



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland (Mayor)

Councillors: M Armstrong (Deputy Mayor)
G Bagnall
C Byrne
K Milne
W Polglase
P Youngblutt

Agenda

Ordinary Council Meeting Thursday 18 July 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 4.45pm

COUNCIL'S CHARTER

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

Tweed Shire Council has the following charter:

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

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CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 June 2013

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
-

SUMMARY OF REPORT:

The Minutes of the Ordinary and Confidential Council Meeting held Thursday xxx are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 June 2013 be adopted as a true and accurate record of proceedings of that meeting.**
- 2 **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) **matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.3.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Attachment 1 Minutes of the Ordinary Council Meeting held Thursday 20 June 2013 (ECM 3096110).
 2. Confidential Attach 2 Minutes of the Confidential Council Meeting held Thursday 20 June 2013 (ECM 3086105).
-

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [SOR] Schedule of Outstanding Resolutions



Civic Leadership

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

No debate is to be allowed on Outstanding Resolutions. Any changes to or debate on Outstanding Resolutions should only be by way of a Notice of Motion or a report to Council.

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 processes*

26 June 2012

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

27 [CNR-CM] Management and Dedication of Environmental Lands at Kings Forest and Cobaki

364

Cr K Skinner
Cr W Polglase

RESOLVED that this item be deferred for a Workshop to include the proponent, Council officers and Councillors.

Current Status: A Workshop has been held and Council continues to negotiate with the proponent and the Department and a final report will be considered by Council in the forthcoming months.

Recent Part 3A approvals processes for both Kings Forest and Cobaki have determined a recommended approach to the management and dedication of environmental lands.

21 March 2013

ORDERS OF THE DAY

11 [NOM-Cr M Armstrong] Promotion of Sustainable Design

NOTICE OF MOTION:

123

Cr M Armstrong
Cr K Milne

RESOLVED that Council:

1. Hosts a Community Summit, prior to 30 October 2013, to engage with the community to develop policies to promote sustainable design, sustainable retrofitting of existing homes and sustainable community planning in the Tweed Shire.
2. Prepares a report to be brought forward to the December 2013 Council meeting encapsulating the findings of the Community Summit with a view to introducing policies to promote sustainable development throughout the Tweed Shire.

Current Status: Community Summit to be organised in September/October 2013 following Workshop discussion with Councillors in August 2013.

14 [NOM-Cr P Youngblutt] Equal Access - Tweed Aquatic Centre

NOTICE OF MOTION:

126

Cr P Youngblutt
Cr W Polglase

RESOLVED that Council officers, in consultation with the Equal Access Advisory Committee, investigate and report back to Council on the provision of a subsidy to improve accessibility for Tweed Shire residents with permanent or temporary disability to the Tweed Aquatic Centres.

Current Status: Report to be prepared.

CONFIDENTIAL ITEMS

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

4 [EO-CM] Bilambil Sports Club

REASON FOR CONFIDENTIALITY:

Privacy of the individual board members of the Bilambil Sports Club Ltd while the liquidation/bankruptcy process proceeds

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: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C 12

Cr M Armstrong
Cr K Milne

RECOMMENDED that:

.....

- e. Bring forward a further report outlining available options with respect to the outstanding amount of \$63,028 owed to Council at a future meeting.

Current Status: Report to be prepared.

18 April 2013

ORDERS OF THE DAY

8 [NOM-Cr G Bagnall] Tweed River

NOTICE OF MOTION:

192

Cr G Bagnall
Cr M Armstrong

RESOLVED that the Council engineers bring forth a report that identifies areas of the Tweed River bank opposite Tumbulgum and the riverbank in Murwillumbah, between Condong Creek and the Riverview Hotel, that require revetments or an appropriate remediation and the estimated cost thereof.

Current Status: Report to be prepared.

12 [NOM-Cr K Milne] Unnamed Creek, Harrys Road, Numinbah

NOTICE OF MOTION:

196

Cr K Milne
Cr G Bagnall

RESOLVED that Council brings forward a report on the state of the unnamed creek at Harrys Road, Numinbah and recommendations for remediation as soon as possible.

Current Status: A number of site assessments including soil testing have been undertaken. Results of these soil tests will determine the most appropriate remediation process, which will be included in a future report to Council.

13 [NOM-Cr K Milne] Climate Change Priority

NOTICE OF MOTION:

197

Cr K Milne
Cr G Bagnall

RESOLVED that Council prioritises climate change as an urgent and high priority in all relevant areas of Council policy and operations, and brings forward to a future Workshop, policy options to implement this approach.

Current Status: Workshop scheduled for 1 August 2013.

17 [NOM-Cr K Milne] Development Control Plan (DCP) A11- Public Notification of Development Proposals

NOTICE OF MOTION:

201

Cr K Milne
Cr G Bagnall

RESOLVED that Council brings forward a report on DCP A11- Public Notification of Development Proposals in relation to enhancing opportunities for the community to be

notified on these matters.

Current Status: Workshop held on 4 July 2013. Generally at Workshop agreed that Council staff would monitor adequacy of existing policy without the need of a further report.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

35 [CNR-CM] Draft Northern Rivers Regional Affordable Housing Strategy

207

Cr M Armstrong
Cr G Bagnall

RESOLVED that Council:

...

3. Council holds a Workshop with Councillors to discuss the implications prior to a further report being submitted to Council.

Current Status: Workshop scheduled for 11 July 2013

16 MAY 2013

ORDERS OF THE DAY

4 [NOM-Cr G Bagnall] Collection and Recycling of Household Batteries

266

Cr G Bagnall
Cr K Milne

RESOLVED that Council Officers bring forward a report on the feasibility of establishing a business partnership model for the collection and recycling of household batteries within various commercial business districts.

Current Status: Report to be prepared for August 2013 Council Meeting.

6 [NOM-Cr G Bagnall] Assessment of Environmental Land

268

Cr G Bagnall
Cr K Milne

RESOLVED that Council undertakes a preliminary environmental assessment of the environmental land to the immediate north of the decommissioned Murwillumbah landfill to firstly determine the potential noise and dust impacts from the proposed development on this site and secondly, its ecological value, giving consideration to all fauna and flora on the site and the site's value in terms of the broader terrestrial environment, such as a nursery for endangered bats and bird species.

Current Status: Brief been issued for environmental assessment.

8 [NOM-Cr G Bagnall] Policy - Animal Management Procedures

270

Cr G Bagnall
Cr K Milne

RESOLVED that a report be submitted to Council detailing Council's current Companion Animal Regulation functions, in order to determine the suitability of preparing a new Council Policy on animal management procedures, including a preferred process for handling barking dog complaints.

Current Status: Report to be prepared.

12 [NOM-Cr G Bagnall] Renewable Energy

276

Cr G Bagnall
Cr K Milne

RESOLVED that:

1. Council adopts the aspirational goal of becoming self sufficient in renewable energy and that, as a first step in achieving this goal, that it become an additional topic to be considered in the Sustainable Design Community Summit formally endorsed in the Council meeting of 21 March 2013; and
2. A report is prepared for Council consideration.

Current Status: Second "Think Tank" schedule for early August 2013.
Community Summit to be scheduled for September/October 2013 and Council report to be prepared.

16 [NOM-Cr K Milne] Lot 490

280

**Cr B Longland
Cr W Polglase**

RESOLVED that Council:

1. Arranges a workshop with Councillors on Lot 490 as soon as possible.
2. Arranges a public meeting to include representatives from Residents/Progress Associations across the Shire and the communities of Kingscliff, Casuarina, Cudgen and Chinderah with the purpose of discussing possible future uses for Lot 490 at Kingscliff. The meeting to be promoted through the Tweed Link and should include an invitation to the Department of Lands.
3. Prepares a report outlining the outcomes of both the workshop and public meeting regarding Lot 490.

Current Status: Workshop scheduled for 1 August 2013 was deferred due to other pressing Council commitments.

17 [NOM-Cr M Armstrong] Assistance Animals Including Guide Dogs and Hearing Dogs

281

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council:

1. As a matter of priority investigates the feasibility of providing off leash space for assistance animals including but not limited to guide dogs and hearing dogs within the upgrades to Arkinstall Park; and
 2. Brings forth a report to outline ways in which greater provision can be made for off leash space for assistance animals including but not limited to guide dogs and hearing dogs both within existing infrastructure and within future large scale residential developments.
-

Current Status: Report on Item 1 prepared for July 2013 meeting.

18 [NOM-Cr M Armstrong] Policy - Hire Fees

282

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council develops a policy to provide support to Resident, Progress and Ratepayer organisations by:

1. Upon application providing a reduction in hire fees for Council properties in the amount of 50% of the community rate;
2. The period of reduction continues for a period of 12 months; and
3. The maximum number of hires to which the discounted hire fee applies during any 12 months period be fourteen.

Current Status: Public consultation to begin in July 2013 with a view to a report to be submitted to September 2013 Council Meeting.

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

54 [EO-CM] Local Preference Procurement Policy

326

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council adopt Option 3 of this report being:
 - (a) Draft Version 1.5 of the Procurement Policy be placed on public exhibition for a period of 28 days and seeking public submissions for 42 days.
 - (b) Council concurrently seek advice and reports from the Audit Committee and the External Auditor on the likely implications of the draft policy on Council's finances and operations.
 - (c) Council obtains economic modelling on the likely impact of the draft policy on the local economy.
 - (d) Before compiling a final report on the amended policy, a Councillor workshop be conducted to consider outcomes of (b) and (c) above and submissions from the public and industry stakeholders.

2. An internal cross divisional "Sustainable Procurement Working Group" be established to:
 - (a) Develop and utilise systems to track and record sustainable purchases for the organisation to benchmark, record, and quantify progress.
 - (b) Work with suppliers to discuss and implement specific sustainability opportunities.

.....

Current Status: Workshop conducted on 4 July 2013 and a report will be prepared for August 2013 Council Meeting.

20 June 2013

8 [NOM-Cr M Armstrong] Provision of Community and Cultural Services

NOTICE OF MOTION:

352

**Cr M Armstrong
Cr K Milne**

RESOLVED that:

1. A report be prepared for the December 2013 meeting of Council investigating potential sites and/or locations that would be suitable for a:
 - (a) cultural precinct within Banora Point/Tweed Heads area to potentially include:
 - Professional theatre/performance facility for an audience of more than 350
 - Rehearsal/small performance spaces(s)
 - Museum
 - Exhibition space
 - Library
 - Multipurpose community meeting and activity spaces.
 - (b) community centre within the Banora Point/Tweed Heads area to potentially include:
 - Multipurpose community meeting and activity spaces
 - Government offices/spaces
 - Services for the homeless, youth, and/or other designated groups.
2. The report should provide details on:
 - Feasibility of the cultural precinct and community centre
 - Feasibility and costs for the potential sites

- Feasibility and costs of staged development of the various facilities based on priorities
- Timeframe for acquisition (If necessary), planning, and construction
- Timeframe for completion of the cultural precinct and community centre
- Costs benefit analysis for the establishment of a cultural precinct and/or separate community centre
- Feasibility of repurposing existing council sites and facilities
- Feasibility of either co-locating the precinct and community centre or separate sites for each of the cultural precinct and community centre
- Existing and potentially available sources of funding.

Current Status: Report to be prepared to December 2013 Council Meeting.

9 [NOM - Cr Armstrong] Future Use of Murwillumbah Railway Station Building

NOTICE OF MOTION

356

Cr C Byrne
C P Youngblutt

RESOLVED that a report be prepared for the December 2013 meeting of Council regarding the future use of the Murwillumbah Railway Station building considering:

1. Retaining the building and part of the rail corridor between the Station and the closest access point to the Tweed River Regional Art Gallery as a public community asset;
2. The capacity of the building and/or site for community uses including, but not limited to, meeting space(s), exhibition space(s), performance space(s), rehearsal space(s), and terminus for Rail Trail activities and also the rail corridor to be used as a pedestrian access from the Station to the Tweed River Regional Art Gallery;
3. The feasibility of the building and/or site for use as a public community and/or cultural facility given the historical significance of the building; and
4. A cost benefits analysis for the use of the building and/or site as a public community and/or cultural facility socially for the people of Murwillumbah and economically for the wider Tweed Community.

Current Status: Report to be prepared for the December 2013 Council Meeting.

12 [NOM-Cr K Milne] Divestment of Fossil Fuels

NOTICE OF MOTION:

365

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council brings forward a report on what legislative or other changes would be required to enable investment in renewable energy institutions.

Current Status: Report to be prepared.

13 [NOM-Cr K Milne] Commercial Wakeboarding Operations

NOTICE OF MOTION:

367

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council brings forward a report no later than the April 2014 Council meeting outlining a comprehensive planning proposal capable of adoption by Council to regulate commercial wakeboarding operations and events throughout the Tweed Shire.

Current Status: Report to be prepared.

REPORTS FROM ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

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

403

**Cr G Bagnall
Cr K Milne**

RESOLVED that

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

2. A Councillor Workshop and site tour be organised, to investigate options in consultation with members of the Murwillumbah Lions Club.

Current Status: Workshop and site tour scheduled for 25 July 2013.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for the period from 4 June to 2 July

SUBMITTED BY: Cr B Longland, Mayor



Civic Leadership

Councillors

COMMITTEE MEETINGS

Attended by the Mayor

- 5 June 2013 - Murwillumbah Community Centre Management Committee - Murwillumbah Community Centre, Nullum Street, Murwillumbah (Warren Polglase also attended).
 - 12 June 2013 - Tweed Coastal Committee - Canvas and Kettle Meeting Room, Murwillumbah Civic Centre.
 - 14 June 2013 - Arts Northern Rivers Board Meeting - Arts Northern Rivers Offices, Old Tintenbar Chambers, 2/5 Bruxner Highway, Alstonville.
-

INVITATIONS:

Attended by the Mayor

- 4 June 2013 - Tweed Heads Community Men's Shed First Birthday Morning Tea - - The Men's Shed, Recreation Street Park, Tweed Heads.
 - 5 June 2013 - Mayor's talk to grade 4 students, the role of council - St James Primary, Doyle Drive, Banora Point.
 - 5 June 2013 - Beachside Communicare Community Pantry birthday celebration funded by Beachside Church - Pottsville Beach Neighbourhood Centre, Elizabeth Street, Pottsville..
 - 5 June 2013 - Opening and Blessing of Fred's Place, an intervention and prevention facility for the homeless, hosted by St Vincent de Paul - Fred's Place, 9 Boyd Street, Tweed Heads.
-

- 6 June 2013 - Launch of the Aged Care Garden Beds Project by Sustain Northern Rivers - Bangalor Retreat, 27 Stott St, Tweed Heads.
- 7 June 2013 - Murwillumbah District Business Chamber Breakfast, Greenhills on Tweed, Greenhills on Tweed, 131 River Street, South Murwillumbah.
- 11 June 2013 - Tweed Heads Chamber of Commerce Breakfast - Tweed Heads Bowls Club, Wharf Street, Tweed Heads.
- 12 June 2013 - Destination Tweed drinks with the board of Connecting Southern Gold Coast - Currumbin Beach Vikings SLSC, 741 Pacific Parade, Currumbin.
- 14 June 2013 - Nicholas Harding in Conversation, Tweed River Art Gallery (TRAG) Friends' event - TRAG, Mistral Road, Murwillumbah.
- 21 June 2013 - Launch of Ben Quilty's After Afghanistan exhibition, Tweed River Art Gallery, Mistral Road, Murwillumbah.
- 21 June 2013 - Murwillumbah High School Arts Week Performances - Murwillumbah High School, 86 Riverview St, Murwillumbah.
- 22 June 2013 - Netball QLD Opening of Challenge Carnival - Tweed Netball Association, Arkinstall Park, Cunningham Street, Tweed Heads South (also attended by Cr Warren Polglase).
- 24 June 2013 - Netball QLD Closing of Challenge Carnival - Tweed Netball Association, Arkinstall Park, Cunningham Street, Tweed Heads South.
- 24 June 2013 - Murwillumbah Rotary Club, Greenhills on Tweed, River Street, Murwillumbah.
- 26 June 2013 - Farewell for Pam Wooster from Destination Tweed - Tumbulgum Tavern.
- 27 June 2013 - Launch of Green Cauldron Tours - Murwillumbah Visitor Information Centre, Cnr Tweed Valley Way & Alma Street, Murwillumbah.
- 28 June 2013 - LGNSW Leaders Forum, Future Direction of NSW Local Government - Four Points by Sheraton, 161 Sussex Street, Sydney.
- 2 July 2013 - LGNSW 'Leaders Forums – The Planning White Paper' - Portside Conference Centre, 207 Kent Street Sydney.

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

- 16 June 2013 - Murwillumbah Rowing Club "Head of the Tweed" Marathon, Awards Presentation - Murwillumbah Rowing Club, Tumbulgum Road, Tumbulgum - Cr Byrne attended.
- 28 June 2013 - Cudgen Headland Surf Life Saving Club (CHSLSC) Sponsors' Lunch - CHSLSC, 61 Marine Parade, Kingscliff - Cr Polglase attended.

Inability to Attend by or on behalf of the Mayor

- 18 June 2013 - Sustain Northern Rivers, Keeping our Food Local, a forum for growers, producers, retailers and restaurants - Nightcap Restaurant, North Coast TAFE, 61 Sneaths Rd, Wollongbar, NSW.
- 19 June 2013 - Destination Tweed Board Meeting - Southern Cross University, Gold Coast Campus, Southern Cross Drive, Bilinga.
- 27 June 2013 - Lions Club of Kingscliff Annual Changeover Dinner - Cudgen Leagues Club, Kingscliff.
- 29 June 2013 - Tweed Unlimited Arts' (TUA) Open Weekend - TUA Gallery, Pioneer Parade, Banora Point.

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by	Topic	Councillors For	Councillors Against	Proposed Workshop Date
21/06/13	Alzheimers Australia	Alzheimers Australia re dementia epidemic and Alzheimers Brain Health promotional campaign.	All	-	To be advised

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 16-19 Jun 2013 The 2013 National General Assembly, Canberra - National Convention Centre, Canberra, ACT (Crs Longland and Polglase attended)
- 17-19 Jun 2013 The 6th Making Cities Liveable Conference (18-19 June), in conjunction with the Sustainable Transformation Conference (17 June) - both held at the Novotel, St Kilda, Melbourne - (Cr Bagnall attended)
- 26 June 2013 'Bush to the Beach and Back of Beyond' Tracks and Trails Seminar - Kyogle Cinema, 26 Bloore Street, Kyogle (Cr Longland attended)

Information on Conferences to be held

There has been no advice of conferences for Councillors to consider for the period to the end of August 2013.

SIGNING OF DOCUMENTS BY THE MAYOR:

- 18 June 2013 - Deposited Plan - Land Acquisition - Mistral Road Murwillumbah.
 - 21 June 2013 - Deed of Agreement - Horizon Housing Solutions Ltd - Housing Project.
 - 26 June 2013 - Licence Agreement - Telstra - Kingscliff Reservoir Faulks Street Kingscliff.
 - 26 June 2013 - Transfer Granting Easement - Lot 57 DP 263729 - Creation of Easement for Sewer at Pottsville.
 - 27 June 2013 - Loan Documentation - Westpac.
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.2.

b. Budget/Long Term Financial Plan:

Appropriate expenditure is allowed for attendance by Councillors at nominated conferences, training sessions and workshops.

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
- 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community

RECOMMENDATION:

That the Mayoral Minute for the period from 3 June to 2 July 2013 be received and noted.

UNDER SEPARATE COVER:

Nil.

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RECEIPT OF PETITIONS

4 [ROP] Receipt of Petitions

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
-

SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.3, *Petitions received by Councillors or forwarded to the (Acting) General Manager will be tabled as per the Order of Business, Item 11, Receipt of Petitions.*

Unless Council determines to consider it in conjunction with a report already listed on the agenda, no motion (other than a motion to receive the same) may be made on any petition until the next Ordinary Meeting after that at which it has been presented.

RECOMMENDATION:

That the following tabled Petition(s) be received and noted:

REPORT:

As per Summary

OPTIONS:

That in accordance with Section 1.5.4 of the Code of Meeting Practice Version 2.3:

1. The tabled Petition(s) be considered in conjunction with an Item on the Agenda.
2. The tabled Petition(s) be received and noted.

CONCLUSION:

Any Petition tabled should be considered under Section 1.5.4 of the Code of Meeting Practice Version 2.3.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.3.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE ACTING GENERAL MANAGER

REPORTS FROM THE ACTING GENERAL MANAGER

5 [GM-CM] Tweed Shire Business Excellence Awards

SUBMITTED BY: Business and Economic Development

Valid



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.5 Support innovative employment generating projects
-

SUMMARY OF REPORT:

Tweed Shire Council has been approached by the Murwillumbah District Business Chamber to become a sponsor of the Business Excellence Awards Tweed Shire (BEATS). These awards are to be held on 12 October 2013.

By Council becoming a sponsor of the BEATS 2013 Council will be showing its support for business in the Tweed. This report recommends that Council become a Silver Sponsor to the Business Excellence Awards Tweed Shire.

RECOMMENDATION:

That Council become a Silver Sponsor to the Business Excellence Awards Tweed Shire organised by the Murwillumbah District Business Chamber.

REPORT:

Background

Tweed Shire Council has been approached by the Murwillumbah District Business Chamber to become a sponsor of the Business Excellence Awards Tweed Shire (BEATS). These awards are to be held on 12 October 2013.

The Chamber have developed the BEATS awards as a direct result of the feedback it received from the Business Retention and Expansion (BRE) survey that was undertaken in Murwillumbah last year. Specifically this research identified the need to encourage and recognise excellence in customer service.

The Chamber also believes that the BEATS awards will contribute to the reputation and identity of Tweed business and to foster pride in our business community. Through these awards Tweed business will gain a stronger and more prominent business reputation.

The Vision of the awards are:

To showcase, promote and unite businesses within the Tweed Shire, by recognising excellence in innovation, productivity and customer service. Highlighting their ideals and aspirations while applauding their achievements and endeavour to succeed whether large, medium or small in any economic climate. Tweed Business is a diverse landscape that will strive, thrive and survive by recognition.

The Mission identifies that the;

Business Excellence Awards Tweed Shire (BEATS) will acknowledge businesses in the Tweed Shire that excel in their nominated industry and exceed customer expectations with a professional yearly awards programme.

The Gala Awards Event

The BEATS will take place on the night of 12 October 2013 at a cocktail and theatre presentation at the Tweed Heads Civic Centre blending the talented creative industries with business to present an awards night that will be truly a showcase of excellence in the Tweed. Individual and corporate bookings will be available and the Chamber is expecting up to 500 local business representatives to attend.

The night will be professionally formatted with special ongoing recognition of all their sponsors via speaker credits, ongoing audio / visual presentations and through printed credits in the official documentation. The Awards will be marketed to the whole of the Tweed Shire through newspaper, television and radio advertising, social media, emails and web marketing.

Sponsorship

Platinum Sponsor

Platinum Investments over \$5,500

Platinum Sponsorship is tailored to suit the sponsor to ensure that their level of involvement reflects their contributions.

Gold Sponsor

Gold Investments from \$5,500 (inc GST)

This category will be given maximum prominence at the BEATS

1. Company name acknowledged on the trophy presented to a category winner
2. Opportunity to present an award category at the BEATS
3. Speaker credits at the Gala Awards Evening
4. Visual credits throughout the Gala Awards Evening
5. Company name and logo exposure via MDBC website and BEATS social media
6. Company name and logo running continuously on the stage screen throughout Gala Awards Evening
7. Company name and logo printed on BEATS Programs
8. Opportunity to place banners at the Gala Awards Evening
9. Company name and logo printed on BEATS Tickets
10. Company name and logo on all BEATS correspondence and collateral
11. Company name exposure via radio (where practical)
12. BEATS supporter window decal
13. Two complimentary tickets to the Gala Awards Evening

Silver Sponsor

Silver Investments from \$1,100 (inc GST)

This category will be given exposure at the BEATS

1. Speaker credits at the Gala Awards Evening
2. Visual credits running continuously throughout the Gala Awards Evening
3. Company name and logo exposure via MDBC website and BEATS social media
4. Company name and logo displayed via on stage screen throughout the Gala Awards Evening
5. Company name and logo printed on BEATS Programs
6. Company name and logo printed on BEATS Tickets
7. Company name and logo on all BEATS correspondence and collateral
8. Company name exposure via radio (where practical)
9. BEATS supporter window decal
10. Two complimentary tickets to the Gala Awards Evening

Bronze Sponsor

Bronze Investments from \$150 (inc GST)

1. The corporate names being displayed on all official correspondence
2. Speaker credits at the Gala Awards Evening
3. Visual credits running continuously through Gala Awards Evening
4. BEATS supporter window decal.

In kind Sponsors

Alternative to cash contributions, products or services can be recognised as in-kind sponsorship. The extent and type of in kind contribution will need to be discussed with the Chamber.

Sponsors to Date

Currently to date the sponsors for the event are:

Platinum Sponsor - Southern Cross Austereo- (Chanel 10, Sea FM, Gold FM)

Gold Sponsor - The Tweed Valley Weekly- Newspaper

Silver Sponsor - The Print Spot

OPTIONS:

The options available to Council are;

1. Support the Business Excellence Awards Tweed Shire by becoming a sponsor
2. Not proceed with any sponsorship of the Business Excellence Awards Tweed Shire

CONCLUSION:

By Council becoming a sponsor of the BEATS 2013 Council will be showing its support for the business in the Tweed. This report recommends that Council become a Silver Sponsor to the Business Excellence Awards Tweed Shire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

This report recommends the expenditure of \$1,100 (including GST) from the Economic Development Fund

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Tweed Business Excellence Awards Sponsorship Proposal.pdf
(ECM 3091076)

6 [GM-CM] Applications for Financial Assistance 2013/2014 - Festivals and Events Policy

SUBMITTED BY: Communications and Marketing

Valid



Supporting Community Life



Strengthening the Economy

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
3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
3.1.2	Attract major events to the Tweed

SUMMARY OF REPORT:

On 20 June 2013 Council considered a report on the applications for Financial Assistance 2013/2014 - Festivals and Events Policy and resolved:

"that this item be deferred to a Workshop to bring back to the next Council meeting."

Council recognises the importance of festivals and events to the quality of life offered in the Tweed and their significant economic benefits to tourism and other industries.

Council's Events Strategy 2011-2016 provides a framework to assist the community and Council develop and support festivals and events in the Tweed. The Festival and Events Policy adopted in 2011 created one annual funding round with applications due on 1 May each year. Through the Tweed Link, Council invited applications for financial assistance from eligible organisations in accordance with its Festivals and Events Policy.

Applicants are able to apply for multi-year funding and the recommendation is to provide this. Funding in the subsequent year still requires annual reporting and updating of the business plan already received.

RECOMMENDATION:

That:

- 1. Council allocates Festival and Events funding for 2013/2014 under the Festivals and Events Policy as follows:**

Application	Amount
(a) Tweed Heads Croquet Club Inc (Croquet Spring Festival)	\$1,000
(b) Twin Towns Services Club (NYE Fireworks 9pm)	\$4,000
(c) Cooly Rocks On	\$20,000
(d) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$7,500
(e) Tweed Food Fest Inc (Tweed Foodie Fest)	\$5,000
(f) Chillingham Community Association Inc (Three Choirs Festival)	\$750
(g) The Family Centre (Superhero Saturday)	\$1,500
(h) Caba Creative (Caba Creative Carnivale)	\$1,150
(i) Crabbes Creek Community Film Society (CrabbesFest)	\$1,000
(j) St Joseph's Youth Services (Tweed Mental Health Awareness - Family Fun Day)	\$3,000
(k) Caldera Environment Centre (World Environment Day Festival)	\$4,000
(l) Tweed River Canine Club (Canine Spectacular)	\$1,500
(m) Coolangatta-Mt Warning Dragon Boat Club Inc (Tweed River Festival Regatta)	\$1,500
(n) Murwillumbah Festival of Performing Arts (Murwillumbah Festival of Performing Arts)	\$7,500
(o) Kids in Need Association (Kids in Need Dragon Boat Festival 2013)	\$1,500
(p) Murwillumbah Rowing Club (Head of the Tweed 2014)	\$1,500
(q) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	<u>\$1,500</u>
TOTAL	<u>\$63,900</u>

2. Council has allocated multi-year funding in 2012/2013 for 2013/2014 and 2014/2015 under the Festivals and Events Policy as follows:

Application	Amount
(a) Tweed River Agricultural Society (Murwillumbah Show)	\$7,500
(b) Island Style Promotions (Australian Longboard Surfing Festival)	\$5,000
(c) Tyalgum Festival Committee Inc (Tyalgum Festival of Classical Music and Community Spring Fair)	<u>\$6,000</u>
TOTAL per year	<u>\$18,500</u>

3. Council allocates multi-year funding for 2014/2015 and 2015/2016 under the Festivals and Events Policy as follows:

Application	Amount
(a) Rotary Club of Murwillumbah Central Inc (Tweed Valley Banana Festival)	\$7,500
(b) Tweed Food Fest Inc (Tweed Foodie Fest)	\$5,000
(c) Murwillumbah Festival of Performing Arts	\$7,500
(d) Cabarita Beach Pottsville Beach Lions Club Inc (Lions Charity Greenback Tailor Fishing Competition)	<u>\$1,500</u>
TOTAL per year	<u>\$21,500</u>

4. **ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
 - (a) **personnel matters concerning particular individuals (other than councillors).**

REPORT:

List of applicants:

Applicant	Amount Requested	Festival
Tweed Heads Croquet Club Inc	\$1,500	Croquet Spring Festival 30 August to 2 Sept 2013
Twin Towns Services Club	\$25,000	NYE Fireworks 31 December 2013
Cooly Rocks On	\$30,000	Cooly Rocks On 30 May to 9 June 2014
Rotary Club of Murwillumbah Central Inc	\$10,000	Tweed Valley Banana Festival 31 August 2013
Tweed Food Fest Inc	\$20,000	Tweed Foodie Fest 29 Nov to 1 Dec 2013
Chillingham Community Association Inc	\$750	Three Choirs Festival 20 July 2013
The Family Centre	\$3,500	Superhero Saturday 7 September 2013
Caba Creative	\$1,500	Caba Creative Carnivale 28 September 2013
Crabbes Creek Community Film Society	\$1,000	CrabbesFest 2013 13 September 2013
St Joseph's Youth Services	\$10,000	Tweed Mental Health Awareness - Family Fun Day and Youth Festival 4 October 2013
Caldera Environment Centre	\$4,000	World Environment Day Festival 1 June 2014
Tweed River Canine Club	\$1,500	Canine Spectacular 14 March to 16 March 2014
Coolangatta-Mt Warning Dragon Boat Club Inc	\$2,000	Tweed River Festival Regatta 1 September 2013
Murwillumbah Festival of Performing Arts	\$15,000	Murwillumbah Festival of Performing Arts 11 July 2013
Kids in Need Association	\$1,500	Kids in Need Dragon Boat Festival 2013 10 November 2013
Murwillumbah Rowing Club	\$1,500	Head of the Tweed 2014 15 June 2014
Cabarita Beach Pottsville Beach Lions Club Inc	\$5,000	Lions Charity Greenback Tailor Fishing Competition 8 June 2014

Total applied for \$133,750.

OPTIONS:

As well as the annual allocation of financial assistance, there is an option to allocate multi-year funding for those four applicants who have requested it and provided adequate financial and event management plan for the three year period.

CONCLUSION:

Funding be allocated to festivals and events within the 2013/2014 budget of \$82,400; which includes an amount of \$18,500 in multi-year funding for 2013/2014 allocated in the previous year 2012/2013.

COUNCIL IMPLICATIONS:

a. Policy:

Festivals and Events Policy Version 1.0.

b. Budget/Long Term Financial Plan:

1. An amount of \$82,400 is available in the budget and recommended for distribution in 2013/2014;
2. A total amount of \$40,000 is recommended for multi-year funding for 2014/2015 and 2015/2016 which will come from the allocated budgets for those future years.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Assessment - Festivals and Events Funding 2013/2014 (ECM 3079633)

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7 [GM-CM] Structural Reform of Northern Rivers County Councils

SUBMITTED BY: Acting General Manager

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.3 Recognise the social and economic impacts of managing vegetation

SUMMARY OF REPORT:

The University of Technology, Sydney; Centre for Local Government (UTS:CLG) were commissioned by the Northern Rivers Regional Organisation of Councils (NOROC) and delivered a report in April 2012 reviewing structural reform business cases for the three county councils in the Northern Rivers region, being:

County Council	Constituent Councils	Function
Rous Water	Ballina, Byron, Lismore and Richmond Valley	Regional bulk water supply
Richmond River	Lismore, Ballina, and Richmond Valley	Flood plain management
Far North Coast Weeds	Tweed, Byron, Ballina, Lismore City, Richmond Valley and Kyogle	Noxious weed control

In July 2012 Council resolved to support structural reform of the Far North Coast County Council in principle but deferred any decision on the preferred governance model.

Since that time the Independent Local Government Review Panel (ILGRP) has completed a substantial portion of its investigations and issued its paper "Future Directions for Local Government - Twenty Essential Steps". Given the ILGRP current proposals for regional cooperation in the form of large county council groupings and also larger individual councils, the case for retaining Rous, Richmond River and Far North Coast Weeds as three small separate organisations is very weak.

In their report, UTS:CLG recommended Option 7 for the formation of a single Richmond Valley based county council serving the combined bulk water supply, flood mitigation and noxious weeds management needs of the Lismore, Byron, Ballina and Richmond Valley constituent local government areas. This new county council would exclude Tweed and Kyogle as constituent councils, but would still be able to supply these councils with noxious weeds management services on a contract and/or service level agreement basis.

This option for formation of a single Richmond Valley based county council, excluding Tweed is consistent with Tweed Shire Council's position of remaining separate from a Richmond Valley based regional county council.

RECOMMENDATION:

That:

- 1. Council support the creation of a new county council that incorporates all the existing functions of the current Rous Water, Far North Coast Weeds and Richmond River County Councils with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives in the Richmond Valley region; the governance structure would include representation from Byron, Ballina, Lismore and Richmond Valley Councils. The new county council would exclude Tweed and Kyogle Shire Councils.**
- 2. To facilitate 1 above, the Minister for Local Government be advised of Tweed's position regarding the future of Far North Coast Weeds County Council and the proposed restructure into one body of the three county councils in the Northern Rivers.**
- 3. It be noted that Council's intention, should this restructure occur, is to initially negotiate a service level agreement with the new entity for provision of noxious weeds management services.**

REPORT:**1. Background**

NOROC engaged the UTS:CLG (University of Technology, Sydney) Centre for Local Government to undertake a cost and benefit analysis of the current structural arrangements of the three county councils in the Richmond Valley. The engagement also assessed opportunities for reform and made a recommendation on a preferred model. The report was issued 13 April 2012.

The three county councils are

County Council	Constituent Councils	Function	No. Councillors	No. Staff	Annual Income 2009/2010 (\$M)
Rous Water	Ballina, Byron, Lismore and Richmond Valley	Regional bulk water supply	8	77	18.753
Richmond River	Lismore, Ballina, and Richmond Valley	Flood plain management	6	7	1.657
Far North Coast Weeds	Tweed, Byron, Ballina, Lismore City, Richmond Valley and Kyogle	Noxious weed control	6	11	1.183

Tweed is only a member of the Far North Coast County Council (Weeds). The other county councils provide services for councils in the Richmond Valley. Under a service agreement, Rous Water provide administrative support and a General Manager for the other two county councils. As there are three entities, Rous Water staff have to produce three sets of council business papers each month, three operational/delivery plans (and other mandated plans under the Integrated Planning and Reporting Framework) and three annual reports.

There are obvious efficiencies to be gained by amalgamating these organisations and the UTS:CLG report explored a number of options grouped into three categories being localised, regional and corporation options as follows:

"Potential localised county council options include:

Option 1. Amalgamation of the three county councils into a single entity controlled by the six constituent councils and with a new constitution; this option involves the dissolution of the three existing county councils.

Option 2. Amalgamation of the three county councils into a single entity controlled by only four of the six constituent councils removing both Kyogle Council and Tweed Shire Councils from elected representation; this option would require a new constitution; this option involves the dissolution of the three existing county councils, and relies on service agreements to provide ongoing weeds services to Kyogle and Tweed shires.

Option 3. Amalgamation of the three county councils into a single entity through the merge of the two smaller county councils into the larger Rous Water

Council, with a modified constitution and the dissolution of the two smaller county councils; this option retains all six constituent councils.

Option 4. Retain the three existing county councils including their organisation structure, constitution and governance structure, however with the consolidation of the management of all assets and service delivery functions to the largest county council, Rous Water.

Option 5. No structural changes ['Do nothing' option].

Potential regional options include:

Option 6. Create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from all six constituent councils.

Option 7. Create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from only four of the current six constituent councils (excluding Tweed and Kyogle shire councils).

Potential corporation options include:

Option 8. Create a new entity (outside the Local Government Act) that has ownership (part or whole) by the constituent councils and incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC); the new entity would operate under either a NSW or federal act as a Company, a Company State Owned Corporation, or a Statutory State Owned Corporation."

The UTS:CLG report recommends adoption of Option 7 and identified:

"The primary elements leading to improved efficiency and operational outcomes are:

- Adoption of the proposed consolidated county council model*
- Reduced governance costs through rationalisation of constituent council elected representatives*
- Reduced statutory reporting costs through restructuring of the three county councils*
- Increased capacity to pursue external funding sources and grants*
- More effective organisational management enabling a concentration on services efficiency and improvements*
- More cohesive functional approach to service delivery and NRM strategies"*

Under Option 7:

- Tweed Shire Council could continue to receive noxious weeds management services from the new enlarged county council, but this would be by a contract/service level agreement arrangement.*

- Over time, if it so desired, Tweed could also consider other delivery mechanisms for noxious weeds management which could include in-house provision or using private contractors.
- Tweed would no longer be a constituent council member of the enlarged county council and would not have a representative on the new county council.

At the same period of time another report was in circulation prepared by Brian Wilkinson on behalf of Richmond River County Council and Far North Coast Weeds. This report examined alternatives to the one county council model favoured by UTS:CLG. It looked at retaining the three county councils, but looked at current governance arrangements for Richmond River County Council and Far North Coast Weeds and canvassed alternative governance arrangements including outsourcing elsewhere that would yield governance and administrative efficiencies.

2. Tweed Shire Council Actions

At its meeting on 26 June 2012, Council supported the UTS:CLG report's recommendation and resolved:

"That Council supports Option 7 from the UTS Centre for Local Government - Business Case for Structural Reform - April 2012, as the basis for the reform of Far North Coast Weeds, Rous Water, and Richmond River County Council."

However, this was rescinded at the next meeting on 17 July 2012 and a new resolution was adopted:

"That Council supports structural reform of the Far North Coast County Council in principle and notes the reports of University of Technology Sydney : Centre for Local Government (UTS:CLG) and Mr Brian Wilkinson, but defers any decision on the preferred governance model and structure (options within the UTS:CLG report) for consultation with the Destination 2036 Steering Committee and the Independent Local Government Review Panel to ascertain the most appropriate structural framework in light of the Destination 2036 Action Plan and corresponding Directions."

3. Tweed Response to Independent Local Government Review Panel

At the Council meeting held on 20 June 2013, it was resolved that:

"Council:

- 1. Submits the attachment titled 'Independent Review of Local Government, Tweed Shire Council submission, June 2013' to the Independent Local Review Panel.*
- 2. Directs that the Mayor notifies all NOROC Mayors, the Minister for Local Government, the Minister for Planning and Infrastructure and the Independent Local Government Review Panel that it strongly opposes and will not participate in:*
 - 1) a pilot multi-purpose county council in the Northern Rivers which includes Tweed Shire Council; and/or*

- 2) *a Northern Rivers regional planning pilot or trial based upon the Planning White Paper that includes Tweed Shire Council.*

In writing to the Mayors, should any such Pilot/s include Tweed Shire Council, our position in remaining as a member of NOROC will be redetermined.

3. *Brings forward a report that reviews the reports of the University of Technology Sydney: Centre for Local Government (UTS:CLG) and that prepared by Mr Brian Wilkinson regarding the activities and governance of Far North Coast County Council (noxious weeds) and that this review include consideration of Tweed Shire Council providing an in-house noxious weed management service and other management models."*

In regard to Item 3 above.

4. Review of UTS:CLG and Brian Wilkinson Reports

The UTS:CLG report presents a compelling business case for the amalgamation of the three county councils into a single entity. UTS:CLG on page 80 of their report consider the key advantages and disadvantages of their preferred Option 7 to be:

Description	Constituent Councils	Key Advantages	Major Disadvantages
<ul style="list-style-type: none"> • New county council incorporating all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) • New constitution providing updated functions of the three county councils and also the flexibility to accommodate the management and delivery of regional initiatives • The governance structure would include representation from only four of the constituent councils • Provide services to Kyogle and Tweed through service agreements 	<p>Byron Bay; Ballina; Lismore; Richmond Valley;</p>	<ul style="list-style-type: none"> a. Promote a more coordinated approach to pursue grant funding and financing for the new entity b. The amalgamate organisation would provide the opportunity to increase efficiencies and asset utilisation across the three county councils and the sharing of personnel within the three existing operational functions c. Creates limited opportunities to accommodate regional services initiatives across LGA boundaries d. Maintains limited involvement having representation by only four of the current six constituent councils e. Demonstrates leadership by adopting a new county council model that supports the needs of the regional communities, and strengthens the capacity to improve service delivery f. Through the limited inclusion of only four of the current six constituent councils, the option provides limited flexibility in the structure and constitution restricting the response to regional service delivery initiatives, including water sharing arrangements g. Provides a regional platform with limited stability for integrated group strategies 	<ul style="list-style-type: none"> a. Presents a new county council Model with limited constituent council representation b. Constituent councils will be more reliant on service agreements with the new county council entity, particularly Kyogle and Tweed. c. Elected representatives from the four constituent councils would each need to focus on the county council issues and not reflect a parochial position on policies and strategies

Since Council last considered the county councils issue in July 2012, the Independent Local Government Review Panel (ILGRP) has completed a substantial portion of its investigations and issued its paper "Future Directions for Local Government - Twenty Essential Steps". Given the ILGRP current proposals for regional cooperation in the form of large county council groupings and also larger individual councils, the case for retaining Rous, Richmond River and Far North Coast Weeds as three small separate organisations is very weak, even if some administrative/governance cost savings could be found as suggested by the Wilkinson Report.

The UTS:CLG recommended Option 7 of a single Richmond Valley based county council serving the bulk water supply, flood mitigation and noxious weeds management needs of the Lismore, Byron, Ballina and Richmond Valley constituent local government areas is seen by UTS:CLG as the most efficient and effective means of delivering these services. It also builds a stronger and more financially robust organisation that can more efficiently deliver noxious weeds management services to both constituent councils and non constituent councils (Tweed and Kyogle).

The formation of this single county council is also consistent with Tweed Shire Council's position of remaining separate from a Richmond Valley based regional county council.

The UTS:CLG Option 7 assumes that Kyogle and Tweed will continue to utilise the noxious weeds management services of the new amalgamated county council, however this is not an essential requirement of the option. Once the new county is formed the non constituent councils of Tweed and Kyogle would be free to make whatever arrangements they see fit.

However, in the interests of regional cooperation and to allow a smooth transition for the new single county council, it would be desirable to retain existing noxious weeds management service arrangements for the next few years. This would provide the new county council with continuity of income and service delivery and enable Tweed to give proper detailed consideration to alternative service delivery models such as in house provision or private contract.

Proposals to establish or dissolve county councils are dealt with under Section 383 of the Local Government Act 1993:

"383

- (1) *A council, a county council, a public authority or the Director-General may make a proposal to the Minister to establish or dissolve a county council or to amend the constitution of a county council.*
- (2) *The Minister may propose to establish or dissolve a county council or to amend the constitution of a county council."*

The mechanics of implementing the process are provided in Sections 384 - 387.

It is not recommended at this time to formally make a proposal to the Minister under Section 383 of the Act to dissolve the Far North Coast Weeds County Council. It is proposed, however, to advise the Minister of Council's support for the UTS:CLG Option 7 proposal for restructuring into one county council, excluding Tweed and Kyogle as constituents.

As an attachment to this report are resolutions of the three county councils regarding the one county council model.

OPTIONS:

1. (a) Adopt Option 7 of the UTS:CLG report, to support a single Richmond Valley based county council serving the bulk water supply, flood mitigation and noxious weeds management needs of the Lismore, Byron, Ballina and Richmond Valley constituent local government areas; and
(b) When the restructure has occurred, Tweed Shire Council engage this new county council by means of contract and/or service level agreement to deliver noxious weeds management services to Tweed Shire. This arrangement to be for a period to be negotiated between the two bodies.
2. Continue to defer any decision on the preferred governance model and structure for the Rous Water, Richmond River and Far North Coast Weeds County Councils pending clarification of the NSW Government's response to the yet to be released final report of the Independent Local Government Review Panel.

CONCLUSION:

There will be immediate efficiency gains by amalgamating Rous Water, Richmond River and Far North Coast Weeds County Councils into one operationally and financially strong organisation. This stronger and more efficient organisation will be able to deliver more cost effective noxious weeds management services to Tweed as a non constituent council. It is, therefore, recommended that Option 7 of the UTS:CLG report be supported and implemented as soon as practical.

COUNCIL IMPLICATIONS:

a. Policy:

Review of membership of Far North Coast County Council and mechanism to deliver noxious weeds management services to Tweed Shire.

b. Budget/Long Term Financial Plan:

A more efficient and financially stronger combined bulk water, flood mitigation and noxious weeds management county council will be able to deliver more cost effective noxious weeds management services to Tweed Shire Council.

c. Legal:

Implementation of this report will need the Minister to exercise the powers of Section 383 of the Local Government Act 1993, to dissolve the existing Rous, Richmond River and Far North Coast Weeds county councils and establish a new combined county council with Byron, Ballina, Lismore and Richmond Valley as the constituent Councils (excluding Tweed and Kyogle).

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- Attachment 1. UTS: Centre for Local Government - Business Case for Structural Reform - April 2012 (ECM 2795173)
 - Attachment 2. Letter from NOROC dated 21 May 2012 (ECM 2795172)
 - Attachment 3. Governance Arrangements Project Report - prepared by Brian Wilkinson - 14 June 2012 (ECM 3100362)
 - Attachment 4. Resolutions of County Councils (ECM 3106967)
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REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C

79C Evaluation

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note: See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995 .

