



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr G Bagnall

**Councillors:** P Youngblutt (Deputy Mayor)  
M Armstrong  
C Byrne  
B Longland  
K Milne  
W Polglase

# Agenda

## **Ordinary Council Meeting Thursday 20 November 2014**

held at **Pottsville Beach Community Centre**  
**Tweed Coast Road, Pottsville**  
commencing at 5.00pm

## 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:**

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## CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 October 2014 and Thursday 6 November 2014

**SUBMITTED BY:** Corporate Governance

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 16 October 2014 are attached for information and adoption by Council.

Also, the Minutes of the Ordinary Council Meeting that follows the Planning Committee, which was held on Thursday 6 November 2014 are attached for information and adoption by Council.

### RECOMMENDATION:

**That:**

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 16 October 2014 be adopted as a true and accurate record of proceedings of that meeting.
  2. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 6 November 2014 be adopted as a true and accurate record of the proceedings of that meeting.
  3. ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
    - (f) matters affecting the security of the council, councillors, council staff or council property.
-

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.4.1.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

|                             |  |
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| Attachment 1                | Minutes of the Ordinary Council Meeting held Thursday 16 October 2014 (ECM 3493497)      |
| (Confidential) Attachment 2 | Minutes of the Confidential Council Meeting held Thursday 16 October 2014 (ECM 3493472). |
| Attachment 3                | Minutes of the Ordinary Council Meeting held Thursday 6 November 2014 (ECM 3511190)      |

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**2 [CONMIN-EXT] Confirmation of Minutes of the Extraordinary Council Meeting held Thursday 30 October 2014**

**SUBMITTED BY: Corporate Governance**

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## **Civic Leadership**

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

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

The Minutes of the Extraordinary Council Meeting held Thursday 30 October 2014 are attached for information and adoption by Council.

### **RECOMMENDATION:**

**That the Minutes of the Extraordinary Council Meeting held Thursday 30 October 2014 be adopted as a true and accurate record of proceedings of that meeting.**

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.4.1.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Attachment 1

Minutes of the Extraordinary Council Meeting held Thursday  
30 October 2014 (ECM 3506237)

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 3 [SOR-CM] Schedule of Outstanding Resolutions

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 

### 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.*

**18 APRIL 2013**

### 13 [NOM-Cr K Milne] Climate Change Priority

#### NOTICE OF MOTION:

197

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

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

**Current Status:** Workshop conducted 12 September 2013 and will be dealt with through the Environmental Sustainability Strategy. Consultant has been engaged to prepare the Strategy.

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**19 SEPTEMBER 2013**

**ORDERS OF THE DAY**

**4 [NOM-Cr B Longland] Aboriginal Employment Strategy**

**NOTICE OF MOTION:**

**532**

**Cr B Longland  
Cr K Milne**

**RESOLVED** that an Aboriginal Employment Strategy be developed as part of Council's Equal Employment Opportunity Management Plan which sets appropriate targets for aboriginal employment participation in the organisation and includes annual reporting against these targets. The Aboriginal Employment Strategy should also be included as an element of the yet to be developed Reconciliation Action Plan.

**Current Status:** Initial discussion have been held however, awaiting finalisation of a Memorandum of Understanding and Reconciliation Action Plan to progress the development of an Aboriginal Employment Strategy. In the interim, in liaison with the Aboriginal Advisory Committee, targeted specific strategies are being trialled for aboriginal employment.

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**17 OCTOBER 2013**

**ORDERS OF THE DAY**

**6 [NOM-Cr M Armstrong] Graffiti Management Plan**

**634**

**Cr M Armstrong  
Cr G Bagnall**

**RESOLVED** that, in addition to investigating the feasibility of specified locations for graffiti walls and/or street art, Council brings forward a report outlining:

1. Strategies to engage with local youth to educate them on the costs arising from the damage caused by graffiti; and
2. The feasibility of developing a response team to assist local small businesses and landowners to clean up graffiti.

**Current Status:** This resolution will be addressed in the Graffiti Management Plan which is scheduled for delivery in 2014/15.

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**12 DECEMBER 2013**

**REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS**

**54 [EO-CM] Response to Notice of Motion - Future Use of Murwillumbah Railway Station Building**

**866**

**Cr M Armstrong  
Cr G Bagnall**

**RESOLVED** that:

1. Council brings forward a report considering ways for incorporating the proposed community and cultural precinct at the Murwillumbah Railway Station into the proposed Rail Trail Network as originally envisioned in Council's motion.
2. This report be presented to Council after release of the Casino to Murwillumbah Rail Trail Feasibility Study.

**Current Status:** Following the release of the feasibility study Council officers are reviewing the opportunity as detailed in item 1 of the resolution.

Investigation is in progress.

The site could be considered as an option for future community and/or cultural facilities/activities/precinct through the Shire wide Community and Cultural Facilities Network Plan (scheduled to commence preparation in early 2015) subject to:

- consideration of existing leases/uses
- discussion with the land owner
- consideration of best use of the site
- assessment against the criteria for site options analysis and related requirements in the TSC Community Infrastructure Framework.

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**23 JANUARY 2014**

**10 [NOM-Cr K Milne] New Year's Sustainable Resolution**

**NOTICE OF MOTION:**

**12**

**Cr C Byrne  
Cr P Youngblutt**

**RESOLVED** to defer this matter until the report relating to Item 13 of Council's Meeting of 18 April 2013 has been brought back to Council.

**Current Status:** Workshop conducted 12 September 2013 and will be dealt with through the Environmental Sustainability Strategy. Consultant has been engaged to prepare the Strategy.

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## 11 [NOM-Cr G Bagnall] Tweed Valley Way/Tweed River Corridor

### NOTICE OF MOTION:

15

**Cr W Polglase**  
**Cr M Armstrong**

### RESOLVED that:

1. Staff prepares an estimate of costs for preparation of the plan of management in (2) below to inform consideration of this item in the 2014/15 budget
2. Council considers the following item in the 2014/15 budget:  
*"Prepare a Plan of Management for the Tweed Valley Way/Tweed River Corridor. This Plan of Management is to be a guiding document to coordinate activities and ensure consistency for planned and future works along the corridor. Activities to be addressed by the plan will include, but not be limited to: signage, roadside plantings, river bank stabilisation, riverbank plantings and town entry statements."*
3. A report be prepared that:
  - (a) Assesses the adequacy of existing town/village entry statements in Tweed Shire in regards to the functions of informing the travelling public, promoting the towns and villages and providing an attractive, culturally and environmentally appropriate village/town entries.
  - (b) Provides a detailed, prioritised and costed works program to upgrade the entry statements to an appropriate current standard over a suitable number of years.
  - (c) The Rural Villages Strategy be considered in preparing the Tweed Valley Way/Tweed River Corridor Plan of Management.

### Current Status:

- |                   |  |
|-------------------|--|
| 20 February 2014  | Estimate to be prepared for Item 2.  |
| 20 March 2014     | Preliminary estimate of \$40,000 has been included for consideration in the 2014/2015 Draft Budget. Detailed estimate still to be determined.                        |
| 15 May 2014       | Preliminary estimate of \$40,000 was considered for inclusion in the 2014/2015 Draft Budget, but has been excluded from the balanced budget currently on exhibition. |
| 18 September 2014 | Item 26 Notice of Motion "Welcome to Tweed Shire Signs" also linked to this motion (Minute No 549 refers).   |

In regards to Item 3 an assessment is being undertaken of Town entry statements.

**20 FEBRUARY 2014**

**ORDERS OF THE DAY**

**48 [NOM-Cr M Armstrong] Public Open Space**

**NOTICE OF MOTION:**

**114**

**Cr M Armstrong**

**Cr K Milne**

**RESOLVED** that Council officers bring forward a report outlining the proposed public open space strategy identified in the Delivery Program 2013-2017 including information on:

1. The state of existing public open spaces focusing on, but not limited to, public facilities;
2. The status of current Section 94 contributions plan for open spaces; and
3. Identify future funding opportunities to increase the provision of public open space.

**Current Status:** In progress.

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**10 APRIL 2014**

**37 [NOM] Impacts of Cats on Native Fauna**

**NOTICE OF MOTION:**

**241**

**Cr G Bagnall**

**Cr M Armstrong**

**RESOLVED** that Council bring forth a report on the negative impacts of cats on native fauna, and recommendations for management.

This report to include, but not be limited to:

- a summary of current research on the interactions between cats (domestic, free-living strays and feral) and native wildlife on the eastern seaboard;
  - what measures have been successfully employed by other Australian Councils to reduce the impacts of cats on native wildlife;
  - recommendations as to possible measures Tweed Shire Council can adopt to reduce the impacts of cats on native wildlife; and
-

- suggestions on where these measures will fit into the organisational structure, and the resourcing implications of adopting such measures.

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

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15 MAY 2014

**ORDERS OF THE DAY**

**30 [NOM] Camphor Laurel Management - Condong Co-generation Plant Feedback**

**NOTICE OF MOTION:**

289

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

**RESOLVED** that Council reports on options for appropriate camphor laurel removal for the Condong co-generation plant, in consultation with Cape Byron Power, the Environment Protection Authority, and Far North Coast Weeds, and in light of the decision of Far North Coast Weeds to withdraw from the approval process, changes to Council's Local Environmental Plan and the Protection of the Environment Operations Regulation.

**Current Status:** Refer overleaf to letter dated 24 June 2014 to State Member for Lismore, Thomas George MP and copy to Minister for Environment, Hon Kevin Humphries MP. Further to the letter, Director Engineering provided hard copy and discussed with the Minister on Tuesday 22 July 2014. Awaiting response from State Government to letter of 24 June 2014.

Meeting with Cape Byron Management occurred on 4 September 2014 to discuss fuel sources and the new owner's philosophy and management approach to the long term operation of the cogeneration facility.



