strategy from Council Policies to a Strategy section on the Internet.**
- 3. Deletes Anzac Day, Version 1.1; Charity Sponsorship, Version 1.1; Corporate Vision, Version 1.0; Mission and Value Statements, Version 1.0; Donations (Financial Assistance), Version 1.1; Fleet Procurement for Passenger Vehicles,**

Version 1.1; Flood Liable Land, Version 1.1; Flora and Fauna, Version 1.1; Refund Transaction, Version 1.0; and Sporting Events on Highway and Major Roads, Version 1.1 as Council Policies for reasons outlined in the policy matrix in the report.

4. Adopts minor amendments to the following policies:

Collection Policy – Tweed River Regional Museum, Version 1.2

Community Options Client Contribution, Version 1.1

Correspondence - Response to, Version 1.4

Donations and Subsidies (Rates and Charges), Version 1.3

Drinking Water Quality, Version 1.1

Driveway Access to Property - Design Specification, Version 1.3

Investment, Version 1.7

5. In accordance with Section 161(2) of the Local Government Act 1993 is of the opinion that the amendments are not substantial and that it adopts the amended local policies without public exhibition.

REPORT:

Council in accordance with Section 165(4) of the Local Government Act 1993 is required to review policies prior to 15 September 2013, which is 12 months after the declaration of the poll for the last general election, or they are automatically revoked. Any policy adopted since 15 September 2012 is not required to be reviewed.

A detailed review of 89 Council Policies has been undertaken by Council Officers which has resulted in the development of the following policy matrix:

Policy	Version	Adopted Date	Comment
Aboriginal Statement	1.3	13/11/2007	No change
Access to Information	1.5	15/03/2011	No change
ANZAC Day	1.1	13/11/2007	Delete. Protocol* to be created.
Asbestos Management	1.0	15/06/2010	No change
Asset Management	1.4	21/06/2011	No change
Asset Management Strategy	1.0	21/06/2011	Transfer to separate Strategy section.
Audit Committee Charter	1.5	20/09/2011	To be reviewed in June 2013 by the Audit Committee.
Beach Vehicles	1.2	16/12/2008	No change
Bitumen Sealing Contribution	- 1.2	21/07/2009	No change
Builders Solid Waste in Multi Storey Construction Collection	1.1	13/11/2007	No change
Building Extensions in Flood Prone Areas	1.1	13/11/2007	No change
Building Work Adjacent to Canal Revetment Walls	1.1	13/11/2007	No change
Business Continuity Management	1.0	20/04/2010	No change
Business Ethics	1.2	13/11/2007	No change - minor formatting changes.
Cemeteries and Burial	1.1	13/11/2007	No change
Charity Fundraising	1.1	13/11/2007	No change
Charity Sponsorship	1.1	13/11/2007	Delete. Incorporated into Festivals and Events Policy.
Code of Conduct - March 2013 (Model)	1.9	21/03/2013	Reviewed in current Council term.
Code of Conduct Administration - March 2013 (Procedure)	1.0	21/03/2013	Reviewed in current Council term.
Code of Meeting Practice	2.3	14/02/2013	Reviewed in current Council term.
Collection Policy - Tweed River Regional Museum	1.1	13/11/2007	Proposed minor amendments to Policy section. Appendices (forms) removed.

Community Strategy	Engagement	1.1	21/08/2012	Transferred to separate Strategy section.
Community Contribution	Options Client	1.0	19/07/2011	Proposed minor amendments.
Companion Management Plan	Animals	1.0	16/03/2010	No change. Subject to review at a later date.
Compliments and Complaints Handling		1.4	14/02/2013	Reviewed in current Council term.
Contaminated Land		1.1	13/11/2007	No change
Corporate Sponsorship		1.0	19/07/2011	No change
Corporate Vision, Mission and Value Statements		1.0	03/06/2008	Delete. Incorporated in Integrated Planning and Reporting documents.
Correspondence - Response to		1.3	28/05/2009	Proposed minor amendments.
Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors		1.7	13/12/2012	Reviewed in current Council term.
Cultural Policy		1.1	13/11/2007	No change
Customer Service Charter		1.2	26/06/2012	No change. Subject to review at a later date.
Dealing with Difficult People		1.0	12/02/2008	Proposed amended policy been on Public Exhibition and subject of a separate report to June Council meeting.
Discharge of Liquid Trade Waste to the Sewerage System		1.0	16/05/2013	Reviewed in current Council term.
Disposal of Assets		1.1	22/04/2008	Proposed amended policy been on Public Exhibition and subject of a separate report to June Council meeting.
Disposal of Land		1.1	13/11/2007	No change
Donations (Financial Assistance)		1.1	13/11/2007	Delete. Incorporated into Festivals and Events Policy.
Donations and Subsidies		1.2	22/04/2008	Proposed minor amendments and Policy renamed.
Drinking Water Quality		1.0	14/12/2010	Proposed minor amendments.
Driveway Access to Property - Construction Specification		1.1	13/11/2007	No change

Driveway Access to Property - Design Specification	1.2	11/03/2008	Proposed amendments.	minor
Drought Water Restrictions	2.0	24/01/2013	Reviewed in current Council term.	
Easements	1.1	13/11/2007	No change	
Enforcement - Unlawful Activity	1.2	13/11/2007	No change	
Enterprise Risk Management	1.0	29/04/2010	No change	
Facility Hire and Use	1.0	16/08/2011	No change. Subject to review at a later date.	
Festivals and Events	1.0	18/10/2011	No change	
Financial Assistance to Licensed Not for Profit Native Animal Welfare Groups	1.0	17/04/2012	No change	
Fleet Procurement for Passenger Vehicles	1.1	13/11/2007	Delete. Protocol* to be created.	
Flood Liable Land	1.1	13/11/2007	Delete. Incorporated into Unregisterable Moveable Dwellings and Annexes on Flood Liable Land.	
Flood Risk Management	1.0	18/12/2007	No change - will be superseded by the Tweed Valley Flood Risk Management Study at a later date	
Flora and Fauna	1.1	13/11/2007	Delete. The policy details are incorporated in other strategies and the practice of the provision of free trees is outdated.	
Footpath Trading Policy	1.1	13/11/2007	No change	
Fraud Prevention	1.1	13/11/2007	No change - minor formatting changes only.	
Garbage and Other Solid Wastes - Code for Storage and Disposal	1.1	13/11/2007	No change	
Incinerators	1.1	13/11/2007	No change	
Internal Reporting (Public Interest Disclosures)	1.0	15/11/2011	No change	
Investment	1.6	17/07/2012	Proposed amendments.	minor
Jetties and Pontoons (Private)	1.0	21/07/2009	No change	
Local Government Filming	1.0	16/06/2009	No change	
Media	1.2	21/07/2009	No change	
Naming of Buildings and	1.0	18/05/2010	No change	

Facilities on Council Sportsfields			
Naming of Council Public Parks	1.0	12/08/2008	No change. Subject to review at a later date.
Naming of Streets and Roads	1.2	21/03/2013	Reviewed in current Council term.
Online and Social Media	1.0	26/06/2012	No change
Open Space Infrastructure Policy	1.0	21/08/2002	No change. Open Space Strategy currently being developed.
Oxley Cove Canal Estate Flood Debris Removal	1.1	25/09/2012	Reviewed in current Council term.
Placemaking and Public Art Policy	1.2	13/11/2007	No change
Privacy Management Plan	1.2	16/08/2011	Changes made to accord with new Model Policy - subject to a Council report to the July meeting.
Procurement Policy	1.4	20/03/2012	No change
Rainwater Tanks in Urban Areas	2.1	20/09/2011	No change
Refund Transaction	1.0	15/06/2010	Delete. Incorporated into Fees and Charges.
River Banks	1.2	21/07/2009	No change
Road Closures and Private Purchase	1.2	13/12/2012	Reviewed in current Council term.
Roadside Tributes	1.1	13/11/2007	No change
Secondary Employment	1.3	14/02/2013	Reviewed in current Council term.
Sewers - Work in Proximity	1.2	15/11/2012	Reviewed in current Council term.
Sporting Events on Highway and Major Roads	1.1	13/11/2007	Delete. Consent by Local Traffic Committee.
Sportsfields and Reserves	1.2	21/07/2009	No change
Strategic Asset and Service Management Program	1.1	13/11/2007	No change
Tweed Link	1.0	16/06/2009	No change
Unregistered Moveable Dwellings - Entry Porches	1.1	13/11/2007	No change
Unregistered Moveable Dwellings and Annexes on Flood Liable Land	1.1	13/11/2007	No change
Vending of Food on Public Reserves	1.1	13/11/2007	No change
Volunteers	2.0	18/04/2013	Reviewed in current Council term.
Waiving of Disposal Fees - Waste Management	1.0	15/06/2010	No change

Water Charging - Defective Services	1.2	30/10/2008	No change. Revised Policy being prepared and will be the subject of a Council report to the July meeting.
Water Supply Catchment Stream Bank Protection	1.2	13/11/2007	Proposed amended Policy (renamed to River Health Grants) been on public exhibition and subject to a report to a future Council meeting.
Youth	1.0	12/08/2008	No change.

* *Protocol is an internal working document that does not directly impact upon the public.*

A summary of the matrix is:

No change (with exception of new standard format)	52
Transfer to separate Strategy section	2
Policies reviewed in current Council term - 15 September 2012	13
Policies to be deleted, reason described in matrix	10
Policies with proposed minor amendments	7
Policies either on Council Agenda or public exhibition	4
Policies yet to be reviewed	1

OPTIONS:

1. That Council adopts the recommendation.
2. That Council does not agree to deleting the identified policies.
3. That Council does not agree to the proposed minor amendments.

CONCLUSION:

That Council adopts the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Council in accordance with Section 165(4) of the Local Government Act 1993 is required to review policies prior to 15 September 2013, which is 12 months after the declaration of the poll for the last general election, or they are automatically revoked.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 1.2.1.5 Council Policies are compliant with legislation and guidelines
- 1.2.1.5.1 Council policies reviewed, reported to Council and placed on public exhibition as required

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. Collection Policy – Tweed River Regional Museum, Version 1.2 (ECM 3081972)
 - Attachment 2. Community Options Client Contribution, Version 1.1 (ECM 3081970)
 - Attachment 3. Correspondence - Response to, Version 1.4 (ECM 3081969)
 - Attachment 4. Donations and Subsidies (Rates and Charges), Version 1.3 (ECM 3081958)
 - Attachment 5. Drinking Water Quality, Version 1.1 (ECM 3081952)
 - Attachment 6. Driveway Access to Property - Design Specification, Version 1.3 (ECM 3081948)
 - Attachment 7. Investment, Version 1.7 (ECM 3081946)
-

75 [TCS-CM] Response to Notice of Motion - Asset Management

SUBMITTED BY: Acting Director

Valid



Civic Leadership

SUMMARY OF REPORT:

At Council's meeting of 18 April 2013 it was resolved that *"Council brings forward a report into the adequacy of Council's Asset Management framework (Policy, Strategy and Plans) in dealing with the changing economic (reduced population growth) and environmental risks (extreme weather events) that may eventuate in the next ten years."*

This report outlines the purpose of the asset management framework and how relates to the concerns expressed in the Notice of Motion.

RECOMMENDATION:

That Council receives and notes the report on the Notice of Motion of 18 April 2013 regarding asset management.

REPORT:

The purpose of the Asset Management framework is to define the policy, strategy and plans necessary to ensure that Council's assets are capable of providing services, of a desired quality, in a sustainable manner, for present and future communities. Asset management functions include:

- Acquisition, renewal and disposal
- Maintenance and operation
- Maximising service delivery potential
- Managing whole of life costs

A fundamental aspect of asset management is planning for the renewal of assets at the appropriate time. This requires an understanding of the current condition of assets, the likely pattern of the consumption or deterioration of the asset class, and a prediction of the future costs of the eventual replacement or renewal of assets.

The most significant challenge facing local government in terms of asset management is planning for, and the ability to fund the future costs of asset renewal and replacement. The difference between the estimated annual cost of maintaining assets at their current level of service, and the amount of funding actually provided in the budget, is referred to in the Resourcing Strategy as the "asset management shortfall". While asset prediction modelling and assumptions will no doubt develop and improve over time, the 2011/12 estimated asset management shortfall is in the order of \$10 million.

Reduced population growth

Asset renewals and replacements, for General Fund assets, are mostly funded by general purpose revenue, the greater part of which is rates. The Draft Long Term Financial Plan includes the assumption that the rating base will increase by around 3.2% per annum, inclusive of growth of 250 lots per annum.

Sensitivity analysis indicates that if the growth in rates income was to be 1% less than predicted, the net effect on General Fund revenue would be in the order of \$500,000. As many programs, other than asset management, are funded from rates revenue, the effect of a reduction in revenue growth such as this would have a minor effect on asset management funding.

It should also be noted that rates are levied on land parcels, not population; therefore population growth lower than forecast would only affect the growth of lots estimated within the Long Term Financial Plan.

Extreme weather events

Weather events such as storms and floods can cause damage to most above ground assets through wind damage, inundation and erosion. The nature of these events makes it difficult to predict and plan for. However, as the asset management process matures, and as condition assessments continue, it may come to light that adjustments need to be made to modify construction and/or maintenance standards and consumption patterns in the asset management plans. As asset management plans are periodically reviewed and updated, this will occur as a matter of course.

With regards to the financial impact of extreme weather events, government grants are usually available to assist councils meet the cost of emergency and restoration works. The current arrangements are that generally the State will reimburse councils for all of the cost of emergency works for essential services, and most of the cost of restoring assets to their previous condition; the federal government may then reimburse the State government.

OPTIONS:

Not Applicable.

CONCLUSION:

That Council receives and notes the report.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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76 [TCS-CM] Workers Compensation Insurance - Twelve (12) Month Contract Extension to AC2008-040

SUBMITTED BY: Human Resources

Valid



Civic Leadership

SUMMARY OF REPORT:

Under the New South Wales Workers Compensation Act 1987 all employers are required to take out an appropriate level of Workers Compensation Insurance to cover their workforce. Council's current Workers Compensation Insurance Contract was awarded to StateCover Mutual Insurance from 1 July 2008 and is due to conclude 30 on June 2013. This contract was based on an initial two (2) year contract with the option for a further three by one year extensions subject to satisfactory annual performance reviews.

As a result of inconsistencies in workers compensation renewal processes and practices in NSW local government, as outlined in this report, there is now insufficient time remaining under the current contract to enable a tender process to be undertaken and a new contract to be awarded prior to 30 June 2013 when the current contract concludes. To take a conservative approach in addressing this issue and to provide appropriate Workers Compensation Insurance, it is proposed to extend StateCover's current contract for a twelve (12) month period to enable sufficient time for the tender process to be undertaken and a new competitive contract to be awarded.

RECOMMENDATION:

That Council endorses a twelve (12) month contract extension, until 30 June 2014, for AC2008-040 to StateCover Mutual Pty Ltd for the provision of Workers Compensation Insurance to Council as an interim arrangement whilst new tenders are being called.

REPORT:

Under the New South Wales Workers Compensation Act 1987 all employers are required to take out an appropriate level of Workers Compensation Insurance to cover their workforce. Council's current Workers Compensation Insurance Contract was awarded to StateCover Mutual Insurance from 1 July 2008 and is due to conclude 30 June 2013. This contract was based on an initial two (2) year contract with the option for a further three by one year extensions subject to satisfactory annual performance reviews.

Custom and practice within Local Government has always been and continues to be that formal tenders are not undertaken in association with contracting Workers Compensation Insurance through StateCover Mutual.

A review of the Local Government Act however provides no legitimate provisions for exempting Workers Compensation Insurers or more specifically StateCover from standard procurement requirements. Given the inconsistency between custom and practice and legislative requirements, advice has been sought in relation to this matter from a number of sources including the Division of Local Government, Local Government NSW, HWL Ebsworth Lawyers and a number of councils.

In summary the legal advice provides:

1. *Section 55A of the LG Act would still require Council to undertake the tendering process for Workers Compensation.*
2. *The provision of this insurance would not be exempt from the requirements to tender under section 55(3) of the LG Act.*

As a consequence of this advice Council is in the process of preparing formal tender documentation for release to the market. Notwithstanding this advice, insufficient time remains under the current contract to enable the tender process to be undertaken and a new contract to be awarded prior to 30 June 2013 when the current contract concludes. To take a conservative approach to addressing this issue and to provide appropriate Workers Compensation Insurance, it is proposed to extend StateCover's current contract for a twelve (12) month period to enable sufficient time for the tender process to be undertaken and a new competitive contract to be awarded.

Further legal advice provides:

3. *The extension of the current contract with StateCover would be appropriate as an 'interim' measure in order to undertake the tender process in a proper and timely manner in accordance with the requirements of the LG Act.*

OPTIONS:

1. To extend the current Workers Compensation Insurance contract with StateCover for twelve (12) months.
2. To extend the current Workers Compensation Insurance contract with StateCover for a lesser period than twelve (12) months. (This option would incur an additional financial impost).

3. Continue the existing Workers Compensation Insurance contract with StateCover without going to tender.
4. It is not an option for Council to have no Workers Compensation Insurance cover.

CONCLUSION:

It is unfortunate that the current Workers Compensation Insurance contract will conclude prior to the opportunity to call new tenders. Whilst multiple avenues of advice have been sort in relation to an exemption from procurement requirements, with conflicting results, it is considered appropriate to call new tenders for these services.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

Adequate provision is made in the 2013/2014 Budget for Workers Compensation insurance.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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77 [TCS-CM] Local Government NSW - Request for Assistance with Legal Costs - Mid-Western Regional Council

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

SUMMARY OF REPORT:

A formal request has been received from Local Government New South Wales for Council to give consideration to a voluntary contribution towards assisting Mid-Western Regional Council with legal costs that it has incurred.

The request concerns a matter before the Land and Environment Court *"challenging Council's categorisation of land for rating purposes when Council have determined land which is used for mining purposes to be appropriately categorised, notwithstanding that the land is not located within the boundaries of a mining lease."*

Copies of the correspondence received from Local Government New South Wales have been included in the report.

RECOMMENDATION:

That Council contributes \$2,000 to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.

REPORT:



Our ref: R90/0377-03 - out 21405

18 April 2013

Mr Troy Green
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484



Dear Mr Green

Approval of Legal Assistance Mid-Western Regional Council

At its meeting of 4 April 2013, the Board of Local Government New South Wales approved an application for legal assistance by Mid-Western Regional Council.