(2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note: The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

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

SUBMITTED BY: Director



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
 - 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community
-

SUMMARY OF REPORT:

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

RECOMMENDATION:

That Council notes that for June 2013 there are no Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.

REPORT:

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

In accordance with that Planning Circular, no Development Applications have been supported/refused where a variation in standards under SEPP1 has occurred.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

9 [PR-CM] Compliance Matters in Relation to No. 140 Turners Road, Wardrop Valley

SUBMITTED BY: Development Assessment



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
 - 4.1 Protect the environment and natural beauty of the Tweed
 - 4.1.3 Manage and regulate the natural and built environments
-

SUMMARY OF REPORT:

Council has received a number of complaints from the owner of No. 50 Turners Road in respect of alleged unauthorised road works in the connecting, unsealed Council road and adjoining Crown road reserve, with the nearby property, No. 140 Turners Road. It was also alleged that there were a number of unauthorised commercial and residential land uses that had taken place within No. 140 Turners Road.

Council officers have interviewed the owners of both Nos. 50 and 140 Turners Road, and have made a number of site inspections.

In terms of the alleged road works, the officers consider that there is inconclusive evidence to determine exactly who undertook the works, and when they occurred, making any further legal action difficult to pursue. It is therefore recommended that no further compliance action be taken in respect of this activity.

In terms of the alleged unauthorised land uses, it has been identified that an unauthorised light industry (the on-site construction of two manufactured homes) has been commenced, and that the owner be instructed to cease this use immediately, or otherwise face more stringent enforcement action. It has also been concluded that there is currently insufficient evidence of any other unauthorised commercial or residential land uses being undertaken on the site.

RECOMMENDATION:

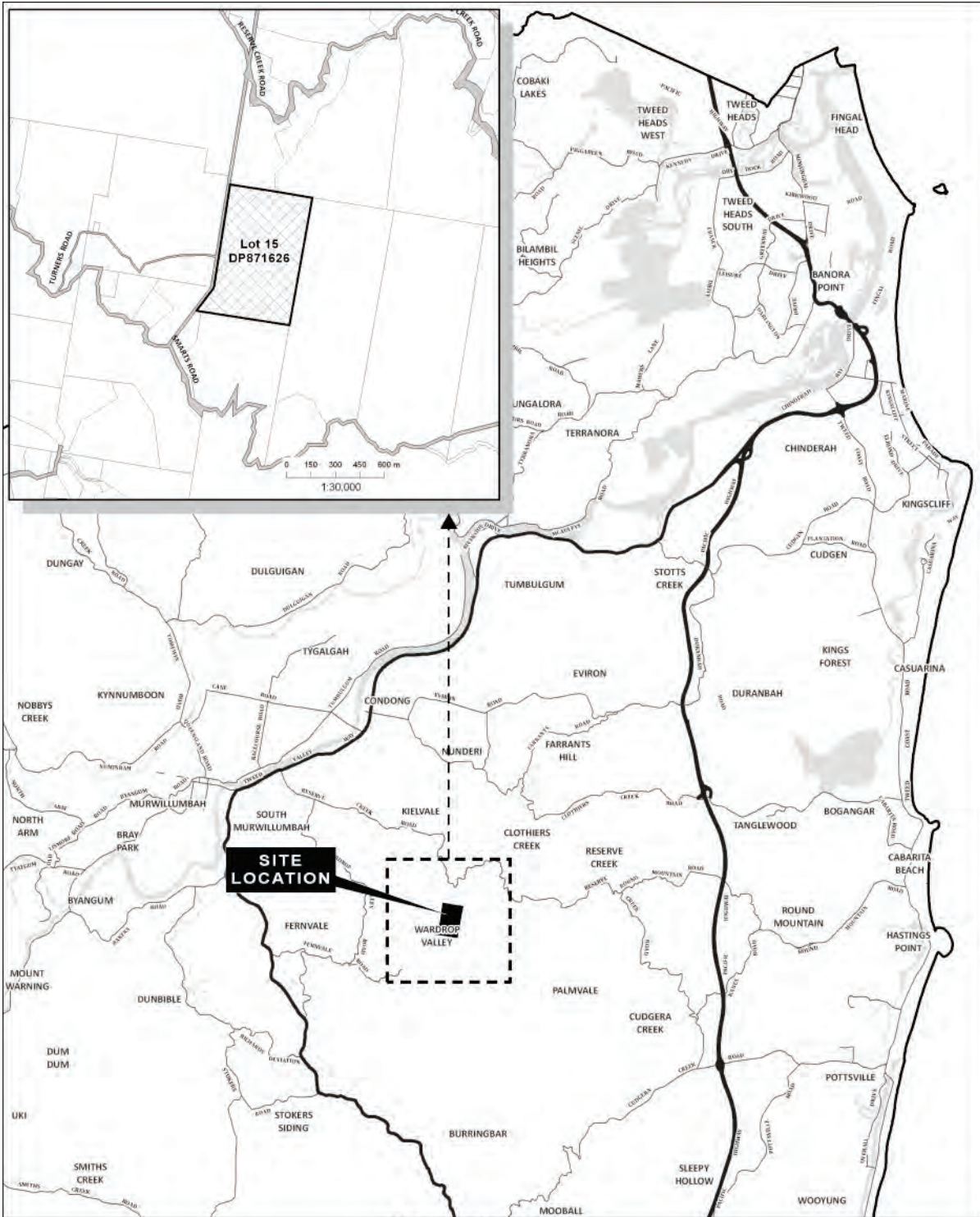
That in terms of the alleged unauthorised road works and land uses being undertaken on the unsealed Council road and Crown Reserve, leading to, and within the property, Lot 15 DP 871626, No. 140 Turners Road, Wardrop Valley, Council endorses the following:

- 1. The owner of No. 140 Turners Road be advised to cease immediately the current, unauthorised light industry use on the site (construction of manufactured homes), or otherwise be the subject of more stringent enforcement action; and**

2. **The owner of No. 50 Turners Road be informed of the enforcement actions taken by Council in respect of No. 140 Turners Road.**

REPORT:

SITE:



Locality Plan

Lot 15 DP 871626
No. 140 Turners Road, Wardrop Valley

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Cadastral: 24 June, 2013
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Mapwork: DP871626/DP871626/DP871626/DP871626/DP871626/DP871626/DP871626/DP871626/DP871626/DP871626

Map Projection: Universal Transverse Mercator
Geoidetic Datum of Australia 1984
Map Scale of Australia: Zone 56

DATE PUBLISHED: 24 June 2013

Figure 1 -Aerial photo below showing the spatial relationship between the complainant, No. 50 Turners Road (Owner A), the connecting, unsealed Turners Road, and the site, No. 140 Turners Road (Owner B).



Figure 2 - Aerial photo below showing the locations of the alleged unauthorised road work issues referred to in this report along Turners Road.



Figure 3 - Aerial photo below showing the locations of the alleged unauthorised uses and works on the adjoining Crown road reserve and Right of Way, and within the premises, No. 140 Turners Road.



Site Description

Turners Road is a public rural road which runs off Smarts Road Wardrop Valley, for which Council is the roads authority.

Council only maintains the first 440 metre section of Turners Road. The remaining section, which services a number of rural properties is un-made. This limit to the maintenance of Turners Road relates to longstanding Council policy to establish "maintenance limits" for every public road in the Shire, in recognition of Council's limited sources of revenue.

The extent of the maintained section of Turners Road ends at a grid at the commencement to the property known as 50 Turners Road, which is owned by the complainant in these compliance matters.

The unsealed section of Turners Road then runs eastward towards the premises No. 140 Turners Road, for which a number of compliance complaints have been received. The road then enters into a section of Crown Road Reserve, before connecting to a right of way to the adjoining property, known as Lot 110 Turners Road.

No 140 Turners Road is a rural property, with a size of 40.41 hectares. It is currently zoned 1(a) Rural under the Tweed Local Environmental Plan 2000.

The site was the subject of a series of former banana plantations, and the owner has received an approved Private Native Forest Property Vegetation Plan (dated 3/5/2010) from the then NSW Department of Environment Climate Change and Water, to undertake rehabilitation of these former plantation areas.

Background:

Council has received a number of complaints from the owner of No. 50 Turners Road in respect of alleged unauthorised road works in the connecting unsealed Council and Crown road reserves, with the nearby property, No. 140 Turners Road. It was also alleged that there were a number of unauthorised commercial and residential land uses that had taken place within No. 140 Turners Road.

Council officers have interviewed the owners of both Nos. 50 and 140 Turners Road, and have made a number of site inspections.

Further to Council correspondence sent to the owner of No. 140 Turners Road following a site inspection of his property, the owner has replied to Council providing a response to some of the various issues raised. The owner's further response is included in the relevant issue headings. This owner has also since contacted Council's Work's Unit about Council's Section 138 Roads Act approvals processes for any future maintenance of the surface of the unsealed section of Turners Road leading to his property.

For the purposes of identification in the report below, the owner of No. 50 Turners Road will be referred to as "Owner A", and the owner of No. 140 Turners Road as "Owner B".

Please refer to Figures 1, 2 and 3 of the previous Site section for a mapped identification of the location of the subject properties and the various compliance issues.

Results of Compliance Investigations

Issue 1 – Owner A alleged that a heavy vehicle relating to Owner B's site activities had damaged the cattle grid adjoining the driveway entrance to Owner A's property.

- * Owner B claimed that he was overseas at the time that it had occurred, and that it was not related to his property, but rather the vehicles of a contractor of another user of the road, located in an adjoining property, known as Lot 110 Turners Road, who have been undertaking a private forestry use.
- * Owner B recollected an incident from 3 to 4 years ago during a period of heavy rainfall, whereby this part of Turners Road was impassable for his vehicles, so he laid down some gravel on the road in order to access his property. Owner A's family took offence to this activity and called the Police. This was the start of a series of personal issues between Owners A and B.
- * Owner B claimed that as part of a Council Works job approximately 10 years ago to seal the adjoining Smarts Road, the Council also did some grading of Turners Road from the main turn-off, through to the entrance of Owner B's property.
- * A Council Work's officer advised that he could not recall such a job, and thought that it would be unlikely that Council would undertake the grading of the unsealed section of Turners Road past Council's maintenance limit.

Recommended Action:

It is considered that this is insufficient evidence at this stage to determine how this grid was damaged, and therefore further Council compliance action would be difficult to pursue. Council's Works Unit has advised that Owner A has ultimate responsibility for the repair and maintenance of the grid.

Issue 2 – Owner A alleged that Owner B constructed a concrete bridge at a further point along Turners Road, as a more defined crossing over a water body, and that this was impacting upon the water quality and flow of the existing water body.

- * Owner B advised that he did hire contractors to construct this bridge (see photos below) in approximately 2001 to provide a safer, more accessible crossing in times of heavy rainfall. It was constructed over a box culvert pipe.
- * He claimed that he contacted Council at that time, but no formal approval was sought from Council.
- * Owner B claimed that he consulted with a family member of Owner A about this proposed structure at the time, and he thought it was a good idea.
- * In terms of impacts, Owner B acknowledged that the works could have created some sediment impact and flow restriction on the creek in times of heavy rainfall, but that there was also sediment impacts from other parts of the catchment, and that overall it is a solid structure which provides greater accessibility for the various users of Turners Road.

Recommended Action:

A Council Works officer inspected the subject concrete bridge. It generally appeared to be a safe and sound structure. The officer also advised that the unsealed section of Turners Road was created by private property owners a number of years ago, and therefore it is considered that it is not Council's responsibility to maintain it. This section of roadway only services four properties and has always been maintained privately. Whilst it was agreed that the structure could have impacted upon the quality of the intersecting waterway at the time of construction, it is concluded by the officers that, given the time elapsed since the construction of the structure, any further enforcement action would be a complex and costly exercise. It is therefore recommended that Council take no further compliance action in respect of this issue.



Issue 3: It is alleged that Owner B carried out a major dumping of rubbish and household materials in the main water body running through this valley about 12 to 18 months ago.

- * Owner B denied these allegations, and that he helped to clean out these materials. Conversely, he claimed that Owner A responsible for a major dumping of waste materials at the edge of their property, which has progressively resulted in waste materials appearing in the water body.

Recommended Action:

It is concluded that there is insufficient evidence to take any further compliance action in respect of this complaint.

Issue 4: Owner A alleged that Owner B damaged their fencing during road grading works.

- * Owner B did not have any specific recollection of this matter, as the works were carried out a number of years ago.

Recommended Action:

There is insufficient evidence for Council to take any further action in respect of this matter.

Issue 5 – Owner A alleged that Owner B had undertaken major unauthorised road works (see photos below) in a right of carriage way between the entrance of Owner B’s property and the adjoining property Lot 110 Turners Road, causing environmental impacts upon the connecting water body system.

- * Owner B identified a small section of unmade Crown Reserve which located at the entrance to Owner B’s property and the adjoining Lot 110 Turners Road. A ROW then leads off from the Crown Reserve to the entrance of Lot 110.
- * Owner B advised that he is currently in the process of purchasing this section of Crown Reserve.
- * Owner B confirmed that road grading and earthworks had been carried out in the ROW primarily by the owner of Lot 110. He claimed that about 75% of the traffic along the ROW and Turners Road relates to the private forestry activity from Lot 110. Council officers witnessed several vehicles entering and leaving Lot 110 in the time of the site inspection. No approval had been sought from Council for these works. Owner B advised that there had been a dispute between him and the adjoining owner about 5-6 years ago relating to the road works.
- * Owner B claimed that these works were undertaken whilst he was overseas, and he was disappointed to find on his return that the work undertaken had resulted in soil being washed into the creek.
- * There was evidence of works being carried out on this section of the ROW, involving both earthworks, road grading and the installation of a new pipe underneath to connect the flow of water from a dam on Owner B’s property through to the broader creek system. No approval had been sought for these works. Council’s Environmental Health officers have recently directed Owner B to provide sediment controls measures such as bunding to address the impacts on the water body. Owner B wants to do further works in this location, but is currently seeking legal advice about the ROW.
- * Owner B also advised that he undertaken the clearance of some noxious weed adjoining the Crown Road/ROW as part of a broader program of works across his entire property, jointly funded by a Federal Government environment fund (\$28,000), and \$85,000 of his own money. It involves the regeneration of former agricultural land, and the creation of regrowth rainforest.
- * Owner B also claimed that he erected fencing in this area to separate his land with the complainant’s land, to prevent cows wandering into his property.



Recommended Action:

Council's Works Unit has previously provided information in respect of these road works:

- Council maintains the first 440 metres of Turners Road to a grid. The road past this grid is considered as an access to the benefitted properties and is not maintained by Council. No plans or applications were submitted to Council for any work undertaken on the subject road, nor has Council inspected the works.
- Any work that has been undertaken which damages adjoining properties is a civil matter between the property owners.

- Council approved a development application for a dwelling in 1997, no other applications for a dwelling or the conduct of a business activity have been lodged since that date.
- Altering a Right of Carriage Way - is a civil matter and is for the parties who benefit from it to investigate further.

Road works on rural zoned properties may, or may not, require development consent, or Part 5 Approval, depending on their scale and impact. It is arguable as to whether any form of Council approval was required for the above works. Following the initial complaint from Owner A, Council's Environmental Health Officers have required an appropriate range of sedimentation protection controls for the better management of these road works. It is concluded that no further compliance action is warranted for this matter.

Issue 6: Unauthorised Building Works on Former Dairy Shed on Owner B's Property

- * Owner B explained that he had demolished most of the former shed and was in the process of redeveloping an Aquaculture Nursery as exempt development. He believed that current planning laws (Exempt and Complying Development SEPP) allowed him to do this as Exempt Development.
- * Council officers pointed out that there were specific Exempt Development provisions in terms of the size of the structure, and the proposed use, given its proximity to the existing dam. Owner B advised that he had consulted with NSW Fisheries in respect of this proposal.



Owner B has since written to Council stating that, "Old Dairy repairs are under 200m². I am not going to do any aquaculture."

Recommended Action:

No further compliance action necessary at this stage.

Issue 7: Illegal camping on Owner B's site and additional permanent dwellings

- * There was no evidence of any illegal camping on the site. The only form of habitation appeared to be within the existing dwelling house.

Recommended Action:

No further compliance action necessary.

Issue 8: Unauthorised Medical Care (Healing Centre) Use and Signage on Owner B's site and Road

- * Owner B advised that he is part of an international humanitarian group known as "The Template" that seek to assist communities in war-affected countries to restore their basic living standards, such as water supply and hygiene. He claims that the Group have meetings to discuss issues at locations around the world. The Group (up to 30 people at a time) meet on his property at a maximum of 2-3 times a year, often staying for 2-3 days at a time. PC claims that there are no direct commercial services provided or promoted to the public on the site, only a meeting of his Template friends. The signage erected has only been placed to assist with people locating his property. Most of these people camp on the site during their stay.
- * He advised that there is no commercial medical service is provided on site, only care provided by his wife for his friends and relatives.

Owner B has since written to Council stating: "The Template is a gathering of friends. The healing centre business never got started. Template signs are just for friends to be able to find my house. Template is not a commercial business."

Recommended Action:

No further compliance action necessary.

Issue 9 - Unauthorised Construction of Manufactured Homes on Owner B's Site

- * The officers observed that two manufactured homes were currently being constructed.
- * Owner B advised that he is a qualified builder and was building these homes to assist a friend who lives in Queensland. It was his intention to transport the homes to his friend's property when they are complete.
- * He claimed that he gained most of the materials from a Murwillumbah retail supplier.
- * Council officers advised that the activity requires development consent. Owner B commented said that he unaware of such a requirement.
- * The officers also observed that this part of the site had been excavated. Owner B advised that the majority of this excavation had occurred before he purchased the property, and he only undertook minor excavation, and clearance of weeds.



Owner B has since written to Council stating: "Cabins are a one off hobby to help a friend. The cabins are going to help a friend. The cabins are going to leave the property and go to land in Queensland."

Owner B also stated: "South western activity is area of old banana packing shed site, farm maintenance equipment and machinery is stored there."

Recommended Action:

That Council write to Owner B and advise that this use be ceased immediately, or otherwise face more stringent enforcement action

Issue 10 - Alleged storage and repair of an increasing number of vehicles on Owner B's site.

* There appeared to be no evidence of such activity, with only one van evident, seemingly in need of repair. Other farms and excavation equipment were evident.

Recommended Action:

No further compliance action necessary.

OPTIONS:

1. That Council endorse the recommended compliance action in respect of the unauthorised construction of manufactured homes on the subject site; or
2. That Council instruct Council officers to undertake more detailed investigations of these matters with a view to possible additional compliance or enforcement actions

The Council officers recommend Option 1.

CONCLUSION:

It has been a general practice of Council not to intervene in any disputes between neighbouring owners in respect to the maintenance of unmade roads. Nonetheless, it is evident that the road construction activities could have been better managed. In terms of the various complaints of unauthorised land use, it is recommended that Council endorse that Owner B be instructed to cease the unauthorised construction of manufactured homes on his site immediately, or otherwise face more stringent enforcement action

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Possible legal actions arising out of any Council compliance or enforcement action.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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10 [PR-CM] Development Application DA12/0620 for Construction of an Awning over an Existing Outdoor Dining Area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah and Road 5900 Wharf Street, Murwillumbah

SUBMITTED BY: Development Assessment

FILE REFERENCE: DA12/0620 Pt1



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
- 1.1.1 Establish sustainability as a basis of shire planning and Council's own business operations

SUMMARY OF REPORT:

Updated Information

At its meeting of 20 June 2013, Council resolved the following in respect of this matter:

"RESOLVED that this item be deferred for a Workshop."

A Councillors Workshop on this matter was held on 11 July 2013. There was no formal decision made on this Development Application at the Workshop.

The previous report has been re-submitted to Council for their determination.

Previous Report

Council has received a development application for the construction of an awning over an existing and previously approved outdoor dining area at the Murwillumbah Hotel, a prominent historic building within the Murwillumbah town centre. The frame would be constructed of galvanised steel with waterproof fabric stretched over the rafters. The sides would remain open.

The applicant has advised that the relatively thin frame, whilst thick walled for strength, has been chosen to reduce the visual impact and to have proportional compatibility with the lightweight roofing fabric. The applicant has advised that the outdoor dining area is being used less frequently in the summer due to lack of shade and that the shade that the roof will provide will encourage the space to be used. The applicant advises that there will be no impact to traffic with the setback providing a suitable clearance from passing traffic.

Council's Traffic Engineer has not raised any concerns with the proposal from a traffic safety perspective. However, from a design perspective, shade structures attached to existing awnings have the capability to intrude on the fabric of the host building as well as impact on streetscape character. It is understood that this matter has been brought to Council previously as other businesses in the Murwillumbah Shopping Centre Precinct have sought to construct similar weather protection structures in association with their footpath dining areas (such as at the Court House Hotel).

When considered in isolation, the proposed structure is considered to be relatively light weight and unobtrusive and, in the absence of Council adopted design guidelines for such structures,

as well as the presence of similar structures within the vicinity of the subject site, it would be difficult to refuse the proposal on the basis of design. However should the application be approved there are concerns about the cumulative impact of similar development within the locality, particularly given the Murwillumbah Main Street Conservation Area (MMSCA) status as defined within the Draft Local Environmental Plan (LEP) 2012.

Council's Environmental Health Unit has advised that the proposed shade structure has the capability to restrict Closed Circuit Television (CCTV) coverage from the camera located on the opposite side of Wharf Street to the licensed premises, therefore causing a security and public safety risk. Further, the Environmental Health Unit has advised that the proposed awning may have the potential to create a heavily shaded area which may reduce pedestrian safety through reduced light levels along the pedestrian footpath adjacent to the outdoor dining area. The applicant has provided further information in relation to CCTV camera restriction and light levels, however, Council's Environmental Health Unit considers that this additional information does not alleviate their concerns with this regard. The proposed awning structure is therefore recommended for refusal on this basis.

In the absence of a more comprehensive policy framework and design guidelines for such development, it is considered necessary to report the application to Council for consideration of the broader community benefit of such structures against any potential detrimental impacts to the heritage value of the host building and streetscape character as well as to public amenity and safety.

RECOMMENDATION:

That Development Application DA12/0620 for construction of an awning over an existing outdoor dining area at Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf Street, Murwillumbah be refused for the following reasons:

- 1. The development would result in a security and public safety risk and would therefore be contrary to Clause 4, Clause 8 and Clause 11 of the Tweed Local Environmental Plan 2000.**
- 2. The development would detract from the heritage significance of the host building and the character and amenity of the Murwillumbah Town Centre and would therefore be contrary to Clause 4, Clause 8, and Clause 11 of the Tweed Local Environmental Plan 2000.**
- 3. The development would not protect or enhance the public domain and would therefore be contrary to the Murwillumbah Town Centre Development Control Plan - B22.**
- 4. The development would detract from the heritage significance of the Murwillumbah Main Street Conservation Area and would therefore be contrary to Clause 5.10 of the Tweed Draft Local Environmental Plan 2012.**

REPORT:

Applicant: Penplay Pty Ltd
Owner: Tweed Shire Council
Location: Lot 2 DP 521302 No. 13 Wharf Street, Murwillumbah; Road 5900 Wharf Street, Murwillumbah
Zoning: 3(b) General Business
Cost: \$7,000

Background:

On 28 December 2012 Council received a development application for the construction of an awning over an existing and previously approved outdoor dining area located within the road reserve adjacent to the Murwillumbah Hotel. The Murwillumbah Hotel is a prominent building within the Murwillumbah town centre and contributes toward the historic character of the locality. The existing dining area comprises a timber floor raised above the street surface to the level of the footpath, with a solid steel balustrade around three sides extending from the kerb line.

The Murwillumbah Hotel currently comprises Murrays public house, 'Next to Murrays' refreshment room, a barber and 'Jujus' cafe which are both accessed independently from the hotel itself. The outdoor dining area is located adjacent to the refreshment room, 'Next to Murrays'.



Outdoor dining area located within the road reserve adjacent to the Murwillumbah Hotel and location of proposed awning structure.

The awning would be constructed of galvanised steel posts and rafters and would be setback from the white line marking on the road surface by 450mm. Waterproof fabric would then be stretched over the rafters however it is advised that the sides of the structure would remain open. The applicant has advised that the relatively thin frame, whilst thick for

strength, has been chosen to reduce the visual impact and to have proportional compatibility with the lightweight roofing fabric. The intention of the proposal is to provide shade over the existing outdoor dining area to encourage customers to utilise the space.

The development application has been referred to Council's Traffic Engineer who has raised no significant concerns from a traffic safety perspective, providing that the structure is set back a minimum of 450mm.

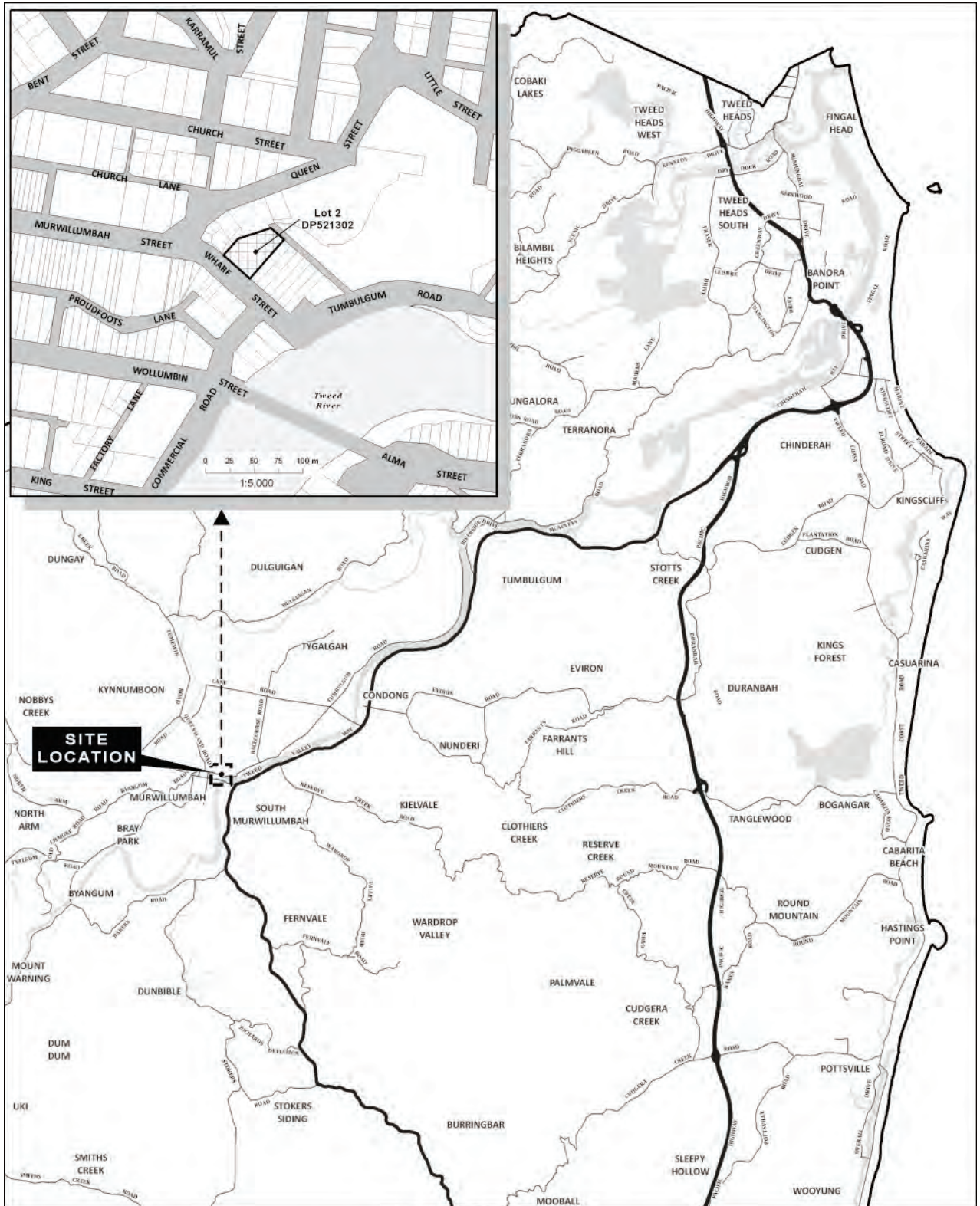
From a design perspective, shade structures attached to existing awnings have the capability to intrude on the fabric of the host building as well as impact on the amenity and appearance of streetscapes and the pedestrian environment. The proposed structure is considered to be relatively light weight and unobtrusive. At present, Council does not have any design guidelines or policy criteria in relation to such structures (such as awnings and additions to existing buildings). Therefore, Council Officers consider that the refusal of the proposal on the basis of design and visual impact would be difficult to substantiate.

However, there are concerns about the cumulative impact of such development within the locality, should the application be approved. Collectively such structures attached to existing awnings have the capacity to impact on the character of an area and erode the historic qualities of the building to which they are attached. This is particularly prevalent given the site is located within the Murwillumbah Main Street Conservation Area (MMSCA), within the Draft LEP 2012. As the Draft LEP 2012 is close to gazettal, greater weight can now be afforded to the protection of the historic character of buildings within the MMSCA, as well as to the protection of the character and appearance of the streetscape, which is dominated by buildings with distinctive parapets and cantilever style awnings and verandahs.

In addition, Council's Environmental Health Unit advises that the proposed shade structure potentially has the capability to restrict CCTV coverage from the camera located on the opposite side of Wharf Street to the licensed premises and would therefore pose a security and public safety risk. Further, the Environmental Health Unit advises that the proposed awning may have the potential to create a heavily shaded area which may reduce pedestrian safety through reduced light levels along the pedestrian footpath adjacent to the dining blister. Refusal of the development application is recommended on this basis.

In the absence of a more comprehensive policy framework for such development, it is considered necessary to report the application to Council for determination and to highlight the requirement and importance of establishing a heritage based DCP, particularly given the additional weight now afforded to the heritage and conservation value of the MMSCA.

SITE DIAGRAM:



Locality Plan

Lot 2 DP 521302
 No. 13 Wharf Street, Murwillumbah; ROAD 5900 Wharf Street, Murwillumbah

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Cadastral: 30 May, 2013
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Considerations Under Section 79c Of The Environmental Planning And Assessment Act 1979:

(a) (i) The provisions of any environmental planning instrument

Tweed Local Environmental Plan 2000

Clause 4 - Aims of the Plan

A principle aim of the Plan is to ensure:

The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced [and] to encourage sustainable economic development of the area of Tweed compatible with the area's environmental and residential amenity qualities.

When considered in isolation, the proposed development is of a relatively minor nature and scale and is not likely to impact on the character of the Tweed as a whole. The requirement for weather protection within outdoor dining spaces is acknowledged and Council wishes to encourage the use of these spaces to create a vibrant streetscape and assist local businesses. However, it is considered that such structures should be of a high architectural quality, sensitive to both the building to which they are attached and that compliments the surrounding streetscape. Such structures should also provide adequate levels of lighting to footpaths and to ground floor spaces within buildings as well as maintain existing public safety and security levels, particularly outside of licensed premises.

Should the application be approved, it would set a precedent for such structures within the road reserve that collectively, may have a detrimental impact on the character and amenity of the Tweed as a whole.

Clause 5 - Ecologically Sustainable Development

The intent of this clause is to provide for development which is compatible with principles of ecological sustainable development (ESD) including the precautionary principle, inter-generational equity, ecological and environmental factors.

It is considered that the scale and nature of the proposed development would not conflict with principles of ESD.

Clause 8 - Consent Considerations

This clause specifies that the consent authority may grant consent to development (other than development specified in Item 3 of the table to clause 11) only if:

- (a) *it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and*
- (b) *it has considered that those other aims and objectives of this plan (the TLEP) that are relevant to the development, and*
- (c) *it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.*

The subject site is located within the 3(b) General Business Zone and the proposal relates to the construction of an awning, in association with a previously

approved outdoor dining area. For reasons detailed within this report, it is considered that the proposal would not be consistent with the primary objective of the zone, primarily on account of the restriction to CCTV surveillance and impact on light levels along the pedestrian footpath.

However, it is also considered that the awning may also impact on the architectural quality of the host building, which is a prominent heritage building within the Murwillumbah town centre. The approval of the awning structure may set a precedent for similar proposals within the Shire that collectively may impact substantially on streetscape character.

It is therefore considered that the proposal would not be consistent with this clause.

Clause 11 - Zone Objectives

The subject site is located within the 3(b) General Business Zone. The objectives of the zone are as follows:

Primary objectives:

- *To provide business centres in which the community's shopping, business, welfare and social needs can be met.*
- *To provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding areas.*

Secondary objectives:

- *To provide for tourist oriented development.*
- *To encourage upper floor residential or tourist accommodation.*

The proposed awning structure would be ancillary to the Murwillumbah Hotel and located over a previously approved outdoor dining area. The applicant considers that the structure is necessary to provide an area for outdoor dining in all weather conditions, thereby providing an attractive seating area for customers and creating a vibrant streetscape. Should this justification be accepted, it may be considered that any impact the structure may have from a visual or public safety point of view would be counteracted by the facilitation of a useable outdoor dining area.

The proposed awning structure would be attached to the existing awning located over the public footpath and would be constructed of steel supports and rafters with a shade fabric material. There is a concern that the design and use of materials would not be compatible with the scale and architecture of the host building and may impact on the heritage significance of both the Murwillumbah Hotel and the surrounding area.

It is important to note that there are a number of awnings located within the road reserve that have been approved by Council, such as at the Court House Hotel, at the Sugarbeat cafe and at the Noodle Bar located opposite to the subject site. It is noted that these structures do not enhance streetscape appeal and have the capacity to create a tunnelling effect along the section of the footpath in front of these buildings, particularly in the case of the Courthouse Hotel. There is a concern that the approval of this awning structure may lead to visual clutter and further erode streetscape character. There is also particular concern in the case of this application that the structure may restrict CCTV coverage and reduce light

levels along the pedestrian footpath and is therefore considered to be a security and public safety risk.

It is considered that the proposed structure would not be compatible with the host building and would impact detrimentally on the character and amenity of the area. On this basis the proposed awning would not be consistent with the objectives of the zone.

Clause 15 - Essential Services

The primary objective is to ensure that development does not occur without adequate measures to protect the environment and the community's health.

The subject site has existing access to essential services and the proposed development does not raise any concerns with this regard.

Clause 16 - Height of Building

Clause 16 aims to ensure that the height and scale of development is appropriate to its location, surrounding development and environmental characteristics of the land. Clause 16 of the TLEP provides a three-storey height restriction over the subject site.

The proposed structure would be attached to an existing awning and would have a maximum height of 3.25m. The proposal would be consistent with this clause.

Clause 17 - Social Impact Assessment

Clause 17 of the TLEP requires a social impact assessment for development types likely to have a significant social impact in the locality.

Given the minor nature and scale of the proposal a Social Impact Assessment is not required. However, in the absence of a policy framework for such structures in the road reserve, the determination of this application will set the precedent for similar development proposals which may have broader implications for the community.

There is a good deal of community interest in local business activities and the requirement to make such spaces more attractive to customers, by creating 'all weather' seating areas, is acknowledged. It is recognised that outdoor dining has the potential to add vitality to the town centre and Council wishes to support local business and encourage the utilisation of these spaces. However, this should not be at the expense of public safety and security or to the architectural qualities of the host building or to streetscape amenity.

State Environmental Planning Policies

There are no State Environmental Planning Policies of specific relevance to the proposed development.

SEPP (North Coast Regional Environmental Plan) 1988

Clause 36C: Conservation Areas of State and Regional Significance

The MMSCA is not included within the list of State or Regionally significant conservation areas.

Clause 47: Principles for Commercial and Industrial Development

Clause 47 provides a number of objectives to consider in the determination of development applications of a commercial or industrial nature. The development application relates to the construction of an awning in association with a previously

approved outdoor dining area for a public house and refreshment room. In general it is considered that the proposal would be consistent with this clause.

(a) (ii) The Provisions of any Draft Environmental Planning Instruments

Draft Tweed Local Environmental Plan 2012

B3 - Commercial Core

The Draft LEP has been on public exhibition and is yet to be gazetted. In this Draft the site is located within the B3 - Commercial Core. One of the objectives of the zone is to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

In general, the proposal would be consistent with the objective of the zone. However, as detailed within this report, it is considered that the proposal may set a harmful precedent for such structures within the road reserve that may impact on the character and amenity, as well as public safety of the area.

Clause 5.10 - Heritage conservation [compulsory]

The subject site is located in the MMSCA within Draft LEP 2012. Clause 5.10 of this document seeks to conserve the heritage significance of conservation areas, including associated fabric, settings and views. It requests that the consent authority considers the effect of a proposed development on the heritage significance of a heritage conservation area. 5.10(5) states that the consent authority may request that a heritage management document is prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area concerned.

Whilst it is noted that there are similar structures attached to existing awnings within the locality, the impending future designation of the MMSCA is of key importance in the determination of this application. As detailed further within this report, these structures can detract from the heritage significance and architectural qualities of the buildings to which they are attached and impact on the amenity of the area. The Murwillumbah Hotel is listed amongst several buildings of individual and historic significance within the precinct. The Murwillumbah Hotel and other buildings such as the Police Station and Courthouse Group, the Westpac and National Banks, Regent Cinema and Imperial Hotel '*punctuate the architectural character of the MMSCA*'.

Council's Urban Designer has advised that the proposed form of the awning (being attached to the existing awning) and materials (modern, galvanised steel finish and fabric roofing) would not be complimentary to the host building or the surrounding MMSCA. As detailed further within this report however, improvements to the form of the proposal, from an urban and conservation design point of view, may have repercussions on issues relating to public safety and security.

In the absence of a heritage DCP or comprehensive design guidelines it was considered unreasonable in this instance to request that the applicant lodge a costly heritage management document for the proposed structure, particularly given the existence of similar awnings within the MMSCA. The determination of the proposal therefore requires consideration of the requirement for 'all weather' protection within these spaces, the existing built environment and the desired future character and amenity of the locality.

(a) (iii) **Development Control Plan (DCP)**

Tweed Development Control Plan

A2-Site Access and Parking Code

The existing outdoor dining area has already been approved and the loss of on street car parking has already been considered and accepted. Council's Traffic Engineer has advised that the proposed awning would not impact on site access or traffic.

A3-Development of Flood Liable Land

The subject site is located on flood prone land with a design flood level of 7.5m AHD. Having regard to the proposed development, for an open awning over an existing outdoor dining area, it is not considered that these works will adversely affect the flow of floodwater on the site and as such the proposal is in accord with this DCP.

A11-Public Notification of Development Proposals

The development application was notified for a period of 14 days in accordance with Council Policy. No submissions have been received.

DCP B22 – Murwillumbah Town Centre

The subject site is located within the parameters of the Murwillumbah Town Centre DCP. The purpose of the DCP is to contribute to the growth and character of the Murwillumbah Town Centre and protect and enhance the public domain. Specifically, this site is located within the Town Centre Core Precinct. It is intended that retail and commercial development be maintained and consolidated within this precinct in order to support a strong urban structure. The Murwillumbah Town Centre Vision is as follows:

'Build on Murwillumbah's lively hinterland village qualities to create a walkable, vibrant, mixed use centre with a successful main street and a balance between building scale and landscape character'.

In relation to awnings, Section 4.10 of the DCP states that *'awnings assist in providing a pleasant and comfortable pedestrian environment, weather protection and contribute to the creation of a pedestrian scaled environment'*. The objectives of Section 4.10 are to provide weather protection in areas of high pedestrian traffic and to encourage the use of consistent and continuous awnings within the Town Centre Core. One of the controls requires that where deep awnings occur, that natural light should be brought to the shop front.

The proposed awning would be located over an outdoor dining area, not an area of high pedestrian traffic. Further, it is considered that the awning would reduce light levels to the pedestrian footpath as well as to the ground floor of the Hotel. The impact on light levels would be particularly prevalent in this case given the awning would be located on the southern side of a two storey building.

It is acknowledged that outdoor dining can bring financial benefits and increased enjoyment for the community, as well as contribute toward a vibrant streetscape. However, as detailed within this report, it is considered that the proposed awning will reduce public safety and security and also has the capacity to impact detrimentally on the appearance of the host building as well as to streetscape character. It is therefore considered that the proposal would not be consistent with the DCP that seeks to protect and enhance the public domain.

(a) (iv) Any Matters Prescribed by the Regulations

There are no matters prescribed by the Regulations of relevance to this proposal.

(a) (v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

Not applicable to the proposed development as the subject site is not located within the coastal zone.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality

Context and Setting

It is considered that awning structures should achieve a high degree of compatibility with the host building and should be uncomplicated to reduce visual clutter in the streetscape. Awnings over the pedestrian footpath are a prominent feature within the Murwillumbah Town Centre and help to define pedestrian space and provide pedestrian amenity by providing weather protection.

In relation to awning structures over outdoor dining areas within the road reserve, there are a number of similar structures to that proposed within the Murwillumbah Town Centre, as shown in the following photographs:



Outdoor dining area and awning outside the Noodle Bar, Wharf Street



Outdoor dining area and awning structure within road reserve at the Sugarbeat Cafe, Commercial Road



Outdoor dining area and awning outside of the Court House Hotel, Murwillumbah Street

Whilst the presence of these awnings located over outdoor dining areas is a material consideration, it is considered that these structures have had a significant impact on the architectural qualities of both the buildings to which they are attached

and to streetscape amenity. This is particularly the case when, at a later date, side wind breaks and screens are added which can create a dark, tunnelling effect, restrict driver visibility and cause public safety and security concerns through restricted CCTV camera surveillance. Whilst it may be possible to apply a condition to any development consent to ensure that no additional structures, such as wind breaks or other enclosures, are constructed without Council approval, such structures are often installed without prior consent which can lead to compliance investigation and enforcement action.

To improve streetscape amenity it is considered that outdoor dining areas should have the appearance and feel of an outdoor dining area and not become extensions of the internal environment. From an urban design perspective, it is considered that awning structures over outdoor dining areas should be independent from the main building and existing awning and thereby be read as a separate entity. This would also assist in maintaining the dominant line of the awning (and building) to the street edge. In this case, the proposed awning would be attached to the existing awning structure and would therefore contravene this objective.

The difficulty is that, from a design perspective, it would be more appropriate to lower the structure below the existing awning line. This would allow natural light to penetrate through and make the space feel less enclosed. However, lowering the proposed awning would further reduce CCTV camera surveillance to the outdoor dining area and along the footpath, which in turn would not be acceptable from a public safety perspective. It is therefore considered that, in this instance, temporary structures such as umbrellas would be more appropriate. The visual appearance of the outdoor area could also be significantly improved with the installation of planter boxes.

In relation to materials, it is considered that awning materials should be of a high quality that are consistent with the host building as well as surrounding development. Council's Urban Designer has advised that exposed galvanised steel is not a preferred building material within the context of the MMSCA and that exposed hardwood or painted timber would be preferable and more in keeping with the recent renovation of the Hotel (with hardwood door frame and windows) and the town centre more broadly.

A fabric canopy may appear lightweight and an impermanent addition to the building however it would function as a sunshade but not for rain protection. Further, being located on the southern side of a two storey building, the area is in shade for much of the day, which brings into question of the extent to which sun protection is required. Council's Urban Designer has recommended that, if the intent of the structure is to provide all weather protection, it would be preferable to have a roof material that would be more in keeping with traditional building materials, such as metal sheet roofing and that to allow some natural light / sunlight permeation, polycarbonate panels could also be utilised. It would however be difficult to condition the use of more appropriate materials such as timber and metal sheeting, as these sorts of materials may further reduce CCTV camera surveillance and light levels to the pedestrian footpath.

Access, Transport and Traffic

Council's Traffic Engineer has not raised any concerns with the proposal, which would be set back from the white line road marking by a minimum of 450mm.

Provided that windbreaks or other permanent structures (screens or shutters), as defined under Council's 'Footpath Trading Policy', are not installed it is considered that the proposal would not pose any traffic safety issues. However, structures, such as screens or windbreaks, can restrict CCTV coverage and restrict driver and pedestrian sight lines and are therefore considered to be a public safety risk. There is a concern that should the proposed awning be approved, there may be a desire to install additional screens and wind breaks to the structure which may then cause additional burden on Council in relation to compliance investigation and enforcement action.

(c) Suitability of the site for the development

Surrounding Landuses/Development

The presence of awning structures over outdoor dining areas within the Murwillumbah Town Centre has been discussed within the report and is a material consideration, particularly in the absence of a more comprehensive policy framework for such structures. However, the impact that these structures have in relation to reduced light levels, reduced public safety and security concerns (through CCTV camera restriction) are also important factors in the consideration of this application.

The heritage value of the building and the surrounding area is also now afforded greater weight with the impending adoption of the MMSCA. The general streetscape of the MMSCA is dominated by buildings with masonry facades featuring distinctive parapets with mouldings and projections, such as at the Murwillumbah Hotel, with cantilever style awnings and verandahs. The *Community Based Heritage Study and Management Plan (2012)* states '*in sheer numbers, the integrity of this period of development is impressive and has great potential to be consolidated and enriched*'.

Future development should protect and improve the heritage conservation value of the area, not detract from the overall character of the precinct.

(d) Any submissions made in accordance with the Act or Regulations

No submissions have been received as a result of the notification process.

(e) Public interest

It is acknowledged that the use of outdoor dining areas can bring financial benefit to business owners as well as increased community enjoyment, particularly where they provide protection from sun and rain. This report has also considered that awning structures, in association with outdoor dining areas, can significantly impact on matters relating to public safety and security and reduced light levels. In addition, these structures can impact on the architectural qualities of the host buildings as well as the heritage value of the surrounding heritage conservation area.

In the absence of a broader policy framework for such structures it is considered necessary to report the application to Council to assess the broader implications to the public interest.

OPTIONS:

1. Refuse the development application on the grounds of impact to CCTV coverage and light levels; or

2. Refuse the development application on the grounds of impact to CCTV coverage, light levels and the impact of the proposed structure on the heritage value of the host building and the surrounding conservation area; or
3. Approve the development application.

Council officers recommend Option 1.

CONCLUSION:

The proposal seeks the construction of an awning structure to be located over a previously approved outdoor dining area. When considered in isolation, the proposed structure is considered to be relatively light weight and unobtrusive however there are concerns about the broader cumulative impact of similar development within the locality, should the application be approved, particularly given the MMSCA status as defined within the Draft Local Environmental Plan (LEP) 2012.

The impact of the proposed structure on matters relating to public safety (reduced light levels) and security (reduced CCTV camera surveillance) is not supported by Council Officers. The impact of the proposal with this regard is particularly prevalent given the subject site is a licensed premises. The applicant has provided further information in relation to CCTV camera restriction and light levels however Council Officers consider that this additional information does not alleviate their concerns with this regard. The proposed awning structure is therefore recommended for refusal on this basis.