Council Reference: Noxious - Weeds and Plants (Incl Camphor Laurel)



24 June 2014

Customer Service | 1300 292 872 | (02) 6670 2400

Mr Thomas George, MP  
Member for Lismore  
PO Box 52  
LISMORE NSW 2480

Email: [thomas.george@parliament.nsw.gov.au](mailto:thomas.george@parliament.nsw.gov.au)

[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Fax (02) 6670 2429  
PO Box 816  
Murwillumbah NSW 2484

Please address all communications  
to the General Manager

ABN: 90 178 732 496

Dear Sir

### Camphor Laurel Harvesting for the Condong Cogeneration Plant

Further to the discussions held with representatives of the camphor laurel harvesting industry and yourself and the Minister Kevin Humphries on 22 May 2014 at Council offices and your email to me of 11 June 2014, enclosing an email to you from Mr Mick Mitchell of Biofuel Harvesters Australia Pty Ltd I provide the following advice:

1. The Condong cogeneration plant operates under an Environment Protection Licence (no. 170) issued by the NSW Environment Protection Authority (EPA). The Licence includes the following condition which was to be overseen by Far North Coast Weeds (FNCW) through the completion of individual Management Agreements and associated Harvest Plans:  
*The licensee must not accept camphor laurel biomaterial onto the premises which has not been harvested in accordance with the document "Selective Harvesting of Camphor Laurel and other Non-Native Environmental Weeds - Voluntary Code of Practice (SEJV, 2010).*
2. In an effort to facilitate this approach, Council had previously supported an exemption from the lodgement of a development application under the Tweed Council Exempt and Complying Development Control Plan, subject to an agreed process between Council, the EPA, FNCW and NSW Sugar, requiring camphor removal contractors to comply with the Camphor Harvesting Code of Practice, necessitating a Weed Control Management Plan signed off by the FNCW (who were to provide a copy to Council) before any works were commenced.
3. Despite this process there has been a history of poor compliance with the Voluntary Code of Practice. Many contractors have ignored it completely and there have been major issues with soil erosion, noise, processing in close proximity to residential areas, impacts on threatened species, damage to public roads and waterways and widespread failure to rehabilitate, poison the stumps or prevent reinfestation. This has raised considerable community concern and Council has inevitably been called upon to help resolve the issues.
4. Due to the difficulties encountered in managing the process, in early 2013 FNCW advised that they would no longer be resourcing any environmental assessment of plans of management for camphor removal jobs relating to the Condong Mill. Subsequently, the Environmental Protection Authority (Grafton office – Mr Graeme Budd) who are responsible for the licensing condition advised that the condition could not be satisfied, therefore no more camphor laurel material could be accepted by the cogeneration plant (copy of email correspondence attached).

Page 1 of 2





5. With the introduction of the Standard Instrument LEP (Tweed LEP 2014) it became clear that the Tweed Council Exempt and Complying Development Control Plan no longer apply and that Camphor Laurel harvesting for the co-generation plant would likely fall under the definition of "Forestry" and therefore require development consent.
6. With respect to the point above, there is a difference between Camphor Laurel harvesting and noxious weed control. Camphor Laurel harvesting is a relatively large scale operation (many hectares) involving the stockpiling, construction of access roads, processing, removal and transport of large volumes of "forest product". The harvester and the Mill seek a product as opposed to weed control. Under the current arrangements weed control and management is the responsibility of the land owner and not the harvester. If the intent were also to manage camphor as a weed and the contractor assumed responsibility for this and if the size and scale were of a smaller nature, the product may be a 'bi-product of weed control' as opposed to a 'forest product'.

Regardless of whether the activity is forestry or weed control, the size and scale requires some form of regulation to ensure that environmental impacts are mitigated. The previous process which included Far North Coast Weeds approval provided this. This is particularly important in the Tweed where stands of camphor laurel tend to occur on steep slopes, in conjunction with threatened species, along waterways, or in close proximity to residential and rural residential areas. By contrast, noxious weed control is much smaller in scale, is usually carried out *in situ* does not generally involve large machinery, forest products or adverse environmental impacts and would not trigger development consent or other approval.

7. In a further effort to progress the issue of using camphor laurel as a source of fuel for the Condong cogeneration plant, Council initiated a meeting (14 May 2014) with the new managers of the Condong cogeneration plant, Cape Byron Power and NSW Sugar. At the meeting, Council staff explained the regulatory and management issues of concern and it was agreed that any future harvesting needed to be carried out in an environmentally sustainable manner. The main outcome of the meeting was that Cape Byron Power was to seek formal legal advice on the planning issues as detailed above. Council is awaiting this advice.

Condong Cogeneration Plant, when operating, can provide up to 50% of the Tweed Valley's electricity. Council is committed to working collaboratively with Cape Byron Power and NSW Sugar to enable increased use of appropriate biomass sources that can enable more renewable energy production for the Tweed.

The Government's consideration and views of these matters would be greatly appreciated. Council will forward a copy of the advice from Cape Byron Power once it is received.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Troy Green".

24 Jun 2014 3:50 PM



Troy Green  
General Manager

Enclosure

Copy: The Hon. Kevin Humphries, MP Minister for Natural Resources, Lands and Water,  
and Minister for Western NSW: [office@humphries.minister.nsw.gov.au](mailto:office@humphries.minister.nsw.gov.au)

### 32 [NOM] Environmental Vandalism

#### NOTICE OF MOTION:

291

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

**RESOLVED** that Council conducts a workshop on the various types of environmental vandalism experienced in the Tweed Shire. Such a workshop will include, but not be limited to:

- the main types of vandalism of concern in this Shire;
- what other councils and Tweed Shire Council do to address these problems; and
- what further measures could be undertaken to deter such acts.

**Current Status:** Workshop scheduled for Thursday 27 November 2014.

---

### 33 [NOM] Tree Health Assessment Standards and Policy

#### NOTICE OF MOTION:

293

**Cr G Bagnall**  
**Cr M Armstrong**

**RESOLVED** that Council undertakes a workshop to:

1. Identify existing best practice standards for tree health, hazard and risk assessment reports;
2. Compare current Council requirements for tree health, hazard and risk assessment reports with best practice standards for tree health assessment reports; and
3. Consider whether existing Council requirements for tree health, hazard and risk assessment reports could be improved.

**Current Status:** Workshop to be scheduled.

---

**34 [NOM] Promoting Culture in the Streets**

**NOTICE OF MOTION:**

**294**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that Council investigates the feasibility of holding or supporting a program of regular free lunchtime concerts in Tweed Heads featuring emerging Tweed musicians and performers and brings a report back to a future Council meeting.

**Current Status:** Workshop held on 30 October 2014 for Social Living Rooms and Culture in the Street.

---

**19 JUNE 2014**

**ORDERS OF THE DAY**

**53 [NOM] Holiday Rentals**

**NOTICE OF MOTION:**

**370**

**Cr C Byrne  
Cr K Milne**

**RESOLVED** that:

1. A report be submitted to a future Council meeting which provides the scope for the preparation of a holiday letting strategy paper suitable for public exhibition, similar to that recently prepared for Byron Shire Council, which identifies suitable holiday letting areas in the Tweed Shire, as well as a range of appropriate planning mechanisms needed to support this strategy.
2. The report also includes areas that are not suitable for holiday letting in those areas which holiday letting is permitted.
3. This project be afforded a Priority 1 status along with other projects within the Planning Reforms Works Program.
4. Holiday Rentals be submitted as an issue for consideration at the Local Government NSW State Conference in October 2014.

**Current Status:** Action completed on items 3 and 4. Report to be prepared on items 1 and 2.

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**59 [NOM] Transforming Public Spaces into Social Living Rooms**

**NOTICE OF MOTION:**

**376**

**Cr K Milne**  
**Cr M Armstrong**

**RESOLVED** that Council holds a workshop on the potential for developing a program to transform Tweed's public open spaces into social living rooms as undertaken recently by New York City.

**Current Status:** Workshop held on 30 October 2014 for Social Living Rooms and Culture in the Street.

---

**17 JULY 2014**

**ORDERS OF THE DAY**

**34 [NOM] Bruce Chick Conservation Park**

**NOTICE OF MOTION:**

**428**

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

**RESOLVED** that Council develops a plan for Bruce Chick Conservation Park, which includes provision for the following:

1. Sealing of the road to the existing building and the car park areas adjacent to the building.
2. Refurbishment of the building.
3. Explore options to upgrade the toilet facility.
4. Options for the restoration of the bridge crossing over the creek to the arboretum.
5. Removal and options for rehousing of feral poultry (ongoing).
6. Council calls for expressions of interest for the pump out of sewage waste from Bruce Chick Conservation Park.
7. Re-establishment of appropriate signage for the park to include the interpretive information displayed in the building and the entry statements which acknowledge Bruce Chick.

8. An assessment of opportunities that might be considered for the park between Council and a suitable community organisation, that can exploit possible revenue potential from overnight stay campers/caravaners, a possible retail outlet at the Park, or suitable activities from such a community organisation.
9. The plan to be brought back to the Council in November 2014 in a form that would be suitable for public exhibition.

**Current Status:** In progress.

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**21 AUGUST 2014**

**REPORT FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES**

**12 [CNR-CM] Feedback - Making Cities Liveable Conference**

**461**

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council:

1. Receives and notes the report on the delegate feedback from the "Making Cities Liveable" Conference held at SALT on 9 to 11 July 2014.
2. Brings back a further report identifying issues from the feedback that may be feasible for council to pursue.