Mid-Western Regional Council currently have a matter before the Land and Environment Court challenging Council's categorisation of land for ratings purposes when Council have determined land which is used for mining purposes to be appropriately categorised, notwithstanding that the land is not located within the boundaries of a mining lease.

The relevant land is owned by a mining company and may be used for such purposes as a passive buffer for the attenuation of noise, for the disposal of excess mine water, for environmental offset and other purposes relating to the mining of coal.

Council argue that if they are able to defend their categorisation in Court that it will have major benefits for all councils.

Although the matter does not strictly fall within the Legal Assistance Policy and Guidelines, in that it is not a matter before the New South Wales Court of Appeal or the High Court of Australia, the Board concluded that the matter was of importance to all councils in that mining, including coal seam gas mining, was a major issue for local government and the application should therefore be supported.

A letter seeking your support by way of voluntary contribution will be forwarded to you in the near future.

Please do not hesitate to contact me on (02) 9242 4125 if you have any questions on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'F/L', written over the closing 'Yours sincerely'.

Frank Loveridge
Legal Officer

LOCAL GOVERNMENT NSW
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ABN 48 853 913 882



Our ref: R90/0240-02-out 21478

14 May 2013

Mr Troy Green
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

MINING - GENERAL
RATES - GENERAL
COAL SEAM GAS
LAND + ENVIRONMENT

TWEED SHIRE COUNCIL	
FILE No:	LEGAL SERVICES
DOC. No:	
RECD:	28 MAY 2013
ASSIGNED TO:	GREEN, T
HARD COPY <input type="checkbox"/>	IMAGE <input checked="" type="checkbox"/>

LK: 3070786 (A. GM)

Dear Mr Green,

Advice re: Contribution to Legal Assistance

The Association recently wrote to your Council outlining the successful application for legal assistance by Mid-Western Regional Council.

As set out in that letter, Mid-Western Regional Council currently has a matter before the Land and Environment Court challenging Council's categorisation of land as mining for ratings purposes.

The Association's Board considered that this matter is of importance to all local government especially taking into consideration the recent Coal Seam Gas issues that have occurred throughout the State.

Your financial contribution is now sought in this matter. Please find attached an invoice with your contribution amount of \$5529.69.

You are reminded that there is no obligation for a council to provide assistance.

Please do not hesitate to contact me on (02) 9242 4125 if you have any questions on this matter.

Yours sincerely

Frank Loveridge
Legal Officer

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882



ABN: 49 853 913 882
GPO Box 7003 SYDNEY NSW 2000
Level 8 28 Margaret Street SYDNEY NSW 2000
Tel: (02) 9242 4000 Fax (02) 9242 4111
www.lgnsw.org.au lgnsw@lgnsw.org.au

Tax Invoice

Invoice Number 66513

Date 22/05/13

Invoice to:

Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Customer
Code

Customer
Reference

ZZTWEE

Item Code	Item Description	Invoice Quantity	Per	Price	GST	Amount
LEGA	Legal Assistance Mid Western Regional Cl	1		5529.69	0.00	5,529.69

Your share of Council Contributions for Mid Western Regional
Councils Legal Costs for Matter before Land and Environment
Court - Categorisation of Land as Mining for Ratings Purpose

Attn: The General Manager

Terms: 30 Days Invoice Date

Total Includes GST of
0.00

Total
5,529.69

Payment to: Local Government NSW BSB: 062005 Account No. 00090198

OPTIONS:

1. That Council contributes \$2,000 to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.
2. That Council contributes \$5,529.69 to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.
3. That Council determines a contribution to Local Government New South Wales towards legal costs incurred by Mid-Western Regional Council.

CONCLUSION:

As this rating categorisation appeal could affect the categorisation of rateable land by Council in the future, it is proposed to provide financial assistance in this case.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Expenditure can be applied to Legal Expenses within Job No. A0042.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Civic Leadership |
| 1.2 | Improve decision making by engaging stakeholders and taking into account community input |
| 1.2.1 | Council will be underpinned by good governance and transparency in its decision making process |

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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78 [TCS-CM] Legal Services Register as at 31 March 2013

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

SUMMARY OF REPORT:

The Legal Services Report as at 31 March 2013 monitors the status on legal instructions, for current or recently completed matters which have been issued to panel legal providers. The report includes payments to the various legal providers, but also payments for barristers and consultants where applicable.

The total amount paid for legal instructions for the period 1 January to 31 March 2013 is \$69,047.

The legal instructions that principally relate to the March quarter expenditure are:

- Advice on earthworks undertaken without an approved Construction Certificate. \$36,699
- To defend applicants appeal against refusal of DA10/0800 and DA10/0801, 73 Sandy Lane, Cobaki Lakes. \$27,735

RECOMMENDATION:

That Council receives and notes the Legal Services Register as at 31 March 2013.

REPORT:

Expenditure incurred on legal instructions for the period 1 July 2012 to 31 March 2013 follows:

Category 1 Planning, Environmental and Local Government Law	Category 2 Commercial/Property Law	District/Local Court
\$209,501	\$0	\$19,660

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

Legal Service Provider Category 1 Planning, Environmental, Local Government Law	Year to Date	Current Period 1 January to 31 March 2013
HWL Ebsworth Lawyers	\$38,438	Nil
Lindsay Taylor Lawyers	\$46,209	\$27,735
Maddocks Lawyers	\$107,533	\$39,159
Marsdens Law Group	\$7,294	Nil
Sparke Helmore Lawyers	\$10,027	\$327
Stacks – The Law Firm	Nil	Nil
Wilshire Webb Staunton Beattie	Nil	Nil

Legal Service Provider Category 2 Commercial/Property Law	Year to Date	Current Period 1 January to 31 March 2013
HWL Ebsworth Lawyers	Nil	Nil
Lindsay Taylor Lawyers	Nil	Nil
Maddocks Lawyers	Nil	Nil
Marsdens Law Group	Nil	Nil
Stacks – The Law Firm	Nil	Nil
Wilshire Webb Staunton Beattie	Nil	Nil

Legal Service Provider District/Local Court	Year to Date	Current Period 1 January to 31 March 2013
Stacks – The Law Firm	\$19,660	\$1,826

LEGAL SERVICES REGISTER as at 31 March 2013

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
HWL Ebsworth	1	Class 4 Appeal – DA08/0966 Refusal to determine Development Application and other issues impacting upon on-site sewerage management system at 49 Upper Crystal Creek Road Crystal Creek. File DA08/0966.	Defend the matter in the Land and Environment Court.	09/10 \$48,763 10/11 \$24,185 11/12 \$24,381 12/13 \$1,382 \$98,711	In Progress – Land and Environment directions hearing held on 4 December 2009. Case heard on 4 February 2010. Case dismissed, costs awarded, Appeal dismissed by Supreme Court. Payment of \$7,106.53 for security of costs received. Matter of recovering further costs in progress.
Lindsay Taylor	1	Voluntary planning agreement - Altitude Aspire (Area E). File DA07/0701.	Provide appropriate advice.	12/13 \$17,422	In Progress - updated draft received from Solicitors for Altitude Aspire and a final draft prepared by Council's service provider forwarded on 27 September 2012 which is being reviewed.
Lindsay Taylor	1	Class 1 Appeal - applicants appeal against refusal - DA10/0860 & DA10/0801, 73 Sandy Lane, Cobaki Lakes	Defend the matter in the Land and Environment Court	12/13 \$27,735	In Progress - Land and Environment call over held on 12 March, Section 34 Conference held on 16 April, further conciliation to be heard on 26 April, then decide whether to conduct further conciliation conference or proceed directly to hearing.

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
Marsdens	1	Class 4 Appeal – 7 Year Special Rate Variation. File Budget/Management Plan.	Defend the matter in the Land and Environment Court	07/08 \$24,446 08/09 \$280,956 09/10 \$79,879 10/11 \$58,658 11/12 \$49,181 \$493,120	In Progress – Land and Environment judgement handed down 30 December 2008, applicants claim was unsuccessful, part costs claim awarded, Court of Appeal case heard on 5 February 2010. Applicant was unsuccessful, part costs awarded. Costs of LEC and Court of Appeal have been assessed. Application for Special Leave to Appeal refused by High Court on 12 August 2011 with costs. Recovery of costs currently being pursued.
Marsdens	1	Administrative Decisions Tribunal hearing - Leda Developments.	Assist Council in dealing with Tribunal hearing.	12/13 \$5,534	In Progress - informal hearing conducted, referred affidavit and documents lodged with the Tribunal for a decision "on papers".
Marsdens	1	Proposed Class 4 Proceedings. Unauthorised building work, 4 Wharf Street, Tweed Heads.	Council action in the Land and Environment Court.	12/13 \$954	In Progress - appropriate action commenced.
Stacks	1	Appeal to Supreme Court of Appeal – M W Allen (Lizzio Subdivision – Condong). File GS4/95/73.	Represent Council in the Supreme Court and engage counsel where appropriate.	08/09 \$29,609 09/10 \$26,100 10/11 \$3,296 11/12 \$9,166 \$68,171	In Progress – second appeal in the Supreme Court heard 16 October 2009, Judge reserved his decision. Judge upheld the appeal, costs awarded to Council. Council instructions to pursue matter of costs and associated expenses. Judgement handed down on 10 February 2012. Case to be reviewed by an independent legal provider.

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
Stacks	District / Local Court	Provide advice on proposed action on activities at Hacienda and Homestead Caravan Parks, Chinderah Bay Road.	Provide appropriate advice.	11/12 \$1,320 12/13 \$5,100 \$6,420	In Progress - Detailed advice provided. Letters sent to owners of caravan parks. Council is considering its position in regard to further action.
HWL Ebsworth	1	Class 1 Appeal - appeal by objector - dissatisfied with the determination of a consent authority - Kingscliff Police Station. File DA11/0257.	Defend the matter in the Land and Environment Court.	11/12 \$17,171 12/13 \$25,015 \$42,186	Completed - Judgement declared on 28 July 2012 that the development consent is invalid. Council ordered to pay agreed costs of \$15,000.
HWL Ebsworth	1	Provide advice on dwelling entitlements pertaining to undersize lots concerning operation of Clause 57 of Tweed LEP 2000.	Provide appropriate advice.	12/13 \$12,041	Completed - detailed advice provided.
Lindsay Taylor	1	Class 1 Appeal - refusal of Optus Tower, 37 Boxhill Road, Limpinwood. File DA10/0295.	Defend the matter in the Land and Environment Court.	11/12 \$63,694 12/13 \$1,052 \$64,746	Completed - Hearing part heard 22-23 March 2012. Adjourned to 8 May 2012. Judgement handed down 16 July 2012. Court dismissed the appeal by Optus.
Maddocks	1	General advice and information.	Provide general advice and information.	12/13 \$4,149	Completed - Advice provided to Council.
Maddocks	1	Provide advice on earthworks undertaken without an approved construction certificate. File K99/1124.	Detailed advices sent with compliance options.	12/13 \$103,383	Completed - Detailed advices provided outlining various compliance options.
Marsdens	1	Class 1 Appeal - appeal against refusal of DA10/0516, 57 Jabiru Drive, Cobaki Lakes. File DA10/0516.	Defend the matter in the Land and Environment Court.	12/13 \$806	Completed - notice of discontinuance executed on 3 August 2012.
Sparke Helmore	1	Class 4 Action - Institute Court Order to remove building works and unauthorised use, 576 Cudgen Road, Cudgen.	Commence action in the Land and Environment Court.	11/12 \$142,400 12/13 \$10,027 \$152,427	Completed - Court order case heard on 30 November and 1 December 2011. Judgement handed down on 9 December 2011 in favour of council. Respondent to pay council costs. Action reported to council to enforce judgement. Orders heard on 20 April

Service Provider	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
					2012. Council to file and serve any evidence. Notice of Motion listed for hearing 24 May 2012. Judgement handed down 24 May 2012 in favour of Council, including costs. Reimbursement of assessed costs of \$100,000 paid.
Stacks	District / Local Court	Appeal against dangerous dog declaration in Local Court.	Defend the matter in Local Court.	12/13 \$909	Completed - appeal dismissed. Cost of \$330 awarded in Council favour.
Stacks	District / Local Court	Appeal to District Court seeking costs order for parking infringement notice.	Defend the matter in District Court.	12/13 \$8,697	Completed - appeal was partly successful. Applicant was entitled to disbursements incurred during the course of the appeal which amounted to \$412.10. Council had to pay the costs of its own Barrister.
Stacks	District / Local Court	Appeal to District Court against issue of dog infringement notice.	Defend the matter in District Court	12/13 \$1,250	Completed - appeal dismissed. Fine of \$600 ordered.
Stacks	District / Local Court	Statement of Claim - DA04/1028- 207 Farrants Hill Road - building encroachment. File DA04/1028.	Defend the matter in the District Court of NSW.	07/08 \$7,594 08/09 \$34,534 09/10 \$2,242 10/11 \$14,936 11/12 \$2,567 12/13 \$28 \$61,901	Completed – Case has been struck out in the District Court. Costs awarded to defendants, matter of costs now to be pursued internally by council. Deed of Agreement entered into for recovery of costs. Costs of \$50,847 reimbursed to Council.
Stacks	District / Local Court	Appeal in Local Court against infringement notice not to comply with notice to register animal.	Defend the matter in Local Court.	12/13 \$3,677	Completed - matter heard on 19 December 2012. Appeal dismissed. Fine and prosecutions legal costs awarded in Council's favour.

OPTIONS:

Not Applicable.

CONCLUSION:

Legal expenses for the quarter related primarily to actions instigated in previous periods.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.
Tender AC2009/073 Provision of Legal Services.

b. Budget/Long Term Financial Plan:

As reported with legal expenses allowed for in appropriate areas of Council's budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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79 [TCS-CM] Dealing with Difficult People Policy Version 1.1

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

SUMMARY OF REPORT:

The basis for the revision of the Dealing with Difficult People Policy Version 1.0 resulted from a change to the Community Access Section of the Code of Meeting Practice Version 2.3 that has the following wording:

People who have been deemed a Difficult Person in accordance with one of the categories as defined in Council's Dealing with Difficult People Policy may be excluded from being eligible to address Council during Community Access.

This wording was incorporated into the Dealing with Difficult People Policy Version 1.0 and exhibited as Version 1.1, in accordance with Council's resolution of Thursday 21 March that:

the Dealing with Difficult People Policy Version 1.1 is placed on public exhibition for 28 days and submission be invited for a period of 42 days;

The draft policy was placed on public exhibition on Wednesday 27 March, with submissions closing on Friday 17 May 2013.

Two submissions were received during the submission period and are detailed in the report.

RECOMMENDATION:

That in accordance with Section 161 of the Local Government Act 1993, the Dealing with Difficult People Policy Version 1.1, be adopted without amendment.

REPORT:

SUMMARY OF REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that:

the Dealing with Difficult People Policy Version 1.1 is placed on public exhibition for 28 days and submission be invited for a period of 42 days;

The Policy had primarily been drafted, based on information released by the NSW Ombudsman in Dealing with Difficult People guidelines.

The draft policy was placed on public exhibition on Wednesday 27 March, with submissions closing on Friday 17 May 2013.

Two submissions were received during the submission period and are detailed as follows:

Submission 1

- It would be fairer to wait until such a person appears at community access and clearly behaves in an unreasonable way to warn them that they will be unable to present again in future, perhaps after “three strikes and you are out”
- To leave the decision to one individual's judgement ie the General Manager leaves too much room for a biased decision.
- See potential for certain concerned residents being unfairly excluded from community access on a bogus claim that they were a “difficult person”.

Comment

The decision to declare a person “a Difficult Person” is a comprehensive process and does not occur over a bogus claim. There is usually a recommendation from officers in the Corporate Government Unit who then investigate the case, which requires support from the Divisional Director and then approval by the General Manager.

The policy requires the person to be given an opportunity to make representations about Council's proposed course of action, which must be then considered before the person is actually declared “a *difficult person*”.

Submission 2

- Suggest that the Policy be amended to include that the identification of “a difficult person” be approved not only by the General Manager, but corroborated by 2 other senior staff also ie the Directors of relevant Departments being affected by the individual's behaviour, including written evidence to support the need for identifying this individual as such and then be approved by Councillors. Restriction of access should also include Councillors.

Comment

Council's determination process to declare a person “a difficult person” is already in accord with the suggested process, which also requires the General Manager to advise the Councillors as soon as possible of the relevant circumstances relating to the declaration and the action taken.

With regard to restriction of access to a Councillor, it is suggested that an individual councillor should determine how they will interact with the person.

OPTIONS:

1. Adopt the Dealing with Difficult People Policy Version 1.1, without amendment
2. Do not change the Dealing with Difficult People Policy Version 1.0.

CONCLUSION:

Council adopt the Dealing with Difficult People Policy Version 1.1, as exhibited without amendment.

COUNCIL IMPLICATIONS:

a. Policy:

Will become Dealing with Difficult People Policy Version 1.1, following adoption.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

In accordance with NSW Ombudsman Guidelines.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Civic Leadership

1.2.1 Council will be underpinned by good governance and transparency in its decision making process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Dealing with Difficult People Policy Version 1.1
(ECM 64424685).

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**80 [TCS-CM] Disposal of Surplus Goods, Materials and Portable Assets Policy
Version 1.0**

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the Disposal of Surplus Goods, Materials and Portable Assets Policy, Version 1.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seek public submissions for 42 days.

The draft policy was placed on public exhibition on Wednesday 27 March 2013, with submissions closing on Friday 17 May 2013.

No submissions were received during the submission period and it is recommended that the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, be adopted without amendment.

Council is required to review local policies within 12 months of an election in accordance with Section 165(4) of the Local Government Act 1993. The basis for the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0 resulted from a review of Council's Disposal of Assets Policy Version 1.1.

The Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, provides a balanced solution to Council's legal requirements, officers responsibilities, the management of potential risks of corruption and ensures that disposal processes are documented.

RECOMMENDATION:

That

- 1. In accordance with Section 161 of the Local Government Act 1993, the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0 be adopted without amendment**
- 2. The Disposal of Assets Policy Version 1.1 be deleted as it has been replaced by the disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0.**

REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the Disposal of Surplus Goods, Materials and Portable Assets Policy, Version 1.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seek public submissions for 42 days.

The draft policy was placed on public exhibition on Wednesday 27 March 2013, with submissions closing on Friday 17 May 2013.

