



**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 24 January 2013**

held at Murwillumbah Cultural and Civic Centre  
commencing at 6.00pm

## 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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**Items for Consideration of Council:**

ITEM	PRECIS	PAGE
	<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
1	[CONMIN] Confirmation of the Minutes of the Ordinary and Council Meetings held Thursday 13 December 2012	7
	<b>SCHEDULE OF OUTSTANDING RESOLUTIONS</b>	<b>9</b>
2	[SOR] Schedule of Outstanding Resolutions	9
	<b>MAYORAL MINUTE</b>	<b>15</b>
3	[MM-CM] Mayoral Minute - Period from 28 November to 4 January 2013	15
	<b>ORDINARY ITEMS FOR CONSIDERATION</b>	<b>23</b>
	<b>REPORTS THROUGH THE GENERAL MANAGER</b>	<b>23</b>
	<b>REPORTS FROM THE DIRECTOR PLANNING AND REGULATION</b>	<b>23</b>
4	[PR-CM] Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards	25
5	[PR-CM] Composting Toilets	29
	<b>REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES</b>	<b>35</b>
6	[CNR-CM] Drought Water Restrictions Policy	35
7	[CNR-CM] EC2012-191 Clarrie Hall Dam Flood Safety Upgrade - Construction Award of Preferred Tenderer	43
8	[CNR-CM] EC2012-238 Supply, Delivery and Installation of Inductively Coupled Plasma - Mass Spectrophotometer Instrument	47
9	[CNR-CM] Draft Policy for Discharge of Liquid Trade Waste to the Sewerage System	51
10	[CNR-CM] Tweed Coast Wastewater Strategy - Servicing Future Urban and Employment Lands	55
11	[CNR-CM] EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System	61
12	[CNR-CM] Coastal Zone Management Plan for the Tweed Coast Estuaries	65
13	[CNR-CM] River Health Grants	73
14	[CNR-CM] Biodiversity Grant Program	77
15	[CNR-CM] Biofund Koala Connections Project Implementation	81

16	[CNR-CM] Tweed River Art Gallery - Proposed Gallery Cafe Pavilion Extension	85
17	[CNR-CM] Lease to Mission Australia - Banora Point Community Centre	89
18	[CNR-CM] Indigenous Public Art Program Return of Grant Funds for "Goorimahbah - Place of Stories"	93
	<b>REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS</b>	<b>97</b>
19	[EO-CM] Policy - Addressing - Rural and Urban	97
20	[EO-CM] Renaming of Section of Ozone Street, Chinderah	101
21	[EO-CM] Licence to Broadcast Australia - Razorback Road, Tweed Heads	109
22	[EO-CM] Proposed Easement for Multi-Purpose Electrical Installation over Council Land - Lot 2 DP1123498 - SALT Stage 6	115
23	[EO-CM] Lease to NBN Co Limited - Part Lot 1 DP 1126739 - Pottsville Road, Pottsville	119
24	[EO-CM] Markets - Jack Evans Boat Harbour	125
25	[EO-CM] EC2012-249 Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool	133
26	[EO-CM] EC2011-211B Design and Construction of Jim Devine Clubhouse (1st Floor)	135
27	[EO-CM] Alcohol Prohibition - Hardy Park, Pottsville	139
28	[EO-CM] EC2012-250 for the Supply of One (1) 4WD Tractor and Dual Mower Combination	143
29	[EO-CM] Amendment to Section 94 Plan No. 23 - Offsite Parking	147
30	[EO-CM] Sexton Hill Drive - Maintenance Handover	153
31	[EO-CM] Pay Parking Scheme Investigation and Implementation	163
	<b>REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES</b>	<b>183</b>
32	[TCS-CM] 2010/2011 Comparative Information	183
33	[TCS-CM] Volunteer Policy, Version 2.0	193
34	[TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 December 2012	201
35	[TCS-CM] Community Strategic Plan 2013/2023	213
	<b>REPORTS FROM SUB-COMMITTEES/WORKING GROUPS</b>	<b>217</b>
36	[SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 28 August 2012	217

37	[SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 21 November 2012	221
38	[SUB-TRAG] Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 December 2012	237
39	[SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 20 December 2012	247
40	[SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 21 December 2012	257
41	[SUBCOM] Reports from Subcommittees and/or Working Groups	263
	<b>ORDERS OF THE DAY</b>	<b>265</b>
42	[NOR-Crs G Bagnall, K Milne and M Armstrong] Bay Street East Road Reserve	265
43	[NOM-Cr M Armstrong] Bay Street East Road Reserve	265
44	[NOM-Cr K Milne] Planet Footprint	266
45	[NOM-Cr G Bagnall] Local Environmental Plan	266
46	[NOM-Cr C Byrne] Operation of Library Services	266
	<b>QUESTIONS ON NOTICE</b>	<b>267</b>
47	[QoN-Cr K Milne] Kinnears Quarry	267
48	[QoN-Cr K Milne] Risk Management - Quarries	267
49	[QoN-Cr K Milne] Environmental Strategy - Inclusion in Local Environmental Plan	267
50	[QoN-Cr K Milne] Options - Revised Environmental Strategy	267
51	[QoN-Cr K Milne] Draft Local Environmental Plan 2012 - Koalas	268
52	[QoN-Cr G Bagnall] Multi-Storey Car Park	268
	<b>CONFIDENTIAL ITEMS FOR CONSIDERATION</b>	<b>269</b>
	<b>REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE</b>	<b>269</b>
	<b>REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE</b>	<b>269</b>
1	[EO-CM] Naming of Park at Chinderah	269
2	[EO-CM] Review of Quarry Operating Business Plan	269
	<b>MAYORAL MINUTE IN COMMITTEE</b>	<b>270</b>
3	[MM-CM] General Manager's Review - Six Monthly Performance	270

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## CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of the Minutes of the Ordinary and Council Meetings held Thursday 13 December 2012

### UNDER SEPARATE COVER/FURTHER INFORMATION:

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

1. Minutes of the Ordinary Council Meeting held Thursday 13 December 2012 (ECM 60886037).
  2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Thursday 13 December 2012 (ECM 60940558).
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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 [SOR] Schedule of Outstanding Resolutions

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## Civic Leadership

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### 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*
- 1.2.2.1 *Priority decision making*
- 1.2.2.1.1 *Council decisions will be in accordance with the Community Strategic Plan*

26 June 2012

### REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### 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.

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21 August 2012

**REPORTS FROM SUB-COMMITTEES/WORKING GROUPS**

**38 [SUB-EAAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 June 2012**

542

**Cr D Holdom  
Cr J van Lieshout**

**RESOLVED** that the:

1. Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 June 2012 be received and noted; and
2. Director's recommendations be adopted as follows:

**General Business Items**

**1. Regional forum for Equal Access Committees, 7 May**

- 1) *That as part of the ongoing official Tweed Shire Council induction process (which new and returning Councillors will undergo post elections on September 8):*
  - *An induction workshop on Access and Inclusion is held.*
  - *The workshop be scheduled and conducted no later than the end of February 2013.*

**Current Status:** Access and inclusion training to be conducted at a suitable time.

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25 October 2012

**ORDERS OF THE DAY**

**47 [NOM-Cr K Milne] Greenfield Policy Implications**

**NOTICE OF MOTION:**

621  
**Cr K Milne  
Cr G Bagnall**

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

1. Ecological sustainability appropriate to Tweed Shire's nationally and internationally significant environment and its current environmental stress,

2. Community health planning, including meeting the needs of seniors and children,
3. Planning for green spaces, community gardens, edible landscapes and wild places,
4. Reduced carbon emissions, energy efficiency, and potential for greater on site waste management, and
5. Opportunities to promote and facilitate a more localised economy through appropriate planning.

**Current Status:** Report to be prepared.

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13 December 2012

#### REPORTS FROM DIRECTOR PLANNING AND REGULATION

- 12 [PR-CM] Development Application DA12/0170 for Alterations and Additions to Motel (Staged) at Lots 9-12 Section 4 DP 31209 Nos. 19-25 Cypress Crescent, Cabarita Beach; Lots 1-2 Section 4 DP 29748 Nos. 26-28 Tweed Coast Road, Cabarita Beach

737

#### AMENDMENT

Cr K Milne  
Cr G Bagnall

**RESOLVED** that the application be deferred to a Workshop for further determination.

The Amendment was **Carried**

**Current Status:** Workshop scheduled for 17 January 2013.

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#### ORDERS OF THE DAY

- 49 [NOM-Cr K Milne] Planning Reforms Agenda

#### NOTICE OF MOTION:

789

Cr K Milne  
Cr G Bagnall

**RESOLVED** that Council brings forward a report detailing the current planning reforms agenda and options for reprioritising the planning reforms agenda to include:

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- a) a Sustainability policy for Council
- b) a Sustainability Development Control Plan for new developments
- c) a National Iconic Landscapes Development Control Plan

**Current Status:** Report to be prepared.

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## **50 [NOM-Cr K Milne] Ecologically Sustainable Economic Development**

### **NOTICE OF MOTION:**

791

### **AMENDMENT**

**Cr M Armstrong**  
**Cr C Byrne**

**RESOLVED** that Council brings forward a report on developing an economic development strategy for the Shire with a primary objective of achieving leading best practice in ecologically sustainable development, cultural development and protection of agricultural lands.

**Current Status:** Report to be prepared.

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## **52 [NOM-Cr G Bagnall] Council's Sustainability Purchasing Power**

### **NOTICE OF MOTION:**

793

**Cr G Bagnall**  
**Cr P Youngblutt**

**RESOLVED** that Council brings forward a report on:

1. Options for improving sustainability outcomes and preference for local suppliers in regard to Council's procurement policies, tender processes and selection criteria.
2. The legislative obstacles that impact on Council's ability to improve sustainability outcomes through the above measures, including suggested recommendations that might address these issues.

**Current Status:** Report to be prepared.

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**a55 [NOM-Cr K Milne] Draft Environmental Strategy**

798

**Cr K Milne**  
**Cr G Bagnall**

**RESOLVED** that the draft Environmental Strategy comprising an update to the Tweed Vegetation Management Strategy 2004, prepared by Council staff, be presented, if possible, to the January 2013 meeting and following consideration by Council, placed on exhibition for a period of twenty-eight (28) days. The submissions received in response to the exhibition are to be reported to Council along with the draft LEP 2012 and any amendments.

**Current Status:** Workshop scheduled for 31 January 2013.

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**3 [PR-CM] Dwelling Entitlements**

**REASON FOR CONFIDENTIALITY:**

The report contains legal advice that impacts on Council's development and planning decisions.

**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: -

(e) information that would, if disclosed, prejudice the maintenance of law.

C 63

That Council:

1. Receives and notes the report on Dwelling Entitlements; and
2. Endorses that a Councillors Workshop be held to discuss recent legal advice regarding dwelling entitlements.

**Current Status:** Workshop scheduled for 21 February 2013.

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## MAYORAL MINUTE

### 3 [MM-CM] Mayoral Minute - Period from 28 November to 4 January 2013

SUBMITTED BY: Cr B Longland, Mayor

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**Civic Leadership**

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Councillors,

## COMMITTEE MEETINGS

### Attended by the Mayor

- 5 Dec 2012 - Tweed River Art Gallery Foundation Board Meeting - Marks Family Library, Tweed River Art Gallery.
  - 5 Dec 2012 - NOROC Meeting of GMs and Mayors with Minister Brad Hazzard re CSG and Strategic Land Use Policy - Lismore Workers Club.
  - 6 Dec 2012 - Australia Day Committee Meeting - Mt Warning Room, Murwillumbah Civic Centre, Tumbulgum Road.
  - 12 Dec 2012 - Destination Tweed Board Meeting - Gold Coast Airport.
- 

## INVITATIONS:

### Attended by the Mayor

- 28 Nov 2012 - Feros Village Wommin Bay Thank You Lunch for Supporters - The MacKay Room, Feros Village, 1 McKissock Drive, Kingscliff.
  - 28 Nov 2012 - Launch of the Cabarita Projects Plan (CPP) - Cabarita Beach Bowls and Sports Club, Cabarita Road - (Crs Byrne, Milne, Bagnall, Polglase also advised their attendance).
  - 29 Nov 2012 - Australian Documentary Series Interview for Thai TV - Pinehurst Apartments Kirkwood Road Tweed Heads South.
  - 3 Dec 2012 - Official Opening of International Day of People with Disability - PCYC, Florence Street, Tweed Heads - (Crs Byrne and Youngblutt also advised their attendance).
-

- 4 Dec 2012 - Tweed Education and Industry Forum Meeting - Kingscliff TAFE - (also attended by Cr Byrne).
- 5 Dec 2012 - NOROC GMs and Mayors meeting with Minister Brad Hazzard re CSG and Strategic Land Use Policy - Lismore Workers Club.
- 5 Dec 2012 - Official Opening of The Green Cauldron Panorama - World Heritage Rainforest Centre (Visitor Information Centre), Murwillumbah.
- 7 Dec 2012 - Aboriginal Advisory Committee meeting - Minjungbal Museum and Cultural Centre, Cnr Kirkwood Road & Duffy Street, Tweed Heads.
- 12 Dec 2012 - Murwillumbah East Primary School (MEPS) Morning Tea and Presentation Assembly - School Hall, MEPS, Charles St, Murwillumbah.
- 13 Dec 2012 - Uki Public School Annual Presentation Day and presentation of TSC Sponsored "CH Hall Memorial Award for Citizenship" book prize - 1463 Main Street, Uki.
- 13 Dec 2012 - Official Launch of the Tweed Kenya Mentoring Program SafeWater 5 Project - Council Chamber Foyer Area.
- 13 Dec 2012 - 25th birthday celebrations for the Tweed Laboratory - Tweed Laboratory, 46 Enterprise Avenue, Tweed Heads South.
- 14 Dec 2012 - Arts Northern Rivers Board Meeting - Old Tintenbar Chambers, Unit 2/5 Bruxner Highway, Alstonville.
- 16 Dec 2012 - Salt Carols by the Beach, an event for the 4 ASD Kids Week - Central Park @ SALT, Kingscliff.
- 17 Dec 2012 - Wollumbin High School Awards Night, School Gymnasium, North Arm Road, Murwillumbah.
- 19 Dec 2012 - Re-opening of St George Bank, Murwillumbah Branch - Sunnyside Mall, Wollumbin Street, Murwillumbah.

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

- 7 Dec 2012 - Bogangar Public School dedication of a plaque to the Anglo-Boer War at the Murphy's Road Memorial Walk - (attended by Cr Byrne).
- 9 Dec 2012 - Tooheys Fundraising Promo for the Fingal Heads Surf Club - Fingal Heads Surf Club, Marine Parade, Fingal Heads - (Cr Polglase attended).
- 11 Dec 2012 - Murwillumbah High School (MHS) Presentation Night - MHS, Elliot Centre, Riverview Street, Murwillumbah - (Cr Armstrong attended).
- 20 Dec 2012 - Staff Xmas Party - Murwillumbah Civic Centre, 3 Tumbulgum Rd, Murwillumbah - (Crs Polglase & Youngblutt attended).



**Inability to Attend by or on behalf of the Mayor**

- 28 Nov 2012 - International Day of People with Disability, Festival of Ability Far North Coast Event - Byron Regional Sports and Cultural Complex, Ewingsdale Road, Byron Bay.
- 30 Nov 2012 - Murwillumbah & District Xmas Party at Foodie Friday Event - Murwillumbah Showgrounds, Queensland Road, Murwillumbah.
- 30 Nov 2012 - Families Against Violence Community Event, Men Standing Strong Against Violence to Women & Children - hosted by Tweed Shire Integrated Response to Domestic and Family Violence Committee - Jack Evans Boat Harbour, Tweed Heads.
- 1 Dec 2012 - Tweed Heads Bowls Club 60th Anniversary Celebrations - Members Lounge, Cnr Florence and Wharf Street, Tweed Heads.
- 3 Dec 2012 - Kingscliff & District Chamber of Commerce Christmas Party - Cudgen Leagues Club, 3 Wommin Bay Road, Kingscliff.
- 4 Dec 2012 - Thomas Noble & Russell Xmas Party - 133 Molesworth St, Lismore.
- 5 Dec 2012 - Lifebridge AGM (formerly Tweed Valley Respite Centre) - Dungay Hall, Jack Williams Place, off Tomewin Road, Dungay.
- 5 Dec 2012 - SCU Rising Stars Scholarship Program Cocktail Event - The Vice Chancellor's Residence, 8 Deloraine Road, Lismore.
- 6 Dec 2012 - Keep Australia Beautiful, 2012 Clean Beaches Awards - Dunes Restaurant, Palm Beach, Sydney, NSW.
- 7 Dec 2012 - Tweed Chamber Christmas Party - Twin Towns, Tweed Heads.
- 7 Dec 2012 - Bilambil Junior Touch Finals - Bilambil Sports Club, Cnr Bilambil Road & Hogan's Road.
- 8 Dec 2012 - IGA Pottsville Fruit & Vege Market and Tinny and Trailer draw - IGA, 11-13 Coronation Ave, Pottsville.
- 8 Dec 2012 - Caldera Environment Centre Christmas Celebration - Cabarita Headland.
- 8 Dec 2012 - Relay for Life Official Opening - location not advised.
- 9 Dec 2012 - TRAG Foundation Xmas Party - Lyn and Allan McNaughton's home, Kingscliff.
- 10 Dec 2012 - Launch of Wollumbin High School Coffee Venture, Tree planting and Morning Tea - Wollumbin High School, North Arm Road, Murwillumbah.
- 10 Dec 2012 - Murwillumbah Community Centre Xmas Party - House of Gabriel, Riverside Drive, Tumbulgum.

- 10 Dec 2012 - Twin Towns Friends Association Christmas Dinner - The Blue Room, Tweed Heads Bowls Club, Florence St Tweed Heads.
  - 10 Dec 2012 - Tweed Heads Community Men's Shed Christmas Party - Recreation Street, Tweed Heads.
  - 11 Dec 2012 - Tweed Shire Senior Citizens Committee Meeting - Coolamon Cultural Centre, Tumbulgum Rd, Murwillumbah.
  - 11 Dec 2012 - Second Annual Community and Stakeholders Meeting with the Northern NSW Local Health District Board and Executive - Invercauld House, Invercauld Road, Goonellabah.
  - 11 Dec 2012 - Second Annual Community and Stakeholders Meeting with the Northern NSW Local Health District Board and Executive - Invercauld House, Invercauld Road, Goonellabah.
  - 12 Dec 2012 - Murwillumbah Christians Together (the Murwillumbah Minister's Fraternal) end of year Christmas Lunch - Sugarbeat Cafe, Commercial Road, Murwillumbah.
  - 13 Dec 2012 - Destination Tweed Christmas Party, Tumbulgum Tavern.
  - 15 Dec 2012 - Marine Rescue Point Danger Christmas Luncheon - South Tweed Sports Club, Minjungbal Drive, South Tweed Heads.
  - 16 Dec 2012 - 2013 Theatre Launch hosted by the Tweed Theatre Company - Coolangatta/Tweed Heads Golf Club.
  - 19 Dec 2012 - B-Double Route Off Site Trial Run - Tweed Valley Way and Cane Road.
  - 20 Dec 2012 - Local Traffic Committee Meeting - Murwillumbah Civic Centre.
  - 21 Dec 2012 - Margaret Olley Art Centre Steering Committee - Marks Family Library, Tweed River Art Gallery.
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**REQUESTS FOR WORKSHOPS:**

Date of Request	Requested by Councillor	Topic	Councillors For	Councillors Against	Proposed Workshop Date
3/12/12	Cr G Bagnall	Dogs in Kings Forest.	Bagnall Milne Armstrong	Remaining	Not proceeding
6/12/12	Cr M Armstrong	TSC Organisational Restructure.	Armstrong Bagnall Milne Longland	Remaining	17 January

**CONFERENCES & TRAINING ATTENDED:**

**Conferences attended by the Mayor and/or Councillors**

Councillors did not attend any Conferences in the period from 28 November 2012 to 4 January 2013.

**Information on Conferences to be held**

- 10-13 Mar 2013 Second Asia-Pacific Cycle Congress - Gold Coast Convention and Exhibition Centre - *Focus is on increasing cycling participation and encouraging the growth of the cycling industry. Includes cycleway planning* - Registration \$1190, No accommodation required. Refer [www.cyclecongress.com](http://www.cyclecongress.com)
- 11-13 Mar 2013 LGSA Tourism Conference - Shoal Bay Resort & Spa - *Addresses tourism issues pertinent to Mayors, Councillors, staff, Council Management where you can learn from real Local Government case studies, talk direct with Destination NSW, and attend site inspections relative to the program* - Registration \$583 early bird by 28 January, plus 2 nights' accommodation, flights to Newcastle and rental car to Shoal Bay - Refer [www.tourismconference.lgsa.org.au](http://www.tourismconference.lgsa.org.au)
- 14-16 Mar 2013 2013 Australian Women in Local Government Conference - The Mantra, Ettalong Beach, Hosted by Gosford Council - *Strong Actions, New Directions. Speakers will challenge, inspire and empower you to establish a new direction for women in Local Government* - Registration \$1060, Plus 2-3 nights' accommodation \$4-700, plus Flights and rental car. Refer <http://www.algwa2013gosford.org/>

## RECEIPT OF PETITIONS:

Any petitions received either by Councillors or Council will be tabled.

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## SIGNING OF DOCUMENTS BY THE MAYOR:

- 28 Nov 2012 - Lease - Lifebridge East Inc - Turnock Street Kingscliff.
  - 29 Nov 2012 - Lease - Broadcast Australia - North Tumbulgum Reservoir.
  - 4 Dec 2012 - Request - Land Acquisition Margaret Olley Centre - Mistral Road South Murwillumbah.
  - 7 Dec 2012 - Lease - Pottsville Community Pre-School.
  - 10 Dec 2012 - Closed Road Request - Champagne Drive Tweed Heads South.
  - 13 Dec 2012 - Indemnity - Kingscliff Mini School and Tweed Reserves Trust.
  - 17 Dec 2012 - Lease - Murwillumbah Potters and Fernvale Community Association - on behalf of Fernvale Community Reserves Trust.
- 

## 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
  - 1.2.2.1 Priority decision making
  - 1.2.2.1.1 Council decisions will be in accordance with the Community Strategic Plan
-

**RECOMMENDATION:**

**That:-**

- 1. The Mayoral Minute for the period from 28 November 2012 to 4 January 2013 be received and noted.**
  - 2. The attendance of Councillors at nominated Conferences be authorised.**
  - 3. Any petitions received by Councillors or Council be tabled.**
- 

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## **ORDINARY ITEMS FOR CONSIDERATION**

### **REPORTS THROUGH THE GENERAL MANAGER**

### **REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

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

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

### **MATTERS FOR CONSIDERATION**

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

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

**SUBMITTED BY: Director**



**Civic Leadership**

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**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 the December 2012 Variations to Development Standards under State Environmental Planning Policy No. 1 - Development Standards.**

## REPORT:

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

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

<b>DA No.</b>	DA12/0082
<b>Description of Development:</b>	Two lot subdivision
<b>Property Address:</b>	Lot 1 DP 1101049 No. 63 Duranbah Road, Duranbah
<b>Date Granted:</b>	18/12/2012
<b>Development Standard to be Varied:</b>	Clause 20(2)(b) - Minimum lot size 10ha
<b>Zoning:</b>	1(b1) Agricultural Protection
<b>Justification:</b>	The existing hydroponic enterprise and residential components are contained within proposed Lot 1 (6.55 hectares) and as such the proposed subdivision will not alter the status quo of the land. Further, the proposed subdivision will allow for the continued operation of the existing and fully established hydroponic business. It is therefore considered that, given the unusual circumstances of the application, that the proposal would be consistent with the primary objective of the zone.
<b>Extent:</b>	The SEPP No. 1 variation relates to Clause 20(2)(b) of the Tweed Local Environmental Plan 2000 (LEP 2000) within each allotment created is at least 10 hectares. Proposed Lot 1 being 10 hectares, Proposed Lot 2 being 6.55 hectares.
<b>Authority:</b>	Director General of the Department of Planning and Infrastructure

## COUNCIL IMPLICATIONS:

**a. Policy:**

Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not applicable.

**c. Legal:**

No-Legal advice has not been received.

Attachment of Legal Advice-Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**5 [PR-CM] Composting Toilets**

**SUBMITTED BY: Building and Environmental Health**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

At Councils meeting held on Thursday 13 December 2012 a notice of motion was carried in relation to a report being brought forward on the potential of allowing composting toilets in the urban environment and for including this option in Council's water management policies.

**RECOMMENDATION:**

**That the report on composting toilets be received and noted.**

## REPORT:

Waterless composting toilets, also known as humus closets or biological toilets are waterless systems which rely on the principals of composting by micro-organisms to decompose human waste, paper and other materials into matter called humus.

Systems are either continuous types or batch type. Continuous systems contain a single chamber; whilst batch systems contain several bins with rotation occurring after each bin is filled. In both systems the required chamber or bins are installed below the floor and therefore may require a purpose built structure to house the unit.

As composting toilets are waterless it should be noted that that they do not treat wastewater from other sources such as hand basins, showers, laundries and kitchen sinks. The grey water from these fixtures therefore needs to be managed separately and requires an alternative type of system which obviously makes installation costs a key consideration if proposing these types of systems.

Currently the market has a number of waterless composting toilet systems available however the principles for each are basically the same. To explain the basic principal of these systems, excreta (both urine and faeces) is deposited directly down a chute through an opening to a sealed and vented chamber beneath the pedestal. As there is a direct connection to the chamber, i.e. no flushing system or water seal, it is necessary that a lid be in place to control fly breeding when the closet is not in use. The deposited material is usually detained on a graded base or screen which allows excess moisture to pass through and be collected below. Extra organic matter such as straw, wood shavings, paper or lawn clippings are added to create and improve the composting environment. Micro-organisms decompose the material, with around three quarters of it being converted to carbon dioxide and water vapour. Air drawn through the pile removes these gases and assists the micro-organisms which gradually break down the material into humus. As the base of the waste converts to compost or humus this material is removed through a separate hatch or doorway in the chamber and is typically buried on site. The minimum recommended depth of burial and soil cover is 100mm.

The time taken for the breakdown of these materials varies and is dependent on moisture, air and temperature. Too much moisture can result in odour production and therefore a mechanism may need to be installed to evaporate excess moisture. A ventilation pipe must also be installed and excess moisture may need to be drained to a treatment system or land application area. Some commercially available systems may also incorporate a urine diversion system which can be plumbed separately into the household drainage system or other approved disposal system.

Waterless composting toilets fall into the category of an on-site sewage management system (OSSMS). In New South Wales there is legislation and guidelines that stipulate that an OSSMS must be designed, operated and maintained in a manner that will:

- Prevent public health risk;
- Prevent environmental damage (particularly to land, soil, groundwater and surface waters);
- Protects community amenity (e.g. nuisances such as bad odours); and
- Work well into the future.

All commercially available systems must be accredited by NSW Health and are subject to conditions of accreditation which apply to each installation and covers installation, commissioning, maintenance and on-going management.

Also contained in the legislation is a requirement for Councils to manage the cumulative impact of sewage pollution in their local government area, which includes approving the installation and operation of OSSMS's and the ongoing auditing of these systems.

In 1998 the New South Wales Government made some amendments to the Local Government Act making it an obligation for Councils to better supervise the operation and installation of OSSMS's and to ensure that property owners take greater responsibility for maintaining their system. These changes require that once a system has been installed on a property the owner of that property must apply to Council for an approval to operate the system. This requirement for an approval to operate also applies for existing systems where a property with an existing on-site sewage management system is sold to new owner/s or the approval to operate has expired. In these cases the owner must apply to Council for an approval to operate. This approval allows Council to maintain a register of systems throughout the shire together with details of the owners of those systems and the approval ensures that property owners are aware of their responsibility to efficiently operate and maintain their system in accordance with the conditions of approval.

A check of Councils records identifies that there are approximately 4900 OSSMS's systems currently registered and that a low percentage of these include waterless composting systems. As indicated above the Local Government Act gives Council the responsibility to monitor all systems to ensure that they meet standards. Any waterless composting toilet installed, irrespective of the system being located in an area having reticulated sewer available, would need to be registered and therefore would fall into Councils auditing regime. Composting systems require individual approval, require an approval to operate and require an annual fee to enable resourcing for Council undertake these functions.

Typically the maintenance of a waterless composting system is the responsibility of the owner or occupier and is not normally subject to a maintenance contract. **The owner or occupier must therefore be committed to the principles of composting.** Maintenance requirements vary among waterless composting toilets, and the maintenance requirements are usually specified in the operational manual required to be supplied with the system. The manual would normally cover all the aspects of efficient humus production and would include information such as:

- How to control of excessive moisture production in the waterless composting toilet vessel;
- Procedures to ensure that the deposited material is spread evenly over the base of the waterless composting toilet;
- Cleaning procedures (e.g. minimal use of water and disinfectants on pedestal);
- Procedures for removal and disposal of compost;
- Procedures to eliminate the production of odours; and
- Procedures to ensure that material does not block the base of the chute.

### **Service Requirements**

Service requirements are mainly those recommended by the manufacturer and the replacement of defective parts such as fans or heating elements if they are fitted.

## Compost Management

Composted humus should be removed by the occupier or a contractor for management only after the minimum composting period has elapsed. Composted humus should be removed only through the access door (where provided) or from the humus storage tray, and it may be applied only to land within the boundaries of the premises unless the written approval of the local council has been obtained for an alternative method.

The composted humus from the humus closet must not be applied to land directly in an area used for the production of root crops for human consumption. The compost should be buried under clean friable soil in a level area not subject to erosion or inundation, and at a minimum depth of 100mm below finished ground level.

After 3 months' maturation below ground level **or** maturation in a separate lidded compost bin providing aeration and without further addition, the composted humus may be used in the garden, but not for the production of crops that are consumed raw.

## Advantages of Waterless Composting Toilets

- Conserves water;
- Can handle a shock loading;
- Can be installed in adverse site conditions;
- Reduces solids carryover to the land application system; and
- Recycles nutrients.

## Disadvantages

- High capital costs;
- Some energy consumption if fan and/or heater installed;
- Handling of waste is required;
- Does not function well in cold temperatures;
- Grey water has to be managed separately;
- Moderate to high maintenance required;
- Aesthetically unappealing to some people;
- May require a purpose-built structure to house unit;
- Requires a persistent commitment to composting principles;
- Additional Council approvals required; and
- Annual fee for management and auditing of the OSSMS required.

Given the above, waterless composting toilets are a viable option in unsewered areas, particularly where reticulated water is not available or water supply is restricted. Furthermore these types of systems can be used for difficult sites including smaller allotments where difficulties may be encountered in trying to obtain the required suitable area needed for a land application and disposal of liquid effluent.

While composting systems are permissible in both sewered and unsewered areas, the owner or occupier must be committed to the ongoing maintenance of the system to ensure its satisfactory operation and reduce the possibility of odours and the generation of complaints particularly in built up areas. Owners should also maintain service records



including the date of the last time humus material was removed from the composting chamber. Problems that may arise in sewered areas would be small allotment sizes for the installation and or disposal of humus and the possibility of odours affecting neighbouring properties due to the limited site areas and setbacks. In an area where reticulated sewer is available the additional time required to ensure the satisfactory operation, particularly given today's busy lifestyles, means that personal choice will usually be for a system requiring the minimum amount of work. In addition to the time needed maintain these systems there are associated costs for the upkeep of such systems including the recommended annual servicing of commercially available systems and therefore unless site conditions require the installation of a waterless composting toilet it is considered that encouraging the use of such system would be difficult to sustain and that personal choice should be the determining factor for the installation these types of installations.

**OPTIONS:**

1. This report be received and noted; or
2. The option for waterless composting toilets be included in Council's Water Management policies.

**CONCLUSION:**

Composting toilets are permissible in both sewered and unsewered, urban and non urban areas however given the costs associated with the installation of such systems and the commitment required by the owner or occupier to maintain such systems it is considered that their installation be a matter of personal choice.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 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
- 4.1.3.2 Manage natural environment
- 4.1.3.2.1 Actively manage and regulate emerging issues and areas of risk particularly on site sewerage management

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 6 [CNR-CM] Drought Water Restrictions Policy

SUBMITTED BY: Water



**Supporting Community Life**

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#### **SUMMARY OF REPORT:**

At its meeting on 25 October 2012 Council resolved to place the draft Drought Water Restrictions Policy on public exhibition.

The draft policy outlines the drought restrictions regime for the Bray Park and Uki water supply schemes which cater for about 99% of water consumers in the shire. It sets out the water restrictions that would be implemented in the event of a drought, the triggers for each level of restrictions and the targeted water savings at each level. The draft policy also describes when drought restrictions would be lifted, how the community would be notified about them and their enforcement.

The draft policy was exhibited from 5 November 2012 to 3 December 2012. Two submissions and one correction were received during the exhibition period and these are discussed in this report.

The draft policy has been corrected, amended in response to one of the submissions and the revised policy, version 2.0, is now presented to Council for final adoption.

#### **RECOMMENDATION:**

**That Council:**

- 1. Notes the relevant content of submissions received on the draft Drought Water Restrictions Policy and proposed drought water restrictions when they were exhibited from 5 November 2012 to 3 December 2012.**
- 2. Notes the changes that have been made to the draft Drought Water Restrictions Policy and drought water restrictions in response to feedback received during the exhibition period.**

3. **Adopts the Drought Water Restrictions Policy, Version 2.0, which incorporates all of the corrections and changes arising from feedback received during the exhibition period.**
4. **Staff prepare a Communications Plan ready for implementation should drought water restrictions be introduced.**

## **REPORT:**

### **Background**

In November 2009 Council adopted the Drought Management Strategy, setting out the water restrictions that would be implemented in the event of a drought, the triggers for each level of restrictions and the targeted water savings at each level. Drought water restrictions for levels 2, 4 and 6 were presented in the adopted Strategy. The Strategy recommended that a review of the drought water restrictions, restriction triggers and targeted savings be undertaken in 2012.

The review was carried out in late 2011 and significant modifications to the drought water restrictions were proposed, while recommending no changes to the restriction triggers or targeted savings. Revised draft drought water restrictions for levels 2, 4, 6 and 7 were reported to Council in November 2011. The revised restrictions had been expanded to include more activities and were described in greater detail to provide more information to the public, should drought water restrictions be implemented.

Council resolved to place the revised drought water restrictions on public exhibition from 5 December 2011 until 31 January 2012, to give members of the public and other stakeholders an opportunity to submit their comments.

Four submissions were received during the exhibition period and the salient points raised in these submissions were reported to Council in October 2012. It had been concluded that no changes to the draft drought water restrictions were warranted as a result of the submissions received.

The draft drought water restrictions were subsequently incorporated in a Council policy entitled "Drought Water Restrictions Policy" to formalise the drought water restriction levels, the triggers for each level of drought water restrictions and the targeted water savings at each level.

In October 2012 Council resolved to place the draft Drought Water Restrictions Policy on public exhibition from 5 November 2012 to 3 December 2012. This has given members of the Tweed community a final opportunity to comment on the proposed drought water restrictions regime, the water restrictions and implementation methodology before adoption by Council.

## Summary of Drought Water Restrictions

Restriction Level	Level 2	Level 4	Level 6	Level 7
Imposed when Carrie Hall Dam reaches this % of full capacity	75%	60	50	40
Demand reduction target	15%	20%	25%	30%
Lifted when Carrie Hall Dam reaches this % of full capacity	95%	80%	70%	60%
General notes – all levels	<ul style="list-style-type: none"> <li>watering of established lawns not permitted</li> <li>emptying and refilling of existing pools and spas not permitted</li> <li>no restrictions on totally independent rainwater tank systems</li> <li>no restrictions on operation of bores as per licences</li> <li>no cartage of water permitted outside Tweed shire</li> </ul>			
Residential premises – garden watering	<ul style="list-style-type: none"> <li>watering cans or buckets any time</li> <li>hoses 2hrs/day between 4pm and 9pm every 2<sup>nd</sup> day as per odds and evens</li> <li>no watering 31<sup>st</sup> of any month</li> <li>micro sprays and drip irrigation 15min between 4pm and 9pm</li> <li>no other watering systems</li> <li>hoses must have nozzle</li> </ul>	<ul style="list-style-type: none"> <li>watering cans or buckets any time</li> <li>hoses 1hr/day between 4pm and 9pm every 2<sup>nd</sup> day as per odds and evens</li> <li>no watering 31<sup>st</sup> of any month</li> <li>drip irrigation 15min between 4pm and 9pm</li> <li>no other watering systems</li> <li>hoses must have nozzle</li> </ul>	<ul style="list-style-type: none"> <li>watering cans or buckets 1hr/day between 4pm and 9pm every 2<sup>nd</sup> day as per odds and evens</li> <li>no watering 31<sup>st</sup> of any month</li> <li>no hoses or other watering systems</li> </ul>	<ul style="list-style-type: none"> <li>no garden or lawn watering permitted</li> </ul>

## Summary of Submissions

Submissions were received from the following individuals and organisations.

Ref. No.	Name	Date Received	Received by	ECM No.
1	Mr Trevor Harris	28 November 2012	Email	60256657
2	Pottsville Community Association	3 December 2012	Email	60215906

### Submission No. 1

Submission 1 puts forward the case that the best way of reducing the need for water restrictions is to revisit the Byrrill Creek Dam proposal. It argues that this would ensure that future residents of the Tweed, other regions and our grandchildren would have water supply beyond our forecast usage rates.

## **Discussion**

The drought water restrictions are only one component of Council's approach to ensure future water security. It is not intended to use these restrictions as a mechanism to reduce water demand unless they are triggered during drought conditions.

The main aim of augmenting the water supply would be to provide for population growth as opposed to the avoidance of drought restrictions. The need to impose restrictions during drought could occur whether or not the water supply system is augmented.

The Drought Management Strategy adopts current NSW Office of Water (NOW) guidelines in respect to levels of service for water supplies and drought water restrictions due to drought. The levels of service are described by the 5/10/20 rule. This rule underpins the reasonableness of drought restrictions. Levels of service under this rule are defined as follows:

- restrictions are implemented no more than 5% of the time, on average
- restrictions are imposed no more than once every 10 years on average
- demand reductions during drought restrictions should be 20%.

Council's strategies for demand management, water supply augmentation, emergency supply options and business continuity planning are the other key parts of Council's water security framework.

## **Submission No. 2**

Submission 2 highlights a perceived inconsistency in the inability of either residential or commercial water users to wash windows with a bucket during any level of restrictions found in R.14 and B.22. It points out that for businesses that have shopfronts this might be a major concern. The submission argues that, considering car washing is permitted with a bucket until Level 6 restrictions, it would seem more consistent to allow people to wash their windows in both residential and commercial properties with a bucket at least at these early levels of restrictions.

## **Discussion**

The comments made in Submission 2 are considered to be quite valid in relation to commercial and business premises. In terms of priority, for Business & Commercial Premises and Water Users (B.22), maintaining clean windows and an attractive shopfront is likely to be more important than washing the car. There would be a perceived financial link between keeping the windows and shopfront clean and attracting customers.

The priority of washing windows is probably lower for Residential Urban & Rural Premises (R.14) where cleaning windows is more for aesthetics rather than a clear financial need. Until Level 6, the draft restrictions already permit window cleaning at residential premises prior to selling or leasing the property, with approval from Council.

In terms of reducing water usage during restrictions, the amount of water that would be used to wash windows by commercial and business premises, if they use a bucket and rag/squeegee, would be low compared with many other water uses.

## **Summary of Corrections**

During the exhibition period, an error was identified on page 6 of the draft policy which deals with enforcement, it states that the "maximum penalty for non-compliance with drought

water restrictions is currently 20 penalty units or \$220.” It should be noted that the correct penalty amount, defined under Section 136 of the Water Management (General) Regulation 2011 should be \$200 and this has been amended within the draft Policy.

**CONCLUSION:**

Based on the feedback received during the exhibition period, the following changes to the policy and drought water restrictions are proposed.

No changes to restrictions on window cleaning for Residential Urban & Rural Premises (R.14) are proposed. This means that at restriction levels 2 and 4, window cleaning at these premises is permitted prior to the sale or lease of the property, with Council approval. It is not permitted for any other reason except for health and safety reasons. At level 6, window cleaning by residential and rural premises is only permitted for health and safety reasons and then by a registered cleaning business only. At level 7, window cleaning is not permitted at all.

For Business & Commercial Premises and Water Users (B.22), the restrictions relating to window cleaning have been amended in version 2.0 of the policy. The revised restrictions (B.23) now allow buckets to be used at any time at restriction levels 2, 4 and 6. However, the use of hand held hoses or high pressure cleaners is not permitted. At level 7, window cleaning by business and commercial premises is not permitted at all.

Page 6 of the revised policy, dealing with enforcement, now states that the “maximum penalty for non-compliance with drought water restrictions is currently 20 penalty units or \$200.”

No other changes to the draft policy or draft drought water restrictions have been warranted.

The revised policy version 2.0 and incorporated drought water restrictions have been amended as described above.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

New Corporate Policy. Once adopted, the Drought Water Restrictions Policy will underpin Council’s Drought Management Strategy. A Communication Plan will be developed, ready for implementation should drought water restrictions be introduced.

**b. Budget/Long Term Financial Plan:**

In the event of drought water restrictions being imposed, significant Council resources would be required to manage their implementation. Activities would include, but not be limited to: advertising, mail outs, answering customer inquiries, promotion on radio/in papers, media releases, training for and carrying out enforcement, monitoring and reporting water use by all sectors, escalation planning, lifting restrictions etc. There is no specific budget allocated for the implementation of drought water restrictions. In the event they are required, the necessary budget would need to be met by the Water Fund.

**c. Legal:**

Council exhibited the draft policy for the minimum of 28 days as per Section 160 of the Local Government Act 1993.



The Local Government Act (1993) and Local Government Regulations (2005) confer on Council the authority to prevent waste or misuse of water generally and specifically to prevent water use "*contrary to a council notice restricting the use of water*". Refer Section 637 of the Act and Sections 159-160 of the Regulation.

The NSW Office of Water (previously Department of Water and Energy) provides best-practice guidelines for the operation of water supplies. There is a requirement for all Local Water Utilities to comply with these guidelines. Drought planning is a requirement of these guidelines.

**d. Communication/Engagement:**

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Drought Water Restrictions Policy - Version 2.0 (ECM 61417548)

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7 [CNR-CM] EC2012-191 Clarrie Hall Dam Flood Safety Upgrade -  
Construction Award of Preferred Tenderer

SUBMITTED BY: Water



Supporting Community Life



Strengthening the Economy

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**SUMMARY OF REPORT:**

Clarrie Hall Dam was constructed in the early 1980s according to design standards applicable at the time. The NSW Dam Safety Committee (DSC), responsible for ensuring the ongoing safety of all registered dams in NSW, has requested Council upgrade the dam to accommodate more recent design standards, and in particular the requirement for it to safely pass a Probable Maximum Flood (PMF).

A suitably qualified construction contractor is required to undertake the works required to meet DSC requirements.

This report outlines the assessment of Tenders EC2012-191 for construction contractors, and based on that evaluation (detailed in **CONFIDENTIAL ATTACHMENT A**), recommends acceptance of the preferred tenderer.