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

---

**16 [CNR-CM] Tweed Heads Civic and Community Centre Proposed Interim Improvements**

**465**

**Cr C Byrne  
Cr M Armstrong**

**RESOLVED** that Council:

1. Proceeds with detailed design work to extend the Tweed Heads Branch Library within the Tweed Heads Civic Centre building as recommended in this report and prepares a funding submission to the State Library of NSW for the next capital infrastructure funding round in 2014/15 to assist with funding the extension.
-

2. Endorses the relocation of the Council Customer Contact Centre from the Tweed Heads Civic Centre to the former SCU building to make way for expansion of the library, when appropriate.
3. Provides shared community and Council meeting and activity spaces within available existing rooms in the former SCU building, including providing for the existing uses of the South Sea Islander Room by the South Sea Islander Community and the Emergency Operations Centre.
4. Determines that proposed community and cultural facilities in the former SCU building will be made available for general community use and not for exclusive use by individual organisations or groups.
5. Redesigns the lecture theatre (located at the western end of the middle level of the former SCU building) to provide a chamber for Council and Planning Committee Meetings, and a multipurpose theatre style meeting and activity space for performance and rehearsal, community meetings and events, and council training and activities.
6. Investigates options for community and/ or commercial activities to activate the public domain area between the Tweed Civic Centre building and the former SCU building.
7. Involves users of community and cultural facilities and relevant technical experts in the design of interim improvements for the Tweed Heads Branch Library and the Civic and Community Centre, as per the implementation and engagement requirements outlined in this report.
8. Receives a report in December 2014 on detailed design and costs for the interim improvements proposed in this report.

**Current Status:** Report to be prepared for December 2014 Council meeting.

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 18 [E-CM] Coal Seam Gas Free Signage

469

**Cr K Milne**  
**Cr M Armstrong**

**RESOLVED** that:

1. Council approves the installation of eleven of the thirteen proposed coal Seam Gas Free signs.
2. The signs referred to in 1 above contain the words "Gas Field Free" or "Tweed Shire - Gas Field Free", depending on available space.
3. Council:

- a. Undertakes further investigation to identify whether there is any Council owned land or supportive private landholders where it would be appropriate to install further signs at the three entrances (M1, Gold Coast Highway, Wharf Street) to north of the Shire and South Tweed Heads, and
- b. Brings back a supplementary report.

**Current Status:** In relation to 1 and 2 signs have been installed. Further site investigations in progress.

---

### **23 [E-CM] Road Naming - Laneway at Pottsville**

476

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that this item be deferred until such time as a determination has been made with regard to the formation of this lane.

**Current Status:** Report to be prepared for consideration at December 2014 Council meeting.

---

### **28 [E-CM] Minjungbal Drive Tweed Heads South Streetscape Review**

481

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that the item be deferred to allow Council the opportunity to prepare alternate options for the streetscape of Minjungbal Drive, Tweed Heads South.

**Current Status:** Additional options currently being assessed and a report is expected for consideration at the February 2015 Council meeting.

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### **ORDERS OF THE DAY**

#### **44 [NOM] Concept Plans and Cost Estimates - Murwillumbah**

#### **NOTICE OF MOTION:**

501

**Cr G Bagnall  
Cr K Milne**

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**RESOLVED** that:

1. Council prepares concept plans and cost estimates for the following:
  - a) Removal of the South Murwillumbah car park, located on the corner of River Street and Alma Street and replacement with a park; and
  - b) The establishment of a park on the Council owned vacant land located in River Street, South Murwillumbah (opposite Holstons Lane) including a small unsealed car park.
2. The concept plans and cost estimates are to be reported back to Council for consideration.

**Current Status:** Concept plans and costs estimates being prepared.

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**18 SEPTEMBER 2014**

**ORDERS OF THE DAY**

**25 [NOM] Promotion of Touring Productions**

**NOTICE OF MOTION:**

**548**

**Cr M Armstrong  
Cr K Milne**

**RESOLVED** that Council:

1. Notes the success of the recent Opera Australia production of "The Magic Flute" at the Murwillumbah Civic Centre;
2. Seeks advice from the promoter and Opera Australia as to the advantages and challenges of performing "The Magic Flute" at the Murwillumbah Civic Centre and whether there are opportunities for Council to provide greater support for touring productions; and
3. Prepares a report for a future Council meeting outlining the responses from the promoter and Opera Australia and options based upon their responses.

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

---

## 26 [NOM] Welcome to Tweed Shire Signs

### NOTICE OF MOTION:

549

Cr K Milne  
Cr M Armstrong

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

1. Including reference to 'The Green Cauldron, A National Iconic Landscape' on existing "Welcome to the Tweed Shire" signs at the main entrances to the Shire,
2. Installing "Welcome to the Tweed Shire" signs at the north of the Shire including on the M1 Freeway, the Gold Coast Highway and Wharf St, including reference to 'The Green Cauldron, A National Iconic Landscape', and consultation with the Aboriginal Advisory Committee to include the Aboriginal Welcome/acknowledgement of Country.
3. Options for appropriate wording, e.g. the heart of/the centre of, and pictorial graphics.
4. This be considered in conjunction with the resolution of 23 January 2014 regarding Entry Statements to the Tweed Shire.

**Current Status:** Also linked to Item 11 - Notice of Motion "Tweed Valley Way/Tweed River Corridor" from Council Meeting of 23 January 2014 (Minute No 15 refers).  
Report to be prepared.

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16 OCTOBER 2014

## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 11 [CNR-CM] Community Infrastructure Framework

576

Cr M Armstrong  
Cr K Milne

**RESOLVED** that Council:

1. Endorses the revised Community Infrastructure Framework.
  2. Notes an internal community infrastructure planning and delivery group is proposed to support implementation of the Community Infrastructure Framework as outlined in this report.
  3. Brings forward an interim progress report to a future Council meeting.
-

**Current Status:** Report to be prepared for consideration at February 2015 Council meeting.

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## ORDERS OF THE DAY

### 37 [NOM] Seniors Exercise Equipment

#### NOTICE OF MOTION:

608

Cr K Milne  
Cr M Armstrong

**RESOLVED** that Council:

1. Notes the popularity of the Seniors Exercise Equipment installed in Kingscliff.
2. Provides a report to a future meeting that considers:
  - a) a review of the merits of the Kingscliff Seniors Exercise equipment, and
  - b) provision of seniors exercise equipment of a similar standard in the other main population centres of the Shire, and simplified levels of seniors exercise equipment in the smaller population centres.

**Current Status:** Report to be prepared for consideration at February 2015 Council meeting.

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## MAYORAL MINUTE

### 4 [MM-CM] Mayoral Minute for October 2014

**SUBMITTED BY:** Cr Gary W Bagnall, Mayor

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

## Councillors

### COMMITTEE MEETINGS

#### Attended by the Mayor

- 8 October - Tweed River Committee Meeting - Canvas and Kettle Meeting Room, Murwillumbah Civic Centre.
  - 8 October - Tweed Coastal Committee - Canvas and Kettle Meeting Room, Murwillumbah Civic Centre.
  - 10 October - Arts Northern Rivers Board Meeting - Arts Northern Rivers Office, 2/5 Bruxner Highway, Alstonville.
  - 10 October - Extraordinary NOROC Annual General Meeting - Lismore City Council, Goonellabah
  - 15 October - Australia Day Committee Meeting - Rous Room
- 

### INVITATIONS / MAYORAL REPRESENTATION:

#### Attended by the Mayor

- 1 October - Murwillumbah Country Roots Fest Information Night, Murrays Bar, 13 Wharf Street, Murwillumbah
  - 1 October - Launch of the second annual Tweed Coast Rotary Calendar - The Beach Bar (Cabarita Pub), Pandanus Parade, Cabarita (Cr Longland and Cr Polglase also attended).
-

- 3 October - On Track's Community Housing Tenant Gathering, Tweed Heads Civic and Cultural Centre, Corner of Brett and Wharf Sts in Tweed Heads
- 3 October - Sunshine Coast Council visit to Tweed Regional Gallery, Mistral Road, South Murwillumbah
- 13 October Cabarita Beach/Bogangar Residents Association meeting, Cabarita Beach Bowls and Sports Club, Cabarita Road, Bogangar.
- 15 October Murwillumbah Show Sponsors' Night, Function Room, Murwillumbah Showground, Queensland Road, Murwillumbah
- 17 October Meeting with Kingscliff Chamber of Commerce, Kingscliff Beach Bowls Club, Marine Parade, Kingscliff
- 17 October Opened Exhibition, "In-Habit: Project Another Country" and attendance at the Caldera Art 2014 Exhibition Opening - Tweed Regional Gallery, Mistral Road, South Murwillumbah
- 21 October Kingscliff Chamber Breakfast
- 22 October Tour of Murwillumbah Community Centre and Nullum House - Murwillumbah Community Centre, Nullum Street, Murwillumbah
- 24 October Senior Management Council - Department of Premier and Cabinet - Lismore City Council Chambers
- 25 October Tweed Unlimited Arts show "Twilight Masquerade" - Tweed Unlimited, Banora Point
- **Attended by other Councillor(s) on behalf of the Mayor**
- 7 October Senior Sides Championships hosted by Bowls Queensland, Tweed Heads Bowls Club, Florence Street, Tweed Heads - Cr Longland attended
- 10 October Tweed Coast Rural Fire Brigade opening of their new extension - Cr Youngblutt attended
- 10 October Aboriginal Advisory Committee meeting - Minjungbal Museum and Cultural Centre, Cnr Kirkwood Road and Duffy Street, Tweed Heads - Cr Milne attended
- 26 October Rotary Club of Kingscliff Annual Stand Up Paddle and Duck Race - Ed Parker Park, Sutherland Street, Kingscliff - Cr Longland attended
- 27 October North Coast Energy Forum - Cabarita Beach Bowls and Sports Club, Cabarita Road, Bogangar - Cr Milne attended

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

- 3 October Murwillumbah District Business Chamber breakfast - GM and Mayor - Greenhills on Tweed, 131 River Street, Murwillumbah

- 9 October Northern Rivers Regional Volunteer of the Year Awards Ceremony  
Lismore Workers Club, 225-231 Keen Street, Lismore
  - 11 October Opening of Club Latitude, Disability Learning and Development Centre  
- 3/76 Minjungbal Drive, Tweed Heads.
- 

### **REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during October 2014.

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### **CONFERENCES:**

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

- 19 - 21 Oct LG NSW Conference - Cr K Milne, Cr B Longland, Cr W Polglase  
attended.