In the absence of a more comprehensive policy framework and design guidelines for such development, it is considered necessary to report the application to Council for consideration of the broader community benefit of such structures against any potential detrimental impacts to the heritage value of the host building and streetscape character, as well as to public amenity and safety.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

11 [PR-CM] Border Park Raceway Planning Proposal PP13/0001

SUBMITTED BY: Planning Reforms

FILE REFERENCE: PP13/0001 Pt1



Civic Leadership



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|---|
| 1 | Civic Leadership |
| 1.5 | Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land |
| 1.5.3 | The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community |
| 3 | Strengthening the Economy |
| 3.4 | Provide land and infrastructure to underpin economic development and employment |
| 3.4.1 | Ensure an adequate supply of industrial and commercial lands to promote employment and business opportunities |

SUMMARY OF REPORT:

This report provides a desktop assessment and recommendations in relation to the planning proposal request, PP13/0001, for the Border Park Raceway site, to facilitate the rezoning of the site from the current 6(b) Open Space Recreation zoning to a B7 Business Park zone with a height limit of 15 metres, under the provisions of the Standard LEP Template and the draft LEP 2012. A comparable zone to the B7 Business Park proposal request within the Tweed LEP 2000 would be the 3C Commerce and Trade zone.

The report does not undertake a detailed assessment of all implications; rather the desktop review highlights the considerations that are required to be assessed in further detail in order to inform the planning proposal's suitability as submitted, or in order to inform another form of suitable employment land zone.

The report finds that, notwithstanding the determination of an appropriate employment zone, the use, and therefore zoning, of the site for employment lands is consistent with the strategic framework of the Far North Coast Regional Strategy and Council's Tweed Urban and Employment (TUELRs), which identifies the site for employment lands.

The report recommends that the Planning Proposal proceed and be referred to the Department of Planning and Infrastructure for a Gateway Determination and that the additional detailed assessment be undertaken to finalise the proposal for public exhibition.

RECOMMENDATION:

That:

- 1. A Planning Proposal PP13/0001 be prepared for the Border Park Raceway site in respect of Lot 644 DP 755740 and Lot 21 DP 518902 for employment lands, subject to the final zone being determined through the additional detailed assessment requirements as outlined in this report;**

2. **The Planning Proposal PP13/0001 be referred to the Department of Planning and Infrastructure following execution of a costs and expenses agreement between Council and the proponent; and**
3. **The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.**

REPORT:

Background

In late 2012 Council staff were approached by Bunnings Group Limited (Bunnings) as they were in search of a new and larger site for their Tweed store, which is presently located in Expo Park Tweed Heads South.

Located at the northern extremity of the Tweed Local Government Area (LGA) and bordering Queensland is the site of the Border Park Raceway Club; a greyhound racing facility (Border Park). Bunnings and Border Park had been in discussion before approaching Council about a rezoning of part of their site for commercial retail (bulky goods) purposes and subdivision. The concept proposal was seen by both as a solution to address both of their prevailing issues; Bunnings required a significantly larger area than they presently have access to and Border Park, it was said, is in financial difficulty and ideally in need of funds to reinvest and rejuvenate the facility.

The discussions between Council officers and the two parties were at a reasonably high level, in part because there were several key issues to address. In particular, the traffic demand and road network upgrades, interconnectivity with the neighbouring Ourimbah Road, the long-term suitability of the whole site for employment purposes and general urban design issues were raised.

Prior to making the request for a planning proposal, which Council received in February 2013, Bunnings had acted on several requests by preparing a traffic analysis and concept masterplan for the entire site. This Plan showed an indicative development plan and interconnectivity with Ourimbah Road. The Plan also indicated that the use of the site was for largely retail based uses.

Underpinning the strategic justification for the rezoning is the Tweed Urban and Employment Land Strategy (TUELRS), which identifies the Border Park site as Area 3. The TUELRS provided short (0-10yrs), medium (10-20yrs) and long (20-30yrs) timeframes to commence rezoning and Border Park is identified as short term. However, the intention of the TUELRS, as discussed further in this report, was not to create or encourage new bulky goods retailing centres, which would have otherwise been inconsistent with Council's long standing policy of maintaining Tweed Heads South as the primary location for bulky goods, retail, commerce and trade.

Whilst the planning proposal request seeks to facilitate a change of zone and building height, the applicant has also nominated the intended use, being a Bunnings warehouse as well as other bulky goods retail showrooms and fast food outlets. The planning proposal, as provided in Attachment 1, includes an indicative concept plan demonstrating that the site can be developed in the longer term. This is not, however, provided as a development proposal.

The site

The site is currently zoned 6(b) Open Space Recreation under the Tweed Local Environmental Plan (LEP) 2000 and is proposed to be zoned RE2 Private Recreation with a building height of 10 metres within the exhibited draft Tweed LEP 2012.

The site is approximately 11 hectares, triangularly shaped and located on the NSW/Queensland border. To the north the site borders Queensland along Binya Street and faces residential uses and the Kirra Beach Tourist Park. To the west the site adjoins the Gold Coast Highway and Gold Coast Airport. East and south east of the site adjoins residential areas of Tweed Heads and south of the site adjoins the Ourimbah Road Industrial area.

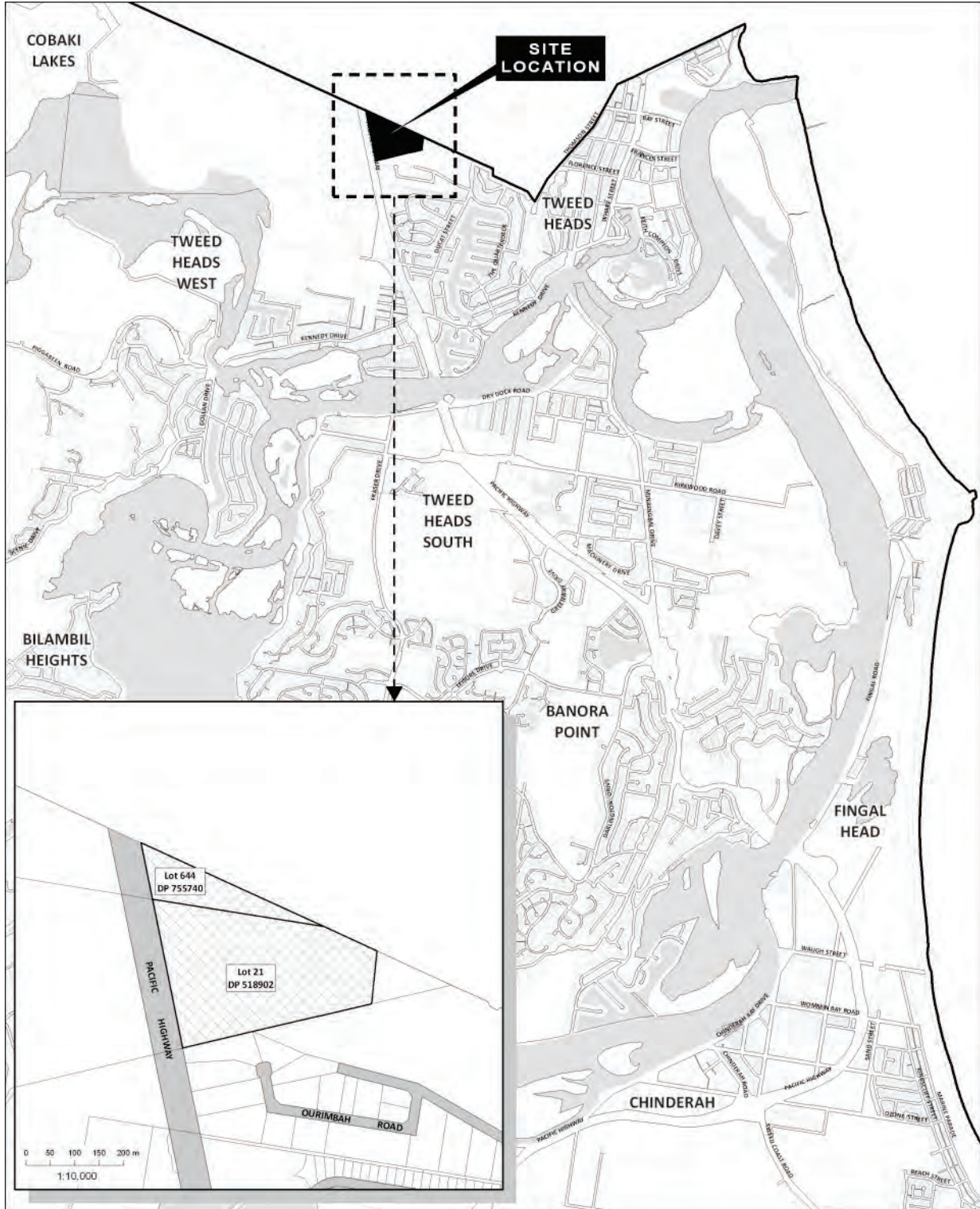
The site is currently used for the Border Park Raceway Club. In addition, the site is subject to a deferred commencement approval (November 2012) for the temporary use of the site for car parking in association with Southern Cross University (DA12/0467).

The current raceway Use

The Border Park Raceway is a greyhound racing facility. The current racing calendar indicates between 2-3 race meetings per month on Saturdays. In addition the site offers caravan and camping to travelling owners and trainers, children's play area, fully licensed bar and kitchen premises, a betting auditorium and large function room for hire.

The site is also currently used as 'spill over' car parking for Southern Cross University. A mini bus service connects students parking their cars with the adjacent Southern Cross University Campus, in accordance with the abovementioned development consent.

SUBJECT SITE:



Locality Plan

Lot 644 DP 755740 and Lot 21 DP 518902
Ourimbah Road, Tweed Heads

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Author: [Name Redacted] - Planning Services Unit

Form: P:\Format\02 July 2013



Figure 2 - Aerial photograph of the Border Park site and surrounding urban context

The proposal

The planning proposal seeks the rezoning of the site to B7 Business Park with a height limit of 15 metres under the provisions of the Standard LEP template and therefore the Draft LEP 2012.

A comparable zone to the B7 Business Park proposal request within the Tweed LEP 2000 would be the 3(c) Commerce and Trade zone, to which a height limit of 10 metres is generally applied.

The planning proposal includes a two-staged indicative development layout for the purposes of assessing the potential impacts of the future development. The proposal is accompanied by an Aboriginal Cultural Heritage Due Diligence assessment (ACHDD) undertaken by Everick Heritage Consultants Pty Ltd and a preliminary traffic assessment. A preliminary desktop assessment has been undertaken on the suitability and capability of the proposed rezoning and identified the following considerations:

Aboriginal cultural heritage due diligence assessment

The ACHDD was presented to the Aboriginal Advisory Committee (AAC) in April 2013 and listed for May 2013 for return comments, however, this meeting did not have a quorum and thus the item has not yet been considered. The matter is listed again for the July 2013 meeting.

The ACHDD contains a number of standard precautionary recommendations for the proposal, including cultural inductions for workers on the site and actions if Aboriginal remains or cultural material are located. In addition the ACHDD recommends monitoring of High Risk Areas 3 (the eastern section where the greyhound track is proposed to be relocated) and 5 (south western section where the tavern is proposed) during future earthworks.

In order to keep the proposal from being further delayed, it is recommended that should Council resolve to proceed with the proposal, any further assessment requirements and recommendations of the AAC should be included.

Traffic

A preliminary assessment of road network and traffic conditions has been submitted with the proposal. The access to and from the site from Gold Coast Highway and Binya Streets will be a key consideration. Similarly, the planning for and provision of access to Ourimbah Road is a key outcome for the integration of the employment lands with the adjoining industrial area. It is recommended that should Council resolve to proceed with the proposal that further traffic assessment to ensure the suitable access and connections would be required. This may also require a planning agreement to ensure enforceability of commitments.

Infrastructure servicing

Water supply to the site is currently provided by Gold Coast City Council (GCCC). The suitability of this continuing with the proposed employment uses and consequent higher water demand will need to be determined. Provision of water by GCCC or Tweed Shire Council will need to be determined.

Similarly, stormwater currently drains to the Kirra Beach Tourist Park detention basin to the north and to a State road to the south western corner. This is not likely to be adequate given the proposed more intensive use of the site.

The site is currently not sewered and will need to be connected. Internal desktop review indicates that further assessment is required to determine if a legal point of discharge can be suitably provided to accommodate the proposed full development of the site (stage 2). As proposed, if the site drains to the racetrack in Stage 1, this has the potential preclude the proposed stage 2 future development.

It is recommended that should Council resolved to proceed with the proposal, further infrastructure servicing assessment, including determination a legal point of discharge based on full site development for employment land uses will be required.

Proposed development and staging

The planning proposal request demonstrates how the site can be developed over the longer term in two stages. The first stage comprises the development of a Bunnings store (18,900m²). This is the proponent's development and is likely to be the first development of the site. The remaining component of stage 1 is shown to include other potential bulky goods uses (2,000m²), proposed liquor store/tavern (1,200m²), associated parking areas and the retention of a smaller greyhound racing track.

The proponent's request is for the rezoning of the site to facilitate these uses; it is not for a development application seeking approval of them. Consequently it is not possible to say with any certainty how and when each part of the site will occur and for what use. What is evident at this stage is that Bunnings will seek approval for their store and most likely a subdivision of the area of land that they require. How this will ultimately affect the remainder of the development of the site would be subject to evaluation at the development application stage to ensure consistency with any strategic direction or intent established through the rezoning process would likely require a planning agreement or other such legally enforceable provision.

Also evident in the request is the proposal to relocate the oval greyhound race track to the far eastern area of the site adjoining the established residential areas to the east and north. This will require the removal of existing vegetation and may raise concerns with adjoining

landowners and Gold Coast City Council about noise and lighting. Stage one will require a signalised intersection to the Gold Coast Highway and planning provision for a future road connection to the Ourimbah Road industrial area. The technical details of these network upgrades will be required with a development application but as with the strategic intention there will need to be an enforceable arrangement in place beforehand to ensure that the site and road upgrades are developed in accordance with the commitment statements in the planning request, or as agreed otherwise.

The second stage envisages the cessation of the raceway and the expansion of the business park into this remaining area. The indicative concept provided within Attachment 1 indicates a potential for a further retailing or commercial area of about 11,000m².

If the rezoning of the site to facilitate a future Bunnings development is seen to be acceptable, then having a staged approach to the long term development of the site is a strategic necessity. This is the only way the Council can ensure the holistic planning of the site to maximise the employment land use as envisaged in the TUELRs, and to ensure integration of the site with surrounding land uses. This latter component of ensuring connectivity with the industrial lands of Ourimbah Road is seen to be crucial to the longer term future and adaptation of that business area. It is also essential if the potential for a “stand alone” bulky goods use is to be avoided or limited.

Long-term Strategic Considerations

The development of the first stage of the proposal has its benefits, not least because it will keep a business enterprise (Bunnings) in Tweed and increase their ability to offer additional employment, but because it also offers the ability to enhance the viability of the longstanding raceway facility and keep it active in the Tweed. However, it needs to be recognised that the rejuvenation and greater economic viability of the racing facility will inherently improve its chances of staying where it is. This would operate negatively on the strategic intent of the development of the site for other employment / business uses, but would not necessarily be incompatible with the proposed first stages of development.

Whilst this report does not assess the suitability of the raceway remaining on the site or the future tenancies, the assessment of the planning proposal will need to consider all the opportunities and constraints arising from a rezoning of the site for employment purposes.

Future development consistent with the proposal will require the relocation of the greyhound track, kennels, and associated parking to the eastern and southern boundary of the site. This includes provision of an indicative 20 metre vegetated buffer to the surrounding residential uses to the east, south east and the north. Impacts of the future relocation of the greyhound track needs to be carefully considered as part of the proposal’s suitability.

Loss of vegetated land, noise and lighting impacts on adjoining residents, implications on drainage and the ability to ensure the roadway connection to Ourimbah Road are key considerations. The suitability of retaining the raceway within an area strategically planned and potentially zoned for employment lands as well as compatibility of the raceway with future land uses will require careful review.

Council would also need to consider the implications of a strategy that increases the likelihood of the racing facility becoming viable as this may also raise the need and expectation for the scope of associated activities to increase. How that would fit within a scheme premised on their cessation or relocation will also need to be evaluated.

Planning considerations/Strategic context

“Employment Lands” is a catch all term for land dedicated to the creation of jobs close to where people live. “They include lands zoned for heavy and light industrial development

and commercial development which is not located in a CBD or regional centre. Their uses range from warehousing, distribution centres and manufacturing to business parks and research facilities" (*Property Council of Australia – Employment Lands 2010*). The success of employment lands depends on efficient land release, location, essential infrastructure, access to transport including road and freight.

One of the key factors to be considered in the location, supply and use of employment lands is the balance between the above listed uses and those of office and retail uses, including bulky goods retailing. Good planning seeks a balance between strengthening established 'centres' and the suitable location as well as suite of uses envisaged in 'employment lands' so as to not create 'out of centre' retail.

The proximity of the subject site to the Tweed Heads commercial centre (predominantly office and retail), South Tweed Heads Trade centre (predominantly large format retail and bulky goods) and its relationship to the Boyd's Bay Garden World site; seeking similar bulky goods retailing (reported to Council 17 July 2012), remain to be fully assessed.

It will be essential as part of the detailed suitability assessment of the requested rezoning to vigorously test the strategic merit of the proposed zoning, not the development per se. To achieve this it will be essential to undertake an appropriate level of retail/commercial analysis of what is existing in the Tweed, what is needed based on current population and demographic demand statistics, and a locational analysis. This will be required to determine the type of employment lands zone required for this location.

It is important to distinguish this approach with that of an economic assessment of the development itself, which is generally not required at the development application, stage for developments locating within existing business zoned land.

In the present case the request is to rezone the land. Council must be satisfied that the zoning is needed and appropriately located because once made there can be any number of uses that may come forward through a development application and so long as they are consistent with the zone objective there would be little to no opportunity of denying approval on the grounds of a particular 'land use'.

Far North Coast Regional Strategy (FNCRS)

The subject site falls within the Town and Village Growth area footprint of the Far North Coast Regional Strategy (2006). The FNCRS plans for an additional 32,500 jobs for the region, which encompasses 6 local government areas.

The anticipated employment growth translates to a need for approximately 156 hectares of additional industrial land and about 76 hectares of additional commercial land. The FNCRS also notes *"With the strong tourism and population-drive employment base (retail and service sectors) in the Coastal Area, the availability of affordable land in this area is becoming increasingly limited, and what is available is increasingly being utilised for bulky goods retailing. As such, land available for industries that generate export jobs is decreasing in the coastal area."*

The Strategy states that commitment to sustainability, productivity, creativity and innovation is fundamental to the Region's economic future. In consequence, there are certain economic challenges defined in the Strategy that should be carefully considered when preparing and LEP amendment, including:

- a) Ensuring sufficient employment lands are available in appropriate locations to accommodate growth in existing and emerging industries and businesses,
- b) Ensuring employment lands are located to take advantage of the transport network offered by upgrades to the Pacific Highway and other major roads in the Region, and

- c) Consideration that ongoing and future upgrades to the Pacific Highway will improve cross-border accessibility, providing opportunities for the regional economy.

In the absence of a holistic retail/commercial and industrial study for the Tweed, it is increasingly difficult not only to guide but also to understand what market demands and gaps employment lands should be targeting. This is often made more difficult when economic assessments are provided with individual rezoning and development applications as there are often inconsistencies amongst their findings.

Tweed Urban and Employment Land Release Strategy (2009)

The site is identified in the Tweed Urban and Employment (TUELRS) as Area 3 for staging in the short term. The short term staging was premised on the site identified as relatively unconstrained based on the TUELRS assessment criteria and on the understanding at the time that the raceway was considering relocation away from the site. The TUELRS recommends that should the racing facility cease, *“employment lands would be preferred over residential or retail development.”* The TUELRS also states for the purposes of the employment lands strategy *“employment lands are defined as “any land that is predominantly used for commercial activities resulting in employment (specifically excluding land predominantly used for retail uses).”*

TUELRS assessed the current Tweed Heads (Urban North area) retail floor space at 99,500m². Forecast demand for 2024 is for an additional 21,343m². The subject proposal is for a completed stage 2 forecast of 38,350m² of employment, largely bulky goods retail, uses.

In addition, TUELRS also identifies the Boyd's Bay Garden World site, “Area 2”. Whilst not part of this proposal, it is relevant to consider the cumulative implications of the two proposals. The Boyd's Bay Garden World Planning Proposal (PP10/0001), is located within the same Urban North Area catchment and seeking similar employment uses with a proposed bulky goods floor area of 13,000m². When the cumulative supply of the two proposals are considered a total bulky goods floor space of approximately 51,000m² could be realised in the short term, representing a 42% increase of the forecast 20 year demand. In terms of employment generating, these large floor plate land uses yield relatively small employment density when compared to other business park uses.

The subject site proposal provides a preliminary assessment of what is termed “employee density” of 413-612 jobs. The TUELRS identifies job density of between 20-55 jobs per hectare, depending on the industry, citing: job densities for manufacturing, wholesaling, transport and storage, and supporting land uses at between 20-30 employees per hectare. The subject proposal has calculated employee density based metropolitan Sydney employment area figures and on the floor area of the forecast development, rather than on the site area, thus it is likely the realised employee density will be lower than stated. The *“Employment Lands Development Program 2010 Overview Report”* by the Department of Planning has assessed employee density and finds that *“job densities are significantly lower in the outer [metro] subregions”*. The Tweed is unlikely to realise job densities at the higher end of the forecast and can be most closely compared with the Central Coast, which has a job density of 23 persons per hectare, which translates to approximately 253 jobs for the subject site.

TUELRS identifies in the *Opportunities and Threats* that *“development of knowledge intensive/technology employment would provide greater value adding to the Tweed and economic productivity in the region”*. This site represents a key strategic opportunity, given its proximity to Gold Coast Airport and Southern Cross University to build on these higher order employment uses.

The Tweed economic opportunities and constraints are closely associated with the economy of South East Queensland and importantly with the employment and growth strategies of the Gold Coast. In addition the site represents the northern gateway to the Tweed, importantly for those heading into NSW from the Gold Coast airport. Therefore, the future development of the site, its uses and the architecture and urban design of this site are critical considerations.

This report does not assess the suitability of the above issues or potential cumulative impact within the Tweed Heads/South Tweed Heads employment context, however, does raise a number of economic considerations that should be further investigated as part of the planning proposal proceeding. This is discussed above under the heading *Planning Considerations/Strategic Context*.

Draft Development Control Plan (DCP) A16 – Business Park

A draft DCP is currently being prepared in response to the Council resolution associated with the Boyd's Bay Planning Proposal. This draft DCP contains overarching guidelines for land zoned for business parks and will include site specific provisions, including land use mix, business park aims and objectives for individual business parks.

It is anticipated the draft DCP A16 will be reported to Council in the latter half of 2013.

The development of specific provisions across this site is of particular importance considering the sites highly visual gateway location. As business park buildings inherently are higher, have large footplate areas and more expansive elevations, it is important that sites be holistically planned to balance built form within a designed landscape and public domain setting. Urban design considerations would form one element of these site specific provisions tempering built form with visual and workplace amenity.

It is envisaged that for the site to be developed and function as an 'employment generating destination', a whole of site concept master plan and staging plan for development of the site would be required as part of any future development application process. This master planning process could then identify the optimum site configuration in terms of circulation and access, building siting, land use composition, built form and public domain.

In the event that Council was to resolve to proceed with the proposed rezoning, site specific provisions would need to be developed for inclusion in the DCP. This would include not only urban design considerations but direction on the mix of uses and road network upgrades.

Work program

The subject proposal is included on the Planning Reforms Unit (PRU) work program for 2013/14. The current resource allocation means that the proposal will be tendered for an external consultancy to assist with its preparation.

OPTIONS:

In considering this planning proposal, Council has the following options:

1. Proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a Ministerial Gateway determination, noting that additional detailed assessment as identified in this report and other potential assessment as identified by the consultant is to be undertaken to inform the employment zone of the subject site prior to public exhibition.
2. Proceed with the planning proposal in principle for the rezoning of the site for employment land uses and refer the proposal to the Department of Planning for a

Ministerial Gateway determination, subject to the additional detailed assessment as identified in this report and other potential assessment as identified by the consultant undertaking the processing of the proposal, to inform the employment zone of the subject site.

3. To defer the planning proposal subject to further clarification, information or a Councillor workshop.
4. To not proceed with the planning proposal.

It is noted that should Council not proceed with the planning proposal, the legislation and DP&I's practice and procedure allows an applicant to appeal Council's decision. If the DP&I considers the request to have strategic merit it is referred to the Joint Regional Planning Panel for assessment and determination.

Option 1 is recommended to facilitate the proposal.

CONCLUSION:

The Proponent has requested Council to rezone the subject site to B7 – Business Park and to apply a height limit of 15 metres under the provisions of the standard LEP Template and the draft LEP 2013. It is noted this is a new zone and does not directly correlate to current zones under the current Tweed LEP 2000. The closest translation is the 3(c) Commerce and Trade zone.

The subject site has few constraints and there is a regional and local strategic context which has identified the subject site for employment land, however, there is limited retail or economic data to define what the appropriate employment land uses should be.

The site represents a key strategic opportunity being the gateway to the Tweed, particularly when entering NSW from the Gold Coast. As such the urban design of the site, its interface with the surrounding road network, connections to other industrial and employment lands, the Gold Coast Airport and Southern Cross University are key factors in the consideration of the planning proposal request.

At present there is insufficient information to determine the suitable employment zone for the site, though there is sufficient justification for rezoning of the site to facilitate employment lands. Should Council resolve to proceed with the planning proposal, those questions may be answered by proceeding with the planning proposal and undertaking the necessary studies.

There is an economic imperative to ensure the Tweed does not lose major businesses and the employment they generate for the Tweed community. It is also essential from a sustainability perspective that the Tweed community is not forced to travel excessive distance to obtain the services they require. For these reasons it is recommended that Council proceed with the planning proposal and investigate the suitable employment land types and appropriate zone. For the benefit of both the applicant and Border Park it must be noted that proceeding with the strategic investigations, at their cost, does not guarantee that the site will ultimately be identified for the zoning sought in their request.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

There is no allocated Council budget for this project. Subject to the resolution of Council, the Planning Proposal will be proceed under a Costs and Expenses Agreement, consistent with the 2013/14 Fees and Charges schedule.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Border Park Planning Proposal Request (ECM 3106359)

Attachment 2 Aboriginal Cultural Heritage Due Diligence Report (ECM 3106360)

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12 [PR-CM] Planning Reform Unit - Resourcing Implications for Council's Strategic Project Resolutions Post Adoption of the Unit's Work Program 2013/2016

SUBMITTED BY: Planning Reforms



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land

SUMMARY OF REPORT:

Since May 2013, Council has resolved to undertake strategic planning projects that are additional to those that were approved by Council in its adoption of the Planning Reform Works Program at the meeting of 16 May 2013.

This report identifies the inherent difficulty with managing new projects against a work program that is fully utilising available resources. It concludes that further direction is needed from the Councillors on the feasibility of advancing these additional projects, taking into account the ability of staff to deliver them within the resources that are available, as well as a clear identification of priorities. This may require Council to reconsider projects previously approved on the work program and the identification of those that should be deferred. Alternatively, it may be that Council accepts there are unavoidable delays with progressing additional projects.

In addition, this report responds to several strategic planning based Notices of Motion.

RECOMMENDATION:

That:

- 1. The report Planning Reform Unit - Resourcing Implications for Council's Strategic Project Resolutions Post Adoption of the Unit's Work Program 2013/2016 be received and noted; and**
- 2. A Councillors Workshop be held to discuss the feasibility of advancing additional items to the adopted 2013/16 Planning Reforms Unit Work Program.**

REPORT:

Resource Implications Associated with Council Brining Forward Additional Projects on the Planning Reform Unit Works Program

At its meeting of 16 May 2013 Council resolved to approve the Planning Reform Unit's Work Program 2013/2016. In doing so it also approved of two recommendations that were presented as ways of reducing, albeit with limited effect and relating to targeted projects, the resource commitment of the Unit. This was seen as essential given the prevailing over resource commitment to a rising number of strategic projects and the expectation of the private sector to advance their proposals and requests simultaneously.

Several factors contributing to the over-commitment were discussed in the May report. The report also spoke about the role and function of the works program schedules, describing them as a project control tool and as a guide upon which budgetary consideration and decisions may be made. They are a tool by which the Councillors can determine the strategic projects that are seen to be important to Tweed Council and its community and which should be completed. Delivering the outcomes and meeting the broader community expectation requires a balancing of the work program both in terms of the substantive nature of the work and its order of priority. Success ultimately comes at the ability to match it with the resources available to achieve it.

Strategic planning is inherently complex. There are any number of opportunities and obstacles that can and frequently emerge. The regulatory framework is sometimes cumbersome and it difficult to predict timeframes, as there often adversarial and litigious influences. Council is often called upon to moderate and adjudicate outcomes among various stakeholders, with limited resources. Council must therefore consider the strategic planning work that is important and that has reasonable prospects of being delivered.

For these reasons the Council's resolutions in respect of additional strategic planning projects post 16 May 2013 cannot be progressed until one of two matters is first addressed, namely:

1. That the Council declares a project(s) with a corresponding resource load for deferral off the work program, or
2. The Council accepts that the 'additional' project cannot be resourced until resources become available upon the completion of a current resourced project(s), and indicates the level of preference or priority where, as is the case, there is more than a single additional project called for.

In the meantime, any projects resolved on by Council post 16 May will be reported and where possible incorporated into the Planning Reform Unit's Work Program by February 2014. Presently these projects include:

1. 16 May 2013 - Notice of Motion: Murwillumbah Business District

This is a proposal by the Council to review the Murwillumbah Town Centre DCP with the view to incorporating a staged works program to upgrade the town centre. A strategy Council can use when making decisions about funding commitments.

2. 20 June 2013 - Notice of Motion: Fingal Local Environmental Plan Two Storey Height Controls

This proposal by Council is to advertise an intention to amend Section A1 of the DCP (as distinct from the heading which makes reference to the LEP) to include interim development controls in relation to the height limitation of all land in Fingal Head and to seek community input on it. That limit is described as two storey and 8 metres.

3. 20 June 2013 - Notice of Motion: Fingal Head Development Control Plan

This proposal is to commence a DCP for Fingal Head by including it in the Planning Reforms Work Program 2013/14.

Further to the above, Council has resolved on several other Notices of Motion which this report seeks to respond to. These are addressed below.

Resolution of 18 April 2013 - Tweed Urban and Employment Land Release Strategy 2009

It was resolved that:

"In light of new census data, Council bring forward a report on the applicability of the currently adopted Tweed Urban and Employment Lands Release Strategy (2009) to the future growth of the Shire."

Response:

The Tweed Urban and Employment Land Release Strategy 2009 (TUELRS) was adopted by Council at its meeting of 17 March 2009 as follows:

- "1. Receives and notes the amendments to the Draft Tweed Shire Urban and Employment Land Release Strategies resulting from exhibition review of public submissions;*
- 2. Adopts the final Tweed Urban and Employment Land Release Strategy 2009, as amended and provided as an attachment to this report;*
- 3. Adopts Land Release Option 11.3 of Tweed Urban Land Release Strategy as the major direction for land release within Tweed Shire as an interim approach, until the findings of Council's Flood Study and related Risk Management Strategy have been reviewed and determined by Council;*
- 4. Endorses that a copy of the Strategy be forwarded to the Regional Director - Department of Planning for inclusion in the review of the upcoming Far North Coast Regional Strategy."*

The primary purpose of the TUELRS is to comply with various State government requirements to prepare an urban land release/local growth management strategy. The TUELRS aims to identify appropriate 'Greenfield' sites, provide sufficient land and its coordinated release to accommodate the projected population growth of the Tweed over a period of 23 years. Urban land release (predominately residential) and employment land (industrial and commercial) are separately addressed and strategies identified for both within the TUELRS. These strategies and the significance of the latest census data is discussed below.

Urban Land Release

In relation to urban land release, several key findings are made within the TUELRS:

1. Tweed Shire has approximately 1,533ha of zoned residential land available for development, comprising about 27 years supply of urban (residentially based) land, and
2. A further 589ha is identified for potential future urban land release through the strategy, which represents about a further 10 years supply.

When considering the strategic direction for urban land development, Council adopted Option 11.3 within the TUELRS: *'Rely on Existing Zoned Areas and Increase the Density of Development in Key Urban Areas'*. To date, this strategic direction has been upheld with

locality based planning being undertaken for Tweed Heads and Tweed Heads South and no new greenfield development being pursued, with the exception of the Mooball planning proposal (commenced through a Council Notice of Motion) and minor infill and expansion of existing housing areas, e.g. Riva Vue (West Murwillumbah) and Bilambil Heights planning proposals.

There are no new major greenfield residential estates currently being investigated through strategic planning and rezoning. Those that are have been identified by design to support or strengthen local communities or extend existing housing estates. In this context the change in predicted population growth and demography is not significant and will have minimal impact on long-term planning for urban development.

The next census round in 2016 is likely to be more instructive regarding future planning of urban land release.

Employment Land Release

In relation to employment land release, several key findings are made within the TUELRs:

1. Tweed Shire has approximately 102ha of zoned industrial land available for development, constituting approximately 10 years supply of land,
2. A further 236ha is identified for potential future urban land release through the strategy, representing a further 24 years supply of land.

The TUELRs provided short (0-10yrs), medium (10-20yrs) and long (20-30yrs) timeframes to commence rezoning. This approach has largely been maintained to-date with the rezoning of the Airport Precinct Area 2 (Boyds Bay Garden World site) completed 16 November 2012, and the current review of planning proposals for Border Park Race Track (Area 3) (Note that Area 3 is the subject of a separate report within this business paper) and Wardrop Valley East (Area 6).

The Planning Reform Unit's research into these areas and employment land generally points to a potential issue whereby the creation of employment land through 'industrial' zonings is seemingly limiting the Council's ability to foster and produce successful outcomes.

Anecdotal evidence and reference to existing case study areas like the newest industrial zoned land, "Industry Central", at East Murwillumbah, suggests that uptake is extremely low with little sign of any interest from neither new nor expanding industry. A further observation is that the traditional industrial zoned land is largely fragmented by a small lot subdivision pattern and land tenure, which is resulting in a lower ratio of employees per hectare than should be expected or achieved.

Whilst Tweed has traditionally elected for industrial zoning outside of the existing centres there is an increasing abundance of research supported by a global trend toward multi-functional employment nodes. These are fit for purpose areas with higher levels of flexibility in their zoning designed to harness the synergies that often exist between complimentary mixed land uses. These centres are generally more attractive, well designed and suited to new green and technology industries. It is not uncommon for various formats of residential accommodation, tourism, recreation and sporting uses to also be included. The key concept is to create sustainable areas to live and work, focussing on reduction in travel demand and higher levels of employment per hectare.

In light of what is occurring in the Tweed and the region generally it is very unlikely that the 2011 census data actually demonstrates a need to change the course of Council's employment strategy in terms of supply. It identified a shortfall of employment land and the need to maintain a rolling supply of 10ha per year from 2009 and Council has been tracking

well below that average. Rezoning currently being considered is not likely to achieve the targets set in the Strategy and consequently there is a natural balance occurring between the delivery targets, which were based on a slightly higher rate of population growth, and the actual delivery of the target which more likely than not would still track below a target adjusted on the latest data.

What the Planning Reform Unit has concluded is that increasing the number and diversity of employment opportunities will not occur so long as reliance on industrial zoning is maintained. In the longer term it seems very likely that industrial zoning in isolation will not lead to greater opportunity for the Shire's residents, achieving sustainability within the LGA will be stifled, and the rate of land take-up for new development will remain unnecessarily high.

There is a clear need in the Tweed for industry parks but there is also an observation of a much greater need to diversify away from the traditional approach and to include industry within a broader, more flexible, business zoning. This is discussed in the TUELRs also when speaking of value adding through knowledge intensive industries.

The TUELRs has been identified for a review in 2015 following implementation of the new planning scheme, the regional growth plan and/or sub-regional delivery plan. These high order state and regional plans provide the guidance for local councils and consequently there would be limited value in bringing the review forward.

It is recommended that the issues raised above be taken into account in the event that any new proposal to rezone land for industrial zoning is brought forward for Council's consideration.

Resolution of 20 June 2013 - Urban Agriculture Policy

It was resolved that:

"Council brings forward a report on developing an Urban Agriculture DCP and any Land use changes that may be required to facilitate this in Stage 2 of the LEP."

It is evident that the Urban Agriculture is becoming a global movement. In many countries around the world agricultural produce is grown within the urban landscape both on private and public lands. Community gardens or 'plots' tendered by private individuals and provided by public authorities have been around since time immemorial in one form or another however this was arguably eroded or lost in many 'modern' cities and townscapes as the aspirations of the then new urban dwellers sought to shake of their rural and agricultural roots. Its demise also likely resulted as consequence of industrial and technological advancement that led to greater crop yields, and large volume importation, resulting in cheap food.

In what seems to be a trend in reversal, fuelled by the rising cost of transportation, fertilisers, labour and so on, is the point now being reached were for more and more individuals it is no longer cost advantageous to rely solely on big retailers for fresh produce. The pendulum of accessibility to fresh fruit and vegetables is clearly starting to swing back toward to locally or self grown produce. But it needn't and often doesn't stop with fruit and veg. Nationally this movement is also likely to prove more environmentally sound not simply because it provides ways in which carbon emissions can be reduced through product handling but because it may also lead to a reduction in waste.

There is a sound case for Tweed Council investigating a policy on urban agriculture. Like the City of Yarra in Victoria it may also be advantageous to establish an urban agriculture advisory committee, refer to:

<http://www.yarracity.vic.gov.au/environment/Community-gardens/urban-agriculture-advisory-committee/>

This will also require the active participation of several key operational areas, including natural resource management, recreations services and legal services.

It is recommended, taking into account the first discussion in this report above regard the impact on the Planning Reform Unit's work program, that the development of an urban agriculture policy(s) be included with the next review of the work program.

Resolution of 20 June 2013 - Local Environmental Plan Stage 2 Community Working Group

It was resolved that:

"Council brings forward a report on engaging a Community working group for stage two of the Local Environmental Plan."

Whether a 'community working group' is likely to benefit the advancement of an LEP or other strategic project depends on a number of factors. Not least is the intent or purpose for forming the group and what the expectations and functions of it are to be. This would also need to be considered in the context of the strategic policy being advanced, as the nature and scope of the project would have a direct bearing on the skills, qualification and expertise of the group targeted.

There is undoubtedly much greater opportunity for and benefit to be derived from community input. Whether a 'community group' can deliver this depends in-part on those factors already mentioned. For large projects, such as a whole of shire LEP, it would be arguably unbeneficial to have a single working group and may require several smaller groups each with a focus on their areas of expertise, qualification and skill. This approach, whilst increasing the resourcing demands may also assist with curbing the scope creep that typically manifests in this model of consultation.

The Planning Reform Unit has extensive experience with community consultation. Its experience is that reference panels, working groups, steering committees and those with similar titles, but all adding to the multi-party stakeholder model, are particularly susceptible to this 'scope creep'. This occurs when each stakeholder representative tries to add their agenda or favourite features without visibility into what the other might be asking. This places an additional burden on the project management to contend with requests coming from all directions or focus may shift in one direction or another and the results may be disastrous for the project, on resourcing and costs, on timing and deliverables.

There are ways of minimising these problems by drawing on a representative (someone that is held in that esteem by others within their group or community) from each of the key stakeholder groups. In this way everybody has a chance to weigh in on the big ticket issues and have can bring with it several advantages/benefits:

- Greater chance of acceptance of the outcomes by those involved in the evaluation, creating relations of trust;
- Can improve access to quality information and a better understanding of the facts and events, which take place during the development of the project;
- Learning opportunities for stakeholders as a result of their inter-stakeholder interactions;

- Interpretations and recommendations which take into account all the important points of view;
- The dissemination of conclusions and taking into account of recommendations more rapidly and informally;
- A greater likelihood that recommendations and conclusions will lead to action and follow-up;
- Providing a way of getting everybody on the same page by communicating information to all parties at the same time and in the same way;
- Serving as a forum in which the different people, who would assumedly have at least some interests in common, can share views on others subjects and areas of interest; and
- And with an affective group they allow the project manager to get buy-in from the right people once.

Naturally, each one of these positive attributes has a countervailing negative but in the broader sense these are most likely outweighed and demonstrate that this model of consultation has its place; it is more the form and composition of the group that needs to be tailored.

In summary, establishing an effective and collaborative community working group is not without its hazards and pitfalls. Managing resourcing, cost and personality conflicts can present significant hurdles and make it very difficult to overcome or iron out issues. Opposing and dismissive views add to this challenge and can be compounded if a representative becomes disgruntled or were a power imbalance against one or more representatives arises.

Even with the best intentions working groups can slow the project down or bring it to a halt; typically through slow decision making, excessive analysis or an inability to look beyond and reconcile self interest and belief: a common phenomena widely referred to as 'paralysis by analysis'.

Should a second stage of the LEP be commenced by Council then it would be opportune at that time to consider whether a community working group would likely be beneficial to that specific project. At this point in time there is no planned Staged 2 of the LEP and given the significant reforms to the State's planning laws scheduled for implementation in the next 6-12months there is no clarity as to what the second stage might entail.

In all likelihood the Minister for Planning will make significant changes to the Standard Instrument LEPs once they have all been made for the State. This will affect every council and Tweed will need to carefully assess those changes and catalogue what additional and local amendments it considers will be necessary. This will occur most likely in the format of the new 'Local Plans' established under the new 'Planning Act'.

OPTIONS:

- 1 Council receives and notes this report.
2. Council provides further guidance in relation to progressing any additional projects and in particular on those to be deferred from the adopted work program.

Council officers recommend Option 1.

CONCLUSION:

The Council adopted the Planning Reform Unit's Work Program in May 2013 and in doing so approved a significant body of important strategic and project control projects. The program was seen to be balanced, seeking to progress a range of projects targeting employment and housing, statutory compliance and sustainable practice.

Since May Council has resolved on progressing further important strategic projects of various kinds. The prevailing challenge for Council lays in the prioritisation of all projects so the finite resources available to undertake them can be allocated to provide both certainty of delivering the project and protect the interests of private individuals who invest heavily in their projects.

Councillors are now seeking additional projects above those approved in May. Whether they are of greater priority to Tweed Council, and warrant approved projects being deferred from the work program, is a matter for the Council to consider and provide direction on.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1 Council report and resolution of 16 May 2013 - Planning Reform Unit Works Program 2013/2016 (ECM 3106385)

13 [PR-CM] Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora

SUBMITTED BY: Planning Reforms

FILE REFERENCE: PP12/0001 Pt1



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Civic Leadership |
| 1.5 | Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land |
| 1.5.2 | Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development |
-

SUMMARY OF REPORT:

This report provides an update on the Planning Proposal for 420-434 Terranora Road, Terranora.

A report was considered at 21 March 2013 Council meeting that outlined a range of constraints and opportunities affecting the site and which required further investigation if the proposal was to be advanced. The Council officer's recommendation in that report was to proceed with preparing the planning proposal and to undertake the necessary studies and assessment. Council did not support the recommendation and consequently the planning proposal has not progressed.

The Proponent has subsequently sought to pursue their Pre-Gateway appeal rights through the Department of Planning and Infrastructure who have undertaken a preliminary review of the proposal. Council was notified on 25 June 2013 that there may be merit in the planning proposal proceeding to a Gateway Determination.

The Department has also advised that planning proposal has now been referred to the Northern Region Joint Planning Panel for its detailed assessment and review.

Until the outcome of the review is received, the extent of further involvement of Council in this planning proposal is uncertain.

A further up-date report will be provided as the planning proposal progresses.

RECOMMENDATION:

That the report on Update on Planning Proposal PP12/0001 - No. 420-434 Terranora Road, Terranora be received and noted.

REPORT:

A report was prepared for the Council meeting of 21 March 2013 outlining a range of constraints affecting the site which required further investigation prior to determining the proposal. The report also recommended the inclusion of other adjoining land into the proposed instrument. The recommendations of the report were:

1. Council provides conditional support for Planning Proposal PP12/0001 to rezone Lots 2–8 DP 28597 from 1(b1) Agricultural Protection to 2(a) Low Density Residential under Tweed Local Environmental Plan (TLEP) 2000, subject to Recommendations 2, 3, 4 and 5 below.
2. Council officers enter into negotiations with the owner of Lots 2-8 DP 28597, 420-434 Terranora Road, Terranora, for the preparation of a Planning Agreement pursuant to s93F of the *Environmental Planning and Assessment Act 1979*, which ensures that development of vacant allotments does not occur until such time as critical constraints affecting the site including visual amenity and scenic escarpment impact within the contents of the Far North Coast Regional Strategy and Area E Urban Release Development Code, the number and configuration of allotments are addressed to the satisfaction of Council, and prior to public exhibition of the Planning Proposal, and that ongoing maintenance and management requirements are secured within the planning agreement.
3. Should the landowner agree in writing to enter into a planning agreement as described in '2' above, that the draft Planning Proposal attached to this Council Report be amended to incorporate an acknowledgement of this concurrence and that the Planning Proposal be forwarded to the Department of Planning and Infrastructure for an initial Gateway Determination.
4. Should the proponent not agree in writing to enter into a planning agreement prior to forwarding the Planning Proposal to the Department of Planning and Infrastructure for an initial Gateway Determination, that the planning proposal not be referred for a Gateway Determination.
5. Should any one of the critical constraints affecting the site not be resolved to the satisfaction of Council, that the planning proposal not be placed on public exhibition and a further report be prepared for Council's consideration detailing any prevailing issues.
6. Consultation with the landowners of the four adjoining properties, Lot 1 DP 28597, Lots 9, 10 and 11 DP 28597 commence regarding their inclusion within a revised planning proposal post receipt of the initial Gateway Determination for Lots 2-8 DP 28597, and a further report be prepared for Council's consideration detailing the specifics of the consultation and recommendations for proceeding with the rezoning of those properties.
7. Consultation also occur post receipt of the initial Gateway Determination for Lots 2-8 DP 28597 with the other two adjacent properties being Lots 16 and 19, DP 1092500 on the upslope side of Terranora Road and these consultations also be included in the future report to Council.
8. The Draft Tweed LEP Amendment Number 97 be amended to include a need to address and adhere to the Area E Urban Release Development Code with particular reference to section 3.2.9 views and scenic Protection.
9. The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance.