**RECOMMENDATION:**

**That:**

1. Council accepts the tender submitted by Entracon Civil Pty Ltd, in the Recommended Tender Amount of \$5,400,400.51 (including GST), for Contract EC2012-191 Clarrie Hall Dam Flood Safety Upgrade.
2. The General Manager be given delegated authority to approve variations up to \$150,000 above the initial tender price and those variations reported to Council following completion of works.
3. Council informs unsuccessful applicants of these outcomes.
4. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret

## **REPORT:**

On 16 November 2010, Council resolved to progress work to upgrade the spillway on the existing Clarrie Hall Dam (CHD) to meet the requirements of the NSW Dam Safety Committee (DSC). The timing of these works is independent of the need to augment the Tweed's water supplies.

Council resolved, at its meeting of 25 October 2012 for Council officers to bring forward a report to the January 2013 Council Meeting for the awarding of the construction contract.

This report outlines the assessment of Tender EC2012-191 for the engagement of a specialist construction contractor to carry out the works.

### **Background**

The Clarrie Hall Dam (CHD) was constructed in the early 1980s according to design standards applicable at the time. The NSW Dam Safety Committee (DSC), responsible for ensuring the ongoing safety of all registered dams in NSW, has requested Council upgrade the CHD to accommodate more recent design standards, and in particular the requirement for it to safely pass a Probable Maximum Flood (PMF).

A suitably qualified construction contractor is required to undertake the works required to meet DSC requirements. The main items of works under the contract would include:

- Demolition of the existing spillway entrance, wing walls and crest.
- Construction of new spillway entrance, wing walls and 35m crest.
- Raise the existing spillway walls by up to 2.0 metres in the vicinity of the inlet and crest structures.
- Stabilisation of the existing flip bucket.
- Increase the height of the existing parapet wave wall on the embankment.
- Extend the new parapet wall around the right abutment of the dam and raise locally behind it the road and lookout platform level.
- Construction of new internal access road across the top of the embankment and maintenance of internal and external site access roads.
- Demolition of selected existing public toilets and picnic areas, and replacement with new facilities, information signs and landscaping.

Tenderers had been prequalified by Council at its meeting of 15 May 2012 through an Expression of Interest process. Subsequently, the prequalified tenderers participated satisfactorily in an Early Tenderer Involvement process which ran from July 2012 to September 2012.

### **Tenders Received**

Tenders were called from the four prequalified tenderers on 26 September 2012 and closed at 4.30pm on 21 November 2012. Four tenders were received, plus one alternative, as follows:

Tenderer	ABN
Abergeldie Contractors P/L	47 004 533 519
Abergeldie Contractors P/L (Alternative)	47 004 533 519
Entracon Civil P/L	35 118 370 077
Geotech P/L	94 114 336 515
Haslin Construction P/L	85 051 102 124

### **Evaluation**

The information submitted by the applicants was evaluated against the specified non-price and price criteria, in accordance with the Tender Evaluation Plan.

All applicants met the requirements of the Request For Tender documents. Each of the shortlisted applicants has accredited Work Health and Safety (WHS) and environmental management systems and has demonstrated satisfactory WHS management and satisfactory environmental management on previous projects.

A summary of the scores agreed for the non-price, price and overall weighted criteria, was signed by all members of the Tender Evaluation Committee.

The tenderer with the highest total score was Entracon Civil Pty Ltd. The second ranked tender was that of Geotech. The qualifications and departures for the remaining three tenders were assessed and it was established that these would cause a net increase to their respective assessed tender amounts and would not change the tender assessment outcome.

Referee reports indicate satisfactory past performance by Entracon Pty Ltd on recent contracts. The Tender Evaluation Committee contacted the referees and obtained additional information that supported the reports provided with the tender.

A financial assessment by Kingsway Financial Assessments Pty Ltd rated Entracon Pty Ltd as 'Good'.

The resources proposed for the work have been reviewed and the Tender Evaluation Committee considers Entracon Pty Ltd capable of completing the contract satisfactorily.

### **OPTIONS:**

That due to the value of these Contract works, Council may give consideration to providing the General Manager with an alternate delegated authority to deal with variations in line with the following:

*The General Manager be given delegated authority to approve variations up to 10% (including GST) above the total price, and those variations be reported to Council quarterly.*

### **CONCLUSION:**

The tender submitted by Entracon Pty Ltd, was identified as the most advantageous tender, in the Recommended Tender Amount of \$5,400,400.51 (including GST), for Contract No. EC2012-191 for Clarrie Hall Dam Safety Upgrade - Construction.

### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

The subject works are within the total project budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
- 2.3.2.7 Deliver Capital Works Program, (Only Large items listed)
- 2.3.2.7.3 Clarrie Hall Dam spillway upgrade

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

(Confidential) Attachment 1. Memo Clarrie Hall Dam Spillway Flood Safety Upgrade (ECM 61421619)

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**8 [CNR-CM] EC2012-238 Supply, Delivery and Installation of Inductively Coupled Plasma - Mass Spectrophotometer Instrument**

**SUBMITTED BY: Water**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Tender EC2012-238 has been called to enable the Tweed Laboratory Centre (Water Unit) to update key instrumentation in the metals section of its facility at Tweed Heads South.

**RECOMMENDATION:**

**That:**

- 1. Council accepts the tender from Perkin Elmer for EC2012-238 Supply, Delivery and Installation of an Inductively Coupled Plasma - Mass Spectrophotometer Instrument for the amount of \$218,680 incl GST.**
- 2. Council accepts the variation from Perkin Elmer to upgrade the EIS – FAST SC4 auto sampler/auto diluter for the amount of \$15,000 incl GST.**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret.**

## **REPORT:**

This tender enables the Tweed Laboratory Centre (Water Unit) to replace and update key instrumentation in the metals section of its facility at Tweed Heads South.

The laboratory has recently disposed of an old GBC Inductively Coupled Plasma - Optical Emission Spectrophotometer (ICP-OES) and will do the same with an even older Varian-Atomic Absorption Spectrophotometer (AAS). This has become necessary because of the difficulty, costs and delay in getting old equipment serviced. As well as replacing both pieces of equipment, the purchase of an Inductively Coupled Plasma - Mass Spectrophotometer (ICP-MS) will increase the potential capacity of the laboratory's services by making available lower detection levels of the whole range of metals (and many other elements of the periodic table) at a higher throughput. This is critical if the laboratory is to maintain value in meeting internal Council demands as well as continuing to attract external custom which enables the laboratory to upgrade equipment when required and meet market demands. Regulatory compliance has seen an ever increasing demand for a greater scope of testing to be performed at lower detections levels. Customers demand both high quality and quick reporting of their requested testing.

When evaluating sophisticated laboratory equipment, several key elements must be assessed and are provided for in the table below. Whilst cost is obviously important, it is not the sole criteria and experience has shown that training, service and availability of parts and consumables are critical for a commercial laboratory to maintain its work flow.

All known Australian providers (five) of ICP-MS instrumentation were contacted and invited to submit a tender. The tender was also advertised in the Sydney Morning Herald on 25 September 2012. Four were received and evaluated:

- Agilent
- Perkin Elmer
- Spectro DKSH
- Thermo Fisher

## **EVALUATION DISCUSSION:**

Based on the technical data provided, all four instruments seemed to have the capacity to deliver the range of testing required at the detection levels required by the laboratory.

All but one were within the laboratory's expected budget and where within 10% of each other when comparing overall price.

The evaluation between the remaining three tenders is largely based therefore upon known service support and availability of parts and consumables which is detailed in the Confidential Attachment A.

## **CONCLUSION:**

It is recommended to accept the tender from Perkin Elmer for the tender price of \$218,680 incl GST. It is further recommended that at the same time an upgrade to include the "EIS - FAST SC4" auto sampler/auto diluter for an additional \$15,000 which would be recovered within a period of 18-24 months as a result of savings in Argon, consumables and labour time. All tenders came with the base model ASX-250 auto sampler.



**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Provision has been made within the Laboratory's reserves of the Sewer Fund for these purchases.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
- 2.3.2.6 Deliver annual operations and maintenance programs
- 2.3.2.6.8 Tweed Laboratory Centre
  
- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
- 2.3.3.6 Deliver Annual Operations and Maintenance Program
- 2.3.3.6.6 Tweed Laboratory Centre

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- (Confidential) Attachment 1. Tender Evaluation and Recommendation for EC2012-238: Supply, Delivery and Installation of ICP-MS Instrument (ECM 61566164)
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**9 [CNR-CM] Draft Policy for Discharge of Liquid Trade Waste to the Sewerage System**

**SUBMITTED BY: Water**



**Civic Leadership**

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**SUMMARY OF REPORT:**

Council's Water Unit regulates liquid trade waste discharge to sewer for all commercial, industrial and large residential developments in the shire. All NSW Local Water Utilities (LWUs) are expected to comply with the requirements of the Best-Practice Management Guidelines for Liquid Trade Waste.

Liquid trade waste management is important for the protection of the environment and Council sewer assets.

Council has therefore reviewed its existing Trade Waste Policy and initiated the required revenue policy pricing paths to meet the NSW Office of Water Model Policy.

Once adopted this policy will:

- Authorise Council to assume concurrence for low risk dischargers
- Allow Council to apply for authorisation to assume concurrence for medium risk discharges
- Simplify the approval process for large risk discharges.

**RECOMMENDATION:**

**That Council:**

- 1. Exhibits the draft policy for Discharge of Liquid Trade Waste to the Sewerage System and accepts public submissions for a period of four weeks from 28 January to 22 February 2013 as per Section 160 of the Local Government Act 1993.**
- 2. Staff prepare a subsequent report to Council, summarising any submissions received and including a final draft of the policy for Discharge of Liquid Trade Waste to the Sewerage System for formal adoption by Council.**

## REPORT:

### Background

Sewerage systems are designed to safely collect, transfer and treat wastewater, which is mostly of domestic origin. However, these systems may also be capable of accepting liquid trade waste provided that the discharges are planned, known and controlled within acceptable limits.

It is therefore important for Council to implement best-practice in administering, regulating, monitoring and pricing of sewerage and liquid trade waste. This will ensure the trade waste does not:

- adversely impact on the sewage treatment works processes
- compromise worker health and safety
- cause damage to infrastructure and assets
- increase maintenance costs
- result in chokes and blockages
- cause significant odour complaints
- adversely affect the environment
- cause harm to public health and safety
- compromise opportunities for water recycling and biosolids reuse

Sound Regulation of sewerage and liquid trade waste is a key component of the NSW Government's *Best-Practice Management of Water Supply and Sewerage Guidelines, 2007*. In 2009 the NSW Government finalised its Liquid Trade Waste Regulation Guidelines.

It is Council's role to determine acceptance of liquid trade waste into its sewerage system and the policy for Discharge of Liquid Trade Waste to the Sewerage System will provide a preventative risk management framework to do this.

In developing a policy for Discharge of Liquid Trade Waste to the Sewerage System Council has to undertake the following steps:

1. *Develop a draft local approvals policy*  
Council has had this policy drafted for some time.
2. *If the policy or fees and charges differ from the regulation guidelines, submit the draft policy to NSW Office of Water (NOW) for comment and address any NOW comments.*  
Council has been negotiating with the NSW Office of Water over amendments to this document for some time. Council has recently satisfied all of NOW requirements in regard to the draft trade waste and revenue policy changes.
3. *Give public notice and exhibit the policy and charges for not less than 28 days and address any issues raised.*  
Council fees and charges were exhibited and communicated to businesses that would be affected. The draft policy for Discharge of Liquid Trade Waste to the Sewerage System now needs to be exhibited.
4. *Finalise, adopt and implement the policy in accordance with NOW consent.*

It is therefore proposed that the draft policy for Discharge of Liquid Trade Waste to the Sewerage System be placed on public exhibition to give the community an opportunity to comment on the draft document before adoption by Council.

An approved policy for Discharge of Liquid Trade Waste to the Sewerage System is one of the prerequisites for Council to be able to apply to NOW for Assumed Concurrence. Assumed Concurrence means Council will be able to process applications involving Classification B and S activities without forwarding these applications to NOW for concurrence. The Water Unit has the necessary experience and processes to meet the other requirements for Assumed Concurrence so we would be well positioned to gain acceptance.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Revised Corporate Policy. Once adopted, the policy for Discharge of Liquid Trade Waste to the Sewerage System will determine how Council regulates and charges Trade Waste Dischargers.

**b. Budget/Long Term Financial Plan:**

The policy targets a user pays system and is designed to achieve full cost recovery with appropriate sewer usage and trade waste fees and charges. It includes appropriate penalties for non-compliance and cost incentives for waste and water reduction.

**c. Legal:**

Council is required to exhibit the draft Policy for a minimum of 28 days as per Section 160 of the Local Government Act 1993.

The NSW Office of Water (previously Department of Water and Energy) provides best-practice guidelines for the operation of water supplies. There is a requirement for all Local Water Utilities to comply with these guidelines. Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval is a requirement of these guidelines.

**d. Communication/Engagement:**

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability
- 1.3.3.9 Develop and enhance Water Supply and Wastewater Policy and Procedure
- 1.3.3.9.1 Develop Policy encompassing connections, metering, easements, water carriers, backflow prevention, water main extensions, rain water tanks, protection of and access to sewer mains, caravan dumping points, private pumping stations, limits of responsibility for sewer connection, wastewater treatment buffer zones, sewer main extensions, drainage diagrams, inspections and rectification and planting near sewers

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Policy for Discharge of Liquid Trade Waste to the Sewerage System  
(ECM 61431843)

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**10 [CNR-CM] Tweed Coast Wastewater Strategy - Servicing Future Urban and Employment Lands**

**SUBMITTED BY: Water**



**Supporting Community Life**



**Strengthening the Economy**

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**SUMMARY OF REPORT:**

This report was originally submitted to Council on 15 November 2012. It was subsequently deferred to a Councillor Workshop held 6 December 2012. The report is now resubmitted for Council's further consideration.

At its meeting of 15 February 2011, Council resolved:

*"that Council:*

- 1. Provides in principle support to entering an agreement to contributing \$55,000 GST inclusive to have SIREX Water Utilities develop a private Sewerage and Water Strategy for the West Pottsville area based on stand alone private water and wastewater utility scheme under the Water Industry Competition Act 2006 (WIC Act) and Independent Pricing and Regulatory Tribunal (IPART) Licensing regime.*
- 2. Undertakes a probity review to determine the appropriateness and legal impacts of the proposed agreement.*
- 3. Seeks compensation from the developer for any Council contributions incurred if the developer seeks to withdraw from the process."*

This report entitled "Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands" is the outcome of this resolution.

It provides a feasible approach to supplying wastewater services for future development within the west Pottsville area. Council is constrained from providing such a service in the short to medium term due to limitations in the effluent disposal system for the Hastings Point Wastewater Treatment Plant and its requirement to develop wastewater services for areas that are already zoned for development in the catchments of the Banora Point and Kingscliff Wastewater Treatment Plants.

The Strategy also provides a mechanism for the use of recycled water through reticulation of suitable recycle water for toilet flushing, laundry cold water and outdoors uses.

**RECOMMENDATION:**

**That Council endorses the Tweed Coast Wastewater Strategy - Servicing Future Urban and Employment Lands as a feasible approach to the provision of wastewater services for developments identified in the Strategy.**



## REPORT:

This report was originally submitted to Council on 15 November 2012. It was subsequently deferred to a Councillor Workshop held 6 December 2012. The report is now resubmitted for Council's further consideration.

At its meeting of 15 February 2011, Council resolved:

*"that Council:*

- 1. Provides in principle support to entering an agreement to contributing \$55,000 GST inclusive to have SIREX Water Utilities develop a private Sewerage and Water Strategy for the West Pottsville area based on stand alone private water and wastewater utility scheme under the Water Industry Competition Act 2006 (WIC Act) and Independent Pricing and Regulatory Tribunal (IPART) Licensing regime.*
- 2. Undertakes a probity review to determine the appropriateness and legal impacts of the proposed agreement.*
- 3. Seeks compensation from the developer for any Council contributions incurred if the developer seeks to withdraw from the process."*

This report entitled "Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands" is the outcome of this resolution.

Tweed Shire currently has adequate land zoned for residential development in the Cobaki, Bilambil Heights, Terranora (Area E), Kings Forest, and Casuarina areas for around 30,000 persons and consequently, Council has in train over the coming years staged augmentation of the Banora Point and Kingscliff Wastewater Treatment Plants and associated wastewater transport systems. With the exception of the Tanglewood area, most zoned land in the catchment of Hastings Point Wastewater Treatment Plant ('WWTP') has been developed and existing capacity of that plant must be maintained for anticipated infill development. In addition, problems experienced in the past with the performance of the dune infiltration effluent disposal system mean that it is unlikely that any expansion of the Hastings Point WWTP would gain approval without development of an alternate effluent disposal system.

The Tweed Urban and Employment Land Release Strategy identified a number of areas in the West Pottsville location for development as both urban and employment lands. The process of development of these areas requires a rezoning through the planning proposal process. An important prerequisite for rezoning is there being some certainty as to the disposal of wastewater from subsequent development.

Council, as a Local Water Utility, normally has responsibility and authority through the Local Government Act and Regulations and can fund works related to development through Section 64 which authorises the use of the Water Management Act Sections 305, 306 and 307. To develop the system in this area while developing Banora Point and Kingscliff WWTPs would stretch Council's resources. The Water Industry Competition (WIC) Act 2006 which commenced in 2008 provides for private water utilities to be able to construct, operate and retail water and wastewater services in NSW. The WIC Act provides for the licensing of network operators and retailers to be regulated and licensed through the Independent Pricing and Regulatory Tribunal (IPART) for defined schemes. Licensed utilities have the same rights and responsibility as Council in relation to the provision of

water and wastewater services and once a scheme is licensed, Council cannot prevent it from providing services in its licensed area, however to expand beyond the scheme defined in the license application, a further application will be necessary. The licensing regime provides for a Network Operator License and separate Retailer Licenses. It is understood that the licensing process would take a minimum of six months from application to approval. The applicant has to demonstrate that it has and will continue to have, the capacity (including technical, financial and organisational capacity) to carry out the activities and to do so in a manner that does not present a risk to public health or a significant risk of harm to the environment.

Within the licensing process, Council as the local water utility has no special rights to object other than those of an interested party responding to the exhibition of the license application.

A feature of the WIC Act is the provision for a Retailer of Last Resort ('RoLR') which takes over the retail functions in the event of a retailer failing. Future amendments to the Act are likely to incorporate an Operator of Last Resort ('OoLR') to account for a failure of a network operator. It is likely that Council would be nominated to fulfil such roles in any scheme within the Tweed Shire.

This Strategy provides a framework for the use of WIC Act licensed private water utilities to construct small wastewater treatment and water recycling plants, water, wastewater and recycled water reticulation systems to service discrete development areas that cannot currently be serviced by Council's existing systems.

The Strategy would also include the private water utility purchasing bulk potable water from Council and distributing it to individual customers. The use of recycled water for toilet flushing, laundry cold water, outdoors and suitable industrial uses would reduce demand on Council's Water Supply system.

A significant issue that is not fully addressed in the strategy is the viability of disposal of excess treated effluent by irrigation. Significant areas of land will be required for disposal by irrigation of excess effluent. Land will have to be secured for this, either by purchase or perpetual agreement with existing land owners and may prove challenging and costly. To address this fully will require a considerable expense that developers are not prepared to invest prior to having certainty that the land will be rezoned. However, it would have to be addressed fully as part of the IPART WIC Act license application.

Accordingly, the strategy proposes a process that would involve a voluntary planning agreement ('VPA') with Council that would provide the ability of Council to back-zone land if the required WIC Act license is not obtained within a reasonable period.

A VPA, which runs with the land not the applicant, has the ability to modify an applicant's rights under the provisions of the Environmental Planning and Assessment Act such as barring an application for development until certain conditions of the VPA have first been met, eg. obtaining a WIC Act Licence and which provides both the developer and the Council with the certainty and security each requires prior to embarking on higher risk projects. VPAs are registered against the land.

In discussions with Sirex Water Utilities who have authored the Strategy, Sirex has expressed a desire that Council be involved providing billing services. This would provide a

seamless water billing authority across the Shire. Such an arrangement would require detailed investigation and negotiation once the scheme is further advanced.

It is noted that Sirex Water Utilities has advised that it has entered into a partnership with Solo Waste Recovery and is now Solo Water Pty Ltd. The Sirex entity still exists and is being wound down over time. Solo Water has advised that as the invoices for the proposed contribution from Council have been raised by Sirex, it is still appropriate for payment to be made to Sirex.

**OPTIONS:**

1. Endorse the strategy as a feasible approach to the provision of wastewater services for the areas nominated.
2. Reject the strategy in favour of attempting to delay development in the West Pottsville area.

**CONCLUSION:**

It is concluded that the Strategy provides a feasible approach to the provision of wastewater services to the West Pottsville area in the absence of Council being able to provide such services in the timeframe in which potential developers wish to proceed to development.

The provisions of the WIC Act are such that Council cannot prevent developers from using the WIC Act license provisions to enable development to proceed. However, through a proactive approach working with applicants, a more desirable outcome in respect to the environment and provision of services to our community is likely to be achieved, particularly in relation to the retail provider license services.

The use of voluntary planning agreements as part of future planning proposal approvals would give Council the certainty that if the provision of services does not eventuate, the zoning can be reversed.

This Strategy also provided the opportunity to pursue water recycling and reduction of potable water demand which is not viable from Council's existing centralised treatment plants.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Council provides water and wastewater services under the provisions of the Local Government Act 1993, Local Government Regulations and levies Development contributions under Section 64 which references Sections 305, 306 and 307 of the Water Management Act 2000. The Water Industry Competition Act 2008 permits private water utilities regulated by IPART. Council, as a local water utility cannot prevent licensing of a scheme in its area and can only provide comment to the IPART exhibition process. A proactive approach working with applicants is likely to provide a more desirable outcome for our community.

Council does not need a specific policy approach in this area but should consider individual approaches on an individual basis.

Council would probably not be interested in small isolated schemes, however with larger schemes that would provide infrastructure that Council would normally provide at a future stage, Council would more actively engage with the proponent.

**b. Budget/Long Term Financial Plan:**

Funds for Council's contribution to the development of this strategy are available within Council's Sewer Fund.

**c. Legal:**

Yes, legal advice has been received.

Legal advice confirmed that Council's participation in the preparation of this report and contribution to its cost was within the requirements of the Local Government Act procurement requirements in that it was less than \$150,000 and was a single source provider as the company had been selected by others and Council is only a contributor, and not solely responsible for the cost.

Endorsement of the strategy does not have any current legal impact, but the opportunity may be available in the future for Council to provide retail services to customers so that property owners. Such arrangements would require future legal agreements with the private water utility licensed to supply the area involved.

**d. Communication/Engagement:**

No formal community engagement is required at this time. The strategy is to be used by the various proponents of future development to inform the planning proposal process to rezone land for development. That process has mandatory exhibition and community consultation requirements in which this strategy will be exhibited as part of the overall planning proposal.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
  
- 3 Strengthening the Economy
- 3.4 Provide land and infrastructure to underpin economic development and employment
- 3.4.2 Ensure sustainable provision of infrastructure (utilities, services and transport) is available to support economic development

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1: Tweed Coast Wastewater Strategy – Servicing Future Urban and Employment Lands (ECM 58291013)
  - Attachment 2: Agenda Item 28 Report to Council and Minute 16 February 2010 (ECM 12892011)
  - Attachment 3: Agenda Item 23 Report to Council and Minute 15 February 2011 (ECM 28774541)
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**11 [CNR-CM] EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System**

**SUBMITTED BY: Water**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Since the commissioning of the Bray Park Wastewater Treatment Plant in January 2010, Council has, on a number of occasions, received elevated soluble manganese concentrations in the raw water that have resulted in dirty water complaints from domestic consumers. These elevated levels have been attributed to turnover of water in Clarrie Hall Dam coinciding with periods of high rainfall. A temporary potassium permanganate (KMnO<sub>4</sub>) dosing system has been installed to allow the oxidation and removal of iron and manganese. It is now proposed to integrate a permanent potassium permanganate dosing system into the plant.

Tenders have been called for this project with only one received. The tender panel has concluded that it is not possible to assess whether the single received tender provided value for money.

**RECOMMENDATION:**

**That Council:**

- 1 Declines to accept any of the tenders received for EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System as value for money was not able to be determined.**
- 2 Readvertises the tender for EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System.**

## **REPORT:**

Since the commissioning of the Bray Park Wastewater Treatment Plant in January 2010, Council has, on a number of occasions, received elevated soluble manganese concentrations in the raw water that have resulted in dirty water complaints from domestic consumers. These elevated levels have been attributed to turnover of water in Clarrie Hall Dam coinciding with periods of high rainfall. A temporary potassium permanganate (KMnO<sub>4</sub>) dosing system has been installed to allow the oxidation and removal of iron and manganese. It is now proposed to integrate a permanent potassium permanganate dosing system into the plant.

Tender documents were prepared detailing works required to procure, install, and commission a new potassium permanganate batching and dosing plant. Tenders were advertised on 13 November 2012 and closed on 19 December 2012.

Only one tender was formally received.

The tender review panel determined that it was not possible to assess whether the single received tender provided value for money.

## **OPTIONS:**

1. Accept the received tender.
2. Readvertise contract EC2012-272.

## **CONCLUSION:**

It is recommended that the contract EC2012-272 Bray Park Wastewater Treatment Plant Potassium Permanganate Dosing System be readvertised with the aim of attracting additional tenders.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

### **b. Budget/Long Term Financial Plan:**

Not Applicable.

### **c. Legal:**

Not Applicable.

### **d. Communication/Engagement:**

**INFORM** - We will keep you informed.

## **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.2 Provision of a secure, high quality and reliable drinking water supply services which meets health and environmental requirements and projected demand
- 2.3.2.7 Deliver Capital Works Program, (Only Large items listed)

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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12 [CNR-CM] Coastal Zone Management Plan for the Tweed Coast Estuaries

**SUBMITTED BY:** Natural Resource Management



**Caring for the Environment**

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**SUMMARY OF REPORT:**

The purpose of this report is to familiarise Councillors with the scope and content of a Draft Coastal Zone Management Plan for the Tweed Coast estuaries and their catchments, in particular, the ecological state of the waterways.

The Tweed Coast estuaries, Cudgen, Cudgera and Mooball creeks are some of the most highly valued and visible features of the Tweed Coast. They are immensely popular for recreation and support valuable and fragile habitats such as seagrass.

Historical and ongoing development in the catchment exerts environmental pressures on these waterways. The coastal zone management plan has assessed the implications of existing and future development on the waterways, and sets out a schedule of actions to be undertaken by government and the community to protect and enhance the environment.

The Draft Coastal Zone Management Plan calls for a holistic and integrated approach to management, and it is imperative that the community be aware and supportive of the plan and its recommendations. A number of meetings have been held with community groups during the preparation of the draft plan, and it is appropriate that the plan now be placed on public exhibition prior to finalisation and adoption by Council.

**RECOMMENDATION:**

**That the Draft Coastal Zone Management Plan for the Tweed Coast Estuaries and Catchments be placed on public exhibition for a minimum of 56 days.**

**REPORT:**

**INTRODUCTION**

Council is the lead agency responsible for managing the waterways and catchments of Cudgen, Cudgera and Mooball Creeks. These waterways meet the ocean at Kingscliff, Hastings Point and Pottsville respectively and are often collectively referred to as 'the coastal creeks'.

The catchments of the coastal creeks rise in the foothills of the Burringbar range and include Clothiers, Reserve, Christies, Burringbar, Sheen's and Crabbes Creeks. These smaller creeks flow across the coastal flood plain, primarily through a series of constructed agricultural drains, before discharging into the estuaries in their mid-upper reaches. The coastal creeks and their catchments can be divided into three distinct landscape units; upper freshwater tributary, flood plain channel and tidal estuary. It is critical that management actions be developed and implemented in each of these units, if the much valued and highly used estuaries are to retain their ecological health and recreational amenity.

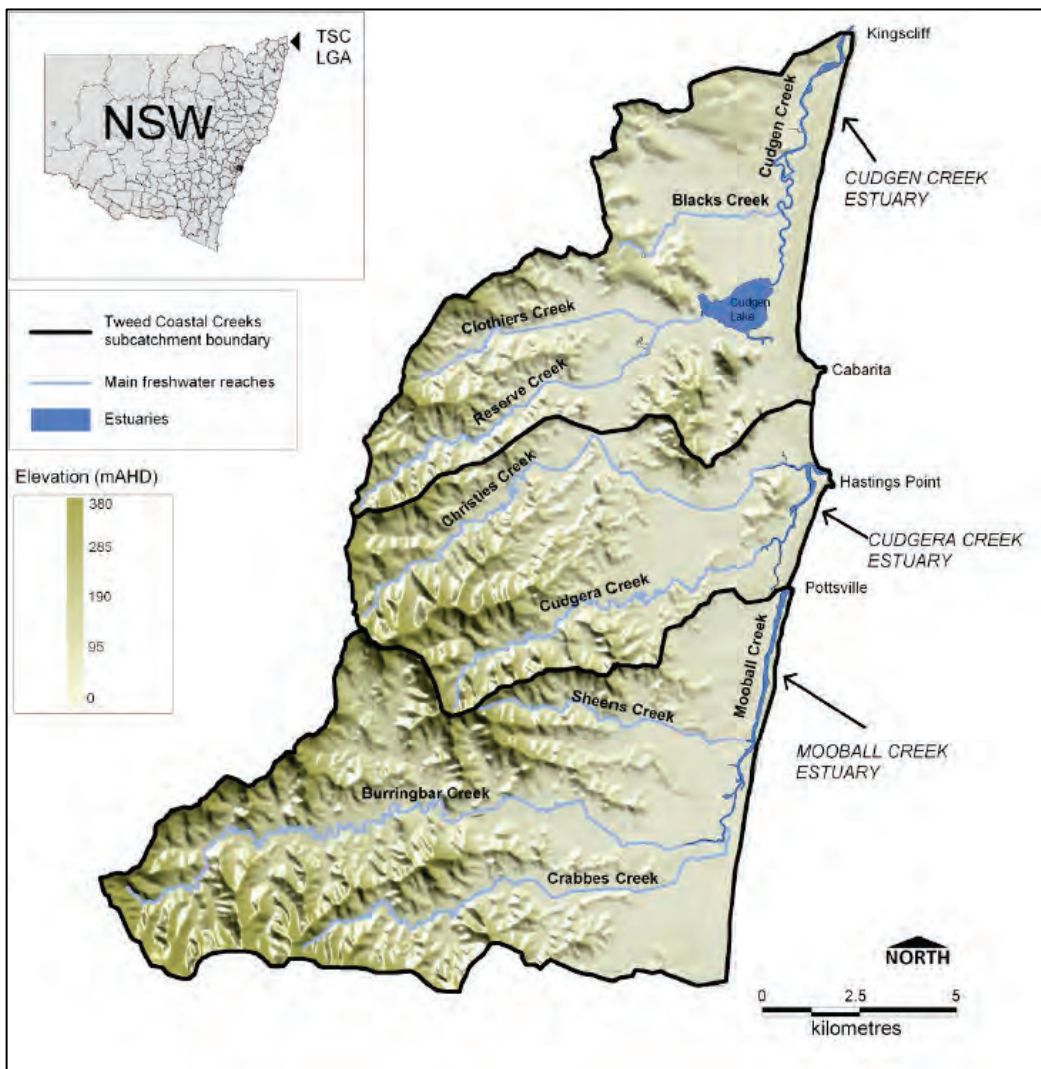


Figure 1. The Tweed Coastal Creeks and Catchments

A draft Coastal Zone Management Plan (CZMP) has been prepared for these waterways by Hydrosphere Consulting Pty Ltd of Ballina. This document delivers four primary objectives:

- A Review of the implementation of a management plan prepared for the creeks in 2004.
- An assessment of the ecological condition and water quality within the creeks and their catchments.
- An assessment of the likely impact of future urban development on the condition of the creeks.
- Development of a series of actions that should be implemented to protect and restore the environmental and recreational values of the creeks.

The CZMP provides a ten year strategic plan for management of the Tweed Coast Estuaries. The aim of preparing a CZMP and implementing actions documented in it is to protect and enhance the key values of Cudgen, Cudgera and Mooball Creeks by improving the health of natural ecosystems and addressing key pressures.

The CZMP supports the goals and objectives of the NSW Coastal Policy 1997 and the NSW Sea Level Rise Policy Statement 2009 and will assist in implementing integrated coastal zone management. The CZMP was prepared in accordance with Part 4A of the Coastal Protection Act 1979 and NSW Government's Guidelines for Preparing Coastal Zone Management Plans. Following public exhibition and inclusion of all appropriate changes, the CZMP will be recommended for adoption by Council, and then referred to the NSW Government for certification under section 55G of the Coastal Protection Act.

It is important to note that the assessments undertaken to produce the document were not limited to the estuarine reaches of the creeks. These are the areas that most Tweed residents and visitors know and utilise, but they comprise a relatively small proportion of the overall catchment. Assessments of ecological condition and management actions have been developed for the estuary, the floodplain and the upper catchments.

A summary of the findings and recommendations of the report is provided below. The full Draft Coastal Zone Management Plan is included with this report as an attachment. The draft plan will be put on Council's website following its approval for exhibition.

### **Ecological Assessments**

Ecological investigations undertaken for the purpose of this study included assessment of:

- Seagrass extent and condition
- Freshwater fish species diversity and abundance
- Stream structure and riparian vegetation
- Intertidal invertebrate communities

Key findings with respect to seagrass and freshwater fish are included below.

#### *Seagrass*

- Historical mapping has shown a high degree of variability in the extent of seagrass beds within the Tweed coastal creeks.
- The area of seagrass increased from 1980's to 2006 in Cudgen and Mooball Creeks, however assessment for this study (in 2011) showed a decline in seagrass area and health in all creeks (compared to 2006), particularly in Mooball Creek, where only two small seagrass patches remain.
- Epiphytic algae growth on seagrass (indicating high nutrient availability in the water column) is high in Mooball and Cudgera Creeks.

- Poor water quality, physical disturbance, and creek bed instability are factors which can contribute to a decline in seagrass. The exact combination and relative contribution of factors leading to seagrass decline in the coastal creeks cannot be confirmed.
- Follow up investigation will be undertaken in 2013 to gather more information and track seagrass condition trends.

#### *Freshwater Fish*

- Abundant fish life was found at all sample sites, with marked differences in relative abundance between spring and summer
- Ten native species and two exotics were found.
- Freshwater fish communities generally found to be in good health, with a moderate to high diversity of native species.
- Upper catchment sites support healthier fish populations, and there were no critical fish passage barriers identified.
- Freshwater fish population diversity was most compromised in sections of Clothiers Creek, though there was still reasonable abundance.

#### **Water and Sediment Quality Analysis**

Water quality samples are collected every two months in the coastal creeks. Median results of data are summarised below:

##### *Cudgen Creek*

- pH is slightly low in upper estuary, (6.5 – 6.9, target 7.0). This may reflect diluted ASS runoff, or low pH 'swamp water' input.
- Nitrogen is high in upper estuary (0.48 – 0.50 mg/L, target 0.3). Peaks in N levels are related to rainfall.

##### *Cudgera Creek*

- There are signs of poor water quality in upper estuary.
- Dissolved oxygen is slightly low (5.5 – 5.9 mg/L, target 6 – 8).
- Nitrogen is high, (0.31 – 0.69 mg/L).
- Sample location in Christies Creek returns consistently poor results.
- High bacteria levels upstream of Koala Beach.

##### *Mooball and Burringbar*

- All results from Mooball Creek meet objectives.
- Water quality in Burringbar Creek shows elevated nitrogen and bacteria.

##### *Pesticides and Heavy Metals*

Ten sediment samples from Mooball Creek and nine each from Cudgen and Cudgera Creeks were analysed by Southern Cross University.

- No organochloride, organophosphate or PCB pesticides were detected in any sediment samples.
- Generally, heavy metal concentrations in all sediment samples were below guideline levels, except two sites in Mooball Creek catchment.
- High arsenic and high Mercury levels were detected in an upper floodplain reach (cane drain) of Sheens Creek.
- Metal levels are likely related to Acid Sulphate Soils – low pH dissolving naturally occurring metals within soils.

- Further analysis being undertaken to determine the potential bio-availability and toxicity of metals.

### **Pollutant Export Modelling and Ecosystem Response Assessment**

Modelling was undertaken to characterise the relative contribution of different landuse types to the discharge of pollutants to the creeks, and predict the impact of future landuse changes (generally urban development) on ecosystem health.

The Tweed Coast Estuaries are already under pressure from past vegetation clearing, draining of the floodplain, acid sulphate soil issues, and existing agricultural and urban land use.

Analysis of available water quality data for the estuaries has revealed that nutrient and sediment concentrations can be high, particularly during and following rainfall and runoff events and that algal blooms can be significant.

This study has shown that future urban development within the Tweed Coast Estuary catchments has the potential to increase nutrient and sediment loads to these waterways. Without appropriate mitigation, most of the urban development planned within the study area is likely to increase contaminant loads. This is particularly true during the construction phase for such projects, where estimated contaminant loads could be significantly greater.

Although the effects of urban development on these estuarine ecosystems cannot be fully quantified, the study found that significant algal blooms are presently occurring and the risk of more frequent, more widespread or more severe blooms is likely to increase with urban development, particularly during construction and concurrent development of large tracts of land. However, if developers were able to meet the pollutant reduction targets set out in the Tweed Urban Stormwater Quality Management Plan an improvement with respect to the pollutants considered in this report would be expected.

### **Key Recommendations**

The Draft CZMP contains a comprehensive schedule of proposed actions that aim to address the full range of pressures which have been identified as degrading the environment or reducing recreational amenity in the creeks. Complimentary actions have been grouped to make strategies, which are set out below.

#### **Strategy 1: Monitoring, Evaluation and Review**

- Action 1a: Implementation of a coordinated catchment-wide monitoring program to monitor estuary health, measure the success of management actions and inform decision making in accordance with the NSW Natural Resources Monitoring, Evaluation and Reporting (MER) Strategy.
- Action 1b: Review of CZMP progress and monitoring of KPIs - Ensure continuous improvement towards the CZMP objectives across the full range of identified pressures.
- Action 1c: 10 year review of CZMP - The CZMP and the specified management actions will be reviewed to ensure they are being achieved and are resulting in the desired outcomes.

### **Strategy 2: Estuary Habitat**

- Action 2a: Investigation of seagrass decline in Mooball Creek- Determine the sources of dramatic decline in seagrass extent in Mooball Creek since 2006 and recommend remedial action where possible to address root causes.

### **Strategy 3: Aquatic Fauna**

- Action 3a: Christies Creek fish surveys - Undertake surveys on Christies Creek to determine the extent of Swordtail infestation and determine the feasibility of removal of this species at this location.

### **Strategy 4: Shorebirds**

- Action 4a: Shorebird management - Continue and support existing programs to reduce impacts on shorebirds. Create a dog exclusion area within the mouth of Cudgera Creek estuary to reduce disturbance of threatened migratory shorebirds.

### **Strategy 5: Riparian Vegetation**

- Action 5a: Identify priority riparian areas for rehabilitation - Prioritisation of riparian areas for protection and rehabilitation to provide the greatest benefits for the effort expended.
- Action 5b: Riparian rehabilitation works – Carry out works to improve cover and condition of riparian areas in the Tweed Coast Estuaries and catchments with positive flow on effects increasing the health and resilience of waterways.

### **Strategy 6: Bank Erosion**

- Action 6a: Bank erosion works planning for high risk sites - Plan for effective resolution of bank erosion at high risk sites identified by the Bank Erosion Study.

### **Strategy 7: Acid Sulphate Soils**

- Action 7a: Acid Sulphate Soil management - Support current initiatives in ASS research in the catchments, implement successful strategies at other sites and promote communication of findings to community and decision makers.

### **Strategy 8: Agricultural Land**

- Action 8a: Support and promote sustainable agricultural initiatives - Support current initiatives encouraging best practice management of agriculture in the catchments, and promote sustainable management practices to community and decision makers.
- Action 8b: Undertake a Cost Benefit Analysis (CBA) of alternative options for certain categories of agricultural land. Compare environmental, social and economic costs and benefits of agricultural land management practices and land uses to identify viable alternatives with improved outcomes for estuary health.

### **Strategy 9: Urban Development and Stormwater**

- Action 9a: Stormwater planning controls and regulation – Ensure on-going improvements in stormwater management resulting in reduction of contaminants transported to the estuary
- Action 9b: Estuary response modelling – provide information on the likely ecosystem responses to changes in catchment loading from modelling urban development scenarios.

**Strategy 10: Wastewater Management**

- Action 10a: Wastewater management – Ensure optimum performance of wastewater management systems resulting in no adverse impacts to estuary health, function and recreational use.

**Strategy 11: Climate Change Adaptation**

- Action 11a: Assessment and mapping of tidal inundation extent including potential sea level rise – Provide clear definition of potential risks due to tidal inundation for the Tweed Coast Estuaries to facilitate adaptation to climate change.
- Action 11b: Planning for sea level rise and climate change impacts - Catchment and estuary specific information regarding climate change is used to facilitate adaptation to climate change.

**Strategy 12: Public Access**

- Action 12a: Public access - Public access to estuaries and foreshores is maintained and key future risks are identified for future planning.

**Strategy 13: Recreational Use**

- Action 13a: Support and promote safe and ecologically sustainable recreational use to ensure continued recreational use of the Tweed Coast Estuaries with no adverse impacts on the environment, cultural values or public health and safety.
- Action 13b: Investigation of sources of faecal contamination in Cudgera Creek - Identify the source of faecal contamination in Cudgera Creek and direct management action to address the issue so that recreational water quality objectives are achieved.

**Strategy 14: Cultural Heritage**

- Action 14a: Cultural heritage - To provide for effective protection and management of cultural sites and where appropriate provide access and signage to promote the cultural values of the estuary.

**Strategy 15: Education and Consultation**

- Action 15a: Community education and consultation program - to improve current understanding of the pressures affecting estuary health in the community and among decision makers.
- Action 15b: Signage - Raise awareness of the location of sensitive habitats to reduce damage caused by physical disturbance.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

The draft CZMP contains an implementation program, Section 9 (pp. 129-131) which includes a table of estimated costs to implement the recommendations over the plan period of ten years. The total estimated cost of implementation is estimated at \$2,681,000.

Council currently allocates \$147,000 per year under the long term financial plan to the implementation of projects in the coastal estuaries and their catchments. It is anticipated that this sum can be increased by obtaining grant funding, however it is expected that there will be a shortfall in funding availability for the full range of projects recommended in the draft CZMP.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

This draft CZMP has been developed with input from the Tweed Coastal Committee. The committee was involved in the development of the brief for the project, and has been kept apprised of the findings of the baseline ecological assessments. A fact sheet regarding the project has been distributed and an article on the project has been sent out in the Tweed Link. A stall was set up at the Pottsville Markets to share information of the development of the plan, and presentations on the project were made at meetings of the Pottsville, Kingscliff and Cabarita/Bogangar Community Associations.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 4 Caring for the Environment
- 4.1 Protect the environment and natural beauty of the Tweed
- 4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations
- 4.1.2.4 Prepare, review and implement coastal zone and catchment management plans
- 4.1.2.4.2 Review and implementation of Tweed Coast Estuaries Coastal Zone Management Plan
- 4.1.2.7 Water quality monitoring and ecosystem health assessment
- 4.1.2.7.1 Water quality monitoring program in Tweed River, coastal estuaries and upper catchment

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Coastal Zone Management Plan for the Tweed coast Estuaries (ECM 61418555)
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**13 [CNR-CM] River Health Grants**

**SUBMITTED BY: Natural Resource Management**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

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

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

**RECOMMENDATION:**

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

## REPORT:

Since June 2006 Council has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition. The goal of this program is to enhance the environmental condition of Tweed waterways and to improve the water quality of raw water extracted for treatment at Bray Park.