#### **Information on Conferences to be held**

There was no information received on pending conferences during October.

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### **SIGNING OF DOCUMENTS BY THE MAYOR:**

- 17 October - Licence Agreement - NSW Trade and Investment Crown Lands for  
Environmental Enhancement Structure - Terranora Broadwater
  - 17 October Licence Agreement - Broadcast Australia - Razorback Road Tweed  
Heads
  - 28 October Request Document - Land Acquisition - Kyogle Road Terragon
  - 28 October Deposited Plan - Lot 2 DP 534521 - Subdivision for Road Purposes -  
Murwillumbah
  - 29 October Planning Agreement - Altitude Aspire (Metricon Qld Pty Limited)
- 

### **COUNCIL IMPLICATIONS:**

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

Code of Meeting Practice Version 2.4.1.

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

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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.

**RECOMMENDATION:**

**That the Mayoral Minute for the month of October be received and noted.**

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**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions

SUBMITTED BY: Corporate Governance

---



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.4.1, *Petitions received by Councillors or forwarded to the (Acting) General Manager will be tabled as per the Order of Business, Item 11, Receipt of Petitions.*

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

### RECOMMENDATION:

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



**REPORT:**

As per Summary

**OPTIONS:**

That in accordance with Section 1.5.4 of the Code of Meeting Practice Version 2.4.1:

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

**CONCLUSION:**

Any Petition tabled should be considered under Section 1.5.4 of the Code of Meeting Practice Version 2.4.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.4.1.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 6 [GM-CM] Destination Tweed - Funding and Performance Contract Renewal (AC2010-073)

**SUBMITTED BY:** Holiday Parks and Economic Development

Valid



## Strengthening the Economy

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
- 

### SUMMARY OF REPORT:

At Council's meeting of 21 August 2014, it was resolved that:

- "1. Council endorses the General Manager to enter into a Deed of Variation with Destination Tweed to remove the requirement to provide services described as B1 Marketing and Promotion of Tweed for Business Investment and undertakes all necessary documentation under the common seal of Council.
2. Council notes the financial management plan (Business Plan) including Tourism Development presented by Destination Tweed.
3. Council enters into a new contract with Destination Tweed for the delivery of components A1, A2 and A3, for a period not exceeding four (4) months commencing 1 October 2014. Within this four (4) month period Destination Tweed will provide the information requested at point 4. This information will be considered by Council and if Council is satisfied Council will grant an option to extend the contract for a further 44 months to 30 September 2018. Council authorises and will execute all necessary documentation under the common seal of Council.
4. Council requires Destination Tweed to provide Tweed Shire Council with its corporate governance arrangements for the period, including but not limited to their Code of Conduct for staff and board members, Board meeting procedures (including standing agenda items such as declaration of interest disclosures), delegations, proposed organisation structure, tender and contract management arrangements.
5. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-

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

Destination Tweed has provided a response to Item 4 of Council's resolution and it is included as Confidential Attachment 1 for the information of Council.

**RECOMMENDATION:**

**That Council:**

1. **Grants an option to extend the contract AC2010-073 for the delivery of components A1, A2 and A3 to Destination Tweed for a further 44 months ending 30 September 2018. Council authorises and executes all necessary documentation under the common seal of Council.**
2. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:**
  - (c) **information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

## REPORT:

At Council's meeting of 21 August 2014 it was resolved that:

- "1. Council endorses the General Manager to enter into a Deed of Variation with Destination Tweed to remove the requirement to provide services described as B1 Marketing and Promotion of Tweed for Business Investment and undertakes all necessary documentation under the common seal of Council.*
- 2. Council notes the financial management plan (Business Plan) including Tourism Development presented by Destination Tweed.*
- 3. Council enters into a new contract with Destination Tweed for the delivery of components A1, A2 and A3, for a period not exceeding four (4) months commencing 1 October 2014. Within this four (4) month period Destination Tweed will provide the information requested at point 4. This information will be considered by Council and if Council is satisfied Council will grant an option to extend the contract for a further 44 months to 30 September 2018. Council authorises and will execute all necessary documentation under the common seal of Council.*
- 4. Council requires Destination Tweed to provide Tweed Shire Council with its corporate governance arrangements for the period, including but not limited to their Code of Conduct for staff and board members, Board meeting procedures (including standing agenda items such as declaration of interest disclosures), delegations, proposed organisation structure, tender and contract management arrangements.*
- 5. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-  
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business."*

On 29 August 2014 Council wrote to the Chair of Destination Tweed advising of Council's resolution of 21 August 2014 and attaching the Deed of Variation for execution, which was consequently executed by Council on 15 September 2014.

Following Council's request, the Board of Destination Tweed engaged Prevention Partners NSW to undertake an independent review of the full suite of Destination Tweed's revised policies and procedures. Areas of review included:

- Staff policies and procedures manual;
- Finance Authorities and Delegations;
- Conflict of Interest register;
- Board Policies;
- Tendering and Contract management;
- Finance Policy; and
- Staff Confidentiality.

These documents have been reviewed and are now deemed to satisfy the Council request of 21 August 2014 and the suite of Destination Tweed's Corporate Governance policies and procedures are included as Confidential Attachment 1 for the information of Council.

**OPTIONS:**

1. To extend the contract AC2010-073 for the delivery of components A1, A2 and A3 to Destination Tweed for a further 44 months ending 30 September 2018.
2. To not extend the contract AC2010-073 for the delivery of components A1, A2 and A3 to Destination Tweed for a further 44 months ending 30 September 2018.

**CONCLUSION:**

Grants an option to extend the contract to Destination Tweed for a further 44 months ending 30 September 2018.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

The contracted services of tourism, being Parts A1, A2 and A3 have been provisioned for in the 2014/2015 Council budget. This report recommends that Council no longer provide the budget allocation for the provision of Business Attraction services (B1) to Destination Tweed.

The contract value for the four years is approximately \$3.2M based on 2014/2015 budget, which is indexed annually by CPI. The contract will be apportioned for the four (4) and 44 month terms recommended in this report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

(Confidential) Attachment 1. Destination Tweed's Corporate Governance policies and procedures (ECM 3505869)

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7 [GM-CM] Economic Impact 2014 North Byron Parklands

**SUBMITTED BY:** Holiday Parks and Economic Development

Valid



**Supporting Community Life**



**Strengthening the Economy**

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

|     |  |
|-----|--|
| 2   | Supporting Community Life  |
| 2.1 | Foster strong, cohesive, cooperative, healthy and safe communities |
| 3   | Strengthening the Economy  |
| 3.1 | Expand employment, tourism and education opportunities             |

---

**SUMMARY OF REPORT:**

Council has received a report from the North Byron Parklands, which is a festival site located at 126 Tweed Valley Way at Yelgun in the northern part of Byron Shire near the border with Tweed Shire, on the economic impact and benefits of the events conducted during 2014. The site is approximately 260Ha in size and in 2014 hosted two multi-day music and arts festivals, being Falls Music and Arts Festival for three days at the beginning of January and Splendour in the Grass for three days at the end of July.

The report prepared by RPS Australia East Pty Ltd assesses economic impacts and benefits that can be attributed to North Byron Parklands at a local level (Byron Shire), regional level (Northern Rivers) and the total impacts which include NSW and Queensland.

The full report dated 15 October 2014 is attached.

**RECOMMENDATION:**

**That Council receives and notes the report on the Economic Impact and Benefits 2014 from North Byron Parklands.**

## REPORT:

The Economic Impact and Benefits 2014 report prepared by RPS Australia East Pty Ltd has revealed that for the 6 days of the year that the two events operated at Parklands in 2014 (Falls Music & Arts Festival and Splendour in the Grass) the total economic output measured was \$93.4 million with \$41.4 million derived from businesses and service providers in the Northern Rivers. Byron Shire accounted for \$24.1 million of the total economic output or 25%.

Most importantly was the level of local employment created in the Byron Shire and the Northern Rivers by the two events. The current general unemployment rate in the region is 13% and the youth unemployment rate is 19.8%. Across the two events held at Parklands in 2014 the total employment created, taking into account direct employment, supply chain and household consumption was 583 equivalent full-time (EFT) jobs. Of these positions created Northern Rivers residents (including 166 EFT jobs by Byron Shire residents) filled 255 EFT jobs.

The total direct wages and salaries attributed to the events held at North Byron Parklands in 2014 is summarised as follows:

- Byron Shire – \$2.9m
- Northern Rivers (including Byron Shire) – \$4.7m
- Total (including Northern Rivers and Byron Shire ) – \$11m

The total wages and salaries taking into account direct employment, supply chain and household consumption is:

- Byron Shire – \$6.0m
- Northern Rivers (including Byron Shire) – \$10.3m
- Total (including Northern Rivers and Byron Shire) – \$23.6m

The events combined, generated 22,900 room night stays in Byron Shire accommodation and 6,125 room nights in other parts of Northern NSW (not including camping on site at Parklands). Most of this accommodation was booked for Splendour in the Grass in the regions' typically quieter winter season.

North Byron Parklands advise that as part of the community grants program the events hosted by Parklands in 2014 provided over \$55,000 in direct cash contributions to local schools and service organisations, including the Crabbes Creek Film Festival. In addition, tens of thousands of dollars worth of tickets were provided to charitable organisations and public schools to raise much needed funds through raffles and prizes. Since its inception in 2001, Splendour in the Grass alone has donated over \$400,000 to community groups in the Northern Rivers.