A motion to endorse the recommendations was moved and subsequently lost. This was not followed by any other motion or resolution on this proposal.

Pre-Gateway Review

The proponent has subsequently sought to pursue their Pre-Gateway appeal rights through the Department of Planning and Infrastructure (DP&I).

The DP&I has undertaken a preliminary review of the proposal and on 25 June 2013 advised Council that there may be merit in the proposed instrument proceeding to the Gateway Determination.

The DP&I has also advised that the proposed instrument has now been referred to the Northern Region Joint Planning Panel (JRPP) for its detailed assessment and review. The outcome of the review is said to occur within 42 days of JRPP receiving it.

The DP&I's publication *'A guide to preparing local environmental plans'* states that:

"The regional panel advice will be framed around the merits of the proposal and whether the regional panel would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination)."

The Minister (or delegate) will make the final decision with respect to the proposed instrument, which may include:

- The regional panel considers that the proposed instrument should not proceed to Gateway, or
- The regional panel has recommended that the proposal has merit and that the proposed instrument be submitted for Gateway determination. Council may be requested to submit a planning proposal to the Gateway within 40 days, or
- The Minister may consult with the General Manager to discuss the possibility of changing the Relevant Planning Authority to the Director-General of the department (or other body), or
- The Minister may retain his discretion to, or not to, proceed with the matter, notwithstanding the advice of the regional panel.

Until such time as the review is completed and Council has been notified, it is uncertain as to the nature of any further involvement of Council in this matter, except that should the Panel have specific questions for clarification, they may choose to contact Council to seek its views prior to the completion of the review.

OPTIONS:

1. Receive and note the report; or
2. Provide direction on any alternative course of action or response the Council considers appropriate.

Council officers recommend Option 1.

CONCLUSION:

The motion as recommended to 21 March 2013 Council meeting was lost and has resulted in the proponent seeking a Pre-Gateway Review by the Department of Planning and

Infrastructure. Council was advised on 25 June 2013 that the proposed instrument has been referred to the Northern Region Planning Panel for assessment and review.

Until the outcome of the review is received, the extent of further involvement by Council in this planning proposal is uncertain.

It is recommended that this report be received and noted.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The review processes established by the DP&I whilst purporting to remove the assessment of the planning proposal from the Council will undoubtedly still require a level of assessment and input from Council staff. This model has similarities with the Part 3A development process. In particular, the Department will essential control the process and receive the fees, whilst Council will provide the detailed assessment at its own cost.

The planning proposal review process and the referral of this proposal to it may have a financial cost to council by way of resources required to respond to any requests made by the JRPP.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

14 [CNR-CM] Provision of Library Services

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

Library services for Tweed Shire residents and ratepayers have been provided by Richmond Tweed Regional Library (RTRL) since 1973 with Council directly providing the infrastructure for these services via three branch libraries at Murwillumbah, Tweed Heads and Kingscliff.

This report addresses the viability of Council being able to provide library services in its own capacity for the Shire; costs of the services as currently provided by RTRL are compared with preliminary estimates for the same range and level of services to be delivered independently by Tweed. The impacts of Council withdrawing from RTRL on staffing, resource acquisition and processing, information services, mobile library services, and potential loss of benefits of scale through participation in a regional service, are also considered.

The preliminary estimated costs indicate that Council could deliver the current level of web-based and branch library services for approximately the same cost as Council's contributions to RTRL; however, provision of an independent mobile library service throughout the Shire would require an additional capital budget of approximately \$850,000 - \$1,000,000 for the initial procurement of a prime mover and trailer plus an recurrent operational budget of approximately \$120,000 per annum (based on fully utilising the mobile across the Shire). Increased recurrent costs for delivery of an independent Tweed library service in relation to the provision of a mobile library, resources and information services are offset to a significant extent by administrative savings.

As per the *Richmond-Tweed Regional Library Agreement*, any decision by Council to withdraw from RTRL requires twelve months' notice of intention, with apportionment of RTRL assets (headquarters building and land) to be determined by the Library Council of NSW. It is recognised that the recommendations/outcome of the NSW Independent Local Government Review Panel could negate any decision made by Council at this time.

RECOMMENDATION:

That pending the recommendations/outcome of the NSW Local Government Reform Proposals:

- 1. Council continues to participate in the Richmond Tweed Regional Library; and**
- 2. Further develops a business model for the Library service in conjunction with the other constituent councils.**

REPORT:

Background

Tweed Shire Council first signed an agreement with Lismore City Council (LCC) for the delivery of library services in 1973. Ballina and Byron Shire Councils also signed service agreements with Lismore in 1971 and 1978 respectively.

The service is provided through Richmond Tweed Regional Library (RTRL), which operated autonomously (with executive support from LCC) until 2009, when the RTRL Committee¹ resolved to move toward the administrative model under the 1970s agreements with Lismore Council in order to meet legislative requirements.

Since that time, ongoing discussions by members of the Library Committee have sought to determine a new business model and partnership agreement that comply with the Library Act (1939) and the Local Government Act (1993). At its most recent Committee meeting on 10 May 2013, the RTRL Committee noted “the recommendations from Tweed, Lismore, Byron and Ballina Councils and the consensus agreement for the development of a partnership business model” but determined “not to proceed at this time pending the review of Local Government²”.

In the absence of a commitment to a new RTRL model, Council resolved on 24 January 2013 that “a report be generated to demonstrate the viability of Tweed Shire Council being able to provide library services in its own capacity to all residents and ratepayers of Tweed Shire and to explore other partners for the provision of such services”.

In order to assess the viability of TSC providing library services in its own capacity, the following cost comparisons have been prepared on the basis of continuing the same level of service as that provided by RTRL:

Services	Cost provided by RTRL ³	Preliminary estimates if services provided by TSC ⁴
Branch library salaries and overheads (includes superannuation, vehicle, casuals)	\$973,200	\$973,200
Mobile library (includes maintenance and staffing)	\$55,136	\$175,000 ⁵
Purchase of new mobile library (one-off cost)	N/A	\$850,000 - \$1,000,000
Establishment and maintenance of mobile library accommodation	N/A	Dependent upon location
Resources		
• purchasing of approximately 12,000 items per annum, processing, cataloguing etc.	\$461,825	\$492,000
• e-resources		
NB: RTRL proposes an increase in % allocation of resources budget to e-resources for 2013-14	\$81,498	\$85,000

¹ RTRL Committee comprises eight voting members (two councillors per member council) and the executive member (from LCC). Invitees include general managers and council officer representatives

² Draft minutes of meeting

³ Based on 2012-13 budget

⁴ No inflation or adjustments included for 2013-14

⁵ Increased service level

Information Services (IS) (includes PCs, networking, Library Management System (LMS) (Spydus); does not include provisioning of IS for mobile library	\$116,194	\$142,600
Administration/HQ (includes programming for youth and children's services, support services, courier, library management and admin staff on costs)	\$411,745	\$260,000
Transition/change management contingency (one-off cost to allow for early appointment of manager, transfer of staff and entitlements (which would include a due diligence review of current employment conditions, salaries etc. to determine degree of fit; any variance has not been costed at this stage) assets, stock and records/data, set up of administration area, purchase of required software products for LMS not on current system, licences, firewalls, printers, recabling, networking IT support)		\$190,000
Apportionment of building and land valuation		(Cf Note 7)
Total	\$2,099,598	\$2,127,800

Notes:

- 1 Resources estimate based on deducting 1 FTE from RTRL figure and replacing with shelf ready services (ie. Council receives items from suppliers "shelf ready" (that is, delivered to branch libraries already entered into the online catalogue and ready for loan)
- 2 Mobile staff currently = 19 hrs (approx 0.27 FTE) per fortnight; for TSC - would need to be increased to 2 FTE(driver/library officers) to fully utilise the investment in a mobile library (potentially up to 20 additional stops per fortnight)
- 3 PCs are currently being replaced as part of LCC fleet rollout; LMS to be provided to TSC as a managed service by Spydus @ \$22,600 per annum based on 5 year contract and subject to CPI; IS estimates subject to confirmation of network requirements etc. at time of transfer
- 4 TSC estimated administration cost includes 2.5 - 3 FTE staff for managing e-resources, program management, procurement (books, DVDs, CDs, periodicals etc),
- 5 TSC total excludes one-off costs of mobile library purchase and transition/change contingency (shaded cells of table)
- 6 No administrative costs have been estimated for the establishment of any committee or governance body
- 7 Apportionment of RTRL building (\$440,000 est) and land (\$457,000 est) to be determined by Library Council of NSW. NB: Agreement between LCC and TSC Clause 21 states ". . . either party may give twelve months notice of intention to withdraw from the Library service [sic]".

OPTIONS:

1 Continue membership of RTRL pending:

- (a) the development of a partnership business model for RTRL; and,
- (b) the recommendations/outcome of the NSW Independent Local Government Review Panel.

This would retain the "status quo" for service delivery; with the Tweed contribution to RTRL increasing by 5.74% (\$120,593) for 2013-14 financial year; that is approximately \$60,000 more than CPI of 3% (3.5% salaries).

2 Continue membership of RTRL as per Option (1) but transfer branch library staff (17 FTE) to Tweed Shire Council. As each member council of RTRL pays all direct

staffing costs associated with the provision of RTRL services in their area (including on costs), this should have minimal impact on Council's recurrent budget but could incur some additional administrative load/costs for Council's Human Resources Unit, particularly at the time of transfer, in association with corporate training and alignment of positions to TSC grades. Lismore staff (that is, RTRL officers staffing Murwillumbah, Tweed Heads and Kingscliff branch libraries) currently do not have access to 9 day fortnight arrangements, and the impact of this would need to be assessed. There may also be some costs associated with accrued long service leave and other entitlements.

Potentially, the transfer of officers would enable these front-line customer service staff to more readily identify themselves with their customer base and vice versa. If appropriate, specialist training may continue to be provided by RTRL on a fee for service basis.

- 3 Withdraw from RTRL and directly provide library services to residents and ratepayers.** This option provides for autonomy in administrative decision-making, program development and service delivery. The diminution of the benefits of economies of scale provided through RTRL (specifically information services, programming and procurement of e-resources and other non-book formats that are licence-based) could be seen to be offset by local budget control, decision-making processes directly aligned to Tweed residents/ratepayers requirements, and staff/customer identity. This option would be at an additional recurrent cost per annum of:

- (a) \$119,864 per annum for a mobile library (including 2 FTE mobile library positions);
\$33,677 if resources were purchased fully shelf ready;
\$26,406 for information services; less,
\$151,745 in administrative/HQ savings (2.5 - 3 FTE staff for managing e-resources, program management, procurement (books, DVDs, CDs, periodicals etc) and administration.

Overall, this option would be an additional \$28,202 if current service levels (other than the increase to the mobile library service) were maintained;

or

- (b) \$119,864 per annum for a mobile library (including 2 FTE mobile library positions);
\$52,048 if resources are purchased and processed in line with current RTRL practices;
\$26,406 for information services; and,
\$151,745 in administrative/HQ savings (2.5 - 3 FTE staff for managing e-resources, program management, procurement (books, DVDs, CDs, periodicals etc) and administration.

Overall, this option would be an additional \$46,573 if current service levels (other than the increase to the mobile library service) were maintained;

These options would result in some potential disadvantage to those residents/ratepayers who currently have access to the full range of RTRL resources and for those in particular who regularly borrow from other members' libraries. Interlibrary loan and potential courier costs have not been included but anticipated to remain constant with current expenditure.

The provision of a Shire-specific mobile library service would compensate to some extent for the delay in the establishment of previously proposed branch libraries as per the *Tweed Shire Library Strategy 2002/3 – 2021/22*.

- 4 Withdraw from RTRL as per options 3(a) or 3(b) but retain the mobile library service from RTRL.** This would depend on agreement by the RTRL Library Committee and necessitate an arrangement between TSC and RTRL for return of mobile library stock that mobile library customers may return through the TSC branch libraries and/or the provision of a courier service.
- 5 Provision of services with other partners.** While preliminary discussions have been held with City of Gold Coast (COGC) officers, the potential for service provision has not resulted in any firm costs at this stage nor indication of willingness/ability of COGC to provide that service. The level of resource provision (that is, purchasing of books, e-services etc.) would need to be increased to that of COGC (currently 1.75 items per capita). An appropriate level of exploration and negotiation of this option would require a more formal approach and considerable effort/time invested to undertake a full assessment, should COGC indicate willingness for such further investigation.

Previous considerations of a joint use service with COGC (as opposed to direct service provision) have not progressed due to differences in states' legislation (including impact on accessing grants) and in levels of service (eg. resource provision per head of population, range of resources, different library management systems, staff salaries and conditions).

The following issues have been considered in the identification of the various options, some of which require more detailed costing should Council determine to deliver its own service.

- A home base for a mobile library which is undercover (for loading and unloading) and allows a large turning circle, would need to be identified and may potentially involve relocating other services.

A dedicated mobile library for the shire would enable this service to be expanded, rescheduled and/or redesigned and potentially diminish a need for the establishment of additional branch libraries/community lounges. Additional staff would be 1.0 FTE and 2 X 0.5 FTE for driving, setting up at stops, scheduling, customer service, stock selection and maintenance.

This is the main cost differential for Tweed providing library services independent of a regional library service; sharing maintenance and staffing for mobile library services is currently the greatest benefit of scale.

- The potential for minimising any contingency amount for transition/change management by using the same Library Management System (LMS) which is already used by RTRL (Spydus) to facilitate electronic transferral of collections/holdings and membership details

and negate the need for extensive staff training and customer familiarisation with a new LMS.

- The necessity of an early appointment of the library manager (based on the current Area Librarian's role) to facilitate transfer of resources and review/establishment of policies, processes and procedures.
- The identification and establishment of an administrative area (including PCs, 'phones, other business machinery etc.) for a core staff of approximately 6 FTE if established in conjunction with a mobile library base.
- Implementation of an RFID system which would enable library customers to check in and check out their own library items using self-serve technology, as well as providing improved stock control and reporting capabilities.
- Implementation of wireless technology in each of the branch libraries.

Since the development of the *Tweed Shire Library Strategy 2002/3 -- 2021/22*, (which focussed on redressing identified "deficiencies" in infrastructure and increasing staffing levels and resource provision to that of neighbouring Councils, if not the public library standards promulgated by the State Library of NSW (SLNSW)), there have been significant changes and advances for libraries, print and online media as well as different approaches to providing spaces to meet evolving community needs, all of which warrant review in light of the 11 years elapsed since that strategy was developed. Regardless of Tweed remaining as a member of RTRL or providing library services in its own right, a review of the *Strategy* would be warranted to reflect population growth, different social and information networks and services.

CONCLUSION:

Through a comparative assessment of library services as delivered by RTRL and potentially independently by Tweed, preliminary cost estimates indicate that recurrent costings would not be significantly different on a recurrent basis. However one-off transfer and establishment costs would be potentially in the vicinity of \$1,200,000.

Should Tweed relinquish its membership of RTRL, some economies of scale would be diminished (eg. maintenance of website, provision of Information Services, potential for introduction of RFID, collective purchase and management of electronic and other resources, delivery of mobile services). This may be seen to be offset by increased autonomy in relation to service delivery, programming and budget management.

Given the recent progress in members of RTRL agreeing on a business/governance model, the impending outcome of the NSW Independent Local Government Review Panel and the requirement for 12 months' notice to withdraw from RTRL, Council may wish to defer any decision to withdraw from RTRL at this time. However, the comparative figures presented in the report do indicate that it is viable for Council to provide library services in its own capacity to all residents and ratepayers of the Tweed Shire.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Council's total library services budget for 2012-13 consisted of:

A2280	Regional Library Contribution (to RTRL)	\$2,099,600
A2283	Library Grant - General	\$157,410
	Local Priorities Grant	\$79,568
A2285	Library Services (security, cleaning, electricity)	\$33,058
A2290	Library Assets (insurance, rates, maintenance etc.)	\$49,354

Option 1: Tweed Council remain a member of RTRL with a contribution of \$2,220,100 for 2013-14 as per Attachment 1: *Richmond Tweed Regional Library: Calculation of Council Contributions 2013-14*. This includes CPI and an increase of 5.74%.

or

Option 2: Remaining with RTRL except for transferring branch library staff. Staff costs (\$973,200 for 2012-13, \$1,052,900 est. for 2013-14) paid directly by Tweed.

or

Option 3(a): Withdrawal from RTRL, providing a dedicated Tweed Shire mobile library service and purchasing resources fully shelf ready. Preliminary estimates indicate this would incur approximately \$28,202 additional operational costs (without CPI for 2013-14) per annum if the mobile library were to function full time.

Initial capital costs of \$1.2M for purchase of a mobile library and transition costs would potentially be offset by apportionment of RTRL assets (pending determination of these by Library Council of NSW).

or

Option 3(b): Withdrawal from RTRL, providing a dedicated Tweed Shire mobile library service, and cataloguing and processing materials in-house. Preliminary estimates indicate this would incur approximately \$46,573 additional operational costs (without CPI for 2013-14) per annum if the mobile library were to function full time.

Initial capital costs of \$1.2M for purchase of a mobile library and transition costs would potentially be offset by apportionment of RTRL assets (pending determination of these by Library Council of NSW).

or

Option 4: Withdrawal from RTRL without purchasing a mobile library. To retain current level of service, this would require agreement by the RTRL Committee for the mobile services to be delivered by RTRL – potentially at a cost of approximately \$56,000 per annum. Preliminary estimates indicate this option would result in savings of approximately \$119,000 on Options 3(a) and 3(b).

A one-off transition cost of approximately \$190,000 would be required.

or

Option 5: No estimates are available at this time for the current level of library services to be purchased from an alternative supplier to RTRL.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Richmond Tweed Regional Library Calculation of Council
Contributions 2013-14 (ECM 3106705)

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15 [CNR-CM] Commonwealth HACC Program Transition Funds

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

Under the National Health Reform, the Australian Government has shifted policy and funding responsibility for aged care services from states and territories to a national approach. They did this to enable more consistent and coordinated care for older people in their homes and also in aged care settings.

Council is currently funded through these reforms to provide community care to clients aged 65 and over (50 years and over for Aboriginal and Torres Strait Islander people) by the Australian Government Department of Health & Ageing (DoHA), which is done through the Community Options team within the Community and Cultural Services Unit.

Council is in receipt of correspondence from DoHA offering one-off funding of \$70,000 to assist with the costs of transitioning to the new program. This has been made available in recognition of the costs in making systems and operational changes to meet the obligations under the Commonwealth HACC Program.

RECOMMENDATION:

That Council accepts the \$70,000 funds from the Australian Government Department of Health and Ageing for aged care services and votes the expenditure.

REPORT:

Under the National Health Reform, the Australian Government has shifted policy and funding responsibility for aged care services from states and territories to a national approach. They did this to enable more consistent and coordinated care for older people in their homes and also in aged care settings.

Council is currently funded through these reforms to provide community care to clients aged 65 and over (50 years and over for Aboriginal and Torres Strait Islander people) by the Australian Government Department of Health & Ageing (DoHA), which is done through the Community Options team within the Community and Cultural Services Unit.

Council is in receipt of correspondence from DoHA offering one-off funding of \$70,000 to assist with the costs of transitioning to the new program. This has been made available in recognition of the costs in making systems and operational changes to meet the obligations under the Commonwealth HACC Program.

The following fact sheet outlines the activities towards which the transition funding can be directed:



Australian Government

Department of Health and Ageing



home and community care

Commonwealth HACC Program

Fact Sheet

Activities that transition funding can be directed towards

Funding is to be used for service provider support and development activities that assist your organisation meet its obligations under the Commonwealth HACC Program. Funding can be used for costs already incurred or for new activities that can be completed by 30 June 2103.

Activities that funding can be directed towards include the following.

901. Changing business practices including financial accountability, governance, risk management and human resources.

Under the Commonwealth HACC Program organisations are required to submit financial and activity reports that reflect the delivery of services for older people. Funding can be used to:

- assist service providers submit new financial accountability reports, output variation reports and minimum data set reporting that reflects the aged component of the Commonwealth HACC Program;
- develop and implement changes to governance and risk management processes including subcontracting arrangements, complaints mechanisms, notification processes of incidents and issues, as well as policies and processes for when clients do not respond to a scheduled visit;
- assist organisations meet Commonwealth HACC Program performance management requirements, including meeting outputs and flexibility requirements as detailed in the Schedule; and
- modifying organisational business practices or structure to report on services under the Commonwealth HACC Program. For example, changing practices to report on services at a regional level.

902. Modifying or purchasing IT and accounting software and equipment.

Funding can be used to modify or purchase IT and accounting software that assist organisations meet the requirements of the Commonwealth HACC Program and which reflects the delivery of services for older people. Funding can be used:

- to modify IT and accounting software in order to capture and report on the aged component of the new Commonwealth HACC Program. For example, upgrading or replacing IT software to capture information on the aged care component that is

required for reporting purposes under the Commonwealth HACC Program ; and

- to upgrade equipment so that reporting (eg through the Aged Care Provider Portal) to the department can occur in the format, content and time required as outlined in organisation's Schedule.

903. Police checks for volunteers

Funding can be used for police checks of volunteers that reflect the delivery of services for older people. Service providers have a responsibility to ensure that volunteers working in Commonwealth HACC services are suitable for the roles they are performing.

Service providers have until 30 June 2013 to ensure that all existing volunteers who have unsupervised interaction with clients have undergone a police check.

904. Updating information and branding on HACC resources to reflect the Commonwealth HACC Program.

Funding can be used for branding as service providers are required to acknowledge Commonwealth HACC funding and the delivery of services for older people in all:

- publications (including but not limited to annual reports and research reports);
- published advertising and promotional materials (including but not limited to print advertisements, brochures, posters, newsletters, magazine articles and outdoor signage);
- public announcements and public promotional activities (including but not limited to speeches, media releases, conferences and radio announcements; and
- other organisational resources such as client assessment resources requiring the Commonwealth HACC Program branding of information updates.

905. Hiring professional advice relating to the above activities.

Funds can be used to hire professional advice that reflects the delivery of services to older people. Funds can be used to hire professional advice to assist service providers meet the Commonwealth HACC Program requirements, as described in this Fact Sheet.

Professional advice could cover business systems and operational changes, financial accountability, advice on governance and risk management arrangements.

Refer to Chapter 5 of the Commonwealth HACC Program Manual for other activities that are required to be met as a result of transitioning to the Program and for which funding can be used.

Activities that funding cannot be used for

Service providers should note that funding is not to be used for the following activities.

- Capital – including minor and major building works such as the purchase and/or refurbishment of land and buildings, as defined and described in the Commonwealth HACC Program Manual.
- Assets – the purchase of assets, including *Replaceable Assets*, such as vehicles, kitchen equipment, office equipment, IT equipment - as defined in the Commonwealth HACC Program Manual.
- The expansion of service delivery, including activities to reduce waiting lists.
- Police checks for staff, including sub-contractors.

More information

If you require more information please contact 1800048998.

OPTIONS:

- 1: That Council accepts the \$70,000 funds from the Australian Government Department of Health and Ageing and votes the expenditure.
- 2: That Council not accept the \$70,000 funding.

It is recommended that Council takes action in accordance with Option1.

CONCLUSION:

That Council continues to support the community through Community Options funding from the Australian Government Department of Health & Ageing.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Fully funded by the Australian Government Department of Health & Ageing.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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16 [CNR-CM] Waive Fees for Facility Hire - NSW Police Tweed Byron Command

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

Following Council's resolution dated 16 May 2013 to make changes to the Facility Hire and Use Policy in relation to Resident, Progress and Ratepayer organisations, a full review of the policy will be brought to Council in August/September, following consultation with the community and users of the various facilities.

In the meantime, Council has received a request from NSW Police Force, Tweed/Byron Local Area Command to use the South Sea Islander Room at Tweed Heads Civic Centre to facilitate meetings between Police and the Aboriginal Community. They estimate that this will be required four times per annum and the estimated hire fee at a community rate (50% discount) would be \$165.

RECOMMENDATION:

That:

1. Council endorses the waiver of fees for NSW Police Force, Tweed/Byron Local Area Command to use the South Sea Islander Room at Tweed Heads Civic Centre to facilitate meetings between Police and the Aboriginal Community for 2013/14 and that Council's support is recognised with the following acknowledgement "This program has been supported by Tweed Shire Council".
2. Provision for the ongoing support be built into the proposed amended policy.

REPORT:

Following Council's resolution dated 16 May 2013 to make changes to Council's Facility Hire and Use Policy in relation to Resident, Progress and Ratepayer organisations, a full review of the policy will be brought to Council in August/September, following consultation with the community and users of the various facilities.

In the meantime, Council has received a request from NSW Police Force, Tweed/Byron Local Area Command to use the South Sea Islander Room at Tweed Heads Civic Centre to facilitate meetings between Police and the Aboriginal Community. They estimate that this will be required four times per annum and the estimated hire fee at a community rate (50% discount) would be \$165 for 2013/2014.

NEW SOUTH WALES POLICE FORCE

Tweed/Byron Local Area Command



Byron Bay Police Station
2 Shirley Street, Byron Bay, N.S.W., 2481
Telephone: (02) 6685 9499
24 June, 2013.

Attention – Mr Troy Green,
General Manager,
Tweed Shire Council.

Dear Troy,

I have been tasked by the Commander, of Tweed/Byron Local Area Command to facilitate a meeting between Police and the Aboriginal community. The original meeting was held at the Tweed Heads Police Station, however, the room was not of a sufficient size to facilitate comfort and allow for free discussion.

As a result I made enquiries to utilize the South Seas Islander Room at the Tweed Heads Civic Centre. I have previously used this room as an Emergency Operations Centre and for training purposes, without cost. Whilst the room is an appropriate size and is available for the date required, I was informed that a fee would be chargeable to NSW Police Force for the use of this facility.

I am making a request that any fee be waived for the use of this venue by Tweed/Byron Local Area Command as part of the consultation process with community groups and representatives. I would estimate the need for the use of this room on no more than 4 occasions each year.

Please feel free to contact me on the above telephone number to discuss this matter further. Your consideration and assistance in this matter is appreciated.

Yours faithfully



G A Jago -
Inspector

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

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

OPTIONS:

1. To continue to support community engagement.
2. Not to continue to support community engagement.

CONCLUSION:

That Council continues to support community engagement and the NSW Police Tweed/Byron Local Area Command by waiving the fee for hire of the South Sea Islander room for the purpose of facilitating a meeting between the Police and the Aboriginal community four times per annum for 2013/2014 and that provision for the same be built into the proposed amended policy.

COUNCIL IMPLICATIONS:

a. Policy:

Facility Hire and Use.

b. Budget/Long Term Financial Plan:

Reduced facility hire income.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

17 [CNR-CM] Reduction of Water Consumption Charges due to Undetectable Leakage Policy

SUBMITTED BY: Water

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

Council previously adopted a Policy entitled “Water Charging – Defective Services (Version 1.2)” on 30 October 2008.

The Policy has been updated and renamed to “Reduction of Water Consumption Charges due to Undetectable Leakage”. The revised policy aims to:

- clarify the purpose of the policy and how it relates to the application form
- define the term “undetectable leak”
- outline exclusions more clearly
- focus on the intent of the policy which is the provision of financial relief for undetectable leaks
- avoid the term “defective service” which is difficult to define and open to varied interpretation
- apply Council's new policy template

The policy deals with applications by water customers to reduce their water consumption accounts where the excess water usage was due to an undetectable leak in their property water supply service.

Council's Governance Unit has recommended that because the revised Policy has been renamed and significantly changed, it should be placed on public exhibition prior to finalisation and adoption by Council.

RECOMMENDATION:

That Council exhibits the draft Policy entitled “Reduction of Water Consumption Charges due to Undetectable Leakage” Version 2.0 for a period of 28 days and accepts public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993.

REPORT:

Council previously adopted a Policy entitled “Water Charging - Defective Services (Version 1.2)” on 30 October 2008. The policy dealt with applications by water customers to vary their water consumption accounts where excess water usage was due to a “defect in the service”, that is, a leak.

The policy underpinned the “Application for Reduction of Water Charges due to Leakage” which also referred to defective services without clearly defining what they were. Further, the application criteria stipulated that the resulting water loss was “not readily visible or detectable in the private service pipes” in order to qualify for a possible charge reduction. The policy did not adequately explain what constituted an “undetectable” leak.

The corresponding application form was updated in January 2013 and retitled “Application for Reduction of Water Consumption Charges due to Undetectable Leakage”. This was done to reduce the ambiguity and uncertainty facing potential applicants.

The Policy has now also been rewritten and renamed to “Reduction of Water Consumption Charges due to Undetectable Leakage”. The revised policy aims to:

- clarify the purpose of the policy and how it relates to the application form
- define the term “undetectable leak”
- outline exclusions more clearly
- focus on the intent of the policy which is the provision of financial relief for undetectable leaks
- avoid the term “defective service” which is difficult to define and open to varied interpretation
- apply Council’s new policy template

Council’s Governance Unit has recommended that because the revised Policy has been renamed and significantly changed, it should be placed on public exhibition prior to finalisation and adoption by Council.

It is envisaged that once the revised policy is adopted by Council, further changes may need to be made to the corresponding application form.

OPTIONS:

Not Applicable.

CONCLUSION:

The revised policy is intended to be less ambiguous and simpler for most water customers to understand. The policy and application form must be consistent to ensure that potential applicants and Council staff are not faced with uncertainty.

COUNCIL IMPLICATIONS:

a. Policy:

Water Charging-Defective Services Version 1.2.

b. Budget/Long Term Financial Plan:

The policy allows for a reduction of water consumption charges on a case by case basis. This is adequately considered in the Water Unit's financial planning and annual budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Reduction of Water Consumption Charges due to Undetectable Leakage
(Version 2.0) (ECM 3104299)

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18 [CNR-CM] River Health Grants

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

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
-

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's mandatory dividend for water supply and sewerage services.

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 and improve the water quality in the catchment of the town water supply.

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 all include riparian vegetation restoration and the majority of the projects build upon significant previous work undertaken at each site. All of the projects include in-kind contribution from the landowners, in each case the landowner will be contributing labour and cash contribution to fully implement restoration activities. These projects all contribute to riparian and waterway health and the three larger grants are positioned in the landscape to support significant biodiversity values which will be enhanced by the proposed projects. In all cases, a diversity of native vegetation on waterway banks will contribute to improved water quality and reduced erosion.

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Morganlowe	Mt Warning	250	Eradicate running bamboo on high value watercourse and restore riparian rainforest to protect bank.	\$6500
Laverack	Uki	250	Revegetate Smiths Creek bank to stabilise erosion.	\$2300
Sims	Chowan Creek	250	Revegetate Smiths Creek bank to stabilise erosion.	\$2300
Hannah	Cudgera Creek	130	Control invasive weeds and restore native riparian vegetation along creek banks to control erosion.	\$1000
Green	Byangum	150	Bush regeneration to restore steep and degraded watercourse.	\$1250
Grey	Limpinwood	500	Control environmental weeds and restore native riparian vegetation along Hopping Dicks Creek and tributaries.	\$6400
Hart	Uki	1000	Control vine weeds of National significance and other weeds to protect and restore high value riparian zone on the Tweed River.	\$6000

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:

Funding is provided under the River Health Grants scheme.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

19 [EO-CM] Acquisition of Easement for Water Supply - Tweed Heads West

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.3	Delivering the objectives of this plan

SUMMARY OF REPORT:

Council at its meeting of 19 April 2011 resolved to approve the creation of an Easement for water supply 3 wide within Lot 1 in DP1032820 and Lot 2 in DP 537490 (now Lot 6 in DP1117326) being privately owned land and the creation of an easement for water supply 3 wide within Lot 25 DP1017105 being Council owned operational land.

The easement through Lot 1 in DP1032820 has been registered as DP1168931.

It was then discovered that a further extension of the easement would be required through Lot 2 in DP1032820. As the easement is to be created over three parcels (Lot 2 DP 1032820, Lot 6 DP 1117326 and Lot 25 DP1017105) it was more efficient to create a plan of easement for water supply proposed to be acquired.

The agreement of the land owners has been received to the creation of this easement along with the amounts of compensation payable.

To enable the further section of the easement to be registered through Lot 6 in DP1117326, Lot 25 in DP 1017105 and Lot 2 in DP1032820 it is proposed that the easement for water supply 3 wide within Lot 6 DP 1117326 and Lot 25 DP 1017105 and easement for water supply variable width within Lot 2 DP 1032820 created in DP 1181654 be acquired 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 an Easement for Water Supply 3 wide within Lot 6 in DP1117326 and Lot 25 in DP1017105 and the easement for Water Supply variable width within Lot 2 in DP1032820 created in DP 1181654 under the

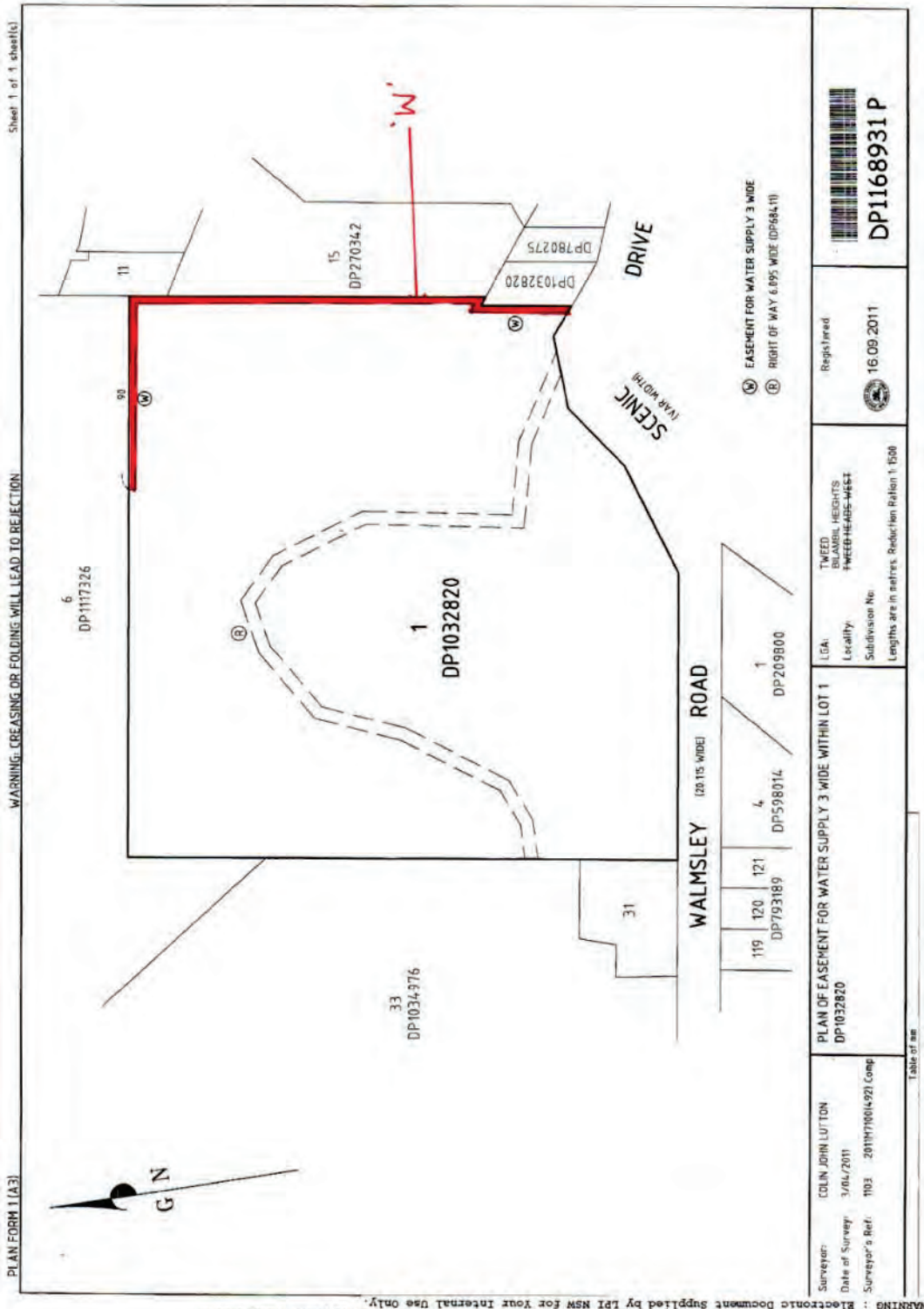
provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;

- 2. Council approves the amount of compensation payable to each land owner as noted in the body of the report; and**
- 3. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

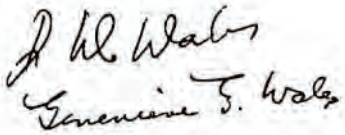


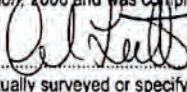
Council at its meeting of 19 April 2011 resolved to approve the creation of an Easement for Water Supply 3 wide within Lot 1 in DP1032820 and Lot 2 in DP 537490 (now Lot 6 in DP1117326) being privately owned land and the creation of an easement for water supply 3 wide within Lot 25 DP1017105 being Council owned operational land.

The easement through Lot 1 in DP1032820 has been registered as DP1168931. A copy of this plan is below, showing the easement for water 3 wide marked 'W'.



PLAN FORM 6 WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 1 sheet(s)

<p>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.</p> <p>PURSUANT TO SEC 88B OF THE CONVEYANCING ACT 1919 - 64 IT IS INTENDED TO CREATE :-</p> <p style="text-align: center;">EASEMENT FOR WATER SUPPLY 3 WIDE.</p> <div style="text-align: center; margin-top: 20px;">  <p><i>Genevieve S. Walsh</i></p> </div> <p style="text-align: center; margin-top: 20px;">Use PLAN FORM 6A for additional certificates, signatures, seals and statements</p>	<div style="text-align: center;">  <p>DP1168931 S</p> </div> <hr/> <p>Registered:  16.09.2011</p> <p>Title System: TORRENS</p> <p>Purpose: EASEMENT</p> <hr/> <p>PLAN OF EASEMENT FOR WATER SUPPLY 3 WIDE WITHIN LOT 1 DP1032820</p> <hr/> <p>LGA: TWEED Locality: TWEED HEADS WEST - BILAMBIL HEIGHTS Parish: TERRANORA County: ROUS</p> <hr/> <p style="text-align: center;">Surveying and Spatial Information Regulation, 2006</p> <p>I, Colin John Lutton of Tweed Shire Council a surveyor registered under the <i>Surveying and Spatial Information Act, 2002</i>, certify that the survey represented in this plan is accurate, has been made in accordance with the <i>Surveying and Spatial Information Regulation, 2006</i> and was completed on: 3/04/2011</p> <p>The survey: is compiled: </p> <p>(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Signature: Dated 3/04/2011 Surveyor registered under the <i>Surveying and Spatial Information Act, 2002</i></p> <p>Datum Line Type: Urban</p> <hr/> <p>Plans used in the preparation of survey/compilation DP1032820</p> <p style="text-align: center; font-size: small;">(if insufficient space use Plan Form 6A annexure sheet)</p> <hr/> <p style="font-size: x-small;">SURVEYOR'S REFERENCE: 1104 2011M7100(492)Comp</p>
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p>Signature: Date: File Number: Office:</p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed set out herein (insert 'subdivision' or 'new road')</p> <p style="text-align: center; font-size: small;">* Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority: Date of Endorsement: Accreditation no: Subdivision Certificate no: File no:</p> <p style="font-size: x-small;">* Delete whichever is inapplicable.</p>	

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It was then discovered that a further extension of the easement would be required through Lot 2 in DP1032820. As the easement is to be created over three parcels being Lot 2 DP 1032820, Lot 6 DP 1117326 and Lot 25 DP1017105 it was more efficient to create a plan of Easement for Water Supply proposed to be acquired.

The plan creating the subject easements was registered as DP 1181654 on 9 January 2013, see below:

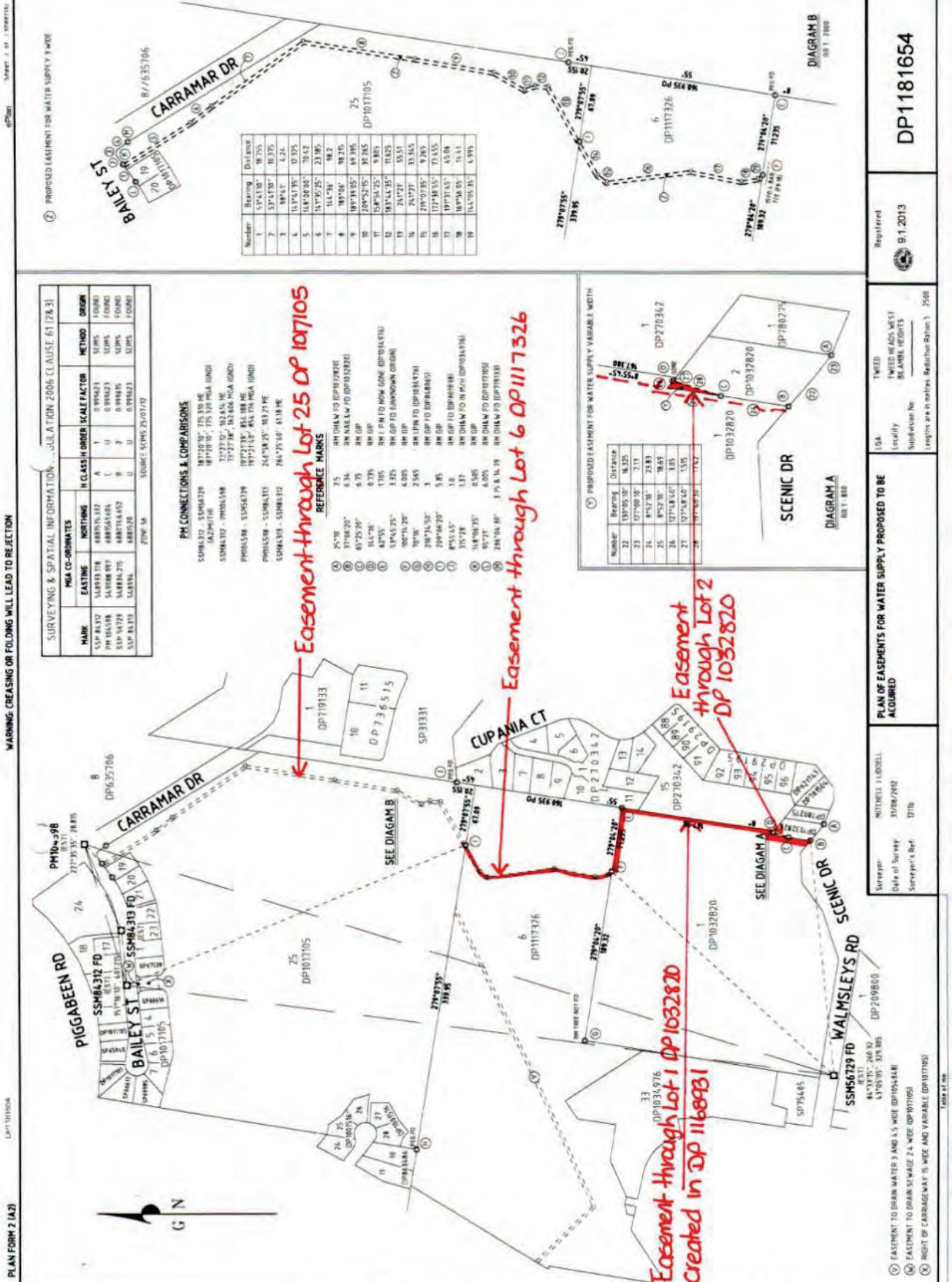
Box:e-DeX /Doc:DP 1181654 P /Rev:09-Jan-2013 /Sta:SC.OK /Prt:10-Jan-2013 01:34 /Egs:ALL /Seq:2 of 2
 WARNING : Electronic Document Supplied by LPI NSW For Your Internal Use Only. Printing will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 1 sheet(s)								
<p>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.</p> <p>IT IS PROPOSED TO ACQUIRE THE EASEMENT FOR WATER SUPPLY 3 WIDE WITHIN LOT 6 DP1117326 AND LOT 25 DP1017105.</p> <p>IT IS PROPOSED TO ACQUIRE THE EASEMENT FOR WATER SUPPLY VARIABLE WIDTH WITHIN LOT 2 DP1032820.</p> <p style="text-align: center;">Use PLAN FORM 6A for additional certificates, signatures, seals and statements</p>	<p style="font-size: 2em; font-weight: bold;">DP1181654</p> <p>Registered: 9.1.2013</p> <p>Title System: TORRENS</p> <p>Purpose: EASEMENT</p> <p style="font-weight: bold;">PLAN OF EASEMENTS FOR WATER SUPPLY PROPOSED TO BE ACQUIRED</p> <p>LGA: TWEED</p> <p>Locality: TWEED HEADS WEST BILAMBIL HEIGHTS</p> <p>Parish: TERRANORA</p> <p>County: ROUS</p> <p style="text-align: center;">Surveying and Spatial Information Regulation, 2006</p> <p>I, Mitchell J Liddell of Tweed Shire Council a surveyor registered under the <i>Surveying and Spatial Information Act, 2002</i>, certify that the survey represented in this plan is accurate, has been made in accordance with the <i>Surveying and Spatial Information Regulation, 2006</i> and was completed on: 31/08/2012</p> <p>The survey :</p> <p style="text-align: center;">Relates to proposed easements and connections.</p> <p>(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p style="text-align: center;"><i>M J Liddell</i> Signature Dated 31/08/2012 Surveyor registered under the <i>Surveying and Spatial Information Act, 2002</i></p> <p>Datum Line: SSM84312 - SSM56729 MGA Type: URBAN</p> <p style="text-align: center;">Plans used in the preparation of survey/compilation</p> <table style="width: 100%; border: none;"> <tr> <td>DP1017105</td> <td>DP1001516</td> <td>DP1034976</td> </tr> <tr> <td>DP1032820</td> <td>DP848065</td> <td>DP801038</td> </tr> <tr> <td>DP719133</td> <td>DP1054848</td> <td></td> </tr> </table> <p style="text-align: center;">(if insufficient space use Plan Form 6A annexure sheet)</p> <p style="font-weight: bold;">SURVEYOR'S REFERENCE: 1211b</p>	DP1017105	DP1001516	DP1034976	DP1032820	DP848065	DP801038	DP719133	DP1054848	
DP1017105	DP1001516	DP1034976								
DP1032820	DP848065	DP801038								
DP719133	DP1054848									
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>.....in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p style="text-align: center;">Subdivision Certificate</p> <p>I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed Subdivision set out herein (insert 'subdivision' or 'new road')</p> <p>.....</p> <p style="text-align: center;">* Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority:</p> <p>Date of Endorsement:</p> <p>Accreditation no:</p> <p>Subdivision Certificate no:</p> <p>File no:</p> <p>* Delete whichever is inapplicable.</p>									

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AMENDMENTS BY ME
MITCHELL J LIDDELL 5/12/2012



Registered
9.1.2013

Plan of Easements for Water Supply Proposed to be Acquired
Locality
Middelvale No

Surveyor
Date of Survey
Surveyor's Ref

Witness
Date of Survey
Surveyor's Ref

DP1181654
DP209860
DP209860

Box: e-Dex / DocID: 1181654 P / Rev: 09-Jan-2013 / SRS: SC.OK / P/T: 10-Jan-2013 01:24 / Pgs: All / Seq: 1 of 2
WARNING: Electronic Document Supplied by LPI NSM for Your Internal Use Only.