No submissions were received during the submission period and it is recommended that the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, be adopted without amendment.

Council is required to review local policies within 12 months of an election in accordance with Section 165(4) of the Local Government Act 1993. The basis for the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0 resulted from a review of Council's Disposal of Assets Policy Version 1.1.

The Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0, provides a balanced solution to Council's legal requirements, officers responsibilities, the management of potential risks of corruption and ensures that disposal processes are documented.

OPTIONS:

1. Adopt the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0.
2. Not adopt the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0.
3. Retain the Disposal of Assets Policy Version 1.1.

CONCLUSION:

Council adopt the Disposal of Surplus Goods, Materials and Portable Assets Policy Version 1.0(replacing the Disposal of Assets Policy) without amendment.

COUNCIL IMPLICATIONS:

a. Policy:

Will become a Corporate Policy when adopted.

b. Budget/Long Term Financial Plan:

Income from sales will be allowed in the annual budget

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1 Civic Leadership

1.2.1 Council will be underpinned by good governance and transparency in its decision making process.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Disposal of Surplus Goods, Materials and Portable Assets
Policy Version 1.0 (replacing the Disposal of Assets Policy
Version 1.1 (ECM 2968669)).

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81 [TCS-CM] Draft Subpoenas Policy Version 1.0

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

SUMMARY OF REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the draft Subpoenas Policy on public exhibition for a period of 28 days and seeks submissions for a period of 42 days;

The basis for developing the Subpoenas Policy is to accord to best practice and advise legal firms and persons whom serve subpoenas on Council, how they will be managed within Council. This process is principally in regard to verifying the validity of the subpoena, payment of conduct money; claiming loss or expense in relation to complying with a subpoena; seeking an extension of time to produce the documents to the issuing court and requesting the issuing court to withhold release of the documents until Council's claim has been paid or a cost order issued.

The draft policy was placed on public exhibition from Wednesday 27 March to Friday 17 May 2013, with no submissions being received.

RECOMMENDATION:

That in accordance with Section 161 of the Local Government Act 1993 the Draft Subpoenas Policy Version 1.0 be adopted without amendment.

REPORT:

Council at its meeting held on Thursday 21 March 2013 resolved that it:

Places the draft Subpoenas Policy on public exhibition for a period of 28 days and seeks submissions for a period of 42 days;

The basis for developing the Subpoenas Policy is to accord to best practice and advise legal firms and persons whom serve subpoenas on Council, how they will be managed within Council. This process is principally in regard to verifying the validity of the subpoena, payment of conduct money; claiming loss or expense in relation to complying with a subpoena; seeking an extension of time to produce the documents to the issuing court and requesting the issuing court to withhold release of the documents until Council's claim has been paid or a cost order issued.

The draft policy was placed on public exhibition from Wednesday 27 March to Friday 17 May 2013, with no submissions being received.

OPTIONS:

1. Adopt the Draft Subpoena Policy Version 1.0;
2. Not adopt the Draft Subpoenas Policy Version 1.0.

CONCLUSION:

Council adopts the Draft Subpoenas Policy Version 1.0 without amendment.

COUNCIL IMPLICATIONS:

a. Policy:

The Subpoenas Policy Version 1.0 will become a Corporate Policy of Council when adopted and fees and charges associated with this proposed policy are on public exhibition.

b. Budget/Long Term Financial Plan:

Income generated will be allowed in the annual budget

c. Legal:

In accordance with Practitioners Guide to Civil Litigation.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process.
- 1.2.1.6 Access to information

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1 Draft Subpoenas Policy Version1.0 (ECM 64412852).

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82 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 May 2013

SUBMITTED BY: Financial Services

Valid



Civic Leadership

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$157,421,096** invested as at **31 May 2013** and the accrued net return on these funds was **\$610,340** or **4.65%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 May 2013 totalling \$157,421,096 be received and noted.

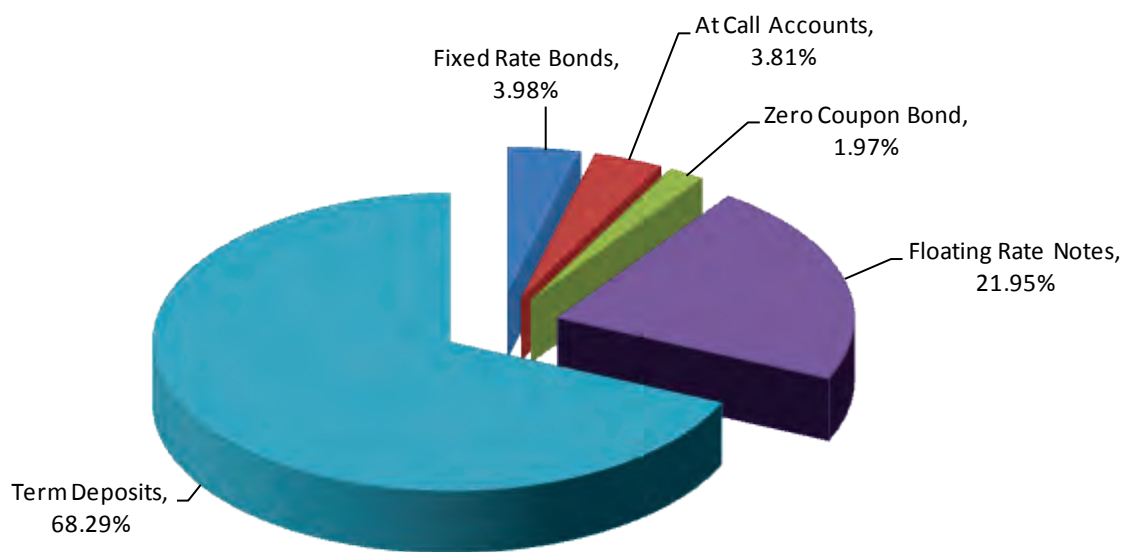
REPORT:

1. Restricted Funds as at 1 July 2012

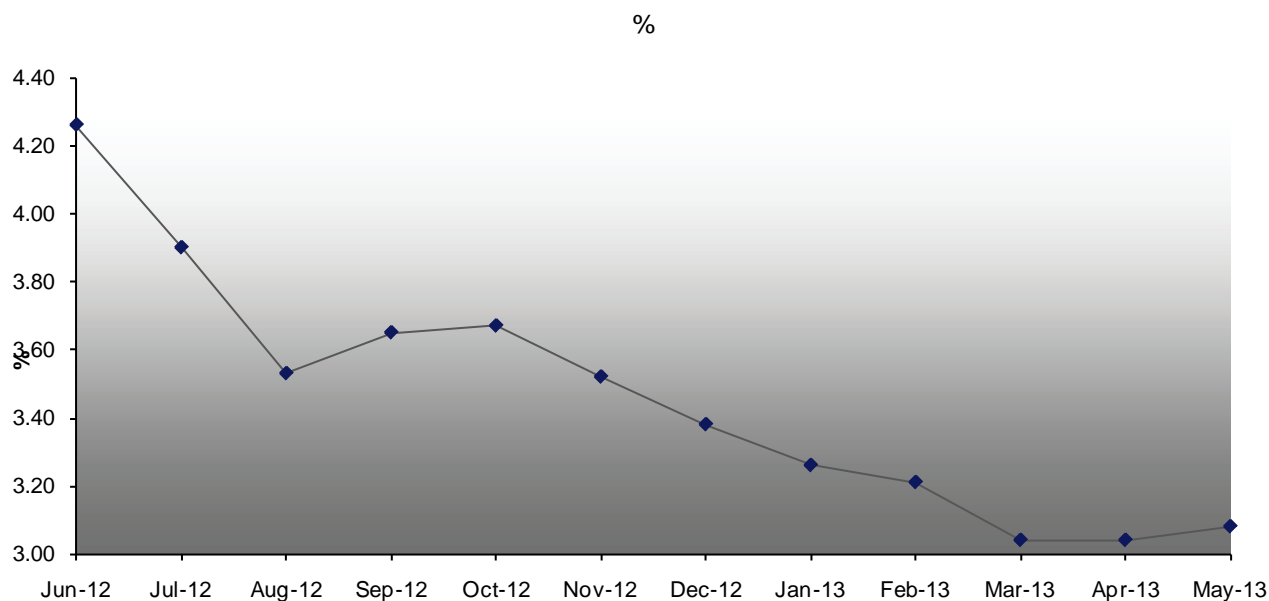
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted	2,441	15,262	51,519	69,222
Crown Caravan Parks	14,980			14,980
Developer Contributions	24,720	6,805		31,525
Domestic Waste Management	9,221			9,221
Grants	4,781			4,781
Internally Restricted	21,294			21,294
Employee Leave Entitlements	4,414			4,414
Grants	6,013			6,013
Unexpended Loans	9,753			9,753
Total	97,617	22,067	51,519	171,203

Note: Restricted Funds Summary updated September 2012, corresponding with the Annual Financial Statements as at 30 June 2012

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Direct Securities

Counterparty	Face Value	Market Value	% Return on Face Value	Maturity Date	Investment Type
AMP (ANZ) (03/16)	1,700,000.00	1,722,050.70	4.13	14/03/2016	FRN
AMP (RBS) (06/14)	2,000,000.00	2,008,444.00	4.19	06/06/2014	FRN
AMP (RIM)	2,001,460.00	2,002,204.00	3.86	29/05/2017	FRN
ANZ/Suncorp (05/14)	2,000,000.00	2,011,640.00	3.91	26/05/2014	FRN
Bendigo (FIIG) (11/15)	1,000,000.00	1,010,580.00	4.35	02/11/2015	FRN
Bendigo (RBS) (05/17)	2,000,000.00	2,010,340.00		17/05/2017	FRN
BOQ (ANZ)	1,000,000.00	1,000,230.00	4.30	30/05/2016	FRN
BOQ (RBS)	1,000,000.00	1,000,230.00	4.30	30/05/2016	FRN
CBA (08/16)	1,000,000.00	1,022,590.00	4.07	02/08/2016	FRN
CBA (08/16)	2,000,000.00	2,045,180.00	4.07	02/08/2016	FRN
CBA Retail Bond (12/15)	492,500.00	500,500.00	4.09	24/12/2015	FRN
CBA Retail Bond (12/15)	498,250.00	500,500.00	4.09	24/12/2015	FRN
CBA Retail Bond (12/15)	1,000,000.00	1,001,000.00	4.09	24/12/2015	FRN
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,100,000.00	7.28	22/01/2018	Fixed Rate Bond
Heritage (RBS) (06/17)	1,325,000.00	1,417,750.00	7.25	20/06/2017	Fixed Rate Bond

Counterparty	Face Value	Market Value	% Return on Face Value	Maturity Date	Investment Type
ING (RBS) (09/15)	2,000,000.00	2,095,000.00	5.50	03/09/2015	Fixed Rate Bond
ING (RBS) (09/15)	2,000,000.00	2,095,000.00	4.22	03/09/2015	Fixed Rate Bond
Macquarie (RIMSEC) (03/14)	1,000,000.00	1,016,347.00	4.97	13/03/2014	FRN
NAB (06/16)	2,000,000.00	2,058,460.00	4.21	21/06/2016	FRN
NAB (11/15)	1,000,000.00	1,021,210.00	4.10	05/11/2015	FRN
NAB Direct (12/14)	1,000,000.00	1,023,510.00	4.33	19/12/2014	FRN
Rabo (07/16)	1,000,000.00	1,014,500.00	4.07	27/07/2016	FRN
Rabo (07/16)	1,000,000.00	1,014,500.00	4.07	27/07/2016	FRN
Suncorp (FIIG) (04/15)	2,000,000.00	2,039,960.00	4.49	23/04/2015	FRN
Suncorp (Westpac) (04/15)	1,000,000.00	1,019,980.00	4.49	23/04/2015	FRN
Suncorp (Westpac) (04/15)	2,000,000.00	2,039,960.00	4.49	23/04/2015	FRN
Suncorp (Westpac) (04/16)	2,000,000.00	2,021,140.00	4.09	11/04/2016	FRN
Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,070,580.00	4.75	06/12/2016	Fixed Rate Bond
Westpac (RBS) (02/17)	1,000,000.00	1,037,710.00	4.42	20/02/2017	FRN
Totals	44,017,210.00	43,921,095.70	4.51		
LEGEND	ABS = Asset Backed Security Bond = Fixed Rate Bond CDO = Collateralised Debt Obligation FRN = Floating Rate Note				
AMP = AMP Bank ANZ = ANZ Bank BOQ = Bank of Queensland CBA = Commonwealth Bank		BB = Bendigo Bank Heritage = Heritage Bank ING = ING Bank Investec = Investec Bank Macquarie = Macquarie Bank NAB = National Australia Bank		ME = Members Equity Bank RaboDirect = Rabo Bank Rural = Rural Bank Suncorp = Suncorp Metway Bank Westpac = Westpac Bank	

5. Term Deposits

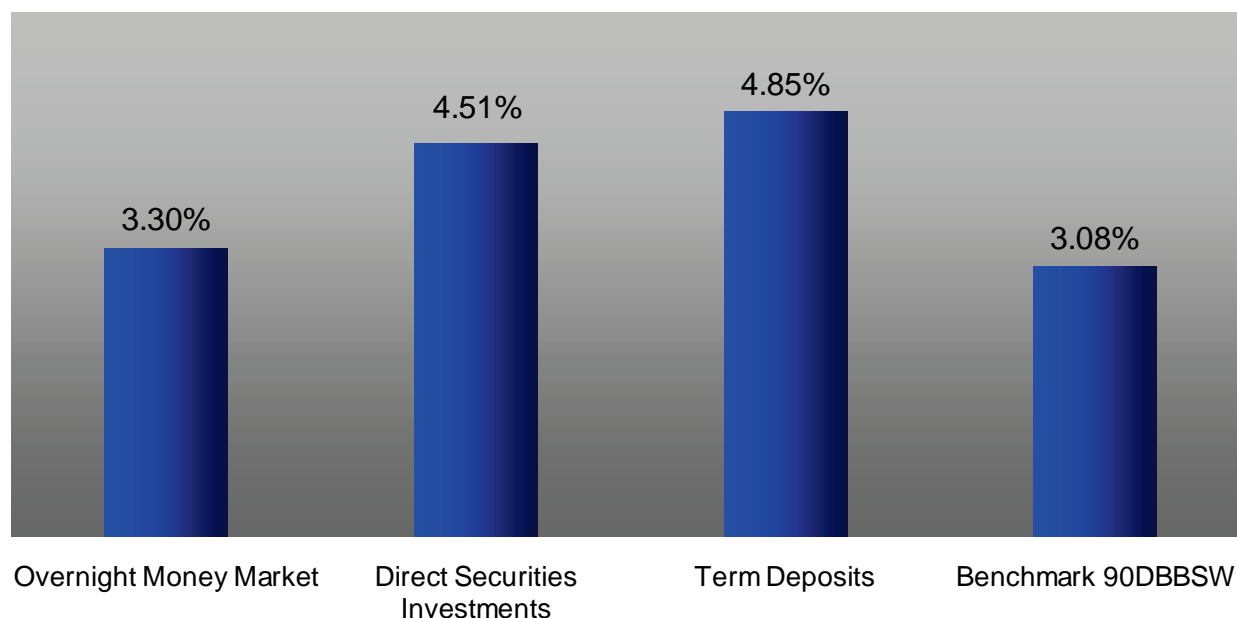
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
11-Mar-13	11-Jun-13	ING (RIMSEC) (Sept 2013)	2,000,000.00	92	4.60
11-Mar-13	11-Jun-13	Investec (RIMSEC) (Jun 2014)	1,000,000.00	92	5.00
19-Mar-13	11-Jun-13	MEB (RIMEC) (Mar 2013)	4,000,000.00	84	4.35
11-Mar-13	11-Jun-13	Westpac (Jun 2013)	2,500,000.00	92	4.35
26-Mar-13	25-Jun-13	Westpac (Jun 2013)	2,000,000.00	91	4.35
03-Jun-13	03-Jul-13	NAB (Sept 2013)	3,000,000.00	30	4.40
04-Apr-13	04-Jul-13	BOQ (Apr 2014)	2,000,000.00	90	4.57
08-Apr-13	08-Jul-13	Westpac (Apr 2016) quarterly interest	2,000,000.00	91	4.56
05-Feb-13	09-Jul-13	Rural (Curve) (Feb 2013)	2,000,000.00	154	4.25
08-Jan-13	10-Jul-13	MEB (Jul 2013)	4,000,000.00	183	4.70
11-Apr-13	11-Jul-13	Westpac (Jan 2016)	8,000,000.00	91	4.34
15-Jan-13	16-Jul-13	Suncorp (Jul 2013)	3,000,000.00	182	4.56
22-Jan-13	23-Jul-13	BOQ (July 2013)	2,000,000.00	182	4.50
15-Jan-13	23-Jul-13	NAB (July 2013)	4,000,000.00	189	4.56
21-Jul-12	23-Jul-13	Suncorp (RBS) (July 2013) annual interest	1,000,000.00	366	7.30
26-Jul-12	26-Jul-13	RaboDirect (Curve Jul 2015)	1,000,000.00	365	5.20
26-Jul-12	26-Jul-13	RaboDirect (Curve Jul 2016)	1,000,000.00	365	5.40
05-Feb-13	30-Jul-13	Suncorp (Feb 2013)	3,000,000.00	175	4.40
29-Jan-13	30-Jul-13	Suncorp (Jan 2013)	5,000,000.00	182	4.42
05-Feb-13	06-Aug-13	BOQ (Aug 2013)	2,000,000.00	182	4.45
29-Jan-13	06-Aug-13	ING (RIMSEC) (Aug 2013)	2,000,000.00	189	4.47
07-Aug-12	06-Aug-13	Investec (RIMSEC) (Aug 2013)	1,000,000.00	364	5.42
13-May-13	12-Aug-13	BOQ (Nov 2013)	2,000,000.00	91	4.31
13-May-13	12-Aug-13	NAB (Feb 2015)	2,000,000.00	91	4.21
13-May-13	12-Aug-13	NAB (RBS) (Aug 2015) quarterly interest	2,000,000.00	91	6.00
12-Aug-10	13-Aug-13	BOQ (RBS) (Aug 2013) annual interest	2,000,000.00	1097	7.05
16-May-13	16-Aug-13	Westpac (Nov 2014)	2,000,000.00	92	4.14
19-Feb-13	19-Aug-13	MEB (Aug 2013)	2,000,000.00	181	4.40
20-May-13	19-Aug-13	Westpac (Feb 2016)	2,000,000.00	91	3.98
21-May-13	21-Aug-13	ING (FIIG) (Feb 2014)	1,000,000.00	92	4.17
21-May-13	21-Aug-13	ING (RIMSEC) (Feb 2015)	1,000,000.00	92	4.19
23-May-13	23-Aug-13	BOQ (Feb 2016)	1,000,000.00	92	4.41
27-May-13	27-Aug-13	NAB (RBS) (Aug 2015)	2,000,000.00	92	4.01
31-May-13	30-Aug-13	IMB (Dec 2013)	2,000,000.00	92	4.07
01-Sep-10	02-Sep-13	NAB (Sept 2013) annual interest	4,000,000.00	1098	6.52
04-Jun-13	03-Sep-13	ING (RIMSEC) (Sept 2013)	1,000,000.00	91	4.34
30-Aug-12	03-Sep-13	AMP (CURVE) (Sept 2013) annual interest	500,000.00	365	6.00
04-Jun-13	10-Sep-13	Westpac (Jun 2013)	2,000,000.00	98	4.19
30-Aug-12	10-Sep-13	AMP (CURVE) (Sept 2013) annual interest	500,000.00	365	6.00
12-Mar-13	10-Sep-13	ING (RIMSEC) (Sep 2013)	2,000,000.00	182	4.45
26-Mar-13	24-Sep-13	NAB (Mar 2013) annual interest	1,000,000.00	182	4.43
23-Apr-13	01-Oct-13	Rural Bank (Oct 2013)	1,000,000.00	161	4.40
23-Apr-13	08-Oct-13	ING (RIMSEC) (Oct 2013)	2,000,000.00	168	4.40
11-Oct-12	11-Oct-13	CBA (Oct 2015) annual interest	1,000,000.00	365	4.85
19-Mar-13	15-Oct-13	ING (Curve) (March 2013)	2,000,000.00	210	4.42
22-Jan-13	22-Oct-13	NAB (Oct 2013)	2,000,000.00	273	4.45
12-Nov-12	11-Nov-13	RaboDirect (Curve) annual interest	1,000,000.00	366	6.40
20-Nov-12	19-Nov-13	NAB (Nov 2012)	2,000,000.00	364	4.72
01-Mar-13	26-Nov-13	Rural (Curve) (Nov 2013)	2,000,000.00	270	4.30
07-Feb-13	07-Feb-14	RaboDirect (Curve) (Feb 2015)	1,000,000.00	366	6.00