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. Each grant is based on the agreement that the landholder will contribute significantly to the project, in most cases by undertaking agreed works, with materials supplied by Council.

There are two projects included in this report. Both projects are aimed at reducing erosion which resulted from the extremely wet events over the past two years. The approach for both sites is to replace native riparian vegetation and remove stock access to the waterway. The first project is to provide materials for fencing and stock watering with the land holder undertaking the works, including the planting. The second project involves engaging a professional bush regenerator to assist with planting *Lomandra* species densely along an eroding section of bank in addition to native riparian tree species to halt erosion.

It is proposed to support the landholders as detailed below.

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
DeLacy	Uki	150	Restrict stock access to eroding gully and provide off-stream watering points. Revegetate fenced-off area.	\$3,500
Julien	Tyalgum	150	Restore native vegetation and plant <i>Lomandra</i> along eroding section of the Oxley River.	\$4,000

## CONCLUSION:

The projects nominated for approval in this round of river health grant agreements both include significant in-kind contributions from the property owners. Projects will achieve the aims of the River Health Grants Scheme, and are in accord with the Water Supply Catchment Stream Bank Protection Policy.

## COUNCIL IMPLICATIONS:

### a. Policy:

Water Supply Catchment Stream Bank Protection Version 1.2.

### b. Budget/Long Term Financial Plan:

Funded through River Health Grants program

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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14 [CNR-CM] Biodiversity Grant Program

SUBMITTED BY: Natural Resource Management



**Caring for the Environment**

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**SUMMARY OF REPORT:**

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

The purpose of this report is to seek Council's approval to fund three private landowners, as listed below, in accordance with the provisions of the Biodiversity Grant Program.

**RECOMMENDATION:**

**That Council approves the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the table contained within this report.**

## REPORT:

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

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

- Rehabilitation of degraded habitats
- Restoration of previously cleared areas
- Threatened species recovery
- Management of threatening processes
- Monitoring and research

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

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

The purpose of this report is to seek Council's approval to fund the three private landowners visited since the December 2012 Council meeting as listed below, in accordance with the provisions of the Biodiversity Grant Program.

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

Name	Area	Estimate (\$)	Description
Parke	Mount Burrell	4740	Site Action Plan plus 10 person days of SAP implementation
Morganlowe	Mount Warning	3660	Site Action Plan plus 6 person days of SAP implementation
Brannian	Upper Dungay	3660	Site Action Plan plus 6 person days of SAP implementation
	<b>Total</b>	<b>\$12,060</b>	

**OPTIONS:**

1. That Council approves the proposed Biodiversity Grants to assist private landholders to undertake the projects listed in the above table.
2. That Council does not approve the proposed Biodiversity Grants to assist private landowners to undertake the projects listed in the above table.

**CONCLUSION:**

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

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

\$12,060 from existing Biodiversity Program budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**15 [CNR-CM] Biofund Koala Connections Project Implementation**

**SUBMITTED BY: Natural Resource Management**



**Caring for the Environment**

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**SUMMARY OF REPORT:**

Council resolved at the June 2012 Council meeting to accept a Department of Sustainability, Environment, Water, Population and Communities Biodiversity Fund of \$2,017,000 awarded to Tweed and Byron Shire Councils to implement Linking Koala Habitat and Endangered Ecological Communities. The project, known as Koala Connections, is managed and administered by Council. In accordance with the application, a further \$100,000 over three years will be contributed to the project from Council's Biodiversity Grant Program.

The purpose of this report is to seek Council's approval to fund two private properties as listed below, in accordance with the provisions of the grant.

**RECOMMENDATION:**

**That Council approves the proposed funding to assist private landowners to undertake the projects listed in the table contained within the report.**

## REPORT:

Council resolved at the June 2012 Council meeting to accept a Department of Sustainability, Environment, Water, Population and Communities Biodiversity Fund of \$2,017,000 awarded to Tweed and Byron Shire Councils to implement Linking Koala Habitat and Endangered Ecological Communities. The project, known as Koala Connections, is managed and administered by Council. In accordance with the application, a further \$100,000 over three years will be contributed to the project from Council's Biodiversity Grant Program.

The project will implement critical on-ground and educational actions arising from the Tweed Coast Koala Habitat Study (TCKHS) and the draft Tweed Coast Comprehensive Koala Plan of Management (TCKPOM), which is currently in preparation. Specific actions will include:

- Restoration of existing Koala habitat.
- Connecting fragmented habitats through revegetation on private and public land.
- Installation of strategic fencing to restrict stock and prevent Koala road strikes.
- Connecting landholders, community groups and individuals through educational media releases, training workshops and community tree planting working bees.

Together, these actions will help to provide a secure future for Koalas on the Tweed coast and foster a sense of stewardship with landholders and the broader community.

The purpose of this report is to seek Council's approval to fund two private landowners, as listed below, in accordance with the provisions of the Grant.

The proposed works involve the provision of services by professional bushland regenerators to undertake weed control, tree planting, monitoring and evaluation and to assist the landholders to more effectively manage environmental weeds and ensure survival of the trees.

Name	Area	Details	Cost Estimate (\$ excl. GST)	
			Biodiversity Fund	TSC Biodiversity Grant
Rose	Kings Forest	Preparation of Site Action Plan and schedule. Site preparation for planting 2ha. Planting 200 trees with guards. Weed control over a further 4ha of remnant Littoral Rainforest. Follow-up weed control over 3 years. Monitoring and evaluation.	12,557	1000
Walton & Hanks	Kings Forest	Preparation of Site Action Plan and schedule. Install 0.5 km fencing. Site preparation for planting 7ha of, mostly steep, cattle paddock. Planting of 2800 trees with guards and 700 understorey plants staged over 3 years. Weed control over a further 3ha of remnant vegetation. Follow-up weed control over 3 years. Monitoring and evaluation.	63,700	3500

**OPTIONS:**

1. That Council approves the proposed funding to assist private landholders to undertake the projects listed in the table contained within this report.
2. That Council does not approve the proposed funding to assist private landholders to undertake the projects listed in the table contained within this report.

**CONCLUSION:**

The proposed works will significantly enhance fauna corridors in the Kings Forest area and will contribute to implementation of recommendations in the Draft Comprehensive Tweed Coast Koala Plan of Management.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

\$2,017,000 from Department of Sustainability, Environment, Water, Population and Communities Biodiversity fund LSP-947456-1336, which is augmented with a further \$100,000 over four years from Council's Biodiversity Grant Program.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.2 Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**16 [CNR-CM] Tweed River Art Gallery - Proposed Gallery Cafe Pavilion Extension**

**SUBMITTED BY: Community and Cultural Services**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

The Tweed River Art Gallery Foundation Ltd has offered Council an amount of \$200,000 to construct a pavilion as an extension to the gallery café as a complementary project to the Margaret Olley Art Centre and to enhance visitor experience of the facility. This proposal will supplant the enclosure of the café verandah currently included in the design plans for the Margaret Olley Art Centre development, and also funded by the Foundation.

The construction of the pavilion will facilitate the expected increase in demand for gallery café services, provide additional employment and economic opportunities for the facility.

A design proposal and preliminary costing for the construction of a pavilion were previously investigated during 2008.

**RECOMMENDATION:**

**That Council:**

- 1. Supports the proposal from the Tweed River Art Gallery Foundation Ltd for that organisation to fully fund the café pavilion extension as outlined in the report.**
- 2. Acknowledges the gifts from the Foundation Directors, Mr Doug Anthony AC CH and Mr Ashby Utting, through a formal letter to the Foundation Board.**
- 3. Proceeds with development assessment and concept designs for the proposed pavilion.**

## **REPORT:**

The Tweed River Art Gallery Foundation Ltd has for a number of years proposed and recommended to Council the extension of the gallery café to enhance the experience gained by visitors to the facility. A number of proposals have been investigated and considered.

Council's meeting of 20 September 2011 resolved to support the Foundation's earlier proposal to fully fund a modest improvement to the gallery café, and voted expenditure of \$5,000 towards the options assessment, concept, budget and detailed designs of this proposal. Following extensive discussions at several meetings of the Foundation's Board of Directors, the Board resolved at its meeting of 14 July 2012 to fully fund a design for the upgrade of the gallery café costed at \$152,000. These plans involved the extension of the café awning to the east and west to cover the entire length of the verandah, and installation of glass balustrades and concertina windows to weather proof the seating area. At the Council meeting of 17 July 2012, Council resolved to support the Foundation's proposal to fully fund the upgrade of the gallery café as detailed in the report at that time.

At the meeting of the Board of Directors held on 5 December 2012, Foundation Directors Doug Anthony and Ashby Utting offered funding of \$100,000 each (total \$200,000) to construct a pavilion as an extension to the gallery café. The Board resolved that the offer of private funding be accepted to build the café pavilion as a matter of priority, concurrently and in conjunction with the development of the Margaret Olley Art Centre (MOAC), thereby supplanting the enclosure of the café verandah at a later date. It is the Foundation Board's view that the pavilion will facilitate the expected increase in demand for café services and provide additional income in lease payments and economic opportunities in association with the MOAC.

The minutes of the Foundation's Board meeting of 5 December 2012 confirming this offer are included in this report for Councillors' information.

## **OPTIONS:**

1. Council supports the Foundation's proposal to fully fund the design, scoping assessment and construction of the Café Pavilion utilising the donation of \$200,000 offered by Doug Anthony and Ashby Utting, thereby setting aside the enclosure of the Café verandah at a later date.
2. Council does not support the Foundation's current proposal and proceeds with the current plans.

## **CONCLUSION:**

It is recommended that Council supports the Foundation's recent proposal, proceeds with the documentation and construction involved in the construction of the café pavilion, and formally acknowledges the donated funding through letters to Doug Anthony and Ashby Utting.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Funded by private donations that are additional to the funding being made available to the overall Margaret Olley project.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.1 Provide conveniently placed well equipped community facilities
- 2.3.6.1.3 Maintain and improve the Tweed River Art Gallery's physical and built environment through the provision of additional educational and family friendly facilities

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Minutes of the Tweed River Art Gallery Foundation Ltd Board Meeting held 5 December 2012 (ECM 61330978)
  - Attachment 2. Letter from Foundation outlining details of donation and Board's request to proceed with café pavilion (ECM 60599709)
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**17 [CNR-CM] Lease to Mission Australia - Banora Point Community Centre**

**SUBMITTED BY: Community and Cultural Services**

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**Civic Leadership**

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**SUMMARY OF REPORT:**

Mission Australia has requested use of the Lomandra Room at the Banora Point Community Centre for seven days per fortnight (three days one week, four days the second week). Mission Australia has requested a lease for 12 months with a renewal of a further 12 months. It is proposed that the income from the lease be utilised to fund ongoing activities at the centre.

**RECOMMENDATION:**

**That Council:**

- 1. Approves entering into a Lease with Mission Australia for the Lomandra Room at the Banora Point Community Centre, for a term of 12 months at a lease fee of \$364.00 per fortnight inclusive of electricity, with an option for a further 12 months.**
- 2. Utilises the funds to support the ongoing activities at the Banora Point Community Centre and that all funds not utilised be placed in a reserve for the specific future use.**
- 3. Executes all documents under the Common Seal of Council.**

**REPORT:**

Mission Australia has requested use of the Lomandra Room at the Banora Point Community Centre for seven days per fortnight (three days one week, four days the second week) for a rental of \$364.00 per fortnight including electricity. Mission Australia has requested a lease for 12 months with a renewal of a further 12 months. It is proposed that the income from the lease be utilised to fund ongoing activities at the centre.

Mission Australia supports carers of those who have mental health issues and is funded by NSW Health.

Banora Point Community Centre is developing into a social hub for seniors in Banora Point with 90 to 100 people attending activities each week. Additions and renovations planned to house the seniors' office space and an information and technology access space is expected to expand the demand for activities already on offer. Restricting lease revenue to support activities will assist program development.

**OPTIONS:**

1. Council enters into a 12 month lease with a further 12 month option with Mission Australia for the use of the Lomandra Room at the Banora Point Community Centre for a rental of \$364.00 per fortnight including electricity.
2. Council does not enter into a lease with Mission Australia for the use of the Lomandra Room at the Banora Point Community Centre.

**CONCLUSION:**

It is recommended that Council enters into a lease with Mission Australia per Option 1 above.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

The lease will be based on the rental of \$364 per fortnight including electricity.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**18 [CNR-CM] Indigenous Public Art Program Return of Grant Funds for "Goorimahbah - Place of Stories"**

**SUBMITTED BY: Community and Cultural Services**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Council is in receipt of an email from the Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts dated 4 December 2012 requesting the repayment of \$68,200 (inclusive of GST) following cancellation of the "3 Brothers Indigenous Public Art Program for Goorimahbah - Place of Stories".

**RECOMMENDATION:**

**That Council:**

- 1. Notes that the agreement between Tweed Shire Council and Office for the Arts for the Indigenous Public Art Program "Goorimahbah - Place of Stories" has been cancelled and the requested grant funds of \$68,200 (GST inclusive) be returned.**
- 2. Votes the expenditure and makes the appropriate budget allowance of \$68,200 (GST inclusive) for the return of these grant funds in the December quarterly budget review.**
- 3. Retains general funding allocated to the Goorimahbah project to develop a new concept design for the site and support future grant applications.**

## **REPORT:**

Council received correspondence from the Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts dated 14 July 2011 informing Council of approval of funding of \$62,000 for the 3 Brothers Indigenous Public Art Program "Goorimahbah - Place of Stories" project which required Council's acceptance and approval to affix its seal to the Standard Funding Agreement. At its meeting held on 16 August 2011, Council resolved to accept the offer, vote the expenditure and complete all paperwork under the common seal of Council.

Due to various difficulties in progressing the project, a request to extend the project was made by Council. The Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts granted an extension of time for the project to 30 September 2012. At its meeting on 26 June 2012, it was resolved in part by Council to accept the extension of time to enable the development of an alternate proposal.

An alternate proposal was developed and submitted as a Draft Expression of Interest to the Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts on 27 September 2012. The proposal outlined the vision for a new artwork in the Goorimahbah precinct and timeline to realise same requiring a further extension of time.

A teleconference was held on 30 October 2012 between officers of the Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts and Director Community and Natural Resources, David Oxenham and Community Services Coordinator, Anne McLean to discuss the future of the proposed public artwork for the Goorimahbah precinct at Jack Evans Boat Harbour. Officers agreed that funds be returned and that Council can submit an application to a future funding round when the new artist concept has been developed and accepted by community and Council.

Council is in receipt of an email from the Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts dated 4 December 2012 requesting the repayment of \$68,200 (inclusive of GST) following cancellation of the "3 Brothers Indigenous Public Art Program for Goorimahbah - Place of Stories".

## **OPTIONS:**

1. Accepts the cancellation of the "3 Brothers Indigenous Public Art Program for Goorimahbah - Place of Stories" Agreement and arrange for repayment of the grant funds of \$68,200 (GST inclusive) to the Department of the Prime Minister and Cabinet Coffs Harbour - Office for the Arts.
2. That unexpended general revenue is retained to develop a new concept design for Goorimahbah and support future grant applications.
3. That unexpended general revenue is not retained and returned to the general fund.

## **CONCLUSION:**

It is recommended that Council adopt Option 1 and 2.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Placemaking and Public Art Policy Version 1.2.

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**b. Budget/Long Term Financial Plan:**

There is currently \$82,816.00 from general revenue unexpended in the Goorimahbah budget and \$62,000 (GST exclusive - note \$68,200 GST inclusive) in unexpended grant funding.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.2 Preserve Indigenous and Non-Indigenous cultural places and values
- 2.1.2.4 Preserve Indigenous cultural places and values
- 2.1.2.4.1 Install "3 Brothers" at "Goorimahbah – Place of Stories" (Jack Evans Boat Harbour) -subject to external funding

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

### 19 [EO-CM] Policy - Addressing - Rural and Urban

SUBMITTED BY: Design

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**Civic Leadership**

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#### SUMMARY OF REPORT:

Council has encountered several issues relating to numbering and renumbering of properties within the Tweed Shire. To assist in alleviating any possible future issues a Policy has been compiled on rural and urban addressing to ensure compliance with Australian Standard 4819:2003 - Geographical Information - Rural and Urban Addressing and the *Roads Act 1993*.

The aim of the new Policy is to ensure that there is a comprehensive system in place which provides a source of reference for Council staff and members of the public on all aspects of addressing.

A copy of the draft Policy is required under Section 160 of the Local Government Act, 1993 to be placed on public exhibition for a period of no less than 28 days to allow members of the public to view the document. The public notice must specify a period of 42 days after the date the draft Policy is placed on exhibition during which submissions may be made to Council.

Pursuant to Section 160 of the Local Government Act, 1993 it is recommended that Council place the draft Policy - Addressing Rural and Urban on public exhibition for a period of 28 days allowing 42 days for the public to make any written submissions to Council.

#### RECOMMENDATION:

**That Council approves the placing of the draft Policy - Addressing Rural and Urban on public exhibition for a period of 28 days and inviting submissions for a period 42 days.**

## **REPORT:**

Council has encountered several issues relating to numbering and renumbering of properties within the Tweed Shire. To assist in alleviating any possible future issues a Policy has been compiled on rural and urban addressing to ensure compliance with Australian Standard 4819:2003 - Geographical Information - Rural and Urban Addressing and the *Roads Act 1993*.

The aim of the new Policy is to ensure that there is a comprehensive system in place which provides a source of reference for Council staff and members of the public on all aspects of addressing.

Australian Standard 4819:2003 - Geographical Information - Rural and Urban Addressing states at clauses 2.2.2(b) and 3.2.2(b) that:

*"Local Governments shall maintain responsibility for addressing and support address numbering integrity by applying the requirements of this Standard consistently and to the extent approved by the local government"*

Section 162(1) of the *Roads Act 1993* notes that:

*"A Roads Authority may name and number all public roads for which it is the roads authority"*.

This draft Policy has been developed to comply with both the Act and the Standard and provides guidance and information on the correct format for Rural and Urban Addressing within the Shire.

A copy of the Draft Policy is required under Section 160 of the Local Government Act, 1993 to be placed on public exhibition for a period of no less than 28 days to allow members of the public to view the document. The public notice must specify a period of 42 days after the date the draft Policy is placed on exhibition during which submissions may be made to Council.

## **OPTIONS:**

Pursuant to Section 160 of the Local Government Act 1993, Council may either;

1. Place the draft policy on public exhibition without amendment, or
2. Place the draft policy on public exhibition with amendments

## **CONCLUSION:**

Pursuant to Section 160 of the Local Government Act, 1993 it is recommended that Council place the draft Policy on rural and urban addressing on public exhibition for a period of 28 days allowing 42 days for the public to make any written submissions to Council.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Proposed new Council Policy.

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**b. Budget/Long Term Financial Plan:**

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.4 Maintain, issue and control urban and rural property addressing system

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Copy of the draft Policy - Addressing - Rural and Urban (ECM 61956602).
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20 [EO-CM] Renaming of Section of Ozone Street, Chinderah

SUBMITTED BY: Design



**Civic Leadership**

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**SUMMARY OF REPORT:**

A section of Ozone Street, Chinderah is being constructed from Chinderah Road to the intersection with Anne Lane and requires signposting upon completion. Ozone Street however is currently formed into three (3) separate sections and signposting at this point may cause confusion.

The Geographical Names Board, which provides the guidelines for naming of streets within Local Government areas, recommends that where roads are separated into segments and are likely to remain unconnected for the foreseeable future then consideration should be given to the renaming of one or each of the unconnected sections.

Based on this recommendation it is proposed that the segment of Ozone Street running from Chinderah Road to Chinderah Bay Drive, Chinderah be renamed.

The proposal was advertised in the Tweed Link on 20 November 2012 providing the public with one month to make submissions for suitable names. Two (2) submissions were received as follows;

1. **Naru Street** In memorial of Naru/Corowa/Lighthart who was a South Sea Islander and a much loved and respected member of the local community.
2. **Corowa Street** In memorial of the Corowa family who have a close association with the Tweed and particularly the Chinderah areas.

Both names comply with the current policy on the Naming of Streets and Roads within the Tweed Shire.

After considering submissions received it is recommended that Council publicises its intention to rename the section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive as **Naru Street** allowing one month for submissions from the public. Based on one of the submissions, Naru was a landholder adjoining the subject section of road and a well known local resident. It is noted that the Corowa family name has already been applied to Corowa Park.

**RECOMMENDATION:**

**That Council:**

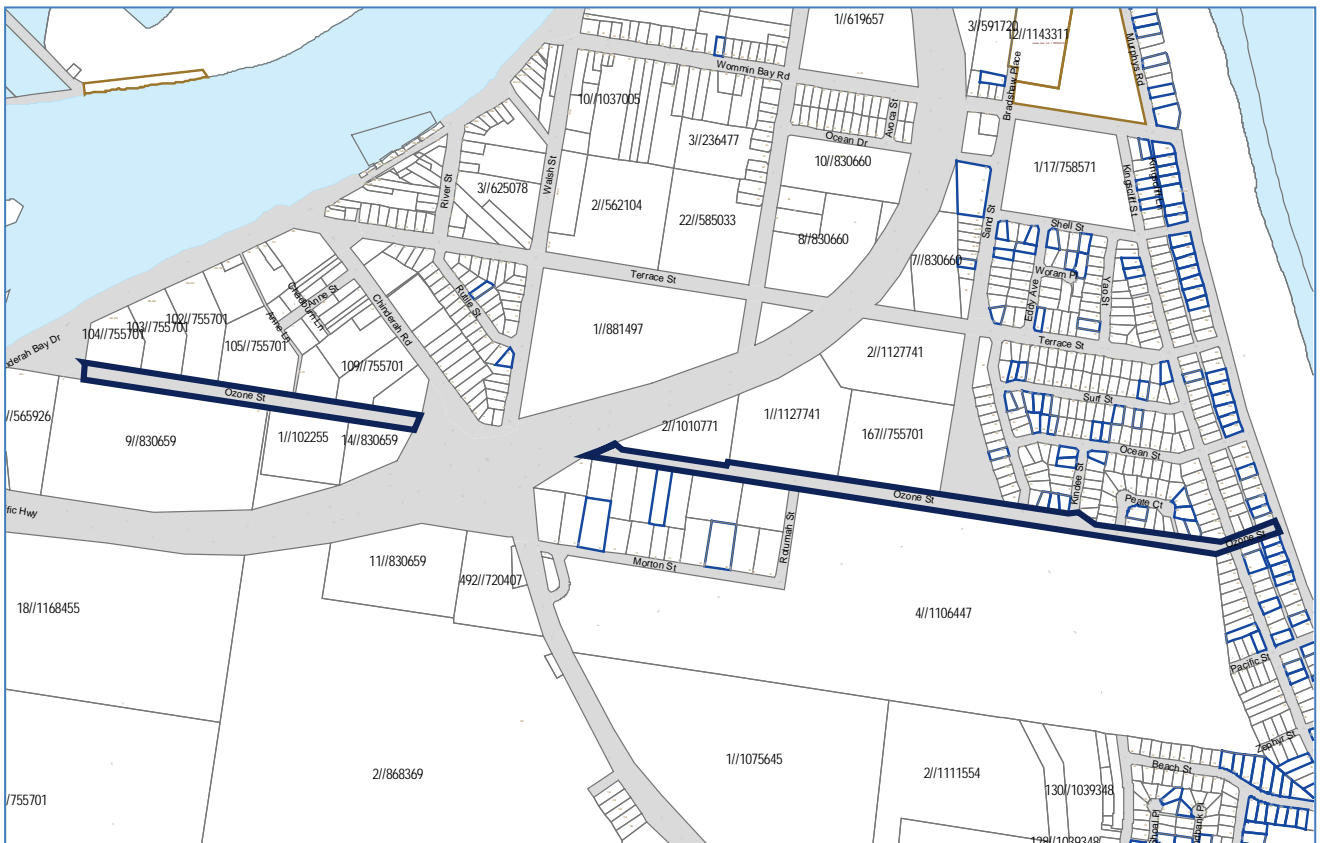
1. Council publicises its intention to rename the section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive as Naru Street allowing one month for submissions from the public.
2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.
3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, because it contains:-
  - (a) personnel matters concerning particular individuals (other than councillors).

**REPORT:**

A section of Ozone Street, Chinderah is being constructed from Chinderah Road to the intersection with Anne Lane and requires signposting upon completion. Ozone Street however is currently formed into three (3) separate sections and signposting at this point may cause confusion.

The first section runs from Marine Parade to Sand Street, Kingscliff, this then continues on but is unformed and then the second section begins at the intersection of Rotumah Street and runs west, ending in a cul-de-sac within the industrial area at Chinderah. It is probable that these two sections east of the Pacific Highway will ultimately be connected. Ozone Street is then bisected by the Pacific Highway resulting in the third unconstructed section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive, Chinderah. The extent of Ozone Street is shown in plans below:

**THE PLAN BELOW SHOWS THE FULL LENGTH OF OZONE STREET**



**SECTION 1 - Ozone Street east to west from Marine Parade to Sand Street, Kingscliff**



**SECTION 2 - Ozone Street east to west from Rotumah Street to Pacific Highway, Chinderah**





**SECTION 3** - Ozone Street east to west from Chinderah Road to Chinderah Bay Drive, Chinderah (currently under construction from Anne Lane to Chinderah Road)



The Geographical Names Board, which provides the guidelines for naming of streets within Local Government areas, recommends that where roads are separated into segments and are likely to remain unconnected for the foreseeable future then consideration should be given to the renaming of one or each of the unconnected sections.

Based on this recommendation it is proposed that the segment of Ozone Street running from Chinderah Road to Chinderah Bay Drive, Chinderah be renamed as it will never be connected to the section east of the Pacific Highway. The road would be more easily identifiable and able to be more readily located as it would carry its own unique name.

The renaming affects two (2) land owners who have been advised of the proposal and provided with the opportunity to make any comments or suggestions. No response or objection was received from either party.

The proposal was advertised in the Tweed Link on 20 November 2012 providing the public with one month to make submissions for suitable names. Two (2) submissions were received as follows;

1. **Naru Street** In memorial of Naru who was a South Sea Islander and a much loved and respected member of the local community.
2. **Corowa Street** In memorial of the Corowa family who have a close association with the Tweed and particularly the Chinderah areas.

Both names comply with the current policy on the Naming of Streets and Roads within the Tweed Shire. A copy of the submissions are attached to this report and marked confidential as they contain personal information of each writer.

#### **OPTIONS:**

1. Council publicises its intention to rename the section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive as **Naru Street** allowing one month for submissions from the public; or
2. Council publicises its intention to rename the section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive as **Corowa Street** allowing one month for submissions from the public.

#### **CONCLUSION:**

As the eastern and western sections of Ozone Street at Chinderah will never meet due to their separation by the Pacific Highway it is recommended that the western segment be renamed in accordance with the guidelines as set down by the Geographical Names Board.

After considering submissions received it is recommended that Council publicises its intention to rename the section of Ozone Street running east to west from Chinderah Road to Chinderah Bay Drive as **Naru Street** allowing one month for submissions from the public. Based on one of the submissions, Naru was a landholder adjoining the subject section of road and a well known local resident. It is noted that the Corowa family name has already been applied to Corowa Park.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Naming of Streets and Roads

**b. Budget/Long Term Financial Plan:**

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Letters of Submission (ECM 61915017).

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21 [EO-CM] Licence to Broadcast Australia - Razorback Road, Tweed Heads

SUBMITTED BY: Design



**Civic Leadership**

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**SUMMARY OF REPORT:**

Council has received a notice of exercise of an option for a final term of ten years for a lease over part of the road reserve of Razorback Road at Tweed Heads for a translator station.

In May 1987 Council approved a 20 year lease to the Commonwealth of Australia to allow the construction of the translator station. The lease included an option for a further term of ten years. The translator station was to improve the radio and television reception within the Tweed area.

The construction of the translator station was strongly supported by Council.

The lease commenced on 1 January 1991.

In 1998 Council received notice that the National Transmission Network would be sold and was subsequently advised that the translator station asset was sold to National Transmission Company Pty Ltd. The transfer of the lease was validated by a deed of novation approved and signed by Council in November 1998.

The National Transmission Company Pty Ltd was re-named Broadcast Australia Pty Ltd (BA) in 2002.

The lease expired on 30 December 2011 and pursuant to clause 19 of the lease, Broadcast Australia provided written notice of their exercising of the option.

Due to technicalities with the granting of the original lease, it is recommended that Council acknowledge the expiry of the lease and the granting of a licence for a term of five years, with an option for a further five years to commence on 1 January 2013.

**RECOMMENDATION:**

**That Council:**

- 1. Approves Option 1 - provides a corresponding tenure to that sought by BA under their valid exercising of the option contained in the original lease. The flexibility of two 5 year terms provides BA with security of tenure, but provides an avenue of review in 5 years time.**
- 2. Executes all documentation under the Common Seal of Council.**

**REPORT:**

Council has received a notice of exercise of an option for a final term of ten years of a lease over part of the road reserve of Razorback Road at Tweed Heads for a translator station.

In May 1987 Council approved a 20 year lease to the Commonwealth of Australia to construct the translator station, which included an option for a further ten years. The lease commenced on 1 January 1991.

The translator station was constructed to improve television and radio transmission in the Tweed area and was strongly supported by Council.

The image below shows the building and tower on Razorback Road:



In 1998 Council was advised that the National Transmission Network would be sold and was subsequently advised that the translator station asset was sold to National Transmission Company Pty Ltd, the transfer of the lease was validated by a deed of novation which was approved and signed by Council in November 1998.

The National Transmission Company was re-named Broadcast Australia Pty Ltd in 2002 ("BA").

### **The Lease**

The lease expired on 30 December 2011 and pursuant to clause 19 of the lease, BA provided written notice to Council of their exercise of the option.

When the file was reviewed for the preparation of lease, the records show that the lease was signed in 1991 relying on section 519(1) of the *Local Government Act 1919* ("LGA 1919") as the empowering legislation.

As the lease is over part of the road reserve of Razorback Road, a review of the roads legislation was made to ascertain Council's position in relation to the granting of the further ten year term.

Since the commencement of the current roads legislation, the *Roads Act 1993* (NSW), all leases over a road reserve must comply with the Act.

The Savings, Transitional and other Provisions of the *Roads Act 1993* in Schedule 2, do not provide any advice with regard to a lease issued under s519 of the repealed *Local Government Act 1919* (NSW).

The reliance by Council on s519(1) of the repealed LGA Act 1919 was subject to other provisions of the LGA Act 1919, which provided for the leasing of road reserves.

The *Local Government Act 1993* ("LGA 1993") has no comparable provision relating to the leasing of road reserves, as this was now covered by the *Roads Act 1993*. However, s46 of LGA 1993 relating to the leasing of Council owned community land, is given as the comparable provision to s519 of the LGA 1919, which in this case does not apply.

The *Roads Act 1993* provides under Division 2 of Part 10 that Council may lease land comprising a public road to the owner or lessee of the adjoining land if it is not used by the public. Section 57 states that the term of the lease, together with any option to renew must not exceed 5 years.

As Broadcast Australia is not an adjoining landowner, Council cannot issue a lease to BA, as it is not empowered to do so.

Notwithstanding the technical constraints to Council accepting lease for the ten year option period, it is acknowledged that BA have validly exercised their option under the original lease.

### **The Licence**

If BA intends to remain in occupation, it may do so under a licence:

- (a) until Council takes actions to close the road and enter into a new lease over the closed road parcel, on terms to be negotiated; or
- (b) for a longer term on the road reserve.

The *Roads Act* is silent regarding the granting of licences over road reserves by roads authorities and Council has granted many licences for various purposes. A licence will not trigger requirements for the proposed licensee to be an adjacent landowner, nor be constrained by time limits as per section 57 mentioned earlier.

In light of the valid exercise of the option by BA and due to the technicalities with the granting of the further term, it is recommended that Council acknowledge the expiry of the lease and approve the granting of a licence for a term of five years, with an option for a further five years.

Generally licences provide for non-exclusive occupation of the licensed premises, however, in light of the circumstances where there is a building and tower constructed for radio and television transmission, restricted access is required.

BA have accepted Council's reasoning in relation to the statutory restraints, and will accept a licence, but require an exclusive licence, which is acceptable in the circumstances.

### **The rental/licence fee**

The rental for the first term of the lease was \$750 per annum, with no annual reviews. However, clause 19, which provides the ten year option, also provides that the rental for the further term is to be agreed between the parties.

Upon receipt of the notice from BA that they were exercising the option, a valuation was obtained by Council.

The valuer provided a determination of \$9,000 per annum, plus Goods and Services Tax (GST). Council provided BA with the valuation, and BA countered with an offer of \$6,000 plus GST. Council accepted this rental, but sought annual 4% increases. BA did not accept the percentage increase and sought annual Consumer Price Index (CPI) increases, which was accepted.

### **In conclusion**

Because the lease was signed prior to the commencement of both the *Roads Act and Local Government Act* in 1993, it triggered the investigation into whether Council held the necessary statutory power to grant the option term of ten years.

It appears that Council cannot grant the further term as the agreement falls outside the new statutory regimes regarding the leasing of road reserves.

It is recommended that Council consider that the lease has now expired and approve the granting of a five year licence with an option for a further five years. This will provide the tenure sought by BA for the next ten years.

### **OPTIONS:**

1. That Council approve the granting of a licence to Broadcast Australia Pty Ltd for a term of five years with an option for a further five years with a commencing licence fee of \$6,000 per annum (plus GST) and annual CPI increases to commence from the expiry of the original lease, 1 January 2012; or
2. Council approves an annual licence until Council takes actions to close the road and enter into a new lease over a closed road parcel, on terms to be negotiated.

### **CONCLUSION:**



Option 1 provides a corresponding tenure to that sought by BA under their valid exercising of the option contained in the original lease. The flexibility of two 5 year terms provides BA with security of tenure, but provides an avenue of review in 5 years time.

Option 2 requires Council to undertake a road closure on its own behalf, at its own cost, to facilitate a formal lease to BA. Road closures are typically taking more than 5 years to complete, due to the formal road closure procedures to be undertaken by Crown Lands, as a higher roads authority. The length of time to finalise the action creates uncertainty for both parties, for Council as BA may choose to not exercise the option for a further 5 years and the road closure proposal may not come within the Road Closure and Purchase Policy requirements.

It is recommended that Council pursue option 1 as it allows both parties to continue their operations, Council will receive an income from the area and there is a level of flexibility in the event that BA no longer requires the translator station to operate from the site.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Generates an income for Council increasing in line with the CPI.

**c. Legal:**

Proposed licence complies with current legislation.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

#### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**22 [EO-CM] Proposed Easement for Multi-Purpose Electrical Installation over Council Land - Lot 2 DP1123498 - SALT Stage 6**

**SUBMITTED BY: Design**

**FILE REFERENCE: DA08/1141 Pt 5**



**Civic Leadership**

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**SUMMARY OF REPORT:**

Council has received an application from the consultants for the SALT development at Kingscliff seeking the creation of an Easement for a Multi-Purpose Electrical Installation over Council land, Lot 2 in DP 1123498 in favour of Essential Energy.

The subject parcel is adjacent to Stage 6 of the SALT development, being a public reserve vested in Council by registration of DP 1079124 on 15 April 2005, in an earlier stage of SALT.

The proposed easement is to accommodate a pad mount transformer constructed within the public reserve to supply electrical services for Stage 6.

It is recommended that Council approve the proposed Easement for a Multi-Purpose Electrical Installation.

It is also recommended that Council require monetary compensation be paid and the quantum determined by a registered valuer at the applicant's cost and that Council resolve to execute all documentation under the Common Seal of Council.

**RECOMMENDATION:**

**That:**

- 1. Council approves the creation of proposed Easement for Multi-Purpose Electrical Installation over Lot 2 DP 1123498, Casuarina Way, Kingscliff for the benefit of Essential Energy;**
- 2. Council accepts monetary compensation as determined by a local valuer; and**
- 3. All documentation be executed under the Common Seal of Council.**
- 4. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret.**

**REPORT:**

Council has received an application from the consultants for the SALT development at Kingscliff seeking the creation of an Easement for a Multi-Purpose Electrical Installation over Council land, Lot 2 in DP 1123498.

The subject parcel is adjacent to Stage 6 of the SALT development, being a public reserve vested in Council by registration of DP 1079124 on 15 April 2005, in an earlier stage of SALT.

The proposed easement is to accommodate a pad mount transformer constructed within the public reserve to supply electricity services for Stage 6.

The plan below shows the location of the proposed easement within Lot 2, marked "M":



Lot 2 is a public reserve and is classified as community land, there is no Council infrastructure within the proposed easement area.

The *Local Government Act 1993*, enables Council to approve the creation of easements within community land pursuant to section 46(1)(a), whereby Council can grant an estate in the land, for the provision of public utilities and works associated with or ancillary to public utilities.

An “estate or interest” in this context is an “interest, right or encumbrance”. An easement, by definition is a “right enjoyed by the owner of one piece of land to carry out some limited activity (short of taking possession) on another piece of land”.

The applicant is seeking the easement without compensation based on an excess of open space dedicated in the SALT development, their letter is attached as a confidential attachment.

Council generally seeks compensation for any easements created over Council land, particularly where the benefit is for a commercial benefit to the applicant. The reasoning provided by the applicant relies on the quantum of excess useable casual open space that is to be dedicated to Council for the whole SALT development, which will equate to a total area of 1.57356 hectares.

The area of the proposed easement will be 32m<sup>2</sup>.

One issue that needs to be raised is that the casual open space that is dedicated to Council becomes an asset that attracts ongoing costs for maintenance. So, it could be argued that the excess casual open space does not provide any compensation to Council.

Monetary compensation for the creation of easements over Council land is sought to ensure a transparent transaction. Should Council accept the applicant's argument that the dedication of excess casual open space, this creates a precedent which can be relied upon by other subsequent developers in the Tweed local government area.

It is recommended that Council approves the proposed easement, because the infrastructure has been constructed. However, as to the determination of compensation, it is recommended that Council seek a determination of monetary compensation and agree to accept such determination.

#### **OPTIONS:**

Two options are available:

1. That Council approves the registration of an Easement for Multi-Purpose Electrical Installation on Lot 2 DP 1123498, Casuarina Way, Kingscliff and accepts the dedication of excess casual open space in the SALT development; or
2. That Council approves the registration of an Easement for Multi-Purpose Electrical Installation on Lot 2 DP 1123498, Casuarina Way, Kingscliff and seeks the valuation of compensation payable by a registered valuer at the applicant's cost.

Option 2 is recommended.

**CONCLUSION:**

As Council's land, being a public reserve, is to be burdened by infrastructure servicing a commercial enterprise, being a residential development, it is in the public interest that Council seek monetary compensation for the easement. Such compensation may not have a high value, but it avoids a precedent which could be relied upon by other developers.

It is recommended that Council seek a valuation of the monetary compensation to ensure that the consideration provided for the easement is transparent and consistent with other easements created over Council land. It is also recommended that the applicant cover the costs of the Valuation Report.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Letter from Darryl Anderson Consulting dated 19 November 2012 (ECM 59612781).

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**23 [EO-CM] Lease to NBN Co Limited - Part Lot 1 DP 1126739 - Pottsville Road, Pottsville**

**SUBMITTED BY: Director**

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## **Strengthening the Economy**

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Council has received an application from Visionstream, acting for Ericsson on behalf of NBN Co Limited (NBN Co.), seeking to lease an area of land at a reservoir site off Pottsville Road at Cudgera Creek.

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

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

Visionstream are a telecommunications company who have been sub-contracted by Ericsson who are the main contractor engaged to install the wireless network component of the NBN. Visionstream have approached Council in relation to establishing a lease which would allow them to undertake the development of a communications tower on Council's water reservoir site on Pottsville Road. Any lease arrangements will require the proposed development to have all necessary approvals granted prior to construction.

Visionstream have identified the subject land as providing the necessary elevation for the proposed infrastructure and are seeking an area of approximately 60 m<sup>2</sup> and a five year lease with three options of five years each at a commencing rental of \$10,000 per annum and annual 2.5% rental increases.

It is recommended that Council approve entering into the lease subject to negotiating the final terms of the lease and development consent being issued for the infrastructure.

### **RECOMMENDATION:**

**That:**

- 1. Council approves entering into a lease with NBN Co Limited for an area of approximately 60 m<sup>2</sup> at the Pottsville Road Reservoirs at Cudgera Creek being part of Lot 1 in DP 1126739 for a term of 5 years with 3 options for five years each commencing with a rental of \$10,000 per annum compounding annually by 2.5 % subject to development consent being issued for the proposed**

**infrastructure and subject to the terms and conditions of the lease being finalised; and**

- 2. All necessary documentation be executed under the Common Seal of Council.**

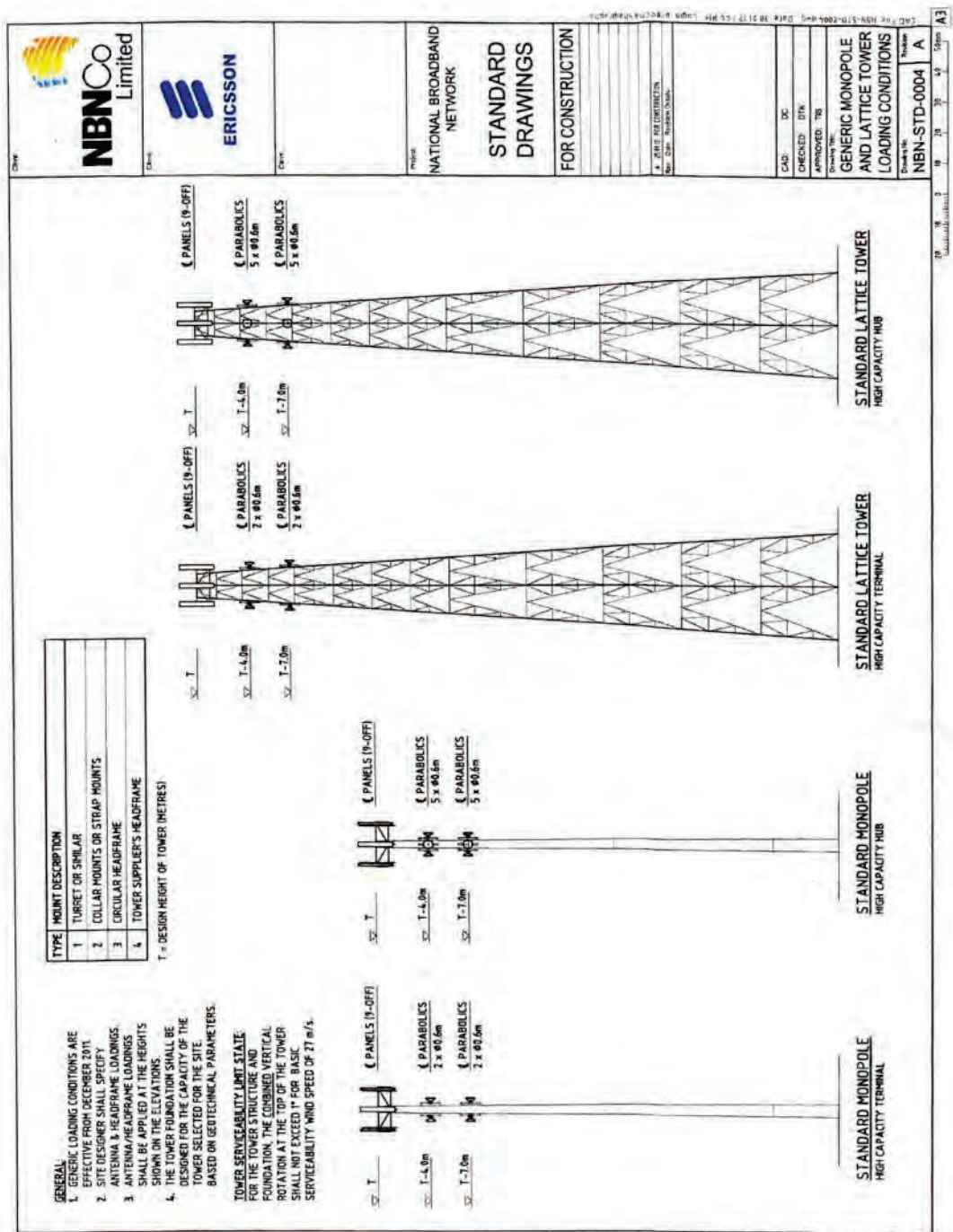


**REPORT:**

Council has received an application from Total Visionstream, acting for Ericsson on behalf of NBN Co Limited (NBN), seeking to lease an area of land at a reservoir site off Pottsville Road at Cudgera Creek.