The agreement of the land owners has been received to the creation of the easements together with the amounts of compensation payable as noted below

Lot 2 DP1032820 \$1912.00
Lot 6 DP1117326 \$1620.00
Lot 25 DP1017105 Nil (Council owned Operational Land)

OPTIONS:

1. Council approves the acquisition of an Easement for Water Supply 3 wide within Lot 6 in DP1117326 and Lot 25 in DP1017105 and the easement for Water Supply variable width within Lot 2 in DP1032820 created in DP 1181654 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; together with the amount of compensation payable as noted in the body of the report.
2. Council does not approve the acquisition of an Easement for Water Supply 3 wide within Lot 6 in DP1117326 and Lot 25 in DP1017105 and the easement for Water Supply variable width within Lot 2 in DP1032820 created in DP 1181654 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; nor the amount of compensation payable as noted in the body of the report.

CONCLUSION:

To enable the further section of the easement to be registered through Lot 6 in DP1117326, Lot 25 in DP 1017105 and Lot 2 in DP1032820 it is proposed that the easement for water supply 3 wide within Lot 6 DP 1117326 and Lot 25 DP 1017105 and easement for water supply variable width within Lot 2 DP 1032820 created in DP 1181654 be acquired 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:

Capital Works Program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

20 [EO-CM] Alteration of Locality Boundary between Tomewin and Glengarrie

SUBMITTED BY: Design

FILE REFERENCE: GG2/1 Pt 6

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

During 1994 and 1995 Council was involved with the ratification of the locality boundaries within the Tweed Shire in conjunction with the Geographical Names Board.

The final plan of locality boundaries was endorsed by Council on 17 October 1995 and submitted to the Geographical Names Board for advertising and subsequent Gazettal on 13 December 1996.

It was recently found that an area nominated as being within the locality of Glengarrie can only be accessed via Tomewin and has no physical access from Glengarrie. The residents of the area have requested that the locality boundary be amended to Tomewin to reflect this fact.

All relevant land owners and residents have been advised of the proposed change to the locality boundary and provided with the opportunity to comment on the amendment. Only two land owners verbally responded, both in an appreciative and positive way to the proposal.

Where an existing extent of locality boundary is proposed to be amended, an application is required to be made to the Geographical Names Board. The Board then follows the process outlined in Sections 8, 9 and 10 of the *Geographical Names Act 1966*, except in the case of minor amendments.

A minor amendment can be notified under the delegated authority of the Secretary (Geographical Names Board) where it affects less than ten (10) cadastral parcels. In this instance it was determined that no more than nine (9) cadastral parcels are affected.

It is recommended that Council makes application to the Geographical Names Board to alter the locality boundary between Tomewin and Glengarrie as a minor amendment proposal as shown on the plan in the body of this report.

RECOMMENDATION:

That Council makes application to the Geographical Names Board for a minor amendment of the locality boundary between Tomewin and Glengarrie as per the body of the report.

REPORT:

During 1994 and 1995 Council was involved with the ratification of the locality boundaries within the Tweed Shire in conjunction with the Geographical Names Board.

The final plan of locality boundaries was endorsed by Council on 17 October 1995 and submitted to the Geographical Names Board for advertising and subsequent Gazettal on 13 December 1996.

It was recently found that an area nominated as being within the locality of Glengarrie, along Glengarrie Road, can only be accessed via Tomewin and has no physical access from Glengarrie. The residents of the area have requested that the locality boundary be amended to Tomewin to reflect this fact.

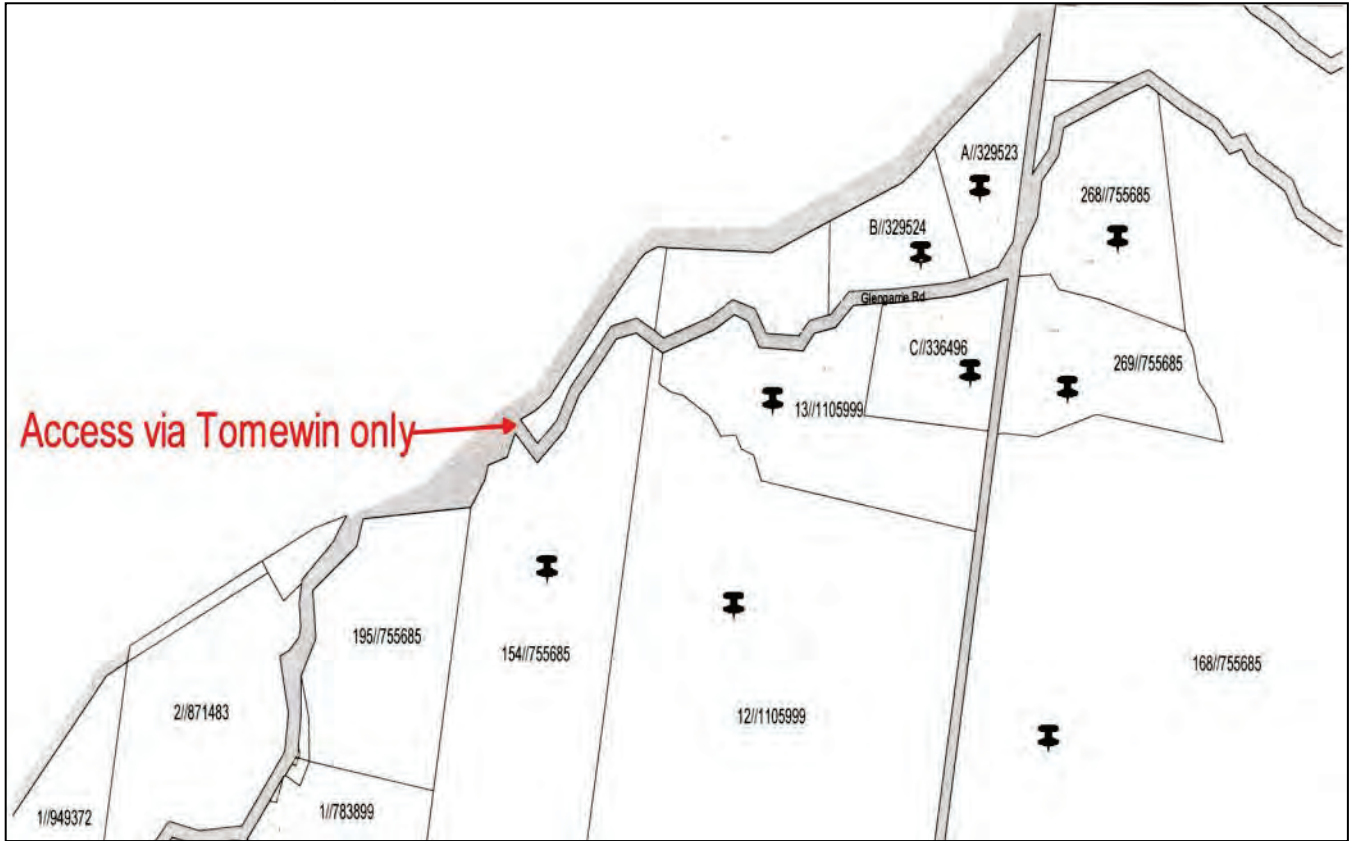
All relevant land owners and residents have been advised of the proposed change to the locality boundary and provided with the opportunity to comment on the amendment. Only two land owners verbally responded, both in an appreciative and positive way to the proposal.

Where an existing extent of locality boundary is proposed to be amended, an application is required to be made to the Geographical Names Board. The Board then follows the process outlined in Sections 8, 9 and 10 of the *Geographical Names Act 1966*, except in the case of minor amendments.

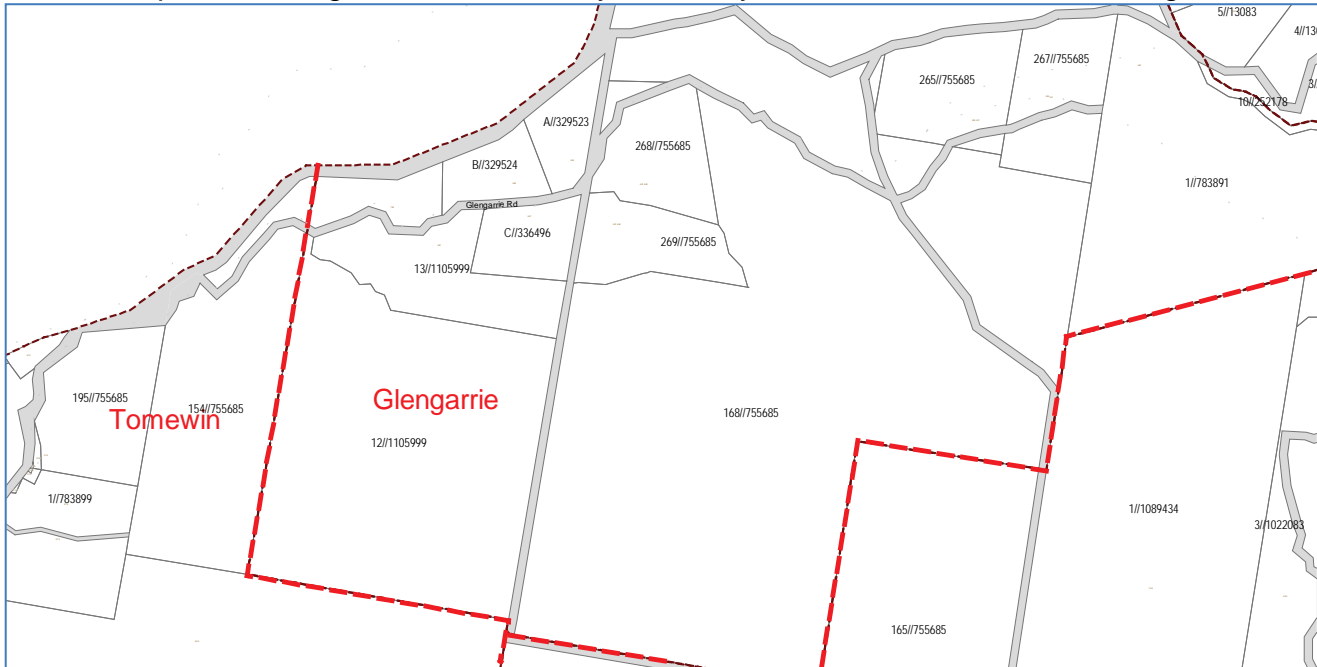
A minor amendment can be notified under the delegated authority of the Secretary (Geographical Names Board) where it affects less than ten (10) cadastral parcels. In this instance it was determined that no more than nine (9) cadastral parcels are affected.

The alteration proposed amendment falls within the criteria for minor boundary alterations.

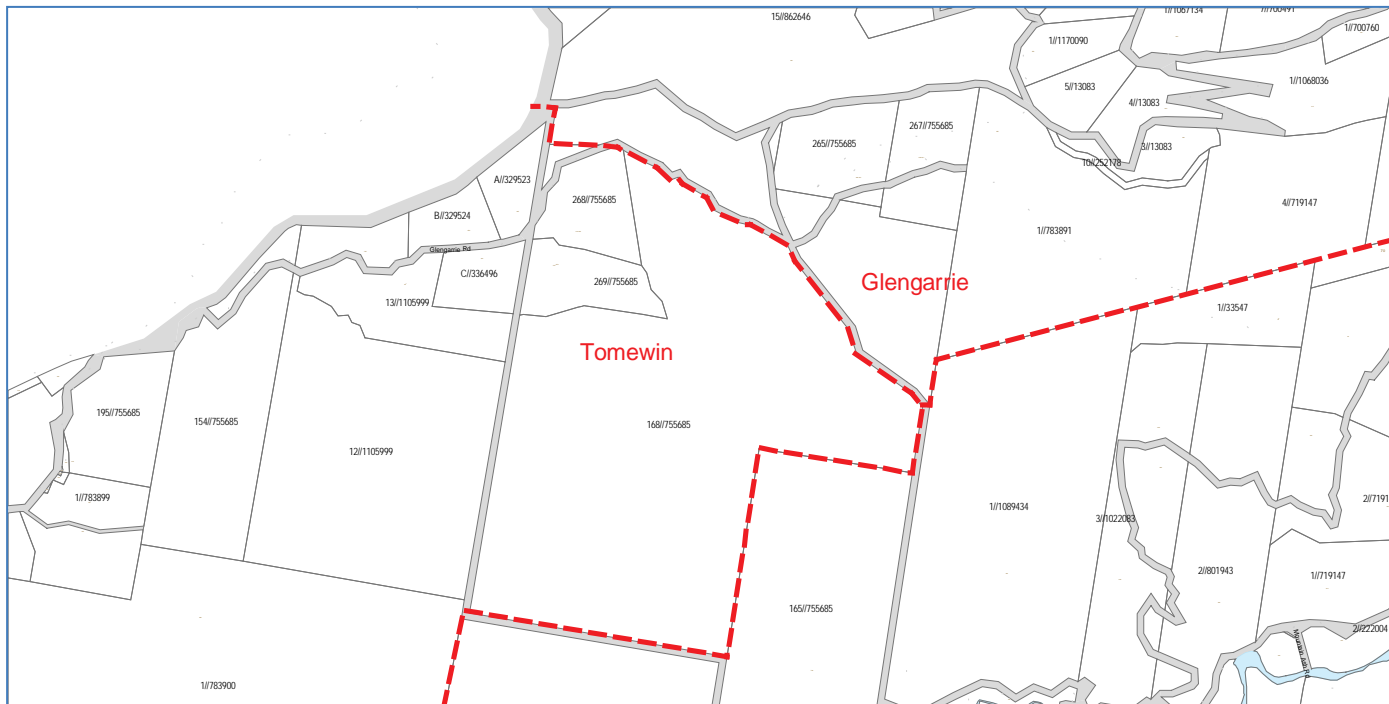
Below is a plan showing the affected land parcels.



Below is a plan showing the current locality boundary between Tomewin and Glenarrie.



The below plan shows the proposal to amend the locality boundary to incorporate the affected land parcels which are only accessible from Tomewin Road.



Overall, the current locality boundary separates Tomewin from Glengarrie along the eastern and southern boundary of Lot 12 in DP1105999. The proposal is to move this locality boundary line to the full eastern boundary of Lot 168 in DP755685.

OPTIONS:

That Council:

1. Makes application to the Geographical Names Board for a minor amendment of the locality boundary between Tomewin and Glengarrie as per the body of the report.
2. Accepts the ratified boundary as has already been gazetted between Glengarrie and Tomewin.

CONCLUSION:

It is recommended that Council makes application to the Geographical Names Board to alter the locality boundary between Tomewin and Glengarrie as shown on the plan in the body of this report, as a minor boundary amendment by delegation.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [EO-CM] Response to Notice of Motion - Assistance Animals Including Guide Dogs and Hearing Dogs

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

At its meeting held 16 May 2013, Council resolved:

- 1. As a matter of priority investigates the feasibility of providing off leash space for assistance animals including but not limited to guide dogs and hearing dogs within the upgrades to Arkinstall park; and*
- 2. Brings forth a report to outline the ways in which greater provision can be made for off leash space for assistance animals including but not limited to guide dogs and hearing dogs both within existing infrastructure and within future large scale residential developments.*

This report responds to item 1 of the resolution.

RECOMMENDATION:

That Council notes:

- 1. The report and confirms the use of the off leash area within Arkinstall Park for a community recreation area as per the current master plan and Regional Development Australia funding agreement.**
- 2. That the draft Access and Inclusion Plan will include recommendation for a research project which will provide Council with an Issues paper to make policy and planning decisions on dog culture.**

REPORT:

Resolved that:

1. *"As a matter of priority investigate the feasibility of providing off leash space for assistance animals including but not limited to guide dogs and hearing dogs within the upgrades to Arkinstall Park."*

Legislation:

The relevant legislation regarding assistance animals and companion animals are *The Commonwealth of Australia Disability Discrimination Act 1992* (Cwlth), and *The Companion Animals Act 1998* (NSW).

Commonwealth of Australia Disability Discrimination Act 1992 (Cwlth)

9 Carer, assistant, assistance animal and disability aid definitions

Meanings of carer or assistant, assistance animal and disability aid

(1) *For the purposes of this Act, a **carer or assistant**, in relation to a person with a disability, is one of the following who provides assistance or services to the person because of the disability:*

- (a) *a carer;*
- (b) *an assistant;*
- (c) *an interpreter;*
- (d) *a reader.*

(2) *For the purposes of this Act, an **assistance animal** is a dog or other animal:*

- (a) *accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or*
- (b) *accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or*
- (c) *trained:*
 - (i) *to assist a person with a disability to alleviate the effect of the disability; and*
 - (ii) *to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.*

Note: For exemptions from Part 2 for discrimination in relation to assistance animals, see section 54A.

Division 5 Exemptions

54A Assistance animals

(1) *This section applies in relation to a person with a disability who has an assistance animal.*

*Note: For when a person with a disability **has an assistance animal**, see subsections 9(2) and (4).*

(2) *This Part does not render it unlawful for a person to request or to require that the assistance animal remain under the control of:*

- (a) *the person with the disability; or*
- (b) *another person on behalf of the person with the disability.*

(3) *For the purposes of subsection (2), an assistance animal may be under the control of a person even if it is not under the person's direct physical control.*

- (4) This Part does not render it unlawful for a person (the **discriminator**) to discriminate against the person with the disability on the ground of the disability, if:
- (a) the discriminator reasonably suspects that the assistance animal has an infectious disease; and
 - (b) the discrimination is reasonably necessary to protect public health or the health of other animals.
- (5) This Part does not render it unlawful for a person to request the person with the disability to produce evidence that:
- (a) the animal is an assistance animal; or
 - (b) the animal is trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.
- (6) This Part does not render it unlawful for a person (the **discriminator**) to discriminate against the person with the disability on the ground that the person with the disability has the assistance animal, if:
- (a) the discriminator requests or requires the person with the disability to produce evidence referred to in subsection (5); and
 - (b) the person with the disability neither:
 - (i) produces evidence that the animal is an assistance animal; nor produces evidence that the animal is trained to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.
- (7) This Part does not affect the liability of a person for damage to property caused by an assistance animal.

Basically as an 'aid' an assistance animal may go anywhere the person with a disability goes while under their control. The DDA covers all areas of indoor and outdoor environments and transport it being unlawful to discriminate against the person on the grounds of disability except where stated in the exemptions.

The Companion Animals Act 1998 (NSW) Sect 14.

Dogs prohibited in some public places

14 Dogs prohibited in some public places

- (1) Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):
- (a) (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).
 - (b) (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans).
 - (c) (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part).
 - (d) (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).

(e) (meaning any [property](#) occupied or used for a purpose connected with the conduct of a government school or non-government school under the [Education Act 1990](#) , other than any [property](#) used for a residence or the curtilage of a residence).

(f) (meaning any [property](#) occupied or used for a purpose connected with the conduct of an approved education and care service within the meaning of the Children (Education and Care Services) National Law (NSW) or the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#) , other than any [property](#) used for a residence or the curtilage of a residence).

(g) (meaning a shopping arcade or shopping complex, including any part of it that is used by the public for parking or access to shops, in which or part of which the [local authority](#) has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the [local authority](#) at reasonable intervals notices to the effect that dogs are prohibited there). This paragraph does not apply to any shop or part of a shop.

(h) (meaning any [public place](#) or any part of a [public place](#) set apart by the [local authority](#) for the protection of wildlife and in which the [local authority](#) has ordered that dogs are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the [local authority](#) at reasonable intervals notices to the effect that dogs are prohibited in or on that [public place](#)).

Arkininstall Park - background:

In 2005, Tweed Shire Council undertook a planning process to identify and analyse the present and future needs for sporting and recreation facilities at a regional or higher level in the Tweed Shire until 2022. The Regional Sport and Recreation Facilities Plan was completed and adopted by Council in February 2006. The main recommendation of the plan is the staged development of Arkininstall Park, Tweed Heads as a regional sports complex including the following facilities. A hard court tennis centre, two court indoor sports complexes, multi-user clubhouse, changing facilities and meeting rooms, rectangular multi-use fields with grandstand/s and floodlighting and a netball complex.

A master plan and feasibility study for the proposed Arkininstall Park facility commenced in 2006. A series of consultative processes and workshops with Tweed Head residents, sporting clubs, community groups, relevant Council staff and other key stakeholders was undertaken during the period August 2006 to May 2007.

Based on the assessments undertaken, the plan identified a demand or need for the following infrastructure development.

- A new regional tennis facility,
- new regional senior and junior rectangular sports fields,
- new indoor 4 court sports stadium,
- improved pedestrian and vehicular traffic circulation through Arkininstall Park,
- improved community amenities such as barbeques, shelters, toilets, and playground and health and fitness facilities.

The main issues raised by the community in response to the first draft masterplan were concerns regarding traffic and requests for more opportunities for passive recreation within the park. In response, a traffic study was completed and the plan amended to include more

internal tree plantings and family recreation areas including barbeques, play equipment and picnic facilities.

In 2011 Council commenced the design process for stage one of the project which included a number of detailed assessments required for development approval. The assessments highlighted the ecological, heritage and amenity value of the treed area in Cunningham Street. In response to this assessment, the tennis facility was redesigned to minimise the requirement for clearing of trees and the community facility was relocated to the treed area.

In 2012 Council was successful in its application for funding through the Regional Development Australia Fund for Stage 1 of the Arkinstall Park Project based on the detailed plan described above. Development approval was received for the project in July 2012 and construction has commenced.

Discussion:

With reference to the relevant legislation detailed above, the requirements and/or restrictions for an off leash area for assistance animals and companion animals is the same. The legislation does not allow for an exclusively assistance animals off leash area. There are two options for an off leash area with Arkinstall Park.

One is to consider using the sportsfields on a time-share arrangement (eg dogs are allowed off-leash at certain times of the day – usually early morning and evening). However Council's companion animals' management plan highlights that there are a number of disadvantages to this option which are particularly evident at Arkinstall Park.

- It concentrates potential problems into a restricted number of hours;
- Some dogs owners may be disadvantaged if they work irregular hours or have small children.
- Timeshare may also not suit older residents who wish to use time available during the day.

In addition to these concerns, Arkinstall Park is heavily utilised by schools and for a variety of competitions so predicting when the fields will not be used is difficult and there may be some concerns around children playing sports where dogs may urinate or defecated.

The other option is to eliminate the proposed community recreation area from the Stage 1 plans and retain this area as an off leash area. The development of a community recreation area was a component of the Regional Development Australia (RDA) funding for the development of Arkinstall Park Stage 1 and accordingly, removal of the community recreation area would require renegotiation of the funding agreement with the RDA.

The issues with this option are that the desire for opportunities for passive recreation within Arkinstall Park was strongly expressed in the consultation phases for Arkinstall Park. Arkinstall Park is largely a sport precinct and the inclusion of the community recreation area is considered important to service the local community, particularly as there are no other similar facilities within this locale. Additionally, the location of an off leash area in association with heavily used sportsfields may create the potential for conflict.

Council currently offers another 14 off leash areas in the Shire including the following in the Tweed/Banora Point area:

- The unnamed reserve on the corner of Darlington Drive and Amaroo Drive, Banora Point.
- The riverbank reserve at the end of Old Ferry Road, Oxley Cove.
- The unnamed reserve at the bottom of Bushland Drive, Banora Point.
- Ducat Park (Tweed Heads) and
- Boyd's family Park (Tweed Heads)

Council is currently developing a draft Access and Inclusion Plan which includes a research project which will provide Council with an Issues paper to make policy and planning decisions on dog culture. Below is the proposed wording in the draft:

"Strategic Outcome 3

Regulatory functions and responsibilities follow protocols and procedures that include the principles of universal access and social inclusion Guide Dogs and Assistance Animals

People who rely on guide dogs and assistance animals need to be able to move around safely in their community. Socialising with other dogs including companion animals (pets) is an important part of the process as well as having access to parks and off-leash dog areas in their neighbourhoods and on public transport routes.

"Councils should apply a strategic approach that considers access on a comprehensive municipal wide basis rather than on a piecemeal park by park basis. The latter is reactive and problem-oriented. It fails to adequately address needs." (Blackshaw and Marriot 1995:5)

"The most fundamental need for dogs in relation to the public realm is that they be taken out with their owner as much as possible. This enables them to experience the full range of benefits - exercise, training, socialisation, relief of pent-up energy as well as time and fun with their owner and other dogs. [T]he emphasis should be on maximising the number and range of opportunities available both on and off leash. (Blackshaw and Marriot 1995:18).

Action

Research project to develop a strategy that supports dog culture and improve the health and safety of guide dogs and assistance animals and their owners."

OPTIONS:

1. Confirm the use of the off leash area within Arkinstall Park for a community recreation area as per the current master plan and Regional Development Australia funding agreement.
2. Consider using the sportsfields on a time-share arrangement (eg dogs are allowed off-leash at certain times of the day – usually early morning and evening).
3. Consider eliminating the proposed community recreation area from the Stage 1 plans and retain this area as an off leash area

CONCLUSION:

The only feasible option for the inclusion of an off leash area for assistance animals within the Arkinstall Park stage 1 upgrades is the exclusion of the proposed community recreation area from the plan. As Arkinstall Park is being developed into a regional level sports hub, the inclusion of an off leash area within the precinct may be considered incompatible with this use as the site increases in use. Additionally, the inclusion of casual recreation facilities within Arkinstall Park was expressed in the consultation phase and this is considered a strong element in developing Arkinstall Park as a regional community hub and not solely a sport precinct.

Additionally, the development of a community recreation area was a component of the Regional Development Australia (RDA) funding for the development of Arkinstall Park Stage 1 and accordingly, removal of the community recreation area would require renegotiation of the funding agreement with the RDA.

The recommendations of the draft Access and Inclusion Plan will consider a more strategic and considered approach to the provision of access for guide dogs and assistance animals

EXISTING UNOBTAINING SPACES RECLAIMED	51 SPACES
CUNNINGHAM STREET	51 SPACES
WALLEY STREET NORTH SIDE	70 SPACES
TOTAL UNOBTAINING SPACES RECLAIMED	121 SPACES

EXISTING CARPARKING SPACES LOST	51 SPACES
ALONG NORTH-SOUTH ACCESS ROAD	51 SPACES
CARPARK SOUTH OF TENNIS COURTS	51 SPACES
TOTAL SPACES LOST	51 SPACES

PROPOSED CARPARKING SPACES	359 SPACES
CUNNINGHAM STREET	11 SPACES
WALLEY STREET	31 SPACES
CARPARK WEST OF TENNIS COURTS	30 SPACES
ACCESS ROAD NORTH OF TENNIS COURTS	30 SPACES
WALLEY STREET NORTH OF TENNIS COURTS	30 SPACES
ACCESS ROAD SOUTH OF TENNIS COURTS	30 SPACES
WALLEY STREET SOUTH OF TENNIS COURTS	30 SPACES
WALLEY STREET WEST OF TENNIS COURTS	30 SPACES
TOTAL CARPARKING SPACES	359 SPACES

PROPOSED FUTURE CARPARK	306 SPACES AT THIS STAGE + 1000 DROP OFF
CARPARK	306 SPACES

PROPOSED SPORTS FACILITIES
TENNIS COURT - FUTURE APPLICATION
SINGLE TENNIS COURT - HIGH FENCE - 1 HOT SPOT AND OFF COURT
TENNIS COURT - HIGH FENCE - 1 TENNIS COURT - FUTURE APPLICATION
SHOOTING COURT
SOCCER COURT
1 x WHOLE TENNIS COURT

LEGEND
EXISTING SERVICES OBTAINED FROM SURVEY
GRAVITY WATER
NON-GRAVITY WATER
TEL. TR.
OPTIC FIBRE
EXISTING SERVICES OBTAINED FROM YOU OR
GRAVITY WATER
NON-GRAVITY WATER
TEL. TR.
OPTIC FIBRE
PROPOSED WORKS
PROPOSED ACCESS ROAD
PROPOSED FOOTPATH
PROPOSED STREET LIGHTING
PROPOSED ACCESS FOR TENNIS CLUB BUILDING - 1 TENNIS COURT
ETC.
PROPOSED FUTURE TENNIS COURT
PROPOSED GRASS PITCH
PROPOSED TENNIS COURT
PROPOSED WATER PIPE - 100mm
PROPOSED WATER PIPE - 150mm

CONCEPT DESIGN
Not For Construction



Figure 1: Arkinstall Park Master Plan showing the location of the community recreation are in the top right.



		DESIGN UNIT TORRESIAN CONSULTANTS 53 WOODMAN STREET TWEED HEADS NSW 2486 PHONE: 08 9598884 FAX: 08 9598885 WEBSITE: www.tweedshire.nsw.gov.au	DESIGN ENGINEER: _____ DATE: _____ CHECK OFFICER: _____ DATE: _____ DRAWN: _____ PROJECT NO.: _____ DRAWING NO.: _____ SHEET NO.: _____ REVISION NO.: _____ DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____	PROJECT: ARKIN INSTALL LANDSCAPING AND PLAYGROUND DESIGN PLAN TITLE: LANDSCAPE CONCEPT PLAN DRAWING NUMBER: RC 001 - 01 SHEET 1 OF 1 SHEETS ISSUE: A
THIS SHEET MAY BE REPRODUCED FROM THIS DRAWING FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION.		500 1:14 1000 1:14 1500 1:14 200 1:14 300 1:14 400 1:14 500 1:14 600 1:14 700 1:14 800 1:14 900 1:14	ADDRESS: _____ PROJECT NO.: _____ DRAWING NO.: _____ SHEET NO.: _____ REVISION NO.: _____ DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____	

Figure 2: Landscape concept plan for community recreation area in Arkinstall park

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

22 [EO-CM] Ball Games - Thomas Needen Park - Tweed Heads

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

In 1998 Council resolved to retain no ball games restrictions in Thomas Needen Park, Tweed Heads in response to concerns from a neighbouring property with balls coming over their fence and damaging property.

Since that time, Council has received a number of requests to remove the no ball games restriction and has again received a request to keep the restrictions in place.

This report details the requests and issues associated with ball games in Thomas Needen Park.

RECOMMENDATION:

That:

- 1. Council invites submissions on the placing of no ball games restrictions in Thomas Needen Park, Tweed Heads.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (a) personnel matters concerning particular individuals (other than councillors).**

REPORT:

In 1998 Council resolved to retain no ball games restrictions in Thomas Needen Park, Tweed Heads in response to concerns from a neighbouring property with balls coming over their fence and damaging property. The resolution stated:

"That Council retains the "No Ball Games Allowed" restrictions in Thomas Needen Park for the following reasons:

- 1. The park is 1847sqm and surrounded by residents. This renders the park inappropriate for ball games as evidenced by the complaints and damage to neighbouring residents.*
- 2. There is safe access to two proximate, appropriately sized areas for playing ball games, Caloola Drive and Ducat Street.*

In 2000 Council received a request to reconsider this restriction as it was forcing children to play in the street as an alternative which created a number of safety concerns. Council determined to retain the restrictions.

In 2011 Council received a letter from the NSW Government Human Services, Housing Services Division, Anti Social Behaviour Specialist requesting the restriction be lifted, again to remove the need for children to play on the street and of the belief the children would use the park in a safe manner.

As the no ball games sign had been removed (by persons unknown) some time prior to this request, Housing NSW was advised that children would not be prosecuted for playing ball games in the park, but as issues with neighbours resurfaced this approach would be reviewed.

Council again received a letter in June of this year complaining of balls coming over the fence causing distress to the residents. All correspondence referred to is included as confidential attachments to this report.

Comment:

There are a number of perspectives from which this issue may be viewed. As with the original Council resolution, it may be considered that this park is not of a size and situation that accommodates ball games and there are alternative more appropriate sites available locally. It is the right of a property owner not to be impacted unduly by the activities of others and it is Council's responsibility to manage these impacts from its parks.

Alternatively, it may be considered that parks are provided to cater for these types of activities and that placing these restrictions forcing children to play on the road is inappropriate. Residents buy into houses knowing that they are purchasing next to a park and that these issues may be expected. It is the responsibility of the property owner to take steps to manage these issues.

OPTIONS:

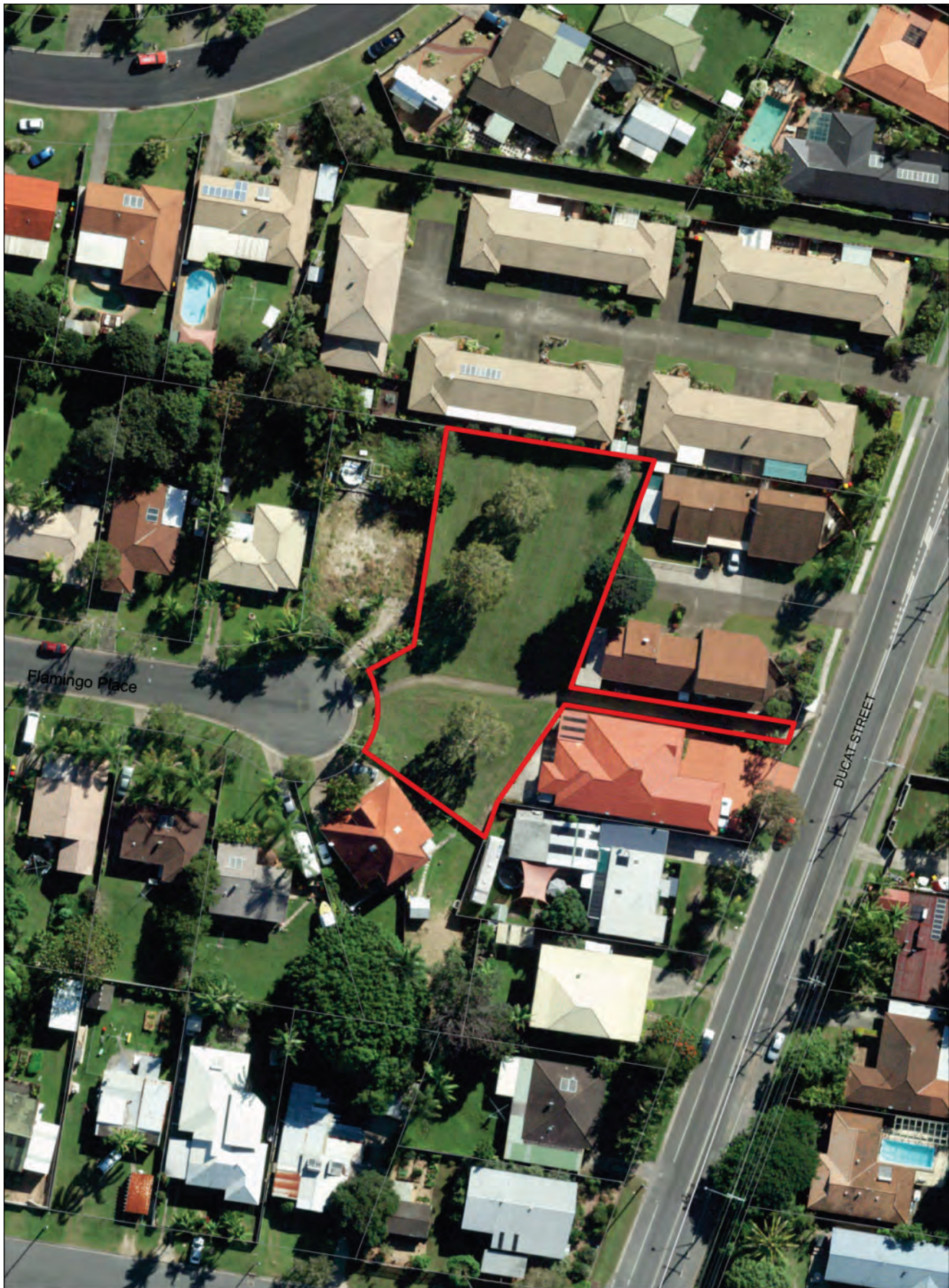
1. Retain the no ball games restrictions in Thomas Needen Park, Tweed Heads.
 2. Remove any restrictions on playing of ball games in Thomas Needen Park.
-

3. Invite comments from the community on whether restrictions on ball games in Thomas Needen Park are required.

CONCLUSION:

The decision to allow or restrict ball games in Thomas Needen Park will create conflicts with either option.

Providing the community the opportunity to express their views to Council may be the best way for Council to determine a position on this issue



0 5 10 20 30 40 Meters



Thomas Needen Park,
Tweed Heads



COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Letters dating from 29 May 2000 to 8 June 2013
(ECM 3101459).

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23 [EO-CM] Naming of Council Public Parks and Sportsfields Policy Version 2.0

SUBMITTED BY: Recreation Services

Valid



Civic Leadership

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

SUMMARY OF REPORT:

At its meeting held 16 May 2013, Council resolved:

"That the Naming of Council Public Parks Policy be reviewed with the view of naming sportsfields after their geographic location. In order to help the public identify and locate sportsfields easier, the geographical name or the currently used name be the preferred name."

A draft "Naming of Council Public Parks and Sportsfields Policy" has been developed in accordance with the resolution to be placed on exhibition.

RECOMMENDATION:

That Council places the draft "Naming of Council Public Parks and Sportsfields Policy Version 2.0" on public exhibition for a period of 28 days and seeks submissions for a period of 42 days.

REPORT:

At its meeting held 16 May 2013, Council resolved:

"That the Naming of Council Public Parks Policy be reviewed with the view of naming sportsfields after their geographic location. In order to help the public identify and locate sportsfields easier, the geographical name or the currently used name be the preferred name."

A draft "Naming of Council Public Parks and Sportsfields Policy" has been developed in accordance with the resolution to be placed on exhibition.

The amendments to the existing "Naming of Council Public Parks Policy" are:

1. Change of name of the Policy to "Naming of Council Public Parks and Sportsfields Policy".
2. The inclusion of an additional section headed "Public Sportsfields Naming" with the following wording:

Public Sportsfields Naming

That Council utilise the following guidelines when considering and approving the naming of Public Sportsfields under the control of Council:

- (i) *Sportsfields will be assigned a name indicating the sportsfield's geographical location for ease of identification and location;*
 - (ii) *Where there is more than one sportsfield within a locality or suburb, then the use of street names and/or cardinal direction reference (i.e. Casuarina North Sportsfield, Casuarina South Sportsfield) is used to provide clear differentiation between them;*
 - (iii) *There will be no requirement for the naming of a sportsfield in accordance with this section to be advertised or adopted in accordance with the approval process defined in this policy;*
 - (iv) *New names for sportsfields are to be adopted by resolution of Council.*
3. The addition of the words "excluding sportsfields" in the "Public Park Naming" section.

OPTIONS:

That Council:

1. Places the draft "Naming of Public Parks and Sportsfields Policy" included as an attachment on public exhibition for a period of 28 days and seeks submissions for a period of 42 days.
2. Varies the draft "Naming of Public Parks and Sportsfields Policy" included as an attachment and places on public exhibition for a period of 28 days and seeks submissions for a period of 42 days.

3. Determines not to place the draft "Naming of Public Parks and Sportsfields Policy" included as an attachment on public exhibition.

CONCLUSION:

The "Naming of Council Public Parks Policy" has been amended in accordance with the Council resolution of 16 May 2013 and it is recommended that the reviewed Policy entitled "Naming of Council Public Parks and Sportsfields Policy" be placed on exhibition in accordance with legislative requirements.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Naming of Council Public Parks and Sportsfields Policy -
Version 2.0 (ECM 3096202)

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24 [EO-CM] Restoration of Walls Quarry - Expressions of Interest

SUBMITTED BY: Works

FILE REFERENCE: EQ 2013-079

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

Walls Quarry was operated by Council since before 1998 as a fill site for the disposal of surplus material from Council works. Its operation ceased in 2009 when the Environment Protection Authority (EPA) imposed the Waste Levy on all material deposited there.

Design plans for its restoration have been completed. The work involves selective clearing of introduced species, reshaping of the soil on site to a more natural manageable profile, and revegetation.

Expressions of Interest were invited for entities interested in assisting Council in the restoration process. This report advises of the Expressions of Interest that were received, and recommends future action.

RECOMMENDATION:

That "All Excavations and Environment" be invited to submit a formal tender for the restoration of Walls Quarry in accordance with the plan of restoration based on their proposal described in their Expression of Interest.

REPORT:

An aerial photograph of the site is provided below.



Background

Anecdotal evidence suggests that Council purchased the worked-out private Walls Quarry (in effect, a hole in the ground) for use as a fill disposal site. While the actual start date of filling activities is not known, it was before 1998. A Development Approval for the operation was issued in 2001, and an EPA licence was also issued in the same year. In 2009 the EPA attempted to impose the Waste Levy to all material being deposited at the site, thus making the fill disposal operation completely uneconomical. The operation was shut down.

After cessation of filling, the design for restoration of the site included in the Environmental Management Plan was reviewed and amended to suit the amount of fill already on site. It is understood that these “environmental works” do not require a separate approval.

Little consideration has been given to the future use of the site. The significant depth of non-engineered fill makes the site unsuitable for buildings on the majority of the site, unless engineered foundations are constructed. There exists an un-filled section of the site at its north-western corner, and the viability of relocating the Banora SES Unit to the site has been investigated. While this is a feasible option, there is no funding to pursue it further. So unless a different use can be found, the site will remain open space with re-establishing natural vegetation.

Vehicular access to the site is presently via a well constructed and sealed access road that is located on the adjacent private property to the west. This property is another non-operational quarry owned by Holcim P/L. It is not easy or desirable to create a separate

access direct from Terranora Road, and the existing sealed road is the best option for access, particularly to the possible SES location. Action to secure legal access over the existing road has been commenced.

The restoration work involves selective clearing of introduced species, reshaping of the soil on site to a more natural manageable profile, and revegetation. Because of the diversity of the work, Expressions Of Interest were invited by public advertisement to discover any entities with experience in such work, and if there is any innovation that could be applied to the project.

Expressions of Interest Received

Nine (9) Expressions Of Interest (EOI) were received. The table in Attachment 1 provides a summary of the EOI, including the areas of expertise and any site specific proposals offered.

While all of the EOI have relevance to the project, the proposal from All Excavations and Environment is of most interest since it provides a potential cost saving to Council. This proposal is based on the concept of the restoration works being carried out in a conventional manner, but with the physical works being undertaken as part of a training program for plant operators and perhaps bush regenerators. Council would be responsible for the site establishment and the overall project, while All Excavations and Environment would carry out the works. A detailed allocation of responsibilities and costs of the operation would be established in a formal tender process.

OPTIONS:

1. Take no further action to enter into a contract to assist with the restoration of Walls Quarry is taken; or
2. Invite selected firms to submit a tender.

CONCLUSION:

The Expression Of Interest process has identified a potential firm to partner with Council in the restoration of Walls Quarry that can provide cost savings for Council.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.4.

b. Budget/Long Term Financial Plan:

The restoration of Walls Quarry is included in the Quarry Business Plan and Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Expressions of Interest Received (ECM 3090836)

25 [EO-CM] Road and Bridge Asset Benchmarking Reports

SUBMITTED BY: Works

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.4 An integrated transport system that services local and regional needs
 - 2.4.3 Ensure local streets, footpaths and cycleways are provided, interconnected and maintained
-

SUMMARY OF REPORT:

The Institute of Public Works Engineering Australia Limited NSW Division (IPWEA) has commissioned an update to its Road Asset Benchmarking Project, and produced two reports titled:

- Road Asset Benchmarking Project 2012 - Road Management Report; and
- Road Asset Benchmarking Project 2012 - Timber Bridge Management Report.

The reports confirm trends in asset management in NSW Councils. Tweed Shire Council's asset management performance is compared with the state wide trends and the report recommendations.

RECOMMENDATION:

That the information regarding the Institute of Public Works Engineering Australia Limited NSW Division (IPWEA)'s Road Asset Benchmarking Project 2012 - Road Management Report and Road Asset Benchmarking Project 2012 - Timber Bridge Management Report be received and noted.

REPORT:

The Institute of Public Works Engineering Australia Limited NSW Division (IPWEA) through its Roads and Transport Directorate has commissioned an update to its Road Asset Benchmarking Project. Quoting the Manager of the Roads and Transport Directorate:

"In 2006, 2008 and 2010 the Roads & Transport Directorate has carried out a Road & Bridge Asset Benchmarking Survey to collect data from all councils. This data has provided a snapshot of the condition of road and bridge assets across the State.

These reports have been used to support the need for increased funding to ensure that local assets are adequately maintained and that local government is financially sustainable in the future. The data has supported decisions by other levels of government to extend the Roads to Recovery funding and to establish the Timber Bridges on Regional Roads funding programme.

A fourth Benchmarking Survey has now been completed to provide a snapshot at the end of the 2011/12 financial year. These reports were released at the 2013 NSW Local Roads Congress on 7th May, 2013.

The reports show that Councils across the State have further improved their asset management capacity and despite revaluation of their transport infrastructure assets, have reduced the funding gap for these assets."

Two reports have been prepared:

- *Road Asset Benchmarking Project 2012 - Road Management Report; and*
- *Road Asset Benchmarking Project 2012 - Timber Bridge Management Report.*

In the period between publication of the 2010 and 2012 reports, Council has adopted its Asset Management Policy and Asset Management Strategy. Asset Management Plans have been prepared for transport, drainage, open space, buildings, plant and fleet, water and wastewater assets, evidence that Tweed Shire Council has indeed "improved their asset management capacity".

Road Asset Benchmarking Project 2012 - Road Management Report

Quoting from the report:

"The Final Report of the Independent Inquiry into the Financial Sustainability of Local Government identified that councils in NSW have a "huge backlog in infrastructure renewals (over \$6 billion), which is expected to grow to almost \$21 billion within 15 years". The report highlighted challenges for councils in "managing rising community expectations, maintaining existing service commitments in the face of a huge infrastructure bill and constraints on rate income" and "overcoming skills shortages".