## OPTIONS:

1. Receive and note this report.
2. Consider other responses.

**CONCLUSION:**

This report indicates that North Byron Parklands and the cultural events that operate at this venue have a substantial positive economic impact.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

North Byron Parklands Economic Impact and Benefits 2014  
(ECM 3507435)

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**8 [GM-CM] Shows and Events at Murwillumbah Showground**

**SUBMITTED BY: Holiday Parks and Economic Development**

Valid



**Supporting Community Life**



**Strengthening the Economy**

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

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
  - 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
- 

**SUMMARY OF REPORT:**

This report proposes that Council recognise that the Murwillumbah Showgrounds has continuing use rights for shows and events, and as such may be used for those purposes without the need to apply for development consent for festivals and events that are consistent with the purpose of a showgrounds.

Festivals and events will still need to meet all the health, safety and regulatory requirements related to managing their events however a development application would not be required. This change will address the technicality of the showgrounds not being either Council owned or administered land, and will simplify the process of planning events at the showgrounds while not compromising the quality of the events and their management.

**RECOMMENDATION:**

**That Council recognises that the Murwillumbah Showgrounds has continuing use rights for shows and events, and may be used without development consent for festivals and events that are consistent with the purpose of a showground.**

## **REPORT:**

Historical use indicates that the Murwillumbah Showground is used for a range of festivals and events including traditional agricultural shows, equestrian events, dog shows, food festivals and car events such as the proposed Murwillumbah Motorfest and Swap.

It is proposed that the Murwillumbah Showground be treated in the same manner as either Council owned or controlled land for the purposes of conducting festivals and events. Festivals and events will still need to meet all the health, safety and regulatory requirements related to managing their events however a development application would not be required.

The report's recommendation is consistent with Direction D27 of the Economic Development Strategy - Undertake an Audit of Red Tape, focussing on the development application process, development contributions and other government regulations.

As this will be a more flexible and event friendly approach for event organisers keen to use the Murwillumbah Showgrounds it will encourage new festivals and events to Murwillumbah. This in turn will have a positive economic impact bringing visitors, providing opportunities for local businesses, as well as some additional employment. The showgrounds is an important community facility and is significant in the social life of the town bringing the community together to enjoy a range of festivals and events.

## **OPTIONS:**

1. Agree to the recommendation
2. Consider other responses.

## **CONCLUSION:**

The approval process for the showground would be similar to that used for applications for festivals and events on either Council owned or administered lands. Festivals and events will still need to meet all the health, safety and regulatory requirements related to managing their events, but a development application would not be required.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Nil

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

Nil

### **c. Legal:**

Not Applicable.

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

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

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

Nil.

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 79C 79C Evaluation

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

(a) the provisions of:

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

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

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

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

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

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

- (2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:
- (a) is not entitled to take those standards into further consideration in determining the development application, and
  - (b) must not refuse the application on the ground that the development does not comply with those standards, and
  - (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

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

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

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

- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
  - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

9 [PR-CM] Animal Management Policy and Practices - Review of Council's Pound Operations

SUBMITTED BY: Development Assessment and Compliance

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

At its meeting of 20 March 2014, Council resolved to support a number of actions relating to Council's animal management practices, including the following regarding Council's Pound operations:

*"b. Operation of Council's Impounding Facility*

- Receives and notes the information presented in this report in terms of the current operation of the Impounding facility;*
- A further report in relation to the operational needs of the Impounding Facility be submitted to Council; and*
- Discussions are held with neighbouring Council's in relation to 'resource sharing' of their animal management functions."*

Since that resolution Council officers have conducted a more detailed review of Council's Pound operations, in the context of the Organisational Review Stage 2 (for which Council resolved at its meeting of 21 August 2014 a revised structure for the Planning and Regulation Division), the emerging State Government policy review of the Companion Animals Act, and the best practice of the impounding activities of other NSW Councils.

Following a detailed consultation process with key stakeholders, including existing Pound and Regulatory Services staff, the United Services Union, the Friends of the Pound, and Council's contracted veterinary providers, this report now seeks Council's support for a revised Pound operations proposal, which involves the reduction of public opening hours to 10am to Midday, Monday to Saturday, and closed on Sundays and Public Holidays, as compared with the current opening hours of 10am to 4pm, seven days a week, excluding Public Holidays. It is also recommended that the Council officers conduct a review and submit a report back to Council within 12 months of the commencement of the revised operations.

As part of this proposal, operational contingencies and resourcing have been reorganised to provide for a more efficient and cost effective operation, whilst still ensuring that Council's key regulatory role and welfare of the impounded animals are maintained.

This proposal is also consistent with the State Government's "Fit for the Future" objectives of delivering more efficient and sustainable assets and services.

**RECOMMENDATION:**

**That Council:**

- 1. Endorses the public opening hours of Council's Dog and Cat Impounding facility at Stotts Creek be 10am to Midday, Monday to Saturday, and closed on Sundays and Public Holidays, taking effect from Monday 5 January, 2015.**
- 2. Prior to the commencement of the new opening hours, suitable notification occur through the Tweed Link, and an update of relevant existing signage be undertaken; and**
- 3. A review be conducted, and a report be submitted back to Council within the first 12 months of the revised operations.**

## REPORT

### Background

At its meeting of 20 March 2014, Council resolved to support a number of actions relating to Council's animal management practices, including the following regarding Council's Pound operations:

***"b. Operation of Council's Impounding Facility***

- ***Receives and notes the information presented in this report in terms of the current operation of the Impounding facility;***
- ***A further report in relation to the operational needs of the Impounding Facility be submitted to Council; and***
- ***Discussions are held with neighbouring Council's in relation to 'resource sharing' of their animal management functions."***

A copy of the officers' report that supported this resolution is provided in Attachment 1.

### **Results of Further Investigations**

Since the above resolution, Council officers have conducted a more detailed review of Council's Pound operations, in the context of the following areas:

#### The Current Uncertainty of the State Government's Companion Animals Act Reforms

As highlighted in the report to Council's meeting of 20 March 2014, the NSW State Government has been conducting a major review of the Companion Animals Act over the last several years, resulting in the production of the NSW Companion Animals Taskforce Report (October 2012), and a formal response by the State Government to this Report in February 2014.

A prevailing theme from both the public submissions and the Taskforce recommendations, was that there were broader expectations that local councils will provide more comprehensive animal care standards through their impounding operations, with alternatives of larger, regionally based Pounds, being complemented by higher order, private and non-for-profit animal welfare facilities. This is evident in the content of the emerging review of the Department of Primary Industries document "NSW Animal Welfare Code of Practice No 5 – Dogs and Cats in Animal Boarding Establishments".

NSW Councils will need to be mindful of the progress of the State Government's reforms, as they are likely to require a major reorganisation of Council resources to support the proposed raising of animal care and impounding practices and standards.

#### Organisational Structure Review

The Tweed Council organisation has recently completed Stages 1 and 2 of a Structure Review process. A report recommending changes to the structure of the Planning and Regulation Division was endorsed by Council at its meeting of 21 August 2014.

The following is an extract from the report to this meeting:

*"In terms of other Divisional issues, priority has been given to reviewing and producing a revised structure proposal to deliver more effective and coordinated compliance services. The proposal will alter the number of Direct Reports to the Director from 6 to 5 (which includes the Executive Assistant) and involves the consolidation of existing compliance staff from the Regulatory Services (including the existing Pound staff), Development Assessment and Building Units, the revision of the current vacant,*

*Coordinator Regulatory Services role, and the relocation of this new section to report to the Manager Development Assessment. Key priorities of this new section will be to create new comprehensive policy and procedure documents, improved systems for responding more efficiently and applying a risk based criteria to the wide range of compliance complaints that Council receives, and the up-skilling of compliance officers in investigation and enforcement techniques.*

*The revision of the vacant Coordinator Regulatory Services position results in a cost saving, through the use of funds created by discontinuing the vacant Senior Pound officer position. Interim arrangements have been put into place to ensure adequate staffing of the current Pound operations. As previously identified to Council, the extent of Council's staffing at the Pound on a daily basis (including weekends) and hours of operation is being reviewed, in consultation with relevant stakeholders such as Friends of the Pound."*

On the basis of the above, Council resolved the following:

**"That:**

- 1. In accordance with Sections 332 and 333 of the Local Government Act 1993 endorses the Divisional Organisational Structure as outlined in the body of this report for the Planning and Regulation Division, effective from 2014, being:**

***Planning and Regulation***

***Development and Compliance***

***Team Leader Compliance***

***Building and Environmental Health***

***Strategic Planning and Urban Design***

***Development Engineering***

- 2. Council receives and notes organisational changes to be implemented beneath Director level within the structure."**

Council Management have since undertaken steps to implement Council's resolution, including the recruitment of the new Team Leader Compliance position, which will oversee a higher order, consolidated Compliance section, including staff of the current Regulatory Services and Pound facility. Further details on the review of the Pound operations are provided in the section below.

#### Best Practice Impounding Facilities in Other NSW Councils

A thorough review of other Council impounding facilities has produced some interesting results, including the following:

- There were examples of councils that have outsourced their entire impounding operations to external providers;
- Other examples were evident of groupings of councils, both in the inner and outer parts of Sydney, as well as regionally, of collectively utilising a larger Council Pound, or a private facility through a commercial arrangement to be the primary carer of the impounded animals from their Council area;
- In terms of Far North Coast Councils, it was evident that the Tweed Council Pound at Stotts Creek provides a much more comprehensive, and publicly accessible service (please refer to Attachment 2 of this report for a comparison);



- There were very few facilities that were open to the public on Sundays and Public Holidays, with most facilities just providing for a limited Saturday morning opening time, or no weekend openings at all; and
- It was also evident that the Gold Coast Council outsources its main animal impounding and care services to the private, non-for-profit organisation, the Animal Welfare League.