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

Illustrative plans of the infrastructure are shown below, to indicate the infrastructure to be installed by NBN:



The plan below shows the location of the proposed infrastructure in the north eastern corner of the parcel:



The letter attached to this report also provides a fact sheet to be read in conjunction with this report.

The telecommunications infrastructure will not impact on the operations of the reservoirs.

NBN is seeking an area of approximately 60 m<sup>2</sup> and a five year lease with three options of five years each at a commencing rental of \$10,000 per annum and annual 2.5% rental increases.

Lot 1 is Council operational land and there is no statutory restraint for Council to grant the lease to Telstra.

It is recommended that Council approve entering into the lease subject to negotiating the final terms of the lease and NBN obtaining development consent for the infrastructure.

**OPTIONS:**

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

**CONCLUSION:**

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

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Rental income to be derived from the property

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**INFORM** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.8 Promote improved telecommunications and broadband access
- 3.1.8.1 Promote the importance of Broadband as an essential infrastructure and promote its upgrade and redevelopment at all levels in the Tweed

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Letter from Visionstream with supporting information (ECM 62011095).
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24 [EO-CM] Markets - Jack Evans Boat Harbour

SUBMITTED BY: Recreation Services



**Supporting Community Life**



**Strengthening the Economy**

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**SUMMARY OF REPORT:**

At its meeting held 19 July 2011 Council resolved to endorse the Draft Jack Evans Boat Harbour Parkland Use and Event Protocol and that officers proceed to call for expression of interest for activities within the precinct in August 2011. The expressions of interest included a request for submissions to operate a market at the site. Markets are considered a critical element in activating the precinct to enable the redevelopment to realise its full potential and objectives.

The expression of interest process closed 21 October 2011 and whilst Council received a number of phone enquiries regarding markets, no submissions for markets were received.

Since that time two submissions to operate markets have been received and Council has submitted a development application and received approval to conduct markets at the site.

This report outlines the submissions received and makes a recommendation on the preferred operator. A separate report has been submitted on 24 January 2013 to the Reserves Trust for endorsement.

**RECOMMENDATION:**

**That:**

- 1. Approval for Tweed Twilight Markets to operate a public market at Jack Evans Boat Harbour terminating on 30 June 2015 be granted.**
- 2. An option to renew for a further three year period, subject to satisfactory performance be approved.**
- 3. The number of food businesses (stalls or vans) which are permitted to sell 'conventional' food and drink be limited to four.**
- 4. Relevant conditions are applied to those approvals as determined by the General Manager or his delegate.**

- 5 ATTACHMENTS 1 2 and 3 are CONFIDENTIAL in accordance with Section 10A(2) (d) of the Local Government Act 1993, because it contains:-**
- (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret.**



## REPORT:

At its meeting held 19 July 2011 Council resolved to endorse the Draft Jack Evans Boat Harbour Parkland Use and Event Protocol and that officers proceed to call for Expressions of Interest for activities within the precinct in August 2011. The Expressions of Interest included a request for submissions to operate a market at the site. Markets are considered a critical element in activating the precinct to enable the redevelopment to realise its full potential and objectives.

The expression of interest process closed 21 October 2011 and whilst Council received a number of phone enquiries regarding markets, no submissions for markets were received.

Since that time two submissions to operate markets have been received and Council has submitted a development application and received approval to conduct markets at the site. It is also necessary that the successful candidate make application for, and be issued with, a separate Local Government Act Section 68 Approval for the market.

The submissions are included in full as attachments to this report. Similar market approvals for Kingscliff, Pottsville and Tweed Heads have historically been issued for three years. The current approvals expire on 30 June 2015.

Major points of note with respect to the two current submissions are:

### **Tweed Twilight Markets Submission**

Private sector operator who requests six (6) year tenure ("*allows sufficient time to build the business up successfully and create an event that can produce longevity*"), invites participation by local businesses and community, proposes staged development and growth of the market to be conducted on the first Friday evening of the month (October to May) and Saturday morning (June to September) with an option to conduct markets fortnightly (subject to patronage), proposes four (4) conventional food/drink stalls, pay a percentage of stall income back to Council, offers three (3) free 'community or charity' stalls each event and has submitted a Draft Market Management Plan which addresses the identified matters under Council's Market Management Plan Guidelines.

### **Starspec Pty Ltd Submission**

Private sector operator with 30 years experience who requests a six (6) year tenure (time to establish, promote and develop business), farmers/craft market embracing "*make it, bake it or grow it, antiques or collectables*", free space for charities to be conducted every Saturday and occasional Sunday (subject to major holidays), pay a fixed monthly amount to Council and an annual cash contribution to charity, seeks "*exclusive use rights*", requires permanent storage space, proposes 4 conventional food/drink stalls and a separate BBQ stall, proposes access by vehicles and has submitted a Draft Market Management Plan which addresses the identified matters under Council's Market Management Plan Guidelines.

Some aspects of the proposed market management would be negotiated by Council officers and refined with the successful candidate and compliance conditioned under the final adopted Market Management Plan and Local Government Act Section 68 approval.

The detailed submissions are provided as a confidential attachment to this report in accordance with Section 10A(2)(d)

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- (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.

**OPTIONS:**

1. Issue No Approval for a Market.
2. Council to Operate and Administer the Markets.

Additional staffing resources would be necessary to achieve internal management of markets. It is highly unlikely that income would fund the associated costs. This is not necessarily a function which Council is seeking to perform and it can be performed adequately by the private sector or community based service organisations.

3. Issue of an Approval to the recommended applicant.

Issue an approval to the recommended applicant to operate and manage the markets for three (3) years (with a three year option to renew) as outlined in this report, or an alternative period as determined by Council.

**CONCLUSION:**

One of the main goals of the Jack Evans Boat Harbour redevelopment was to provide a catalyst for the economic revitalisation of Tweed Heads by supporting business investment and job creation. Bringing more people to the area through the redevelopment and activities such as a market creates a climate of business opportunity encouraging local business investment and local employment creation.

It is anticipated the introduction of a market is likely to result in a regular, vibrant local event that attracts visitors to the Jack Evans precinct and provides an opportunity for promotion and sale of local goods and produce and provides income sources to the operators and numerous stall holders involved.

Alignment with these objectives was a major consideration in determining the recommended market operator over other considerations such as the financial return to Council.

Both submissions offer advantages.

The preferred submission has been made by Tweed Twilight Markets. The Tweed Twilight Markets has a supporting letter from the Tweed Chamber of Commerce and Industry Inc citing the markets as an opportunity for existing and new businesses to showcase their goods and services and a willingness to provide a discounted rate to Tweed businesses.

The proposal to conduct markets on a Friday evening (for much of the year) is viewed as an important point of difference and will reduce conflict with another major regional market at Kingscliff. The Boat Harbour also currently enjoys significant patronage by the community during daylight hours and the prospect of introducing more people and attractions on Friday evenings during the summer season is welcomed.



The Tweed Twilight Markets do not require "*exclusive use rights*" which provides Council the opportunity to consider other options which may complement these markets.

It is recommended that:

1. Approval be granted to operate a public market at Jack Evans Boat Harbour to Tweed Twilight Markets for a period ending 30 June 2015.
2. An option to renew for a further three year period subject to satisfactory performance be approved.
3. The number of food businesses (stalls or vans) which are permitted to sell 'conventional' food and drink be limited to four.
4. Relevant conditions are applied to those approvals as determined by the General Manager or his delegate.

#### **COUNCIL IMPLICATIONS:**

##### **a. Policy:**

#### **Vending of Food on Public Reserves Version 1.1**

##### ***"Objective***

*To control the vending of food on public reserves, streets and roads to maintain the highest levels of public health, safety and convenience of persons using public reserves, streets and roads and to cause minimum financial impact to nearby retail outlets.*

##### ***Policy***

*Approval will not be given for the vending of food on Public reserves, streets and roads within the Tweed Council area except in the following circumstances:*

1. *Where a specific one-off event has been approved by Council then the organising body may apply for approval for the vending of food. Such approval will be subject to the vendors complying with Council's "Code for the Vending of Food at markets and One-Day Events".*
2. *Where Council approval has been granted for the conducting of a market or similar on a regular basis on a reserve only "home-made" or "home-grown" produce may be sold, provided "home-made" products are correctly pre-packaged and labelled and their sale complies with the "Code for the Vending of Food at Markets and One Day Events".*
3. *Where Council approval has been granted for the conducting of market or similar on a regular basis on a reserve then approval may be given for the sale of drinks provided there are no nearby retail outlets that may be affected and the sale of drinks complies with the requirements of the "Code for the Vending of Food at Markets and One Day Events".*

Despite the adopted Policy restrictions Council has previously approved variations to this policy at approved markets by specific resolution which permit the operation of a limited number of food businesses (stalls and vans) at public markets which sell 'conventional foods and drink' (Pottsville - two, Kingscliff - four and Tweed Heads - four). Pottsville is limited to two food businesses because it is immediately opposite several small businesses which sell take-away food.

There is one take away food business in close proximity to the proposed market site. It is recommended that the number of food businesses (stalls or vans) which are permitted to sell conventional food and drink be limited to four (ie unlimited separate sale of home-made or home-grown food remains permissible). Importantly, this is unlikely to result in any conflict with the restrictions placed over existing market operators on public land in the Shire.

**b. Budget/Long Term Financial Plan:**

Council's adopted fees and charges require the payment of 15% of gross stall rental income.

Tweed Twilight Market proposes a percentage of stall income whereas Starspec proposes a fixed monthly amount (weekly market) and an annual cash contribution to a charity.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
    - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
      - 2.1.3.7 Develop and implement management policies and structure for Jack Evans Boat Harbour to ensure it functions effectively as an events space
    - 2.1.6 Provide social, economic and cultural initiatives which enhance access, equity and community well-being
  - 3 Strengthening the Economy
    - 3.1 Expand employment, tourism and education opportunities
      - 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities to enhance their contribution to the creative economy
        - 3.1.6.1 Creative economy

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

<i>Confidential</i> Attachment 1.	Expression of Interest - Tweed Twilight Markets (ECM 61961833).
<i>Confidential</i> Attachment 2	Letter of Support (ECM 61961831).
<i>Confidential</i> Attachment 3.	Expression of Interest - Starspec Pty Ltd (ECM 61909739).

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**25 [EO-CM] EC2012-249 Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool**

**SUBMITTED BY: Contracts**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

This report provides an update on the actions taken in relation to the proposed design, manufacture, supply, installation and commissioning of a complete air conditioning, ventilation and heat pump system complete with all connecting ductwork, pipework, heat pump dehumidifier/water heaters, pumps, valves, controllers, insulation, power and controls to make the system complete at the Tweed Heads South Pool.

Open tenders were called for EC2012-249 - Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool on Tuesday 23 October 2012. Tenders closed in Council's Tender Box on 5 December 2012.

The tender prices received were above the estimated budget for the work. On this, and consistent with Local Government Regulation 2005 Clause 178, it is recommended that Council declines to accept any of the tenders, that the tendering process for EC2012-249 be closed and tenderers notified of Council's decision.

**RECOMMENDATION:**

**That:**

- 1. Council declines to accept any of the Tenders received for EC2012-249 – Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool, as no tender received represents value for money.**
- 2. Council reviews the project brief requirements and investigates potential funding via Government grants under the Community Energy Efficiency Program (CEEP).**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret.**

**REPORT:**

It has been identified that the Tweed Heads South Pool requires review of its air conditioning and dehumidifying system. Open tenders were called for EC2012-249 - Manufacture Supply and Install Heat Pump and Dehumidifier at Tweed Heads Pool on Tuesday 23 October 2012. Tenders closed in Council's Tender Box on 5 December 2012.

There were 3 tenders received as follows:

<b>Tenderers</b>	<b>ABN</b>
Alto Pacific Pty Ltd - Ilyisha Lody	33 155 454 309
QIS Energy Conservation Systems - Sean Finemore	14 076 103 314
Toyosi Pty Ltd - Peter Savtchenko	33 003 133 328

The tender prices received are above the Council budget for the work. Clause 178 of the Local Government Regulation 2005 provides the actions available to Council in this situation and it is intended to pursue the matter in accordance with Clause 178(1)(b) to decline all tenders.

Council will need to reduce the scope of works which will in turn reduce costs by around \$50,000 to bring the costs under the allocated budget for the project. Alternatively, additional funding could be sourced from Government grants under the Community Energy Efficiency Program (CEEP).

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy - Not Applicable.

**b. Budget/Long Term Financial Plan:**

To bring EC2011-211 to within the Council budget allocation.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Evaluation Report EC2012-249 (ECM 62001305).

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26 [EO-CM] EC2011-211B Design and Construction of Jim Devine Clubhouse (1st Floor)

SUBMITTED BY: Contracts



Supporting Community Life

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**SUMMARY OF REPORT:**

Tenders for EC2011-211 Design and Construction of Jim Devine Clubhouse (1<sup>st</sup> Floor) previously closed on 10 October 2012. Council declined to accept any of the Tenders received as no tender received represented value for money. This action was as per the resolution from the Council meeting held on Thursday 15 November 2012.

Council has now completed direct negotiations, in accordance with the Independent Commission Against Corruption (ICAC) Guidelines, with the two lowest tenderers, Haigh Constructions and Castlereagh Building & Construction Pty Ltd for the work including the potential efficiencies of Council (in conjunction with the Murwillumbah Soccer Club) undertaking some components of the project and subcontracting other components to other entities to provide the best value for money within the available budget.

This report provides a final recommendation based on the information received during direct negotiations. It is recommended that Council accepts the tender from Haighs Constructions for the Design and Construction of Jim Devine Clubhouse (1<sup>st</sup> Floor).

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

**RECOMMENDATION:**

That

1. The tender from Haighs Constructions be accepted to the value of \$249,735.45 exclusive of GST, for tender EC2011-211B Design and Construction of Jim Devine Clubhouse (1<sup>st</sup> Floor)

2. **The General Manager be given delegated authority to approve variations (up to a maximum of \$150,000) and those variations be reported to Council following completion of works.**
  
3. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2(d) of the Local Government Act 1993, because it contains:-**
  - (d) **commercial information of a confidential nature that would, if disclosed:**
    - (i) **prejudice the commercial position of the person who supplied it, or**
    - (ii) **confer a commercial advantage on a competitor of the council, or**
    - (iii) **reveal a trade secret.**



## REPORT:

The Murwillumbah Soccer club building (Jim Devine Clubhouse Building) is located on the junction of Mooball Street and Queensland Road adjacent to the Murwillumbah Showgrounds. The clubhouse building provides toilets, storage, office space, a canteen and function areas for the Murwillumbah Soccer Club.

The building was previously used for the former caravan park facilities adjacent to the Murwillumbah Showgrounds and was subsequently elevated on a concrete block base. The upstairs (first floor) part of the building, formerly an old Queenslander style house, has undergone substantial modifications over the years. Walls have been removed, archways created, veranda areas enclosed and a rear balcony added. What remains of the old fabric of the building has been significantly modified. The first floor area is also completely inaccessible to wheelchairs and has poor disabled access.

Council has identified a need to upgrade the existing clubhouse to comply with current building standards for community facilities. The existing first floor is proposed to be rebuilt due to the dilapidated state and structural decline of the upper floor. The safe and usable life of the existing first floor has passed and it now requires replacement. In order to replace the first floor structure the existing first floor will be demolished. The existing ground floor will remain with minor variations. Provisions for disabled access to the first floor and new toilet facilities are also included in the scope of work.

Open tenders were called for the Design and Construction of Jim Devine Clubhouse 1<sup>st</sup> Floor on Tuesday 18 September 2012. Tenders closed in Council's Tender Box on 10 October 2012. There were 5 tenders received.

The initial tender prices received were above the Council budget for the work. Clause 178 of the Local Government Regulation 2005 provides the actions available to Council in this situation and it is intended to pursue the matter in accordance with Clause 178(1)(b) to decline the tenders and sub-clause (3)(e) to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract with that person/s or party/ies to complete the construction and fit outs for the project.

To endeavour to reduce the project costs and potentially bring them closer to budget, Council entered direct negotiations with the two lowest priced and fully conforming tenderers (Haighs Constructions and Castlereagh Building & Construction Pty Ltd).

The direct negotiation process was chosen rather than re-inviting open market tenders to achieve project timeframes and to ensure the process produces the best value for money. Direct negotiations were undertaken in accordance with Independent Commission Against Corruption (ICAC) guidelines as required by the Local Government Regulation 2005.

The two tenderers in direct negotiations were asked to provide a revised tender price based on the amended tender document EC2011-211B. This document included revised drawings and an amended pricing schedule. The revised tender submissions were required in the tender box at 4:00pm on 19 December 2012. Both shortlisted tenderers provided a revised submission before the closing time. Both of the revised tender prices were now below Council's budget for the work.

## **CONCLUSION:**

Both of the revised tender prices are below Council's budget for the work. It should be noted however that the Club has offered to undertake particular components of the building work through licensed tradesmen from within the club membership. The significant costs of these additional works will not be covered by Council and it should be noted that there is no contractual obligation on the Club to ensure work is completed at a time most suitable for the contractor.

The non price criteria assessment from the original tender finds that both shortlisted tenderers have similar suitable experience in medium to small size buildings.

Based on the direct negotiations with shortlisted tenderers and the modifications to the scope of work, it is recommended that Council accepts the tender of Haighs Constructions for the Design and Construction of Jim Devine Clubhouse (1<sup>st</sup> Floor).

Haighs Constructions has completed a few building projects for Council, and the quality and costs of these previous projects were satisfactory.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Procurement Version 1.4.

### **b. Budget/Long Term Financial Plan:**

Funds for the projects are available in the Recreation Services 2012/2013 Budget.

### **c. Legal:**

Not Applicable.

### **d. Communication/Engagement:**

**Involve/Collaborate**-We will work with you on an ongoing basis to ensure your ideas, concerns and aspirations are considered. We will provide feedback on Council's decisions.

## **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.3 Provide well serviced neighbourhoods
- 2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities
- 2.3.6.4 Implement Sportfields capital works program
- 2.3.6.4.4 Replace upstairs component of Jim Devine Club House

## **UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. EC2011-211B Design and Construction of Jim Devine Clubhouse (1<sup>st</sup> Floor) (ECM 61969192).

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27 [EO-CM] Alcohol Prohibition - Hardy Park, Pottsville

SUBMITTED BY: Recreation Services



Supporting Community Life

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**SUMMARY OF REPORT:**

The Pottsville Community Association has requested Council to declare Hardy Park, Pottsville area an 'alcohol free zone'. This was in response to an increase of anti-social behaviour associated with the consumption of alcohol in the park.

Section 632A of the Local Government Act 1993 sets out the provisions under which a Council may declare any public place (or any part of any public place) in the Council's area to be an ***alcohol prohibited area***.

Section 632A allows the terms of a declaration to specify the area and times or events under which the prohibition will operate.

Section 632A (8) states:

*"An alcohol prohibited area cannot be established without the approval of the Local Area Commander of Police for the area in which the proposed alcohol prohibited area is situated."*

In accordance with S632A (8), Council has received confirmation of approval from the Local Area Commander to declare Hardy Park an alcohol prohibited area for all hours Australia Day and/or the associated public holiday and at all other times between 7pm and 7am.

**RECOMMENDATION:**

**That Council declares Hardy Park, Pottsville an *alcohol prohibited area* all hours Australia Day and/or the associated public holiday and at all other times between the hours of 7pm and 7am in accordance with recommendations of the Tweed/Byron Local Area Commander. The area subject to the prohibition is from the Mooball Creek boat ramp to the park opposite Buckingham Drive.**

**REPORT:**

The Pottsville Community Association has requested Council to declare Hardy Park, Pottsville area an 'alcohol free zone'. This was in response to an increase of anti-social behaviour associated with the consumption of alcohol in the park.

Section 632A of the Local Government Act 1993 sets out the provisions under which a Council may declare any public place (or any part of any public place) in the Council's area to be an ***alcohol prohibited area***.

Section 632A allows the terms of a declaration to specify the area and times or events under which the prohibition will operate.

Section 632A (8) states:

*"An alcohol prohibited area cannot be established without the approval of the Local Area Commander of Police for the area in which the proposed alcohol prohibited area is situated."*

In accordance with S632A (8), Council has received confirmation of approval from the Local Area Commander to declare Hardy Park an alcohol prohibited area for all hours Australia Day and/or the associated public holiday and at all other times between 7pm and 7am.





Proposed alcohol prohibition zone  
Hardy Park and adjoining open space  
Overall Drive Pottsville

December 2012

**OPTIONS:**

1. Resolve as per the recommendation.
2. Resolve to maintain current status of no alcohol restrictions in the park.
3. Liaise with the Local Area Commander on alternative restriction.

**CONCLUSION:**

Alcohol related incidents in public areas are a great concern for local communities and the police. Placing of limited restriction on alcohol will help prevent these incidents, make public areas safer for the communities' use and assist the police to act to prevent incidents occurring.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Nil.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.4 Provide education and advocacy to promote and support the efforts of the police, emergency services and community groups to improve the safety of neighbourhoods and roads
- 2.1.4.2 Support police, emergency services and community groups to improve neighbourhood safety

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**28 [EO-CM] EC2012-250 for the Supply of One (1) 4WD Tractor and Dual Mower Combination**

**SUBMITTED BY: Works**

**FILE REFERENCE: EC2012-250**

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**Civic Leadership**

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**SUMMARY OF REPORT:**

Council advertised tender EC2012-250 on 13 October 2012 for the Supply of One (1) 4WD Tractor and Dual Mower Combination, with a closing date of 7 November 2012.

The tender was advertised in the following media groups:

Sydney Morning Herald  
Brisbane Courier Mail  
Gold Coast Bulletin  
Tweed Link  
Council's Web Site

This report outlines the tenders received

The recommendation has been formulated based on the Selection Criteria which is contained in Confidential Attachment 1.

**RECOMMENDATION:**

**That, in relation to EC2012-250 for the Supply of One (1) 4WD Tractor and Dual Mower Combination:**

- 1. The Tender from Noel Graham Farm Machinery - Option No7, for the Supply of One (1) Case 14 Maxxum 125 Tractor, Bomford EVO 5.5FWD Power Arm and Celli Gemini 220LH Front Mulcher, be accepted to the value of \$176,770 exclusive of GST.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) (d) (I) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**

**(I) prejudice the commercial position of the person who supplied it**



## REPORT:

### Background

Council Tender EC2012-250 used the open tender process to invite responses for the Supply of One (1) 4WD Tractor and Dual Mower Combination Unit for Council operations.

The following assessment criteria were used in the Tender and Equipment evaluation process.

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

### Responses and Evaluations

A total of Twenty Five (25) responses were received for tender EC2012-250 Supply of One (1) 4WD Tractor and Dual Mower Combination for Council operations.

On completion of operational evaluation stage and NPV Whole of Life evaluation, the highest scoring responses were then shortlisted for Maintenance and Operator evaluation.

Details of responses are listed below:

#### Responses to contract EC2012-250

Tenderer	Option	Tractor and Dual Mower Combination	Compliant with Contract Specifications	Shortlisted
Noel Graham Farm Machinery	No1	Case, Noremat, Orsi	Y	Y
Noel Graham Farm Machinery	No2	Fendt, Noremat, Orsi	Y	N
Noel Graham Farm Machinery	No3	Fendt, Bomford, Celli	Y	N
Noel Graham Farm Machinery	No4	Fendt, McConnell, Seppi	Y	N
Noel Graham Farm Machinery	No5	Massey Ferguson 6465, Noremat M57T, Orsi	Y	Y
Noel Graham Farm Machinery	No6	Massey Ferguson 6465, Noremat M61T, Orsi	Y	Y
Noel Graham Farm Machinery	No7	Case, Bomford, Celli	Y	Y



<b>Tenderer</b>	<b>Option</b>	<b>Tractor and Dual Mower Combination</b>	<b>Compliant with Contract Specifications</b>	<b>Shortlisted</b>
Noel Graham Farm Machinery	No8	Massey Ferguson 6465, McConnell PA5600, Seppi	Y	Y
Noel Graham Farm Machinery	No9	Massey Ferguson 6465, McConnell PA6400, Seppi	Y	Y
Noel Graham Farm Machinery	No10	Case, McConnell PA5600, Seppi	Y	Y
Noel Graham Farm Machinery	No11	Case, McConnell PA6400, Seppi	Y	Y
Chesterfield Australia	No12	John Deere 6130, Noremat M57T, Orsi	Y	Y
Chesterfield Australia	No13	John Deere 6630, Noremat M61T, Orsi	Y	Y
Chesterfield Australia	No14	John Deere 6330, Noremat M57T, Orsi	Y	Y
Lismore Tractor and Machinery Centre	No15	McCormick G-Max 135, McConnell PA5600, Seppi	Y	N
Lismore Tractor and Machinery Centre	No16	McCormick G-Max 135, McConnell 6400, Seppi	Y	N
Lismore Tractor and Machinery Centre	No17	McCormick MTX135A-4, McConnell PA5600, Seppi	Y	N
Lismore Tractor and Machinery Centre	No18	McCormick MTX135A-4, McConnell PA6400, Seppi	Y	N
KC Farm Equipment	No19	Valtra N123H3, McConnell PA5600, Seppi	Y	N
KC Farm Equipment	No20	Valtra N123H3, McConnell PA6400, Seppi	Y	N
KC Farm Equipment	No21	Valtra N123H3, Bomford Evo 5.5 FWD, Celli	Y	N
Northern Rivers New Holland (James Frizelles Automotive Group)	No22	New Holland T6030	Y	Y
Northern Rivers New Holland (James Frizelles Automotive Group)	No23	New Holland T6050LS	Y	Y
Northern Rivers New Holland (James Frizelles Automotive Group)	No24	New Holland T7.170 Auto Command	Y	Y
Northern Rivers New Holland (James Frizelles Automotive Group)	No25	New Holland T7.170 Range Command	Y	Y

### Tender Evaluation

The Tender and product evaluation was conducted by Council's Evaluation Panel consisting of the Plant and Materials Coordinator, Maintenance Technician, Fabrication Supervisor and an experienced equipment operator. A copy of the Tender Evaluation Report is included in ATTACHMENT 1 which is CONFIDENTIAL in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

## **CONCLUSION AND RECOMMENDATION:**

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

- Option No7 - Noel Graham Farm Machinery be nominated for EC2012-250 for the supply of One (1) Case 14 Maxxum 4WD Tractor complete with Bomford Evo 5.5FWD Power Arm and Celli Gemini 220LH Front Mulcher to Tweed Shire Council

Details of Tenderers relative competitiveness are shown in the Evaluation Report CONFIDENTIAL ATTACHMENT 1 which was endorsed by the Evaluation Committee.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Procurement Version 1.3.

### **b. Budget/Long Term Financial Plan:**

Funds Available in the 2012/2013 Fleet Budget.

### **c. Legal:**

Not Applicable.

### **d. Communication/Engagement:**

**INFORM** - We will keep you informed.

## **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

## **UNDER SEPARATE COVER/FURTHER INFORMATION:**

(*Confidential*) Attachment 1. EC2012-250 Supply of One (1) 4WD Tractor and Dual Mower Combination for Council operations (ECM 61908714).

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29 [EO-CM] Amendment to Section 94 Plan No. 23 - Offsite Parking

SUBMITTED BY: Planning and Infrastructure

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**Civic Leadership**

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**SUMMARY OF REPORT:**

*Section 94 Contributions Plan No.23 – Offsite Parking (CP23)* allows a developer to make a contribution to Council for the provision of required parking spaces offsite instead of requiring that all car parking is to be provided on the development site itself.

Council at its meeting held Thursday 25 October 2012 resolved as follows with regard to item 12(A) of the agenda relating to Development Application DA03/0476.02 for an Amendment to Development Consent DA03/0476 for the establishment of an art gallery/coffee shop to include a refreshment room & extend trading hours on Saturdays including the option of live music at Lot 2 DP 575934 No. 17 Bambery Street, Fingal Head:

- 1. The applicant be requested to withdraw DA03/0476.02 within fourteen days of the date of this meeting, and that any further Section 96 application to modify the terms of the current DA consent for this site in terms of the current shortfall of required on site car parking not be determined until the proposed Section 94 Plan identified in Point 2 is adopted by Council and made effective under the relevant provisions of the Act;*
- 2. Upon withdrawal of DA03/0476.02 a draft Section 94 Plan be prepared applying to those parts of Fingal Head that are currently not included in Tweed Contribution Plan No. 23, and that it be presented at a Councillors Workshop, and reported to a subsequent Council Meeting for determination to proceed to public exhibition.*

DA03/0476.02 was subsequently withdrawn. The workshop required by Council resolution 12(A)(2) was held and the plan has been amended as follows:

1. Figure 1F has been amended to provide a new contribution area over the village area of Fingal Head. No change to the existing Fingal Head 'CBD' area is proposed.
2. A new contribution has been calculated to be applied to the Fingal Head village area, being \$12,433 per unsupplied on-site car parking space.

It is considered that the amended plan should now be recommended to Council for public exhibition in accordance with the requirements of the NSW Environmental Planning Assessment Act and Regulations.

**RECOMMENDATION:**

**That:**

- 1. Council adopts Draft S94 Plan No 23 – Offsite Parking Version 2.3 as a basis for exhibition and community discussion/consultation.**
- 2. Draft plan Version 2.3 be exhibited as required by the Environmental Planning and Assessment Regulations.**

## REPORT:

### 1. Background

*Development Control Plan Section A2 – Site Access and Parking Code (DCPA2)* designates the number of parking spaces that must be provided for various classes of development. Where the site is unable to accommodate the designated number of parking spaces, Council may issue a development consent requiring Section 94 contributions for the unsupplied spaces.

*Section 94 Contributions Plan No.23 – Offsite Parking (CP23):*

- enables Council to collect contributions (for the unsupplied car parking spaces) from developers as a condition of consent;
- enables these contributions to be used to finance public car parking in lieu of provision of car parking on the development site; and
- designates contribution rates.

### 2. Amendment to CP23

Council at its meeting held Thursday 25 October 2012 resolved as follows with regard to item 12(A) of the agenda relating to Development Application DA03/0476.02 for an Amendment to Development Consent DA03/0476 for the establishment of an art gallery/coffee shop to include a refreshment room & extend trading hours on Saturdays including the option of live music at Lot 2 DP 575934 No. 17 Bambery Street, Fingal Head:

1. *The applicant be requested to withdraw DA03/0476.02 within fourteen days of the date of this meeting, and that any further Section 96 application to modify the terms of the current DA consent for this site in terms of the current shortfall of required on site car parking not be determined until the proposed Section 94 Plan identified in Point 2 is adopted by Council and made effective under the relevant provisions of the Act;*
2. *Upon withdrawal of DA03/0476.02 a draft Section 94 Plan be prepared applying to those parts of Fingal Head that are currently not included in Tweed Contribution Plan No. 23, and that it be presented at a Councillors Workshop, and reported to a subsequent Council Meeting for determination to proceed to public exhibition.*

DA03/0476.02 was withdrawn on 13 November 2012.

Draft amendments to CP 23 have been prepared. These amendments are summarised as follows:

- (i) Amend Figure 1F to provide a new contribution area over the village area of Fingal Head. No change to the existing Fingal Head 'CBD' area is proposed.
- (ii) Calculation of a new contribution, being \$12,433 per unsupplied on-site car parking space, to be applied to the Fingal Head Village area, based on engineering design and construction estimates that were developed as part of the parking negotiations between Council and the applicant for DA03/0476.02.

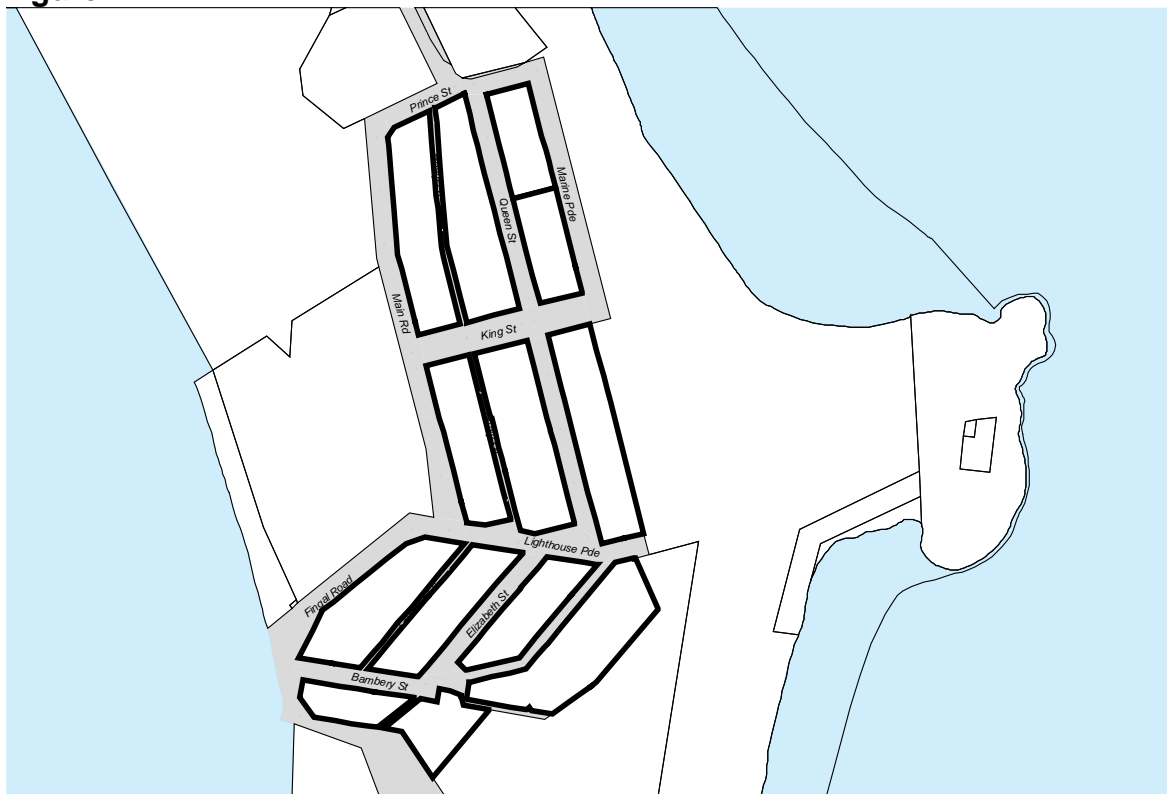
Section 3.4.1 (General Principles) of the draft plan has been amended to include the following additional paragraph:

*"Version 2.3 of this plan also includes the residential area of Fingal Head village. There are a number of small scale non-residential landuses outside of the business area in Fingal Head. While provision of a centralised car parking facility is practical for the business area in accordance with the above principles, the topographical constraints in the village area and the scattered land use patterns make the provision of centralised parking elsewhere in the village impractical. As such, additional car parking under this plan will be provided as indented on-road parking bays at a suitable location in the vicinity of any business development in the residential zone that generates the additional demand.*

*All residential developments and residential portions of mixed use developments must provide their onsite parking requirements in accordance with DCP A2 and are not eligible for the offsite Carparking contribution in lieu of this provision."*

Figure 1F has been amended as follows:

**Figure 1F:**



CBD area



Outside CBD area

The draft amendments were presented to a Councillor Workshop on 6 December 2012, as required by Council resolution 12(A)(2) The draft plan is now reported to Council for consideration of public exhibition.

The amended contribution table in the draft plan now reads as follows:

### 1.1 Summary of Current Contribution Rates per Unsupplied On-Site Car Parking Space

		Indexed Version 2.1.2* Inc 5% admin
Tweed Heads	\$24,570	\$25,344
Murwillumbah	\$15,907	\$15,941
Kingscliff	\$27,657	\$27,716
Bogangar	\$27,657	\$27,716
Pottsville	\$19,750	\$21,223
Fingal <u>Head CBD</u>	\$2,898	\$2,904
<u>Fingal Head Village</u>	<u>\$12,433</u>	<u>\$12,433#</u>

The above areas are described in Figures 1A to 1F.

*\* Indexed in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See indexation calculations in Appendix A of this plan.*

*# Fingal Head Village contribution rate introduced in Version 2.3. so no indexation applied.*

It is noted that the new contribution rate for Fingal Head village is considerably higher than the existing rate for Fingal Head CBD. This is due to the relative low cost attributed in the plan to upgrading the existing at-grade car park adjacent to the Fingal Surf Club, compared with retrofitting new indented parking bays on existing roadways, with associated changes to kerb and gutter, widened pavement, relocation of services, verge landscaping and traffic control. However it should also be noted that the new contribution rate for Fingal Head village is considerably less than all other localities, where land acquisition and the construction of basement levels drives up the unit cost of providing centralised offsite parking facilities.

The draft amendments were presented to a Councillor Workshop on 6 December 2012, as required by Council resolution 12(A)(2). The draft plan is now reported to Council for consideration of public exhibition.

#### OPTIONS:

1. Proceed with the amendment of the plan by approving the draft plan for exhibition - adoption of this amended plan will enable the developers of the refreshment room at Fingal Head to pay contributions towards essential carparking which they apparently cannot provide onsite.
2. Not proceed with the amendment of the plan - further action may be required regarding the current usage of Lot 2 DP 575934 No. 17 Bambery Street, Fingal Head and associated carparking shortfall.

## CONCLUSION:

The adoption of Draft *Section 94 Plan No 23 –Offsite Parking Version 2.3* will enable Council to collect developer contributions for unsupplied parking spaces for developments in the amended plan area for Fingal Head.

In accordance with the Environmental Planning Act and Regulations, Council must exhibit the draft plan and consider any submissions before it can be adopted. The Draft Plan (copy attached) has been amended as outlined above and is recommended for exhibition.

## COUNCIL IMPLICATIONS:

- a. **Policy:**  
CP 23 - Offsite Parking.
- b. **Budget/Long Term Financial Plan:**  
If the Draft Plan is not adopted, part of the cost of providing parking for development in the Fingal Head area could require financing from the general fund and from existing ratepayers who are not responsible for creating the demand for these facilities in the designated area.
- c. **Legal:**  
In order to revise the plan, it must be exhibited in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
- d. **Communication/Engagement:**  
**Consult-**We will listen to you, consider your ideas and concerns and keep you informed.

## LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
- 1.2.3.3 Developer Contribution (s94) Plans

## UNDER SEPARATE COVER/FURTHER INFORMATION:

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

Attachment 1: Draft Section 94 Plan No 23 - Offsite Parking (ECM 60886015)

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**30 [EO-CM] Sexton Hill Drive - Maintenance Handover**

**SUBMITTED BY: Director**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Council has been formally advised by Roads and Maritime Services of NSW (RMS) that it has withdrawn maintenance services for Sexton Hill Drive from the 30 December 2012. The advice also contained an offer of a one-off payment of \$307,974.50 to undertake any outstanding maintenance work on Sextons Hill Drive over a 10 year period. A copy of the RMS letter (excluding the attachments) follows in the body of this report.

This matter has been the subject of ongoing discussions with RMS, the local State Member and the Minister for Roads and Ports since September 2011 when the issue was included as part of a report titled "*Review of Classified Road Network in Tweed Shire and Section 94 Implications*" considered by Council at its meeting held 20 September 2011. This report was dealing in general with the funding sources for the ongoing development of the Tweed Arterial Road Network and its maintenance. Council resolved in part not to accept the handover of Sexton Hill Drive as a local road as this would transfer the full ongoing maintenance cost to Council.

Since then through discussions and correspondence the RMS and Minister for Roads and Ports have rejected Council's arguments and advised that in accordance with the Roads Act Council will become the relevant roads authority from the official handover date specified by the RMS, being the 30 November 2012.

It is now a matter that requires reconsideration by Council given the negative responses from the Minister for Roads and Maritime Services and noting the Roads Act implications in regards to the ongoing maintenance of Sexton Hill Drive and the standard and level of such maintenance.

**RECOMMENDATION:**

**That Council:-**

- 1. Accepts in principle maintenance responsibility for Sexton Hill Drive.**
- 2. Requests Roads & Maritime Services (RMS) to consider classifying Sexton Hill Drive as a Regional Road.**
- 3. Accepts the Roads and Maritime Services (RMS) offer of a one off payment of \$307,974.50 for future maintenance of Sextons Hill Drive.**

4. **Negotiates the revision of the Roads & Maritime Services (RMS) Maintenance Schedule and responsibilities.**

## REPORT:

### Background

#### 20 September 2011

Council considered a report titled *"Review of Classified Road Network in Tweed Shire and Section 94 Implications"*. The report discussed the classification of roads used by the RMS and the implications of the classifications on funding arrangements whereby RMS fully funds roads classified as State Roads and Council fully funds maintenance of roads classified as Local Roads. The report argued that Tweed Shire should be treated in the same manner as New South Wales Central Coast and Wollongong, given the adjoining Gold Coast and its impact on traffic generation within the Tweed. The report also discussed the renaming of the Pacific Highway at Banora Point as Sexton Hill Drive and its reclassification to Local Road. Council resolved in part:

- "4. Council advises the NSW Roads and Traffic Authority that it declines handover of Sexton Hill Drive as a Local Road on completion of the Banora Point Upgrade and request that given its status as an Urban Arterial Road that it remain classified as a State Road.*
  
- 7. Council requests the support of the Minister for the North Coast, Don Page and Local State Members of Parliament, Thomas George and Geoff Provest to progress the above proposals."*

#### 4 April 2012

The RMS responded to Council's position after a meeting at Council offices in December 2011. The letter effectively rejected all the requests made by Council at its meeting on 20 September 2011. The response in part states: *"RMS takes the position that a broad scale review of Tweed Road Classifications beyond adjustments resulting from major road projects would be inconsistent with the established state wide independent process which was agreed with at the Local Government and Shires Association to ensure equity and consistency in road classification and funding decisions. It is expected that future state wide road classification review processes will provide an appropriate vehicle to give more thorough consideration of Council's submission particularly in the context of the population growth actually experienced, the impact of the Lower Tweed and Pacific Highway Traffic Master Plan projects on the performance of the broader road network in Tweed Shire, and the total road network needs right across NSW."*

#### 15 May 2012

A further report was considered by Council discussing in detail the response (4 April 2012) from RMS and resolved the following:

- "1. Representatives meet with the Minister for Roads and Ports to further advocate the reclassification of Tweed urban arterial roads to "State Road and Regional Road" status.*
  
- 2. Encourage support for the reclassification from interested industry representatives.*
  
- 3. A letter be sent to the NSW Road and Maritime Services (RMS) acknowledging receipt of their position as detailed in the letter of 4 April 2012; and*

- (a) *Advise that Council will continue to seek reclassification of urban arterial roads in Tweed Shire through representations to the Minister for Roads and Ports.*
- (b) *Confirm that Council will not accept handover as a "local road" of the soon to be replaced section of the Pacific Highway to be known as "Sexton Hill Drive".*

Accordingly the RMS was advised of Council's resolution.