The Australian Local Government Association reported a shortfall of \$17,664 million for maintenance and renewal expenditure for local roads in Australia for the period 2010-2024 equivalent to an increase of 39% over estimated available funding levels for the period.

This 2012 Road Asset Benchmarking report found that NSW councils are responsible for managing 160,400km of regional and local roads and 10,500 bridges with a replacement cost of \$61.7 billion. The life cycle cost of the road and bridge network is estimated at \$1.49 billion per annum for 2011/12. Expenditure of \$896 million was 60% of the life cycle cost. Current service levels and expenditure levels are not sustainable.

As a result, competition for adequate funding to maintain council's infrastructure assets is also under pressure. However, it is of critical importance that councils:

- identify their infrastructure assets and the current condition of such assets,*
- maintain current asset management and long-term financial plans in accordance with the NSW Integrated Planning and Reporting framework and use the plans to direct allocation of resources,*
- provide adequate funding to maintain and renew what are in effect the community's greatest financial assets.*

To this end it is recommended that:

- 1. Councils prioritise existing funding and seek additional funds for regional and local roads to allow road resurfacing/resealing works to be undertaken at the optimum time (estimated at \$230 million per annum) to prevent loss of sealed pavement integrity and minimise future sealed pavement replacement/renewal costs.*
- 2. Councils seek funding from government to improve knowledge of the load carrying capacity of regional and local road bridges to improve risk management knowledge and the efficiency of road transport operations.*
- 3. Councils continue to improve asset management capability under the NSW Integrated Planning Framework to a position that will enable services to be provided to communities in a sustainable manner. The survey analysis indicated that the current level of road infrastructure services that councils are currently providing to their communities is not sustainable.*
- 4. Councils maintain and improve the Integrated Planning and Reporting framework systems and documentation to provide evidence that they can provide a sustainable level of service for road and bridge services to their communities.*
- 5. Councils use the road management model in the survey form as a tool to manage road infrastructure services and life cycle costs. This to be achieved by improving knowledge of assets and asset performance, developing road hierarchies and appropriate service levels, increasing funding for sealed resurfacing / resealing and unsealed road resheeting to the life cycle cost and managing pavement and bridge renewals through asset management plans.*
- 6. Councils set a target to 'manage out' the annual life cycle funding gap of \$597 million within a 3 year timeframe and report biennially on performance of the industry towards the target.*

7. *Councils continue with actions to improve the accuracy of financial reporting of infrastructure asset consumption and set a target to have technical and financial estimates of infrastructure consumption aligned within a 2 year timeframe."*

Discussion of Issues Raised

With reference to the three dot points and seven recommendations above, Tweed Shire Council practices and directions are:

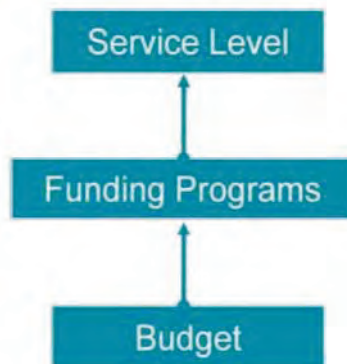
Dot Point 1

Transport infrastructure assets have been identified and their condition assessed in 2009/10. A program to re-assess valuation/asset condition has been planned and provided for in Council's Long term Financial Plan (LTFP) for 2014/15, 2016/17, 2019/20 and every four years thereafter.

Dot Point 2

Council's asset management plans and LTFP will be maintained and updated by asset category in the year following each new valuation/asset condition assessment. With reference to Council's adopted Asset Management Strategy:

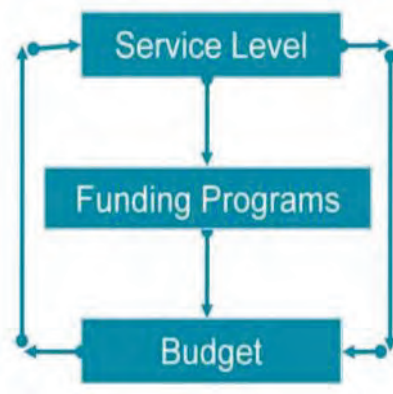
"The historic approach to asset management funding has been last year's budget plus 5%" meaning asset management decisions are being purely budget driven. This is illustrated by the diagram below which shows that the resultant service level delivered by the asset is an outcome of the budget allocation. Tweed Shire, over the last two years, with the extensive work undertaken in the Asset Management Units, has recognised that too often this approach leads to a lack of coordination between desired service delivery and financial planning."



Budget Driven Framework

Tweed Shire Council, in adopting this strategy, has a clear focus on Strategic Asset Management (SAM) ensuring that the assets are capable of providing services of an agreed quality, in a sustainable manner, for present and future communities. This is not merely a matter of spending more money but instead spending money wisely in a targeted manner. The decision to adopt a Strategic Asset Management approach which can deliver long term prediction of service levels is fundamentally a step in the right direction for Council and this Strategy encapsulates the results of this service-centric analysis.

The following diagram illustrates the framework for SAM and the Council's corporate SAM system.



Service Driven Framework

The three noteworthy differences here are:

1. Budget and Service Level form a feedback loop as each is dependent on the other.
2. SAM allows the optimal Service Level to be adopted for the available Budget with an understanding of the predicted outcomes. =
3. The adopted Service Level drives the required Funding Programs and thus remains connected to the Budget.

While the majority of the necessary change in methodology has been completed, possibly two more annual budgets are required to be prepared before we can confidently state that the change process has been completed.

Dot Point 3

At present the transport infrastructure funding gap is approximately \$4 million per year. This assessment is based on the last valuation/assessment condition date of 2009/10 and will be updated with the asset management plan timetable as above.

Recommendation 1

The provision of adequate funding for resurfacing has been a major focus in the preparation of the annual roads budget since the introduction of Council's Seven Year Plan. The 2013/14 budget meets the recurrent resurfacing targets for sealed roads and unsealed roads, but provides for only about 50% of the asphalt road resurfacing needs.

Recommendation 2

The Key Performance Indicators included in the current Operational Plan seek to increase the proportion of load rated bridges to 60% in the next four years.

Recommendation 3

The \$4 million funding gap indicates that Council's level of road infrastructure services is not sustainable.

Recommendation 4

There are two complimentary methods for the levels of service to be made sustainable. Firstly by increasing funding and to a lesser extent the efficiency and effectiveness of that funding, and secondly, by reducing the level of service. The balance between these two methods is a decision for council in consultation with the community.

Recommendation 5

The IPWEA road management model is consistent with Council's intent as documented in our Asset Management Strategy.

Recommendation 6

See Recommendations 4 and 5.

Recommendation 7

Each Asset Management Plan includes a section dedicated to increasing the level of asset knowledge and maturity within the organisation. This includes incorporating prediction modelling process outcomes into Council's LTFP; the continuation of asset condition assessment for development of capital works programs and the ongoing evaluation of maintenance priorities and funding levels.

Road Asset Benchmarking Project 2012 - Timber Bridge Management Report

Consideration of the results of the 2005, 2008, 2010 and 2012 surveys highlighted the benefits of the NSW Government Timber Bridge Partnership for Regional Roads, and how those benefits have now slipped away since the termination of the Program in 2010. This program provided funding for accelerated replacement of timber bridges on classified Regional Roads between 2007 and 2010. Council was successful in obtaining part funding for four bridge replacements on Kyogle Road under this program – Byangum Bridge, Snake Creek Bridge, O'Briens Bridge and Perch Creek Bridge.

The effect of the \$120 million Timber Bridge Partnership Program is illustrated in four ways:

- A 55% increase in expenditure on timber bridges in 2008 and 2010 compared to the expenditure in 2005.
- A reduction in the number of timber bridges on Regional Roads from 234 in 2008, 127 in 2010 and 87 in 2012, indicating that approximately 147 timber bridges were replaced under the Program.
- A reduction of the number of timber bridges on Local and Regional Roads in poor condition from 625 in 2008 to 567 in 2010.
- A reduction in the estimated cost to bring to bring timber bridges to satisfactory service levels from \$220 million in 2008 to \$180 million in 2010.

However, since the end of the Program the latter two indicators have shown the impact of the cessation of the program:

- An increase in the number of timber bridges on Local and Regional Roads in poor condition from 567 in 2010 to 645 in 2012.
- An increase in the estimated cost to bring timber bridges to satisfactory service levels from \$180 million in 2010 to \$233 million in 2012.
- Based on expenditure levels, an increase in the time to bring all bridges in poor condition to satisfactory condition from 4.5 years in 2010 to 13 years in 2012.

In conclusion, the Report recommends that the Roads and Transport Directorate use the findings of this survey to:

- "1. Encourage all councils to develop and enhance their asset management data, knowledge and capacity to complete the benchmarking survey in a timely manner to obtain a complete dataset for all NSW timber bridges on local and regional roads.*
- 2. Maintain a current database of timber bridges in NSW including information on inventory, condition, life cycle costs and funding gap.*
- 3. Maintain timber bridge performance indicators for inventory, condition, life cycle costs and funding gap and report regularly on these performance indicators to the local government industry and stakeholders.*
- 4. Continue to promote renewal of timber bridges in poor condition.*
- 5. Make presentation to the NSW Government to have a new Timber Bridge Partnership program (\$20m RMS and \$20m councils per annum) established for a six year period with the aim of having existing timber bridges reported in poor condition on regional and local roads replaced or rehabilitated within six years.*
- 6. Investigate the availability and provision of training services for bridge management and maintenance skills to councils to meet the need identified in the survey.*
- 7. Review current timber bridge testing and maintenance standards and guidelines to see if they meet current industry needs and revise/update if required."*

OPTIONS:

Nil

CONCLUSION:

The subject reports have provided the opportunity for Council to review its current asset management practices and position against industry standards. It is concluded that Council is in a reasonable position.

Due to the size of the referred documents, a hard copy is available for reference purposes by contacting Director Engineering and Operations or Manager Works Unit.

COUNCIL IMPLICATIONS:

a. Policy:

Asset Management Policy.
Asset Management Strategy.

b. Budget/Long Term Financial Plan:

Infrastructure asset management is a fundamental component in the preparation of the Long Term Financial Plan and annual Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

26 [EO-CM] Upgrade and Repair of Kennedy Drive, Tweed Heads West

SUBMITTED BY: Director

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

At its meeting on Thursday, 20 June 2013, Council resolved:

"That Council prepares a report for the August meeting that:

1. *outlines the maintenance, repair, and construction history of Kennedy Drive over the past four (4) years;*
2. *explains the current and historical financial capacity for ongoing repair, resurface, or reconstruction of Kennedy Drive;*
3. *outlines potential State Government and Local Council sources of funding for the repair, resurface, or reconstruction of Kennedy Drive to an appropriate standard reflecting the current and future population of Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen, and Cobaki;*
4. *includes a cost benefit analysis for the repair, resurface, or reconstruction of Kennedy Drive socially to the current and future population of Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen, and Cobaki and economically for the greater Tweed shire; and*
5. *Outlines of expected timeframes for the appropriate repair, resurface, or reconstruction of Kennedy Drive to an appropriate standard reflecting the current and future populating of Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen and Cobaki."*

RECOMMENDATION:

That the Upgrade and Repair of Kennedy Drive, Tweed Heads West report be received and noted.

REPORT:

Introduction

Kennedy Drive West is classified as a distributor road which means it is a key link in the Shire's road transport network. Kennedy Drive is not only a transport corridor but a major corridor for many essential services. Within the Kennedy Drive road reserve are trunk water and sewer mains, local water and sewer mains, Telstra services, optical fibre communications cable and trunk 11kV and 66kV power lines and local supply power lines.

Traffic volumes on Kennedy Drive West range from 15,773 vehicles per day at the Cobaki Creek Bridge to 18,856 vehicles per day east of Rose Street. It has four traffic lanes from the Pacific Highway to the Cobaki Creek Bridge, where it is two lanes on the bridge. The road surface is very low with an average level of only 1.0 metre AHD which makes it extremely difficult to drain stormwater and provides a high water table, only 300mm below the road surface, which reduces the strength of the road pavement.

Kennedy Drive West is not only a major road corridor but also a major services corridor with topographic challenges and many constraints as detailed above that make upgrading of the road complex and expensive.

History

In 2005/2006, a major water and sewer main upgrade was completed along Kennedy Drive West which was constructed as shallow as possible due to groundwater problems and the difficulties associated with excavating into the water table were avoided as much as possible. These difficulties were dewatering which is costly and slows the rate of construction which then impacts on the general public. The design included minimal cover and a concrete slab over the water main to carry the traffic loadings but also to match future road reconstruction.

The upgrading of this section of Kennedy Drive was the subject of a detailed report to Council 22 April 2008 and it was resolved:

"That

5. *The next review of Section 94 Contributions Plan No. 4, Tweed Road Contribution Plan to include in the Works Program, widening of Kennedy Drive between Cobaki Creek Bridge and Gray Street to four lanes."*

In January 2009 Council included this project in the 5 Year Rolling Works Program for 2010/2011. The value of the upgrading works attributable to the Tweed Road Contribution Plan (TRCP) is \$3,221,944.

A report to Council on 21 September 2010, titled *"Upgrade and Repair of Kennedy Drive, Tweed Heads West"* describes the Kennedy Drive West scope of works and budget as follows:

"It is proposed to upgrade Kennedy Drive to four lanes to provide additional capacity. The proposed works will necessitate new kerb and channelling and associated drainage works, pavement reconstruction, road reshaping, resurfacing and the undergrounding of overhead power on the southern side. The undergrounding of

overhead power on the southern side of the carriageway forms a major component of the overall cost.

The total cost of these works is estimated to be \$7,960,000. The upgrading component only on the southern side, which can be attributed to future development traffic, is estimated to cost approximately \$3,200,000. A further \$3,250,000 is required to rehabilitate and upgrade the remaining part of the existing carriageway on the northern side, whilst approximately \$1,500,000 is for water and sewer infrastructure."

More recently Council's resolution of 20 July 2010 (part 3) deferred the project due to the commitment to fund the Kirkwood Road project currently under construction. Based on the cash flow analysis in the July 2010 report, the proposed works schedule was expected to accommodate the upgrading of Kennedy Drive West in 2011/2012 and 2012/2013.

In 2010/2011, \$0.91M was allocated to initiate pavement rehabilitation and in 2011/2012, \$2.0M was allocated for the reconstruction of the section between Gray Street and Limosa Road. This section has been completed.

It was planned at this time to complete the remaining sections between Rose Street and Gray Street and Limosa Road and the Cobaki Creek Bridge in 2012/2013 but due to little income into the Tweed Roads Contribution Plan (TRCP) and the cost of Kirkwood Road, no TRCP funds were available to allocate to Kennedy Drive. In 2012/2013, \$0.15M was allocated in the maintenance budget to undertake some heavy patching of failed sections. Half of this work has been completed. The remainder has been delayed due to the run of wet weather during May and June but will be completed as soon as weather permits.

Funding Sources

The 2011/2012 works on Kennedy Drive were funded from Council's General Revenue and Financial Assistance Grant (FAG). The Tweed Road Contributions Plan will also eventually allocate \$3.2M towards the project.

The annual Road Maintenance allocation includes routine maintenance and rehabilitation including minor upgrades and is allocated through Council's Asset Management Plan Program to maximise the return on funds expended. It does not have the financial capacity to fund a major reconstruction such as Kennedy Drive (west).

Recently, Council adopted the 2013/2014 Delivery Program which shows another \$1.0M being proposed for 2016/2017 to reconstruct one of the remaining sections of Kennedy Drive West. It should also be noted that the Water Unit propose allocating \$1.3M to undertake more mains replacement/upgrade works west of motorway in 2015/2016. It is desirable to coordinate these works to minimise impact on the community.

If funds start to flow into the TRCP, additional allocations could be made towards the completion of the Kennedy Drive West upgrade as determined by Council.

A further option is to borrow funds through the TRCP to bring forward some of the upgrade works (up to \$3.2m) but this should not be considered further until Kirkwood Road is completed in about 18 months so that Council's financial commitment to this project can be determined.

In regard to the impact on Kennedy Drive of future development at Tweed Heads West, Bilambil, Bilambil Heights, Piggabeen and Cobaki, growth in traffic on Kennedy Drive does not increase significantly. This is because the proposed Cobaki Parkway will carry most of the northbound traffic from the new developments and attracts some of the traffic from existing development from Kennedy Drive that has destinations to the north. This decrease on Kennedy Drive is then offset by southbound traffic from the new developments resulting in only minimal traffic increases on Kennedy Drive.

This has been confirmed in the Tweed Road Development Strategy which is based on complex traffic modelling and forms the basis of the TRCP.

The upgrading of Kennedy Drive West does not provide any additional road traffic capacity, and therefore does not reduce travel time, a benefit cost ratio for the future development areas west of the Cobaki creek bridge is not considered determinable.

The benefit to the existing and future community of the planned upgrading is improved ride quality and a potential reduction in vehicle wear.

OPTIONS:

No options are currently available to bring forward upgrading of Kennedy Drive at this time. In approximately 18 months time at the completion of Kirkwood Road, there is potential to borrow funds through the TRCP once the full financial impact of Kirkwood Road on the TRCP is quantified.

CONCLUSION:

No major upgrading of Kennedy Drive West between the Pacific Highway and the Cobaki Creek Bridge is planned until the 2016/2017 financial year. Ongoing pothole repair and limited heavy patching will continue. An opportunity to fund earlier works can be reviewed in approximately 18 months through TRCP borrowings once the final costs of Kirkwood Road are determined.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Funding proposed to be allocated in the 2016/2017 Works Program.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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27 [EO-CM] Tweed Heads Streetscape Master Plan

SUBMITTED BY: Director

Valid



Supporting Community Life

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

SUMMARY OF REPORT:

Council at its meeting on 24 January 2013 in part resolved:

"That: ...

4. *Council explores with local businesses, residents, and their respective representatives, street and CBD beautification options with a view to bringing forward a report to the last meeting of Council in May 2013"*

The following report discusses the history of the Tweed Heads Streetscaping Master Plan (THSMP), which was adopted by Council on 6 August 1997.

Stage 1 of the street scaping works have been completed in Wharf Street from the border to Francis Street (including the intersection) and in Bay Street from Wharf Street to Navigation Lane.

Stage 2 of the THSMP project not yet constructed are the sections in Bay Street West from Navigation Lane to the border and Wharf Street between Florence to Frances Street.

A source of funding to cover construction costs of these sections is Round 5 of the Regional Development Australia (RDA) Fund grants in which Council resolved to give priority to this project at its meeting on 20 June 2013. Council has been allocated an amount of \$613,184 in Round 5, however, this still requires a full grant application to lodged and approved.

A project management time line is also provided for the proposed Stage 2 works subject to the application being successful.

RECOMMENDATION:

That Council endorses the Grant application for funding from the Regional Development Australia Fund - Stage 5, for construction of the Stage 2 works of the Tweed Heads Streetscaping Master Plan in Bay Street West from Navigation Lane to Enid Street and Wharf Street from Francis Street to Florence Street.

REPORT:

Council at its meeting on 24 January 2013 resolved:

"..that:

- 1. Council notes that the current negotiations for the sale of the part of the Bay St East Road reserve has stalled and no activity has occurred for a number of years.*
- 2. In light of the currently stalled negotiation Council declines to proceed with the current sale proposal.*
- 3. Council notifies the other party that it has withdrawn from the current negotiations for the sale of the land.*
- 4. Council explores with local businesses, residents, and their respective representatives, street and CBD beautification options with a view to bringing forward a report to the last meeting of Council in May 2013."*

This Report is in response to Part 4 of the resolution.

Background

A detailed Master Plan titled "*Tweed Heads Streetscape Master Plan*" (THSMP) has already been adopted for beautification of the Tweed Heads CBD, which includes Bay Street West and Wharf Street from the border to Florence Street (see Attachment 1).

After a 21 day exhibition period, the THSMP was adopted by Council at its meeting on 6 August 1997 which:

"RESOLVED that:-

- 1. The concept master plan as exhibited in the Tweed Mall in July 1997, together with the explanatory report, be adopted for detailed design preparation, with minor amendments to accommodate budgetary constraints and traders' concerns as determined by Council's Streetscape Working Party.*
- 2. The detailed design and documentation of improvements shown in the concept master plan be prepared in stages - in accordance with the staging plan in this report, and a development application for the total work in all stages be lodged.*
- 3. NorthPower be instructed to perform immediate undergrounding of all existing overhead power (with minor exceptions) as detailed in their quotation for approximately \$300,000*
- 4. NorthPower be appointed as designer and installer of the conventional street lighting component of the project area for a fee of \$120,000 as quoted*
- 5. Subject to issue of development consent, Stage 1 construction works be undertaken starting in February 1998 for a total cost of \$2.60M.*
- 6. Detailed design work and contract documentation for subsequent stages be completed, pending the allocation of further funding in subsequent programs."*

The adopted THSMP was developed in partnership with extensive community consultation including survey forms, workshops, one on one meetings, a shop in Wharf Street used as a Streetscape Centre with displays attended and a free call telephone service.

In accordance with the resolution, Stage 1 of the street scaping works have been completed in Wharf Street from the border to Francis Street (including the intersection) and in Bay Street from Wharf Street to Navigation Lane.

To assist in the project funding, a special rate was struck for areas to be benefited. The term of this special rate has now expired, and funds were fully spent over a decade ago on the completed Stage 1 works.

Completion of the projects Stage 2 works has not occurred due to funding constraints partly due to the 'closed' section of Bay Street East, which was to be sold and the proceeds allocated to completing the street scaping not proceeding and is now abandoned.

Stage 2 street scaping works to be completed are:

- Bay Street west of Navigation Lane
- Wharf Street, Florence to Frances Street
- Bay Street east of Wharf Street (this area was not covered by the attached plan and was the subject of the later proposal to build over part of the street).

There is an expectation of landowners and an obligation on Council to deliver the promised street scaping to the areas rated who have not yet received street scaping and requests have been received to this effect. This obligation was the subject of discussion at Council budget workshops regarding how the project should be funded to enable completion.

There is an amount of \$50,000 allocated in the 2013/2014 budget to complete detailed design of the street scaping in the missing areas (parts of Bay and Wharf Streets). Detailed design will be commenced in accordance with the adopted concept designs in the attached report. This detailed design process will include further extensive consultation with the affected owners, tenants and Business Chamber.

Stage 2 Funding

With the sale of the closed section of Bay Street East being abandoned, other funding options need to be considered, the most promising source being the Regional Development Australia Fund Grants (RDA). A source of funding to cover construction costs of these sections is Round 5 of the Regional Development Australia (RDA) Fund grants in which Council resolved to give priority to this project at its meeting on 20 June 2013. Council has been allocated an amount of \$613,184 in Round 5, however, this still requires a full grant application to be lodged and approved. Below are the key dates for this round.

Round Five key dates are:

Milestone	Date
RDAF Round Five announced	19 June 2013
Draft RDAF Round Five Guidelines published to website— www.regional.gov.au	21 June 2013
Applications for RDAF Round Five open	21 June 2013
Assessment of applications	As applications are received
Applications for RDAF Round Five close	22 July 2013 (5:00 pm local time)

Milestone	Date
Department approval of grants under Round Five	Following assessment
Funding Agreements negotiated and executed	Funding agreements will be negotiated on a rolling basis and must be executed within six months of grant approval

Additionally the project application must demonstrate the following evidence of viability:

"Funding Criterion 4: The project must be viable.

The application must demonstrate that the project is viable by providing:

- **Evidence of approvals**—that approvals are in place, applied for, or otherwise expected to be received to allow the commencement of construction within 12 months of entering into a Funding Agreement with the Commonwealth.
- **Evidence of co-contributions**—that the project will be fully funded through commitment of partnership contributions in cash or in-kind.
- **Evidence of planning**—that the project will be delivered on time and to budget. This will be achieved through the provision of supporting documents, per [3.2 of these Guidelines](#).
- **Evidence of costing**—that the project has been appropriately costed. The level and detail of the costing, and procurement processes, should be commensurate with the value of the project."

Stage 2 of the THSMP is well placed to meet these key criteria because of the previously adopted THSMP which will assist in demonstrating compliance with the criteria in the RDA grant application currently being prepared.

The \$50,000 Council budget allocation and a successful RDA Round 5 application will enable Part 6 of the 1997 Council resolution to be completed.

Project Management Time Frames

The following time lines for the project preparation and delivery of the THSMP Stage 2 works is as follows:

- | | | | |
|------------------------------|-------------------|----|------------------|
| 1. Prepare Grant Application | 01 July 2013 | to | 20 July 2013 |
| 2. Complete Concept Design | 01 July 2013 | to | 20 July 2013 |
| 3. Public Consultation | 29 July 2013 | to | 30 August 2013 |
| 4. Detailed Design | 02 September 2013 | to | 01 November 2013 |
| 5. Delivery Planning | 04 November 2013 | to | 31 January 2013 |
| 6. Construction * | 10 February 2013 | to | 21 June 2013 |

* Subject to RDA grant application being successful.

Construction time frames above enables for work at Easter and school holidays to be minimised.

It should be noted that two other infrastructure projects planned for the same period need to be considered during the Stage 2 design process. These projects are:

- A water main replacement project scheduled in 2013/2014 (replacing old asbestos main) on the west side of Wharf Street from the Border to Florence Street. Much of the replacement main will be located in parking areas to avoid disturbance to street scaping that has already been implemented. It is understood that when the existing street scaping was done in the Bay Street/Wharf Street intersection area, the water main replacement was anticipated and new but unconnected pipes were laid for connection later when the replacement was scheduled. The section of this project from Frances Street to Florence Street should be able to proceed prior to the THSMP Stage 2 Works commencing.
- Bay Street West Pavement Rehabilitation which is also scheduled early in the 2013/2014 financial year may need to be delayed as the THSMP Stage 2 Works in Bay Street include relocating kerb and gutter onto a different alignment which conflicts with this project. The conflict will be resolve during the THSMP design phases.

OPTIONS:

Council endorses the Grant application for funding from the Regional Development Australia Fund - Stage 5, for construction of the Stage 2 works of the Tweed Heads Streetscaping Master Plan in Bay Street West from Navigation Lane to Enid Street and Wharf Street from Francis Street to Florence Street.

CONCLUSION:

The RDFA grant, if successful will enable Stage 2 of the approved THSMP works to be delivered to meet the expectations of the adjoining businesses and community in general.

Delivery time lines specified in this report are considered achievable and include extensive consultation in the detail design being developed in accordance with the THSMP.

Enquiries within the organisation also confirm that the delivery of the THSMP works do not conflict with the Tweed Heads Town Centre Master Plan and should in effect complement it.

It is recommended that Council endorses the Grant application for RDAF Stage 5 funding for the Stage 2 works of the THSMP being the streetscaping completion in Bay Street West from Navigation Lane to Enid Street and Wharf Street from Francis Street to Florence Street.

COUNCIL IMPLICATIONS:

a. Policy:

The streetscaping is in accordance Tweed Heads Final Streetscape Masterplan adopted by Council on 6 August 1997.

b. Budget/Long Term Financial Plan:

Proposed works to be funded through existing budget allocation and RDA Grant Funds if successful.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Tweed Heads Streetscape Final Masterplan July 1997
(ECM 3088970).

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

28 [TCS-CM] 2013/2014 Making the Rate

SUBMITTED BY: Revenue and Recovery

Valid



Civic Leadership

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

SUMMARY OF REPORT:

Council, at its meeting of 20 June 2013, resolved to adopt the 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.

In accordance with the provisions of the Local Government Act 1993 a rate or charge is made by resolution of Council, and each rate or charge is to be made for a specified year, being the year in which the rate or charge is made or the next year. Accordingly, a rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

The basis of this report is the formal Making of the Rate and Charges for 2013/2014.

RECOMMENDATION:

That:

1. Council makes the 2013/2014 rates and charges in accordance with the provisions of sections 493, 494, 495, 495A, 496, 498, 501, 502, 506, 508A, 541, 548 and 553 of the Local Government Act 1993: -
 - (a) Ordinary Rates (section 494, 498, 508A)
 - (i) Residential Rate
A Residential Rate of .4854 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area

classified Residential with a minimum rate of nine hundred and seventy two dollars and twenty cents (\$972.20) in respect of any separate parcel of rateable land.

(ii) Farmland Rate

A Farmland Rate of .3138 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Farmland with a minimum rate of nine hundred and seventy two dollars and twenty cents (\$972.20) in respect of any separate parcel of rateable land.

(iii) Business Rate

A Business Rate of .5188 cents in the dollar on the rateable land value of all applicable rateable land in the Tweed Shire Council area classified Business with a minimum rate of one thousand and thirty eight dollars and ninety five cents (\$1038.95) in respect of any separate parcel of rateable land.

(b) Annual Charges (Section 495, 495A, 496, 501, 502 and 553)

(i) Sewerage Annual Charge (Section 501)

A sewerage annual charge on the rateable land value of all applicable rateable land in the Tweed Shire Council area with an annual charge of six hundred and ninety one dollars (\$691.00) in respect of any separate parcel of rateable land.

(ii) Water Annual Charge (Section 501)

Residential assessments – a service charge of \$138.00

Business assessments – a service charge based on meter size, being \$138.00, times the Flow Capacity Factor (as detailed in Table 1) and given the Multiplier Consumption Factor was reached (as detailed in Table 2)

A volumetric charge of \$2.25 per kilolitre for all consumption to 300KL.

A volumetric charge of \$3.40 per kilolitre for all consumption after 300KL.

Vacant assessments rated to water – a service charge of \$138.00

Properties will be levied the water service charge in accordance with the Local Government Act including the description of what land may be subject to the water service charge.

Table 1. Flow Capacity Factors

Diameter of Service mm	Cross sectional area	Flow Capacity Factor
20	314	1.00
25	491	1.56
32	804	2.56
40	1,256	4.00
50	1,963	6.25
80	5,024	16.00
100	7,850	25.00
150	17,663	56.25
200	31,400	100.00
250	49,063	156.25
300	70,650	225.00

Table 2. Consumption Factors

Consumption Scale		Consumption Factors										
KL from	KL to	Meter size (mm)										
		20	25	32	40	50	80	100	150	200	250	300
0	290	1.000	0.640	0.391	0.250	0.160	0.063	0.040	0.018	0.010	0.006	0.004
291	454	1.000	1.000	0.610	0.391	0.250	0.980	0.063	0.028	0.016	0.010	0.007
455	743	1.000	1.000	1.000	0.640	0.410	0.160	0.102	0.046	0.026	0.016	0.011
744	1,160	1.000	1.000	1.000	1.000	0.640	0.250	0.160	0.071	0.040	0.026	0.018
1,161	1,814	1.000	1.000	1.000	1.000	1.000	0.391	0.250	0.111	0.063	0.040	0.028
1,815	4,640	1.000	1.000	1.000	1.000	1.000	1.000	0.640	0.284	0.160	0.102	0.071
4,641	7,250	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.444	0.250	0.160	0.111
7,251	16,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.563	0.360	0.250
16,315	29,000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1000	0.640	0.444
29,001	45,314	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1000	1.000	0.694
Over 45,314		1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

(vi) Koala Beach Special Rate (Section 495)

A Koala Beach Special Rate of .0718 cents in the dollar on the rateable land value of applicable land in the Tweed Shire Council area. The following is a description of the applicable land:

- LOT 1 DP 86409
- LOT 2 DP 864093
- LOT 3 DP 864093
- LOT 4 DP 864093
- LOT 5 DP 864093
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- (x) **Domestic Waste Management Annual Charge (Section 496)**
A Domestic Waste Management Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit . An annual charge of fifty six dollars and fifty five cents (\$56.55) in respect of any applicable land within the declared domestic waste scavenging area.
- (xi) **Domestic Waste Service Annual Charge (Section 496)**
A Domestic Waste Service Annual Charge for all land within the declared domestic waste scavenging area for the removal of the approved contents of the standard 140 litre mobile waste bin each week, maps of which are available from Council's Waste Management Unit. An annual charge of one hundred and sixty one dollars and fifteen cents (\$161.15) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 80 litre mobile bin will be available to residents who have low waste generation. An annual charge of one hundred and nine dollars and ten cents (\$109.10) in respect of any applicable serviced land within the declared domestic waste scavenging area.

An Alternate 240 litre mobile bin will be available to residents who have high waste generation. An annual charge of two hundred and two dollars and forty cents (\$202.40) in respect of any applicable serviced land within the declared domestic waste scavenging area.

(xii) Landfill Management Charge (Section 501)

A Landfill Management Annual Charge for all rateable land within the boundary of the Tweed Shire. An annual charge of forty five dollars and seventy cents (\$45.70) in respect of all rateable land within the boundary of the Tweed Shire.

(xiii) Green Organics Collection Charge (Section 496)

An additional annual charge of fifty four dollars (\$54.00) is applicable to all landowners who have requested a fortnightly green organics collection service.

(xiv) Waste Minimisation and Recycling Annual Charge (Section 496)

A Waste Minimisation and Recycling Annual Charge for all land within the declared domestic waste scavenging area, maps of which are available from Council's Waste Management Unit. An annual charge of sixty one dollars and fifty five cents (\$61.55) in respect of any applicable land within the declared domestic waste scavenging area.

2. In accordance with section 566(3) of the Local Government Act 1993 that the maximum rate of interest payable on overdue rates and charges be 9% pa.

REPORT:

Council, at its meeting of 20 June 2013, resolved to adopt the Delivery Program 2013/2017, Operational Plan 2013/2014; Revenue Policy and Statement 2013/2014, Part A; which includes an increase in general rates for 2013/2014 of 3.4% above that for 2012/2013, Budget 2013/2014, Part B; Fees and Charges 2013/2014 Part C; and Resourcing Strategy 2013/2023. Council is now required to make the rate for 2013/2014.

In accordance with the provisions of the Local Government Act 1993 a rate or charge is made by resolution of Council, and each rate or charge is to be made for a specified year, being the year in which the rate or charge is made or the next year. Accordingly, a rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

The basis of this report is the formal Making of the Rate and Charges for 2013/2014.

OPTIONS:

Not applicable

CONCLUSION:

After the adoption of the Revenue Policy and Statement 2013/2014, Council is now required to make the rate for 2013/2014.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The current number of rateable properties as at 1 July 2013 for ordinary rates is:

Residential	35,594
Business	1,801
Farmland	1,548
Total	38,943

The minimum rates are as follows:

	Residential	Farmland	Business
Ordinary rate	\$972.20	\$972.20	\$1,038.95
Sewerage charge	\$691.00	\$691.00	\$691.00
Water Access Charge	\$138.00	\$138.00	\$138.00
Garbage Service Charge 140l	\$260.35	\$260.35	\$347.00
Landfill Management Charge	\$45.70	\$45.70	\$45.70
Total	\$2,107.25	\$2,107.25	\$2,260.65

The rates and charges income is included in the 2013/2014 Budget and Long Term Financial Plan.

Note:

The ad valorem rate in the dollar for the Farmland rate category presented in this report has reduced slightly compared to the amount included in the 2013/2014 Revenue Policy and Statement, 0.3143 to 0.3138, although the minimum rate has remained unchanged. The change in the ad valorem rate is due to changes in property status, the revaluation process, supplementary valuation additions and the non-availability of catch-up from previous years, all of which cannot be finalised until early in the new financial year.

c. Legal:

Rates Levied in accordance with the Local Government Act 1993, Sections:

- 493 Categories of ordinary rates and categories of land
- 494 Ordinary rates must be made and levied annually
- 495 Making and levying of special rates
- 495A Strata lots and company titles taken to be separate parcels of land for annual charges
- 496 Making and levying of annual charges for domestic waste management services
- 498 The ad valorem amount
- 501 For what services can a Council impose an annual charge?
- 502 Charges for actual use
- 506 Variation of general income
- 508A Special variation over a period of years
- 541 Differing amounts for a charge
- 548 Minimum amounts
- 553 Time at which land becomes subject to special rate or charge
- 566 Accrual of interest on overdue rates and charges

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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29 [TCS-CM] 2013/2014 Loan Borrowing Program

SUBMITTED BY: Financial Services

Valid



Civic Leadership

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

SUMMARY OF REPORT:

It is Council practice to call quotations for the supply of loan funds from various financial institutions. The annual loan borrowing requirements for the 2013/14 budget totalling \$2,076,000 are outlined in the body of this report.

RECOMMENDATION:

That:

1. **The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations.**
2. **Relevant loan documentation is to be executed under the Common Seal of Council.**

REPORT:

It is Council's practice to call quotations for the supply of loan funds from various financial institutions.

In order to distribute the cost of long term facilities over the period which the facilities benefits will be enjoyed, it is usual for Council to finance part of these works from borrowings. This ensures that both current and future ratepayers share the cost of the facility equally.

The 2013/14 Operational Plan and Budget include new loan requirements of \$2,076,000 as follows:

New Loans

Purpose	Term	\$
Public Toilets	20	100,000
Bridges	20	776,000
Drainage	20	1,100,000
Flood Mitigation	20	100,000
		<hr/>
		2,076,000

OPTIONS:

Not applicable.

CONCLUSION:

The General Manager and Manager Financial Services be authorised to negotiate acceptance of the loan quotations for 2013/14 totalling \$2,076,000 and relevant loan documentation be completed under the Common Seal of Council.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The loan funds are included in the Budget and Long Term Financial Plan.

c. Legal:

Under Section 55.1(f) of the Local Government Act 1993, Council is **not** required to call tenders for the Provision of Banking, Borrowing, or Investment Services.

Loan borrowings will be adopted by Council in the 2013/2014 Budget and any subsequent quarterly budget reviews.

Quotations for the loan borrowing program will be invited from all major banks in due course, depending upon funding requirements for the various loan purposes.

The Manager Financial Services as the Responsible Accounting Officer has the following delegation:

"FI017 Loans - accept from lending institutions

To accept loans from lending institutions within the Council approved loan program and arrange the necessary mortgage deed and documentation."

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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30 [TCS-CM] Draft Privacy Management Plan, Version 1.3

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

SUMMARY OF REPORT:

The *Privacy and Personal Information Protection Act 1998* (the PPIPA) requires all councils to prepare a Privacy Management Plan. A Model Privacy Management Plan for Local Government has been prepared in consultation with the Office of the Privacy Commissioner and Local Government NSW.

The Draft Privacy Management Plan Version 1.3 is principally based on the Model Privacy Management Plan with amendments applicable to Council's operations as outlined in the report.

Version 1.2 of the Privacy Management Plan which was adopted by Council on 16 August 2011 was based on the previous Model Privacy Plan, with amendments which were then applicable to Council.

It is recommended that the Draft Plan be placed on public exhibition in accordance with Section 160 of the Local Government Act 1993, inviting submissions from the public.

RECOMMENDATION:

That in accordance with Section 160 of the Local Government Act 1993, the Draft Privacy Management Plan, Version 1.3 be placed on public exhibition for a period of at least 28 days, with a submission period of at least 42 days.

REPORT:

The proposed Privacy Management Plan, Version 1.3 is principally based on the Model Privacy Management Plan with amendments as outlined in the report.

There are two major amendments proposed which are described as follows:

3.2 Information Protection Principle 2 – Direct Collection

Information collected from websites

The amendment proposed provides information on how Council collects personal information via its website, which may be hosted by a third party. The Policy does enable persons who use Council's website with the option to not have their information collected.

3.3 Information Protection Principle 3 – requirements when collecting personal information

The amendments proposed provides information on how Council currently manages personal information that is invited as part of a submission or application letter. It would be an administrative problem to require every person who lodges an objection to a development application in particular to complete a pre collection Privacy Notification Form. A similar approach would impact upon Council if it was to send out a post collection form with a rate notice to a new owner.

No one department or section within council holds personal information, it is held in the corporate business systems.

Other minor amendments proposed are:

1.3 Policy on Electoral Rolls

Council does not hold copies of the Electoral Roll in its library.

1.5 Personal Information held by Council

Bank account information included for each category.

2.3 Where some information in the public register has been published

Registers are generally not published on the internet.

3.3 Information Protection Principle 3 - Requirements when collecting personal information

Obligations under Other Legislation

Council incurs obligations under other legislation, for example, the Workplace Surveillance Act 2005, and the use of CCTV cameras that operate in public places, in relation to collecting personal information.

3.10 Information Protection Principle 10 - Limits on use of personal information

Explanatory Note

- provide contact details of adjoining property owners for fencing and maintenance of property purposes.

OPTIONS:

1. Council places the Draft Privacy Management Plan Version 1.3 on public exhibition.
2. Council places the Model Privacy Management Plan as the Draft Privacy Management Plan, Version 1.3 on public exhibition.

CONCLUSION:

Council places the Draft Privacy Management Plan, Version 1.3 on public exhibition.

COUNCIL IMPLICATIONS:

a. Policy:

Replace Privacy Management Plan Version 1.2.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Privacy Management Plan, Version 1.3 (ECM 2982618)

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31 [TCS-CM] Review of Council's Delegations

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

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

SUMMARY OF REPORT:

Council is required in accordance with Section 380 of the Local Government Act 1993 to review all of its delegations during the first 12 months of each term of office. As the last election was conducted in September 2012, this review is required by the end of August 2013.

Sections 377 and 378 of the Local Government Act 1993 describe the functions that Council may by resolution delegate to the General Manager and the function that the General Manager may delegate or sub-delegate respectively. Section 335 of the Local Government Act 1993 describes the functions of the General Manager.

Council at its meeting of 18 August 2009 previously ratified the delegations to the General Manager in accordance with Section 377 of the Local Government Act, 1993 and have also been revisited with the appointment in April 2012 of the General Manager and March 2013 with the appointment of an Acting General Manager.

The functions being recommended that Council should delegate to the General Manager are in accordance with Section 377 of the Local Government Act 1993.

Further, Council at its meeting of 28 November 2006 delegated the exercise of powers under the Road Transport (General) Act 2005 regarding heavy vehicle limits enforcement function to Newlog officers who are employees of Ballina Shire Council.

RECOMMENDATION:

That Council confirms the:

- 1. Delegations to the General Manager other than the functions of Council in accordance with Section 377 of the Local Government Act 1993.**
- 2. Delegation previously provided on 28 November 2006 to Ballina Shire Council, in accordance with Section 377 of the Local Government Act 1993, for the purpose of undertaking administration of the North East Weight of Loads Group (NEWLOG).**

REPORT:

Section 377 of the Local Government Act 1993 states that:

"(1) A Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than the following:-

- a) The appointment of a General Manager;*
- b) The making of a rate;*
- c) A determination under Section 549 as to the levying of rate;*
- d) The making of a charge;*
- e) The fixing of a fee;*
- f) The borrowing of money;*
- g) The voting of money for expenditure on its works, services or operations;*
- h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment);*
- i) The acceptance of tenders which are required under this Act to be invited by the Council'*
- j) The adoption of a management plan;*
- k) The adoption of a financial statement included in an annual financial report;*
- l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;*
- m) The fixing of an amount or rate for carrying out by the Council of work on private land;*
- n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work;*
- o) The review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the Environmental Planning and Assessment Act 1979;*
- p) The power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under Section 194;*
- q) A decision under Section 356 to contribute money or otherwise grant financial assistance to persons;*
- r) Council under Section 455 in relation to attendance at meetings;*
- s) The making of an application, or the giving of a notice, to the Governor or Minister;*
- t) This power of delegation;*
- u) Any function under this or any other Act is expressly required to be exercised by resolution of the Council.*

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council."

Section 378 of the Local Government Act 1993 states that:

- "(1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.*
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).*
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2)."*

The functions of the General Manager are contained in Section 335 of the Local Government Act 1993. These being:

- "1. The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.*
- 2. The General Manager has the following particular functions:*
 - The day-to-day management of the Council;*
 - To exercise such of the functions of the Council as are delegated by the Council to the General Manager;*
 - To appoint staff in accordance with an organisation structure and resources approved by the Council;*
 - To direct and dismiss staff;*
 - To implement the Council's equal employment opportunity management plan.*
- 3. The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act."*

Council at its meeting of 18 August 2009 previously ratified the delegations to the General Manager in accordance with Section 377 of the Local Government Act, 1993 and have also been revisited with the appointment in April 2012 of the General Manager and March 2013 with the appointment of an Acting General Manager.

The adoption of the recommendation does not change the current instrument of delegation to the General Manager.

OPTIONS:

Council is required to adopt the delegations conferred through the Local Government Act 1993 to the General Manager.

CONCLUSION:

As per the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Review of delegations is in accordance with the Local Government Act 1993 and Division of Local Government Strategic Tasks.

b. Budget/Long Term Financial Plan:

All financial implications resulting from delegations are included within the Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Delegated Authority granted to General Manager (ECM 3107088)

32 [TCS-CM] Review of Council Policy - Audit Committee Charter, Version 1.6

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

As reported to Council on 20 June 2013, the Audit Committee Charter is the only current Policy yet to be reviewed by Council. The Audit Committee at its meeting held on Monday 24 June 2013 adopted amendments to the Audit Committee Charter contained in Version 1.6 for consideration by Council at its meeting to be held on Thursday 18 July 2013.

The amendments to the Policy recommended by the Committee are minor formatting changes which are designed to enhance the quality and effectiveness of the Committee, through the Policy.

The amendments can be adopted without the necessity of being advertised.

RECOMMENDATION:

That Council:

- 1. Adopts minor amendments to Audit Committee Charter, Version 1.6.**
- 2. 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 policy without public exhibition.**

REPORT:

As reported to Council on 20 June 2013, the Audit Committee Charter is the only current Policy yet to be reviewed by Council. The Audit Committee at its meeting held on Monday 24 June adopted amendments to the Audit Committee Charter contained in Version 1.6 for consideration by Council at its meeting to be held on Thursday 18 July 2013.

The amendments to the Policy recommended by the Committee are minor formatting changes which are designed to enhance the quality and effectiveness of the Committee, through the Policy.

The amendments can be adopted without the necessity of being advertised.

OPTIONS:

That Council:

1. Adopts the recommendation.
2. Does not agree to the proposed minor amendments.

CONCLUSION:

That Council adopts the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Review of Audit Committee Charter, Version 1.5.

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Audit Committee Charter, Version 1.6 (ECM 3104286)

33 [TCS-CM] Donations (Financial Assistance) Policy, Version 1.1

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

Council, at its meeting held on Thursday 20 June 2013, resolved to delete the Council Policy Donations (Financial Assistance), Version 1.1 as it was to be incorporated into the Festivals and Events Policy.

The recommendation to Council was incorrect, as the Policy is proposed to remain as a separate Policy. The reinstatement of this Policy will enable the calling for first round 2013/2014 applications under the terms of the Policy.