#### Further Review of Council's Pound Operations

In the report to Council's Meeting of 20 March 2014, the following summary of Council's current Pound operations was provided:

*"Council's impounding facility operates in accordance with much of what was proposed in Recommendation 19 of the Taskforce report. The impounding facility differs from nearby Councils, Byron, Ballina, Lismore, and Richmond Valley Council in that Tweed Council:*

- *Fully staff the Pound (each of the other nearby Councils use Rangers to attend on an 'as required' basis e.g. in response to a dog collection by a customer);*
- *Allow public access 10am – 4pm x 7 days (all other nearby Councils are public access 'by appointment' only); and*
- *Have a working partnership with an animal welfare organisation (none of the other regional Councils do this).*

*In addition to this, Council's Pound staff assess (with veterinary input) the suitability of cats and dogs for re-homing, and work with our partner animal welfare organisation (Friends of the Pound) to implement a **foster care program**. Council **advertises** (for sale) all cats and dogs which are available for re-homing (including online advertising), and arrange for the humane euthanasia of cats and dogs when no other alternative can be found. Staff at the Stott's Island Pound provide a high level of care to the animals at the facility, and also provide a high level of customer service.*

#### **Resourcing Issues**

*The resources required to support the impounding facility are continually being stretched in an attempt to balance the growing demands of a changing and challenging regulatory environment with the day to day provision of animal welfare, and varying community expectations for a wider range of services.*

*Currently the three Pound staff work a 'two on' roster seven days a week, with volunteer support provided by Friends of the Pound. Holidays, sick leave, long-service leave, and leave for other purposes (e.g. training) is accommodated within the current roster by employing agency resources (>100 agency days in 2013), and administrative support from staff at the Murwillumbah Civic Centre.*

*Preliminary discussions have been held with Pound staff, Friends of the Pound, senior management, and Union representatives, to consider what operational changes might enable an improved and more flexible response to business needs. It was generally agreed that the hours 'open to the public' are too long, and that a reduction in hours would not negatively impact the community if adequate notice/ education was given. Friends of the Pound were also keen to ensure that any reduction in Council staff would not impact upon the level of care for the Pound animals, and have offered to provide additional volunteers to support the Pound operation.*

## **Security**

*The Pound is remotely located to the Civic Centre, and despite the close proximity to Council's landfill facility, staff feel at risk. This is partly due to the location but also because staff often deal with angry/aggressive customers. A number of serious incidents, where staff have been physically and verbally threatened, have occurred during the past 12 months, resulting in calls for assistance from police or Civic Centre staff.*

*Discussions have commenced, between Regulatory Services and Waste Services, to explore the possibility of closing the existing access to the Pound, and instead establishing access via the landfill entrance and weighbridge.*

## **Maintenance**

*The impounding facility is a mix of old and new buildings, which are in constant need of repair and improvement.*

*It is expected that there will be considerable expense associated with ongoing maintenance of the facility. Maintenance needs, over the next 12 - 24 months, include items such as partial re-roofing to exercise areas; concrete drain replacement (to the landfill leach pond); upgrade or major repair to the onsite sewage management system; and replacement of smaller items (screens, doors, security lighting, fencing, gates). The cost is likely to be in the range \$30,000 - \$40,000. It is worth noting that Friends of the Pound have regularly made financial contributions towards the maintenance costs relating to the Pound, and make regular requests for ongoing maintenance or upgrades to the facility.*

## **Community Partnership**

*The operation of the Impounding Facility is a non-core function of Council. The NSW Companion Animals Taskforce Report recommended that Councils:*

*"focus on regional approaches to impounding through **partnerships with nearby councils** and animal welfare organisations".*

*Council has previously (2003) explored the option of engaging an animal welfare organisation, such as Friends of the Pound, to take over the non-regulatory functions of the impounding facility i.e. to provide a fee for service to Council for the day to care of impounded animals. This would have allowed Council to focus on core regulatory duties rather than animal management, but no contract was awarded even though three animal welfare organisations submitted tenders.*

*Given that NSW State Government is encouraging local partnerships, it might be timely to reconsider whether the impounding facility could be better managed by a third party (such as Friend of the Pound or RSPCA). In considering future options it may be beneficial to commence a dialogue with neighbouring Councils."*

Further to these previous investigations, Council Management have conducted a detailed consultation process with key stakeholders, including existing Pound and Regulatory Services staff, the United Services Union, the Friends of the Pound, and Council's contracted veterinary providers.

Some of the key issues that were identified through this consultation include:

- Budget Issues - The net deficit of the main outgoings (staff salaries, operational expenses etc) and income (microchipping, registration fees etc) for 2013/14 was approximately **\$332,028**.

## Re-defining the Role of the Pound

### Key Issues Requiring Further Input From Internal and External Stakeholders

| ISSUE HEADING   | ISSUE   | POSSIBLE STRATEGIES  |
|---|---|--|
| <b>Re-defining the Role of the Pound</b>  | What it is, and what it is not.   | There needs to be an acknowledgement in any communications that the current primary role of the Pound is to administer Council's statutory obligations under the Companion Animals Act and Regulation, and that it is not an animal welfare shelter, nor a shop.   |
| <b>Clarifying the role and PDs of the Pound Attendants - this issue needs to be addressed with by current staff, the Union, and the HR Unit</b> | The extent of supervision required for volunteers or casual staff.  | A clearer identification by Council Management of the expectations for supervision, as supported by current induction processes, and a more regular presence of either the Impounding Officer or Senior Ranger at the Pound facility.  |
|   | The level of required technical and animal handling skills, which has WH&S implications.                                      | Assistance and advice from Council's WH&S Unit to determine any concerns with any current work activities.   |
|   | The extent of observation of the animals and input to the Vet/Impounding Officer discussions of health and re-homing options. | A clearer identification by Council Management of the expectations for supervision, as supported by current induction processes, and a more regular presence of either the Impounding Officer or Senior Ranger at the Pound facility.  |
|   | The extent of safety and security of being in a remote location.  | The proposal to require 2 Pound Attendant or casual staff members on the public opening hours should be suffice to minimise safety and security concerns.  |
|   | The current burden of administrative duties and inefficient IT procedures.  | This is a major issue which needs to be discussed in terms of the new Compliance Section, and to determine how the Pound Attendants can be supported. Council Management also needs to seek some form of priority to updating the IT receipting procedures for customers at the Pound, as it is currently a lengthy process. |

| ISSUE HEADING                         | ISSUE   | POSSIBLE STRATEGIES   |
|---------------------------------------|---|---|
| <b>Friends of the Pound</b>           | Maintaining clear and consistent operational arrangements.  | The relationship between Council and FOP has been very positive in recent months, assisted by regular meetings and the signing of a Memorandum of Understanding.<br><br>A key issue in any upcoming consultation with FOP is to ensure that reasonable standards of care of the impounded animals are maintained. |
| <b>Contracted Veterinary Services</b> | Council's 2 vet service providers at Queen and King Street Murwillumbah were initially engaged a number of years ago. There is a need to seek an updated EOI for future services. | An EOI process be conducted to seek updated vet services.   |
| <b>Communications</b>                 | The Tweed community is a great supporter of the Pound facility.   | To work with Council's Communications Team to seek to ensure an effective explanation of any proposed changes to the Pound operations.  |

### **A Proposal for Revised Operations**

Based on a comprehensive review of other Council pounds throughout NSW, it is proposed to revise the current Tweed Pound public access hours (10am-4pm, 7 days a week, excluding public holidays, closed on Public Holidays) to the following:

#### **Monday to Saturday, 10am to Midday, closed Sundays and Public Holidays**

As previously identified, it was determined through the recent restructure of the Planning and Regulation Division that the existing vacant Senior Pound Attendant position be abandoned, and the cost savings from this action be used to complement a new Team Leader Compliance position (also involving the abandonment of the vacant former Coordinator Regulatory Services position to fund the new position), and also for discretionary expenditure by the Director Planning and Regulation to address other Divisional staff resourcing demands on a needs basis.

The restructure therefore has left two existing permanent Pound Attendant positions. One of these positions is currently unfilled.

In order to service the proposed revised public opening hours and operations, it was considered most efficient to recruit for a temporary Parental Leave Pound Attendant placement, and to seek to use the funding of the existing unfilled Pound Attendant position to create two new part-time Pound Attendant positions to ensure a coverage of the required seven day services, as well as to cover for any leave required by the three positions.

This new staffing arrangement will not require any additional funding, and there will be an overall salary reduction created through the reduced public opening hours on weekends. It is proposed that only reduced Pound Attendant shifts occur on weekends and public holidays. Only one Pound Attendant per shift will be required on the mornings of Sundays

and Public Holidays, to provide for appropriate levels of feeding and care for the Pound animals, and supported by Friends of the Pound volunteers.

Another key objective behind these revised hours is to allow more of a focus on the operational tasks in the morning (servicing animals and the public), and then dedicated time to administrative tasks in the afternoons, noting that workplace safety considerations require two Pound Attendant staff to work together in the public opening times. Outside of these times, it is acceptable for only one Pound Attendant staff member to be working at a time.

The revised staffing arrangements will also be complemented by a more site based supervisory role provided by Council's Senior Ranger, and clearer procedures for both Council staff and Friends of the Pound volunteers.

Another important consideration identified in the stakeholder consultation was to ensure that any revised operations did not result in any reduction of the care and welfare of the animals, with the key concerns raised for Sundays and Public Holidays, where there is a proposed reduction in the Council staff presence at the facility.

Through discussions with Friends of the Pound, it will still be possible for additional care for the animals to be provided by the volunteers in conjunction with the limited Council staff presence on Sundays and Public Holidays.