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
		annual interest			
20-Feb-13	18-Feb-14	Heritage Bank (Feb 2014)	2,000,000.00	363	4.40
22-Mar-11	25-Mar-14	BOQ (Mar 2014) annual interest	1,000,000.00	1099	6.75
22-Mar-11	22-Mar-16	RaboDirect (RIMSEC) (Mar 2016) annual interest	1,000,000.00	1827	7.15
			107,500,000.00		4.85
LEGEND AMP = AMP Bank ANZ = ANZ Bank BOQ = Bank of Queensland CBA = Commonwealth Bank Heritage = Heritage Bank ING = ING Bank Investec = Investec Bank Macquarie = Macquarie Bank NAB = National Australia Bank ME = Members Equity Bank NPBS = Newcastle Permanent Building Society RaboDirect = Rabo Bank Rural = Rural Bank Suncorp = Suncorp Metway Bank Westpac = Westpac Bank					

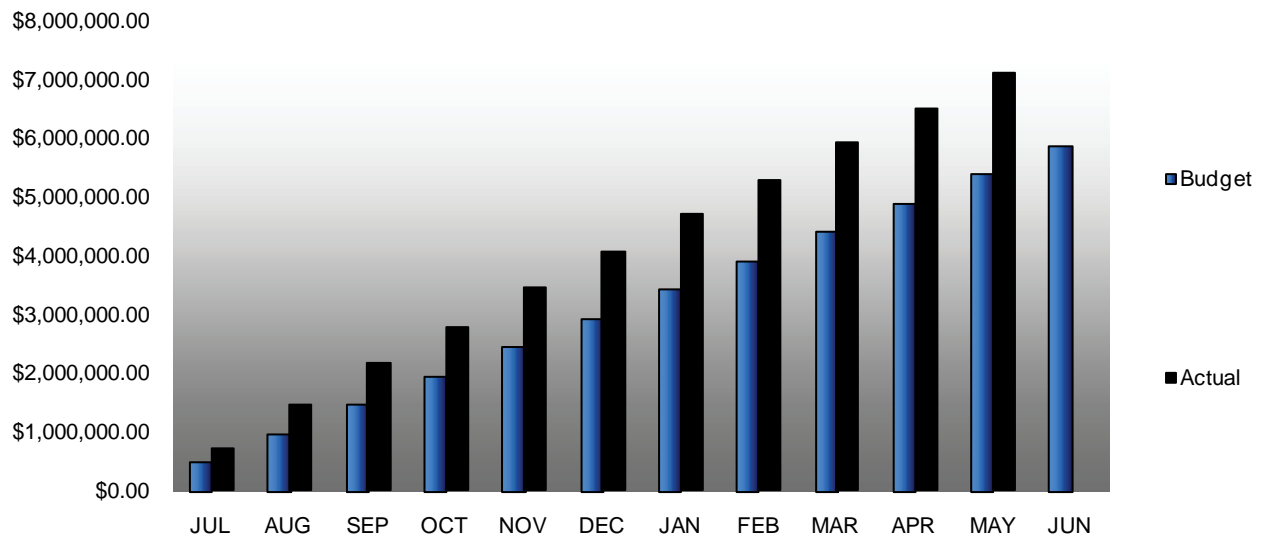
6. Performance by Category

Category	Face Value	Market Value	Average Return	Above or (Below) 90 day BBSW Benchmark
Overnight Money Market	\$6,000,000.00	\$6,000,000.00	3.30%	0.22%
Direct Securities Investments	\$44,017,210.00	\$43,921,095.70	4.51%	1.43%
Term Deposits	\$107,500,000.00	\$107,500,000.00	4.85%	1.77%
Benchmark 90DBBSW	\$157,517,210.00	\$157,421,095.70	3.08%	Benchmark 90 Day UBS Bank Bill Index

Performance by Category Compared with Benchmark



7. Total Portfolio Income v Budget



8. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	1.27%	A-1+	100%	16.82%
AA Category	100%	22.22%	A-1	100%	19.04%
A Category or below	60%	13.14%	A-2	60%	17.79%
BBB Category or below	20%	1.90%	A-3	0%	0.00%
Unrated	10%	5.92%	Unrated	10%	1.90%

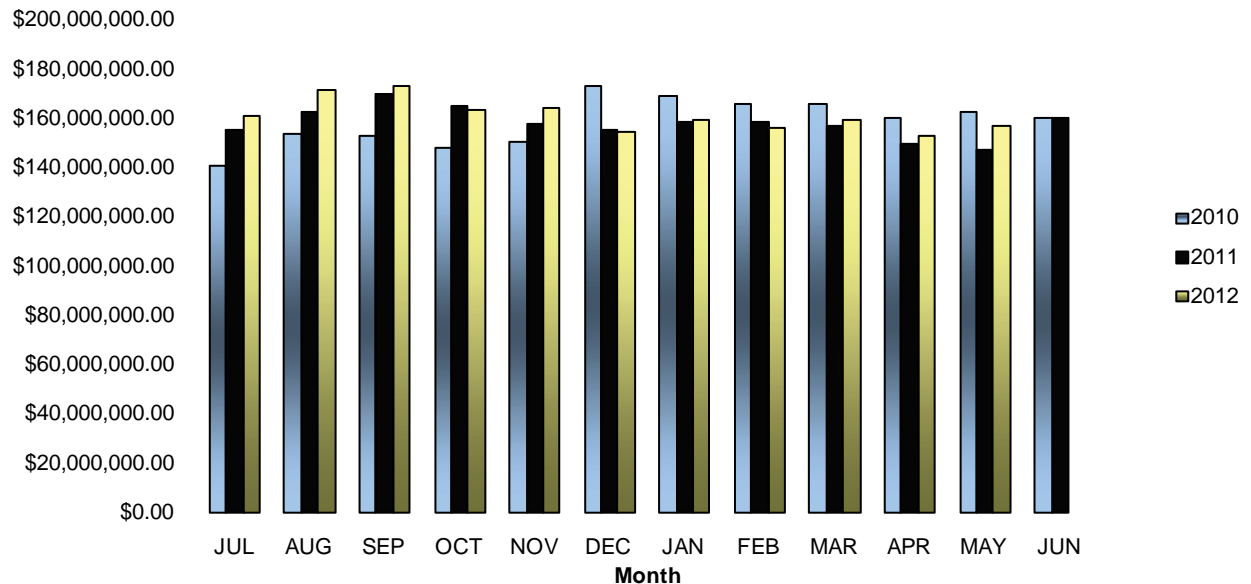
9. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	55.55%	Minimum 40% of portfolio
Between 365 days and 2 years	9.52%	Maximum 60%
Between 2 years and 5 years	34.93%	Maximum 35%
Total	100.00%	

10. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

11. Monthly Comparison of Total Funds Invested



12. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	4,040,037	-
02	Banora Point Western Drainage	551,669	-
03	Banora Point West/ Tweed Heads South Community Facilities	40,110	-
04	Tweed Road Contribution Plan	7,608,884	586,051
05	Local Area Open Space	880,881	1,474
06	Street Tree Planting in Residential Areas	136,412	
07	West Kingscliff Opens Space & Drainage	416,509	
10	Cobaki Lakes Open Space & Community Facilities	(1,030)	
11	Shire Wide Library Facilities	1,469,296	1,067
12	Bus Shelters	59,626	-
13	Eviron Cemetery	(31,351)	166
14	Mebbin Springs Subdivision - Rural Road Upgrading	83,035	-
15	Community Facilities	433,666	2,704
16	Emergency Facilities - Surf Lifesaving	338,890	148
18	Council Administration & Technical Support	995,634	2,417
19	Kings Beach/Casuarina/Kings Forest	173,019	-
20	Seabreeze Estate - Open Space	693	-
21	Terranora Village Estate - Open Space & Community Facilities	28,429	-
22	Shirewide Cycleways	282,110	141

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
23	Shirewide Carparking	2,047,966	-
25	Salt Development - Open Space & Car Parking	1,005,864	-
26	Shirewide/Regional Open Space	1,492,887	6,267
27	Tweed Heads Masterplan Local Open Space & Streetscaping	95,702	-
28	Seaside City	41,411	-
90	Footpaths & Cycleway	-	-
91	DCP14	99,371	-
92	Public Reserve Contributions	124,631	-
95	Bilambil Heights	485,929	-
Total		22,900,279	600,435

13. Economic Commentary

Australian Economy and Cash Rate

At the Reserve Bank of Australia (RBA) meeting on 4 June 2013 the cash rate remained on hold at 2.75%. Internationally, the RBA conceded that global growth was running below trend however a pickup in 2014 was possible. Inflation levels remain low, while monetary policy remains extremely accommodative. In reference to Australia's biggest economic relationship with the global economy, the RBA mentioned that commodity prices have fallen from peak levels, however current prices still remain well above historical averages.

United States

Economic news out of the US continued to show signs it was on the path to recovery, causing a host of Fed speakers to raise the point that tapering the pace of the current Quantitative Easing program could become justifiable. A strong non-farm payrolls release at the beginning of May and subsequent low unemployment rate (lowest in four years) at 7.5% buoyed sentiment around the US economy. Growth indicators still remained slightly subdued however continued signs of recovery are being seen in the housing and manufacturing sectors.

Japan

The Bank of Japan (BoJ) kept monetary policy unchanged at its meeting on 22 May, on the basis that the big stimulus package unveiled in April would spur growth and lift prices. It hopes huge purchases of longer-dated Japanese government bonds will keep interest rates low and stable enough to prompt consumers to spend and businesses to invest. Japan's economy has started picking up. Output increased at its fastest pace in a year in the first quarter, boosted by a rise in net exports and private consumption. However, sharp price fluctuations in government bond markets have led to fears that the BoJ is losing its ability to set benchmarks for the price of borrowing.

China

Markets remained cautious around the progress of the Chinese economy, with growth starting to languish and demand for key commodities remaining lacklustre. This was highlighted with the Chinese HSBC PMI reading which printed below 50 (signalling a contraction) for the first time in seven months. Chinese industrial production fell below market expectations as PMI services indices barely remained in positive territory. On the positive side, domestic consumption continues to remain a buoyant factor in maintain growth levels, with retail sales data consolidating throughout the month.

Eurozone

Eurozone GDP contracted for the sixth consecutive quarter in 2013, as the pace of the economic recovery remains sub-par. The latest Italian, German and UK manufacturing PMI prints provided some of the few economic highlights, with overall manufacturing across the Eurozone remains sluggish. The UK recorded a surprising GDP growth figure however inflation failed to deliver on expectations. As is the case with most European countries, consistently positive economic data remains difficult to achieve. The EUR largely held its ground against the USD throughout the month, performing well given the resurgent strength of the USD.

New Zealand

The unemployment rate fell to 6.2%, responding to a pick-up in local conditions, well ahead of market expectations. Building consents and Business Confidence remained stronger throughout May however retail sales weakened modestly. The RBNZ left rates unchanged at 2.50% ahead of the upcoming June meeting. The RBNZ commented on how its plans to continually monitor an overheating housing sector and currency, noting intervention may be required.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 72.10% of the portfolio held in term deposits. Term deposit and bond margins above the 90 day bank bill rate remain relatively high and continue to provide above benchmark returns while minimizing capital risk. An all time low cash rate is translating to falling investment yields, making it difficult to obtain substantial and sustainable investment income.

All investment categories including cash at call out-performed the UBS 30 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 1.7% pa above the 30 day UBS bank bill index for the last 12 month period.

Source: RBA Commentary and Oakvale Treasury Report

14. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS	9,360,580.00		
FLOATING RATE NOTES	34,560,515.70		
ASSET BACKED SECURITIES	0.00		
FUND MANAGERS	0.00		
TERM DEPOSITS	41,000,000.00		
WATER FUND	CALL ACCOUNT	6,000,000.00	90,921,095.70
TERM DEPOSITS	25,500,000.00		
SEWERAGE FUND	FUND MANAGERS	0.00	25,500,000.00
TERM DEPOSITS	41,000,000.00		
FUND MANAGERS	0.00	41,000,000.00	
TOTAL INVESTMENTS			157,421,095.70

It should be noted that the General Fund investments of \$90 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

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

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



Responsible Accounting Officer
Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.35 Council funds are invested in accordance with legislation requirements and Council Policy
- 1.3.1.35.1 Council funds are invested to provide maximum returns whilst having due regard to risk

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

83 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013 be received and noted.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 18 January 2013 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council

Time:

9.00am

Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative) from 9.00am to 11.30am and from 1.28pm to 1.45pm, Mayor Barry Longland (Tweed Shire Council representative).

Ex-officio:

Anne McLean (Tweed Shire Council)

Guest Observers (in order of arrival):

Tim Robins (Everick) from 10.00am.

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-operative Society Limited representative), David Oxenham (Tweed Shire Council)

Chair: Aunty Joyce Summers

RESOLVED that 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 respects to Elders past and present.

Minutes of Previous Meeting:

Nil.

Agenda Items:

A1 River Heights Tourist Park (Tim Robins - Everick)

Proposal is to take the top of the cliff off to develop the site. Kirkwood Road batter is within the perimeter of the property as is the Tuckeroo Tree and artefacts.

Everick has advised the developer that the community is not happy with that. Everick confirmed the area is consistent with significant site characteristics.

Everick has recommended property owner meet with the community to discuss concerns.

Des Williams advised development, clearing and scraping of the top of the hill is not supported.

Developer has asked if test excavations can be done. Everick asked opinion of community in relation to test excavations.

Everick advised the purpose of testing is to ascertain if there is any physical heritage (artefacts) in the area proposed for development. There needs to be anthropological evidence for the site to be registered as an Aboriginal place. Council may determine that the site is significant regardless and not allow development.

Jackie McDonald advised there is another high ridgeline on the site identified in the walk over. Everick noted there has been no investigation undertaken at this time awaiting permit to clear vegetation to see if artefacts can be identified in that area.

Testing will involve pits. Des advised the soil is clay and will be holding artefacts. Pits must be placed where there is the highest likelihood of finding an artefact. Everick will use scientific placement of pits to try to tell story of site and changing geology.

Leweena Williams asked how will non-physical elements be viewed eg. known trail and Tuckeroo Tree? Everick advised that a Court of Law tends to put most emphasis on physical however cultural heritage assessment needs to identify non-physical elements/importance of site regardless.

Jackie McDonald and Des noted existing area (identified Tuckeroo Tree) is not able to be developed at all. It must be preserved. Des noted community will go to Court to protect the tree and surrounding area because of its alignment to other sites across the Shire. Tree is the highest point and has key observation points.

Everick recommending excavation is done with an excavator. Des stated need to engage a very experienced excavator operator.

Action: That Everick prepare draft excavation strategy for community to consider.

Action: AAC requested developer fence tree and surrounding area to prevent access and ensure protection of the site.

Moved: Des Williams

Seconded: Leweena Williams

RESOLVED that the Aboriginal stakeholders (AAC members) meet on site with the owner of the site (Robert Sullivan) to discuss cultural heritage concerns and steps required to proceed with the development.

Jackie asked who is responsible for registering site. Everick noted Council is responsible. Des advised NPWS officer has been to site and it is recognised by the National Parks field officer as a site and will be recorded as such. Everick will need to investigate NPWS status on behalf of developer.

A2. Midden site at Champagne Drive (part of Fraser Drive residential subdivision), Tweed Heads South

Will be residential development around midden. Trying to prepare a protection strategy to keep midden safe as it is fragile. Jackie has suggested it should be kept for an educational purpose.

Could there be a viewing and interpretive cross-section of the midden, including story and signage? Des suggested to take section will destroy midden. Everick believes this midden is too small to put that into effect; however they are proposing to use suggestion with midden at Cobaki. Jackie said at least we should photograph midden and install signage so people are aware of site in the future.

Leweena Williams left meeting at 11.30am.

Signage, landscaping and fencing is developer's responsibility. Council would be responsible for maintenance.

Everick noted the other issue is providing access to the site. Developer has an access proposal. Jackie prefers access from Fraser Drive; Council did not indicate a preference. Developer is now proposing access via Fraser Drive.