### **6 August 2012**

The RMS further rejected Council's position in regard to major urban centre status. The RMS response in part stated:

*"With regard to the Banora Point Upgrade handover it is anticipated that the works will be fully operational around September 2012 at which time the route of the classified road, The Pacific Highway, is automatically adjusted to reflect the new arrangements. As you are aware it is an underlying principle of the NSW Roads Act 1993 that Council's are the road authority for all roads and that RMS is not empowered to undertake work or provide financial assistance for roads that are not classified. Furthermore it is the clear intention of the longstanding NSW Road Management Guidelines agreed between RMS and local government that RMS responsibilities are to State Roads, which are the major arterial links throughout NSW and within major urban areas. .... Council is therefore requested to continue to actively participate in the handover discussions to ensure the best possible handover outcome can be achieved for Council through this process."*

### **15 August 2012**

A further letter was sent to RMS in response to their letter of 6 August 2012 again reiterating Council's position in regard to Sexton Hill Drive.

### **30 August 2012**

Council issued a media release titled *"Urgent Call to Postpone Handover of Bypassed Pacific Highway (Sexton Hill Drive)"*.

### **5 October 2012**

Council considered a report titled *"Banora Point Upgrade Completion"* where Council resolved to congratulate the RMS, federal and state governments thanking them for the funding and delivery of the Banora Point Upgrade but also noting some outstanding issues including the RMS handover of Sexton Hill Drive as a Local Road to Council.

### **16 October 2012**

An email was sent to Mr Geoff Provest MP requesting an update on the arrangement of the meeting with the Minister for Roads and Ports, The Hon Duncan Gay regarding arterial road classifications.

### **19 October 2012**

The RMS responded to Council's letter of 15 August 2012 in a similar manner as previous replies which states in part:

*As per earlier advice it is an underlying principle of the Roads Act 1993 that Councils are the responsible roads authority for all roads within the local government area other than freeways and crown roads. Accordingly I now formally advise that as of midnight 30 November 2012 RMS will withdraw from exercising the powers of the roads authority in the provision of maintenance to the old section of Pacific Highway, Banora Point now known as Sexton Hill Drive. Ongoing maintenance and liability in this regard will by default automatically revert to Tweed Shire Council as the roads authority pursuant to the Act. This withdrawal by RMS is in line with the longstanding administrative arrangements for road management agreed between the state government and the LGSA."*

**23 October 2012**

A letter was forwarded to RMS in response to their letter dated 19 October 2012 requesting that the handover be deferred until the matter has been discussed with the Minister for Roads and Ports.

**23 October 2012**

Another letter was forwarded to the Minister for Roads and Ports setting out Council's position in this matter and urgently requesting a meeting.

**28 November 2012**

The RMS responded to Council's letter of 23 October 2012 rejecting Council's request for extension of time for the handover and confirming that as of midnight 30 November 2012 Council would become responsible for Sexton Hill Drive.

**28 November 2012**

A response was received from the Minister for Roads and Ports, The Hon Duncan Gay to Council's letter of 23 October 2012 which reiterated the previous responses received from the RMS. In part the letter advised:

*"In regard to the withdrawal of the Roads and Maritime Services responsibility for Sexton Hill Drive this will proceed as advised this week. This is the established and legally appropriate process for managing bypassed sections of road and again any special treatment for Tweed Shire in this regard would result in inequities with other bypassed projects across the state. I would encourage Council to work positively with RMS in facilitating the handover of Sexton Hill Drive and the transfer of the accompanying funding."*

**10 December 2012**

The RMS advised Council by letter confirming that the RMS had withdrawn from maintenance of Sexton Hill Drive on 30 November 2012 as previously scheduled. The letter also contained an offer of a one-off lump sum payment to the value of \$307,974.50 to cover any outstanding maintenance work together with specified maintenance items based on a 10 year time frame. See letter below. The letter also contained a maintenance diary, a maintenance responsibility document and maps showing the Pacific Highway boundaries.



Transport  
Roads & Maritime  
Services

Our Ref: SF2012/057750  
File No 12720BB

The General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

VANDALISM  
PACIFIC HIGHWAY - BANORA PT - UPGRADE

TWEED SHIRE COUNCIL	
FILE No:	SN: 2366
DOC. No:	
RECD:	13 DEC 2012
ASSIGNED TO:	Knight, P
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Attention: Mr Patrick Knight

Dear Mr Knight

#### Banora Point Upgrade (BPU) handover

I refer to Roads and Maritime Services (RMS) earlier advice indicating it would withdraw from maintenance of Sexton Hill Drive effective midnight 30 November 2012.

I confirm that this withdrawal of maintenance did occur as advised. I note that some vandalism occurred prior to 1 December 2012 involving several signs being knocked down. Other than the repair of those damaged signs, RMS will no longer be undertaking maintenance or inspection of Sexton Hill Drive.

The bypassed road is considered to be in good condition, with all but a 300m section of the old highway having already been improved by the BPU project works. As part of the BPU project, a handover funding package has been determined and details supporting this package are now attached.

RMS will make a one-off lump sum payment to council in the amount of \$307,974.50 assessed on needs identified in the attached maintenance diary.

The lump sum payment will allow council to undertake any outstanding maintenance work on the bypassed section, together with items of specified maintenance identified and based on a ten year maintenance diary.

In order to facilitate payment of handover monies, council is requested to forward an invoice to RMS at your earliest convenience.

Also attached are drawings showing the Freeway and maintenance boundaries for the project.

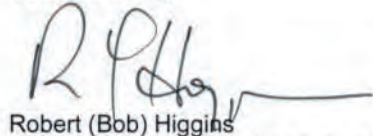
Roads and Maritime Services

31 Victoria Street (Corner) NSW 2484  
PO Box 9711 Grafton NSW 2460  
www.rms.nsw.gov.au | 13 17 82



If you require further information please contact Mr Brett Butcher, Asset Manager on telephone 02 6640 1300 or email [grafton.regional.office@rms.nsw.gov.au](mailto:grafton.regional.office@rms.nsw.gov.au).

Yours sincerely



Robert (Bob) Higgins  
General Manager, Pacific Highway

10/12/12

Encl

### 18 December 2012

A letter in response to the letter from RMS dated 28 November 2012 reiterated Council's resolution from the 15 May 2012 as stated above.

### Discussion

As can be seen from the above chronology of events, it is clear that whilst Council has rejected the formal handover of Sexton Hill Drive the RMS is relying on the Roads Act 1993 to legally withdraw from any further maintenance on Sexton Hill Drive and handover responsibility to Council as the Roads Authority. The RMS also refer to agreed road management arrangements between the LGSA and the State Government. Whilst it would appear that Council now has little choice other than to accept the position of the RMS it does have some options available as identified below.

Whilst the RMS has classified Sexton Hill Drive as a local road it is still considered appropriate to request the RMS to reconsider this classification based on the road classification criteria provided in the NSW Road Classification Review 2007 as it is considered Sexton Hill Drive meets the specified criteria to be classified as a Regional Road. Sexton Hill Drive provides access from the State Road Network (Pacific Highway) to the major recreational, commercial, retail and tourist facilities in Tweed Heads South and Tweed Heads. Sexton Hill Drive connects the partial interchange at the southern end of the Banora Point Upgrade to the northern interchange and the existing Regional Roads Network being Minjungbal Drive and Wharf Street, Tweed Heads. Given Sexton Hill Drive consists of 4 traffic lanes (2 in each direction) and is predicted to carry over 10,600 vehicles per day after the opening of the Banora Point Upgrade it clearly shows Sexton Hill Drive is functioning well above a Local Road classification and should be classified as a Regional Road based on the road classification criteria in Appendix A of the above document. Furthermore such classification would be consistent with past practice where bypassed sections of urban State Road (Pacific Highway) have been classified as Regional Road. Examples include Wharf Street and Minjungbal Drive to which Sexton Hill Drive becomes an extension.

In regard to the latest RMS offer which includes a one-off payment to cover 10 years of maintenance which after review appears to be generally reasonable with the exception of some minor items such as maintenance of the large gantry directional sign on Minjungbal Drive. It is proposed to continue to refine the RMS's maintenance responsibility schedule to more closely reflect what is considered reasonable from Council's perspective. Additionally there are some outstanding matters that are ongoing which still need to be brought to a conclusion. These matters have been referred to the RMS for consideration and response.

## OPTIONS:

1. Maintain Council's current position in regard to Sexton Hill Drive. Given the requirements of the Roads Act and the RMS advice regarding general agreement with regards to roads management between the LGSA and State Government this option is not considered sustainable at this time. The issue of road classification, construction maintenance at the strategic level needs to continue to be pursued with RMS and the LGSA.
2. Council accepts the offer made by the RMS in its letter dated 10 December 2012. This option is not favoured as it leaves Council exposed to unlimited maintenance costs in regards to issues such as graffiti removal and all structures visible from the local road network.
3. Council accepts the offer made by the RMS in its letter dated 10 December 2012 with some adjustments to the Schedule of Maintenance Responsibility with the levels of maintenance undertaken based the RMS one-off payment. Most likely option to deliver acceptable outcomes for Council and the RMS with Council reviewing the Maintenance Schedule to ensure future maintenance is undertaken within the affordability levels determined by the RMS one off grant.
4. Council advises RMS that it accepts maintenance responsibility for Sexton Hill Drive but requests that its classification be upgraded to Regional Road status rather than a Local Road as it meets the Road Classification Criteria set down by the RMS in its New South Wales Road Classification Review 2007.

## CONCLUSION:

Based on the requirements of the Roads Act and agreement between the NSW Government and Local Government and Shires Association in regard to management of the State's road network, it is considered appropriate that Council accepts maintenance responsibility for Sexton Hill Drive. Whilst the RMS has only classified Sexton Hill Drive as a Local Road it is considered that Sexton Hill Drive functions as a Regional Road and meets the RMS Road Classification Criteria contained in the NSW Road Classification Review 2007 document. As such Option 4 is considered appropriate to pursue with the RMS. Accepting this enables Council to plan its 10 year maintenance program for Sexton Hill Drive to reflect the \$307,974.50 one-off lump sum payment being offered by the RMS whilst continuing to negotiate the formal classification of Sexton Hill Drive.

## COUNCIL IMPLICATIONS:

### a. Policy:

Impact on Council's road infrastructure maintenance policy.

### b. Budget/Long Term Financial Plan:

Maintaining Sexton Hill Drive may require a budget increase to enable maintenance to be undertaken in addition to the one off payment proposed from RMS.

### c. Legal:

The Roads Act requires Council's to be the Roads Authority for all non classified roads in NSW impacts on the recommended action.

### d. Communication/Engagement:

**INFORM** - We will keep you informed.



**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.4 An integrated transport system that services local and regional needs
- 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**31 [EO-CM] Pay Parking Scheme Investigation and Implementation**

**SUBMITTED BY: Planning and Infrastructure**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Constraints such as rate pegging and increasing competing interests for budget allocations limits Council's ability to maintain and improve public car parking areas and related facilities that are typical of high usage areas, such as public toilets, play equipment, boat ramps, and streetscaping.

The introduction of a pay parking scheme provides the opportunity to utilise existing land and assets to generate a new income stream and supplement the limited maintenance funds, without significant extra burden on the rate base by targeting tourist users. This potential funding source can also be utilised to implement the plans of management for community land already created for many of these areas by Recreation Services and Natural Resource Management Units.

An investigation into the feasibility of implementing a pay parking scheme over a number of car parking areas in Tweed Shire has been undertaken. This confirms the income potential of such a scheme, however to roll out the scheme as a whole also requires a large initial outlay based on various assumptions of patronage and other risks. A staged implementation plan is therefore proposed, for consideration in the 2013-2014 budget process.

**RECOMMENDATION:**

**That:**

- 1. An allocation of \$30,000 to commence a parking demand study as a pre-requisite to the introduction of a pay parking scheme be included in the March 2013 Quarterly Budget review; and**
- 2. The introduction of a pay parking scheme targeting high usage parking areas in Tweed Shire be considered in the 2013-2014 budget, to provide upfront funding for implementation at two pilot sites, with establishment costs estimated at \$85,000, and first year running costs of \$10,500.**

## **REPORT:**

The objective of this report is to investigate the feasibility, based on potential cash flow / net present value for investment, of providing a pay parking scheme for high usage carparking areas in Tweed Shire. The report outlines the various assumptions used as the basis for the financial evaluation, tests them for sensitivity, and identifies a number of risks and constraints to the projected outcome. Finally, a proposed plan for implementation is provided, for consideration in the 2013/2014 budget process.

## **OPTIONS:**

### **1. Types of Pay Parking Schemes**

Generally there are four types of pay parking schemes available, being meter, ticket, coupon and phone parking schemes. The only existing pay parking scheme in Tweed Shire is coupon parking over the second level of the Murwillumbah Multi-Level Car Park. The preferred scheme for this assessment is ticket parking, which has recently been implemented in Byron and Lismore Shires. This involves the purchase of a "pay and display" ticket for the required time period from machine(s) located in the carpark, with the paid ticket displayed on the car dashboard. Other options for pay parking have not been explored in this report.

### **2. Who Pays?**

There are options to charge all users of the carparks, or specific user groups which add administrative complexity to implementing the pay parking scheme.

Byron Shire runs a resident permit parking scheme, whereby cars identified with parking permits are excluded from the ticket parking scheme. In Byron, eligible residents can purchase an annual permit for \$25.

Introduction of a resident permit parking scheme may alleviate some of the expected concerns of residents due to the imposition of pay parking, and Council can set the permit fees accordingly. This means that tourist traffic is primarily targeted by the pay parking scheme, while the carparking facilities, particularly those on the coast, remain available equitably to all Shire residents who contribute to their establishment and maintenance (directly through rates, or indirectly through developer contributions).

Further, it is proposed in this report to charge higher tariffs to designated boat trailer and caravan parking, as these use more land and have associated facilities such as boat ramps and amenities buildings which require ongoing maintenance.

### **3. How Much?**

Pay Parking Guidelines issued by the Roads and Maritime Services (RMS) state that pay parking fees can be determined by resolution of Council, and may vary between areas, days or times of day.

Parking fees imposed in neighbouring LGAs are summarised in the following table:

Council	Location	\$/hour	Comment
Gold Coast City	Surfers Paradise	\$2.90	9am-7pm Mon-Sat 9am-5pm Sun
	Broadbeach	\$2.60	9am-7pm Mon-Sat 9am-5pm Sun
	Bundall	\$1.30	9am-5pm Mon-Sat
	Burleigh Heads		9am-5pm Mon-Fri 9am-12 noon Sat
	Southport	\$1.80	9am-5pm Mon-Sat
	Southport on-street	\$1.20	9am-5pm Mon-Sat
Byron Shire	Main Beach Lawson Street Clarke's Beach	\$3.00	9am-6pm Mon-Sun Max 4 hour time limit
Lismore	Rowing Club Car Park	\$1.00	Half day fee (first 4 hours)
		\$2.00	Full day fee (longer than 4 hours)
	Shearman Car Park	\$1.00	2 hour fee
		\$2.00	Half day fee (first 4 hours)
		\$4.00	Full day fee (longer than four hours)
Hospital precinct on-street parking	\$1.00	8.30am-4pm Mon-Fri 8.30am-1pm Sat Max 2 hour time limit	

For the purpose of the financial assessment that follows, a base rate of \$2.00/hour has been nominated.

#### 4. Target Parking Areas

The following 17 areas have been identified for potential implementation of pay parking (maps are provided in Attachment 1):

- Tumbulgum Riverside Drive - River foreshore parking, 65 spaces;
- Kennedy Drive - Boat ramp parking, 24 spaces;
- Point Danger - Tourist area, 38 spaces;
- Duranbah Beach - Beach front parking, 104 spaces;
- Kingscliff - Cudgen Surf Club, 130 spaces;
- Kingscliff - Faulks Park, 32 spaces;
- Kingscliff - Boat Ramp, 44 spaces;
- Cabarita Beach, Pandanus Parade - beach front and commercial parking, 59 spaces;
- Cabarita Beach - Norries Headland - Tourist and beach front parking, 125 spaces;
- Fingal Head - Boat Harbour, 63 spaces;
- Fingal Head - Surf Club, 39 spaces;
- Chinderah - Boat Ramp, 30 spaces;
- Salt - Central Park, 298 spaces;
- Pottsville - Ambrose Brown Park, 51 spaces;
- Tweed Heads - Bay Street old Fire Station, 83 spaces;
- Stotts Island - old highway rest area, approximately 25 spaces;
- Hastings Point - Cudgera Park, 60 spaces.

This is not an exhaustive list of public car parks where pay parking schemes could be applied. Generally the areas nominated are either planned for upgrades, or have been the subject of recent upgrades, and the intent of the pay parking scheme is to generate revenue that will assist in paying for and maintaining these facilities in perpetuity.

Tenure of the above car parks varies. A large portion of the Salt Central Park carpark is located on private land associated with the adjacent resort/retail development. Many car parks are also located wholly or partially on Crown Land (e.g. the Coastal Reserve). According to the Trust Handbook, there are constraints placed on fees collected from the use of Crown Land:

*"20.1 Legal Requirements*

*.... It is important to keep in mind that money raised through the operation of the reserve, or received through any approved leasing or sale of part of the reserve, must be used for the purpose of improving and maintaining the reserve."*

Correspondence has been sent to the Department of Primary Industries, Crown Lands Division.

## **5. Parking Utilisation**

In order to predict likely usage patterns and the split between pay and permit parking users and car and trailer parking, a series of parking surveys of the target parking areas were undertaken. Surveys were by site inspection on various dates in September and October 2012, and included surveys during the NSW and QLD school holidays (which coincided). The Salt Central Park carpark was also surveyed on a weekend (12-13 October). These surveys were also compared with aerial imagery from Council's GIS, which was taken in May 2012. Survey results are summarised in the following table. Complete survey results are included in Attachment 2.

Parking Area	No. Car Spaces	No. Car + Trailer	Total Spaces	Patronage		NSW:QLD:other overall % split
				Overall Average	Holiday Average	
Tumbulgum	56	9	65	52%	42%	62:36:02
Kennedy Drive	11	13	24	47%	52%	48:53:00
Point Danger	38	0	38	61%	63%	49:48:03
Duranbah Beach	104	0	104	45%	59%	26:70:04
Kingscliff - Surf Club	130	0	130	70%	74%	65:33:02
Kingscliff - Faulks Park	32	0	32	19%	15%	63:26:12
Kingscliff - Boat Ramp	33	11	44	30%	39%	66:29:05
Cabarita - Pandanus Parade	59	0	59	46%	57%	62:35:03
Cabarita - Norries Headland	125	0	125	32%	34%	48:47:05
Fingal - Boat Harbour	9	54	63	17%	14%	57:43:00
Fingal - Surf Club	39	0	39	44%	53%	43:52:05
Chinderah - Boat Ramp	24	6	30	31%	40%	40:57:03
Salt	298	0	298	34%	36%	58:41:02
Pottsville	51	0	51	47%	58%	57:40:03
Bay Street	83	0	83	51%	NA*	44:51:05
Stotts Island	10	15	25	28%	NA*	38:25:38
Hastings Point	60	0	60	41%	NA*	57:43:00
<b>TOTAL</b>	<b>1162</b>	<b>108</b>	<b>1270</b>			
<b>MEAN</b>				<b>41%</b>	<b>45%</b>	<b>52:43:05</b>
* No parking survey conducted during school holidays						

## 6. Cash Flow Analysis - Assumptions

Prior to carrying out cash flow analysis of the proposed pay parking scheme, various assumptions relating to uptake of the scheme, income generated, establishment and running costs had to be made. These are outlined as follows:

### a) Patronage Reduction Factor

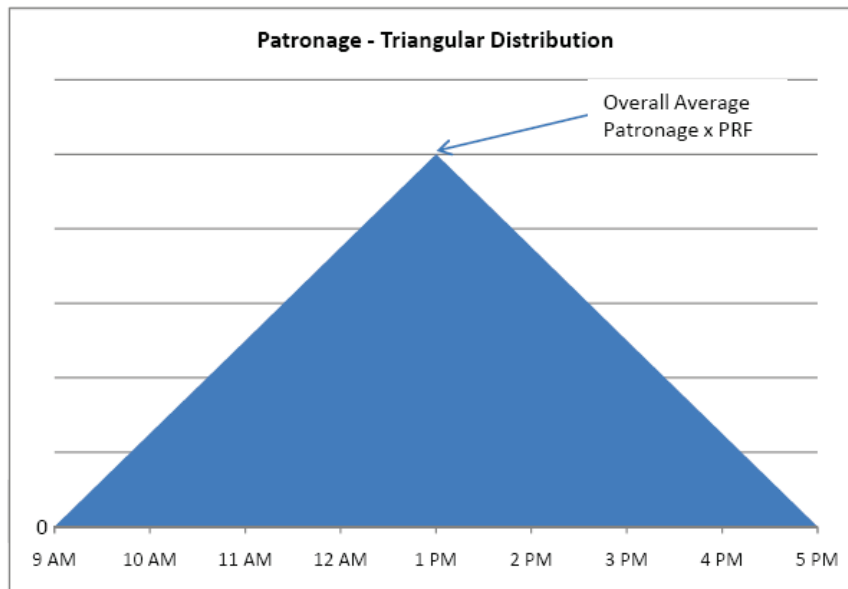
The above parking survey provides good base data upon which to estimate patronage patterns for the cash flow analysis. It is expected that the introduction of pay parking will discourage some existing users of these car parks, and as such a "patronage reduction factor" (PRF) has been applied to each area. Various reduction factors between 0.5 (i.e. 50% reduction in car park patronage) and 0.9 (i.e. 10% reduction in car park patronage) have generally been used. Estimates of the applicable PRF were determined as follows:

Patronage Reduction Factor	Description
0.5	Ample free parking within a short walking distance
0.6	Some free parking within a short walking distance
0.7	Ample free parking within a significant walking distance
0.8	Some free parking within a significant walking distance
0.9	No nearby free parking available

Sensitivity testing of the patronage reduction factor was included in the scenario runs, with very high impact (PRF = 0.3) and very low impact (PRF = 0.9) applied.

## b) Parking Distribution

With the exception of Stotts Island, the subject parking areas are typically used during daylight hours, with peaks expected around midday. As such, a triangular distribution of parking utilisation has been assumed, with the peak assumed to be the overall average patronage observed from the parking survey, with the PRF applied. An 8 hour pay parking duration was assumed (9am-5pm).



The Stott's Island rest area is typically used by long distance travellers in caravans and campers, so does not follow the same patronage distribution. Here, the factored average overall patronage was applied as a constant rate over 12 hours (i.e. rectangular distribution 6pm to 6am).

## c) Permit Parking Uptake

As outlined above, the pay parking report assumes a concurrent permit parking scheme being available for residents of Tweed Shire. Byron Shire charges \$25 per annual permit, and this has been adopted for the analysis. According to Byron Shire officers around 1,000 permits are purchased each year, equating to about 7% of Byron households. This uptake rate has also been used for the purpose of the analysis.

Assumptions about the percentage of permit holders taking up spaces in the pay parking scheme were also required. The parking survey showed that around 50% of observed vehicles were from interstate. It was then further assumed that 50% of NSW plated cars would be Tweed residents holding permits. Therefore it was assumed that 25% of available parks were taken up by permit holders rather than ticket parking consumers. These assumptions were tested for sensitivity in the scenario runs.

Note that some pay parking suppliers offer a service where residents can register their credit card with Council to receive resident discounts from the same ticket machines used for pay parking. This option has not been explored in detail for this report, but could save Council from running two parallel parking schemes. This option can be explored further during the procurement process.



**d) Establishment and Running Costs**

This report is based on preliminary quotations provided by Duncan Solutions for coin and credit card enabled TX Pay and Display Machines (pictured right). These machines are powered by a solar rechargeable battery and contain wireless communication technology, so connection to power and telecommunications is not necessary.

The number of machines was estimated based on a maximum 50m walk from parking spaces, with separate machines for car and trailer parking assumed.

The following establishment costs have been included in the analysis, guided by the Duncan Solution quotation:

- Purchase of 60 ticket machines
- Freight and installation
- Management database and software setup and training
- Credit card facilities establishment
- Credit card transfer process setup
- Parking signage and linemarking
- Design and survey
- Parking demand study
- Purchase of additional parking enforcement vehicle
- Purchase coin counting machine
- Contingencies and supervision

Annual running costs have also been estimated covering:

- Ticket machine maintenance
- Vandalism repair
- Management system software licensing fee
- Credit card site fees
- Credit card transaction fees
- Wireless data fees
- Ticket machine upgrades
- Ticket machine consumables (tickets)
- Additional parking enforcement officer
- Enforcement vehicle running costs
- Revenue administration
- Secure collection / cash in transit services
- Forward capital replacement costs (7 year design life)



**e) Management of the System**

Council would need to set up new processes to manage and operate the pay parking system once it is established. Units such as the Duncan Solutions machines come with their own custom management databases and software, which officers would need to be trained in and manage. The best fit for this role would appear to be the Revenue Section. Based on

discussions with the Coordinator Revenue, once the scheme is fully implemented it is considered that this role would equate to half a Grade 4 Revenue Officer. The Revenue officer would also need to reconcile cash collected and provide reporting.

Collection of cash from the machines is another important process to consider. Council's Regulatory Services Section currently manages a tender for cash in transit services, which collects and deposits cash from various locations (public swimming pools, weigh bridges, landfill etc). It is assumed that this service would need to be expanded to collect cash from the machines. The supplier advises that each machine could hold up to \$1,200, and need to be collected 2-3 times a week depending on location, time of year, and percentage of cashless transactions via credit card. Collection every 3 days is assumed in the analysis, at the current tender rate per site.

**f) Enforcement**

Additional enforcement resources will be required for the scheme. The cash flow analysis assumes 1 additional full time parking officer and a vehicle.

The income from the pay parking scheme does not include collection of monies from parking fines associated with the "pay and display" system. A variety of infringements can be enforced with fines of \$99. No attempt has been made to estimate likely income generated from these fines.

**7. Cash Flow Analysis - Results**

Based on the above assumptions, a series of cash flow spreadsheets have been prepared (these are provided in Attachment 3). The spreadsheets detail the estimated establishment costs, income generated from assumed occupancy rates, and operational costs. These have been used to estimate the pay back period for the initial set up cost, as well as a net present value (NPV) assessment of net income over the 7 year design life of the ticketing system, to determine real value of the scheme over time.

A number of scenarios have been run to test the various assumptions for sensitivity. Income generated from the use of Crown Land has been segregated from other income generated from the parking scheme, and car parks on private land have been excluded from the calculations.

The results of the analysis are summarised as follows:

Scenario 1 - Suggested Scheme

Commentary: This scenario forms the base for comparison, containing best estimates of parking tariffs, ticket and permit parking uptake, and establishment and running costs.

<b>SCENARIO 1 - Suggested Scheme</b>		
<b>Assumptions</b>		
Hourly Car Parking Rate		\$ 2.00
Hourly Car and Trailer Parking Rate		\$ 5.00
Resident Permit Parking Fee		\$ 25.00
Permit Parking Uptake (% households)		7%
Permit Parking Utilisation (% car parks)		25%
Patronage Factor (best estimate)		0.5-0.9
<b>Income</b>		
Parking income from Council owned land		\$ 418,277
Parking income from Crown Land		\$ 370,591
Income from Permit Parking		\$ 66,667
Total Income		\$ 855,535
<b>Expenditure</b>		
Total Establishment Cost		\$ 918,125
Annual Running Costs		\$ 330,447
<b>Annual Return</b>		\$ 525,088
<b>Pay Back Period (years)</b>		2
<b>NPV (7 year design life)</b>		\$ 2,013,116

Scenario 2 - Higher parking fees, reduced patronage

Commentary: In this scenario, parking tariffs were increased for both ticket and permit parking schemes. An associated reduction in patronage was then assumed, with a Patronage Reduction Factor of 0.3. Based on these figures, these assumptions largely offset each other, with only a small reduction in annual return.

<b>SCENARIO 2 - Higher parking fees, reduced patronage</b>			
<b>Assumptions</b>			
Hourly Car Parking Rate		\$	4.00
Hourly Car and Trailer Parking Rate		\$	7.00
Resident Permit Parking Fee		\$	30.00
Permit Parking Uptake (% households)			5%
Permit Parking Utilisation (% car parks)			25%
Patronage Factor (high reduction)			0.3
<b>Income</b>			
Parking income from Council owned land		\$	395,011
Parking income from Crown Land		\$	325,167
Income from Permit Parking		\$	60,000
Total Income		\$	780,178
<b>Expenditure</b>			
Total Establishment Cost		\$	918,125
Annual Running Costs		\$	327,058
<b>Annual Return</b>		\$	453,120
<b>Pay Back Period (years)</b>			3
<b>NPV (7 year design life)</b>		\$	1,611,366

Scenario 3 - Lower parking fees, higher patronage

Commentary: In this scenario, parking tariffs were reduced for both ticket and permit parking schemes. A patronage reduction factor of 0.9 was then applied to reflect only a small predicted change in existing parking utilisation. Based on these assumptions, a higher proportion of resident permit parking impacts on the annual return, making it less attractive than Scenarios 1 and 2.

<b>SCENARIO 3 - Lower parking fees, higher patronage</b>		
<b>Assumptions</b>		
Hourly Car Parking Rate		\$ 1.20
Hourly Car and Trailer Parking Rate		\$ 3.00
Resident Permit Parking Fee		\$ 10.00
Permit Parking Uptake (% households)		20%
Permit Parking Utilisation (% car parks)		40%
Patronage Factor (low reduction)		0.9
<b>Income</b>		
Parking income from Council owned land		\$ 315,246
Parking income from Crown Land		\$ 246,014
Income from Permit Parking		\$ 80,000
Total Income		\$ 641,259
<b>Expenditure</b>		
Total Establishment Cost		\$ 918,125
Annual Running Costs		\$ 330,379
<b>Annual Return</b>		\$ 310,880
<b>Pay Back Period (years)</b>		3
<b>NPV (7 year design life)</b>		\$ 817,327

Scenario 4 - High enforcement and management

Commentary: This scenario maintains the same parking rates as Scenario 1, but assumes a higher degree of enforcement and management from Council (e.g. detailed parking studies, additional parking officer, additional revenue resources, additional cash collection) to consider the case where these aspects have been underestimated. This has some adverse impacts on the annual return.

<b>SCENARIO 4 - High enforcement and management</b>			
<b>Assumptions</b>			
Hourly Car Parking Rate		\$	2.00
Hourly Car and Trailer Parking Rate		\$	5.00
Resident Permit Parking Fee		\$	25.00
Permit Parking Uptake (% households)			7%
Permit Parking Utilisation (% car parks)			25%
Patronage Factor (best estimate)			0.5-0.9
<b>Income</b>			
Parking income from Council owned land		\$	418,277
Parking income from Crown Land		\$	370,591
Income from Permit Parking		\$	66,667
Total Income		\$	855,535
<b>Expenditure</b>			
Total Establishment Cost		\$	1,089,975
Annual Running Costs		\$	454,277
<b>Annual Return</b>		\$	401,258
<b>Pay Back Period (years)</b>			3
<b>NPV (7 year design life)</b>		\$	1,150,000

Summary: The above scenarios show there is a fair degree of flexibility in the assumptions, such that changes from the suggested scheme (Scenario 1) do not make dramatic changes to the annual return or NPV of the scheme. High enough returns are predicted that the risk of operating deficits and negative NPVs are very low, unless the assumptions used are incorrect by an order of magnitude. The scheme has significant scope for refinement, particularly once a detailed parking demand study is completed, and a preferred supplier is identified through the procurement process. To implement the scheme in full requires a very high initial outlay, and it is prudent to consider a staged implementation to limit risk exposure and test the assumptions before expanding the scheme.

**RISKS AND CONSTRAINTS:**

The investigation of the pay parking scheme has highlighted a number of potential risks and constraints for the project, which are summarised below. These risks may make implementation of the scheme difficult, and may erode or offset the financial gains predicted above.

**1. RMS Guidelines**

The objective of the pay parking scheme needs to be clearly established by Council. The Roads and Maritime Services Pay Parking Guideline (2012) states the following primary objectives of pay parking schemes:

- *"To ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system.*

- *To provide equitable access to parking spaces for road users on roads and road related areas where demand for parking exceeds the available parking spaces through increased parking turnover*
- *Where demand exceeds supply, ration the use of both on-street as well as off-street car parking spaces on roads and road related areas, to allow short to medium term parkers to gain access to parking during business hours by reducing competition from all day parkers.*
- *To ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public transport, rather than working against them."*

Utilisation of high demand car parking areas in order to generate income, when considered in isolation, is not a stated objective of the Guideline. Surveys undertaken to date confirm that generally the subject parking areas are not fully utilised to justify demand management measures, such as time limited parking.

The Guideline states that *"to ensure ticket parking is not seen to be introduced in an area solely for the purposes of revenue raising, parking authorities shall undertake a parking study to establish the justification for the proposal"*. As a minimum, the implementation program must include a parking demand study (estimate \$30,000), which has been allowed for in the above cash flow analysis. Further advice will be sought from RMS when scoping the parking demand study to ensure compliance with the guidelines.

The overall objective for the implementation of a pay parking scheme is to provide a funding source for the maintenance and improvement of high usage parking areas and associated facilities, in accordance with their plans of management and other programs of Council, such as the Tweed Coastline Management Plan and the Tweed River Estuary Recreational Boating Study. A key user group, being tourists, generates significant demand on car parking and adjoining foreshore facilities and amenities throughout the year, and it is proposed to introduce the pay parking scheme in order to address this demand and provide a financial contribution from this user group, to avoid increased burden on the rate paying community.

## **2. Impacts to residential streets**

Generally these areas provide unrestricted parking conditions adjacent to the proposed paid areas. Utilisation of on street parking in these areas generally leads to complaints of reduced residential amenity and availability for residential visitor parking, as motorists seek out and utilise free parking spaces in preference to paid spaces. This leads to increased demand for parking regulatory signage, such as "No Parking" signage across driveways and adjacent to intersections, and enforcement by Council rangers.

## **3. Negative impacts on tourism**

Council's foreshore areas are a main attractor for tourist traffic from outside of the Shire (as shown in the parking survey figures), and many adjacent businesses rely heavily on trade from these visitors. Pay parking may be an actual or perceived disincentive to visit these areas with associated flow on effects and likely opposition from business groups. Parking enforcement during public holidays and events has received significant negative publicity in the past (Coolie Rocks On Festival).

In the alternate, implementation of pay parking could result in higher turn-over of parking, making these areas more available to passing traffic, as it discourages long term parking by business employees and nearby residents.

Further assessment of these possible impacts, and consultation with the business community is essential as part of the parking demand study, and the initial stages of implementation.

#### **4. Impacts on Surf Lifesaving Facilities and Dunal Areas**

Many of the most popular beachfront parking areas coincide with patrolled surf beaches. Paid parking in these areas may be a disincentive to use these patrolled beaches in favour of unpatrolled beaches without parking restrictions or charges, with obvious safety implications. Greater use of unpatrolled beaches will also likely have impacts on dunal areas as people seek to park informally and utilise bush tracks to the detriment of the vegetation. Again, this leads to greater demand for signage, bollards, enforcement and other measures to discourage informal access to beach and foreshore areas.

### **IMPLEMENTATION**

#### **1. Regulations and Guidelines**

Pay parking schemes may be introduced by a parking authority (Council) on any roads and road related areas within its area of operations provided that the scheme is in accordance with the current legislation (*Road Rules 2008, Road Transport (Safety and Traffic Management) Regulation 1999* etc) and the RMS Pay Parking Guideline. RMS approval is only required for pay parking schemes that are not in accordance with the Guidelines.

Parking signs relating to ticket parking schemes are prescribed traffic control devices and therefore require Local Traffic Committee (LTC) approval prior to installation. According to the Guideline, the supporting parking demand study must be submitted to LTC for its consideration and advice.

The Guideline allows a parking authority (Council) to exempt authorised motorists' vehicles from ticket parking schemes by introducing a concurrent permit parking scheme (which is subject to a separate RMS Permit Parking Guideline).

RMS provides a list of approved ticket machines, which should be considered when tendering for supply of the machines.

#### **2. Implementation Process**

To implement the pay parking scheme across all of the nominated car parks as a single project requires a significant initial outlay for capital works, management systems and additional staff resources. It is recommended that as a first stage, pay parking be implemented at two pilot locations. This limits the financial risk exposure to Council, and allows data to be collected which will validate the assumptions used in the above cash flow analysis. It is feasible that the pilot stage can be accommodated with existing staff resources, although some additional costs for resources such as the cash in transit arrangements cannot be avoided.

The implementation process requires the following components:

- a) Parking Demand Study: March - May 2013



Include all sites within study scope. Estimated cost \$30,000 for consultancy, to be included in March Quarterly Budget Review.

- b) **Submit Pilot Scheme to Local Traffic Committee: June 2013**  
Scheme requires LTC endorsement regulatory signage and review of parking demand, report to Council for approval.
- c) **Expressions of Interest: March - May 2013**  
Prepare and advertise Expressions of Interest to ticket machine suppliers for the pilot scheme. Important considerations will include purchase price, maintenance costs, compatibility of management database and software with Council systems, security of transactions and vandalism.
- d) **Community Consultation: May - July 2013**  
Targeting chambers of commerce, business and tourist organisations, as well as the general community.
- e) **Preparation of Specifications and Tender: July - October 2013**  
Based on expressions of interest, invite tenders from shortlisted companies for the supply, installation and setup of ticket machines for pilot scheme.
- f) **Site Preparation: November - December 2013**  
Lead time for any additional line marking, signage, design and survey prior to installation at the pilot sites.
- g) **Variation to Cash in Transit Contract: November - December 2013**  
Regulatory Services to seek amendments to the existing contract for cash in transit services to include pilot ticket machine sites.
- h) **Installation and Training: January - February 2014**  
Installation of ticket parking machines at the pilot sites, and training of staff in the support systems.
- i) **Pilot Sites Operational: March 2014**
- j) **Monitoring and Auditing: March - December 2014**  
Reporting back to Council on the operation of the pilot scheme, and adjustment to financial projections based on collected data, in order to determine whether to proceed and expand the pay parking scheme.
- k) **2015-2016 Budget Process - January 2015**  
Consideration of funding for additional pay parking sites to expand the pay parking scheme.

### **3. Selection of Pilot Sites**

17 car park sites have been identified in this report for potential inclusion in the pay parking scheme. Some general comments on these sites are provided, and their suitability as potential pilot sites has been assessed as follows:

Location	Comment	Suitable as a Pilot Site?
Tumbulgum Riverside Drive	Linear parking area immediately adjacent to residential streets. Will require many ticket machines to service and high degree of enforcement likely.	No
Kennedy Drive Boat Ramp	High usage with adjacent on street parking along Kennedy Drive. High reduction factor likely. Located on Crown Land.	Maybe
Point Danger	Adjoins border, difficult to implement without cooperation with Gold Coast City Council. Located on Crown Land.	No
Duranbah Beach	Variable usage rates expected. High proportion QLD users. Linear area will require several ticket machines. Located on Crown Land.	Maybe
Kingscliff Cudgen SLSC	Provides parking for CBD businesses, Surf Club as well as foreshore users. Requires high degree of consultation. Located on Crown Land. Defer until completion of Marine Parade One-Way Scheme.	No
Kingscliff Faulks Park	Self contained, but small, low usage carpark. Located on Crown Land. Defer until completion of Marine Parade One-Way Scheme.	No
Kingscliff Boat Ramp	Located on Crown Land. Defer until completion of Marine Parade One-Way Scheme.	No
Cabarita Beach Pandanus Parade	Provides parking for CBD businesses, Surf Club as well as foreshore users. Requires high degree of consultation.	No
Cabarita Beach Norries Headland	Located partially on Crown Land. Requires significant upgrades to road surface.	Maybe
Fingal Head Boat Ramp	May require increased enforcement and barriers to prevent parking on foreshore. Located on Crown Land.	Yes
Fingal Head SLSC	Provides parking for Surf Club and local businesses. Located partially on Crown Land.	No
Chinderah Boat Ramp	May displace parking into undesirable area requiring enforcement and barriers.	Yes
Salt Central Park	High usage areas partially on private land, which complicates implementation and design.	No
Pottsville Ambrose Brown Park	Recently upgraded. Located on Crown Land. Covers two parking areas.	Yes
Tweed Heads Old Fire Station Bay Street	Adjacent to primary school, provides CBD parking. Requires high degree of consultation. No related foreshore facilities, likely to attract longer term and all-day parking.	Maybe
Stotts Island Rest Area	New plan of management pending for future use of this area. Requires high degree of upgrades to formalise parking and enable regulation and enforcement.	No
Hastings Point Cudgera Creek	Recently upgraded. Located on Crown Land. Section unsealed adjacent to bridge.	Yes

It is recommended that two sites be selected for the pilot pay parking scheme, being the Fingal Head Boat Ramp and Ambrose Brown Park at Pottsville. These recommended sites could change as a result of the forthcoming parking demand study.

Based on these two sites the financial spreadsheets were adjusted with the results summarised in the table below.

<b>Suggested Pilot Scheme - Fingal Boat Ramp and Ambrose Brown Pottsville</b>	
<b>Assumptions</b>	
Hourly Car Parking Rate	\$ 2.00
Hourly Car and Trailer Parking Rate	\$ 5.00
Patronage Factor (best estimate)	0.6-0.7
<b>Income</b>	
Parking income from Council owned land	\$ -
Parking income from Crown Land	\$ 96,485
Income from Permit Parking	\$ -
Total Income	\$ 96,485
<b>Expenditure</b>	
Total Establishment Cost	\$ 84,594
Annual Running Costs	\$ 31,567
<b>Annual Return</b>	\$ 64,918
<b>Pay Back Period (years)</b>	2
<b>NPV (7 year design life)</b>	\$ 277,802

Note the following:

a) First Year Income

Based on the timeline estimated above, it is unlikely that the pilot scheme will be operational before March 2014. This leaves little time for income generation for the 2013/2014 financial year. As such, the organisation will need to carry the costs of establishment over into 2014/2015, with the pay back period commencing once the pilot scheme is operational.