RECOMMENDATION:

That Council reinstates the Donations (Financial Assistance) Policy, Version 1.1 as a Council Policy.

REPORT:

Council, at its meeting held on Thursday 20 June 2013, resolved to delete the Council Policy Donations (Financial Assistance) Policy, Version 1.1 as it was to be incorporated into the Festivals and Events Policy.

The recommendation to Council was incorrect, as the Policy is proposed to remain as a separate Policy. The reinstatement of this Policy will enable the calling for first round 2013/2014 applications under the terms of the Policy.

OPTIONS:

That Council:

1. Adopts the recommendation.
2. Does not agree to the reinstatement of the Policy.

CONCLUSION:

That Council adopts the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Reinstatement of Donations (Financial Assistance) Policy, Version 1.1.

b. Budget/Long Term Financial Plan:

Allocation made in the 2013/2014 Budget for approval of donations in accordance with the Policy.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

34 [TCS-CM] Amended Driveway Access to Property - Design Specification Policy, Version 1.4

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

An additional review of the Council Policy, Driveway Access to Property – Design Specification – Version 1.3 has identified an amendment which will enable alterations to be made to Council’s Engineering Standard Drawings (SD017 and SDO11) without the requirement to amend the Policy.

To facilitate this amendment, it is proposed that Standard Drawings (SDO17 and SD011) on pages 12 and 13 be deleted from the Policy and replaced with the words *“Refer to Standard Drawings SDO11 and SD017, which are available on Council’s website”*. The proposal reflects a minor formatting change and it can be adopted without the necessity of being advertised.

RECOMMENDATION:

That Council:

- 1. Updates the Driveway Access to Property – Design Specification Policy to Version 1.4, which includes the suggested amendment.**
- 2. In accordance with Section 161(2) of the Local Government Act 1993, is of the opinion that the amendment is not substantial and that it adopts the amended local policy without public exhibition.**

REPORT:

An additional review of the Council Policy, Driveway Access to Property – Design Specification – Version 1.3 has identified an amendment which will enable alterations to be made to Council's Engineering Standard Drawings (SD017 and SDO11) without the requirement to amend the Policy.

To facilitate this amendment, it is proposed that Standard Drawings (SD017 and SD011) on pages 12 and 13 be deleted from the Policy and replaced with the words "*Refer to Standard Drawings SDO11 and SD017, which are available on Council's website*". The proposal reflects a minor formatting change and it can be adopted without the necessity of being advertised.

OPTIONS:

That Council:

1. Adopts the recommendation
2. Does not agree with the proposed minor amendment.

CONCLUSION:

That Council adopts the recommendation.

COUNCIL IMPLICATIONS:

a. Policy:

Review of Driveway Access to Property-Design Specification Version 1.3.

b. Budget/Long Term Financial Plan:

Not applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Driveway Access to Property - Design Specification Policy, Version 1.4
(ECM 3106397)

35 [TCS-CM] Establishment of a Council Mediation Procedure, Version 1.0

SUBMITTED BY: Acting Director

Valid



Civic Leadership

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
-

SUMMARY OF REPORT:

Council, at its meeting of Thursday 21 March 2013, resolved that:

"Council brings forward a report establishing a formal mediation process within Council's organisation and the potential for appropriate training of staff".

A Mediation Procedure has been developed primarily based on the 1996 Public Sector Mediation Guidelines produced by representatives of the Audit Office, the Attorney General's Department and the NSW Ombudsman.

The Mediation Procedure requires Council officers who are involved in alternative dispute resolution to be appropriately trained and accordingly the relevant Council officers should receive training prior to implementation of the procedure from either a private sector body or NSW Ombudsman.

RECOMMENDATION:

That Council notes the establishment of a formal mediation process known as Council's Mediation Procedure, Version 1.0.

REPORT:

Council at its meeting of Thursday 21 March 2013 resolved that:

"Council brings forward a report establishing a formal mediation process within Council's organisation and the potential for appropriate training of staff".

A Mediation Procedure has been developed primarily based on the 1996 Public Sector Mediation Guidelines produced by representatives of the Audit Office, the Attorney General's Department and the NSW Ombudsman.

The Mediation Procedure requires Council officers who are involved in alternative dispute resolution to be appropriately trained and accordingly the relevant Council officers should receive training prior to implementation of the procedure from either a private sector body or NSW Ombudsman.

The Council officers to be trained will be at the discretion of the General Manager.



Procedure

Council Mediation Version 1.0

Adopted by Executive Management Team at its meeting on 3 July 2013

Division:	Technology and Corporate Services
Section:	Corporate Governance
File Reference:	Council Policies, Procedures, Protocols
Historical Reference:	N/A

Council Mediation

Introduction

Mediation is a technique of resolving disputes internal to Council or arising from complaints or claims made against Council where:

- the parties will have an ongoing relationship;
- the dispute or complaint is long standing or likely to escalate;
- alternative redress such as investigation or litigation is likely to be costly in time and resources; and
- the public interest is served by having the dispute or complaint resolved promptly, efficiently and economically

The mediation procedure must incorporate the provisions of the following Council Policies:

- Code of Conduct;
- Complaint Handling; and
- Dealing with Difficult People (where applicable).

Scope

This procedure has potential application in relation to any external dispute involving Council and a third party, internal disputes involving non-award contract employees and/or internal disputes between member(s) of staff and Councillor(s).

Disputes between staff or between staff and management are to be resolved with reference to Council's Grievance Handling Protocol and the Grievance provisions of the Local Government (State) Award.

Mediation

The aim of mediation is to assist parties involved in a dispute or complaint to reach some common ground and arrive at a settlement.

In resolving disputes internal of Council, the mediator could be a Council officer who is appropriately trained in alternative dispute resolution or a third party from a reputable private or public sector body.

Whilst in respect to dealing with complaints or claims made against Council, the mediator could be a Council officer, at level two as described in Council's Complaint Handling Procedure, who is appropriately trained in alternative dispute resolution or a third party from a reputable private or public sector body such as by the Division of Local Government, NSW Ombudsman, Independent Commission Against Corruption or Community Justice Centre.

In both the above clauses the Council officer should be independent of the issue and have the appropriate delegation to be able to approve of a resolution or the issue would have to be approved by a Council officer having the appropriate delegation.

The role of a mediator is to isolate the critical issues of the dispute, complaint or claim and develop options for their resolution and assist the parties to reach an agreement, where possible, which accommodates the interests and needs of the parties.

Mediation Considerations

Prior to Council making an offer to undertake mediation, a determination by the General Manager and/or Divisional Director must be made whether the resolution of a particular issue is Suitable for mediation by considering the following:

- Are the issues negotiable (impacted by legislation, law, or council policy)?
- Will mediation be more cost effective than a traditional form of dispute resolution such as litigation?
- Are the parties suitable (willingness to negotiate, capacity to make decisions, is some form of settlement possible)?
- Will there be an impact on third parties (consenting parties versus absence of non-consenting parties) and
- Is there a special community interest in the issue (result in procedures for the future, offer to mediate appropriate to public perspective, should mediation be open or confidential)?

When mediation does proceed, the parties to the issue should enter into an agreement to mediate, which cover the features and underlying principles and the manner in which the proposed mediation will be conducted.

Mediation Preparation and Review

Mediation should be conducted in a private, informal atmosphere which encourages more productive discussion, greater clarity on the choices for each party and increased opportunities for understanding of each other's point of view.

A Council officer to act as mediator should be appointed by the General Manager or Divisional Director to prepare the mediation on behalf of Council.

The officer should:

- Ascertain key facts and gather all relevant material;
- Identify key issues and Council interests which must be met;
- Determine potential areas or options for settlement based on the interests identified;
- Realistically assess the alternatives available if agreement cannot be reached;
- If appropriate seek professional or legal advice on issues relevant to the matter; and
- Consider their level of delegation after reviewing all the relevant material, and if necessary request appropriate delegation.

Mediation Resolution

Should the Council officer mediation fail, then the officer should briefly document the non settlement outcome and recommend options for alternative dispute resolution, such as engaging a third party from a selected reputable private or public body to undertake the mediation process.

OPTIONS:

That Council:

1. Notes the establishment of the Mediation Procedure.
2. Declines to note the establishment of the Mediation Procedure.

CONCLUSION:

The Mediation Procedure has been developed as a result of a Council resolution.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Training costs are included within the 2013/2014 Budget and Long Term Financial Plan.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

36 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 30 June 2013

SUBMITTED BY: Financial Services

Valid



Civic Leadership

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
-

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), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$165,319,134** invested as at **30 June 2013** and the accrued net return on these funds was **\$559,754** or **4.06%** 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 30 June 2013 totalling \$165,319,134 be received and noted.

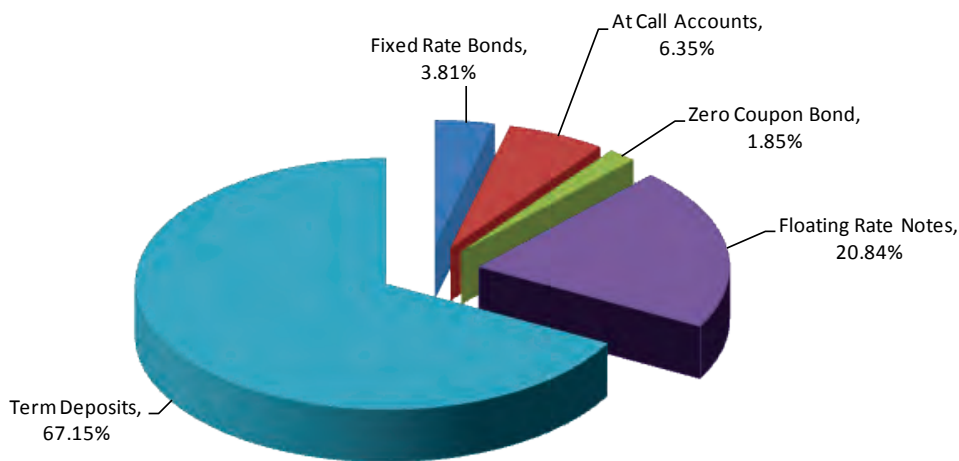
REPORT:

1. Restricted Funds as at 1 July 2012

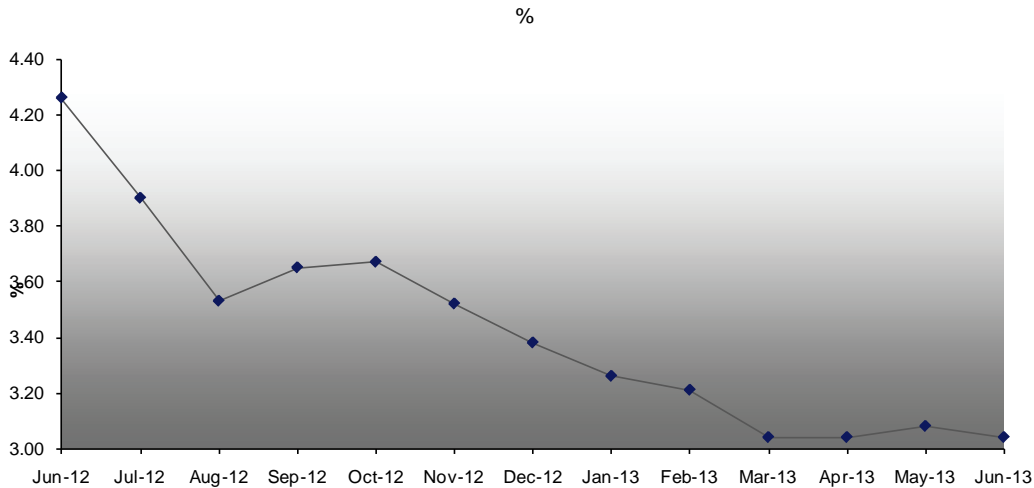
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
Externally Restricted	2,441	15,262	51,519	69,222
Crown Caravan Parks	14,980			14,980
Developer Contributions	24,720	6,805		31,525
Domestic Waste Management	9,221			9,221
Grants	4,781			4,781
Internally Restricted	21,294			21,294
Employee 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	1,705,654.20	3.90	14/03/2016	FRN
AMP (RBS) (06/14)	2,000,000.00	2,014,810.00	3.99	06/06/2014	FRN
AMP (RIM)	2,001,460.00	2,002,110.00	3.86	29/05/2017	FRN
ANZ/Suncorp (05/14)	2,000,000.00	2,017,160.00	3.91	26/05/2014	FRN
Bendigo (FIIG) (11/15)	1,000,000.00	1,011,630.00	4.35	02/11/2015	FRN
Bendigo (RBS) (05/17)	2,000,000.00	1,995,500.00		17/05/2017	FRN
BOQ (ANZ)	1,000,000.00	1,003,890.00	4.30	30/05/2016	FRN
BOQ (RBS)	1,000,000.00	1,003,890.00	4.30	30/05/2016	FRN
CBA (08/16)	1,000,000.00	1,020,670.00	4.07	02/08/2016	FRN
CBA (08/16)	2,000,000.00	2,041,340.00	4.07	02/08/2016	FRN
CBA Retail Bond (12/15)	492,500.00	496,950.00	4.09	24/12/2015	FRN
CBA Retail Bond (12/15)	498,250.00	496,950.00	4.09	24/12/2015	FRN
CBA Retail Bond (12/15)	1,000,000.00	993,900.00	4.09	24/12/2015	FRN
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,060,000.00	7.28	22/01/2018	Fixed Rate Bond
Heritage (RBS) (06/17)	1,325,000.00	1,391,250.00	7.25	20/06/2017	Fixed Rate Bond
ING (RBS) (09/15)	2,000,000.00	2,084,200.00	5.50	03/09/2015	Fixed Rate Bond
ING (RBS) (09/15)	2,000,000.00	2,084,200.00	4.22	03/09/2015	Fixed Rate Bond
Macquarie (RIMSEC) (03/14)	1,000,000.00	1,005,750.00	4.72	13/03/2014	FRN
NAB (06/16)	2,000,000.00	2,030,240.00	4.21	21/06/2016	FRN
NAB (11/15)	1,000,000.00	1,021,410.00	4.10	05/11/2015	FRN
NAB Direct (12/14)	1,000,000.00	1,014,390.00	4.33	19/12/2014	FRN
Rabo (07/16)	1,000,000.00	1,012,270.00	4.07	27/07/2016	FRN
Rabo (07/16)	1,000,000.00	1,012,270.00	4.07	27/07/2016	FRN
Suncorp (FIIG) (04/15)	2,000,000.00	2,043,000.00	4.49	23/04/2015	FRN
Suncorp (Westpac) (04/15)	1,000,000.00	1,021,500.00	4.49	23/04/2015	FRN
Suncorp (Westpac) (04/15)	2,000,000.00	2,043,000.00	4.49	23/04/2015	FRN
Suncorp (Westpac) (04/16)	2,000,000.00	2,023,020.00	4.09	11/04/2016	FRN
Suncorp Covered (RIMSEC) (12/16)	2,000,000.00	2,135,920.00	4.75	06/12/2016	Fixed Rate Bond
Westpac (RBS) (02/17)	1,000,000.00	1,032,260.00	4.42	20/02/2017	FRN
Totals	44,017,210.00	43,819,134.20	4.48		

LEGEND	<p>Investment Type</p> <p>ABS = Asset Backed Security</p> <p>Bond = Fixed Rate Bond</p> <p>CDO = Collateralised Debt Obligation</p> <p>FRN = Floating Rate Note</p>
<p>Counterparty</p> <p>AMP = AMP Bank</p> <p>ANZ = ANZ Bank</p> <p>BOQ = Bank of Queensland</p> <p>CBA = Commonwealth Bank</p>	<p>BB = Bendigo Bank</p> <p>Heritage = Heritage Bank</p> <p>ING = ING Bank</p> <p>Investec = Investec Bank</p> <p>Macquarie = Macquarie Bank</p> <p>NAB = National Australia Bank</p> <p>ME = Members Equity Bank</p> <p>RaboDirect = Rabo Bank</p> <p>Rural = Rural Bank</p> <p>Suncorp = Suncorp Metway Bank</p> <p>Westpac = Westpac Bank</p>

5. Term Deposits

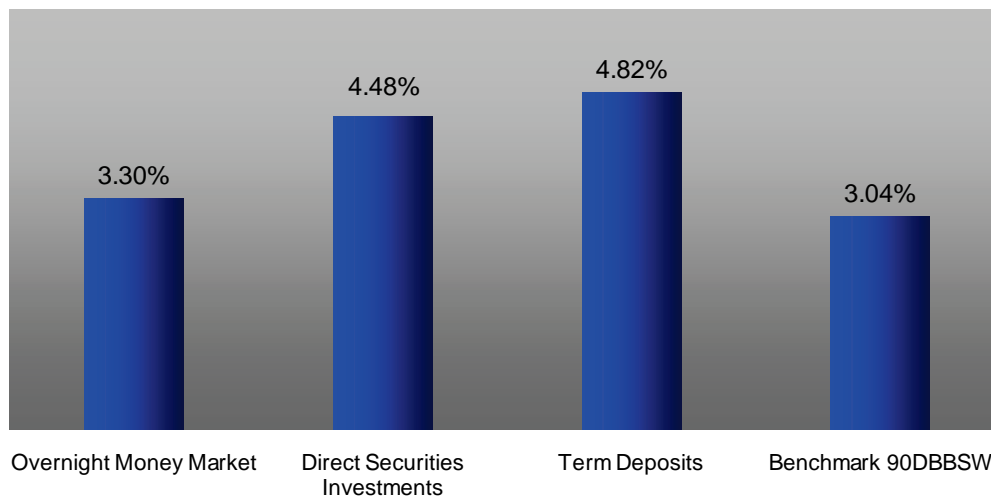
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
26-Mar-13	25-Jun-13	Westpac (Jun 2013)	2,000,000.00	91	4.35
03-Jun-13	03-Jul-13	NAB (Sept 2013)	3,000,000.00	31	4.60
04-Apr-13	04-Jul-13	BOQ (Apr 2014)	2,000,000.00	90	4.57
08-Apr-13	08-Jul-13	Westpac (Apr 2016) quarterly interest	2,000,000.00	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
30-Aug-12	03-Sep-13	AMP (CURVE) (Sept 2013) annual interest	500,000.00	365	6.00
04-Jun-13	03-Sep-13	ING (RIMSEC) (Sept 2013)	1,000,000.00	91	4.34
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
11-Jun-13	10-Sep-13	Investec (RIMSEC) (Jun 2014)	1,000,000.00	91	4.72
04-Jun-13	10-Sep-13	Westpac (Jun 2013)	2,000,000.00	98	4.19
12-Jun-13	17-Sep-13	Defence Bank	2,000,000.00	97	4.30
11-Jun-13	17-Sep-13	ING (RIMSEC) (Sept 2013)	2,000,000.00	98	4.32
11-Jun-13	17-Sep-13	Westpac (Sept 2013)	2,500,000.00	98	4.17
11-Jun-13	17-Sep-13	Westpac (Sept 2013)	1,500,000.00	98	4.17
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

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
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) annual interest	1,000,000.00	366	6.00
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
11-Jun-13	17-Jun-14	MEB (RIMSEC) (June 2014)	4,000,000.00	371	4.15
22-Mar-11	22-Mar-16	RaboDirect (RIMSEC) (Mar 2016) annual interest	1,000,000.00	1827	7.15
			111,000,000.00		4.82
LEGEND	Counterparty	ING = ING Bank		RaboDirect = Rabo Bank	
		Investec = Investec Bank		Rural = Rural Bank	
		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank	
		NAB = National Australia Bank		Westpac = Westpac Bank	
		ME = Members Equity Bank			
		NPBS = Newcastle Permanent Building Society			
		Heritage = Heritage Bank			

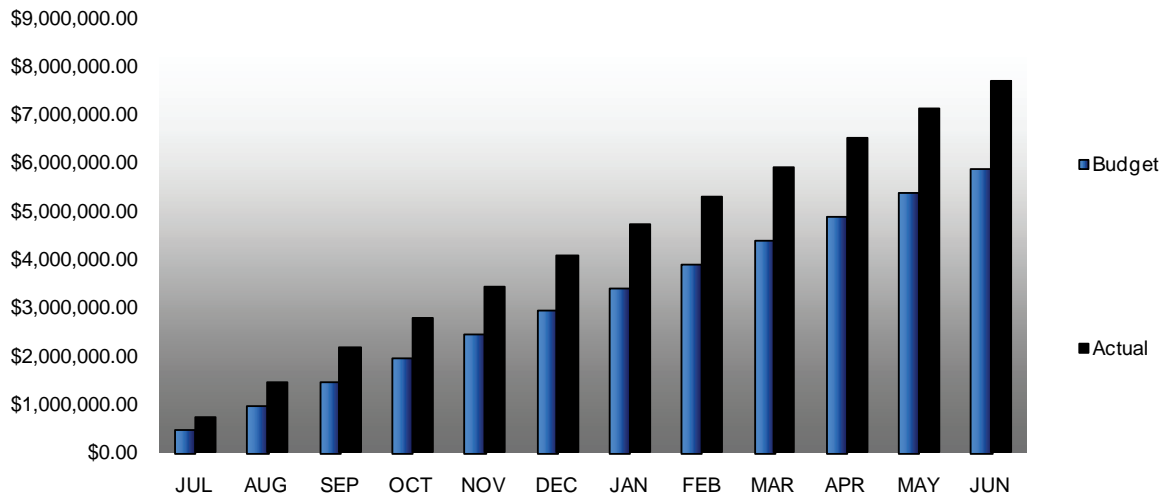
6. Performance by Category

Category	Face Value	Market Value	Average Return	Above or (Below) 90 day BBSW Benchmark
Overnight Money Market	\$10,500,000.00	\$10,500,000.00	3.30%	0.26%
Direct Securities Investments	\$44,017,210.00	\$43,819,134.20	4.48%	1.44%
Term Deposits	\$111,000,000.00	\$111,000,000.00	4.82%	1.78%
Benchmark 90DBBSW	\$165,517,210.00	\$165,319,134.20	3.04%	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%	1.21%	A-1+	100%	19.63%
AA Category	100%	21.15%	A-1	100%	18.12%
A Category or below	60%	11.30%	A-2	60%	19.33%
BBB Category or below	20%	1.81%	A-3	0%	0.00%
Unrated	10%	5.03%	Unrated	10%	2.42%

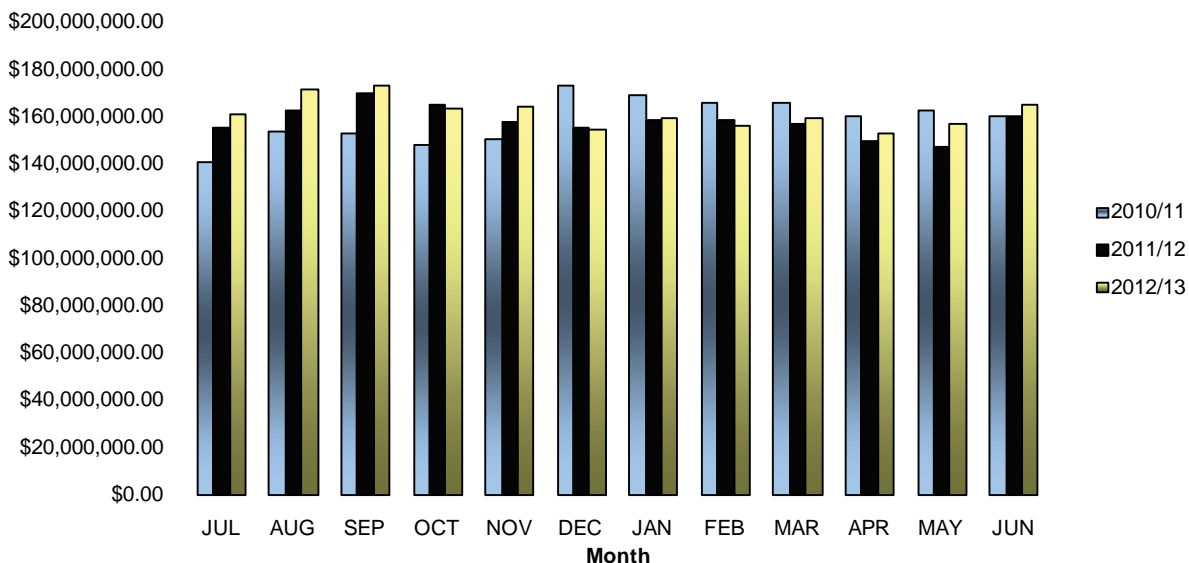
9. Term to Maturity

Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	59.51%	Minimum 40% of portfolio
Between 365 days and 2 years	7.25%	Maximum 60%
Between 2 years and 5 years	33.24%	Maximum 35%
Total	100.00%	

10. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital Highly secure as a bank deposit
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital Highly secure (bank risk)
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds Highly secure as a bank deposit
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills Can accrue capital gain if sold ahead of maturity and market interest rates have fallen Coupon interest rate resets quarterly based on 90 day bank bill swap rate Relatively liquid Less administration than bank bills
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen Fixed return - semi annual coupons Generally liquid Can be government or corporate issuer

11. Monthly Comparison of Total Funds Invested



12. Section 94 Developer Contributions - Monthly Balances and 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	7,763,445	154,561
05	Local Area Open Space	886,918	6,037
06	Street Tree Planting in Residential Areas	136,412	
07	West Kingscliff Opens Space & Drainage	416,509	
10	Cobaki Lakes Open Space & Community Facilities	(1,031)	
11	Shire Wide Library Facilities	1,481,109	11,813
12	Bus Shelters	60,570	944
13	Eviron Cemetery	(29,444)	1,917
14	Mebbin Springs Subdivision - Rural Road Upgrading	83,035	
15	Community Facilities	454,930	21,263
16	Emergency Facilities - Surf Lifesaving	339,486	596
18	Council Administration & Technical Support	1,021,948	26,314
19	Kings Beach/Casuarina/Kings Forest	234,685	61,666
20	Seabreeze Estate - Open Space	693	
21	Terranora Village Estate - Open Space & Community Facilities	28,429	
22	Shirewide Cycleways	288,181	6,071
23	Shirewide Carparking	2,047,966	
25	Salt Development - Open Space & Car Parking	1,005,864	
26	Shirewide/Regional Open Space	1,544,313	51,426
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		23,242,878	342,608

13. Economic Commentary

Australian Economy and Cash Rate

At the Reserve Bank of Australia (RBA) meeting on 2 July 2013 the cash rate remained on hold at 2.75%.

The RBA stated that "recent information is consistent with global growth running a bit below average this year, with reasonable prospects of a pickup next year. Commodity prices have declined further but, overall, remain at high levels by historical standards. Inflation has moderated over recent months in a number of countries.

In Australia, the recent national accounts confirmed that the economy has been growing a bit below trend over the recent period. This is expected to continue in the near term as the economy adjusts to lower levels of mining investment. The unemployment rate has edged higher over the past year and growth in labour costs has moderated.

Inflation has been consistent with the medium term target and is expected to remain so over the next one to two years, notwithstanding the effects of the recent depreciation of the exchange rate.

The easing in monetary policy over the past 18 months has supported interest sensitive spending and asset values and further effects can be expected over time. The pace of borrowing has remained relatively subdued, though recently there are signs of increased demand for finance by households.

The Australian dollar has depreciated by around 10 per cent since early April, although it remains at a high level. It is possible that the exchange rate will depreciate further over time, which would help to foster a rebalancing of growth in the economy.

Global Economy

Globally, financial conditions remain very accommodative. However, a reassessment by the market of the outlook for monetary policy in the United States has seen a noticeable rise in sovereign bond yields from exceptionally low levels. Volatility in financial markets has increased and there has been some widening of credit spreads."

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 73.5% of the portfolio held in cash and term deposits. Term deposit and bond margins above the 90 day bank bill rate remain high and widened during June. While this results in above benchmark investment income returns, the capital value of fixed/floating bonds has fallen.

An all time low cash rate is translating to falling total investment yields. This situation continues to present difficulties obtaining reasonable investment income without risking capital.

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 1.6% 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	9,364,320.00	
FLOATING RATE NOTES	34,454,814.20	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSITS	42,500,000.00	
WATER FUND CALL ACCOUNT	10,500,000.00	96,819,134.20
TERM DEPOSITS	27,500,000.00	
SEWERAGE FUND FUND MANAGERS	0.00	27,500,000.00
TERM DEPOSITS	41,000,000.00	
FUND MANAGERS	0.00	41,000,000.00
TOTAL INVESTMENTS		165,319,134.20

It should be noted that the General Fund investments of \$96 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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

37 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 May 2013

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

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
-

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory 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 Aboriginal Advisory Committee Meeting held Friday 3 May 2013 be received and noted.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 3 May 2013 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum and Cultural Centre

Time:

9.40am

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:

Naida Tattersall (Tweed Shire Council), Anne McLean (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guest Observers (in order of arrival):

Rob Appo (Converge) (arrived at 9.15am), Tim Gall (Converge) (arrived at 10.00am), Kelly Fox (arrived at 10.30am), Craig Tuffin (arrived at 10.30am), Sharon Husar (Department of Family and Community Services) (arrived at 11.17am), Jason Young (Tweed Shire Council) (arrived at 12.26pm), Tim Robins (Everick) (arrived at 1.13pm), Richard Robins (Everick) (arrived at 1.13pm), Ana Bishop (Everick) (arrived at 1.13pm), Colleen Forbes (Tweed Shire Council) (arrived at 1.55pm).

Apologies:

Barry Longland (Mayor of Tweed Shire), Cr Katie Milne (Tweed Shire Council), David Oxenham (Tweed Shire Council), Marvette Logan.

Chair: Desrae Rotumah

Moved: Jackie McDonald

Seconded: Leweena Williams

RESOLVED that the Chair was declared vacant and nominations were called. Desrae Rotumah was nominated and was unanimously elected to Chair the meeting.

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

Minutes of Previous Meeting:

Moved: Aunty Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 18 January 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Minutes of Previous Meeting:

Moved: Jackie McDonald

Seconded: Leweena Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 1 February 2013 be accepted as a true and accurate record of the proceedings of that meeting with the exception that:

1. Agenda Item A1(a) Ocean Drive, Chinderah Heritage Assessment - Marvette Logan was also a registered stakeholder and received a copy of Assessment report; and
2. Item A3 Destination Tweed - paragraph 6 "Bill suggested the AAC could develop a list of sites - something that could become an Indigenous Itinerary for tourists to visit". It was noted that there was no action in relation to this item.

Business Arising:

Moved: Aunty Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the following Action Items recorded as A2, GB1, GB2, A4 and GB3 from the Aboriginal Advisory Committee discussions held on 1 March 2013 be ratified:

A2 Local Environment Plan - Aboriginal Cultural Heritage - Robyn Eisermann (Tweed Shire Council)

Action: Anne McLean to liaise with Robyn Eisermann about levels of Aboriginal training required across Council. Robyn to invite Anne to attend meeting with Suzanne Richmond.

Action: As a result of the ACHMP the Committee has requested an Aboriginal Cultural Heritage Officer sit within the Planning Unit.

GB1.Committee Membership

Action: Council to write to the Board of the Bugalwena Aboriginal Health Service inviting them to nominate a member to the AAC and attend meetings.

GB2.Junction Park - Tumbulgum

Action: Anne McLean to liaise with Tumbulgum community representatives and advise that it is not appropriate to state the Aboriginal meaning of Tumbulgum as being 'meeting place of waters'.

A4. Tweed Coast Estuaries Management Plan

Action: Anne McLean to send an email submission to Tom Alletson with the suggested change. Item to then to be resolved at the next meeting.

GB3.Welcome to Country/Acknowledgement of Country

Action: Members agreed to go back to their Committees to nominate some people and to bring names back to the next AAC meeting for endorsement.

Action: Members to discuss a standard fee with their Committees and bring back details to next meeting.

Agenda Items:

A1 Aboriginal Cultural Heritage Management Plan - Rob Appo and Tim Gall (Converge)

(a) Aboriginal Cultural Heritage Management Plan

Rob Appo and Tim Gall provided an update of the mapping project which is currently in the digitising stage. The community open day held in March was well attended and some

additional sites were identified. In accordance with the timeline, the mapping project is to be delivered to Council in mid-May. The thematic history is going well and Craig Barrett has confirmed the open day was beneficial and he would like to bring the paperwork to the next meeting.

Following the open day a presentation was done at Canowindra with 35 Aboriginal Elders attending.

Tim Gall of Converge noted it is now 12 months since the MOU was signed by community therefore it is important to revisit the MOU in context of how Council will manage and access the ACHMP data. The Committee will be requested to endorse the mapping and thematic information before it is handed over to Council. The mapping project will be placed on public exhibition once it has been finalised.

As a result of the mapping project, 120 additional sites will require registering and it will enhance the AHIMS information. An example of this is that presently AHIMS has identified a site which is in the middle of the water and the project has allowed such sites to be identified and corrected. The project will improve the quality of supporting information for existing sites.

Robyn Eisermann of Council will attend the next meeting to discuss how Council will be using the information. An official event will be held for the handover of the information to Council and the community in due course. It was suggested that the event could proceed as an open day where the community can come along and have a look at the finished product. It is a great outcome for the community. The final deliverable of the project is for Converge to develop a framework for the management of the information and incorporation into the LEP.

Tim acknowledged the Committee for its input which has assisted with the success of the ACHMP project. Converge cherish the information provided by the community. It is important for Converge to establish how Council will manage the information given to them before it is handed over.

OEH has been liaising with Converge to complete update of AHIMS information which will be available for the whole community. Anyone who wants access to the GIS data will be able to obtain it eg. TBLALC.

The mapping will highlight any cultural significance on a particular piece of land. A purchaser or developer will see shading on that piece of land which indicates to them that there are constraints in that area.

Additional sites will be identified and added to the maps over time. Des Williams advised there are three additional sites at River Heights which include burial sites. Some roles and partnerships will need to be identified between Council, AAC, TBLALC and others of sharing information and updating the maps as new sites come to light.

(b) Station Street Burringbar, Cultural Heritage Assessment

The Station Street site and two artefacts have now been registered in AHIMS and the information has been provided to TBLALC. By clearing the site without going through the correct process, one of the artefacts rolled down into the footprint of the development, which didn't do the developers any favours. The developer will need to apply for an AHIP for the

artefact to be relocated. It could be relocated back to the Minjungbal Museum. The other artefact is outside of the footprint of the development and there needs to be a buffer. There is a midgen bush up there which the flora and fauna consultant said was very significant in that landscape. The developer now has a report identifying other sites on the land.

The Committee thanked Converge for their actions.

Des Williams left meeting at 10.33am

(c) Honours Project "Holocene palaeogeography for the Tweed and its link with Indigenous cultural sites" - Kelly Fox

Rob Appo introduced Kelly Fox to the Committee and advised that she is Ian Fox's daughter. Kelly is undertaking an Honours project and would like to provide details and seek some advice from the Committee.

Kelly provided the Committee with an overview of her project which is entitled "Holocene palaeogeography for the Tweed and its link with Indigenous cultural sites". Aunty Joyce retained the hard copy of the proposal that Kelly tabled.

Action: Kelly to email a copy of the proposal including background and methodology to Gabby who will distribute it to the Committee.

The aim of the project is to construct the geography of 3 sites of Aboriginal significance in the Tweed during the Holocene period being: Wooyung (off Jones Road); Cudgen Lake; Stotts Creek/Duranbah.

Kelly hopes to establish a relationship between places of cultural heritage and palaeogeography. With the Committee's consent, Rob Appo will accompany Kelly on all sampling expeditions to ensure cultural material is not damaged.

Leweena enquired as to Kelly's interest in undertaking the project. Kelly advised she has obtained a Geology Degree in QLD and the subject is interesting and new for the community. Kelly also has a personal interest through her father, Ian Fox.

The project will run until November 2013. Kelly needs to carry out the coring asap over three days and has allocated one day per site. If members have any relevant reports, please forward them to Kelly. The final project report will be made available to the AAC.

Des Williams returned to meeting at 10.41am

The Committee gave in principal support for Rob Appo to work with Kelly as an advisor on cultural heritage management issues. Des advised that he has been speaking with Rob and Ian about the project. Kelly encouraged the Committee to contact her through Ian Fox if they have any queries.

Jackie advised that she felt that Cobaki is a significant site and should be considered for the project.

Action: Kelly requested that an excerpt of the Minutes be forwarded to her.

A2. Exhibition at Tweed River Art Gallery - Craig Tuffin

Rob Appo introduced Craig Tuffin who is working on a photography project and is seeking advice from the Committee. Craig thanked the Committee for including him on the Agenda.

Rob Appo and Kelly Fox left at 10.47am

Craig uses an antique form of photography from 1839 known as wet plate collodion where he sensitises glass plates. Historically, this process was used to document Aboriginal people. Craig has signed a contract with the Tweed River Art Gallery for his exhibition featuring a representation of the Minjungbal people for NAIDOC 2014.

Craig would like to offer himself as a commission to the Minjungbal people enabling them to say 'this is our story and this is what we value as place' in today's context. A proportion of the sales of work will go back into community. Craig is seeking advice from the Committee as to where it would be best to direct those funds.

The exhibition would include a multiple collage of 100 photographic plates including objects found on Minjungbal land (eg. kookaburra feathers), people and valuable places eg. the bora rings at Minjungbal Museum, Fingal Head etc. Craig wants it to be not only the story of the Minjungbal people but also a historical record.

Michael Aird has taken an advisory role so that the project isn't skewed in a particular direction. The project needs to be an accumulation of environment and people, not just portraits of people.

Craig would like the Committee to assist by identifying areas that are valuable to the Minjungbal people, view material, and then view the collection prior to the exhibition, so that it won't be offensive. He would love endorsement from the Committee to the project.

Jackie McDonald left meeting at 10.57am

Leweena Williams commented that it is an interesting concept. The Aboriginal community in the Tweed has been lucky as it has been well documented over the years. Minjungbal Museum is the keeping place for many photographs taken over the years.

Jackie McDonald returned to meeting at 11.00am

Craig requested that the Committee members take the concept to their community. The benefit of Craig working with Michael Aird was acknowledged. Craig noted that the project isn't just about photographing the famous people. The photographs will go into a collection. It would be valuable to have the Committee and Aboriginal community on board and contributing.

Craig left his business cards so that members can contact him for further information.

Craig Tuffin left the meeting at 11.05am

Business was suspended for discussion of A5. Request that Everick (A7) be contacted and asked to come earlier.

A5. Aboriginal Development Officer ('ADO')

Council's Human Resources Unit ('HR') has suggested that the position of ADO be advertised as a Level 7 position and potential cadetship. If the Committee agrees, interested members are requested to work with Naida Tattersall and HR to review the PD.

Jackie McDonald left the meeting at 11.10am

The ADO position is a strategic position - the position should be able to go out to the community and facilitate sessions and workshops including MOU, Reconciliation Action Plan, Aboriginal demographic data updates etc. The ADO would come along to the AAC meetings together with senior Council staff.

Jackie McDonald returned to meeting at 11.17am
Sharon Husar arrived at 11.17am

When the ADO position was last advertised, there weren't any applicants with the required qualifications. Council wishes to re-word the PD to attract suitably qualified Aboriginal people to the role.

The Committee expressed great concern that an Aboriginal person working at Council is working in isolation. It was suggested that a mentor (such as Jodi Sampson) could be engaged.

Desrae Rotumah left the meeting at 11.20am

Arts Northern Rivers have asked if they could locate their Aboriginal Officer at Council in the Community and Cultural Services unit. This may be one way to reduce the isolation.

Desrae Rotumah returned to meeting at 11.23am

It was suggested that another way to reduce the isolation could be for all Council Aboriginal officers to get together once per week and have a yarn.

The Committee was asked how important it is for the person to be from this area; what if someone applied, they had the qualification and Certificate of Aboriginality but were not from this area.

Agenda Item A5 suspended for Item A3.

A3. Sexual Assault Program - Sharon Husar (NSW Dept Family and Community Services)

Sharon Husar advised that she is a member of JIRT (Joint Investigation Response Team) and is seeking assistance from the Committee as to how the JIRT team can do their job better when working with members of the Aboriginal community. The JIRT team is made up of: Police Child Protection Officer; Health Officer and Family and Community Services Officer. In the case of a report in an Aboriginal community, some Aboriginal officers would be appointed. The team investigate serious matters of child abuse - sexual or physical assault.

Des Williams asked if this has been triggered by the Northern Territory intervention. Sharon advised that it isn't related. Des expressed concern that the information will be used to

misrepresent Aboriginal people to indicate there is greater abuse in the Aboriginal community than in the white community.

Sharon advised a taskforce was set up to investigate sexual assault in Aboriginal communities in 2008. Initially the taskforce was just made up of Police. Community Services staff then joined recognising the importance of making children feel comfortable and safe when being interviewed. Health then came on-board in 2009. Aboriginal workers are on the team. All agency representatives meet and work together on each case.

The Committee noted the Northern Territory intervention sent a message to the rest of the world and Australia that indicates there is more child abuse in Aboriginal communities and that every Aboriginal male is a possible perpetrator. Sharon advised that the JIRT team doesn't just deal with Aboriginal people, they respond to reports of child abuse from all cultures. The same process is used for everyone however for each culture the team tries to respond as best they can to meet individual cultural needs. The purpose of attending the AAC is to ask how it can be done better when investigating reports of abuse in the Tweed Aboriginal community. JIRT are trying to find key community members in each area who are able to assist by providing information about what JIRT does and advising what best suits the Aboriginal groups in the area. The Committee noted that Aboriginal people were employed to do the Aboriginal intervention however when those Aboriginal people put up recommendations, they were all dismissed. Therefore, they are concerned how the information provided is going to be used.

The AAC asked Sharon to outline the reporting process. A report is made through Helpline, Schools (Department of Education), Police or public and then if it fits criteria then it goes to the JIRT referral team. A special report is sent out to the team in that area (made up of Police, Health, Community Services). The team meets to discuss the report. They then have a meeting with the child and family which is recorded. The child tells the story and then the team talks to the child as to what it wants to happen next and what can be done eg. legal action against perpetrator, counselling etc. JIRT is about helping the young person and protecting them so they are not repeatedly victimised.

Sharon advised she is already attending the Yarn Up Aboriginal Interagency.

Action: AAC requested that Sharon Husar liaise with Bec Couch of Tweed Heads Police to arrange a community meeting and to invite Sharon Husar and counterparts to address the meeting. Gabby to send contact details for Bec Couch to Sharon Husar.

Action: Sharon Husar invited to attend the next TWAECG meeting on 17 June 2013 at Kingscliff High School. Gabby to forward Jackie McDonald's contact details to Sharon so they can liaise.

Sharon will arrange for at least one of the Aboriginal JIRT officers to come along to the meetings so the community can meet them.

As Project Officer, Sharon travels between Tweed Heads to Taree out to Armidale, Tamworth etc.

Sharon tabled various information some of which included the JIRT Response Team contact details which she noted were confidential.

Sharon Husar left the meeting at 12.14pm

Resumption of discussion Agenda Item A5

A5. Aboriginal Development Officer ('ADO')

Resumption of discussion regarding the ADO position. Council requested assistance from Committee members with redrafting the ADO PD into the correct language.

Jackie McDonald left the meeting at 12.15pm

The position will be advertised in such a way that if a community member is interested in the position and has experience working with the community, but lacks tertiary qualifications, then the role may be offered as a cadetship. The position could be filled by a person of any age but there must be a commitment to undertake tertiary qualifications. Council could also offer mentoring.

It was queried that if the person is from the local community, how much harder is it for them with potential conflicts between TSC and the community?

Jackie McDonald returned to the meeting at 12.23pm

The Committee affirmed that a community person is preferred and they should know the running of the community eg. Aboriginal groups and have interaction with the groups. However it was noted a decision will be made at the time based on the applicants.

Des Williams is of the opinion the cadetship is the best way to proceed as the person will then gain qualifications and skills to take on.

Action: *Position to be advertised. Naida Tattersall to draft the PD, forward it and liaise with Des Williams, Jackie McDonald and Auntie Joyce Summers.*

Jason Young arrived at 12.26pm

Jackie McDonald left at 12.27pm

A4. Kirkwood Road, Tweed Heads South - Jason Young (Tweed Shire Council)

(a) Relocation of Scarred Tree

Jason advised that the scarred tree currently sits in a container at Council's depot at Murwillumbah. Jason sought advice from the Committee as to whether they wished for it to be returned to country.

Jackie McDonald returned to meeting at 12.29pm

Suggestion that the scarred tree be returned to country to as close as the original site as possible. Jason agreed that this could happen but wanted to liaise with AAC as to how they wished for it to be returned to country eg. ceremony. Jackie McDonald noted the TWAECG would like the scarred tree to be seen, treasured, looked after and used for educational purposes. It was noted the scarred tree has not been treated since removal. If the scarred tree was placed along Kirkwood Rd for educational purposes Jason advised he is unable to guarantee its safety.

Desrae Rotumah advised that Minjungbal Museum (Tweed Aboriginal Cooperative) does not wish to have the scarred tree as they don't know enough about it. It was agreed that the

scarred tree needs to be retained above the ground - not buried. Des Williams advised that the scarred tree doesn't have any male or female ceremony or spiritual significance that would affect the people at the museum.

Action: *Des Williams to attend the Tweed Aboriginal Cooperative meeting next week and to then contact Jason Young.*

In the interim, Jason requested to provide advice on storage, treatment etc. Jason confirmed that Council has made a commitment to treat and store the scarred tree. Currently it is a full section so weighs in excess of 400kg. Jason asked the Committee if the section of tree can be made smaller to make it more manageable. The Committee advised no and noted once it is placed in position, it will be difficult to relocate. It was agreed that the scarred tree be treated and placed in Perspex.

Action: *Jason Young to consult with a timber preservation expert, to proceed with treatment of the tree and to provide advice to the Committee.*

(b) Plaque

Jason Young advised that Council will place a plaque on the brick wall on Kirkwood Road as an acknowledgement that the scarred tree was once there. Jason was proposing to get a bronze plaque made up and he believes it would be possible to get a bronze picture of the tree on the plaque. Jason will discuss with an expert. The plaque would be approximately A3 in size.

Action: *Jason Young to draft some wording and bring along to the next meeting.*

Action: *Jason Young to discuss with an expert the possibility of having a picture of the tree on the plaque.*

(c) OSM29 Provide copy of AHIP to AAC members

Not discussed.