#### **OPTIONS:**

That Council:

1. Supports the officers' recommendations; or
2. Does not support the officers' recommendations.

Option 1 is recommended.

#### **CONCLUSION:**

A comprehensive review of Council's animal management practices has been undertaken, involving extensive consultation with both internal and external stakeholders, with a major focus on the operations of Council's Dog and Cat Impounding facility at Stotts Creek. This review has identified that the Impounding facility provides a greater level of publicly accessible services than other Far North Coast Councils, and comparable standards with many other facilities throughout the state. Through the recent Organisational Review process Council Management has taken actions to improve the efficiency of the Pound operations, and is now seeking Council support for a revised public opening hours to further enhance these efficiencies.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Cost savings will be achieved through the reduced staffing required for weekend and public holidays.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1: A copy of the officers' report submitted to Council's Meeting of 20 March 2014 (ECM 3491120)

Attachment 2: Table of comparative Pound services among Far North Coast Councils (ECM 3491139)

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 10 [CNR-CM] Draft Policy - Vegetation Vandalism on Public Land, Version 2.0

**SUBMITTED BY:** Natural Resource Management

Valid

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## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

This policy has been developed in light of increasing Vegetation Vandalism being experienced throughout the Shire. The purpose of this policy is to promote a consistent shire wide approach to the protection and management of vegetation in the landscape, specifically in deterring and responding to the loss of vegetation arising from vandalism on public land.

The Draft policy was placed on public exhibition from 17 July to 28 August 2014 and eight submissions were received.

### RECOMMENDATION:

**That Council adopts the Vegetation Vandalism on Public Land Policy, Version 2.0.**

## REPORT:

This policy has been developed in light of increasing Vegetation Vandalism being experienced throughout the Shire. This is particularly apparent in the coastal zone where development pressure and conflicts between water views and vegetation has seen an increase in the vandalism of vegetation on public land under the care, control and management of Council.

The purpose of this policy is to promote a consistent Shire wide approach to the protection and management of vegetation in the landscape, specifically in deterring and responding to the loss of vegetation arising from vandalism on public land.

The Draft policy was on public exhibition from 17 July to 28 August 2014. Council received seven submissions by the exhibition completion date and an additional one shortly after. A summary of the submissions and the response has been appended to this report.

The submissions were overall supportive of the policy and provided some good suggestions that have, where relevant, been incorporated into the policy document.

Following further review by Council officers, the decision was made to simplify the Policy document in line with Council's corporate policy template and create a *Vegetation Vandalism on Public Land Procedure* to guide Council officer roles and responsibilities as a companion document.

## OPTIONS:

1. That Council adopts the *Vegetation Vandalism on Public Land Policy*.
2. That Council does not adopt the *Vegetation Vandalism on Public Land Policy*.
3. That Council amends the *Vegetation Vandalism on Public Land Policy* prior to adoption.

## CONCLUSION:

Council has developed a policy to address the issue of vegetation vandalism on land under its care and control to provide a consistent approach to the protection and management of vegetation. The submissions demonstrate support for the approach provided and it is recommended that Council adopt the Policy.

## COUNCIL IMPLICATIONS:

### a. Policy:

Vegetation Vandalism on Public Land Policy, Version 2.0  
Tweed Shire Council Coastline Management Plan 2005

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

The policy will be managed within the relevant existing Unit budgets dependant on the public land on which the event has occurred.

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

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



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Policy (ECM 3508840)  
Attachment 2. Submissions (ECM 3508859)

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11 [CNR-CM] River Health Grants

SUBMITTED BY: Natural Resource Management

Valid



**Caring for the Environment**

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

- 4 Caring for the Environment
- 4.3 Maintain and enhance Tweed's waterways and its catchments
- 4.3.3 Improve rural stormwater discharge quality and ecosystem health through best practice land management.

**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 program 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 listed below:

| <i>Property Owner</i> | <i>Locality</i> | <i>Stream frontage (m)</i> | <i>Objective of works</i>   | <i>Council contribution</i> |
|-----------------------|-----------------|----------------------------|---|-----------------------------|
| Hill                  | Dulguigan       | 1,000                      | Protect tidal wetland vegetation from damage by cattle and reduce weed infestation.   | \$6,000                     |
| Crane                 | Uki             | 200                        | Revegetate degraded riparian corridor by providing native plants to landowners.   | \$550                       |
| Cartwright            | Kunghur         | 1,000                      | Fence Tweed River frontage to restrict cattle access and undertake weed control and planting to improve riparian condition. | \$7,720                     |
| Clark                 | Urliup          | 500                        | Undertake bush regeneration activities to improve waterway health and protect threatened species.                           | \$4,000                     |

| <b><i>Property Owner</i></b> | <b><i>Locality</i></b> | <b><i>Stream frontage (m)</i></b> | <b><i>Objective of works</i></b>  | <b><i>Council contribution</i></b> |
|------------------------------|------------------------|-----------------------------------|---|------------------------------------|
| <b>Cortes</b>                | <b>Terragon</b>        | <b>1,200</b>                      | <b>Fence tributary of the Tweed River and revegetate to improve water quality.</b>  | <b>\$7,500</b>                     |
| <b>Arthur</b>                | <b>Dum Dum</b>         | <b>100</b>                        | <b>Control noxious weeds in riparian zone and assist landowners with bush regeneration training.</b>                                      | <b>\$2,400</b>                     |
| <b>Goodall</b>               | <b>Byangum</b>         | <b>600</b>                        | <b>Fence stock out of lower Oxley River to improve hygiene of town water supply and revegetate 0.8ha riparian zone to stabilise bank.</b> | <b>\$26,000</b>                    |
| <b>Julien</b>                | <b>Tyalgum</b>         | <b>100</b>                        | <b>Bush regeneration and replanting degraded riparian zone in upper Oxley River.</b>  | <b>\$1,800</b>                     |
| <b>Vincent</b>               | <b>Mt Burrell</b>      | <b>400</b>                        | <b>Bush regeneration and planting on tributary of the Tweed River.</b>  | <b>\$2,400</b>                     |
| <b>Parsons</b>               | <b>Crystal Creek</b>   | <b>140</b>                        | <b>Revegetate riparian zone along Crystal Creek.</b>  | <b>\$550</b>                       |

**REPORT:**

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

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.

A significant project included in this report is the Goodall property, located on the confluence of the Tweed River and the Oxley River. Council has previously worked with the landowner through the River Health Grant Program to revegetate around 500m of Oxley River bank including earth works to stabilise serious erosion on 130m of the river. The landowner has contributed to the project by undertaking camphor laurel control, site preparation and funding bush regeneration works. The project nominated in this report is to remove stock access to the river by funding a permanent fence, and replanting and maintaining 2,200 native riparian trees along the remainder of river frontage on this property. Excluding stock from the river in this location is a high priority for the Water Unit as it will significantly improve the hygiene of the water extracted from the Bray Park weir immediately downstream on the Tweed River, ultimately benefitting all town water users in the Shire.

| <b>Property Owner</b> | <b>Locality</b> | <b>Stream frontage (m)</b> | <b>Objective of works</b>   | <b>Council contribution</b> |
|-----------------------|-----------------|----------------------------|---|-----------------------------|
| Hill                  | Dulguigan       | 1,000                      | Protect tidal wetland vegetation from damage by cattle and reduce weed infestation.   | \$6,000                     |
| Crane                 | Uki             | 200                        | Revegetate degraded riparian corridor by providing native plants to landowners.   | \$550                       |
| Cartwright            | Kunghur         | 1,000                      | Fence Tweed River frontage to restrict cattle access and undertake weed control and planting to improve riparian condition. | \$7,720                     |
| Clark                 | Urliup          | 500                        | Undertake bush regeneration activities to improve waterway health and protect threatened species.                           | \$4,000                     |
| Cortes                | Terragon        | 1,200                      | Fence tributary of the Tweed River and revegetate to improve water quality.   | \$7,500                     |
| Arthur                | Dum Dum         | 100                        | Control noxious weeds in riparian zone and assist landowners with   | \$2,400                     |

| Property Owner | Locality      | Stream frontage (m) | Objective of works   | Council contribution |
|----------------|---------------|---------------------|--|----------------------|
|                |               |                     | bush regeneration training.  |                      |
| Goodall        | Byangum       | 600                 | Fence stock out of lower Oxley River to improve hygiene of town water supply and revegetate 0.8ha riparian zone to stabilise bank. | \$26,000             |
| Julien         | Tyalgum       | 100                 | Bush regeneration and replanting degraded riparian zone in upper Oxley River.  | \$1,800              |
| Vincent        | Mt Burrell    | 400                 | Bush regeneration and planting on tributary of the Tweed River.  | \$2,400              |
| Parsons        | Crystal Creek | 140                 | Revegetate riparian zone along Crystal Creek.  | \$550                |

**OPTIONS:**

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

**CONCLUSION:**

The projects nominated for approval in this round of river health grant agreements all 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:**

River Health Grants Policy.

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

The source of funding for this program is the Water Unit mandatory dividend for water and wastewater in accordance with the River Health Grants Policy.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

12 [CNR-CM] Biodiversity Grants

SUBMITTED BY: Natural Resource Management

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

On 27 January 2009 Council unanimously approved the implementation of a Biodiversity Grant Program to assist private landholders, 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 the private landholder, listed below, in accordance with the provisions of the Biodiversity Grant Program.

### RECOMMENDATION:

That Council approves the proposed Biodiversity Grant listed below:

| <i>Name</i>  | <i>Area</i>       | <i>Estimate (\$)</i> | <i>Description</i>  |
|--------------|-------------------|----------------------|---|
| <b>Smith</b> | <b>Burringbar</b> | <b>\$5,100</b>       | <b>Site action plan for the property and eight person days of ecological restoration.</b> |
|              | <b>Total</b>      | <b>\$5,100</b>       |   |

**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 (eg. 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 eg. 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 private landowner listed below in accordance with the provisions of the Biodiversity Grant Program.