Similarly, the first year should not attract the full running costs, so the budget allocation required in addition to the establishment costs in 2013/2014 can be reduced to 1/3 of the annual running costs.

b) Resident Permit Parking

It has been assumed that there is no resident permit parking scheme run in parallel to the pilot pay parking scheme. Given there are only two parking areas involved in the pilot, a permit parking scheme is unlikely to generate the demand from the community to justify the resources required to set it up and administer. A permit parking scheme should be introduced when there are more pay parking sites introduced, however this can be properly considered following community consultation.

As the above table shows, if the pilot scheme is supported by Council in these locations, the establishment cost of \$85,000 and allowance for 1/3 the annual running costs (approximately \$10,500) need to be provided in the 2013/2014 budget. Annual running costs of \$32,000 would also be required in subsequent years.

Note that both sites are located on Crown Land, so funds must be used for their maintenance and not transferred to other sites.

**CONCLUSION:**

This report has identified over 1000 parking spaces in high usage areas over which Council could implement a pay parking scheme. These areas are generally accompanied by various services and amenities, such as beach accesses, playgrounds, boat ramps and toilet blocks, and funds generated by the parking scheme could provide a new income stream to pay for upgrades and ongoing maintenance. While initial establishment costs are high, the projections used show that the scheme should pay for itself within a few years. Income projections are somewhat sensitive to potential changes in patronage, and the scheme is complicated by the introduction of a parallel resident permit parking scheme. Other costs such as increased enforcement and potential impacts on residential streets and coastal areas will offset some of the predicted income from the scheme.

Introduction of pay parking will obviously raise objections from residents and business groups, and a high degree of consultation will be necessary should there be political will to implement the scheme.

A staged implementation of the scheme is recommended in order to reduce upfront costs and to validate assumptions in the financial predictions, to reduce Council's risk exposure.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

A policy/procedure should be developed in the area of pay parking should the scheme be adopted by Council, to outline its aims and implementation.

**b. Budget/Long Term Financial Plan:**

As provided in the above report. The pay parking scheme requires significant upfront funding to implement as a whole, so a pilot scheme is proposed over two sites in Fingal and Pottsville.

As a pre-requisite to implementing the scheme, \$30,000 needs to be allocated to a parking demand study in the March 2013 Quarterly Budget Review. If the pilot scheme is supported by Council, the establishment cost of \$85,000 (subject to tender prices) and allowance for

1/3 of the annual running costs (\$10,500) need to be provided in the 2013/2014 budget. Annual running costs of \$32,000 would also be required in subsequent years. Once the pilot scheme is implemented and monitored, further stages can be investigated as part of the 2015-2016 budget process.

**c. Legal:**

Compliance with *Road Rules 2008*, *Road Transport (Safety and Traffic Management) Regulation 1999* etc) and the RMS Pay Parking Guidelines and LTC approval for traffic control devices.

**d. Communication/Engagement:**

Consultation of stakeholders will be a key stage in determining the suitability of introducing pay parking, and how it may be implemented. It may be necessary to offer significant discounts to residents in the initial years of the scheme to promote acceptance.

**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
- 2.4.1.3 Provide road and traffic planning services

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1 Car Parking Maps (ECM 58873049).
  - Attachment 2 Parking Survey Results (ECM 58873064).
  - Attachment 3 Cash Flow Spreadsheets (ECM 58873066).
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## REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

### 32 [TCS-CM] 2010/2011 Comparative Information

**SUBMITTED BY:** Corporate Governance



## Civic Leadership

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### SUMMARY OF REPORT:

The Division of Local Government released information on comparative indicators for all councils for the 2010/2011 financial year on 8 November 2012. The difficulty with relying totally on these indicators is that councils differ in their direction and priorities for the delivery of programs and services within each of the categories. Historic indicators are also dated by continuing council operations over the past eighteen months. The indicators are not a measure of council performance, but rather provide a desktop overview of differences identified between councils; however no explanation as to why these differences arise is detailed.

Tweed Shire Council is categorised as a Group 5 council.

Highlights from the 2010/2011 Comparative Information indicate that Tweed had the:

- Highest average residential rate in Group 5 of \$1022.38:
    - NSW mean of \$812 and
    - Group 5 mean of \$887.75.
  - Interest on Investments as a source of income earned from continuing operations was 6.93% increasing from 5.78% (2009/2010) which was; considerably higher than the:
    - NSW mean of 4.1% and
    - Group 5 mean of 4.84%.
  - Grant income increased by 6% to 12.52% but was lower than the NSW mean of 16.9%.
  - Percentage of rates and charges outstanding as at 30 June 2011 was 7.28% being higher than the:
    - NSW mean of 5.3% and
    - Group 5 mean of 5.99%.
  - Employee costs as a percentage of total expenses from continuing operations was 30.08% and is significantly less than the NSW mean of 36.4% and the Group 5 mean of 35.19%.
  - Expenditure on materials and contracts was 28.09% which was greater than the Group 5 mean of 23.38%.
  - Borrowing costs were 8.12% which was considerably:
    - higher than the NSW mean at 2.1% and
    - higher than the Group 5 mean at 4.21%.
  - Tweed had the seventh highest debt service ratio at 13.81% in the State. This is attributed to borrowings including those associated with water and sewer infrastructure works and Council has identified and highlighted previously the increase in this ratio.
-

Detailed information on each of the comparative categories is contained in the supporting information.

**RECOMMENDATION:**

**That Council receives and notes the Division of Local Government's Comparative Information results for 2010/2011.**



**REPORT:**

The 2010/2011 Comparative Information was released by the Division of Local Government on 8 November 2012.

The Australian Classification of Local Government (ACLG) is used to categorise councils by population, population density and the proportion of population that is classified as urban for the council.

Tweed is categorised as a Group 5 council together with:

- Coffs Harbour;
- Lake Macquarie;
- Maitland;
- Newcastle;
- Port Macquarie-Hastings;
- Shoalhaven; and
- Wollongong.

Maitland is the most recent addition to Group 5 councils.

The purpose of the comparative information publication is to help communities and councils assess performance retrospectively across a broad range of activities. Comparative indicators are not a measure of true council performance.

The indicators simply show differences between councils but do not explain why these differences arise.

Summary of Group 5 councils:

	<b>Population</b>	<b>5 yr average growth rate</b>	<b>Total revenue (\$'000)</b>	<b>Total expenditure (\$'000)</b>
Coffs Harbour	72,827	1.70	\$148,028	\$136,377
Lake Macquarie	200,849	1.00	\$204,278	\$169,970
Maitland	70,296	2.28	\$107,112	\$58,965
Newcastle	156,112	1.09	\$226,201	\$227,923
Port Macquarie-Hastings	76,323	1.56	\$146,516	\$120,757
Shoalhaven	96,967	1.15	\$184,995	\$179,209
Tweed	90,090	2.01	\$147,148	\$148,602
Wollongong	203,487	1.01	\$270,531	\$218,396

## Summary of comparative information for Tweed Shire Council

### 1. Revenue from Rates and Annual Charges

	TSC	Group 5 mean	NSW mean
Residential	\$1,022.38	\$887.75	\$812.00
Farmland	\$1,762.15	\$1,694.56	\$1,969.00
Business	\$2,390.16	\$4,902.47	\$4,305.00
% outstanding rates, & annual charges	7.28%	5.99%	5.30%
% movement in rates & annual charges	9.25%	5.90%	4.80%
% movement in user charges and fees	8.47%	2.62%	4%

Although the 2010/2011 general rate increase was 2.6% Tweed Shire Council's general rate increased by 9.50% above the previous year as per the terms of the seven year approved special rate variation under s508A (1) of the *Local Government Act 1993* (NSW). As a result:

- The residential rate was the eleventh highest in the state, 30% greater than Coffs Harbour and 15% higher than the Group 5 mean. The 2009/2010 indicators were \$951.82, \$864.83 and \$786 for Tweed, Group 5 and NSW mean respectively.
- The business rates were considerably lower than both the Group 5 and NSW mean. The farmland rates were 10% lower than the NSW mean, but 4% higher than the Group 5 mean.
- The value of uncollected rates and annual charges increased slightly on the previous year by 0.6% (7.22% to 7.28%).
- The percentage movement in rates and annual charges revenue of 9.25% was the highest in Group 5 and above the 8.47% reported in the previous year.

### 2. Financial Performance

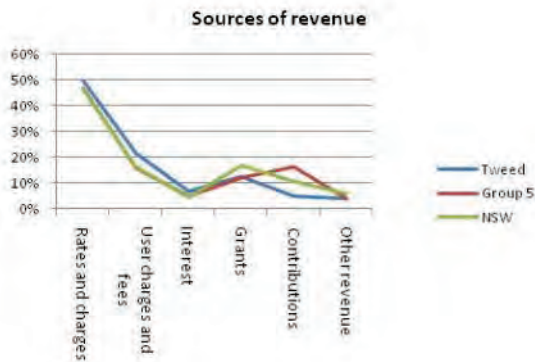
This indicator shows the different sources of revenue as a percentage to total revenue excluding gains from asset sales or joint ventures.

#### 2.1 Sources of income from continuing operations

	TSC	Group 5 mean	NSW mean
Rates and charges	49.84%	47.02%	46.4%
User charges and fees	21.66%	15.99%	16.3%
Interest	6.93%	4.84%	4.1%
Grants	12.52%	11.98%	16.9%
Contributions	4.99%	16.38%	10.5%
Other revenue	4.07%	3.78%	5.8%
Total continuing operations income per capita	\$1,105.54	\$1,052.16	\$1,095.00

- Rates and charges as a source of income increased from 44.7% on the previous year to 49.84%.
- User charges and fees as a source of income increased from 18.69% to 21.66%.
- Interest earned increased from 5.78% to 6.93%.
- Contributions of 4.99% were significantly down on the previous year of 16.27% and significantly less than the Group 5 and NSW means.

- Other revenue was also down on the previous year but still higher than the Group 5 mean by 7%.

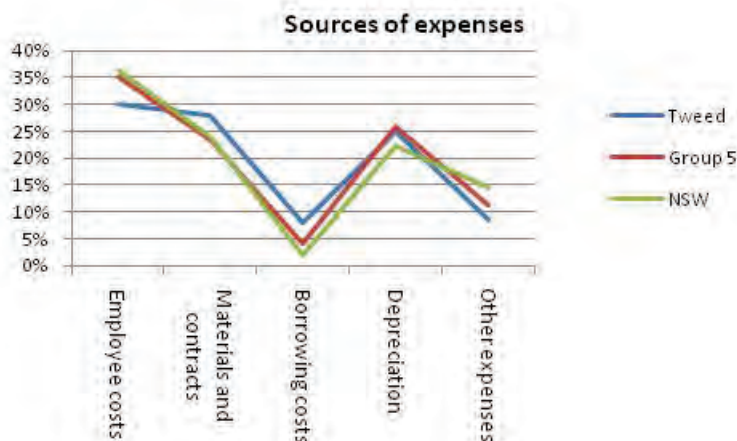


## 2.2 Dissection of expenses from continuing operations

This indicator assesses the expenditure patterns of council.

Costs	TSC	Group 5 mean	NSW mean
Employee costs	30.08%	35.19%	36.4%
Materials and contracts	28.09%	23.38%	24.2%
Borrowing costs	8.12%	4.21%	2.1%
Depreciation	25.03%	26.01%	22.2%
Other expenses	8.69%	11.21%	15.1%

- Tweed employee costs decreased on the previous year by 2% and remains significantly below Group 5 and NSW means.
- Tweed expended more resources on materials and contracts than the Group 5 mean and its borrowing costs are considerably higher than the Group 5 mean, which is reflected by the debt service ratio.
- Looking at the combined expenditure on employee costs and material and contracts as a percentage of continuing operations, Tweed expends 58.17%, the NSW mean is 60.6%, and the Group 5 mean is 58.57%.
- Tweed depreciation costs decreased from 26.94% from the previous year but remained marginally lower than the Group 5 mean.
- Other expenses in Tweed were lower than the NSW mean.



## 2.3 Financial Ratios

Ratio	TSC	Group 5 mean	Industry benchmark
Current ratio (unrestricted)	2.77	2.45	>2:1 good
Debt service ratio	13.81	8.71	<10 satisfactory
Building and Infrastructure renewal ratio	53.14%	39.63%	100%

- The ability of Tweed to meet its financial obligations and level of liquidity is in the acceptable ratio above 2:1. Tweed has 2.77 times the short-term liquid assets to cover short-term liabilities, up from 2.65 times 2009/2010.
- Tweed expended 13.81% of income from continuing operations to service its debt obligations. It is generally accepted that funding for infrastructure by loans is a prudent financial strategy allowing for contributions to be paid over the life of the asset. High growth coastal councils like Tweed have a high debt service ratio, with 9.2% of NSW councils reporting a debt service ratio in the range >10%. The ratio for 2009/2010 was 11.67%. It should be noted that the underlying cause of Council's debt service ratio is directly attributed to the loan borrowings associated with major water and sewer infrastructure projects and has been highlighted to Council in establishing these projects.
- Council's rate at which existing assets are being renewed against the rate at which the assets are being depreciated. A ratio of 100% is optimal. Infrastructure includes roads, bridges, footpaths and water and sewerage supply and stormwater drainage. Tweed renewed 53.14% of depreciated assets which is considerably higher than the NSW mean of 39.63%.

## 3.1 Equivalent full-time (EFT) staff

EFT is the total number of full or part time staff and casual staff on Council's payroll on the last payday of June in each year and includes staff working in water and sewerage.

Category	EFT Staff
Tweed Shire	655
Group 5	690.5
NSW average	291

- Tweed reported a decrease of 43 in EFT staff from the 30 June 2010 number.

## 4.1 Environmental management services per capita

This indicator measures a broad range of environmental expenses and includes the costs of managing noxious plants and insect or vermin control, solid waste management, street cleaning, drainage, stormwater management and management of other environmental problems.

Category	Expenditure
Tweed Shire	\$288.72
Group 5	\$230.71
NSW mean	\$190.00
% of NSW >\$45 per capita	95%

- Tweed reported an increase in environmental management spending per capita on the previous year of \$205.05. Tweed recorded the highest expenditure in Group 5.

### 5.1 Recreation, leisure and cultural services expenditure per capita

This indicator measures Council's role in providing recreation, leisure and cultural services and includes the maintenance costs of parks, playing fields, public swimming pools, beach patrols, tennis courts and multi-purpose recreation facilities, libraries, museums and other cultural facilities.

Category	Expenditure
Tweed	\$171.76
Group 5	\$180.01
NSW average	\$166.00
% of NSW spending >\$90 per capita	94.7%

- Tweed reported an increase in net recreation and leisure expenditure per capita on the previous year of \$128.99, but remained below the Group 5 mean.

### 6.1 Community services expenses per capita

This indicator measures Council's role in providing community centres, halls, senior citizen centres, aged care centres, childcare centres and youth centres in addition to wages of community development staff and the provision of services for community groups and other special needs groups.

Category	Expenditure
Tweed	\$33.68
Group 5	\$28.96
NSW average	\$66.00
% of Councils expenditure \$20-\$40	23%

- Tweed reported an increase in community services spending per capita on the previous year of \$30.98. Tweed was the highest expenditure in Group 5, but lower than the NSW average.

### 7.1 Public order and safety expenses per capita

The indicator measures Council's role in providing Rural Fire Services and other emergency services, animal shelters and surf life saving services. These requirements fall within the *Local Government Act 1993*, *Companion Animals Act 1998* and other legislation.

Category	Expenditure
Tweed	\$30.38
Group 5	\$47.79
NSW average	\$47.00
% of Councils expenditure \$20-\$40	24.3%

- Tweed reported an increase in public order and safety spending per capita on the previous year of \$29.33 however spent less than the Group 5 average.

### 8.1 Health services expenses per capita

This indicator measures Council's spending on health facilities such as administration and inspection, immunisations, food control, health centres and other including wages and the provision for special needs groups.

Category	Expenditure
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Tweed	\$18.73
Group 5	\$7.15
NSW average	\$11.00
% of Councils expenditure \$20-\$40	15.8%

- Tweed reported an increase in health service expenses per capita on the previous year of \$16.69 and was the highest in Group 5.

### 9.1 Housing and community amenities expenses per capita

This indicator measures Council's role in providing public cemeteries, public conveniences, street lighting, town planning and other community amenities along with the cost of staff wages.

Category	Expenditure
Tweed	\$70.55
Group 5	\$58.67
NSW average	\$67.00
% of Councils expenditure \$60-\$80	26.3%

- Tweed reported an increase in housing and community amenities per capita on the previous year of \$63.13, higher than the Group 5 average and higher than the NSW average.

#### OPTIONS:

Not Applicable.

#### CONCLUSION:

That Council receives and notes the Division of Local Government's Comparative Information results for 2010/2011.

#### COUNCIL IMPLICATIONS:

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**33 [TCS-CM] Volunteer Policy, Version 2.0**

**SUBMITTED BY: Human Resources**



**Supporting Community Life**

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**SUMMARY OF REPORT:**

Reference to Council volunteers was previously incorporated in Council's superseded Operational Management System (OMS) as a Volunteer Policy and Procedures, endorsed in December 2007. This document did not provide code of conduct requirements for volunteers or sufficient detail to support operational requirements. As part of a major review of Volunteer operations throughout Council by the Work Health and Safety team and the subsequent introduction of uniform Work Health and Safety standards, a review of Council's Volunteer programs and requirements resulted in the development of a separate Council Policy for volunteering for Council, plus an associated operational level procedure.

In determining the requirements for a sound Volunteer Policy, volunteer stakeholders within Council were consulted including the Art Gallery, Museum, Impounding Facility, Koala Tree project and other officers associated with individual volunteering events. These discussions revealed that a consistent approach to volunteer registration, induction, responsibilities and guidelines would benefit all units and sections undertaking volunteer programs as well as being of benefit to the volunteers themselves.

The result of this review is a framework to provide direction and structure to Council's Volunteer Programs. The intent is that the Volunteer Policy will assist Program Managers and Coordinators to manage their Volunteer Program in accordance with Australian National Standards for Volunteering and that the relationship between Council and its volunteers is clearly defined.

Please find attached the draft Volunteers Policy, Version 2.0.

**RECOMMENDATION:**

**That Council places the draft Volunteers Policy Version 2.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seeks public submissions for 42 days.**

**REPORT:**



# Policy

## Volunteers

Version 2.0

Adopted by Council at its meeting on xxxxx

Minute No: xxxxx

Division:	Technology and Corporate Services
Section:	Human Resources
File Reference:	Council Policies/Protocols/Procedures 9270 Policies & Procedures
Historical Reference:	Previously included in OMS Manual

## **Volunteers**

### **Policy Statement**

Tweed Shire Council recognises and values the substantial support and ongoing contribution made by volunteers and volunteer groups to the quality of life of the citizens of the Tweed. Council staff benefit from the efforts of volunteers, whilst volunteers experience the satisfaction of participating. Volunteers help to build strong, healthy and inclusive communities.

Council is committed to providing the community with the best possible service delivery. To achieve this, a high level of commitment and competence is required from all those who provide that service, including volunteers. Support for Council volunteers and the development of volunteering within the Shire of Tweed will enhance Council's vision of building a stronger, sustainable and healthy community for future generations.

Council acknowledges that there has been a growth of volunteers across its programs and this policy addresses the need to formalise roles, responsibilities and boundaries of all involved in the volunteering process. Council is required to fulfil its duty of care to volunteers and to the existing workforce and is committed to providing a safe working environment for all staff and volunteers. To achieve this it is necessary for all volunteers and Council officers responsible for volunteer programs to comply with Council Policies, Protocols and Procedures.

### **Objectives**

- To ensure that volunteering remains a mutually beneficial activity.
- To recognise the important contributions volunteers make to achieve Council and Community goals.
- To define the relationship between Council staff and volunteers.
- To provide a safe and healthy workplace for volunteers.
- To identify and provide training to ensure activities are undertaken in a safe manner.
- To provide appropriate supervision and/or direction to ensure activities are performed to the standard required.
- To ensure volunteers do not replace paid workers nor constitute a threat to the job security of paid workers.

### **Scope of Policy**

This policy applies to ALL volunteers undertaking activities for and on behalf of Council, including advisory committee members.

## Definitions

**Council Volunteer** In accordance with the national Standards for Involving Volunteers in Not-For-Profit Organisations, Council adopts as its definition of volunteering:

*Formal volunteering is an activity that takes place in not for profit organisations or projects and is undertaken:*

- *To be of benefit to the community and the volunteer;*
- *Of the volunteer's own free will and without coercion;*
- *For no financial payment, and*
- *In designated volunteer positions only.*

**Organisation** Not for profit organisations such as service clubs, charitable organisations, Rural Fire Service and the like that usually carry their own insurance and manage the involvement of their volunteers through their organisations.

**Program Coordinator** Council employee who is responsible for the administration of the volunteer program in their area of responsibility and leading the volunteer group.

**Program Manager** Council employee who is responsible for managing the project and carry out risk assessments, training and attendance sheets.

**Unit Manager/  
Section Coordinator** Council employee with delegated responsibility to manage the functions of a department within Council.

## Responsibilities

**General Manager**

- ensure adherence to Policies and Procedures.
- ensure WHS principles are enforced and adhered to in the workplace.

**Unit Manager/  
Section Coordinator**

- effective implementation of Volunteer Policy and Procedures in area of responsibility.
- ensure supervisors have all necessary resources available for operating the volunteer program they are responsible for.

**Program Manager**

- monitor safety of volunteer work area(s) and ensure risks are minimised.
- ensure that volunteers are trained and competent to perform the required volunteer tasks.
- ensure adequate supervision of volunteers.
- ensure risk management procedures are implemented and followed.
- ensure attendance records for volunteers are completed and recorded.

Human Resources	Develop, monitor and review Council's Volunteer Policy, procedures and associated protocols.
Work Health and Safety Section	Responsible for providing WHS advice and workplace consultation with the program manager to manage safety risks associated with volunteer management.
Volunteers	<ul style="list-style-type: none"><li>• take care for the health and safety of themselves and others and through act or omission do not place themselves or others in danger;</li><li>• comply with the Volunteer Policy;</li><li>• promptly report all incidents, accidents, illness and any risks to health, safety and the environment to the program coordinator.</li></ul>

### **Associated Documentation**

To support the management of Council's Volunteer Program, the following documentation must be read:

- Procedure - Volunteers
- Council's Code of Conduct

All relevant documentation will be provided to volunteers at induction.

### **Responsible Behaviour and Code of Conduct**

As a volunteer of Tweed Shire Council certain behaviours are expected whilst undertaking volunteer duties.

- ⇒ No volunteer is to be under the influence of alcohol or illegal substances when volunteering.
- ⇒ Volunteers must behave in a responsible and reliable manner at all times in the work environment.
- ⇒ Volunteers are acting as representatives of Council and should adhere to the highest standards of honesty, integrity and confidentiality.
- ⇒ If medication is required, volunteers should ensure all necessary medications are with them at all times.
- ⇒ All volunteers will have access to a basic first aid kit.



### **Insurances**

Tweed Shire Council has Personal Accident Insurance which includes coverage of volunteers. It should be noted that the following limitations apply:

- Compensation will not be payable for those volunteers under the age of 10 years or over the age of 90 years.

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.0	Previously included in Operational Management System (OMS) Manual	
2.0	Complete rewrite of Policy.	30 August 2012.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

That Council places the draft Volunteers Policy Version 2.0 on public exhibition in accordance with Section 160 of the Local Government Act 1993, for 28 days and seeks public submissions for 42 days.

**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.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.5 Provide vibrant and accessible town, community and business centres
- 2.5.2 Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents
- 2.5.2.3 Support community based management of community buildings
- 2.5.2.3.1 Develop Volunteer Procedure and Volunteer Kit

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**34 [TCS-CM] Monthly Investment and Section 94 Developer Contributions Report for the Period Ending 31 December 2012**

**SUBMITTED BY: Financial Services**



**Civic Leadership**

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**SUMMARY OF REPORT:**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested and certification has been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$154,461,303** invested as at **31 December 2012** and the accrued net return on these funds was **\$627,322** or **4.87%** annualised for the month.

**RECOMMENDATION:**

**That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 December 2012 totalling \$154,461,303 be received and noted.**

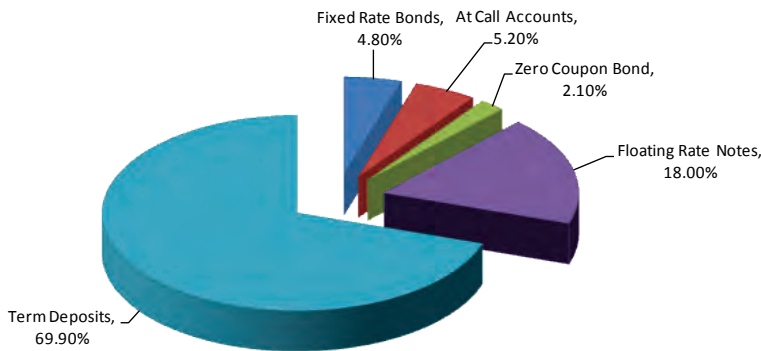
**REPORT:**

**1. Restricted Funds as at 1 July 2012**

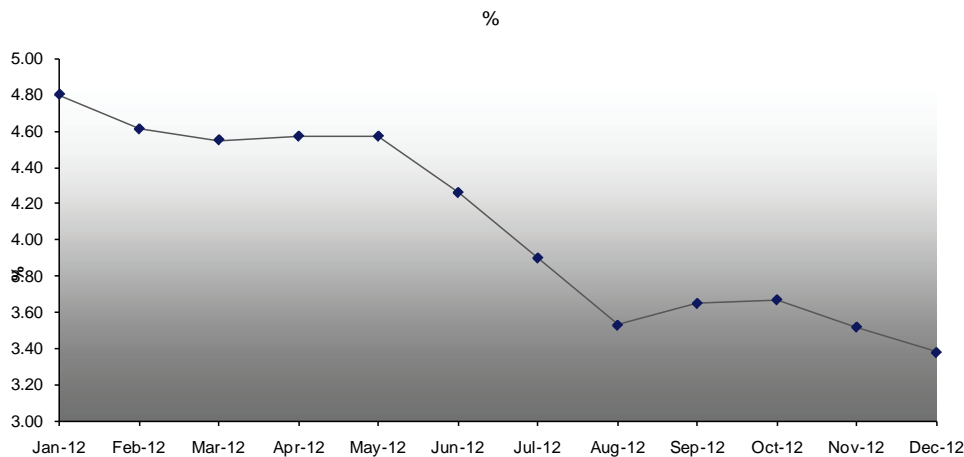
Description	(\$'000)			
	General Fund	Water Fund	Sewer Fund	Total
<b>Externally Restricted</b>	2,441	15,262	51,519	<b>69,222</b>
Crown Caravan Parks	14,980			<b>14,980</b>
Developer Contributions	24,720	6,805		<b>31,525</b>
Domestic Waste Management	9,221			<b>9,221</b>
Grants	4,781			<b>4,781</b>
<b>Internally Restricted</b>	21,294			<b>21,294</b>
Employee Leave Entitlements	4,414			<b>4,414</b>
Grants	6,013			<b>6,013</b>
Unexpended Loans	9,753			<b>9,753</b>
<b>Total</b>	<b>97,617</b>	<b>22,067</b>	<b>51,519</b>	<b>171,203</b>

Note: Restricted Funds Summary updated September 2012

**2. Investment Portfolio by Category**



**3. Investment Rates - 90 Day Bank Bill Rate**



#### 4. Direct Securities (Bonds and Floating Rate Notes)

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Final Maturity Date
AMP	2,000,000.00	2,007,508.00	4.31	Bond - Floating Rate	06/06/2014
ANZ	1,000,000.00	1,032,359.40	8.65	Bond - Fixed Rate	22/04/2013
BB	1,000,000.00	1,007,560.00	4.60	Bond - Floating Rate	02/11/2015
CBA	4,000,000.00	3,220,000.00	7.25	Bond - Fixed Rate	22/01/2018
CBA	1,000,000.00	1,002,000.00	4.23	Bond - Floating Rate	24/12/2015
CBA	498,250.00	501,000.00	4.23	Bond - Floating Rate	24/12/2015
CBA	1,000,000.00	1,020,140.00	4.32	Bond - Floating Rate	02/08/2016
CBA	2,000,000.00	2,040,280.00	4.32	Bond - Floating Rate	02/08/2016
CBA	492,500.00	501,000.00	4.23	Bond - Floating Rate	15/12/2015
Heritage	1,325,000.00	1,415,762.50	7.25	Bond - Fixed Rate	20/06/2017
ING	2,000,000.00	2,182,020.00	7.00	Bond - Fixed Rate	22/03/2016
ING	2,000,000.00	2,094,200.00	5.50	Bond - Fixed Rate	03/09/2015
Macquarie	1,000,000.00	1,002,673.00	5.03	Bond - Floating Rate	13/03/2014
NAB	1,000,000.00	1,021,620.00	4.31	Bond - Floating Rate	05/11/2015
NAB	2,000,000.00	2,026,740.00	4.35	Bond - Floating Rate	21/06/2016
NAB	1,000,000.00	1,016,620.00	4.44	Bond - Floating Rate	19/12/2014
RaboDirect	1,000,000.00	1,010,150.00	4.28	Bond - Floating Rate	27/07/2016
RaboDirect	1,000,000.00	1,010,150.00	4.28	Bond - Floating Rate	27/07/2016
RaboDirect	1,000,000.00	1,012,200.00	4.13	Bond - Floating Rate	20/04/2015
Suncorp	2,000,000.00	2,063,700.00	4.75	Bond - Fixed Rate	06/12/2016
Suncorp	2,000,000.00	2,013,160.00	4.62	Bond - Floating Rate	26/05/2014
Suncorp	1,000,000.00	1,017,650.00	4.62	Bond - Floating Rate	23/04/2015
Suncorp	2,000,000.00	2,035,300.00	4.62	Bond - Floating Rate	23/04/2015
Suncorp	2,000,000.00	2,035,300.00	4.62	Bond - Floating Rate	23/04/2015
Westpac	2,000,000.00	2,037,210.00	4.34	Bond - Floating Rate	09/11/2015
Westpac	1,000,000.00	1,035,000.00	4.88	Bond - Floating Rate	20/02/2017
Totals	38,315,750.00	38,361,302.90	4.97		
ABS = Asset Backed Security					
Bond = Fixed Rate Bond					
CDO = Collateralised Debt Obligation					
FRN = Floating Rate Note					
LEGEND		BB = Bendigo Bank		ME = Members Equity Bank	
AMP = AMP Bank		Heritage = Heritage Bank		RaboDirect = Rabo Bank	
ANZ = ANZ Bank		ING = ING Bank		Rural = Rural Bank	
BOQ = Bank of Queensland		Investec = Investec Bank		Suncorp = Suncorp Metway Bank	
CBA = Commonwealth Bank		Macquarie = Macquarie Bank		Westpac = Westpac Bank	
		NAB = National Australia Bank			

## 5. Term Deposits

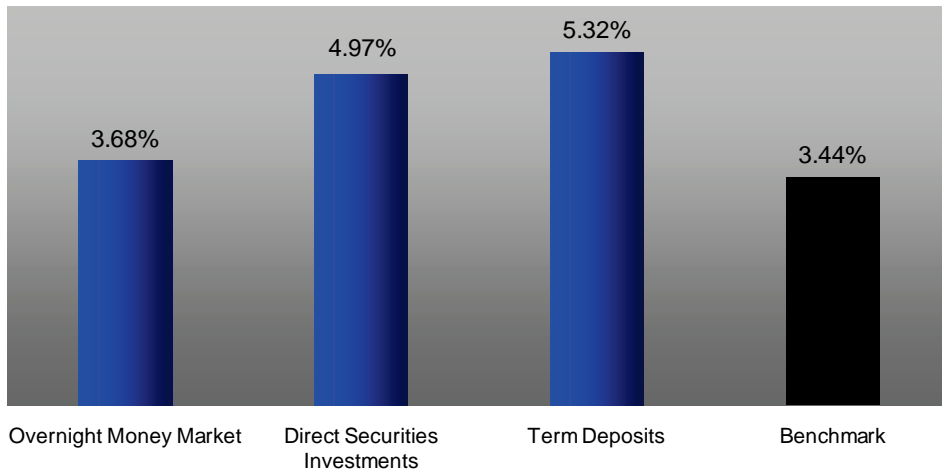
TERM DEPOSITS SORTED BY MATURITY AS AT 31/12/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
03-Jul-12	08-Jan-13	NAB	2,000,000.00	189	5.17
11-Oct-12	11-Jan-13	Westpac ( Jan 2016)	8,000,000.00	92	4.44
03-Sep-12	15-Jan-13	Rural (RIMSEC)	2,000,000.00	134	5.05
10-Jul-12	15-Jan-13	Suncorp	3,000,000.00	189	5.15
11-Sep-12	22-Jan-13	Rural (Curve)	2,000,000.00	133	5.00
31-Jul-12	29-Jan-13	Suncorp (Jan 2013)	5,000,000.00	182	5.18
03-Jan-13	04-Feb-13	NAB (matures Sept 2013)	3,000,000.00	32	4.70
31-Jul-12	05-Feb-13	BOQ	2,000,000.00	189	5.20
03-Sep-12	05-Feb-13	Rural (Curve)	2,000,000.00	155	5.05
07-Aug-12	05-Feb-13	Suncorp	4,000,000.00	182	5.18
07-Feb-12	07-Feb-13	RaboDirect (Curve) (Feb 2015) annual interest	1,000,000.00	366	6.00
12-Nov-12	11-Feb-13	NAB (RBS) (matures Aug 2015) quarterly interest	2,000,000.00	91	5.22
12-Nov-12	12-Feb-13	BOQ (matures Nov 2013)	2,000,000.00	92	4.78
13-Nov-12	12-Feb-13	BOQ (Nov 2012)	3,000,000.00	91	4.80
19-Nov-12	18-Feb-13	Westpac (Feb 2016)	2,000,000.00	91	4.44
16-Nov-12	18-Feb-13	Westpac (Nov 2014)	2,000,000.00	94	4.59
20-Nov-12	19-Feb-13	Heritage	2,000,000.00	91	4.55
16-Oct-12	19-Feb-13	MEB (Feb 2013)	2,000,000.00	126	4.80
28-Aug-12	26-Feb-13	Suncorp	1,000,000.00	182	5.05
27-Nov-12	27-Feb-13	NAB (RBS) (Aug 2015)	2,000,000.00	92	4.49
30-Nov-12	28-Feb-13	IMB (Dec 2013)	2,000,000.00	90	4.51
04-Dec-12	04-Mar-13	ING (RIMSEC) (matures Sept 2013)	1,000,000.00	90	4.67
29-Aug-12	05-Mar-13	BOQ	3,000,000.00	188	5.20
04-Mar-12	05-Mar-13	Westpac annual interest (Mar 2013)	2,000,000.00	366	6.35
11-Dec-12	11-Mar-13	ING (RIMSEC Sept 2013)	2,000,000.00	90	4.66
10-Dec-12	11-Mar-13	Investec (RIMSEC) (matures Jun 2014)	1,000,000.00	91	5.06
13-Aug-12	12-Mar-13	ING (RIMSEC)	2,000,000.00	211	5.17
18-Sep-12	18-Mar-13	MEB (Curve)	1,000,000.00	91	5.05
22-Mar-11	19-Mar-13	Adelaide Bendigo (Mar 2013) interest on maturity	1,000,000.00	728	6.50
14-Aug-12	19-Mar-13	ING (Curve)	2,000,000.00	217	5.19
18-Sep-12	19-Mar-13	MEB	4,000,000.00	134	5.02
15-Aug-12	26-Mar-13	ING(RIMSEC)	4,000,000.00	223	5.23
22-Mar-12	26-Mar-13	NAB (Mar 2013) annual interest	1,000,000.00	369	6.38
04-Jan-13	04-Apr-13	BOQ (matures Apr 2014)	2,000,000.00	90	4.50
07-Jan-13	08-Apr-13	Westpac (matures Apr 2016) quarterly interest	2,000,000.00	91	4.30
18-Oct-12	16-Apr-13	Cominvest	1,000,000.00	180	4.55
21-Aug-12	23-Apr-13	ING (Curve)	1,000,000.00	245	5.12
28-Aug-12	23-Apr-13	ING (RIMSEC)	2,000,000.00	238	5.15
27-Nov-12	30-Apr-13	Rural (Curve Apr 2013)	2,000,000.00	154	4.78
17-May-11	21-May-13	Investec (May 2013) interest on maturity	1,000,000.00	735	7.10
23-May-12	28-May-13	RaboDirect (FIIG)	2,000,000.00	369	5.35
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	1,000,000.00	365	5.20

TERM DEPOSITS SORTED BY MATURITY AS AT 31/12/12					
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
		2015)			
26-Jul-12	26-Jul-13	RaboDirect (Curve) (Jul 2016)	1,000,000.00	365	5.40
07-Aug-12	06-Aug-13	Investec (RIMSEC) (matures Aug 2013)	1,000,000.00	364	5.42
12-Aug-10	13-Aug-13	BOQ (RBS) (Aug 2013) annual interest	2,000,000.00	1097	7.05
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
30-Aug-12	10-Sep-13	AMP (CURVE) (Sept 2013) annual interest	500,000.00	365	6.00
11-Oct-12	11-Oct-13	CBA (Oct 2015) annual interest	1,000,000.00	365	4.85
12-Nov-12	11-Nov-13	RaboDirect (Curve) annual interest	1,000,000.00	366	6.40
20-Nov-12	19-Nov-13	NAB	2,000,000.00	364	4.72
22-Mar-11	25-Mar-14	BOQ (Mar 2014) annual interest	1,000,000.00	1099	6.75
22-Mar-11	22-Mar-16	RaboDirect (RIMSEC) (Mar 2016) annual interest	1,000,000.00	1827	7.15
			108,000,000.00		5.32
LEGEND		ING = ING Bank		RaboDirect = Rabo Bank	
AMP = AMP Bank		Investec = Investec Bank		Rural = Rural Bank	
ANZ = ANZ Bank		Macquarie = Macquarie Bank		Suncorp = Suncorp Metway Bank	
BOQ = Bank of Queensland		NAB = National Australia Bank		Westpac = Westpac Bank	
CBA = Commonwealth Bank		ME = Members Equity Bank			
Heritage = Heritage Bank		NPBS = Newcastle Permanent Building Society			

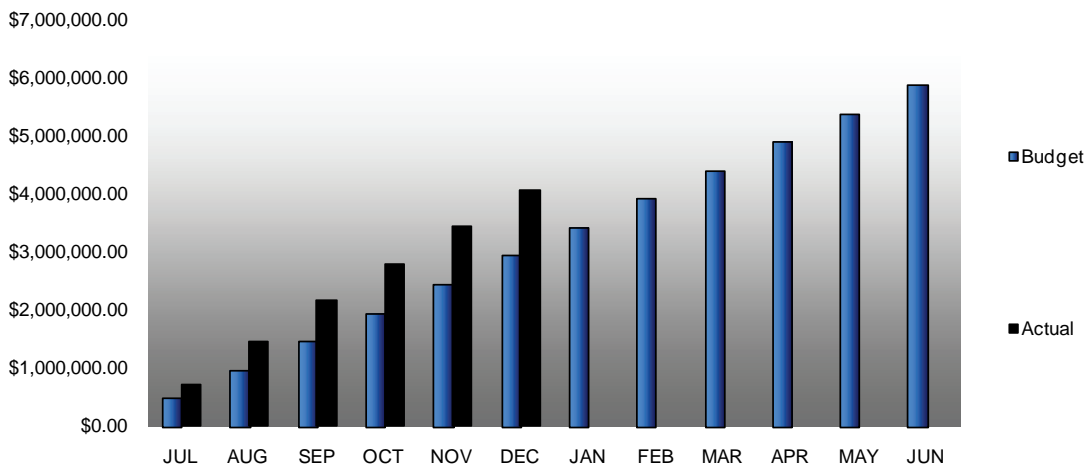
## 6. Performance by Category

Category	Face Value	Market Value	Average Return	Above or (Below) 30 day BBSW Benchmark
Overnight Money Market	\$8,100,000.00	\$8,100,000.00	3.68%	0.24%
Direct Securities Investments	\$38,315,750.00	\$38,361,302.90	4.97%	1.53%
Term Deposits	\$108,000,000.00	\$108,000,000.00	5.32%	1.88%
Benchmark	\$154,415,750.00	\$154,461,302.90	3.44%	Benchmark 30 Day UBS Bank Bill Index

Performance by Category Compared with Benchmark



7. Total Portfolio Income Year to Date



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%	1.30%	A-1+	100%	13.75%
AA Category	100%	23.46%	A-1	100%	20.86%
A Category or below	60%	9.78%	A-2	60%	18.90%
BBB Category or below	20%	1.96%	A-3	0%	0.00%
Unrated	10%	6.08%	Unrated	10%	3.91%

## 9. Term to Maturity

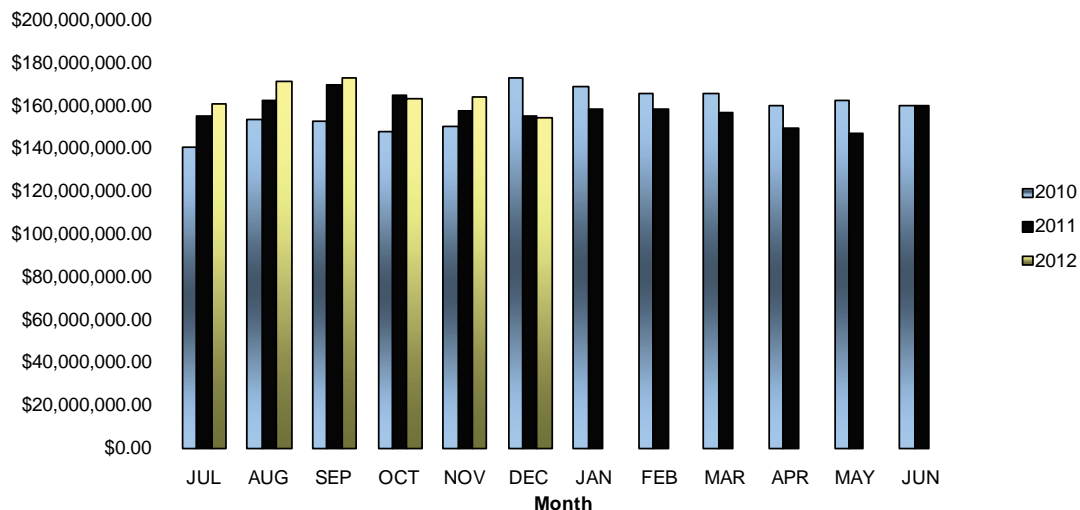
Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	57.42%	Minimum 40% of portfolio
Between 365 days and 2 years	7.82%	Maximum 60%
Between 2 years and 5 years	32.15%	Maximum 35%
Between 5 years and 7 years	2.61%	Grandfathered investment.
Total	100.00%	

## 10. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
Fixed Rate Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

### 11. Monthly Comparison of Total Funds Invested



### 12. Section 94 Developer Contributions - Monthly Balances and Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
01	Banora Point West/Tweed Heads South Open Space	4,232,349	-
02	Banora Point Western Drainage	538,286	-
03	Banora Point West/ Tweed Heads South Community Facilities	39,137	-
04	Tweed Road Contribution Plan	10,922,996	20,114
05	Local Area Open Space	871,816	2,529
06	Street Tree Planting in Residential Areas	138,759	-
07	West Kingscliff Opens Space & Drainage	494,261	-
10	Cobaki Lakes Open Space & Community Facilities	(1,005)	-
11	Shire Wide Library Facilities	1,420,812	2,206
12	Bus Shelters	57,437	106
13	Eviron Cemetery	(32,318)	328



Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
14	Mebbin Springs Subdivision - Rural Road Upgrading	81,020	-
15	Community Facilities	401,696	1,573
16	Emergency Facilities - Surf Lifesaving	331,114	3,758
18	Council Administration & Technical Support	944,727	784
19	Kings Beach/Casuarina/Kings Forest	274,967	-
20	Seabreeze Estate - Open Space	676	-
21	Terranora Village Estate - Open Space & Community Facilities	27,739	-
22	Shirewide Cycleways	381,945	-
23	Shirewide Carparking	1,998,416	-
25	Salt Development - Open Space & Car Parking	986,474	-
26	Shirewide/Regional Open Space	1,271,163	8,173
27	Tweed Heads Masterplan Local Open Space & Streetscaping	93,380	-
28	Seaside City	43,133	-
90	Footpaths & Cycleway	-	-
91	DCP14	96,960	-
92	Public Reserve Contributions	121,607	-
95	Bilambil Heights	474,140	-
<b>Total</b>		<b>26,211,686</b>	<b>39,571</b>

### 13. Economic Commentary

#### Australian Cash Rate

The Reserve Bank of Australia (RBA ) reduced the official cash rate to 3.00% at the December meeting from 3.25% . The official cash rate is now equal with the lowest rate at the height of the financial crisis in April 2009.