Developer seeking to lodge a Management Plan with Department of Planning (as per Cultural Heritage Management Plan tabled). Jackie asked Everick to clarify reference to Aboriginal Coordinator (page 10). Jackie asked if this item could be removed. Everick noted the report would be amended to refer to specified cultural monitors.

Action: Everick will amend draft Cultural Heritage Management Plan to add individual stakeholders and remove reference to Aboriginal Coordinator.

Jackie referred to page 16 of document.

Action: Aboriginal Advisory Committee advised the midden is to be photographed following geotech process with appropriate signage installed and access from Fraser Drive.

Action: Everick will amend draft Cultural Heritage Management Plan to note that in the event of bad weather cultural monitors to be reimbursed for a minimum of four hours work.

3. Wooyung Planning Proposal
Everick advised proposal is about to be lodged.

Everick will report the community opinion is divided. TBLALC has given conditional support for the project. Revised development proposal is low impact compared to alternate proposal. However not known what is sub-surface on the site.

Jackie asked if TBLALC supported alternate proposal because it was lower impact. Des confirmed that the existing approved development is not acceptable in any form. TBLALC has given in-principle support but reserves the right to withdraw.

Jackie still does not support any development on site. Aunty Joyce does not support any development on the site.

Outstanding Matters Report

O35 The Palms Caravan Park, Dry Dock Road, Tweed Heads South
On hold until houses are removed to assess land under houses.

C155 Altitude Aspire (Area E) [Closed Item]
Final report sent electronically to Council.

O38 Kings Forest

Plans forwarded 17 January 2013. Item closed.

O34 Wardrop Valley Road, Murwillumbah

Requests of Aboriginal Advisory Committee for test pits have not met with objection from developer; requesting a determination for project. Seek updates from Council periodically.

O20 Mooball Residential Rezoning

Noted - Refer to Planning for further updates.

O21 & O23 Cobaki Lakes

Everick commissioned a peer review of Cultural Heritage Management Plan to confirm findings. Data and dating of artefacts is still being confirmed. Everick could not prove the midden was damaged from earthwork. Negotiations for employment opportunities and keeping place for artefacts continue

O14 Tweed City Shopping Centre

Everick revisited site in October. Area of interest is sand and similar sand source to the Cobaki site. Developer has advised no longer considering an understorey car park. Everick has made recommendations to the developer but final report not submitted at this time. On hold.

Leweena Williams returned to the meeting at 1.28pm.

A2. Midden site at Champagne Drive (part of Fraser Dve residential subdivision), Tweed Heads South

The AAC made the following recommendation:

Moved: Jackie McDonald

Seconded: Des Williams

RESOLVED that Everick is requested to undertake radiocarbon dating of the Fraser Drive Midden site.

A3. Cobaki Lakes

The AAC made the following recommendation:

Moved: Jackie McDonald

Seconded: Des Williams

RESOLVED that Everick request the Cobaki Lakes development Excavation Report be released to the AAC.

General Business:

GB2.All Access Playground Working Group

Anne McLean informed the AAC of a working group meeting to discuss plans for an All Access Playground proposed at Coral Street, Tweed Heads. Anne noted the working group at this stage does not have an Aboriginal representative and asked the Committee extend an invitation for interested persons or services to send representative(s). Further information can be obtained through Karen Collins, Council's Aged and Disability Development Officer.

GB3.Junction Park Signage

Documents pertaining to proposed signage for Tumbulgum tabled. Committee discussed Aboriginal significance of name.

Action: Anne McLean to investigate paperwork originally lodged with Geographical Names Board to support name of Tumbulgum.

Action: Anne McLean to liaise with Ian Fox, Converge regarding historical records in the Bundjalung Mapping Project that may be relevant to the name Tumbulgum.

Action: Des Williams to liaise with Aboriginal knowledge holders regarding meaning of the name Tumbulgum.

GB4.Welcome to Country Information

Anne McLean circulated the information sheet prepared by the Communications and Marketing Section for consideration by the AAC. The document will be discussed in detail at a future meeting.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 1 February 2013.

The meeting closed at 1.45pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 25 September 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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84 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

A4. River Heights Tourist Park (DA12/0364)

That Council notes that the Development Application 12/0364 as submitted is not supported by the Aboriginal Advisory Committee until a thorough Cultural Heritage Assessment has been undertaken on the site.

A2 Fingal Quarry

That Council notes that the Aboriginal Advisory Committee supports the rejuvenation plan for Fingal Quarry provided by Fingal Head Coastcare which includes telegraph poles and native plantings.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 February 2013 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Museum and Cultural Centre, Tweed Heads South

Time:

9.45am

Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative); Desrae Rotumah (Tweed Aboriginal Co-Operative Society Limited representative).

Ex-officio:

Anne McLean (Tweed Shire Council) (arrived at 10.40am), Gabby Arthur (Tweed Shire Council) (Minutes).

Guest Observers (in order of arrival):

Rob Appo (Converge) (arrived at 10.00am), Robyn Eisermann (Tweed Shire Council) (arrived at 10.00am), Colleen Forbes (Tweed Shire Council) (arrived at 10.30am), Kay Bolton (Fingal Head Coastcare) (arrived at 11.00am), Bill Tatchell (Destination Tweed) (arrived at 11.30am).

Apologies:

Barry Longland (Mayor of Tweed Shire), David Oxenham (Tweed Shire Council).

Chair: Aunty Joyce Summers

Moved: Des Williams

Seconded: Leweena Williams

RESOLVED that 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: Jackie McDonald

Seconded: Des Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held 7 December 2012 be accepted as a true and accurate record of the proceedings of that meeting with the exception that:

O4 Pacific Highway Banora Point - the agreed wording for Wilsons Park signage - all references to "Dreamtime" to be changed to "Dreaming" as per the decision made at the meeting. The dreamtime covers the whole of creation and the dreaming is a specific part of the dreamtime.

Business Arising:

Business Arising was suspended for Agenda Items.

Agenda Items:

A1 Aboriginal Cultural Heritage Management Plan - Rob Appo (Converge) and Robyn Eisermann (Tweed Shire Council)

(a) Ocean Drive, Chinderah Heritage Assessment

Rob Appo advised that the Ocean Drive, Chinderah Heritage Assessment has just been completed. A copy of the report has been provided to TBLALC, Jackie McDonald and Marvette Logan who were registered stakeholders. There are no issues so the Report is now being finalised. The property has just been sold so Converge is unsure whether the development will go ahead.

(b) Station Street, Burringbar, Cultural Heritage Assessment

TBLALC attended the site walkover and a couple of issues were identified. A level of ground clearance had been undertaken before the walkover. This has been recorded in the report. In the list of recommendations, the archaeologist will record the ground surface integrity as low because of the extent of the ground clearance. A camp site was identified on the ridgeline which is on a neighbouring property and is outside of the development area. An artefact was located in the development area. Some axe heads were also found there but they had been brought to the site and were outside of the development area. An AHIP (Aboriginal Heritage Impact Permit) will be required to register the small sandstone artefact which resembled an egg. National Parks and Wildlife Service (NPWS) will notify the land owner once the permit has issued. A midden was also located on the ridge which is an unusual area for one to be located and could have been transported to the site. A flora and fauna report has been prepared that reflects extensive ground clearance. The report is still in draft form and an electronic copy will be sent to TBLALC

(c) Aboriginal Cultural Heritage Management Plan

Rob Appo reported that the Burringbar map is nearing completion and noted the area above had previously been mapped as a having potential site for a camp site. The mapping should be completed by 28 February and will go up to Brisbane for overlaying electronically over the maps.

Craig Barrett of Converge's Sunshine Coast office has completed the draft history report using the information from his attendance at the August AAC meeting. Rob tabled the overview prepared by Craig and handed copies out to members. The draft report will be ready in two weeks and Converge will email a copy of the report to committee members prior to the March meeting for the Committee's review and discussion.

The Committee reviewed the overview document and asked that the following comments be passed onto Craig:

1. "Fingal All Blacks" should read "Tweed All Blacks" and previous to that "Tweed Natives".
2. The history includes South Sea Islander people and Aboriginal people and should reflect when the South Sea Islander people came into the picture and their links.
3. Armed Forces.

Robyn Eisermann reminded the Committee that the report is not a comprehensive chronological history - it is a thematic history and it will reference other chronological history. The thematic history was drafted based on previous discussions with Ian Fox where he

outlined 52 possible themes. If a full chronological history was done, it would use the whole project budget.

It was agreed that the Committee members could distribute the draft document to other community members for comment and feedback. The Committee is to provide all comments and feedback to Craig Barrett at the AAC meeting on 1 March 2013.

A4. River Heights Tourist Park (DA12/0364) - Colleen Forbes (Tweed Shire Council)
Colleen Forbes advised that she is the Development Assessment Officer for the River Heights Tourist Park and she is seeking some feedback from the AAC regarding whether this project is supported. Colleen noted details of the assessment have been forwarded to TBLALC for comment.

It was noted that the original Development Application included some letters of support however they were dated from the cultural heritage assessment for the previous application which was for undergrowth removal which has not proceeded. This Application is substantially different and includes a cut of 27m on the site in some areas. The revised application does not propose to undertake ground survey work prior to excavation. The Applicant's preference is to not undertake any ground survey as their view is that it is too hard to clear and can only be done with heavy machinery. Council is concerned about approving the application because of cultural sensitivity of the site and unknown impacts without a full cultural heritage survey proceeding. The discoveries of the artefacts have made this a significant site which must be taken into consideration during the assessment.

It was noted the AAC requested a further consultation with the developer at the January 2013 meeting. Further investigation needs to be done prior to approval.

Colleen's report will be prepared next week and will be recommending refusal due to cultural heritage, flora and fauna, SEPP14 impact, noise from road and airport and other landforming issues. This report will go to JRPP who will be determining the project. Colleen will recommend the Application is withdrawn and that the proponent completes the undergrowth removal and site survey then resubmit.

The development could end up in Court as an appeal.

Moved: Jackie McDonald

Seconded: Leween Williams

RECOMMENDATION:

That the Development Application 12/0364 as submitted is not supported by the AAC until a thorough Cultural Heritage Assessment has been undertaken on the site.

Carried

A2 Fingal Quarry - Kay Bolton (Fingal Head Coastcare)

(a) Fingal Quarry

Kay distributed a draft plan for the Fingal Quarry rejuvenation and advised that it has come to Fingal Head Coastcare's attention that Fingal Quarry is looking a bit uncared for; the road is being widened by people driving on the edges and people are using the area for dumping.

There is a proposal to rejuvenate the area by laying telegraph poles along the side of the road and then planting a lot of native plants behind same for small birds. The rejuvenation would make it a narrow road with a planting on both sides and perhaps some overhanging trees. There would be parking at the end close to the beach with a walkway along the ridge.

This would reduce traffic but it would still be open for emergencies. Kay tabled some photographs of the damage.

Discussion as to why Council doesn't give a number of free tipping vouchers annually to residents as this would help to stop people from dumping illegally. Householders could be issued with a small number of free vouchers each year when they pay their rates etc. Leweenaa noted it is important to send a clear message to people to be respectful of the place.

The AAC advised Kay they support the proposed plan.

Moved: Des Williams

Seconded: Leweenaa Williams

RECOMMENDATION:

That the AAC supports the rejuvenation plan for Fingal Quarry provided by Fingal Head Coastcare which includes telegraph poles and native plantings.

Carried

(b) Welcome Sign at Fingal Head

Kay asked that the AAC confirm the spelling of Booninybah/Pooninybah on the welcome sign at the lighthouse walk at Fingal Head. The AAC confirmed this is correct.

(c) Interpretive Signage at Fingal Head

Fingal Head Coastcare is working on an interpretive signage project at Fingal Head in conjunction with Council and is proposing welcome signs at the Surf Club, lighthouse car park near the nursery, possibly the quarry and one on the riverfront. Coastcare has requested Aboriginal artwork for the signs. Council has advised it has some generic Aboriginal artwork but Coastcare would prefer something original done by a Fingal Head artist.

Sascha Piotrkowski of Council is working on the project. An EOI would be required to tie in with Council protocols including Public Art Policy etc. The AAC would need to provide feedback to Anne McLean so that Council can prepare an EOI.

Action: Anne McLean liaise with Sascha Piotrkowski regarding proposed interpretive signage project at Fingal Head.

A3 Destination Tweed - Bill Tatchell (Destination Tweed)

Bill introduced himself to the AAC and provided an overview of Destination Tweed. Tourism in this area is about how we engage and interpret the natural environment. Bill wishes to paint a picture of the natural environment which will assist in gaining support from Government and Tourism Australia to access grant funding. Currently tourist engagement with the natural environment is limited to drives and walks. Bill noted the Tweed is not a mass tourist destination and never will be however the natural environment is an asset for the future.

He wishes to develop a relationship with the Aboriginal community. "Wild journeys" is a program that has been developed to make tourists aware of existing culture and heritage. Destination Tweed can join this program but need to do so with its eyes wide open. Often money is put on the table, operators take the money, try to set up and then fail because mass tourism is required. Tweed has an opportunity to join the 'Wild Journeys' program as there is currently funding available for existing tourist operators.

Bill noted that in terms of global tourism Australia is losing the market share. On the world scale, Australia received .6% of the global tourist trade. Forty three percent of people who come to Australia attend national parks. Many of those visitors wish to immerse themselves in a cultural experience. Bill is looking at how this could be developed and marketed to achieve economic sustainability. He is seeking help and assistance from the AAC and the Aboriginal community to develop a culturally sensitive tourism market.

Aunty Joyce asked what outcomes there would be for the local aboriginal community. Leweenah noted the local community must be a partner not just a bystander if such a scheme was developed.

Bill noted the outcomes for the Aboriginal community are job opportunities, ownership of the product and experiences. This could include Indigenous guides to facilitate interpretation of specific areas and if there isn't the need then signage for static interpretation. Indigenous guides could relate the uniqueness of the area, including art, hunting and gathering - an experience rather than observation. It could include a day tour to visit sites that aren't generally open to the public - a bus trip and interpretation of the site. Minjungbal Museum is an ideal facility for groups and also tour guide training. Bill would welcome the opportunity to talk with school kids, and the community about opportunities.

Jackie McDonald asked if it is likely an Aboriginal Tourism Officer could be employed to foster cultural tourism. Bill noted that a dedicated Indigenous Tourism Officer is not likely to be employed. It is likely tourism grant funding would be provided to existing operators that have proven commercial viability and that the Indigenous cultural experience would be added on to existing tours. Therefore, direct employment of local Aboriginal people as guides or the like would come through existing operators.

Bill suggested the AAC could develop a list of sites - something that could become an Indigenous itinerary for tourists to visit.

Action: Nil.

Junction Park Signage

Anne McLean asked the Committee if any discussions have been held with community members about the meaning of the name Tumbulgum. No discussions have been held yet.

General Business:

Nil.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 1 March 2013. The meeting closed at 12.15pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A4. River Heights Tourist Park (DA12/0364) - Colleen Forbes (Tweed Shire Council)
Nil.

A2 Fingal Quarry - Kay Bolton (Fingal Head Coastcare)
Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

A4. River Heights Tourist Park (DA12/0364)

That Council notes that the Development Application 12/0364 as submitted is not supported by the Aboriginal Advisory Committee until a thorough Cultural Heritage Assessment has been undertaken on the site.

A2 Fingal Quarry

That Council notes that the Aboriginal Advisory Committee supports the rejuvenation plan for Fingal Quarry provided by Fingal Head Coastcare which includes telegraph poles and native plantings.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 25 September 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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85 [SUB-EAAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

Request for Assistance from Murwillumbah Cricket Club

That Access Funds of \$3,850 be provided to Murwillumbah Cricket Club to improve access by constructing a designated accessible parking bay and paths of travel from the designated accessible parking bay to the club house and existing accessible toilet facility.

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 17 April 2013 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Cultural Centre

Time:

10.00am

Present:

Trevor Harris, Bev Kelso, Karen Collins, Ron Douglas, Suzanne Hudson, Una Cowdroy, Milena Morrow, Phil Youngblutt, Alanah Hunter, Robert Noakes

Apologies:

Michael Armstrong, Chris Vannucci, Lee Clark,

Minutes of Previous Meeting:

Moved: Phil Youngblutt

Seconded: Bev Kelso

RESOLVED: that the Minutes of the Equal Access Committee meeting held Thursday 20 February, 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Outstanding Matters Report:

1. Education for Tweed City Staff on guide dogs and assistance animals

Three members of the Equal Access Advisory Committee met with Tweed City Centre Manager and Operations Assistant to discuss access issues and staff education. Most access matters were resolved and negotiations are continuing on opportunities to be involved in staff and retailer education. Committee members involved in ongoing education at the Tweed City Centre will report when needed to the Equal Access Advisory Committee.

This Item is now closed.

2. Pedestrian Access along Tumbulgum Road between Murwillumbah Library and Coolamon Cultural Centre

Tweed Shire Council Director of Engineering and Operations addressed the Committee on this matter and provided an update on the Traffic Committee recommendations for addressing safety and accessibility along this footpath. Traffic speed will be reduced to 40kmph and signs indicating cyclists dismount between Murwillumbah Library and Coolamon Cultural Centre. Preliminary investigation will occur through 2013 on stabilising the river bank so the footpath can be widened. These works will be undertaken in the next two to three years.

This item is now closed.

3. Main doors to Murwillumbah Hospital difficult to access

This matter will be held over to next meeting.

4. Airlines two wheelchair policy accepted by AHRC as possible discrimination case

Response to this matter postponed.

5. Affordable entry to Murwillumbah, Kingscliff and South Tweed Aquatic Centres for people with permanent or temporary disabilities

The Motion to Council on responding to this issue passed at Council meeting in March. A workshop of EAAC members to address this matter has commenced. Update to be provided at next meeting.

6. Pathways/beach access at Casuarina

Trevor Harris investigated the two kilometres of walkway and reported that much work needs to be done to upgrade the full length to accessible standard. Council's Works Section will address some maintenance issues. There are insufficient funds to upgrade the whole walkway at this time. A letter will be sent to community member who raised this issue explaining the situation.

This item is now closed.

7. Access issues on Creek Street, Hastings Point

The developer responsible for proposed development at the end of Creek Street will be responsible for upgrade of Creek Street in the longer term. In the short term Council will renovate the grass nature strip to improve safe walking path and some maintenance on the worst potholes will be undertaken.

This item is now closed.