(d) OSM30 Aboriginal Employment on Kirkwood Road project

Jackie McDonald asked whether a discussion had taken place between the General Manager and Jason Young regarding the lack of employment on the Kirkwood Road project following a meeting between Aboriginal representatives and the General Manager (David Keenan). Jason advised he wasn't aware that a meeting took place between the Aboriginal representatives and the General Manager. Jason is currently liaising with Troy Green, Acting General Manager to respond to the email sent by Jackie.

Jason confirmed there is presently one full-time Aboriginal position on site that has been in employment since February 2012. Jason advised he wasn't sure of the person's history or whether he came from the Banora Point project.

Jason advised that Council has continuously worked with the contractor to ensure that Aboriginal people are employed on the project. The contractor has gone through the process to find applicants they would like to interview, have interviewed some applicants and recruited someone who they felt was suitable. That person is still on staff. The other Aboriginal staff on the project unfortunately didn't work out.

Jackie advised that the types of jobs offered were traffic control jobs. Jackie and Des were never advised by See Civil that the positions that were going to be offered were traffic control and the Aboriginal people didn't have those qualifications. TBLALC had trained Aboriginal people for heavy equipment positions not traffic control.

Jackie advised the Aboriginal community expected more than one position and Council has not done anything about it despite meetings etc.

Jason noted that the Banora Point project had 10 Aboriginal employees for a \$300m project however the Kirkwood Road project is only around \$10m.

TBLALC advised that the agreement had been two Aboriginal people and their concern was that the people were local. Many discussions were held between Council and the Aboriginal community to determine the number of employees.

Anne noted that Council recently developed a range of criteria for assessing local businesses in the tender process and enquired whether it would be possible to come up with a similar matrix for local Aboriginal employment? Jason agreed that improvements could be made.

Jackie McDonald left the meeting at 1.06pm

Jason noted that Council uses day staff in every project it undertakes. HR is trying to improve and increase Aboriginal participation and positions in Council. A workshop was going to be held next week with Jodi Sampson and Kelly Nathan-McKellar however this will now need to be postponed due to Kelly's work commitments. Jason acknowledged Jackie's frustration and that the Aboriginal employment opportunities at Kirkwood Road weren't the best.

Jackie McDonald returned at 1.10pm

Jason provided an update on the construction. The security fence has been erected at the top but the topsoil hasn't yet been applied and once it is, Council will contact TBLALC to arrange monitors. This isn't expected to happen for the next 2 to 3 months.

Committee thanked Jason for attending meeting.

Jason Young left meeting at 1.12pm

Tim Robins, Richard Robins, Ana Bishop, Brett Moody arrived at 1.13pm

A7. Tim Robins, Richard Robins, Ana Bishop (Everick)

(b) Border Park Project – Due Diligence Report (Brett Moody, Bunnings)

Tim Robins introduced Brett Moody of Bunnings to the Committee. Bunnings has an existing store at Tweed Heads South however it is small and congested compared to other stores which are 13,000m² to 19,000m². Bunnings is looking for a new site and has been in discussions with Border Park Race Track over the past few years. Border Park Race Track had been looking at relocating to Murwillumbah however this is no longer viable. They are now looking at an arrangement with Border Park which includes redeveloping the whole site to include the race track and Bunnings store.

Brett advised that the project would create approximately 200 jobs in the store and approximately 150 jobs during construction. Jackie asked whether they would be looking at

employing local Aboriginal people and asked that there be discussions of Aboriginal employment for local kids during construction. Brett advised that due to the way that the contracts are done with the builders it is hard to actually factor that in. Bunnings can assist with employment on a more permanent basis by offering approximately 200 jobs in-store for both Aboriginal and other local people. The 200 jobs would be current staff but also many more new positions. Jackie asked whether Bunnings has an Aboriginal Employment Strategy and Brett advised he was unsure but he would check and get back to the Committee.

In the last financial year, Bunnings nationally returned \$30m to local communities.

Everick looked at the site in 2010 with TBLALC and did a full walkover and reviewed all historic resources. The site has an extensive land use history. Everick referenced the Due Diligence Cultural Heritage Assessment report which shows the site is within a red flag area as far as developments in the Tweed. It is opposite the airport site and what remains of the lands that haven't been intensively developed in the area are likely to contain Aboriginal heritage. The whole site was a sandmining lease and if you refer to the 1962 aerial photos and then look at the 1963 aerial photos, you can see the large area taken out. In 1976 the site was developed and is largely unchanged today. Everick also looked at the bore hole logs for the northern half of the site which show there is about 1 metre of fill and disturbance over the site and 1 metre underneath there is reasonably undisturbed sand in the northern portion. Everick had a long look with Cyril of TBLALC and came up with the risk table on page 43 and broke the site up into all the different land use areas.

Given the sandmining over the site, Everick don't think that archaeological excavations are required however some sort of precautionary measures are required which would be to have Monitors in Areas 3 and 5. Area 1 has one metre of fill over the site so is considered low risk.

Aunty Joyce Summers left the meeting at 1.34pm

It was noted that human remains have previously been found on the registered site across the road on the airport site.

Aunty Joyce Summers returned 1.35pm

Des Williams left the meeting at 1.36pm

Everick requested that members read through the report. Section 4 contains a lengthy statement on the cultural significance of the region which includes a statement from Jackie McDonald which was provided for Cobaki. Everick would like Jackie to confirm she is happy for the statement to be included in the Border Park report. Everick will request a resolution from the Committee at the next meeting once the members have had an opportunity to read through the report.

Everick also have a letter from Cyril Scott of TBLALC which stated that cautionary monitoring of the site was required. The letter hasn't been included in the report but Tim will forward a copy.

Des Williams returned to the meeting at 1.38pm

Brett Moody left the meeting at 1.39pm

(a) Cobaki Lakes - Excavation Results

Richard Robins tabled and handed out to members the report 'Cobaki Lakes Residential Development Archaeological Excavation Report'. The Cobaki Lakes site has been divided into three parts: front paddock; back paddock and sand ridge.

The front paddock (refer to page 64) is up near the border on the northern part of site. This is a highly disturbed area. Nine trenches were dug in this area however only 3 or 4 artefacts were found.

In the back paddock (refer to page 70), a series of 14 trenches about 10-20m long were dug and three different kinds of environment were sampled (crest, saddles, down by the creek). Artefacts were found in every trench; 245 artefacts were found in trench 4 (page 45). The crests had the highest number of artefacts found per square metre, the saddles had the second highest and the gullies had the lowest number. Members were referred to page 80 which shows high variability with artefacts everywhere. This area was used extensively.

The Council requires developers to dedicate a certain amount of land to parkland. To retain cultural heritage areas, Everick has recommended 14 parklands on this site. Careful engineering will be required to ensure parklands protect the artefacts and retain the natural landscape.

A supplementary report was prepared by Mark Moore at University of QLD. Following the examination of some stone artefacts, Mark stated that there are things Aboriginal people were doing in Cobaki that weren't done elsewhere in SE QLD.

In the sand ridge (page 90), 58 trenches were dug each 2m. A 50x50 cut in a midden found large numbers of artefacts and patterning in the distribution which was similar to the paddock. There is evidence of people importing stone material and using them in varying degrees all over the areas excavated. This seems to indicate people repeatedly visited the site over long periods of time. This finding reinforces that this is a place that was used a lot by Aboriginal people.

Colleen Forbes arrived at 1.55pm

On page 127 of the report are two pictures of a trench. It shows a shell midden which was excavated and some of the shell was dated. The results indicate the top layer date is between 90 and 200 years old. The bottom layer date is between 26,000 and 32,000 years old. Therefore the approximate age of the dune in that part is about 30,000 years old. A second trench was dated between 28,000 and 40,000 years old. This trench had a peat / vegetation layer, with artefacts below it. If the peat layer can be dated, a minimum age for occupation of the dune could be established. There is potential for site to be 40,000 years old and the oldest site in Coastal Eastern Australia.

Everick have asked the developer to allow them access to reopen the pits and get more samples for testing. They need to show that it isn't a mixed dune which would give inaccurate dates. Everick wish to engage experts to ascertain the date of the sand dune and artefacts contained therein.

Jackie suggested that the Aboriginal community need to revisit the request for an 'Emergency Listing' from the Federal Minister despite the site being on private land.

Everick requested that the AAC members read the report and come back to the next meeting with comments so that they can be presented to the developer. The site is an area of potentially exceptional archaeological significance. It shows that 90 years ago and possibly 40,000 years ago there has been continuous occupation of the area by Aboriginal people.

Everick noted the last plan they viewed included a park encapsulating the area of the sand ridge so it is not at risk of immediate development. Before any development can proceed, Leda need to lodge a DA with Council.

It was noted Leda is currently focusing on the north side of the site and have approval for precincts 1, 2 and 6 in the middle. They are pushing for the drainage construction certificate that runs north of the site.

Jackie McDonald asked what happens to artefacts that are found on the site following DA approval being provided and homes being built?

Desrae Rotumah left the meeting at 2.24pm

It was suggested there could be a keeping place for artefacts on the site. Des Williams commented that the Aboriginal community don't want to build a keeping place at Cobaki which could rival the Minjungbal Museum.

Everick noted there are monitoring procedures in place for Cobaki and cultural monitors will be required.

Desrae Rotumah returned to the meeting at 2.26pm
Aunty Joyce Summers left the meeting at 2.26pm

Richard reiterated that the AAC members can discuss the report findings within community but requested they not go to the media. Everick will brief Council, the Department of Planning and then the archaeological community.

Aunty Joyce Summers returned at 2.30pm

(c) OSM20 Cobaki Lakes - Employment opportunities

Everick have been trying to meet with Leda regarding Precincts 1, 2 and 6. Everick have discussed employment in the past with Leda and recent findings might be a turning point for Aboriginal employment opportunities.

(d) OSM21 Cobaki Lakes - Nominations for monitors

TBLALC has supplied some names of monitors to Everick. Members were requested to supply the names of any other monitors to Everick for both Cobaki Lakes and Kings Forest.

(e) OSM22 Cobaki Lakes - Keeping place for relics

Previous discussions have been held of whether the keeping place for relics could be contained within the community centre at Cobaki Lakes. Is Everick able to advocate for the community centre to be brought forward as the current date for the centre is for when the site is 60% occupied. Could it be constructed upfront and have dual purpose of community centre and keeping place?

The Aboriginal community need to have discussions about whether to have multiple keeping places or should the keeping place be at Minjungbal Museum. The Aboriginal community need to have further discussions about this for all sites, not just Cobaki Lakes.

The State of NSW owns the artefacts but it is a matter for the Aboriginal community as to where the best place is for them to be kept. Care and control permits can be arranged.

Everick will advocate for a keeping place or funding for a keeping place, whichever the Aboriginal community wishes.

(f) OSM11 River Heights Tourist Park - Update re results of further cultural heritage investigations

Everick reported that test excavations have not progressed very far due to issues with clearing the site and gaining access as they can't get in at the moment. Crews are ready to go as soon as access is available which should be Tuesday. They are aiming to finish off test excavations and then move to areas that are appropriate for excavation.

Everick are getting more of a picture of the cultural significance of the immediate and broader region and need to continue working on that.

Des Williams advised he is pretty sure the test pits on the hill won't show anything because it was discovered there is a major burial site at the bottom of the hill which indicates it is not a high traffic area and that being the case there would be very few if any artefacts in the area. There are also two initiation sites close by, a bora ring on the ridge opposite, the small midden at Champagne Drive and another bora ring on the ridge over from River Heights on the south. Des has identified the bora rings and burial site to Adrian. The middens indicate it was frequented on the other side of Fraser Drive.

Everick will need to document as fully as possible so will need to talk in the future with Des. Everick are essentially preparing to go to Court no matter how the cultural heritage assessment goes.

Des noted the only way to physically verify the burial ground is to drain the swamp and dig which Everick don't want to do. They are not sure whether the physical results of the burial ground would survive in the site/swamp; they may not preserve a thousand years. Des advised that his assessment is that the youngest burial was a bit over 100 years ago. Des has a fair idea where it is in the swamp. The oldest burial is many thousands of years ago. The closeness of the burial site might indicate why there was no burial site located at Cobaki.

Tim, Adrian and Ana to meet with Des on site on Tuesday, which is a monitoring day.

Jackie McDonald left meeting at 2.54pm

Everick indicated they thought access to the site was in accordance with Plan B of the development consent. It was noted that if it isn't through the identified route then amended development consent will be required.

Jackie McDonald returned to the meeting at 2.56pm

Des advised he has seen some of the pads set down for testing at the bottom but he doesn't think they will find anything there. Everick don't expect to find anything either but want to cover bases.

Tim Robins, Richard Robins, Ana Bishop, Colleen Forbes left the meeting at 2.58pm

GB1.Discussion re future meetings

To be discussed at next meeting.

GB2.All Access Playground

To be discussed at next meeting.

GB3.Youth Strategy

To be discussed at next meeting.

GB4.Floodplain Management Association National Conference - Welcome to Country and Performers

Anne McLean advised that Council has received a request for a Welcome to Country to be done at the opening of the Floodplain Management Association National Conference. Anne asked whether the Committee would prefer a Welcome to Country or Acknowledgement be done. Desrae advised that she could ask Victor Slockee if he was available to do the Welcome to Country. Luther Cora may also be available to do the Welcome to Country.

Action: *Gabby to liaise with Desrae Rotumah next week to see if she has spoken with Victor Slockee and if he is available to obtain his contact phone number.*

Action: *Gabby to contact Vicki Cora to request contact details for Luther Cora.*

GB5.World Environment Day

Council's Environmental Education Officer is seeking advice from the Committee regarding engaging Franc Krasna to convene school event cultural activities at World Environment Day. The Committee agreed that it was in order for Council to contact Franc Krasna to see if he would like to participate.

GB6.Fingal Head Coastcare

Fingal Head Coastcare is working with Council's Environmental Education Officer regarding interpretive signage at Fingal Head. Fingal Head Coastcare wish to engage an Aboriginal artist to supply some illustrations.

Action: *Anne McLean to provide contact details of Aunty Joyce Summers and Leweena Williams to Kay Bolton.*

GB7.Chairperson for next meeting

Discussion regarding whether the Committee wished to nominate a Chairperson for the next meeting. The Committee advised they don't wish to appoint a Chairperson. If the meeting requires cancelling due to lack of quorum, Council to cancel meeting and advise members.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 7 June 2013.

The meeting closed at 3.08pm.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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38 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 June 2013

SUBMITTED BY: Community and Natural Resources



Caring for the Environment

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
-

SUMMARY OF REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 June 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 June 2013 be received and noted.

REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 12 June 2013 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

1.10pm

Present:

Cr Barry Longland (Chair); Cr Gary Bagnall; John Harbison (Mooball); Terry Kane (Cabarita Beach-Bogangar); Jason Pearson (Kingscliff); David Cranwell (Pottsville); Roger Graf (Fingal Head); Jane Lofthouse, Tom Alletson, Sebastien Garcia-Cuenca, Marama Hopkins, Stewart Brawley (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Ben Fitzgibbon (Office of Environment and Heritage); Peter Sloan (Bogangar); Tim Jack Adams (Kingscliff); Rhonda James (Restoration Industry); Pat Dwyer (Department of Industry & Investment NSW); Michael Munday (Bogangar).

Jane introduced Marama from Council's NRM Unit and advised that Marama will be attending meetings instead of Mark Kingston.

Minutes of Previous Meeting:

Moved: Terry Kane

Seconded: Jason Pearson

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 10 April 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Horse Access - Cabarita Beach

Jane provided an update on this activity. A Council ranger spoke with the horse trainer accessing the site and discussed the issue with NPWS staff. The trainer was advised to ensure no damage to Council beach access points, requested to clean up any horse manure and advised that access was not permitted through Cudgen Nature Reserve.

Rangers are developing guidelines for beach use and access by horses. It should be noted that legislatively Council is restricted in what action can be taken.

Terry commented that the activity seems to have ceased in this area.

BA2. Sutherland Point

Jason requested an update on the discussion at the last meeting about the proposal to use Sutherland Point as a primitive camping area for educational purposes as raised by Tim.

There was discussion on usage and the level of facilities that may be required to ensure safety. Noted that significant investigation would be needed and a development application.

Usage of Sutherland Point for this purpose should be considered in the Coastal Zone Management Plan.

BA3. Tweed Coast Estuaries Coastal Zone Management Plan

Terry asked if Council received enough submissions; Tom responded yes and that the finalised document would be presented at the August meeting for endorsement prior to being submitted to Council for adoption.

Agenda Items:

A1. Kingscliff Foreshore Update

Jane advised that the Draft Tweed Shire Coastal Hazards Assessment was near completion following detailed consideration of amendments by staff and the Office of Environment and Heritage. The finalised Draft copy will be circulated to members for consideration at the August meeting.

The Cost Benefit Assessment report for Kingscliff was still outstanding and should be received shortly.

The Kingscliff Groynes study has been received but not yet fully reviewed by staff. This report was completed at the request of NSW Coastal Panel. A summary of the report is that the option is expensive, intrusive on the beach, needs substantial nourishment and does not provide a high level of foreshore protection security.

A brief for the Kingscliff – Dreamtime Beach CZMP is in development. Kingscliff CZMP will be developed first followed by a plan for the remainder of the shire's coastline.

A2. Fingal Head Erosion

Jane provided an update on the current severe erosion along Fingal Head Beach.

The erosion scarp is currently about 20 metres from the Fingal Rovers Surf Lifesaving Clubhouse. Should the erosion get within 17 metres of the clubhouse, Council will require the club to cease use of the building and possibly evacuate any removable equipment. Council has no plans for emergency foreshore protection measures at this time.

Roger noted that the current situation with regard to public toilets being within the unfinished clubhouse building is not suitable. There is currently no access to public toilets for tourists visiting the area and that consideration should be given to building public toilets within the Fingal Head foreshore park area. Stewart advised that Council's current policy is for public toilets to be incorporated into the surf club buildings.

A3. Tweed DuneCare Coordinating Committee (TDCC)

A copy of the minutes from the meeting held 30 May 2013 was circulated to members. Marama provided a brief overview of matters discussed at the meeting and mentioned that erosion was a hot topic.

TDCC has requested increasing work sites into landward sides of parks in response to erosion and reduced dune vegetation on ocean sides. Create a rolling line of vegetation to move landward as Sea Level Rise moves the beach face landward. Jane advised that this should be considered in updating of CZMPs as a climate change adaptation response.

A resolution was put forward from the TDCC regarding Lot 490 as follows:

That this site is not developed in any way. Retained and protected as a natural area for flora and fauna.

Following discussion it was resolved as follows:

Moved Terry Kane

Seconded Roger Graf

RESOLVED that the Tweed Coastal Committee notes the resolution from the Tweed DuneCare Coordinating Committee regarding Lot 490 and acknowledges Council is pursuing options for Lot 490 and is in discussions with the Department of Lands on the future of the site.

Terry queried the status of the development approval given the withdrawal of the proponents. It is unsure whether the development approval is held by Department of Lands or the proponents.

David raised the problem of illegal camping in the Pottsville – Wooyung coastal area. Discussion took place on this ongoing issue raised by both DuneCare and the Residents' Association.

The advice is for people to continue to report all instances to Council's regulatory services section so that the number of complaints can be tracked.

Outstanding Items:

OI1. CZMP Tweed Coast Estuaries

Jane provided an update and advised a report would be presented at the August meeting for recommendation/adoption to Council.

OI2. OEH NPWS representation

Jane advised members that Lance Tarvey will no longer be attending meetings due to work commitments and that Ben will be the sole representative from Office of Environment and Heritage.

General Business:

GB1. OAM for Ian Rabbitts

Barry commented on Ian 'Bunny' Rabbitts (previous Committee member) receiving an OAM for services to the environment through coast care and environmental conservation.

It was decided that a letter of congratulations be forwarded to Ian from the Committee.

GB2. Platform at Norries Headland

Noted that the Cabarita Beach Residents Association has received funding to construct a whale watching platform on Norries Headland in partnership with Council.

A grant was also received for educational signage around the headland and Marama will be working on this with the group.

GB3. Run Off at Black Rocks Sports Field

David raised concern that this area may be acid sulfate soil prone and presented photographs that had been previously forwarded to Council. Tom advised that the information had been passed on to Council's Environmental Health Officers and that he will follow up.

GB4. Cudgen Lake Upstream Drainage Issues

John raised problems with drainage upstream of Cudgen Lake due to the peat fire causing mass tree fall and drain blockage. There are concerns both about drainage of farming areas upstream and a high potential for poor water quality from reduced tidal flushing.

It was noted that the drainage union, Council and Government representatives were working together to come up with a solution.

Jane and Tom commented that Cudgen Creek downstream of the lake has multiple blockages and is virtually impassable by canoe. A recommendation has been put into the Tweed Coastal Estuaries CZMP for small scale, selected clearing of branches of fallen trees to allow canoe navigation.

Next Meeting:

The next meeting of the Tweed Coastal Committee will be held Wednesday 14 August 2013.

The meeting closed at 2.30pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 21 March 2013.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

39 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 12 June 2013

SUBMITTED BY: Community and Natural Resources



Caring for the Environment

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
-

SUMMARY OF REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 12 June 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed River Committee Meeting held Wednesday 12 June 2013 be received and noted.

REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 12 June 2013 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.10am

Robert opened the meeting by welcoming members and acknowledging the Bundjalung Aboriginal Nation.

Present:

Robert Quirk (NSW Cane Growers' Association) (Chair); Cr Katie Milne; Cr Gary Bagnall; Carl Cormack (Roads and Maritime Services); Scott Petersen (Tweed River Charter Operators); Sam Dawson (Caldera Environment Centre); Eddie Norris (Community Representative); Max Boyd (Community Representative); Jane Lofthouse, Tom Alletson, Sebastien Garcia-Cuenca, (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Ben Fitzgibbon (Office of Environment and Heritage); Mark Kingston (Tweed Shire Council); Rhonda James (Restoration Industry); Pat Dwyer (Department of Industry & Investment NSW); Bob Loring (Department of Primary Industries - Fisheries); Claire Masters (Tweed Landcare Inc);

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Cr Milne

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 10 April 2013 be accepted as a true and accurate record of the proceedings of that meeting subject to the following change:

"Andy Reimanis from the Caldera Environment Centre to make a presentation to the Committee" should read:

Andy Reimanis from Caldera Art to make a presentation to the Committee.

Business Arising:

BA1. Request for Funding - Caldera Art

Tom advised that the Committee did not make a recommendation in relation to the request for funding made at the April meeting by Andy Reimanis on behalf of Caldera Art.

Sam attended at 9.15am

After discussion the Committee resolved as follows:

Moved: Cr Milne

Seconded: Carl Cormack

RESOLVED that the Tweed River Committee supports the Caldera Art project in principle and will seek a matching contribution from Community and Cultural Services upon receipt of a formal proposal from Caldera Art. A recommendation is then to be submitted to the Tweed River Committee.

Agenda Items:

A1. Tweed River Festival - 2013

Jane advised that the festival will be held at Budd Park from 21 to 26 October. The theme is "Birds of Tweed".

Cr Bagnall attended at 9.30am

A2. Resignations from Committee

Tom advised that Nigel Greenup and Lance Tarvey have both tendered their resignations from the Committee. Nigel has moved away from the area and Lance is unable to commit the time to the Committee and therefore Ben Fitzgibbon will be OEH representative.

Moved: Max Boyd

Seconded: Scott McPherson

RESOLVED that the resignations of Nigel Greenup and Lance Tarvey be received with regret and that letters of appreciation be forwarded

The Committee decided that Tom and Jane should refer to the expressions of interest received late in 2012 to determine a suitable replacement for Nigel and then refer to Council for acceptance.

Jackie Stroud and Richard Collins from University of NSW attended at 9.40am

Stuart Russell attended at 9.45am

A3. Sustainable Agriculture Update:

Sebastien provided an update on what he has been doing on the ground. A lengthy discussion took place as to what should be done in future.

A4. Tweed Rural Lands Strategy

Stuart Russell from Council's Planning Reforms Unit presented an overview of the above project.

Members asked various questions to which Stuart responded.

Tim Mackney attended at 10.15am

Stuart left at 10.20am

Peter Monger attended at 10.30am

A5. Tweed Integrated Water Cycle Management (IWCM) Plan

Tim Mackney from Council's Water Unit presented an overview of the recent review of the Tweed IWCM Strategy. This project focuses on the integration of urban water service provision and the Tweed River Management Plan.

Members asked various questions to which Tim responded however due to time constraints; further questions had to be deferred.

Robert requested that Tim attend a future meeting to allow time for more in depth questions.

Tim left at 11.00am

A6. Australian Research Council Grant - Acid Sulfate Soils (ASS) Remediation at Blacks Drain

Richard Collins and Jackie Stroud, researchers from the University of NSW, presented their latest findings from work undertaken in Blacks Drain, Clothiers Creek and Christies Creek localities.

Members asked various questions to which Richard and Jackie responded.

A7. Boat Wake - Tweed River Ski Club Education Program

Eddie provided an update on an initiative started by the Tweed River Ski Club which aims to educate boat users on how they can minimise wake.

Following the presentation there was a discussion on what the Club could do to make their members aware of the cost of maintaining riverbanks.

General Business:

Nil.

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 14 August 2013.

The meeting closed at 12.35pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - 21 December 2012.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

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40 [SUB-TRAGAC] Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 June 2013

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

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
-

SUMMARY OF REPORT:

The Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 June 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 June 2013 be received and noted.

REPORT:

The Minutes of the Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 June 2013 are reproduced as follows for the information of Councillors.

Venue:

Tweed River Art Gallery

Time:

5.00PM

Present:

Clr Warren Polglase, Clr Phil Youngblutt, Dr Daena Murray, Robert Dagworthy, Hobie Porter, Lyn Stewart (Friends' President), Stephen Senise, David Oxenham (Director of Community and Natural Resources), Susi Muddiman (Gallery Director), Anne Schardin (Assistant Gallery Director) Robert Appo 5.25pm.

Apologies:

Katrina Primikiri-Mackney.

Minutes of Previous Meeting:

Moved: Lyn Stewart

Seconded: Clr Phil Youngblutt

RESOLVED that the Minutes of the Tweed River Art Gallery Advisory Committee meeting held 13 March 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Website and Communications

David Oxenham reported that the Council website is being progressively updated. A temporary part time Communications Officer is currently being investigated to market the Gallery and Museum during late 2013 and early 2014.

Carpark

David Oxenham stated that Council is applying for a NSW State Government Tourism grant to create an additional 20 to 25 parking spaces along Mistral Road.

Signage

The Committee indicated at the previous meeting that three additional directional signs are required as follows:

- (1) at Alma Street, Murwillumbah near Budd Park/
- (2) on the corner of Kyogle and Bakers Road, Byangum
- (3) on the corner of Stokers and Bakers Road, Dunbible

Robert Dagworthy suggested that signs be erected on the M1 expressway at the Clothiers Creek turn off. Dr. Daena Murray suggested further signage is required in the Murwillumbah CBD from Main Street leading back to Tweed Valley Way.

Gallery Director's Report

Moved: Cllr Warren Polglase

Seconded: Lyn Stewart

RESOLVED that the Gallery Director's Report including 17 new acquisitions to the Collection, as per attachment, be ratified.

Susi Muddiman reported that the Friends' fund raising events continue to be popular and there are another four events during June and July.

The Artist in Residence Studio and program has been generously sponsored by Tim Fairfax AM and will be named in honour of his mother as the Nancy Fairfax Artist in Residence Studio. The donation of \$400,000 is the largest donation ever received by the Gallery. Mr Fairfax has stated that he does not want any publicity regarding this gift.

There were six Expressions of Interest received for the Licence to operate the Gallery Café. Three applicants were interviewed and the successful party has been chosen. The new operators will open with a limited menu for the first week beginning on 3 July (TBC). The full menu should be available the following week. The new operators will be introducing weekend breakfasts and dinners. The new license will operate on a 2 x 3 years option.

The Gallery Volunteer Guiding Program has been hugely successful. Robyn Sweaney will be training a new intake of guides this week. Starting in Local Government Week 31 July the Volunteer Guides will conduct daily tours at 11.30am. At present the tour is available on Wednesday and Sunday at 11am and 2pm.

General Business:

Rail Trail

Cllr Warren Polglase advised that there is support in the community and Council to adapt the disused railway track into a walking – cycling path. Stage 1 could result in that the path being gravelled from Murwillumbah railway station to the Gallery. Robert Dagworthy added that similar paths in Victoria are hugely successful and a great boost to tourism.

Lyn Stewart spoke about upcoming Friends fund raising events hosted by the Friends of the Gallery and encouraged members of the Committee to attend.

Cllr Warren Polglase encouraged Advisory Committee members to be ambassadors for the Gallery within the community.

Meeting dates

Two remaining dates for 2013 have been set being Wednesday 14 August and 4 December 2013.

Next Meeting:

The next meeting of the Tweed River Art Gallery Advisory Committee will be held at Tweed River Art Gallery on Wednesday 14 August at 5.00pm.

The meeting closed at 5.50pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

Phone (02) 6670 2790 | Fax (02) 6670 2797
PO Box 816 Murwillumbah NSW 2484 | ABN 90 178 732 496
tweedart@tweed.nsw.gov.au | www.tweed.nsw.gov.au/artgallery
The Gallery and Café is open from Wednesday to Sunday 10am – 5pm (DST)



Report of the Art Gallery Director submitted to the Art Gallery Advisory Committee
Wednesday 12 June 2013

Subject: Officer's Report

Author: Susi Muddiman

Manager: Naida Tattersall, Acting Manager Community and Cultural Services

Recommendation:

That the report by the Art Gallery Director be received for information.

VISITORS TO THE ART GALLERY

Recommendation: For information

Attendance figures

For the period since the previous meeting of the AGAC, the Gallery welcomed 19,644 visitors. This figure covers the period from the week ending 13 March – 6 June 2013. At the time of compiling this report, the new exhibitions had not officially opened.

The period from the previous meeting of the AGAC also included the latter half of the outstanding exhibition *It's all about the light: works by Margaret Olley from public collections*. This exhibition was on display from 18 January – 14 April, attracting a total of 20,876 visitors. This is an excellent result for the Gallery and one which saw many first-time visitors to the Gallery. A variety of public programs were delivered in conjunction with the exhibition, all of which complemented the paintings and were hosted by the Friends of the Gallery. These activities included:

A total of **four Margaret's Top Drawer** "secret tours" complemented the exhibition. Guests enjoyed a delicious morning tea while Director, Susi Muddiman delivered a slide talk about Margaret Olley's house and the MOAC building project. They then travelled by bus, blindfolded, to the storage facility to view selected items to be displayed in the new wing. A total of **116** guests participated in the tours, which were available to limited numbers only at \$30 per head.

A special **Concert for Margaret**, with renowned pianist **David Helfgott** playing popular romantic classics, drew a capacity crowd of **90** on Thursday 7 February. This fundraiser was supported by David Helfgott, who performed at a reduced fee. The event sold out at \$70 per head.

The official **Gala Opening** of *It's all about the light: works by Margaret Olley from public collections* was held on **Friday 15 February**. The exhibition was officially opened by **Edmund Capon AM OBE**, Trustee, Margaret Olley Art Trust. This event, which was ticketed at \$30 per head, attracted a crowd of **250** supporters to enjoy Edmund Capon's anecdotes of "Oil".

On Friday 1 March, Susi Muddiman, Director, Tweed River Art Gallery led an **In-Conversation session** with **Christine France**, Trustee, Margaret Olley Art Trust and **Sally Watterson**, Project Co-ordinator, where they discussed packing up the many items in Margaret Olley's house in

Page 1 of 3

Duxford St, Paddington. After viewing the exhibition and enjoying champagne and canapés the audience of 99 enjoyed the humorous and informal exchange which gave some joyful insights into the generous character of Margaret Olley. This event was ticketed at \$30 per head.

For your information, I've put together some economic development statistics which are related to the actual and predicted targets set by the capital development project of the Margaret Olley Art Centre.

- Visitor attendances have increased since the Gallery hosted the *2011 Archibald Prize* featuring the prize-winning portrait of Margaret Olley. Visitor numbers for that exhibition totaled 28,853 in 30 days.
- Since the announcement of the gift of \$1,000,000 from the Margaret Olley Art Trust in November 2011, visitor numbers have indicated gradual increases, with an anticipated increase of over 18,000 visitors per annum once the MOAC is open.
- Since the public unveiling of the MOAC architectural plans in October 2012, visitation has increased, and sustained at this higher level.
- Membership to the Friends of the Gallery Inc. and the Tweed River Art Gallery Foundation Ltd. has increased inordinately since November 2011. For example, membership to the Friends has increased from an annual total of 226 in 2012, to 168 for period January-April 2013.
- The recent exhibition of Margaret Olley's work *It's all about the light* on display from 18 January to 14 April 2013 attracted a total of 20,870 visitors to the Gallery.
- Sales through the Gallery's small retail outlet have increased dramatically since the announcement of the MOAC extension, particularly in the areas of exhibition-related merchandise and exhibition art sales. For example, a dramatic increase in exhibition catalogue sales was noted during the recent Olley exhibition. The catalogue published by the Gallery and funded by the Friends and the Foundation sold 494 copies @ \$20 per copy, resulting in \$9,880 profit. Art sales from one exhibition (8 March – 14 April) totaled \$8,570.20, generating a profit of \$2,313.95 for the Gallery via the 27% commission on sales.
- Expenditure of visitors to the Tweed Shire is anticipated at an increase of 33% following the opening of the MOAC. These figures equate to:
 - an additional \$20/local visitor, totaling \$41,067 pa
 - an additional \$94.30/domestic day visitor, totaling \$704,107 pa
 - an additional \$113.52/domestic overnight visitor, totaling \$932,378 pa
 - an addition \$70.90/international day visitors, totaling \$1,742,968 pa

Nancy Fairfax Artist in Residence Studio, Margaret Olley Art Centre

Through the Margaret Olley Art Centre, the Tweed River Art Gallery will offer a unique experience of Margaret Olley's home studio, provide insight into Australian art history and practice, and honor the artist's legacy of mentorship and patronage. The Nancy Fairfax Artist-In-Residence (AIR) studio program will encourage arts practice and creative engagement between

artist, community and place.

The AIR studio will extend and complete the re-creation of Margaret Olley's home studio at Tweed River Art Gallery. Throughout her professional life, Margaret Olley supported many artists through mentorship and financial assistance. To Margaret, the most productive ways of supporting artists were to encourage the public exhibition of an artist's practice and to encourage sales. It is widely known that Olley mentored a number of younger artists and encouraged their representation in public and private collections. She actively supported artists and advanced their careers through purchasing works for collections or offering artists the opportunity to further their development through fellowship programs.

The AIR studio program will offer artists an opportunity to stimulate their practice in a creative environment. The Gallery will administer and promote a program which will see at least two invited artists participate in funded residency programs at TRAG annually. The artwork resulting from these residences will be included in the Gallery's exhibition program and displayed in the Friends of the Gallery space in Stage II of the building. The cost of these two annual residencies will be funded through the generous benefaction of Mr Tim Fairfax and complemented by government grants and the Gallery's support organisations. Additional income will be generated through the hire of the Studio by artists by proposal. A panel of arts professionals and community representatives will be appointed on an annual basis to assess proposals through this exciting program.

During the remaining months of the year, the AIR will be occupied by artists who have successfully applied to use the Studio on a fee-paying basis. The Gallery will allocate a number of residency periods ranging from a week to a maximum of two months. Income generated through this program will feed into the Gallery's artistic programs.

Other miscellaneous items

The Gallery's Education and Audience Development Officer Robyn Sweaney has sort expressions of interest for a new intake of Volunteer Gallery Guides. Their training will commence shortly. The success of the Gallery Guides is a credit to both Robyn and the Guides, who do a wonderful job. The feedback from the guided tours has been so good that we have decided to offer Daily Guided Tours at the Gallery, commencing during Local Government Week from 31 July at 11.30am. The tours will range from 30 minutes to one hour in duration and cover a general introduction to the Gallery, a preamble to current exhibitions and information on some of the key artworks from the collection on display. While the tours are free and no bookings are required a gold coin donation towards the gallery's operations is always appreciated.

Acquisitions to the Tweed River Art Gallery collection

The Committee is asked to ratify the acquisition of 17 artworks to the collection. Please refer to the attached report outlining the acquisitions.

Susi Muddiman
Gallery Director
6 June 2013

COLLECTION NEW ACQUISITIONS

Reg No	Accession No	Artist	First Name	Title	Date	Medium	Credit Line
817	2012.21	HARDING	Nicholas	Margaret Whitlam	2008	oil	Donated through the Australian Government's Cultural Gifts Program, 2012. Finalist Archibald Prize 2009.
818	2013.01	BELETICH	Dean	Nick Mitzevich	2002 pri	photograph silver gelatin	Gift of the artist, 2013
819	2013.02	BELETICH	Dean	Mike Parr	2005	photograph silver gelatin	Gift of the artist, 2013
820	2013.03	BELETICH	Dean	Sir Kenneth Gillespie	2005	photograph silver gelatin	Gift of the artist, 2013
821	2013.04	BELETICH	Dean	Vera Zulumovski	2008	photograph silver gelatin	Gift of the artist, 2013
822	2013.05	BELETICH	Dean	Ross Woodrow	2006	photograph silver gelatin	Gift of the artist, 2013
823	2013.06	BELETICH	Dean	Peter Speight	2004	photograph silver gelatin	Gift of the artist, 2013
824	2013.07	LATIMER	Bruce	Shell	1993	etching and aquatint	Gift of David Wilson, 2013.

Reg No	Accession No	Artist	First Name	Title	Date	Medium	Credit Line
825	2013.08	LATIMER	Bruce	The food chain	1998	etching	Gift of David Wilson, 2013
826	2013.09	LATIMER	Bruce	Three trees (long After Rembrandt)	1996	etching	Gift of David Wilson, 2013
827	2013.10	LATIMER	Bruce	Foul - bitten ear	1994	etching	Gift of David Wilson, 2013
828	2013.11	LATIMER	Bruce	Rock through window	2001	etching and aquatint	Gift of David Wilson, 2013
829	2013.12	LATIMER	Bruce	Spotlightin'	1995	etching and aquatint	Gift of David Wilson, 2013
830	2013.13	LATIMER	Bruce	Traffic (After Glover)	1996	etching and aquatint	Gift of David Wilson, 2013
831	2013.14	LATIMER	Bruce	The lot	1994	etching and aquatint	Gift of David Wilson, 2013
832	2013.15	LATIMER	Bruce	Epiphany	1999	etching and aquatint	Gift of David Wilson, 2013
833	2013.16	OLLEY	Margaret	Banora Point (after the fire)	1960	watercolour and ink	Gift of the Friends of the Tweed River Art Gallery, 2013

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

41 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 June 2013

SUBMITTED BY: Planning and Infrastructure



Supporting Community Life

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
-

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 13 June 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes and recommendations of the Local Traffic Committee Meeting held Thursday 13 June 2013 be received and noted, and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

A1 [LTC-LATE] Murwillumbah Street, Murwillumbah

That a "*No Stopping*" yellow edge line be installed for the same length of the double centre line on the southern side of Murwillumbah Street at its intersection with Banner Street.

REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 13 June 2013 are reproduced as follows for the information of Councillors.

VENUE:

Mt Warning Meeting Room

TIME:

Commencing at 10.07am

PRESENT:

Committee Members: Cr Barry Longland, Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Ray Wilson, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Michael Kenny, Mr Wayne Haayer, Ms Meredith Smith (Minutes Secretary).

APOLOGIES:

Mr G Provest MP, Member for Tweed, Mr Thomas George MP, Member for Lismore.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

[LTC] Confirmation of Previous Minutes Meeting held 16 May 2013

ORIGIN:

Planning & Infrastructure

RESOLVED that the Minutes of the Meeting held 16 May 2013 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC-SOR] Schedule of Outstanding Resolutions

From Meeting held 16 May 2013

1. [LTC] Upper Burringbar Road, Burringbar (B1)

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."

Current Status: That the Schedule of Outstanding Resolutions Item Upper Burringbar Road, Burringbar, 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 16 May 2013 (Item B1).

From Meeting held 13 June 2013:

Surveys have been conducted (speed) at 2 locations on Upper Burringbar Road and the results are 63kph and 72kph - 85th percentile speeds. This information will be provided to the RMS for assessment.

BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC-LATE] Murwillumbah Street, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3085985; Traffic - Committee; Traffic - Linemarking; Murwillumbah Street; Banner Street; Murwillumbah; Schools - Mt St Patricks Primary

SUMMARY OF REPORT:

Request received regarding parking on the left hand side of Murwillumbah Street near the intersection with Banner Street where drivers cross the double centre lines to pass vehicles. Whilst the vehicles are parked illegally, being within 3m of the double centre line, reinforcement of this rule is recommended through additional linemarking. A yellow edge line installed adjacent to the double centre line will improve the safety in this area.

The Committee discussed that advice be provided to Mt St Patrick College on the road rules related to parking adjacent to double centre lines and yellow edge lines.

RECOMMENDATION TO COUNCIL:

That a "*No Stopping*" yellow edge line be installed for the same length of the double centre line on the southern side of Murwillumbah Street at its intersection with Banner Street.

FOR VOTE - Snr Constable Ray Wilson, Cr Barry Longland, Mr Col Brooks, Ms Liz Smith

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr Rod Bates

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Tumbulgum Road, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM66983831, Tumbulgum Road, Traffic Committee, Speed Zones

SUMMARY OF REPORT:

A Speed Zone Review has been completed by the Roads & Maritime Services (RMS) of Tumbulgum Road, Murwillumbah. The outcomes of this review are as follows:-

- "1. *The existing 50km/h speed limit is reduced to 40km/h on Tumbulgum Road, Murwillumbah from Sunnyside Lane to Old Ferry Road.*

Enclosed is a copy of the Speed Zone Authorisation for the new speed limit. Council is requested to advise RMS of the proposed date of installation.

RMS recommends that warning sign T1-270 is installed on approaches to the site advising motorist of the permanent speed zone change when the speed limit signs are installed and remain for one week after the installation. Speed signs and pavement markings should be installed in accordance with the NSW Speed Zoning Guidelines."

COMMITTEE ADVICE:

That the reduced speed limit on Tumbulgum Road, Murwillumbah from Sunnyside Lane to Old Ferry Road be installed as per RMS direction.

B2 [LTC] Pottsville Road, Pottsville to Mooball

ORIGIN:

Planning & Infrastructure

FILE NO: ECM3062663, Traffic Committee, Pottsville Road, Speed Zones

SUMMARY OF REPORT:

A speed zone review of Pottsville Road Pottsville to Mooball from Roads and Maritime Services (RMS) has been completed and the outcome of this review is as follows:-

- "1. *The existing 100km/h speed limit is reduced to 80km/h on Pottsville Road, Pottsville to Mooball.*
2. *Council is requested to undertake a delineation review of Pottsville Road, including a ball bank survey.*

Enclosed is a copy of the Speed Zone Authorisation for the new speed limit. Council is requested to advise RMS of the proposed date of installation as soon as possible to coordinate media releases.

RMS recommends that warning sign T1-270 is installed on approaches to the site advising motorists of the permanent speed zone change when the speed limit signs are installed and remain for one week after the installation. Speed signs and pavement markings should be installed in accordance with the NSW Speed Zoning Guidelines."

COMMITTEE ADVICE:

That 80km/hr speed zone signage be installed on Pottsville Road Pottsville to Mooball as per the RMS direction.

B3 [LTC] Wharf Street, Tweed Heads - NAIDOC Street March

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3071069; Traffic - Committee; Traffic - Safety; Traffic - Control; Festivals/Events - Other; Streets - Marches/Parades; Jack Evans Boat Harbour; Civic Centre - Tweed Heads; Brett Street; Wharf Street

SUMMARY OF REPORT:

Request received to conduct a street march on Friday 12 July 2013 for the 2013 NAIDOC Week Celebrations.

"The march will commence at 10am from the Tweed Heads Civic Centre and proceed west to the northbound lane along Wharf Street, turning right at the Twin Towns roundabout and heading back in the southbound lane to the Jack Evans Boatharbour at around 11am.

After the Street March we will be holding a Corroboree in the park at Jack Evans Boatharbour. This event will include performances by our local Aboriginal & Torres Strait Islander community as well as performers from outside the Tweed area.

We have requested police escort for the front and rear of the March for safety purposes.

Please find attached the following documents to support our intention to hold a public Assembly (Street March).

- *Copy of the proposed route/map*
- *Copy of current public liability insurance"*

COMMITTEE ADVICE:

That there is no objection to the conduct of the NAIDOC march on 12 July 2013 subject to police control and approval of the event.

B4 [LTC] Tweed Coast Road, Bogangar

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 3074302; Traffic - Committee; Parking - Zones; Parking - Disability/Accessibility Matters; Tweed Coast Road, Bogangar

SUMMARY OF REPORT:

Request received for:

1. The provision of a disabled parking space on Tweed Coast Road adjacent to the Arcade near the Post Office and
2. The installation of ½ hr parking on Tweed Coast Road Bogangar, adjacent to the new Woolworths shopping complex.

"Now that Woolies is finished there are a couple of requests I have regarding the parking outside the Post Office/Newsagents. I work at the Sullivan Nicolaides Pathology Collection Centre located in the Arcade behind Post Office/Newsagents, and I am sure the Post Office/Newsagent would also agree with my request. That being that you make provision for a Disabled parking space along there as we only have one such parking space on the other side of the Bus stop and as you can imagine I have quite a few Patients that require a Disabled parking space.

My other request is that you look at making the parking for 1/2 Hour only along the front as to reduce the congestion of people parking to do their shopping instead of using the under ground parking, of which there are plenty."

COMMITTEE ADVICE:

That the site continues to be reviewed and advice be sought from the local Chamber of Commerce and Residents Associations and brought back to the Committee if deemed appropriate (*to remain a "B" item*).

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 11 July 2013 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.15am.

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1 [LTC-LATE] Murwillumbah Street, Murwillumbah

That a "*No Stopping*" yellow edge line be installed for the same length of the double centre line on the southern side of Murwillumbah Street at its intersection with Banner Street.

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.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE ACTING GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

1 [CNR-CM] Eviron Road Quarry and Landfill

REASON FOR CONFIDENTIALITY:

The reason for confidentiality is that this report involves the negotiation of a private agreement for purchase of a property by Council.

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.
-

REPORTS FROM THE ACTING DIRECTOR TECHNOLOGY AND CORPORATE SERVICES IN COMMITTEE

2 [TCS-CM] AC2013-089 Tender for Audit Services

REASON FOR CONFIDENTIALITY:

Due to a competitive process associated with the determination and contents contained within the report, it has been determined that it should be considered in a confidential report.

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.
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