With the next RBA meeting scheduled for February 2013, markets awaited the release of minutes from the December meeting for any near term direction in what was an otherwise listless and directionless trading month.

Following the release of the minutes, three things were notable:

- 1) Labour market assessment points to an easing in wages growth and softening demand
- 2) The peak in investment in the resources sector was near
- 3) Short term outlook for non-resource investment remained subdued.

The RBA was clearly balanced on whether to cut rates in December and the fact the next meeting was in February most likely bought this decision forward. Over the next few months we will see further evidence around the key issues of the labour market, the profile of the mining investment cycle, non-mining investment, the recovery in housing, business and consumer confidence and the Australian dollar. These developments will largely determine the future path of rates into 2013.

## Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 75% of the portfolio held in term deposits or cash at call. Term deposit and bond rates have fallen considerably but continue to provide above benchmark returns while minimizing capital risk.

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 1.94% pa above the 30 day UBS bank bill index for the last 12 month period.

*Source: Treasury Weekly Commentary and Oakvale Treasury Report*

### 14. Investment Summary

#### GENERAL FUND

CORPORATE FIXED RATE BONDS	10,592,279.40	
FLOATING RATE NOTES	27,769,023.50	
ASSET BACKED SECURITIES	0.00	
FUND MANAGERS	0.00	
TERM DEPOSIT - LOAN 104 OFFSET	0.00	
TERM DEPOSITS	39,000,000.00	
CALL ACCOUNT	8,100,000.00	<b>85,461,302.90</b>

#### WATER FUND

TERM DEPOSITS	28,000,000.00	
FUND MANAGERS	0.00	<b>28,000,000.00</b>

#### SEWERAGE FUND

TERM DEPOSITS	41,000,000.00	
FUND MANAGERS	0.00	<b>41,000,000.00</b>

<b>TOTAL INVESTMENTS</b>		<b>154,461,302.90</b>
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It should be noted that the General Fund investments of \$85 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 Cl. 212

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



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

#### OPTIONS:

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

*"(1) The responsible accounting officer of a council:*

*(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*

*(i) if only one ordinary meeting of the council is held in a month, at that meeting, or*

*(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*

*(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*

*(2) The report must be made up to the last day of the month immediately preceding the meeting."*

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.35 Council funds are invested in accordance with legislation requirements and Council Policy
- 1.3.1.35.1 Council funds are invested to provide maximum returns whilst having due regard to risk

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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35 [TCS-CM] Community Strategic Plan 2013/2023

SUBMITTED BY: Corporate Governance

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## Civic Leadership

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### SUMMARY OF REPORT:

Section 402 (5) of the *Local Government Act 1993* (NSW) prescribes that:

*"Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election.*

*The council may;*

- endorse the existing plan,*
- endorse amendments to the existing plan or*
- develop and endorse a new community strategic plan as appropriate,*

*to ensure that the area has a community strategic plan covering at least the next 10 years."*

As the most current election occurred in September 2012, Council has until 30 June 2013 to adopt the ten-year Community Strategic Plan which will encompass the period from July 2013 until June 2023.

A workshop has been conducted with the councillors and from this workshop it has been proposed that the current 2011/2021 Community Strategic Plan be endorsed as the proposed 2013/2023 Community Strategic Plan, with amendments being made to the Community Indicators within each theme, to have greater meaning and easier interpretation. The reason for going forward with the format and underlying context of the existing Community Strategic Plan is that it has only been in place since July 2011 and the extensive community consultation that occurred with the preparation of this plan is still fresh in the minds of the community.

### RECOMMENDATION:

**That the Draft Community Strategic Plan 2013/2023 be endorsed, and placed on public exhibition for the period 4 February 2013 until 4 March 2013, inviting community feedback.**

## REPORT:

Section 402 (5) of the *Local Government Act 1993* (NSW) prescribes that:

*"Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election.*

*The council may;*

- endorse the existing plan,*
- endorse amendments to the existing plan or*
- develop and endorse a new community strategic plan as appropriate,*

*to ensure that the area has a community strategic plan covering at least the next 10 years."*

As the most current election occurred in September 2012, Council has until 30 June 2013 to adopt the ten-year Community Strategic Plan which will encompass the period from July 2013 until June 2023.

A workshop has been conducted with the councillors and from this workshop it has been proposed that the current 2011/2021 Community Strategic Plan be endorsed as the proposed 2013/2023 Community Strategic Plan, with amendments being made to the Community Indicators within each theme, to have greater meaning and easier interpretation. As a consequence of the Workshop request the Community Indicators have been reviewed with details of definitive data sources, measures and targets now included within the Draft 2013/2023 Community Strategic Plan. These revised Community Indicators will provide an insight into the progress that Council is making in relation to the Objectives and Strategies contained in the Draft 2013/2023 Community Strategic Plan. A table highlighting these community indicators is included as an attachment to this report.

The reason for going forward with the format and underlying context of the existing Community Strategic Plan is that it has only been in place since July 2011 and the extensive community consultation that occurred with the preparation of this plan is still fresh in the minds of the community. A timetable has been formulated within the organisation to ensure that all components of the Integrated Planning and Reporting Framework are in place for commencement by 1 July 2013.

Following the close of the public exhibition phase a further report will be presented to council for consideration to adopt the 2013/2023 Community Strategic Plan incorporating actions from the feedback received. Resulting from the adoption of the 2013/2023 Community Strategic Plan the 2013/2017 Delivery Program, 2013/2014 Operational Plan and the Resourcing Strategies will be finalised to ensure that they are compatible with the Key Objectives and Strategies outlined within the 2013/2023 Community Strategic Plan.

## OPTIONS:

1. Adopt the Draft Community Strategic Plan 2013/2023 and place on public exhibition.
2. Make amendments to the Draft Community Strategic Plan 2013/2023 and place on public exhibition.

**CONCLUSION:**

That Council endorses the existing Community Strategic Plan with minor amendments including the revised theme based community indicators.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

In accordance with requirements of Section 402 of the Local Government Act 1993 relating to Integrated Planning and Reporting - specifically - Community Strategic Plan.

**b. Budget/Long Term Financial Plan:**

Activities associated with the Community Strategic Plan 2013/2023 are incorporated in the Annual Budget, Delivery Program and Operational Plan, which will be adopted by Council following the adoption of the Community Strategic Plan 2013/2023.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Empower-**We will give the community greater opportunity to participate in a transparent flow of information and feedback to Councillors who have been empowered as the Community representatives to make decisions in accordance with the Local Government Act 1993.

Not Applicable.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service
- 1.2.3.2 Review of the Integrated Reporting Framework Resourcing Strategy

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Draft Community Strategic Plan 2013/2023 (ECM 62256465).
  - Attachment 2. Section 402 - Community Strategic Plan - Local Government Act 1993 (ECM 61665266).
  - Attachment 3. Community Indicators included within each Theme (ECM 62256441).
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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

### 36 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 28 August 2012

Venue:

Canvas and Kettle – Murwillumbah Civic Centre.

Time:

3:30 pm

Present:

Cr Dot Holdom (TSC), Mark Kingston (TSC), Sandy Pimm (TSC), Sally Jacka (TSC), Marama Hopkins (TSC), Anita Mudge (community rep), Jennifer Hayes (Team Koala Inc), Lorraine Vass (Friends of Koala Inc.), Rhonda James (community rep), Ralph Kraemer (community rep).

Guest: Iain Lonsdale (TSC)

Apologies:

John Turbill (OEH); Steve Jensen (DoP); Steve Philips (Biolink Ecological Consultants).

Minutes of Previous Meeting:

Moved: Cr Dot Holdom

Seconded: Anita Mudge

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held Tuesday 17 April 2012 be accepted as a true and accurate record of the proceedings of that meeting (subject to adoption at next Council meeting).

## SUSPEND ITEMS, BRING FORWARD AGENDA ITEM 3 - TPO

### 3. TPO and Koala habitat under proposed LEP

Mark Kingston outlined possible concerns with the future of the existing TPO 2011 (Tweed Coast Koala Habitat) under the currently proposed Tweed Standard Instrument Local Environmental Plan (LEP), which will effectively limit preservation of Koala food trees to urban and environmental zones, but will not include rural zones. Whilst the existing TPO 2011 covers all zones along the Tweed Coast, rural zones will be covered only by the Native Vegetation Act that allows a number of exemptions for native vegetation removal and permits clearing under Routine Agricultural Management Activities.

Iain Lonsdale of Council's Planning Reforms Unit indicated the NSW Department of Planning is keen to see Tweed's Standard Instrument LEP completed, and Council is reviewing their approach to Environmental Protection zoning. This includes the possibility of reducing environmental zones along the Tweed Coast arising from the Tweed Vegetation Management Strategy 2004 and currently protected under TPO 2004. These environmental zones were formerly exhibited under draft LEP 2010.

A number of Committee members expressed grave concerns in relation to implications for Koala habitat protection and the preparation of the Comprehensive Koala Plan of Management. Iain advised members that the draft LEP would be open to submissions.

BUSINESS ARISING:

1. Koala Connections update

Sally Jacka advised that the project has received a one-year extension and is progressing well. Planting and bush regeneration works have been undertaken around Duranbah; consideration is being given to use of another Koala underpass under the motorway based on landholder interest. A team is working at Round Mountain. Potential exists to expand the project to assist NPWS replant all old banana farms in Cudgen Nature Reserve, as well as 20 acres near Kings Forest.

2. TPO

(See above)

3. Biodiversity Fund update

Tweed Shire Council (TSC) and Byron Shire Council (BSC) have been awarded a Biodiversity Fund \$2,017,000 (ex GST) grant from the Department of Sustainability, Environment, Water, Population and Communities (SEWPC) for the project *Linking Koala habitat and Endangered Ecological Communities*.

In accordance with the application, Council's contribution to the project consists of some staff and administrative support plus \$100,000 over four years leveraged from Council's Biodiversity Grant Program. Taking into account the contributions, cash and in-kind of all project partners, including landholders, the total value of the project is estimated to exceed \$3.6M.

Actions:

- Approval sought to rename the project *Koala Connections*, to follow on from the Environment Trust project and keep the 'catchy' branding that is already known by some media and public.
- Plan/Activity program submitted to, and accepted by, SEWPC
- Sally engaged as Project Manager, initially for one year, then position will be advertised. This position will be funded through the Biodiversity Fund and, in part, through Council's funds committed to implementation of the Tweed Coast Comprehensive Koala Plan of Management.
- A second position at TSC (half-time to assist Koala programs, half-time to assist Invasive species program) to be advertised.
- A 0.8 position for koala program to be advertised for BSC.
- Steering committee to be established
- Council workshops at both Councils – Early 2013
- Koala Summit/workshop to be timed to coordinate with release of Draft TCCKPoM.
- Northern Rivers Fire and Biodiversity Consortium will be engaged to prepare a Fire Management Plan.
- Pamela Gray TSC's Invasive Species Program leader will prepare an Invasive Vertebrate Species Management Plan.

Discussion re:

- videoing activities to leave a good impression
- Spending money on highest priority areas, but with consideration of landholder commitment and subject to landholder Agreement.

4. Koala Fence Pacific Highway

Sally had telephone conversation with Josie Stokes (02 8588 4475), Biodiversity officer, RMS. Josie is currently working on guidelines for fauna fencing and underpasses:

- Case studies 3m x 3m 70m long underpasses being used by koalas.
- Trees should be a minimum of 3m from fence.

Also had telephone conversation with Mark Woods (RMS Grafton). He was very vague about who to talk to about specific areas of fencing and who to report damage or maintenance needs to. There does not seem to be any overarching strategy for long-term maintenance. However, he said he would look up works drawings and records of all the underpasses and nearby fencing where indicative linkages have been identified in the TCKHS. When he has done this, the plan is to meet him and/or other appropriate RMS staff at the sites to inspect and discuss options for improvements and long-term maintenance.

5. Endangered Population Nomination

The nomination was forwarded to the Scientific Committee on 27 June 2012. No response has been forthcoming to date.

GENERAL BUSINESS:

6. Arkinstall Park

Discussion re: recommendation that, given the status of koalas, as an act of goodwill, Council replace 10:1 ratio in a suitable location, to acknowledge loss of habitat.

RECOMMENDATION:

Moved: Cr Dot Holdom

Seconded: Jenny Hayes

That, as an act of goodwill, Council replaces habitat lost as a result of development at Arkinstall Park at a 10:1 ratio in a suitable location.

1. Induction workshop for new Council

Discussion re: workshop, similar to previous one, for incoming Councillors, so they can gain an understanding for the need of a TCCKPoM. Possible items could include:

- Overview of Tweed Coast Koala Habitat Study
- Need for TCCKPoM
- Koala Connections update
- Viewing of ABC's 4Corners program that included information on Coomera development.
- Site visits to, for example:
  - Private property where Koala Connections works being undertaken
  - Arkinstall Park
  - Kings Forest – *will need to request proponents of Development for entry.*
  - Friends of Koala Inc.

RECOMMENDATION:

Moved: Cr Dot Holdom

Seconded: Lorraine Vass

That a Koala status/update workshop for the 2012-2016 incoming Council be scheduled.

Meeting Closed

Meeting closed at 4.00pm.

Next Meeting

Date to be advised on Mark's return from leave on 14 November 2012.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**6 Arkinstall Park**

The Planning Application (Part 5) for Arkinstall Park redevelopment has already been determined and that determination has required a Habitat Restoration Plan for Swamp Sclerophyll Forest Endangered Ecological Community offset at Avondale Park.

**1. Induction workshop for new Council**

Nil.

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**6 Arkinstall Park**

Council notes the Tweed Coast Koala Advisory Groups recommendation "That, as an act of goodwill, Council replaces habitat lost as a result of development at Arkinstall Park at a 10:1 ratio in a suitable location."

**1. Induction workshop for new Council**

That a Koala status/update workshop for the 2012-2016 incoming Council be scheduled.

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**37 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 21 November 2012**

Venue:

Sustainable Living Centre

Time:

9.15am

Present:

Robert Quirk (Chair); Cr Katie Milne, Cr Gary Bagnall; Ben Fitzgibbon; Carl Cormack; Eddie Norris; Scott Petersen; Nigel Greenup; Max Boyd; Rhonda James; Patrick Dwyer; Claire Masters; Sam Dawson; David Oxenham; Jane Lofthouse; Tom Alletson.

Informal:

Matt Bloor; Cathey Philip.

Apologies:

Mark Kingston.

Minutes of Previous Meeting:

Moved: Rhonda James

Seconded: Claire Masters

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 8 August 2012 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Items from the last two meetings to be on next agenda.

Ben Fitzgibbon requested that his postal address details be updated to his new office address in Byron Bay.

Agenda Items:

1. Welcome and Introductions

Jane opened the meeting and welcomed new and previous members. Members introduced themselves and explained their experience and affiliation.

2. Terms of Reference and Meeting Procedures

Tom updated members regarding the report from the Ethos Foundation on the Strategic Review of the Role and Functionality of the Tweed River Committee (TRC).

A revised terms of reference and meeting protocol was provided to the committee for discussion, with the request that all issues be resolved, and that a recommendation be put to Council to adopt the new Terms of Reference.

There was a lengthy discussion on the Terms of Reference. Removal of a direct role for oversight and input into implementation of the biodiversity program was a concern for a number of members. It was finally agreed that with the time available to the committee, and

in accordance with the recommendations within the Ethos report, the main focus of the TRC would be on the river and implementation of the Council Waterways Program.

It was requested that the term 'and implementation' be added to the items in the proposed 2013-2017 Work Plan that related to preparing documents, to recognise that on ground achievement of project outcomes is a key goal of the TRC.

The final agreed upon version of the Terms of Reference is included at the end of these minutes.

There was some discussion as to how to better liaise with the Aboriginal community on matters of TRC business which may be of interest to Aboriginal people. It was suggested that the best means of doing this would be to make a presentation at Council's Aboriginal Advisory Committee when matters considered to be of significance to the Aboriginal community are discussed at TRC.

*David Oxenham attended at 9.45am  
Sam Dawson attended at 9.50am*

### 3. Election of Chair

Nominations were received as follows:

- Claire nominated Rhonda; seconded by Sam - Rhonda accepted nomination.
- Ben nominated Nigel; seconded by Robert - Nigel did not accept nomination due to being new to the Committee.
- Eddie nominated Robert; seconded by Pat - Robert accepted nomination.

Voting was by a show of hands and as there were seven votes for each nominee, the names were placed in a box. Robert's name was drawn and he therefore became the Chair with Rhonda elected as deputy Chair.

### 4. Update on Budd Park Project

Tom gave a presentation to members including photographs.

Max said he had the names of people who lived in houses on the banks of the river where Budd Park now has been established. Tom will obtain from Max.

### 5. Project Summaries

Tom presented a summary of existing Waterways Program projects to the meeting. Tom advised that budgetary information was not shown in relation to individual projects at this time, and that further consideration of how the waterways program budget would be presented to the TRC was required.

*Nigel left the meeting at 12.00pm*

It was advised that more detail on implementation of the River Health Grants (RHG) program would be provided to the committee in the future. Matt Bloor gave a brief overview of RHG projects currently underway. Robert requested that Matt arrange some photographs of RHG sites for the next meeting.

It was suggested that a map be produced indicating where work the committee has carried out is located.

There were various suggestions as to what was needed; eg, the location of Cane drain floodgates and plantings, and a be included and analysis on what hasn't been done as well as what has

Tom advised that a NRM Unit project mapping data base exists, but that it requires continual update and additional work to be serviceable. Staff resourcing has been a constraint in this regard.

An overview of projects undertaken in the catchment of the Cobaki and Terranora Broadwater, and the requirements for ongoing work, will be presented at the next meeting.

Jane advised that a DVD of projects undertaken is available and she will arrange for a copy to be sent to members.

Tom will also email the Banora Point Western Drainage scheme review options analysis report to members.

Cr Milne requested that an additional section be added to TRC agendas and minutes, noting items which have not been completed or resolved. To termed 'outstanding resolutions / business carried forward' or similar. Tom advised that this would be undertaken.

#### General Business:

##### 1. Purchase of Land

A discussion was held regarding several blocks of riverside land near Tumbulgum. The constrained potential of the blocks for farming or development was noted.

#### RECOMMENDATION:

Moved: Max Boyd

Seconded: Sam Dawson

That Council investigates the purchase of several small parcels of privately owned riparian land, located at each end of Tumbulgum and at Hogan's corner (north of Stotts Island), on the basis that it could be regenerated by Council.

##### 2. Terms of Reference

#### RECOMMENDATION:

Moved: Max Boyd

Seconded: Ben Fitzgibbon

That Council accepts the proposed new terms of reference for the Tweed River Committee.

3. Proposed Meeting Dates for 2013

The proposed dates for meetings during 2013 are as follows. Unless advised otherwise closer to the date, meetings will take place in the Canvas & Kettle Meeting Room at the Murwillumbah Civic Centre.

13 February  
10 April  
12 June  
14 August  
9 October  
11 December

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 13 February 2012 in the Canvas & Kettle meeting room at Murwillumbah.

The meeting closed at 12.50pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**GB1.Purchase of Land**

There is currently no strategy embodied in any of the Council estuary plans which recommend the purchase of land for rehabilitation. The Executive Management Team is of the view that until such time as a strategy is developed and adopted by Council the adhoc purchase of land for rehabilitation is not supported.

**GB2.Terms of Reference**

Nil.

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**GB1.Purchase of Land**

Council notes the Tweed River Committee request "That Council investigates the purchase of several small parcels of privately owned riparian land, located at each end of Tumbulgum and at Hogan's corner (north of Stotts Island), on the basis that it could be regenerated by Council."

**GB2.Terms of Reference**

That Council accepts the proposed new terms of reference for the Tweed River Committee.



## **Tweed River Committee**

**DRAFT Proposed Terms of Reference (as at 16 November 2012)**



### **1. Purpose**

The Tweed River Committee (TRC) is the peak **strategic-level** advisory committee to Tweed Shire Council regarding the ecological health and recreational use of the Tweed River, including the estuary, non tidal tributaries and catchment. The committee will focus on integrated management, promoting cooperation between community, government and industry, and include consideration of the entire river from source to sea including the river banks, bed and riparian vegetation.

The TRC's role is to oversee and advise Council on the preparation and implementation of long-term, strategic-level river/estuary management plans and strategic plans for use of the Tweed River. Other Council NRM programs will on occasion utilise the TRC as a consultative forum on relevant issues.

As an advisory committee to Tweed Shire Council, the TRC can make recommendations to Council but does not have authority to make or enact decisions on behalf of Council. Advisory committees carry no budgetary decision making capabilities.

### **2. Workplan for 2012/2013 – 2016/2017**

- Provide advice on the development and implementation of a "State of the Tweed River Report".
- Complete the preparation and implementation of the Tweed Estuary Bank Management Plan.
- Provide advice on the development and implementation of a 50-year "Future of the Tweed River" strategic plan.
- Provide advice on the preparation and implementation of an Upper Catchment Management Strategy.
- Provide advice on the update and implementation of an Upper and Lower Estuary management plan for the Tweed River.
- Liaise with other government and non-government agencies to support the attraction of funding for the program and related environmental projects.
- Liaise with the Tweed Coastal Committee for the implementation of related programs within the Tweed catchment.
- Cooperate with the Northern Rivers Catchment Management Authority in the achievement of Catchment Action Plan Targets.
- Advise Council and other agencies in respect to environmental issues, strategic plans or other proposals which may have an impact on the natural environment of the Tweed River.
- Promote the natural values of the Tweed River, help educate the community in their stewardship and assist other organisations or individuals to undertake works to the betterment of the natural environment of the Tweed River.
- Incorporate consideration of sustainability and climate change adaptation and mitigation into the Tweed River Committee programs.

### **3. Committee Reporting**

The committee will report progress to Council via meeting minutes, relevant notes and written recommendations.

### **4. Membership**

Tweed Shire Council has discretion to decide when committees are elected and appointment of committee members.

In the current term, TRC consists of two Tweed Shire Council Councillors, relevant Tweed Shire Council staff, relevant State Government Representatives, Industry and Community Representatives from the following sectors:



## **Tweed River Committee**

**DRAFT Proposed Terms of Reference (as at 16 November 2012)**



- Tweed LandCare Inc.;
- Tweed Byron Local Aboriginal Land Council;
- Conservation;
- Environmental restoration;
- Agriculture - cane industry;
- Agriculture - horticulture / grazing;
- Recreational fishing;
- Boating;
- Tourism.

### **5. Quorum**

A quorum of the committee shall consist of 50% plus one member. If a quorum is not present within 20 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse.

If a quorum fails after the commencement of the meeting, the meeting shall lapse.

Business that is unfinished at the completion of a meeting may at the discretion of the Chairperson be referred to the next meeting of the Committee.

### **6. Meeting Frequency**

Meetings to be held once every two months on the 2<sup>nd</sup> Wednesday.

### **7. Meeting Venue**

Canvas and Kettle Meeting Room, Tweed Shire Council, Murwillumbah.

### **8. Meeting Duration**

3.5 hours.

### **9. Terms of the Committee**

The term of the Committee shall be concurrent with the term of the Council.

### **10. Vision for the Tweed River**

It is proposed that a vision for the Tweed River be developed during this committee term (between 2013 and 2016) as part of the development of the 50-Year Strategic Plan for the Tweed River. It is recommended that: (1) the TRC draft its vision internally; (2) submit this draft vision to Tweed Shire Council for review; (3) then engage the broader community in the finalisation of the vision; (4) submit the final vision to Tweed Shire Council for review, approval and implementation.

### **Associated documents:**

1. Tweed River Committee Terms of Reference (as at September 2012)
2. Tweed River Committee Draft Proposed Procedures (16 November 2012)
3. Tweed Shire Council Code of Meeting Practice (Section 9 – Committees, their Members and Functions)
4. Tweed Shire Council Agenda Report, Thursday 25 October 2012: [TCS-CM] Community Membership on Council Committees



## **Tweed River Committee**

**DRAFT Proposed Procedures (as at 16 November 2012)**



### **1. Tweed River Committee Members - 2012 to 2016**

- Councillor Katie Milne
- Councillor Gary Bagnall
- Max Boyd AM - Community representative
- Samuel Dawson - Caldera Environment Centre
- Nigel Greenup - Community representative
- Rhonda James - Bushland restoration industry
- Claire Masters - Tweed Landcare Inc
- Eddie Norris - Boating
- Scott Petersen - Tourism
- Robert Quirk - Agriculture
- Tweed Byron Local Aboriginal Land Council
- Ben Fitzgibbon - NSW Office of Environment and Heritage
- Ian Hanson - NSW Land and Property Management Authority
- Patrick Dwyer - NSW Department of Industry and Investment, Fisheries
- Carl Cormack - NSW Roads and Maritime Services
- David Oxenham - Director Community and Natural Resources, Tweed Shire Council
- Jane Lofthouse - Coordinator Natural Resource Management, Tweed Shire Council
- Tom Alletson - Waterways Program Leader, Tweed Shire Council
- Mark Kingston - Biodiversity Program Leader, Tweed Shire Council
- Sebastien Garcia-Cuenca - Sustainable Agriculture Program Leader, Tweed Shire Council

### **2. Committees of Council including Advisory Committees**

Tweed Shire Council (TSC) can establish advisory committees only by resolution of the Council.

- The purpose of an advisory committee is to use its power to make recommendations to the Council but not have authority or make or enact decisions on behalf of Council.
- Advisory committees carry no budgetary decision making capabilities.
- A recommendation of an advisory committee is mostly used to assist the Council in making informed decisions on complex matters, which may include those of a budgetary nature.
- Recommendations by the Tweed River Committee (TRC) are reported in the TRC minutes, via Council's Executive Management Team, to Council meetings. Council's Executive Management Team may endorse or qualify TRC recommendations.
- Advisory committees mostly consist of a combination of experts, professional people, Council staff, government employees and community representatives.
- Minutes and agendas of advisory committee meetings are presumed to be open to public access unless there is an overriding public interest against disclosure under *S5 Government Information (Public Access) Act 2009 (NSW)*, ('GIPA').
- It is proposed that all minutes of committee meetings will be presented to Council under delegates reports where the Councillor delegate will have an opportunity to discuss the recommendation made by the committee.

### **3. The Role and Responsibilities of the Chairperson**

The chairperson of the committee is elected by the Committee.





## **Tweed River Committee**

**DRAFT Proposed Procedures (as at 16 November 2012)**



The role of the chairperson is vital to the efficient and effective functioning of the committee and ensuring the committee focuses on matters that are central to its purpose, aims and current workplan.

The chairperson is responsible for facilitating meetings based primarily on collaboration and consensus decision making (see below point 4). Their role is to ensure the relevant meeting agenda forms the basis of the committee's deliberations and discussions; that timekeeping aligns with the meeting's agenda and 3.5 hour duration; and that appropriate meeting communication occurs.

It is recommended that the chairperson liaise with the committee's secretariat (Waterways Program Leader - Tom Alletson) regarding the development of each meeting's agenda and ongoing committee functioning and priorities.

The chairperson may also be called upon by the Council and committee to represent the TRC at relevant regional meetings, functions and events.

### **4. The Role and Responsibilities of Committee Members**

Committee members represent TSC, relevant State Government departments, industry sectors and community networks and organisations with expertise and a particular interest in the Tweed River.

The committee operates primarily on a consensus decision making model. Committee members, under the facilitation of the chairperson, are encouraged to participate in collaborative deliberations and discussions about matters relevant to the purpose of the committee. Voting will only be undertaken when consensus cannot be reached.

It is important that committee members focus their contributions on matters relevant to each meeting's agenda and support the chairperson's facilitation of the committee meetings.

Committee members are expected to attend every TRC meeting (six per year). If a member is unable to attend a meeting they must register their apology with either the chairperson or the secretariat.

It is important that committee members communicate with their constituent groups about the TRC's priorities and activities. As the TRC makes *recommendations* to TSC, formal decisions made by the committee are not able to be communicated by members to their constituent groups until the TRC's recommendations are resolved by Council. In 2013, committee agendas and minutes will be made available for the community on Council's website and also via an RSS feed (Really Simple Syndication), that community members can subscribe to and receive advice when anything is added to a particular area.

Please see Appendix A: Meeting Procedures - at the end of this document for an overview of basic meeting procedures and how members can fully participate in meetings in an informed way.





## **Tweed River Committee**

**DRAFT Proposed Procedures (as at 16 November 2012)**



### **5. Absence from Committee Meetings**

A member ceases to be a member of the committee if they:

- 5.1 Have been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the committee for their absence; or
- 5.2 Have been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for their absences.

### **6. Voting**

Motions are normally resolved on a consensus basis as the committee is providing *recommendations* to Council and not making its own binding decisions.

However, if voting is required for internal process or issue-based decision making, voting members include the two TSC Councillors, the senior TSC staff member in attendance, community and sector members, and NSW Government staff.

Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee has a casting vote as well as an original vote.

Voting at a committee meeting is by open means (such as by show of hands or by voice).

### **7. Role and Responsibilities of Convenor**

TSC Waterways Program Leader, Tom Alletson, provides secretariat services for the TRC. These services include:

- 7.1 Developing each meeting agenda based on TRC aims, purpose, workplan and previous committee meeting resolutions and discussions. It is recommended that this process also involves the TRC chairperson.
- 7.2 Providing an interface between the TRC and TSC particularly in the delivery of onground planning and actions that implement TRC recommendations and priorities.
- 7.3 Ongoing communication with the TRC chairperson about the committee's interface with Council and supporting good communication with committee members.
- 7.4 Reporting to the committee about Council progress in implementing TRC priorities.
- 7.5 Organising committee meeting logistics including confirmation of venue, catering, equipment etc.
- 7.6 Sending out the notice of each meeting and meeting agenda to each committee member at least one week prior to each meeting.
- 7.7 Where necessary, liaising with relevant Council staff to support the TRC's functioning (eg) Community Engagement Coordinator, Corporate Governance Manager, Marketing Coordinator.
- 7.8 Receive and register member apologies for meetings.



## **Tweed River Committee**

**DRAFT Proposed Procedures (as at 16 November 2012)**



### **8. Notice of Committee Meetings**

The secretariat of the TRC (Waterways and Coast Coordinator Tom Alletson) will send to each committee member, at least one week before the committee meeting, a notice specifying:

- 8.1 The time, place and date of the next meeting
- 8.2 The agenda for that meeting.

### **9. Meeting Minutes**

The committee must ensure that full and accurate minutes of meeting proceedings are kept, using the TSC format for Minutes from Working Groups/Committees. Council staff prepare the Committee's minutes.

In particular, the committee must ensure the following matters are recorded in committee minutes:

- 9.1 Details of each motion moved at a meeting and of any amendments to it
- 9.2 The names of the mover and seconder of the motion or amendment
- 9.3 Whether the motion or amendment is passed or lost.

The outcome of voting (for and against) on a motion will not ordinarily be recorded, however individual committee members may request that their position be recorded, if they so wish.

An item will be included with the Agenda and Minutes recording matters that have not been finalised by the committee, for example, outstanding resolutions, recommendations or requests for information.

#### **Associated documents:**

- 1. Tweed River Committee Terms of Reference (as at September 2012)
- 2. Tweed River Committee Draft Proposed Terms of Reference (November 16 2012)
- 3. Tweed Shire Council Code of Meeting Practice (Section 9 - Committees, Their Members and Functions)
- 4. Tweed Shire Council Agenda Report, Thursday 25 October 2012: [TCS-CM] Community Membership on Council Committees





## Tweed River Committee

DRAFT Proposed Procedures (as at 16 November 2012)



### Appendix A Meeting Procedures

This is a broad overview of generally accepted meeting procedures. Note, some items will differ slightly for the Tweed River Committee because of the specific Local Government regulations it operates under. This information is from:

[http://www.cdaeg.com.au/comm\\_dev/cd\\_mtgproced.html](http://www.cdaeg.com.au/comm_dev/cd_mtgproced.html)

#### Introduction

Meetings occur when groups of people gather to discuss, and try to resolve matters which are of a mutual concern. Recommendations are made, directions given and courses of action decided. For a meeting to effectively achieve these goals, a structure needs to be in place. If a meeting has little or no structure, the results are unproductive and dissatisfying for all concerned.

#### The Agenda

Prior to the meeting, an agenda is prepared and circulated to all members. This agenda forms the structure of the meeting. It states where and when the meeting will take place and what matters will be discussed. A copy of the minutes of the previous meeting, along with any other relevant material that the members should read prior to the meeting, are distributed at the same time as the agenda.

#### The Meeting Structure

<p><b>Opening the Meeting...</b> the meeting begins after the Chairperson declares the meeting opened.</p>	<p>The meeting is unable to begin until the Chairperson declares a quorum. This means that there are enough people in attendance to allow debates to be conducted and decisions to be voted upon. If a quorum cannot be declared within 30 minutes of the meetings designated starting time, the meeting should be called again for a similar time and place a week later. If no more members attend the reconvened meeting, the Chairperson may be allowed by the standing orders to conduct the business with those who arrived.</p> <p>If a Chairperson has not taken the chair 15 minutes after the meeting was due to begin, the meeting should elect another Chairperson from among the members present to act temporarily.</p>
<p><b>Apologies...</b> those unable to attend.</p>	<p>The Chairperson states the names of those members who formally notified that they were unable to attend the meeting.</p>
<p><b>Minutes of the Previous Meeting ...</b> the Chairperson moves that the minutes of the previous meeting be accepted or</p>	<p>The Chairperson tables the minutes of the previous meeting making them open as a topic of discussion. At this point the Chairperson will ask the members to adopt the minutes. If the members do not agree that the draft minutes are accurate, changes may be suggested. The Chairperson should ask the meeting to vote on those corrections. If there are only a few minor corrections, the Chairperson may ask the members to accept the minutes</p>





**Tweed River Committee**

DRAFT Proposed Procedures (as at 16 November 2012)



<p>adopted.</p>	<p>with the corrections. The vote to adopt the minutes can then go ahead on that basis. Once the Minutes have been adopted the Chairperson should sign every page of the minutes and hand them to the meeting secretary for filing. It is not appropriate at this time, to indulge in debates on decisions which were made at the previous meeting. Anyone who wishes to change a motion should wait until the same subject arises in the general business of the current meeting or raise it in the part called "Any Other Business". The most important advice about the minutes of a previous meeting is to make sure you read them.</p>
<p><b>Business arising from Minutes of the Previous Meeting ...</b></p>	<p>Often the issues for Business arising from the Minutes of the Previous Meeting are listed in the agenda. Any reports, pieces of information or other matters of substance that were requested at the previous meeting are debated and a vote is taken on the appropriate action to take.</p>
<p><b>Correspondence ...</b> letters that have been sent to the meeting are tabled and debated, if the meeting wishes to do so.</p>	<p>Any letters, facsimiles and the like, which have been received by the committee are discussed here. The Chairperson should summarise correspondence which cover similar issues, or express similar opinions and discuss them as a single issue. The Chairperson presents a piece of correspondence to the meeting by putting a motion that the meeting "receive the correspondence". This is an acknowledgment by the meeting that the correspondence as been formally received and that it may now be discussed and acted upon, if necessary. If correspondence sent to the meeting is considered offensive, the meeting can vote on a motion, "not to receive" it. Alternatively, the meeting can decide that the correspondence should be "received and lie on the table". This means it will not really be dealt with. It is effectively in limbo until such time in the future that it is "taken from the table" and discussed.</p>
<p><b>Reports ...</b> reports written for the meeting are tabled and debated, if the meeting wishes to do so.</p>	<p>Reports and submissions that have been written for the meeting or include information relevant to the work of the meeting are tabled and discussed. A motion is required to be put that a report be received. This means that the report exists, as far as the meeting is concerned, and a discussion or debate may now take place on the contents, interpretation and recommendations of the report. Motions are able to be put for or against the recommendations of the report or ask the author to consider further issues or</p>



**Tweed River Committee**

DRAFT Proposed Procedures (as at 16 November 2012)



	reconsider issues on the basis of particular information. A member of a meeting can even put forward a motion to change the wording of a report or submission.
<b>General Business</b> ...items so listed in the agenda are debated. The debate usually begins with the Chairperson calling on someone to move a motion.	General business items are announced singly by the Chairperson and a discussion or debate follows each one. Motions that suggest methods of resolving issues are put forward and to a vote. Once the motions receive a simple majority, or a majority as defined in the standing orders, they become resolutions. Sometimes amendments to a motion are put forward. Only after the amendments are debated and voted upon can the revised substantive motion be brought to the vote. In the case of more formal meetings, general business consists of motions that are moved and seconded by participants of the meetings. A seconder is someone who agrees that a motion should be debated. In most meetings however, the need for a member to support a motion is ignored.
<b>Any other Business</b> ...when all items on the agenda have been debated, the Chairperson may call for items not listed in General Business.	It is at this point in time, that the members are able to raise issues they feel are important. These include any items which were not listed on the agenda. No extremely important or complex issues should be raised unannounced during this part of the meeting. If an urgent matter must be dealt with by the meeting, the Chairperson should be informed before the meeting begins. A revised agenda can then be drawn up in the time that remains before the meeting is due to begin. If the Chairperson feels that any of the issues brought up for discussion are too complex or troublesome, he may call for another meeting to discuss the issue or alternatively, put it on the agenda for the next scheduled meeting.
<b>Close of Meeting</b>	Once all the issues have been put forward and discussed, the Chairperson advises members of the date and time of the next meeting. The meeting is now officially closed.

**What can you do?**

To be active and effective member of meeting, you must:

- be well prepared
- make sure you have read the agenda
- be aware of the topics that will be discussed
- be involved
- be a good listener



## **Tweed River Committee**

**DRAFT Proposed Procedures (as at 16 November 2012)**



There are four steps to good listening.

- hearing - receiving the sound
- attending - focusing on what you are hearing
- understanding - interpreting and evaluating what you listen to
- remembering - storing the information

### **Reference**

*Walsh, F., The Meeting Manual, AGPS, Canberra, 1995.*

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## Tweed River Committee

DRAFT Proposed Procedures (as at 16 November 2012)



### Appendix B Consensus Decision Making

#### Consensus Rule Processes

Conflict Research Consortium, University of Colorado, USA

<http://www.colorado.edu/conflict/peace/treatment/consenpr.htm>

Groups governed by consensus rule processes cannot make formal decisions or take action unless all participants agree. Such processes provide a basis for interest-based negotiations and are a primary mechanism through which win-win agreements are negotiated. These processes can be used to address procedural questions as well as the underlying dispute or core conflict. Consensus building efforts depend upon a willingness of the parties to compromise and give up some of what they want so that others can have some of what they want. If one party insists upon complete victory or the absolute defeat of their opponent, then consensus approaches are likely to fail.

Successful consensus requires that the parties implement workable strategies for dealing with many of the problems outlined in this training program. Here the first step involves the determination of the parties to be involved in the process and their interests. (This requires successful efforts to address [scoping](#) problems).

Once interested parties and their concerns have been identified, the next challenge is to frame the consensus building effort in a way which allows everyone to pursue their interests. This may require the establishment of a number of different objectives for the process. For example, efforts to build a consensus over a new mining project might focus upon efforts to 1) protect the region's agricultural and forest industries, 2) control human health risks associated with air and water pollution, 3) protect the region's tourism industry, 4) find new homes for people who will have to be moved to make room for the mine, 5) expand the school system to serve mine worker families, and 6) relocate highways and rail lines—as well as establishing the mine.

Consensus processes require that everyone at the table agree on all decisions that are made. There is no [majority rule](#) voting or [decision making](#) by one person in authority. Rather, the whole group examines the problem, [brainstorms](#) about possible solutions and then works together to develop a solution which everyone can support. This kind of process is being used more and more often in the United States to deal with difficult public policy issues—environmental conflicts, for example. Although consensus cannot always be found, it can be developed more often than might be expected.

The advantage of consensus processes is that the resulting decision is one that meets the interests of all the parties and that everyone can support. The disadvantage is that developing such a decision can be a very slow process, involving many people over a long period of time. There is also a relatively high probability of failure. If a quick decision is needed, the consensus approach may not work. Consensus rule processes also tend to favour those that oppose change and want to preserve the status quo. All these people have to do is refuse to support any consensus compromises and they will win (at least as long as they can delay change).



## **Tweed River Committee**

**DRAFT Proposed Procedures (as at 16 November 2012)**



Successful consensus building also requires successful efforts to control escalation so that people will focus upon the issues and not inter-personal animosities. Consensus building also benefits from strong fact-finding capabilities and an ability to deal with a variety of procedural problems including: persuading people to participate in the process, developing a workable process structure, ground rules, and representation.

Consensus building can also benefit from the services of a mediator or facilitator who may follow either problem-solving model like principled negotiation or a transformative model. These individuals can help the parties get to know and value each other as individuals. This is essential to the breaking down of purely selfish approaches to a problem (which is a precondition for effective consensus building).

While consensus resolution of the core dispute is desirable, it is often not realistic. Less ambitious but still very useful alternatives focus upon the pursuit of consensus agreements on as many sub-issues as possible, with the understanding that the parties are still free to pursue the remaining issues through alternative (often force-based) strategies..



**38 [SUB-TRAG] Tweed River Art Gallery Advisory Committee Meeting held Wednesday 12 December 2012**

Venue:

Tweed River Art Gallery

Time:

5.00pm

Present:

Cr Warren Polglase, Shirley Kennedy, Cr Phil Youngblutt, Louise Devine, Dr Daena Murray, Judith Sutton, Robert Dagworthy, Joanne Nimmo, Hobie Porter, Katrina Primikiri-Mackney, Susi Muddiman (Gallery Director), Anne Schardin (Assistant Gallery Director).

Apologies:

Lyn Stewart (Friends' President), Robert Appo, (Stephen Senise apology by email at 6.15pm)

Susi Muddiman presented a brief introduction and a PowerPoint presentation about the Gallery and its programs for the new committee members.