8. Road crossing on Chinderah Bay Drive from Homestead Holiday Park to bus stop

Guide Dogs will be contacted to arrange a meeting with Council staff and a person with vision impairment to discuss appropriate way finding indication for roadway to assist safer crossing of Chinderah Bay Drive to the bus stop.

9. Designated Accessible Parking Bays at Tweed Mall Centro

Tweed Centro will upgrade the surface of the Designated Accessible Parking Bays to address the water pooling issue. Council and the Centre Management are looking at placement of DAPBs to address future parking needs.

This item is now closed.

10. Kerb ramp removed at Sunnyside Mall in Murwillumbah

Council is discussing on position of DAPBs and curb ramps with Sunnyside Mall. Trevor Harris will report back to Committee at next meeting.

11. Enquiry from Home Modifications regarding kerb ramp in Banora Point

Kerb ramp requested completed. Further information is required about the safety of motorised scooters travelling from private property onto roadway via kerb ramp where there is no footpath.

This item is now closed.

Agenda Items

1. Access and Inclusion Policy and Action Plan

Draft Access and Inclusion Action Plan provided to Committee members prior to the meeting for feedback and comment. Feedback was positive with members happy for the plan to be

progressed to final stage. The Draft Access and Inclusion Policy will be circulated to members for comment.

2. All Access Playground

Update on All Access Playground project provided by Karen Collins.

3. Tweed Link monthly Access All Areas column

Theme for April/May/June is the All Access Playground project.

4. Access funds

Held over

General Business

1. Regional Access Committees Forums for 2013

The Northern Rivers Councils Officers responsible for Access and Disability met on 15 April to plan the next regional access forum. The next forum will be held on 3 June at Lennox Head Community Centre (date to be confirmed by end of April). All members of Tweed Shire Equal Access Advisory Committee invited to attend. Transport will be available if required. Further information will be circulated to members.

2. International Day of People with Disability 2013

The EAAC recommendation that \$10,000 from Access funds be made available for events supporting International Day of People with Disability 2013 to be held by Council and managed through the Aged and Disability Development Officer and organising committee as in 2012 will go to Council meeting on 18 April. Update on progress and plans for 2013 will be provided at the next meeting.

3. Workshop on Access and Inclusion for Councillors as per Motion to Council approved in August 2012

Workshop will be held on 2 May provided by Joe Manton from the Institute of Access Training Australia. A second workshop will also be held for Council staff.

4. Request for assistance from Murwillumbah Cricket Club

A request for funding of \$3,850.00 to improve parking and pathway access at Murwillumbah Cricket Club including path to and entry into existing accessible toilet facilities was recommended by the committee. The Cricket Club has been improving access into the club with private sponsorship and will be hosting sports activities for children with disabilities in 2013.

RECOMMENDATION:

Moved: Milena Morrow

Seconded: Suzanne Hudson

That Access Funds of \$3,850.00 be provided to Murwillumbah Cricket Club to improve access by constructing a designated accessible parking bay and paths of travel from designated accessible parking bay to club house and existing accessible toilet facility.

5. Develop strategy for access funding

Sub-committee will develop a strategy for responding to requests for assistance to address access issues.

Action: Sub-committee workshop held from 12noon to 1pm on 17 April 2013.

6. Goal Ball event

Suzi Hudson informed the committee that a Goal Ball event sponsored by Guide Dogs Australia was held in Tweed. Suzi Hudson will contact Guide Dogs for further information about future regional events and possibilities to assist with advertising.

7. Footpath access in emergencies

Ron Douglas raised the issue of ensuring that Council was aware of restricted access to footpaths following emergencies such as fire. A letter will be sent to local commands in emergency services advising them of access considerations and protocols when blocking footpaths following emergency events.

Action: Karen Collins to write letter on behalf of Committee.

The meeting closed at 12.00noon.

Next Meeting: 21 June 2013

EXECUTIVE MANAGEMENT TEAM COMMENTS:

Request for Assistance from Murwillumbah Cricket Club
Nil.

EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:

Request for Assistance from Murwillumbah Cricket Club
That Access Funds of \$3,850 be provided to Murwillumbah Cricket Club to improve access by constructing a designated accessible parking bay and paths of travel from the designated accessible parking bay to the club house and existing accessible toilet facility.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.1	Work closely with government and community organisations to improve

services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

86 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013

SUBMITTED BY: Planning and Infrastructure



Supporting Community Life

SUMMARY OF REPORT:

The Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013 be received and noted.

REPORT:

The Minutes of the Floodplain Management Committee Meeting held Friday 3 May 2013 are reproduced as follows for the information of Councillors.

Venue:

Mount Warning Room, Murwillumbah Civic Centre

Time:

9.00am

Present:

Cr Katie Milne, Patrick Knight, Danny Rose, Steve Twohill, Toong Chin (OEH), Wayne Pettit, Chris Chrisostomos (SES), Robert Quirk, Felicia Cecil, Max Boyd (left meeting 11.35am), Paul Taylor.

Apologies:

Brian Sheahan (SES), Lindsay McGavin (TSC), Iain Lonsdale (TSC), Samuel Dawson.

Minutes of Previous Meeting:

Moved: F Cecil

Seconded: P Taylor

RESOLVED that the Minutes of the Floodplain Management Committee meeting held 8 March 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item 3 - January 2013 Flood Discussion of Issues

The Committee discussed various issues relating to the magnitude of this flood, and the inaccuracy of some of Bureau of Meteorology's predictions. Community awareness and resilience were key, and must be addressed in community education programs.

Item 4 - Murwillumbah Levee Slip

The Committee noted Council's adoption of an amended recommendation that no further action be taken regarding regulation of waterskiing upstream of Murwillumbah Bridge. The Committee noted that this issue should be referred to the State Government Roads and Maritime Services, through the Tweed River Committee.

Agenda Items:

1. Stotts Creek Dredging Studies

Attachment: Environmental Assessment and Dredging Options Report - Stotts Channel, Worley Parsons, 19 November 2009. Copy circulated prior to meeting and attached to minutes.

Chronology of the Stott's Creek Dredging Report:

October 2009: Report presented to the Tweed River Committee

Report provides advice on options for dredging and approvals processes, but does not attempt to validate the need or benefits of the works. It does not include any flood modelling or hydraulic assessment. Report forwarded to the Duranbah Swamp Drainage Union.

December 2009: Item deferred to February 2010 committee meeting

Drainage Union still considering report.

February 2010: Council wrote to the Duranbah Swamp Drainage Union summarising the costs and approvals processes as detailed in the report. The letter advises that Council could act as proponent for the works to make approvals more achievable, however the costs to prepare applications and undertake the project would rest with the drainage union.

February 2010: Item held over to April 2010 committee meeting

April 2010: No further actions minuted from the Tweed River Committee.

December 2012: Letter from Duranbah Swamp Drainage Union advising that due to high cost of the project, they would not be proceeding.

Discussion Points:

- The Drainage Union has invested heavily in vegetation control (e.g. overhangs) in the channel, with noticeable improvements in local drainage and channel flow.
- There are likely to be many changes in sediment deposits in the channel following the January flood.
- It is unclear whether the subject works would fall under the State Floodplain Programs or are drainage works under Estuary Programs. This would have implications for eligibility for grant funding.
- Such works need to be part of a broader management plan to have any weight with decision makers.
- Given sea level rise predictions and the steady consolidation (sinking) of the floodplain under agriculture, the only practical way to maintain drainage into the future are pumped systems.
- Should the land no longer be viable for agriculture, and it reverts to wetland, there was concern that many of the previous acid problems would reoccur and fish kills would once again be prevalent once management measures such as liming are ceased.

Moved: M Boyd

Seconded: P Taylor

RESOLVED that

1. The Committee notes the Stotts Channel Environmental Assessment and Dredging Options Report;
2. Sugar cane industry representatives be formally consulted regarding rural drainage and flood mitigation recommendations of the Tweed Valley Floodplain Risk Management Study;

3. A report be provided to the next Committee meeting regarding earthworks compliance issues in Dulguigan.
-

2. Murwillumbah Levee and Riverbank Inspection

Steve Twohill provided a powerpoint presentation, prepared by Infrastructure Engineer, Leon McLean. Copy attached to minutes.

Moved: M Boyd
Seconded: R Quirk

RESOLVED that Council apply for funding from the State Government to formulate a floodplain program to provide preventative bank erosion works and to conduct bank slip analysis along the Murwillumbah and South Murwillumbah levees.

3. Floodplain Filling Policies

Danny Rose provided a powerpoint presentation. Copy attached to minutes.

Discussion Points:

- Some committee members were concerned about design flood levels in relation to climate change, and that filling was a short sighted policy.
- Some committee members requested evidence that Tweed's filling policies were best practice floodplain management.

Moved: K Milne
Seconded: R Quirk

RESOLVED that a report be provided to the next Committee meeting outlining the filling policies of other Councils.

4. Community Education Program

A draft community education program distributed to the committee for discussion.

The SES is already very active in this regard. Unfortunately Council officers were unable to discuss this draft program with SES officers prior to the meeting.

There are a number of issues to consider:

- The best time to conduct sessions is immediately after an event.
 - Elderly people without computers need alternate means of communication and getting relevant information.
 - Identifying vulnerable people and compiling a register.
 - The capacity of local radio stations to provide real time flood information (e.g. 88 FM).
 - Community education and funding opportunities require completion of the Floodplain Risk Management Plan.
-

- Intelligence capacity should be increased by the installation of more rain and river gauges.

This item was deferred to next meeting to allow Council officers to meet with SES personnel.

4. Flooding Information on Council Website

Brian Sheahan (SES) tabled the following matter for the Committee's consideration:

"That TSC informs on its website, in areas where flood modelling has been carried out, the following information to residents within that area:

- a) ground level of the property on which residence is built;*
- b) floor level of the residence;*
- c) flood model heights for 1%, 10% and 20% flood events."*

Most of this information is already held by Council. There may be technical issues to address in providing this on the existing webpage. Examples of good Council websites are Richmond River and Lismore Shire.

Moved: W Pettit

Seconded: D Rose

RESOLVED that a report be provided to the next Committee meeting regarding the ability for Council to provide residents with property specific flood information.

General Business:

6. Floodplain Management Association

Danny Rose will be appointed as Technical Director of the Floodplain Management Association at the Conference in May. This will provide Council with a very good opportunity to pursue its floodplain issues.

7. Chinderah and Districts Residents Association Submission

Felicia Cecil requested that the CDRA be invited to discuss their submission for the Tweed Valley Floodplain Risk Management Study and Plan with the Committee.

Moved: R Quirk

Seconded: F Cecil

RESOLVED that representatives of the Chinderah Districts Residents Association be invited to attend the next Committee meeting to discuss their submission.

8. Tsunami

The SES advised that they have recently undertaken a tsunami planning exercise. There was some concern that Council had no planning or policies regarding this natural disaster.

The Committee is advised that the floodplain management process does not extend to the management of tsunami, and is therefore outside the scope of this committee.

The SES is however the designated combat agency for tsunami.

Next Meeting:

The next meeting of the Floodplain Management Committee will be held 5 July 2013.

The meeting closed at 1:30pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.5 Ensure adequate stormwater drainage, flood management and evacuation systems are in place to protect people and property from flooding

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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87 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013

SUBMITTED BY: Planning and Infrastructure



Supporting Community Life

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

Executive Management Team Recommendations:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

That:

- 1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.**
- 2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.**

A2 [LTC] Boomerang Street, Kingscliff

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

A4 [LTC] Broadway, Burringbar

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

That:

1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
2. The designation of one-way for Ivory Place is not supported.

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive

3. Council notes the Local Traffic Committee's advice in relation to Item B9 [LTC] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools with regard to the original Notice of Motion of 15 November 2012 and subsequent report of 13 December 2012:

"COMMITTEE ADVICE:

That the feedback from the Committee regarding the proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools be noted and considered by Council as follows:

1. RMS Data

The RMS has a schools database that can provide 7 different reports, some of which may be relevant to the audit request. Further advice should be sought from Council regarding the intent of the audit to see which of these reports could be utilised.

RMS holds a number of audit forms that could be used by Council should an audit go ahead.

The RMS is currently doing an audit of school crossing supervisor sites.

2. DEC Policies

The DEC Regional Director advised that public schools aim to comply with all relevant legislative requirements within their school properties. However this does not extend to road areas external to the school with the exception of schools that agree to resource flags at children's crossings.

3. Independent School Policies

The Catholic Education Commission NSW has commissioned a report "Inquiry into School Zone Safety" 2011. This report indicates that significant improvements within school zones has reduced pedestrian casualties over recent years and that further road environment changes alone are unlikely to have significant additional benefits. Road safety education is also required and road safety response strategies are best determined at the local individual school level. This approach is generally consistent with the manner in which LTC has dealt with school related road safety issues to date.

4. Equal Access Advisory Committee

This Committee deals with school access issues as they are raised by stakeholders. No overall audit of all school sites has been performed."

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 16 May 2013 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Chris Davis, NSW Police, Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Michael Kenny, Mr Danny Rose, Mr Robert Smith, Mr Col Brooks, Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Cr Barry Longland, Cr Michael Armstrong, Mr Geoff Provest MP, Member for Tweed.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 4 April 2013 be adopted as a true and accurate record of proceedings of that meeting.

RESOLVED that the Minutes of the B-Double Route Meeting held 4 April 2013 be adopted as a true and accurate record of proceedings of that meeting.

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] SCHEDULE OF OUTSTANDING RESOLUTIONS

From Meeting held 7 March 2013

[LTC-SOR] Pottsville Road (B2)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 56883966; Traffic - Committee; Traffic - Speed Zones; Pottsville Road

SUMMARY OF REPORT:

This item was on the Schedule of Outstanding Resolutions from meeting held 7 February 2013 (Item 2) and is brought forward for further discussion.

"Council is requesting a review of the 100km/h speed limit on Pottsville Road due to the high incidence of speed related type crashes.

In the five year period July 2006 to June 2011 there were 31 recorded crashes with 27 of those crashes "off path on curve".

The 85th percentile speeds and Average Daily Traffic are as follows:

	Date	85 th Percentile Speeds	Date	ADT
POTTSVILLE ROAD - MOOBALL END	5/02/2008 3/07/2002	80 85	5/02/2008	847
POTTSVILLE ROAD - NORTH of TREATMENT PLANT	7/04/2011	85	7/04/2011	850
POTTSVILLE ROAD - NORTH of TWEED VALLEY WAY	7/04/2011 24/03/2010 5/02/2008	82 85 80	7/04/2011 24/03/2010 5/02/2008 25/05/2005 28/08/2002	852 930 847 1077 841
POTTSVILLE ROAD - OFF CUDGERA CREEK ROAD	15/02/2012 31/03/2010	76 77	15/02/2012 31/03/2010 25/05/2005 5/09/2002	1093 1335 3390 2596

From Meeting held 7 February 2013:

COMMITTEE ADVICE:

That the speed limit on Pottsville Road be referred to Roads & Maritime Services (RMS) for review in consideration of the speed related crash history on this road and be placed on the Schedule of Outstanding Resolutions.

Current Status: *That the Schedule of Outstanding Resolutions Item Pottsville Road, from Local Traffic Committee meeting held 16 May 2013 remain on the list of Outstanding Resolutions.*

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 18 October 2012 (Item B2)."

From Meeting held 7 February 2013

[LTC - SOR] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 62398160; Traffic - Committee; Traffic - School Zones; Traffic - Safety; Pedestrian - Safety; Equal Access Advisory Committee

SUMMARY OF REPORT:

The Chairman requested that this item was moved to the B section of the Minutes (B9).

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 2999860; Traffic - Committee; Traffic - Lights; Traffic - Roundabouts; Kennedy Drive; Ducat Street

SUMMARY OF REPORT:

Request received in relation to traffic congestion on the Kennedy Drive roundabout:

- "1. *It would appear that at the Kennedy Drive & Ducat St. intersection more time has been allocated to the right turn green arrow (to Ducat St.) off Kennedy Drive outbound from Tweed Heads. This causes a subsequent reduction in time that Kennedy Drive traffic inbound to Tweed Heads can proceed through that intersection. This traffic then banks up into the roundabout causing further congestion on the roundabout.*
2. *A "KEEP CLEAR" section should be marked on the roundabout adjacent the Highway southbound off ramp. Traffic banks up & the traffic exiting the Pacific Highway cannot enter the roundabout to proceed west along Kennedy Drive.*

Delays at peak hour are becoming significant on Kennedy Drive. My thoughts are a reduction in time for westbound traffic to turn right from Kennedy Dr. into Ducat St. & signage marked on the roundabout may alleviate this issue."

RECOMMENDATION TO COUNCIL:

That

1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr Thomas George

A2 [LTC] Boomerang Street, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 65835974; Traffic - Committee; Traffic - School Zones; Signs - Traffic; St Anthony's Primary School, Kingscliff; Boomerang Street

SUMMARY OF REPORT:

Request received in relation to the access road to St Anthony's Primary School in Boomerang Street, Kingscliff. Sign posting for the school zone and speed limits does not exist.

There is access to the school off Boomerang Street and no School Zone speed limit is in place. As there is direct access to the school to Boomerang Street a School Zone speed limit should be installed.

RECOMMENDATION TO COUNCIL:

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr Thomas George

A3 [LTC] Pioneer Parade, Banora Point

This item was moved to Section B (B10) at the request of the Chairperson - please refer to Item B10 for decision on this matter

A4 [LTC] Broadway, Burringbar

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 66366271; Traffic - Committee; Traffic - Signs; Traffic - Linemarking;
Broadway, Burringbar

SUMMARY OF REPORT:

At the request of the Chairperson this item was moved from Section A (A3).

Request received for signage to delineate the T intersection of The Broadway, Burringbar and the Old Pacific Highway.

"As per our phone conversation please be advised that my mother and sister very nearly had a major accident on this intersection one recent evening after visiting us in the Burringbar valley.

I note that the intersection has only a "T" road sign on the approach and no other signage indicating you are approaching a major highway. Because of the incline on the approach to the intersection, road line marking is not visible, so there is no reference point or indicator of your proximity to the Old Pacific highway.

It is very understandable when you look at the intersection that someone not familiar with the intersection would overshoot the intersection and end up, as my sister did, in the middle of the highway right in front of oncoming traffic.

I note your response that no give way sign is required at a "t" intersection, but I note that a giveway sign is placed on the next T intersection toward Murwillumbah which is more open and in my view less dangerous.

It is my view that a road island or at least a give way or stop sign needs to be installed if for no other reason to provide a reference point at which drivers know they should stop before ending out too far into the path of on coming traffic on the Old Pacific Highway."

RECOMMENDATION TO COUNCIL:

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Thomas George
PRESENT. DID NOT VOTE - Mr Rod Bates

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

ORIGIN:
Planning & Infrastructure

FILE NO: ECM65443838; Traffic - Committee; Traffic - School Zones; Pedestrian - Safety; School - Lindisfarne Primary

SUMMARY OF REPORT:

Request received from Lindisfarne School after engaging Bitzios Consulting to prepare a Traffic Operations Review dated 15 June 2012 (version 002).

A number of issues were recommended with the majority having been completed in consultation with council officers and through the Local Traffic Committee.

The school children's crossing, footpath and pram ramp works have been completed. The only outstanding issue is the reduction of the school's bus zone and replacement with 15 minute timed parking.

RECOMMENDATION TO COUNCIL:

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr Thomas George

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 3020245; 3054059; Traffic - Committee; Traffic - Parking Zones; Ivory Crescent; Ivory Place

SUMMARY OF REPORT:

The Chairperson requested that this item be moved from Section B to Section A.

Request received in relation to parked vehicles in and around Ivory Place and Ivory Crescent, Tweed Heads. It is reported that:

"The parking of vehicles in and around Ivory Place has become intolerable and completely out of hand to the point residents find it difficult to access their own properties with safety, as the annexed photographs indicate. What you see depicted in the photographs is a daily and regular occurrence. These photographs only depict the intersection of Ivory Place and Ivory Crescent, similar situation occur in many of the surrounding streets. Attempting to access Powell Street from Ivory Crescent cars parked too close to the intersection make it impossible to see vehicular traffic travelling in either direction making it extremely dangerous. We understand Council Rangers regularly patrol the area and issue infringement notices, however this has not solved the ongoing problem.

The majority of the vehicles seen parked in the surrounding streets are there throughout the day and most are employees of the Tweed Hospital. You regularly see the vehicles parked between 8.00 am to 8.30 am and remain there throughout the day until finishing time around 5.00 pm. The opportunity of visitors, trades people and delivery vehicles trying to access parking is impossible.

We understand the hospital does provide some parking for staff, but apparently not sufficient to the decrement of residents of this area and vehicular traffic.

We believe action should be taken by Council before serious or fatal collisions occur. Action that could be taken is making the surrounding streets either two or three hour parking limits, subsequently having the hospital provide more parking for their staff. There is ample room to provide multi story parking at the hospital. Perhaps Ivory Place could be made one way traffic with parking permitted only on the southern side. I am sure the Council with their many expertise can come up with solutions to the problems."

In urban areas, where traffic volumes are low and residences may be located close to the beginning of a one-way street there is a risk that cars may enter the one-way street in the wrong direction, potentially causing conflict. One-way streets are therefore generally undesirable and not recommended in this instance.

The Chairman requested that this item be moved to the A Section of the meeting.

RECOMMENDATION TO COUNCIL:

That:

1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
2. The designation of one-way for Ivory Place is not supported.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Rod Bates

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT DID NOT VOTE - Mr Thomas George

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 3049922; TRA13/0008; Traffic - Committee; Traffic - Signs; Traffic - Safety; Wardrop Valley Road; Lundberg Drive

SUMMARY OF REPORT:

The Chairperson requested that this item be moved from Section B to Section A.

Request received for a 'Stop' sign at Lundberg Drive where Wardrop Valley Road meets Lundberg Drive. Currently there is a 'Give Way' sign and it is reported that cars slow but do not stop when turning right onto Lundberg Drive.

Australia Post motorcyclists advise that their vision is obscured by a large mound of dirt in the vacant lot near the corner as well as from a dip in the road and being near a bend. Recently the motorcyclist had to stop suddenly to avoid a collision, which has happened at this location on previous occasions.

Council officers will inspect the site prior to the Committee meeting and provide sight distance measurements and crash data for assessment.

The Chairman requested that this item be moved to the A Section of the Minutes.

RECOMMENDATION TO COUNCIL:

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive.

FOR VOTE - Ms Liz Smith, Snr Constable Chris Davis, Mr Thomas George

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT DID NOT VOTE - Mr Rod Bates

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Upper Burringbar Road, Burringbar

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3053499; Burringbar Road; Upper Burringbar Road; Traffic - Committee; Traffic - Safety; Traffic - Speed Zones; Traffic - Pedestrian Safety

SUMMARY OF REPORT:

Request received in relation to the speed of vehicles on Burringbar Road particularly between the two rail crossings.

"..... writing to inform you of our community problem we are having with speeding cars between the two rail crossings, there have been numerous accidents on this particular stretch of road as the youth are using these corners as a race track, the road has been widened which allows more speed, there are numerous driveways on this stretch . There are children riding there bikes to school everyday , and there seems to be a ten fold increase in P PLATE drivers, last week i rang the police on a speeding car that nearly hit me while i was just across the bridge between guard rail and the road , he was travelling so fast, swerved to miss me with inches to spare and kept speeding without slowing down even when he came so close to hitting me, on friday early evening a car ran off the road into the ditch and hit a tree, from going too fast and losing control. The past couple of years there have been many near fatalities, one horror smash in the same place as friday nights accident, where a local man has severe brain trauma and will never recover. We are requesting as we have done in the past to make this area between the two rail crossings a 60 zone, as we neighbors believe the 80 zone is not suitable and not sensible"

A similar item was discussed at the Local Traffic Committee meeting held 21 October 2010 where the following resolution was made:

"That:

- 1 The NSW Police consider dedicating resources to speed enforcement along Upper Burringbar Road.*
- 2. Pedestrian and cyclist warning signage be placed along Upper Burringbar Road at locations deemed appropriate by Council officers."*

COMMITTEE ADVICE:

That:

1. Consideration be given to a review of the speed limit on Upper Burringbar Road, Burringbar and supporting information be forwarded to the Roads & Maritime Services.
2. This item be listed on the Schedule of Outstanding Resolutions.

B2 [LTC] Tweed Valley Way, South Murwillumbah

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 3051665; Traffic - Committee; Traffic - Safety; Traffic - Speed Zones;
Tweed Valley Way, South Murwillumbah

SUMMARY OF REPORT:

The Roads and Maritime Services (RMS) has advised of completion of a speed zone review of Tweed Valley Way, South Murwillumbah as follows:

- "1. *The existing 60km/h speed limit is reduced to 50km/h on Tweed Valley Way, Murwillumbah from 200m south of Mistral Road to Alma Street.*
2. *Council is requested to undertake a delineation review of Tweed Valley way, including a ball bank survey."*

COMMITTEE ADVICE:

That the Committee notes the Roads and Maritime Services speed zone review of Tweed Valley Way, South Murwillumbah that *"The existing 60km/h speed limit is reduced to 50km/h on Tweed Valley Way, Murwillumbah from 200m south of Mistral Road to Alma Street."*

B3 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

This item was moved to Section A (A6) at the request of the Chairperson - please refer to Item A6 for decision on this matter.

B4 [LTC] Tweed Valley Banana Festival 31 August 2013

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 66472451; 3053238; Traffic- Committee; Traffic - Control; Roads - Closures - Temp; Roads - Closures - Murwillumbah; Roads - Closures - General; Tweed Valley Banana Festival; Nullum Street; Wollumbin Street; Commercial Road; Wharf Street; Murwillumbah Street; Queensland Road

SUMMARY OF REPORT:

Request received for temporary closure of Nullum Street, Wollumbin Street, Commercial Road, Wharf Street, Main Street and Queensland Road to Murwillumbah Showgrounds for the Tweed Valley Banana Festival street parade on 31 August 2013.

COMMITTEE ADVICE:

That the temporary closure of roads associated with the Tweed Valley Banana Festival street parade on 31 August 2013 from 11.30am to 1.30pm and the temporary use of the Knox Park carpark in Wollumbin Street be supported subject to Police approval and compliance with the Traffic Control Plan.

B5 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

This item was moved to Section A (A7) at the request of the Chairperson - please refer to Item A7 for decision on this matter

B6 [LTC] Boomerang Street - One Way

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3053668; 3054007; Traffic - Committee; Boomerang Street; Kingscliff Street; Traffic - Parking Zones

SUMMARY OF REPORT:

Due to the congestion and parking constraints during school times it is suggested that Boomerang Street become one-way from Seaview Street to Quigan Street. It has also been suggested that parking constraints be applied along one side of Boomerang Street during school zone times.

"Also it has been suggested by a number of residents that Boomerang street becomes one way or at the very minimum parking on only one side of that road.. Boomerang street is quite congested with parking and also access into and out of st. Anthony's and given the number of unit blocks in the street, particularly near the five way.

The five way is busier due to the marine parade one way and if boomerang street was one way away from the five way this would lessen some of the traffic entering the five way particularly at the busy school drop off and pick up times. The one way would work in the future given the proposed extension of Quiggan street over gales land."

When congestion is associated with schools this leads to a lower speed environment which is desirable. Compliance with one-way designation of residential streets can be an issue in that cars may enter the one-way street in the wrong direction, potentially causing conflict. The congestion is exacerbated in the afternoon during school pick up times. Higher density dwellings abut the road with limited on-site parking for visitors. The road carries in excess of 1,000 vehicles per day and any one-way designation may lead to perceived amenity issues on surrounding streets.

COMMITTEE ADVICE:

That:

1. The designation of one-way traffic on Boomerang Street is not supported.

2. Additional parking restraints on Boomerang Street is not supported.

B7 [LTC] Beach Street, Kingscliff Street and Marine Parade, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM3053675; Traffic - Committee; Traffic - Parking Zones; Traffic - Pedestrian Crossings; Beach Street; Marine Parade; Kingscliff Street

SUMMARY OF REPORT:

Request received for the provision of pedestrian crossings at the intersections of Beach and Kingscliff Streets and Beach and Marine Parade.

It is reported that:

"The only way residents living inland between Beach Street and Turnock Street can access recreational beach and park areas of Kingscliff, is to cross over Kingscliff Street (or further south along Pearl Street) and then Marine Parade.

We walk or ride bikes up to the beach two to three times per week. There is a continuous stream of residents walking or riding to the beach every day. The main reason why people come to Kingscliff to live is because of the beach.

We have three or four grandchildren (6 to 10 years old) who we babysit during ALL school holiday periods, and they also visit on weekends and public holidays, and we walk to the beach and swings continuously.

We have to cross the road at the very busy and dangerous intersections of Beach and Kingscliff Street, and then at Beach Street and Marine Parade.

The current situation with crossing at the intersections to get to the beach involves:

- arrive at intersection of Beach and Kingscliff St and turn left and go up about 100 metres*
- cross the road at a 'gap' in the concrete island (not marked as a crossing)*
- play Russian roulette with the cars which are pouring off the roundabout... and no-one stops for you*
- there is no continuous footpath on either side of Beach Street so you have to cross the road a couple of times*
- After crossing at Kingscliff Street, you continue on up Beach Street and cross the road (no safe area or crossing and very dangerous especially with the grandchildren) to get onto the footpath which starts up on the other side of the road*
- arrive at Marine Parade and play Russian roulette with the cars once more and cross wherever (no crossing) to get to the park and beach recreational areas*
- This whole process is extremely dangerous and nerve racking"*

The possibilities for improvement have been received as follows:

1. *"Extension of the footpath on both sides of Beach Street up to Marine Parade which would enable residents to walk or ride their bikes right up to Marine Parade on the same side of the road.*
2. *A crossing (on top of a speed bump as Council has provided further South on Pearl St) and clear signage across Kingscliff St (south – Note: this is the opposite side of the intersection to the current 'gap' in the concrete. Note also that residents will not want to 'walk a mile' to get to a crossing so it needs to be just south of the Beach and Kingscliff Street intersection.*
3. *Continuation of the footpath up Beach St so that you don't have to cross Beach St further up to stay on the current footpath.*
4. *A crossing (on a speed bump) to get over Marine Parade (to the south) of the intersection.*

In conclusion it is recommended that Council provide safe road crossings at the intersections of:

1. *Beach and Kingscliff Streets, and*
2. *Beach and Marine Parade,*

Thank you for the opportunity of putting our view forward and calling for roadworks submissions. We look forward to hearing what Tweed Shire Council can do for residents in this instance."

A site inspection has been conducted with the customer and information was provided in relation to marked crossing warrants and a review of existing speed volumes indicated that a marked pedestrian crossing on Kingscliff Street near the intersection of Beach Street would not meet the warrants. Similarly a marked pedestrian crossing on Marine Parade near the intersection of Beach Street would not meet the warrants. There are pedestrian island crossings available at both locations.

The request for footpath extension be included in the future Pedestrian Access Mobility Plans.

COMMITTEE ADVICE:

That no further action is required regarding the provision of pedestrian crossings on Kingscliff Street and Marine Parade at Beach Street as warrants would not be met.

B8 [LTC] Marine Parade, Kingscliff - Car Park

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 66036305; 66067399; Traffic - Committee; Local Area Traffic Management; Parking - Zones; Loading Zones; Car Parks - Kingscliff

SUMMARY OF REPORT:

Request received for consideration of changing the traffic flow direction for the Marine Parade car park to a south to north direction.

"Further to our onsite meetings the Kingscliff Chamber of Commerce confirms our request for Council's Traffic Committee to consider changing the traffic flow direction to a south to north direction for the Marine Parade carpark. In addition we confirm we would like Council's Traffic Committee to investigate making the parallel parks along this section of Marine Parade longer (albeit meaning the loss of a small number of carparks) in order for to make parking easier for people. We would also request the placement of Commercial Loading Zones, decided in consultation with you, as shown on the attached diagram to operate on Mondays – Fridays between 9:00am and 4:00pm."

The Loading Zone adjacent to the Azure building was approved by the Committee at its 7 March 2013 meeting. As part of the upgrade works the existing zone adjacent to the Community Centre is to be relocated to the north of the entrance to the caravan park. The parking space lengths along the one-way section of Marine Parade are to be increased to improve access.

COMMITTEE ADVICE:

That the:

1. Timed parking and loading zone placements in Marine Parade are to be reviewed once the parking upgrade works are completed.
2. Proposed change to the traffic flow direction through the car park adjacent to the caravan park is not supported.

B9 [LTC] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools

ORIGIN:

Planning & Infrastructure

FILE No: ECM 62398160; Traffic - Committee; Traffic- School Zones; Traffic - Safety; Pedestrian - Safety; Equal Access Advisory Committee

At the Local Traffic Committee meeting held 16 May 2013 this item was brought forward from the Schedule of Outstanding Resolutions.

At the 15 November 2012 meeting, Council considered a Notice of Motion and resolved as follows:

"Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools:

RESOLVED that Council officers prepare a report with respect to the state of repair of existing roads, footpaths and pedestrian crossing which service local schools, upon the criteria of safety and equality of access within designated school zones. The report to be presented to Council prior to the commencement of the 2013 NSW School Year."

In consideration of this resolution, Council officers completed a desk top investigation that identified within Tweed Shire:

- 42 Schools (primary and secondary)
- 21.3km road within associated school zones
- 11.5km footpath within associated school zones
- 10 school crossings and 12 pedestrian crossings within school zones
- 306 school zone signs

To complete an audit of these facilities, to include asset ratings (physical condition), safety assessment (review existing infrastructure and conditions), operational assessment (observation of school operations during morning and afternoon peaks), and equal access assessment (requiring a consultant), funding of approximately \$74,000 would be required.

It was also noted that completion prior to the 2013 school year was not feasible, with a more realistic timeframe to complete the above and report to Council being April 2013.

The findings of the desktop investigation were considered by Council at the 13 December 2012 meeting. This report recognised that such an audit could realistically only deal with issues within Council's own control, and the costs of this audit are a significant impost on the community. In order to take an all of government / inter-agency approach to the audit, the advice of Local Traffic Committee was recommended in order to provide a more effective and equitable approach. Council adopted the recommendation and resolved as follows:

"34 *[EO-CM] Proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools*

Cr M Armstrong
Cr P Youngblutt

RESOLVED that:

1. *Council defer the audit proposed in the Council Resolution of 15 November 2012 and seek the Local Traffic Committee's (RMS, Police, local members of the NSW Parliament and Council representatives) advice on how to best address safety and equal access issues in the vicinity of schools.*
2. *Further action on the audit be deferred until Council has authorised necessary expenditure pending receipt of advice referred to above.*

The Motion was Carried

FOR VOTE - Unanimous"

ADVICE FOR COUNCIL

In response, the Committee considered the following issues were of primary concern for road and pedestrian safety within school zones:

- Lack of designated and controlled pick up / drop off points within school property
- Lack of separation of car, bus, cyclist and pedestrian traffic
- Increasing volumes of car traffic at peak times in favour of other modes

These factors lead to poor compliance with parking controls, conflicts between modes and poor practices such as dropping children on the opposite side of the street. However these issues are largely beyond Council's ability to solve in existing urban areas without heavy involvement and investment by the schools and the Department of Education and Communities (DEC).

At this stage the Committee is unable to make any specific traffic / road safety recommendations for particular schools. The Committee deals with such specific issues as they arise in response to correspondence from the schools, parents and adjacent residents.

Where issues relating to the state of repair of road and footpath infrastructure are raised, LTC refers these requests to the Works Unit for action via the Customer Request management system. The Works Unit then addresses the assessment and rectification of this infrastructure in accordance with asset management plans.

On consideration of these issues the Committee recommended that the existing resources and databases of the RMS and DEC be utilised to provide an initial audit of known safety and access issues around schools and that this information be reported back to LTC for further discussion. The Committee considered that understanding of this base information will better inform further communication with individual schools and their representatives.

Other options considered by the Committee included surveys and other means of consultation directed to school Principals, P & Cs and public transport providers (buses, taxis, special needs vehicles etc).

It was acknowledged that Council may not be the lead agency for many issues relating to safety and access around schools and an important step is to request the policies of DEC relating to traffic around schools and related facilities for further analysis.

Overall the Committee was mindful that the scope of issues relating to the Council resolution needs to be well defined to ensure the process is manageable and useful.