Election of Chairperson

Resolved: Judith Sutton

Seconded: Shirley Kennedy

RESOLVED that Warren Polglase be appointed as Chairperson.

Minutes of Previous Meeting:

Moved: Judith Sutton

Seconded: Shirley Kennedy

RESOLVED that the Minutes of the Tweed River Art Gallery Advisory Committee meeting held 16 May 2012 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

None

Gallery Director's Report

Moved: Robert Dagworthy

Seconded: Katrina Primikiri-Mackney

RESOLVED that the Gallery Director's Report including twelve new acquisitions be endorsed.

Susi Muddiman spoke about past and upcoming events including the major exhibition *It's all about the light: works by Margaret Olley from public collections* and the associated events programmed for January, February and March 2013.

Susi Muddiman requested that all committee members try to attend at least one Gallery function between now and the next meeting in March.

General Business:

Gallery website

Joanne Nimmo stated that the current Gallery website does little to reflect the true quality of the exhibitions, programs, built environment and the surrounding landscape. In addition, current layout of information regarding the Margaret Olley Art Centre building project does not enhance donations.

RECOMMENDATION:

Moved: Joanne Nimmo

Seconded: Louise Devine

That Council provides adequate resources to update the Gallery website to reflect the high quality of the Gallery's programs and facilities, and to, enhance future donations for the Margaret Olley Art Centre.

Car park overflow

The Committee expressed concern about the lack of parking and safe egress to the Gallery grounds during peak periods. The *Archibald Prize 2012* attracted 28,653 visitors over 30 days and numerous visitors had to park on the roadside and walk along Mistral and Bakers Roads where there is no footpath.

RECOMMENDATION:

Moved: Robert Dagworthy

Seconded: Hobie Porter

That a Council officer address the Committee regarding the possible provision of additional parking during peak times and events, and the possible provision of footpaths along Mistral and Bakers Roads.

Gallery tourist signage

The Committee discussed the need for additional tourist signs to direct visitors to the Gallery. Many visitors negotiating their way through the roundabout on the Tweed Valley Way overlook the sign located there. There are signs on the Tweed Valley Way north and south of the Gallery but they are small and often missed by visitors. Options of bill boards have been explored in the past but the hire fees were too expensive.

Cr Warren Polglase offered as President of the Tweed River Art Gallery Foundation Ltd to organise a meeting with staff of Coolangatta Airport to discuss how the Gallery might best be promoted at the airport, and to discuss with management the additional tourists the Gallery will attract from Sydney and interstate with the opening of the Margaret Olley Art Centre.

**RECOMMENDATION:**

Moved: Shirley Kennedy

Seconded: Dr. Daena Murray

1. That the provision three additional signs be investigated:
  - a. at Alma Street, Murwillumbah near Budd Park;
  - b. on the corner of Kyogle and Bakers Road, Byangum
  - c. on the corner of Stokers and Bakers Road, Dunbible.
  
2. That the existing two signs on Tweed Valley Way be enlarged.

**Meeting dates**

The Committee discussed future meeting dates. 4 meetings dates were set for 2013, being Wednesday 13 March 2013, 12 June 2013, 14 August 2013 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 13 March at 5.00pm.

The meeting closed at 6.30pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**Gallery website**

Nil.

**Car park overflow**

Nil.

**Gallery tourist signage**

Nil.

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**Gallery website**

That Council provides adequate resources to update the Gallery website to reflect the high quality of the Gallery's programs and facilities, and to, enhance future donations for the Margaret Olley Art Centre.

**Car park overflow**

That a Council officer address the Committee regarding the possible provision of additional parking during peak times and events, and the possible provision of footpaths along Mistral and Bakers Roads.

**Gallery tourist signage**

1. That the provision three additional signs be investigated:
  - a. at Alma Street, Murwillumbah near Budd Park.
  - b. on the corner of Kyogle and Bakers Road, Byangum.
  - c. on the corner of Stokers and Bakers Road, Dunbible.
  
2. That the existing two signs on Tweed Valley Way be enlarged.



Phone (02) 6670 2790 | Fax (02) 6672 7585  
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 December 2012

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**Subject:** Officer's Report

**Author:** Susi Muddiman

**Director:** David Oxenham, Director Community and Natural Resources

**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 calendar year period 1.1.12 – week ending 9.12.12, the Gallery's attendance figures totalled 60,662 visitors.

**Foundation/Friends cocktail party event 26.10.12**

This event raised the profile of the Gallery and the Margaret Olley Art Centre considerably. The event was an outstanding success, with results far higher than anticipated. The event was a very successful collaborative event hosted by the Friends of the Gallery Inc. and the Tweed River Art Gallery Foundation Ltd. The response to architect Bud Brannigan's plans has been excellent. Several people have requested to see the plans, so we are working towards having them up on display in the Foyer this week.

There was no doubt that the guests responded positively to Trustee Christine France's reminiscences and anecdotes about artist Margaret Olley, so I feel sure the event planned for 1 March 2013 with Christine as a guest speaker will be a crowd-pleaser and serve as another successful fundraiser.

The final profit was for the Cocktail Party event was \$4,365.64. We have had a number of pledges and donations through the Foundation as a direct result of the event - \$25,500 in direct donations, with additional pledges.

**Margaret Olley Art Centre update**

The MOAC tender documents were made public on 4 December. At this stage the tender period will be open until 23 January 2013, and the results of the tender process presented to Council at the February meeting. Compulsory site inspections for potential tenderers are scheduled for next week – Monday 17 December in Paddington at Olley's home, and Wednesday 19 December at the Gallery.

The plan is that the Gallery will still be closed for a 2 week period (possibly longer) from 30 September 2013 for the refurbishment of the reception/Shop/office/workshop area. The deadline for our reopening will be Thursday 17 or Friday 18 October for the opening of the

Page 1 of 4

**COLLECTION NEW ACQUISITIONS**

Reg No	Accession No	Artist	First Name	Title	Date	Medium	Credit Line
801	2012/05	GIBBONS	Donna	Peter and Bobbie	2011	photograph digital	Gift of the artist, 2011 Finalist 2011 Olive Cotton Award for photographic portraiture.
802	2012.06	ALEXANDER	Giles	The Alternative Ambassadors (Professors Ross Garnaut & Martin Green)	2010	oil, resin, spray enamel and green back dollar	Donated through the Australian Government's Cultural Gifts Program by the artist in memory of Sue Clarke, 2012. Finalist Archibald Prize 2010
803	2012.07	MCKENZIE	Alexander	Richard Roxburgh	2010-20	oil	Donated through the Australian Government's Cultural Gifts Program, 2012. Finalist 2011 Archibald Prize
804	2012.08	McVINISH	Christopher	Portrait of Robyn Nevin	2011	oil	Gift of the artist 2012. Finalist 2011 Archibald Prize
805	2012.09	HOWLAND	Keith	Bonnie Howland	1997	Acrylic	Gift of Bonnie Howland through her daughter Dawn Saunders, 24 Bowd Pde, Wavell Heights, Qld 4102, 2012
806	2012.10	FLESSER	Shayle	Woman with mask 2	2011	Acrylic and archival pen	Gift of the artist, 2012
807	2012.11	ALBERTON	Steven	Margaret's Chair	2011	photograph inkjet	Acquired through the Tweed River Art Gallery Donations Fund, 2012
808	2012.12	MCRAE	John	Portrait of Margaret Olley in her Paddington Studio, 2011	2011	photograph pigment inkjet edition 3/6	Gift of the Tweed River Art Gallery Foundation Ltd, 2012

Tuesday, 11 December 2012

Page 1 of 2

Reg No	Accession No	Artist	First Name	Title	Date	Medium	Credit Line
809	2012.13	PEEBLES	Graeme	The Regatta	2010	Mezzotint 7/20	Donated through the Australian Government's Cultural Gifts Program by the artist, 2012
810	2012.14	SANDISON	David	Portrait of Bud Brannigan	2012	Photographic print pigment ink	Acquired through the Tweed River Art Gallery Donations Fund, 2012
811	2012.15	OLLEY	Margaret	Self Portrait	2001	oil	Gift of the Margaret Olley Estate, 2012
812	2012.16	OLLEY	Margaret	David Strachan's Kitchen	1975	oil	Gift of the Margaret Olley Art Trust, 2012

Tuesday, 11 December 2012

Page 2 of 2



Dobell Drawing Prize. The timeline is very tight indeed, so it is imperative that the designs are perfect and the builders stick to the designated timeframe. We must all hope for excellent weather! Contractor Sally Watterson and sub-contractor Anna Pagel have now completed the pack up of Margaret Olley's home last week. This has been a major undertaking, and is a credit to Sally's professionalism and attention to detail.

#### Olley exhibition at the Museum of Sydney

*Margaret Olley: Home* opened at the Museum of Sydney on 10 November. It is a beautiful and joyous exhibition which is a credit to the curator Steven Alderton, the Historic Houses Trust and Philip Bacon. The presentation is stunning, and includes a vignette featuring a small assembly of furniture and still life items from Margaret's house. These items have also been catalogued as part of our collection and will be returned to us at the conclusion of the exhibition in April 2014. I attended the opening event, and the Curator's Floor talk the next day, each attended by bumper crowds. As a result of many questions from the audience of Steven as to our MOAC project, Steven invited me to answer the questions directly. The interest in our Tweed re-creation is quite astonishing. The Historic Houses Trust have since asked architect Bud Brannigan and myself to present a talk at the Museum of Sydney about the MOAC on 9 March 2014. The event has already been advertised in the HHT publication as follows:

#### *Building Miss Olley's House*

*To honour the wish of the late Margaret Olley, Tweed River Art Gallery in association with the Margaret Olley Art Trust will establish the Margaret Olley Art Centre. To be housed in a purpose-built extension to the existing gallery, the Centre will include a recreation of Margaret's home studio along with a collection of her works, artefacts, ephemera and correspondence. Join gallery director Susi Muddiman and architect Bud Brannigan as they share their vision and creative strategy for the Centre, a new site of national cultural significance.*

#### It's all about the light: works by Margaret Olley from public collections

This exhibition will serve as the Gallery's principal fundraiser in 2013 towards the development of the MOAC. The exhibition will be on display from 18 January – 14 April 2013. The official opening event will be held on 15 February 2013. A list of complimentary programs are as follows:

**The Tweed River Art Gallery, in collaboration with the Friends of the Gallery, invite you to attend and enjoy the following fundraising events in conjunction with the exhibition**

#### **Margaret's Top Drawer Tour - A Secret Glimpse Tour**

Join Gallery Director Susi Muddiman for an insight into the task of cataloguing, packing and preparing Margaret Olley's home studio contents for exhibition at Tweed River Art Gallery in the purpose-built Margaret Olley Art Centre. Following a delicious Morning tea and a short slide show of Margaret's Duxford St residence, guests will be driven to our secret storage location where you'll see a sneak peek at some of the furniture items and contents of some of the packing boxes. The tours require strictly limited numbers, so book early for this light-hearted morning complete with humorous anecdotes on Margaret's life.

WHEN: Three Tuesdays: 29 January | 5 February | 26 February | 10.30am – 12.30pm

WHERE: Frances Mills Education Centre, Tweed River Art Gallery and secret storage location

COST: \$30 per ticket. Strictly limited to 20 guests per tour

RSVP: 24 January (for 29/1 tour); 1 February (for 5/2 tour) and 21 February (for 26/2 tour)



**A Concert for Margaret  
David Helfgott performs popular romantic classics**

Renowned pianist and subject of the acclaimed movie *Shine*, pianist David Helfgott will perform selections from Chopin, Liszt, Beethoven and Rachmaninov in a musical tribute to Margaret Olley.

WHEN: Thursday 7 February 2013 | 6.00pm  
WHERE: The Peter and Judy Budd Foyer, Tweed River Art Gallery  
COST: \$70 per ticket. Strictly limited to 80 guests  
RSVP: 1 February 2013

**EXHIBITION OPENING**

**You and your guest are warmly invited to attend the official opening of the major exhibition  
*It's all about the light: works by Margaret Olley from public collections***

WHEN: Friday 15 February 2013 | 6.00pm (for 6.30pm)  
WHERE: Tweed River Art Gallery  
COST: \$30 per ticket.  
RSVP: 12 February 2013

Join us to celebrate the gala opening of the Gallery's major exhibition of works by Margaret Olley. As the momentum for the construction phase of the Margaret Olley Art Centre builds, the Gallery is delighted to host this exhibition drawn from the public collections of national, state and regional galleries and focussing on Olley's passions for the genres of still life and interiors. Come along and celebrate this unique collection of Margaret's work with us.

**SPECIAL EVENT**

***IN CONVERSATION: Christine France and Sally Watterson***

Join us as key figures in the Margaret Olley Art Centre project Trustee Christine France and Project Co-ordinator Sally Watterson discuss the process involved in packing Margaret's home studio for relocation to Murwillumbah. In fulfilling Margaret's of re-creating her home and workspace at Tweed River Art Gallery, Christine and Sally will share details of their experiences, both humorous and poignant, whilst packing up Margaret's possessions from her home at Duxford Street in Paddington.

WHEN: Friday 1 March 2013 | 6.00pm – 8.00pm  
WHERE: The Peter and Judy Budd Foyer, Tweed River Art Gallery  
COST: \$30 per ticket. Strictly limited to 80 guests

**Sponsorship of exhibition:** I am pleased to report that the Gallery has secured a good sponsorship deal with International Art Services (IAS) for the freight and crating services required for the exhibition. Following the quotation process, the total for this necessary aspect of the exhibition, including all the stipulations of crating, climate control vehicle, insurance issues etc, the total cost of freight was \$15,370 from IAS, which included some \$4,500 value of specialist crate fit out and crate hire.

The sponsorship arrangement with IAS is such that we pay the entire fee, and IAS will issue a \$10,000 credit note to the Gallery for future freight services over a 2-2.5 year period.

**Exhibition Catalogue:** I report that the Friends of the Gallery Inc and the Tweed River Art Gallery Foundation Ltd have both been very supportive of the catalogue publication which will complement this major exhibition. This quality publication that will be available for retail sale and serve as an enduring document of this landmark exhibition.

Costs associated with the production of the catalogue are as follows:

Printing	\$5,996.10
Graphic Design	\$2,990.00
Reproduction fees	\$2,683.00

The total cost of the catalogue is therefore approximately \$11,600.

The Friends and the Foundation each recently committed \$5,000 towards the cost of the catalogue.

Acquisitions to the Tweed River Art Gallery collection

The Committee is asked to ratify the acquisition of twelve artworks to the collection. Please refer to the attached report outlining the acquisitions. The majority of these new works are the result of gifts and donations through the Australian Government's Cultural Gifts Program.

Susi Muddiman  
Gallery Director  
10 December 2012

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**39 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 20 December 2012**

**Venue:**

Mt Warning Meeting Room

**Time:**

Commencing at 9.00am

**Present:**

**Committee Members:** 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 Geoff Provest MP, Member for Tweed.

**Informal:** Mr Danny Rose (Chairman), Mr Ray Clark, Mr Leon McLean, Ms Judith Finch (Minutes Secretary).

**Apologies:**

Cr Barry Longland, Cr M Armstrong, Mr Thomas George MP, Member for Lismore, Mr Paul Brouwer.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**[LTC] Confirmation of Previous LTC Minutes of Meeting held 22 November 2012**

**ORIGIN:**

**Planning & Infrastructure**

**SUMMARY OF REPORT:**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held 22 November 2012 be adopted as a true and accurate record of proceedings of that meeting.

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

**[LTC] Schedule of Outstanding Resolutions - 20 December 2012**

**From Meeting held 18 October 2012**

**1. [LTC] Cooley Street, Bogangar (B6)**

**ORIGIN:**

**Planning & Infrastructure**

**FILE NO:** ECM 46772205; Traffic - Committee; Parking - Illegal; Directional Signs; Pedestrian Safety; Driveways; Traffic - Parking Zones; Traffic - Safety; Traffic - School Zones

**SUMMARY OF REPORT:**

Request received in relation to parking congestion and infringements in Cooley Street, Bogangar.

*"I am writing in regard to the continual congestion and blatant disregard for the road rules and safety of both children and adults in Cooley Street, Bogangar on school days. The Bogangar Primary School has a "walk-through" gate access at the end of Cooley Street but due to the fact that many residents with children at the school would have to traverse the Coast Road to the roundabout at Sandalwood Rd and then return Coast Road to access the school parking bays, a large majority has decided that Cooley Street is a much better option for the drop off and pick up of their children.*

*....There appears to be a large majority that insists on parking in the cul-de-sac section of the street and leaving the vehicle to either pick up or drop off their child, which action poses a considerable safety and illegal parking situation. I have also witnessed vehicles parking across all driveways in the street blocking access and exit to the occupiers of the properties. As there is a large majority of parents driving large 4WD vehicles I feel this is also a considerable safety issue, as Cooley Street is a narrow street and the capacity of these vehicles to turn at the cul-de-sac is nearly impossible thus presenting a situation where the 4WD must reverse towards the entrance/exit gate of the school, at which time many children are entering or exiting."*

Council officers have visited the site on similar occasions and reported that there is no significant issue in regard to parking associated with the school.

**COMMITTEE ADVICE:**

**That:**

- 1. Parking issues associated at Bogangar School on Cooley Street continue to be monitored and the school be consulted on the issue of pedestrian access.**
- 2. This item be listed on Outstanding Resolutions.**

***Current Status: That Item 2 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 22 November 2012 remain on the list of Outstanding Resolutions.***

***(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 19 April 2012 (Item B6).***

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**2. [LTC] Pottsville Road (B2)**

**ORIGIN:**

**Planning & Infrastructure**

FILE NO: ECM 56883966; Traffic - Committee; Traffic - Speed Zones; Pottsville Road

**SUMMARY OF REPORT:**

Council is requesting a review of the 100km/h speed limit on Pottsville Road due to the high incidence of speed related type crashes.



In the five year period July 2006 to June 2011 there were 31 recorded crashes with 27 of those crashes "off path on curve".

The 85<sup>th</sup> percentile speeds and Average Daily Traffic are as follows:

	Date	85 <sup>th</sup> Percentile Speeds	Date	ADT
POTTSVILLE ROAD MOOBALL END	5/02/2008 - 3/07/2002	80 85	5/02/2008	847
POTTSVILLE ROAD - NORTH of TREATMENT PLANT	7/04/2011	85	7/04/2011	850
POTTSVILLE ROAD - NORTH of TWEED VALLEY WAY	7/04/2011 24/03/2010 5/02/2008	82 85 80	7/04/2011 24/03/2010 5/02/2008 25/05/2005 28/08/2002	852 930 847 1077 841
POTTSVILLE ROAD - OFF CUDGERA CREEK ROAD	15/02/2012 31/03/2010	76 77	15/02/2012 31/03/2010 25/05/2005 5/09/2002	1093 1335 3390 2596

**COMMITTEE ADVICE:**

That the speed limit on Pottsville Road be referred to Roads & Maritime Services (RMS) for review in consideration of the speed related crash history on this road and be placed on the Schedule of Outstanding Resolutions.

*Current Status: That Item 4 from Local Traffic Committee meeting held 22 November 2012 remain on the list of Outstanding Resolutions.*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 18 October 2012 (Item B2).*

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**BUSINESS ARISING**

Nil.

**A. FORMAL ITEMS SECTION**

**DELEGATIONS FOR REGULATORY DEVICES**

**A1 [LTC] Norco Street, Uki**

**ORIGIN:**  
**Planning & Infrastructure**

**FILE NO:** ECM 60256671; Traffic - Committee; Traffic - Directional Signs; Traffic-Parking Signs; Disability/Accessibility Matters; Traffic - Parking Zones; Norco Street, Uki

**SUMMARY OF REPORT:**

Request received for the provision of a disability parking space in Norco Street, Uki.

*"I write now to formally request that the following works be carried out:*

*Create a disability parking space in Norco Street - the agreed location being the first parking space on the western side of Norco Street. Note that during the Uki Buttery Bazaar market held on the third Sunday of each month Norco Street is filled with market stalls making it unsafe for vehicles. As outlined at our meeting, on these occasions we propose to establish at the entrance to the market a temporary parking space for people with disabilities. After successfully trialing this location in recent months, we will now further enhance the signposting and road markings to clearly delineate this space."*



**COMMITTEE ADVICE:**

That the installation of a disabled parking space in Norco Street, Uki is supported.

**RECOMMENDATION TO COUNCIL:**

**That a disabled parking space be installed in Norco Street, Uki and notification provided to Council's Equal Access Advisory Committee.**

**FOR VOTE - Ms Liz Smith, Mr Col Brooks, Snr Const Ray Wilson  
PRESENT. DID NOT VOTE - Mr Geoff Provest**

**A2 [LTC] Casuarina Way corner of Riberry Drive, Casuarina**

**ORIGIN:  
Planning & Infrastructure**

FILE NO: ECM59660133; Traffic - Committee; Traffic - Speed Zones; Pedestrian - Safety; Traffic- Safety; Riberry Drive; Casuarina Way

**SUMMARY OF REPORT:**

Request received in relation to a blind bend in Casuarina Way, corner of Riberry Drive:

*"I am writing regarding my concern in relation to my children catching the bus to school. There is a "blind" bend in Casuarina Way cnr Lane & Casuarina Way & traffic are speeding through the area. The area is supposed to be a 50km hour limit but some of the cars are going a lot faster more like 80km through this area & at times on mobile phones. There are up to 15 children crossing Casuarina Way everyday to catch the bus North to school in the morning. In the afternoon there are more children from Cabarita School that cross this road to go home. This is a extremely dangerous area and I fear that a child may be killed. This needs to be assessed urgently. Also living in the area just turning right out of Riberry Lane onto Casuarina Way is also dangerous with several cars now being "T-boned" at the intersection or having close misses - including myself on a number of occasions. I have lived in the area for 9 years but given that the traffic has increased considerably I am quite concerned.*

*My suggestions would be a white painted crossing on the road with a sign saying children crossing. Also as a driver I would also like to suggest from a driving perspective that a mirror be installed to the right when turning out of Riberry onto Casuarina Way.*

*Please call if you wish to meet with me at any stage regarding the above matter and I will show you the areas that need to be looked at."*

The Chairperson requested that this item be moved to the A section of the Minutes.

**RECOMMENDATION TO COUNCIL:**

**That:**

- 1. The installation of a convex safety mirror at Casuarina Way and Riberry Drive is not supported due to site constraints making it ineffective.**
- 2. Installation of a marked pedestrian crossing on Casuarina Way would not meet the warrants and is not supported.**
- 3. Council installs its advisory speed radar when available to reinforce the speed limit.**

4. **Linemarking and signage be installed at the intersection of Casuarina Way and Riberry Drive to delineate vehicle paths and maximise sight distance.**
5. **Council officers consider the installation of a pedestrian refuge in this vicinity subject to sight constraints and the geometry of the road.**
6. **Casuarina Residents Association be advised of this issue and proposed actions, for their information.**

**FOR VOTE - Ms Liz Smith, Snr Const Ray Wilson, Mr Geoff Provest  
PRESENT. DID NOT VOTE - Mr Col Brooks**

## **B. INFORMAL ITEMS SECTION**

### **GENERAL TRAFFIC ADVICE**

#### **B1 [LTC] Murwillumbah Cycle Club 2013 Events**

##### **ORIGIN:**

**Planning & Infrastructure**

**FILE NO:** ECM 55256995; Traffic - Committee; Traffic - Local Area Traffic Management; Bicycle Matters - General; Traffic - Control; Tomewin Road; Tyalgum Creek Road; Tyalgum Road; Upper Crystal Creek Road; Zara Road; Pumpenbil Road; North Arm road; Numinbah Road; Park Avenue; Tomewin Road; Boyds Lane; Crabbes Creek Road; Dulguigan Road; Kyogle Road; Limpinwood Valley Road; McAuleys Road; Nobbys Creek Road;

##### **SUMMARY OF REPORT:**

Request received for Local Traffic Committee advice on the conduct of races in the Murwillumbah Cycle Club 2013 event calendar. The races primarily occur on Saturdays on various roads throughout the Shire including:

Dulguigan Road, Dulguigan  
McAuleys Road, North Tumbulgum  
Boyds Lane, Dulguigan  
Tomewin Road  
Numinbah Road;  
Nobbys Creek Road  
Upper Crystal Creek Road  
Zara Road  
Limpinwood Valley Road  
Tyalgum Creek Road/Main Street, Tyalgum  
Pumpenbil Road, Tyalgum  
Tyalgum - Murwillumbah Road  
Uki road  
Park Avenue  
Byangum/North Arm Road  
Tweed Valley Way  
Mistral Road

Stokers Siding Road  
Mooball-Pottsville Road  
Lundberg Drive Industrial Estate

Traffic control plans have been submitted for the events and all traffic control will be controlled by accredited traffic controllers.

Some of the events such as the Australia Day / Tyalgum Cup and the Banana Festival event are races and require separate approval of NSW Police.

#### Calendar of Events

Dates for 2013 road races are as follows (Saturdays unless specified):

January 26 (Saturday - Australia Day - Tyalgum Cup)  
February 2, 9, 16, 23  
March 2, 9, 16, 23  
April 6, 13, 20, 27  
May 4, 11, 18, 25  
June 1, 15, 22, 29  
July 6, 13, 20, 27  
August 3, 10 17/18 (Sat/Sun - Banana Festival), 24, 31  
September 7, 14, 21, 28  
October 5, 12, 19, 26  
November 2

#### **COMMITTEE ADVICE:**

##### **That:**

- 1. The Murwillumbah Cycle Club events for 2013 as described in the Road Race Management Plan 2013 be approved subject to conformance with the Management Plan, Police approval and provision of evidence of consultation with affected property owners in the Murwillumbah industrial area and in Tyalgum village.**
- 2. All races beyond that approved in this application require separate notification to Council and Police approval.**
- 3. Advertising of road closures to be placed in the Tweed Link by the applicant at least 7 days prior to the event.**

#### **B2 [LTC] Casuarina Way corner of Riberry Drive, Casuarina**

This item was moved to Section A Item A2 at the request of the Chairperson. Please refer to Item A2 for decision on this matter.

#### **B3 [LTC] Pioneer Parade, Banora Point**

#### **ORIGIN:**

## Planning & Infrastructure

FILE NO: ECM 55902624; Traffic - Committee; Pedestrian Safety; Signs - Traffic Issues; Traffic - Speed Zones; Pioneer Parade; Short Street; View Street; Kittiwake Street; Banora Boulevard

### SUMMARY OF REPORT:

*This item is brought forward from the Schedule of Outstanding Resolutions.*

*Request received for the installation of speed reducing devices on Pioneer Parade.*

*"The opening of Short Street with a four-way intersection recently has created a "race-way" for speeding vehicles along Pioneer Parade between Short Street and Kittiwake Street. It is currently 5.22am and I have witnessed eighteen vehicles in the past twelve minutes, driving at excessive speeds along Pioneer Parade in both directions. Some of these vehicles have turned into and out of View Street, also at excess speeds.*

*There are a number of elderly people who regularly use the road for walking and to gain access to the Banora Point shopping centre using the pedestrian stairs off Banora Boulevard.*

*We have a New South Wales public primary school located on Pioneer Parade. The children attending New South Wales primary schools are between five and twelve years of age. There are many parents and carers who walk their young families to and from school along Pioneer Parade.*

*We have no footpath on Pioneer Parade between Short Street and Kittiwake Street, to walk our children safely to school so do our best to negotiate the safest route possible along grass across driveways and on and off the road. I have concerns about the increased traffic use of Pioneer Parade and in particular the excessive speed that the vehicles are currently travelling on this stretch of road.*

*Please help keep our kids safe and install physical speed reducing devices on Pioneer Parade to avoid a serious injury or death of a child due to speeding vehicles on a residential road. We do not have signage currently erected indicating traffic speeds on Pioneer Parade. Once this is in place, I do not believe that this alone would be enough to slow down the traffic.*

*I appeal to you personally and as a collective group of parties with an interest in this stretch of road to please ensure the safety of our pedestrians and specifically our young school community."*

### COMMITTEE ADVICE:

***That speed and vehicle counts be conducted on Pioneer Parade to determine any changes in traffic conditions and this item be placed on the Schedule of Outstanding Resolutions for further consideration.***

***Current Status: That Item 3 from Local Traffic Committee meeting held 22 November 2012 remain on the list of Outstanding Resolutions.***

***(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 18 October 2012 (Item B1).***

**For Meeting 20 December 2012:**

Counts were carried out between 29 November and 6 December 2012 at 3 locations on Pioneer Parade being south of Short Street (A), south of Kittiwake Street (B) and north of Kittiwake Street (C). Traffic information is as follows:

**Location 85<sup>th</sup> Percentile ADT  
(Speed km/h)**

A	51	915
B	51	1042
C	57	786

Previous counts prior to completion of the Highway works at Point C showed an 85<sup>th</sup> percentile speed of 51km/h and ADT of 800.

A breakdown of speed data confirms that there are a small number of vehicles travelling well in excess of the posted speed limit, up to 90 to 100 km/h at all 3 locations.

The Committee considered that traffic calming devices should be investigated in order to address the speeding issues and that concept designs be brought back to a future Committee meeting for consideration.

**COMMITTEE ADVICE:**

**That Pioneer Parade Banora Point be placed on the Schedule of Outstanding Resolutions pending draft concept designs for traffic calming devices.**

**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held 7 February 2013 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 10.30am.

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**40 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 21 December 2012**

Venue:

Mount Warning Room – Murwillumbah Civic Centre.

Time:

1.15 pm

Present:

Cr Katie Milne (TSC), Mark Kingston (TSC), Matt Zenkteler (TSC), Sally Jacka (TSC), Steve Jensen (DoP); Anita Mudge (community rep), Jennifer Hayes (Team Koala Inc), Lorraine Vass (Friends of Koala Inc.), Rhonda James (community rep), Ralph Kraemer (community rep).

Guests: Marama Hopkins (TSC), Tanya Fountain (TSC).

Apologies:

John Turbill (OEH); Steve Philips (Biolink Ecological Consultants).

Minutes of Previous Meeting:

Moved: Lorraine Vass

Seconded: Rhonda James

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held Tuesday 28 August 2012 be accepted as a true and accurate record of the proceedings of that meeting (subject to adoption at next Council meeting).

**BUSINESS ARISING:**

1. Welcome

Mark welcomed the new Council member, Cr. Katie Milne and guests Marama Hopkins (TSC), who has extensive relevant experience in koala management issues, and Tanya Fountain (TSC). Tanya has recently taken on the role of Project Officer for the Koala Connections project.

Iain Lonsdale will be the planning representative in place of Sandy Pimm, who has left TSC. For this meeting Matt Zenkteler (TSC) attended in Iain's place.

2. Election of Chair

In the past, the Chair has been, by default, the Councillor member, however this no longer necessarily applies and the Group is free to elect the Chair.

Cr Milne nominated Rhonda and Rhonda nominated Cr Milne. However, after some discussion it was decided that Mark would be best suited to the position.

Moved: Cr Katie Milne

Seconded: Anita Mudge

RESOLVED that Mark Kingston chair the Koala Advisory Group meetings.

### 3. Meeting Schedule

Mark suggested that, as in the forthcoming months there are likely to be numerous issues to discuss, the group begins with monthly meetings. Dates scheduled are:

Tuesday 29 January 2013  
Tuesday 26 February 2013  
Tuesday 26 March 2013

### 4. Koala Connections update

Sally Jacka advised that a Steering Committee for the Biodiversity Fund Koala Connections Project has been set up and held their first meeting. Tanya Fountain has been employed as a Project Officer 0.5 time to assist with implementation in the Tweed Shire and Joanne Green 0.8 time in the Byron Shire.

There was some discussion on key performance criteria for tree planting.

### 5. Draft TCKPoM

Mark has met with Steve Phillips since his recent correspondence raising concerns about the progress of the Plan. Steve has made changes to the Draft Plan that Mark had distributed to KAG members, but has not as yet submitted them. Mark and Steve agreed to meet regularly through January to ensure a coordinated and timely completion of the Draft.

Mark circulated some responses from Steve Jenson and John Turbill to a number of technical issues relating to the draft KPOM. These included the relationship between the Comprehensive KPOM and existing site-specific KPOMs, whether a KPOM can implement Tree Preservation provisions independently of an LEP, and advice on any things we should include to respond to forthcoming changes to the NSW planning system

Mark requested comments from KAG members and discussion followed on:

#### Timing

Councillors hope to see the final Draft, ready for exhibition, by the end of the first quarter of 2013.

#### Aspects that need more work or changes

More guidance in some areas, particularly bushfires, roadkill and domestic dogs. It is not the purpose of a Plan to provide all the fine detail, but it does need to provide the scope and direction to move forward. In relation to roadkill Steve said it does need to be more specific to hold up. Cr Milne gave the example of a policy statement on the inclusion of underpasses in new developments. Jennifer suggested under Community Engagement there needs to be specific actions relating to education about koala injuries from domestic dogs.

#### Compensation

Mark agrees with the mechanism for compensation, but questioned whether compensation should include non-koala food trees given that there are already mechanisms in place for such compensation. Steve Jenson felt that compensation for all trees removed would not pass DoP. There was discussion on Arkinstall Park as a case study.

#### Soft release site

Lorraine expressed concerns that it is too specific to state that a soft release site will be built on public land, particularly at Koala Beach. The koalas, generally released in a group,

require an experienced, licensed carer. The enclosure specifications and rehabilitation techniques must be in accordance with the NPW Codes of Practice and licensing requirements, which would be very difficult to comply with if on public land.

#### Koala Relocation

Ralph asked for clarification of decisions of management of the koalas north of the Tweed River and whether relocation was possible. It had been decided that, at this stage, relocation is not a feasible option and to maintain a 'watching brief' on the northern population and 'recovery' in the south.

#### Financing implementation

Sally suggested that the draft Plan puts too much emphasis on developer compensation to fund the implementation. The group's view was that, although it is accepted that grant funding will need to be sourced, there needs to be commitment from Council to fund, in part, the implementation of the Plan. A provision in the Plan is needed on resources for implementation.

#### Research

Lorraine questioned why there was no mention for recommendations of lines of research. It was noted that the Management Committee will need to keep up with current research.

#### Incentive Schemes

It was suggested that the Plan needs recommendations for incentive schemes, such as rate assistance for conservation properties.

#### 6. LEP 2012

- i. Draft LEP 2012 essentially translates LEP 2000 E zones without including previously exhibited E zones under Draft LEP 2010.
- ii. Mark indicated that the Brief to Biolink was on the basis of the 2011 Tree Preservation Order, the E zonings in draft LEP 2010, and Council adopted approach to reviewing Draft LEP 2010.
- iii. Matt indicated that the decision to change direction was made after TSC Planning had a meeting with DoP and were put under pressure to get something out. The Council decision was made after the last KAG meeting, but before the Hazard announcement.
- iv. Mark presented a spreadsheet he prepared that makes comparisons among zoning in the 2000, Draft 2010 and Draft 2012 LEPs for the Tweed Coast Koala Study Area. Among other things, the analysis indicated that over 1200ha of lands zoned for E2 in draft LEP 2010 would be allocated to other zones and that the area protected by Tree Preservation Order would decrease from 19,725ha to about 9435ha
- v. Matt suggested that once the LEP 2012 is accepted, it could then be amended by adopting zoning recommendation contained in the adopted TCKPOM. The group generally indicated that this approach was not acceptable and that any changes to E zonings should be included sooner rather than later

The Advisory group was very concerned that if adopted LEP 2012 will have serious implications for the Tweed coast koala populations and may render the TCKPoM, in its present form, ineffective.

**RECOMMENDATION:**

Moved: Rhonda James

Seconded: Lorraine Vass

That the Tweed Coast Koala Advisory Group (TCKAG) advises that:

1. Approval of the draft Tweed LEP 2012 in its current form will have significant impacts on Council's ability to appropriately protect and recover the koala population on the Tweed Coast in accordance with Council's previous resolutions on the matter.
2. Under Draft LEP 2012 effective protection of koala habitat and koala food trees (via tree preservation provisions) will be reduced across the Tweed Coast Koala Study Area from 19725 ha to approximately 9435ha most of which is built up urban areas not generally frequented by koalas.
3. Approximately 1244 ha of lands previously identified for environmental zoning under Draft LEP 2010 within Tweed Coast Koala Study Area has been assigned to other zones in Draft LEP 2012. Most of this land has reverted to rural and non-urban zonings where koala habitat will not be able to be adequately protected.
4. In these circumstances the TCKAG is further considering whether or not it is possible to produce a draft Koala Plan of Management for the Tweed Coast that adequately meets the objective of SEPP 44 which: *aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.*

**7. Completion of Tweed Coast Koala Plan of Management**

Notwithstanding recommendation 4 above it was decided to continue with the preparation of the draft Tweed Coast Koala Plan of Management and further investigate what can be done to improve the koala planning outcome.

Meeting Closed

Meeting closed at 4.10pm.

Next Meeting

29 January 2013 1-4pm - venue to be advised.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**6. LEP 2012**

**As per the minutes of the Committee it was decided to continue with the preparation of the Draft Tweed Coast Koala Plan of Management and therefore item 4 of the recommendation is no longer relevant.**

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**6. LEP 2012**

**That Council notes the Tweed Coast Koala Advisory Group (TCKAG) advice that:**

- 1. Approval of the draft Tweed LEP 2012 in its current form will have significant impacts on Council's ability to appropriately protect and recover the koala population on the Tweed Coast in accordance with Council's previous resolutions on the matter.**
  - 2. Under Draft LEP 2012 effective protection of koala habitat and koala food trees (via tree preservation provisions) will be reduced across the Tweed Coast Koala Study Area from 19725 ha to approximately 9435ha most of which is built up urban areas not generally frequented by koalas.**
  - 3. Approximately 1244 ha of lands previously identified for environmental zoning under Draft LEP 2010 within Tweed Coast Koala Study Area has been assigned to other zones in Draft LEP 2012. Most of this land has reverted to rural and non-urban zonings where koala habitat will not be able to be adequately protected.**
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**41 [SUBCOM] Reports from Subcommittees and/or Working Groups**

The Reports/Minutes from Subcommittees and/or Working Groups not requiring a Council decision are provided as attachments for Council's information:

**UNDER SEPARATE COVER:**

1. Minutes of the Tweed Coastal Committee Meeting held Wednesday 21 November 2012 (ECM 60598584).

**RECOMMENDATION:**

**That the Reports for Subcommittee and/or Working Groups be received and noted.**

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## ORDERS OF THE DAY

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## Civic Leadership

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### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

1	<i>Civic Leadership</i>
1.2.1	<i>Council will be underpinned by good governance and transparency in its decision making processes</i>
1.2.2.1	<i>Priority decision making</i>
1.2.2.1.1	<i>Council decisions will be in accordance with the Community Strategic Plan</i>

### **42 [NOR-Crs G Bagnall, K Milne and M Armstrong] Bay Street East Road Reserve**

#### **NOTICE OF RESCISSION:**

Councillors G Bagnall, K Milne and M Armstrong move that the Minute Number 787, Item 47 of meeting held Thursday 13 December 2012 being:

"....that Council declines all proposals in regard to selling the Bay St east road reserve, and advises the current proponent and the relevant NSW government department."

(The Motion was **Lost**)

**be rescinded.**

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### **43 [NOM-Cr M Armstrong] Bay Street East Road Reserve**

#### **NOTICE OF MOTION:**

Councillor M Armstrong moves that:

1. Council notes that the current negotiations for the sale of the part of the Bay Street 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.
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**44 [NOM-Cr K Milne] Planet Footprint**

**NOTICE OF MOTION:**

Councillor K Milne moves that Councils bring forward a report on joining up to become a "Planet Footprint" Council.

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**45 [NOM-Cr G Bagnall] Local Environmental Plan**

**NOTICE OF MOTION:**

Councillor G Bagnall moves that Council suspend further work on the Local Environmental Plan subject to the inclusion of Council's revised Environmental Strategy and the release of the Department of Planning's consultants report on the application of environmental zones on the North Coast of NSW.

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**46 [NOM-Cr C Byrne] Operation of Library Services**

**NOTICE OF MOTION:**

Councillor C Byrne moves 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.

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**QUESTIONS ON NOTICE**

**47 [QoN-Cr K Milne] Kinnears Quarry**

**QUESTION ON NOTICE:**

Councillor K Milne asked when was the last time Council undertook an Audit on Council's Kinnears Quarry at Harrys Road and would an independent audit be appropriate at this stage, particularly in light of the Sandercock Quarry court case?

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**48 [QoN-Cr K Milne] Risk Management - Quarries**

**QUESTION ON NOTICE:**

Councillor K Milne asked does Council consider that risk management practices associated with the quarries at Harry's Road are adequate, particularly in regard to public accessibility of Council's polluted quarry dam, the lack of a construction standard fence at Council's quarry currently signed as a construction site, and the lack of any fencing at Sandercocks quarry?

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**49 [QoN-Cr K Milne] Environmental Strategy - Inclusion in Local Environmental Plan**

**QUESTION ON NOTICE:**

Councillor K Milne asked how and when is Council's revised Environmental Strategy, now proposed to be included in the Local Environmental Plan?

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**50 [QoN-Cr K Milne] Options - Revised Environmental Strategy**

**QUESTION ON NOTICE:**

Councillor K Milne asked why did Council not provide Councillors, in the Council report of October 2012, the option of including Council's Revised Environmental Strategy, and were there any instructions from the State Government that prohibited this strategy from being included or whose decision was it not to include this Strategy in the draft Local Environmental Plan 2012?

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**51 [QoN-Cr K Milne] Draft Local Environmental Plan 2012 - Koalas**

**QUESTION ON NOTICE:**

Councillor K Milne asked what effect will the Draft Local Environmental Plan 2012 have on coastal protection of Koalas and the environment, Council's Environmental Protection Strategy for the coast, and the draft Koala Plan of Management?

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**52 [QoN-Cr G Bagnall] Multi-Storey Car Park**

**QUESTION ON NOTICE:**

Councillor G Bagnall asked that Council officers advise Council as to:

1. The present condition of cracking of the top floor of Council's new car park which is occurring due to the lack of expansion joints (only one on the whole top floor, normally they would occur every 3 metres)?
  2. What future work will be need to rectify the white rust occurring on the middle floor due to water penetration through the cracks on the top floor?
  3. In the event of prolonged fire on the ground and middle floor what would be the effect of not having the supports coated in concrete to insulate the metal from buckling?
-

**CONFIDENTIAL ITEMS FOR CONSIDERATION**

**REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE**

**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE**

**1 [EO-CM] Naming of Park at Chinderah**

**REASON FOR CONFIDENTIALITY:**

To avoid embarrassment to the nominator or family of the nominee, should Council determine not to support the information.

**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: -

- (a) personnel matters concerning particular individuals (other than councillors).



**Supporting Community Life**

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**2 [EO-CM] Review of Quarry Operating Business Plan**

**REASON FOR CONFIDENTIALITY:**

Disclosure of the information contained in this report would influence the sale price of Council assets and provide commercial information about Council's business undertaking to competitors in the field.

**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.



**Civic Leadership**

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## MAYORAL MINUTE IN COMMITTEE

### 3 [MM-CM] General Manager's Review - Six Monthly Performance

#### REASON FOR CONFIDENTIALITY:

As this report deals with personal matters concerning the Employment Contract of the General Manager and the requirements of the Division of Local Government, this report is to be dealt with in confidential session.

#### 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: -

- (a) personnel matters concerning particular individuals (other than councillors).



**Civic Leadership**

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