COMMITTEE ADVICE:

That:

1. Council writes to Roads & Maritime Services (RMS) and Department of Education (DEC) requesting access to existing databases and audit reports relating to safety and equal access in school zones for Tweed Shire.
2. Council liaise with DEC Regional Director to obtain relevant policies and procedures relating to traffic management, equal access and provision of facilities for state schools.
3. Council liaise with the relevant bodies for the independent schools within the shire seeking similar policy and procedure information.
4. Local Traffic Committee (LTC) seeks feedback from the Equal Access Advisory Committee with regard to known access issues relating to schools.
5. This item be listed on the Schedule of Outstanding Resolutions so that the findings of the above can be reported back to the Committee for further consideration.

From Meeting held 16 May 2013:

Various discussions took place relating to traffic issues arising from major traffic generating developments.

It was suggested that Council writes to state members raising concerns about the uncoordinated approach towards traffic management and related safety issues around all government institutions including schools, hospitals and police stations, seeking inter-departmental cooperation.

Council officers reported to the Committee regarding the 4 action items above.

1. **RMS Data**
The RMS has a schools database that can provide 7 different reports, some of which may be relevant to the audit request. Further advice should be sought from Council regarding the intent of the audit to see which of these reports could be utilised.

RMS holds a number of audit forms that could be used by Council should an audit go ahead.

The RMS is currently doing an audit of school crossing supervisor sites.

2. **DEC Policies**
The DEC Regional Director advised that public schools aim to comply with all relevant legislative requirements within their school properties. However this does not extend to road areas external to the school with the exception of schools that agree to resource flags at children's crossings.

Thomas George and Col Brooks left at 11.50am

3. Independent School Policies

The Catholic Education Commission NSW has commissioned a report "Inquiry into School Zone Safety" 2011. This report indicates that significant improvements within school zones has reduced pedestrian casualties over recent years and that further road environment changes alone are unlikely to have significant additional benefits. Road safety education is also required and road safety response strategies are best determined at the local individual school level. This approach is generally consistent with the manner in which LTC has dealt with school related road safety issues to date.

4. Equal Access Advisory Committee

This Committee deals with school access issues as they are raised by stakeholders. No overall audit of all school sites has been performed.

COMMITTEE ADVICE:

That the feedback from the Committee regarding the proposed Audit of Safety and Accessibility of Infrastructure Adjacent to Local Schools be noted and considered by Council as follows:

1. RMS Data

The RMS has a schools database that can provide 7 different reports, some of which may be relevant to the audit request. Further advice should be sought from Council regarding the intent of the audit to see which of these reports could be utilised.

RMS holds a number of audit forms that could be used by Council should an audit go ahead.

The RMS is currently doing an audit of school crossing supervisor sites.

2. DEC Policies

The DEC Regional Director advised that public schools aim to comply with all relevant legislative requirements within their school properties. However this does not extend to road areas external to the school with the exception of schools that agree to resource flags at children's crossings.

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The Catholic Education Commission NSW has commissioned a report "Inquiry into School Zone Safety" 2011. This report indicates that significant improvements within school zones has reduced pedestrian casualties over recent years and that further road environment changes alone are unlikely to have significant additional benefits. Road safety education is also required and road safety response strategies are best determined at the local individual school level. This approach is generally consistent with the manner in which LTC has dealt with school related road safety issues to date.

4. Equal Access Advisory Committee

This Committee deals with school access issues as they are raised by stakeholders. No overall audit of all school sites has been performed.

B10 [LTC] Pioneer Parade, Banora Point

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 66181623; Traffic - Committee; Traffic - School Zones; Pioneer Parade

SUMMARY OF REPORT:

The Chairman requested that this item be moved from Section A to Section B.

Request received for the installation of a "No Right Turn" signage on Pioneer Parade, Banora Point, to limit access to the School's off road car park and pick up area to a left in only movement.

It is reported that the existing arrangement leads to conflict and impacts on south/west bound through traffic on Pioneer Parade.

"We have had several parents complain about the practice of turning into oncoming traffic at drop-off zone which is causing frustration and confusion amongst drivers."

COMMITTEE ADVICE:

That 'No Right Turn' signage on Pioneer Parade is not supported.

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 13 June 2013 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 12.50pm.

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

That:

1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.

A2 [LTC] Boomerang Street, Kingscliff

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

A3 Not Applicable - moved to B Section of Minutes

A4 [LTC] Broadway, Burringbar

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

That:

1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
2. The designation of one-way for Ivory Place is not supported.

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive

Executive Management Team Comments:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

Nil.

Executive Management Team Recommendations:

A1 [LTC] Kennedy Drive and Ducat Street, Tweed Heads

That:

1. Signal phasing at the intersection of Kennedy Drive and Ducat Street be forwarded to the Roads & Maritime Services (RMS) for review.
2. 'Keep Clear' pavement stencil marking be installed on the roundabout at Kennedy Drive to allow southbound off ramp vehicles to turn right at the roundabout during periods of queued traffic.

Executive Management Team Comments:

A2 [LTC] Boomerang Street, Kingscliff

Nil.

Executive Management Team Recommendations:

A2 [LTC] Boomerang Street, Kingscliff

That a School Zone be installed on Boomerang Street between Quigan Street and Seaview Street, Kingscliff subject to RMS Speed Authorisation Approval.

A3 Not Applicable - moved to B Section of Mintues

Executive Management Team Comments:

A4 [LTC] Broadway, Burringbar

Nil.

Executive Management Team Recommendations:

A4 [LTC] Broadway, Burringbar

That due to limited sight constraints on the approach to the intersection a 'Stop' sign and centre median be installed on Broadway at the intersection of Tweed Valley Way, Burringbar.

Executive Management Team Comments:

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

Nil.

Executive Management Team Recommendations:

A5 [LTC] Sunshine Avenue, Tweed Heads South (Lindisfarne School)

That the School Bus Zone on Sunshine Avenue adjacent to Lindisfarne Primary School be reduced to accommodate two buses only and replaced with 15 minute '8.00 to 9.30am, 2.30 to 4.00pm School Day' signage.

Executive Management Team Comments:

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

Nil.

Executive Management Team Recommendations:

A6 [LTC] Ivory Place and Ivory Crescent, Tweed Heads

That:

1. A yellow edge line be installed on the circumference of the central median in Ivory Place, Tweed Heads and be monitored for compliance generally in this area.
2. The designation of one-way for Ivory Place is not supported.

Executive Management Team Comments:

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

Nil.

Executive Management Team Recommendations:

A7 [LTC] Wardrop Valley Road and Lundberg Drive, South Murwillumbah

That a 'Stop' sign and Linemarking be installed at the intersection of Wardrop Valley Road and Lundberg Drive

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Supporting Community Life

2.4 An integrated transport system that services local and regional needs

2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

88 [SUB-TRRMAC] Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

SUMMARY OF REPORT:

The Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013 be received and noted.

REPORT:

The Minutes of the Tweed River Regional Museum Advisory Committee Meeting held Thursday 16 May 2013 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Cultural Centre

Time:

2:35pm

Present:

Cr Michael Armstrong; David Oxenham (Director Community & Natural Resources); Naida Tattersall (Manager Community & Cultural Services); Judy Kean (Museum Director); Gary Fidler (Community); Sandra Flannery (Community); Fay O'Keeffe (Community); Janet Swift (Community); Peter Budd (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); Max Boyd (Murwillumbah Historical Society); Beverley Lee (Murwillumbah Historical Society).

Apologies:

Nil

Minutes of Previous Meeting:

Moved: Denise Garrick

Seconded: Joan Smith

RESOLVED that the Minutes of the Tweed River Regional Museum Advisory Committee meeting held Thursday 21 March 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Item 3 from Meeting held 21 March 2013

3. Discussion of TRRM Strategic Plan

Regarding the suggestion by Committee member, Peter Budd, to rename the Museum (email circulated prior to meeting), Naida Tattersall, Manager Community & Cultural Services, addressed the Committee:

Council's Communications and Marketing Unit have advised that the Museum will be given its own branding, one of only 2 sub-brands allowed by Council. The other is the Art Gallery.

Discussion at this meeting:

Peter Budd addressed the meeting regarding this item, and expressed his desire to have the words 'heritage' and 'discovery centre' in the name of the museum.

The following motion was proposed:

Moved: Peter Budd

Seconded: Fay O'Keeffe

RESOLVED that discussion be held on the Tweed River Regional Museum's name with a view to the possibility of changing it at some time in the future.

Denise Garrick spoke against the motion:

The name of the Museum was decided by consensus in 2004 when the Historical Societies gifted their collections to Tweed Shire Council.

The word 'museum' is nationally and internationally recognised, illustrated by the celebration of International Museums Day.

A change to Heritage Discovery Centre would disconnect the Museum from this association.

Helena Duckworth spoke for the motion:

The word 'museum' implies stuffed objects to some. Can the words 'heritage and 'discovery' be incorporated into the name without losing the word 'museum'.

Gary Fidler advised that Tweed Shire Council is spending large amounts of money on cultural facilities throughout the Shire, and consideration should be given to simplifying facility names and making them consistent in order to assist with branding and promotion.

The Chairperson, Max Boyd, called for a vote on the motion.

Carried

Agenda Items:

1. Museum Director's Report and Historical Society Reports

Museum Director's Report

Museum building and development

TRRM Murwillumbah

Work on site is progressing steadily and is on schedule. Remaining demolition, excavation and site preparation was completed in April. Pouring of the slab for new the new addition took place on during the first week of May.

Collections Store

Work continues with fit out, unpacking and consolidation of collections at the store. Air conditioning and humidity control are now installed in the 'pod' and unpacking of paper, textile and other fragile works to be stored in this area has commenced.

TRRM Tweed Heads (Kennedy Drive and Flagstaff)

Further maintenance work on Boyd's Shed is underway (replacement of rotten boards on the external walls of the building).

Collections

Assessment and Relocation project, Murwillumbah

A number of crates and shipping containers were required to temporarily accommodate large items from Murwillumbah during the collection relocation process. The items in the crates are now being carefully research to establish their status and significance before any are consolidated into the store. This process will be ongoing throughout 2013. Members of the Museum Research group are providing valuable assistance.

Assessment and Relocation project, Tweed Heads

Work on moving items in storage at Tweed Heads into the new store commenced in February and continues to progress well. It is anticipated that all works in storage at Tweed Heads will be relocated by the middle of the year.

De-accessioning program

A five-page report dealing with items proposed for de-accession was included in meeting papers and sent to Committee members two weeks prior to the meeting.

Acquisitions

The following Proposed Acquisitions were tabled at the meeting.

Object Description	Donor
Bicentennial material including commemorative postcards and envelope; bound book of hand coloured lino prints created by Year 10 Art Students from Murwillumbah High School; Bicentennary scrapbook; Tweed Shire Bicentennary Committee documents, NSW Department of Education Bicentennial Education Resource folder and Australia Day 1985 and 1986 documents.	Bill Quantrill

A bound booklet that contains 8 handwritten pages (a copy print - non original) prepared by pupils and teacher of Mount Burrell Public School to commemorate Education Centenary 1948	Barry King
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Key on silver "747" key ring and in a green box with label on the base of the box "key to cockpit of "City of Gold Coast Tweed" presented to Max Boyd in Seattle 21 January 1981; gold pen in brown box with label on the base of the box "This pen signed the contract Boeing/Qantas in Seattle, Wash. 21 January 1981. Max & Marguerite guests of Boeing to return on 1st Special Plane "City of Gold Coast Tweed". Brown photo album - with front cover sheet entitled 'Delivery of First Boeing 747SP to Qantas "City of Gold Coast/Tweed" Everett, Washington USA January 21 1981' and includes 14 large (21cm x 28cm) colour print photos. Qantas foolscap manila folder with photos, press releases, event schedule and news clippings.	Max Boyd
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Model of Qantas airplane "City of Gold Coast - Tweed" Barry Grant
on metal stand and news clippings and brochure.

Papers and Certificates belonging to Mavis Marjorie McIntyre of Cudgen NSW relating to her training and career as a nurse. Including Nurses Certificate, The Coast Hospital Sydney, completion of four years of training 4 May 1928. Certificate of Registration as a general nurse in NSW 19 Sept 1928. Certificate of Registrsation as a midwifery nurse registered in NSW 14 December 1933. Lindy McCollum

Souvenir plate and a separate souvenir dish displaying scenes of Murwillumbah and Mt Warning; salt and pepper shakers with scenes of Razorback; toothpick holder with a scene of Boyd's Bay Tweed Heads NSW. Tony Clark

Collections Management System (CMS)

Demonstrations of Vernon CMS were undertaken at Tweed Heads on 9 and 11 April. These were hampered by IT problems related primarily to network speed. MD is working closely with Council IT staff to diagnose and resolve these problems before completing installation of Vernon at Tweed Heads. However, this does not preclude continuing work on consolidation of data and information into the CMS. MD is in discussion with Tweed Heads volunteers about progressing this work.

Staff update

The new position of Collection and Program Support Officer will be advertised during May.

Naida Tattersall's contract appointment to the position Manager, Community and Cultural Services has been extended until January 2014.

Volunteer policy, procedures and recruitment

Council's new policies, procedures and associated documentation have been provided to all volunteers currently working at Tweed Heads, Uki, Murwillumbah and the Museum store. The procedures require completion of new registration forms by all volunteers.

Following a number of talks given by the Museum Director over the past couple of months a number of new volunteers have commenced work with the Museum.

Museum staff are also working toward the launch of a major volunteer recruitment drive in the second half of 2013.

Volunteers required for front of house and other tasks in the lead up to and following reopening of the Tweed River Regional Museum Murwillumbah will be recruited via Council's new procedures and inducted, trained and coordinated by Museum staff.

Following adoption of the new Volunteer Policy in April, a dedicated page will be added to Council's website directing potential volunteers to a range of volunteering opportunities with Council, including the Museum.

Recommendation: That the Museum Director's report be received and noted by the Committee and the proposed acquisitions and de-accessions be accepted.

Moved: Judy Kean

Seconded: Fay O'Keeffe

RESOLVED that the Museum Director's report be received and noted by the Committee and the proposed acquisitions and de-accessions be accepted.

Historical Societies Reports

Reports were circulated to Committee members prior to the meeting.

Museum Director, Judy Kean, advised that elements of the reports containing feedback on the Strategic Plan have been incorporated into the latest draft of the Plan.

Agenda Item 1 was suspended for discussion of Agenda Item 2

Chairperson, Max Boyd, enquired if the aim of the meeting was to finalise the Vision, Mission, and Legacy in the Strategic Plan.

Museum Director, Judy Kean, advised that this was the aim of the meeting, and also to decide on the goals for 2013-2017.

Moved: Gary Fidler

Seconded: Janet Swift

RESOLVED that Museum Director, Judy Kean, create a final version of the Vision, Mission, Legacy and Goals 2013-2017 using the feedback received from the Historical Societies, and bring this back to the next meeting for approval.

Resumption of discussion of Agenda Item 1

Historical Society Reports

Mary Lee Connery enquired about the TRRM Tweed Heads problem with buses in the carpark.

Joan Smith advised that the buses were damaging the carpark surface as well as blocking visibility to the Museum.

Max Boyd advised that he felt sure that Director Community & Natural Resources, David Oxenham, would resolve the problem as soon as possible.

Councillor Michael Armstrong advised that he would take this on as a personal issue and see that it was resolved.

Denise Garrick requested that Museum Director, Judy Kean, update the Committee on the problems associated with accessing Vernon CMS at TRRM Tweed Heads.

Judy Kean advised that network speed was an issue at Tweed Heads and that Council's I.T section have investigated the problems and are identifying solutions, including possible replacement of infrastructure.

Mary Lee Connery advised that TRRM Murwillumbah volunteer, Kevin Dickson, will be present at Channel 7 when analogue television is terminated, as he is the only surviving member of the team that turned on analogue television.

Moved: Denise Garrick

Seconded: Beverley Lee

RESOLVED that the reports from Historical Societies be noted by the Committee.

2. Discussion of TRRM Strategic Plan

This was discussed during Agenda Item 1 (see above)

General Business:

3. Research projects

Max Boyd requested that the Museum Director prepare and present a report on research being undertaken by Historical Societies, volunteers and Museum staff for each Museum Advisory Committee meeting to ensure broad awareness of the range of research underway.

4. RAHS annual meetings

Max Boyd, along with others, attended the Royal Australian Historical Society meeting recently, in Lismore.

Max offered to host the 2015 meeting in the Tweed Shire, at the newly renovated Murwillumbah branch of TRRM. Max advised that this suggestion was met with some opposition at the meeting, and sought feedback from this Committee.

Discussion followed.

5. Flagstaff Hill site

Joan Smith advised that the Committee of the Tweed Heads Historical Society have been having discussions on alternative sites for a new museum at Tweed Heads and is prepared to consider options other than Flagstaff Hill.

6. Volunteers' Week

Museum Director, Judy Kean, thanked all Committee members for their co-operation with the media for the Volunteers' Week celebrations.

She sincerely thanked all volunteers for their contribution to the Museum project, and stated that the gift hampers were a small token of the great appreciation felt by the Museum towards its volunteers.

7. President, Uki & South Arm Historical Society

Judy Kean advised Committee members that Helena Duckworth, President Uki & South Arm Historical Society was made a life member at the recent Society AGM. Committee members congratulated Helena.

8. Friends of the Museum

Gary Fidler advised that the Friends of the Museum are holding their Annual General Meeting on Friday 7 June at 9:30am, followed by a tour of the Museum Storage Facility.

Next Meeting:

The next meeting of the Tweed River Regional Museum Advisory Committee will be held 18 July 2013.

The meeting closed at 3:25pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Supporting Community Life

2.1 Foster strong, cohesive, cooperative, healthy and safe communities

2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE ACTING GENERAL MANAGER IN COMMITTEE

1 [GM-CM] Crown Land at Pottsville

REASON FOR CONFIDENTIALITY:

Local Government Act

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.

Valid



Strengthening the Economy

2 [GM-CM] Application for Deferred Payments Under Business Investment Policy

REASON FOR CONFIDENTIALITY:

Report deals with the business undertakings of a local company

Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Valid



Strengthening the Economy

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

3 [CNR-CM] Revised Water Consumption and Recovery of Associated Water Charges for Mantra Resort at Salt

REASON FOR CONFIDENTIALITY:

Report contains information about water consumption and associated charges that are specific to the business concerned.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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.

Valid



Civic Leadership

4 [CNR-CM] Eviron Road Quarry and Landfill

REASON FOR CONFIDENTIALITY:

The report deals with confidential commercial negotiations where it is in the public interest is to maintain such confidentiality between the parties.

Local Government Act

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.

Valid



Civic Leadership



Supporting Community Life

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