The proposed grant involves the provision of services by a professional bushland regenerator to assist the landholder to more effectively manage environmental weeds, protect native vegetation and improve wildlife habitat.

| Name  | Area         | Estimate (\$)  | Description  |
|-------|--------------|----------------|--|
| Smith | Burringbar   | \$5,100        | Site action plan for the property and eight person days of ecological restoration. |
|       | <b>Total</b> | <b>\$5,100</b> |  |

**OPTIONS:**

1. That Council approves the proposed Biodiversity Grant to assist the private landowner to undertake the project listed in the above table.
2. That Council does not approve the proposed Biodiversity Grant to assist the private landowner to undertake the project 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:**

\$5,100 from existing Biodiversity Program budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---



13 [CNR-CM] Art Deco Festival Murwillumbah

SUBMITTED BY: Community and Cultural Services

Valid



## Strengthening the Economy

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.4 Market the Tweed as a destination for business and tourism

### SUMMARY OF REPORT:

On 21 August 2014 it was resolved that Council organises, with Destination Tweed and Councillors, a walking tour of the Murwillumbah CBD to view the street front and discuss the possibility of an Art/Art Deco Festival for Murwillumbah. A walk around the town centre with Councillors and Council staff on 25 September concluded that the option to hold a stand-alone art deco festival in Murwillumbah is thwarted in the medium term by the current condition of a number of shops in the Murwillumbah town centre.

To build the heritage appeal of the town centre with the view to establishing a future art deco festival/celebration, Council will need to play an ongoing role in fostering the restoration of shops in the Murwillumbah town centre through its heritage management program administered by its Strategic Planning and Urban Design Unit.

### RECOMMENDATION:

**That Council:**

1. **Receives and notes the report.**
2. **Notes that a further report is to be submitted on a program of heritage management of the Murwillumbah town centre, including potential to support and encourage owners of historic buildings in the Murwillumbah town centre to carry out repair/restoration works.**
3. **Considers allocating an additional \$20,000 to the \$18,000 currently available for the demonstration site.**
4. **Considers the \$20,000 as part of the December quarterly budget review.**

## REPORT:

Recent and pending actions of the Strategic Planning and Urban Design Unit (SPU) aim to proactively encourage the conservation and repair of historic buildings in the Murwillumbah town centre. The Murwillumbah town centre is listed on Council's Local Environmental Plan (2014) as a heritage conservation area - referred to as the Murwillumbah Main Street Conservation Area (MMSCA) - in recognition of the heritage values demonstrated within this precinct. Complementing the LEP listing of the MMSCA, Council's SPU is preparing a Heritage Development Control Plan which will provide guidelines on the heritage values and for conserving the historic fabric of significant heritage buildings.

Further, the SPU has recently been successful in obtaining a local government heritage management grant from the NSW Heritage Office. The Heritage Office grant will contribute to the engagement of a part-time heritage advisor and the establishment of a Local Heritage Assistance Fund (LHAF) on a dollar for dollar basis.

The heritage advisor role will function two days per calendar month and provide guidance on heritage policy development, assistance with the heritage impact evaluation of development applications and free heritage management advice to owners of stand-alone heritage items or items within conservation areas. This work will embrace assisting the development of future management strategies aimed to conserve and/or restore significant historic fabric in the MMSCA, including its art deco shops.

The purpose of the LHAF is to encourage the restoration and/or conservation of heritage items. Under the funding agreement with the Office of Environment and Heritage the LHAF is to be allocated and acquitted by June 2015, with the funds currently available under this grant of \$18,000 (being \$9,000 from both Council and the Office of Environment and Heritage).

Significantly, successful restoration outcomes in the Murwillumbah CBD will depend on the co-operation of building owners and their capacity to undertake maintenance and repairs. It is estimated that the work with the owners of buildings in the Murwillumbah town centre to repair and restore its historic buildings will be ongoing. This work will include consideration of a demonstration project with financial support from Council on a matched funding basis for owners who are prepared to restore art deco buildings.

The holding of festivals in the shire intersects with key Council plans, strategies and policies including the Tweed Shire Economic Development Plan, Events Strategy 2011-2016, Festival and Events Policy and Cultural Policy. Fundamental to planning for a festival is the question of who would coordinate it, how would it be funded and what role would Council, and others, have in the festival.

Opportunities also exist for the festival to be community-driven. Examples that can inspire local action include the city of Napier in New Zealand which has conserved its art deco heritage and over several decades has established a comprehensive platform for the celebration of its architecture. Within the Tweed Shire the recently established THRIVE 2484 initiative seeks to work with Council's community and businesses in Murwillumbah to identify and activate opportunities for new economic and creative development. THRIVE 2484 is an initiative designed to work with regional communities to map and implement opportunities for better futures for people, enterprise and the environment.

Alternately the festival could form part of an existing celebration held in Murwillumbah or on the National Trust Heritage Festival once the Heritage DCP and conservation area work has been completed. In addition, there is potential to coordinate an art deco festival with exhibitions and programs at the Tweed Regional Museum.

**OPTIONS:**

1. That Council:
  - Receives and notes the report.
  - Notes that a further report is to be submitted on a program of heritage management of the Murwillumbah town centre, including potential to support and encourage owners of historic buildings in the Murwillumbah town centre to carry out repair/restoration works.
  - Considers allocating an additional \$20,000 to the \$18,000 currently available for the demonstration site.
  - Considers the \$20,000 as part of the December quarterly budget review.
  
2. That Council receives and notes the report and takes no further action.

**CONCLUSION:**

Council's Strategic Planning and Urban Design Unit are currently developing and implementing a heritage management program. This program includes, and will further develop, the support of owners of heritage buildings in the Murwillumbah town centre to undertake future repairs and maintenance. Once this work has progressed further and there are some good examples of restored art deco buildings, the concept of an Art Deco Festival can be re-considered.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Festivals and Events v1.1.

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

Council's heritage management program is currently funded on a 50/50 basis with assistance from the NSW Office of Environment and Heritage, with the current contribution being \$9,000, with this report recommending a further \$20,000 to be allocated to this project.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**14 [CNR-CM] Proposed Additional Charge to 2014/2015 Fees and Charges for Art Gallery**

**SUBMITTED BY: Community and Cultural Services**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
  - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 

### SUMMARY OF REPORT:

It is proposed that the Art Gallery introduces a new booking fee for 2014/2015 for commercial coach tour operators wishing to make a booking to visit the Tweed Regional Gallery and Margaret Olley Art Centre.

### RECOMMENDATION:

**That the 2014/2015 Group Booking Fee for Commercial Coach Operators, as proposed in this report, be placed on public exhibition for 28 days inviting submissions in accordance with Sections 404, 405 and 608 of the Local Government Act 1993.**

**REPORT:**

Since the opening of the Margaret Olley Art Centre (MOAC) in March 2014, the Gallery has attracted high numbers of group bookings through commercial coach tours and bus operators. Although administrative procedures and booking forms have been developed by Gallery staff to cater for the influx of many bookings, the time required to professionally manage the bookings is high, and places additional pressures on the Gallery staff resources. Since MOAC opened in March 2014, 12 tour operators have booked 31 tours and have brought 1,225 people to the Gallery.

The booking procedure for commercial coach tours will also provide the option of a visit to the Tweed Regional Museum. When the commercial coach tour books at the Gallery an alert will be forwarded to the Museum staff to make arrangements for a Museum tour if elected. The booking fee will be retained by the Gallery.

It is proposed that a \$50 booking fee be introduced to cover staff time. This amount would equate to approximately \$1 per passenger visiting the Gallery by coach. The tour operator could incorporate this fee into each passenger’s ticket price.

The introduction of this fee would consolidate the economic development plan for Council’s cultural facilities, as outlined in Destination Tweed’s forward services plan.

The 2014/2015 Fees and Charges document adopted as part of the 2014/2015 Operational Plan and budget requires one amendment, resulting in the need to exhibit the following information:

| Title of fee                           | Explanation and amount  |
|--|---|
| Group Booking Fee for Commercial Coach | Provide booking information and Booking Form, schedule preferred dates, Booking Confirmation and provision of Tour Guide(s) upon request.<br>Fee: \$50. |

**OPTIONS:**

1. That Council recommends the new booking fee for commercial coach tours for the Art Gallery.
2. That Council does not recommend the new booking fee for commercial coach tours at the Art Gallery.

**CONCLUSION:**

That Council places the new Booking Fee on public exhibition for 28 days inviting submissions in accordance with Sections 404, 405 and 608 of the Local Government Act 1993.

**COUNCIL IMPLICATIONS:**

- a. **Policy:**  
Corporate Policy Not Applicable.

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

The above new fee cannot be adopted and raised by Council until the conclusion of the exhibition period. If accepted, the fees raised will cover administrative costs currently absorbed by Gallery staff, and generate some income to augment the Gallery's educational activities.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 15 [E-CM] Unauthorised Private Encroachments on Public Roads Policy, Version 1.0

SUBMITTED BY: Design

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

|       |   |
|-------|---|
| 2     | Supporting Community Life   |
| 2.4   | An integrated transport system that services local and regional needs                     |
| 2.4.3 | Ensure local streets, footpaths and cycleways are provided, interconnected and maintained |

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### SUMMARY OF REPORT:

Council has encountered several issues relating to private unauthorised structures which have been built or encroach within Council public road reserves. At present there is only a protocol in place which deals with such issues. The protocol is limited in providing an informative approach when dealing with each individual case. A copy of the protocol is attached for information.

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 the issues relating to such structures and encroachments and the possible outcomes which may be relevant in each instance. A copy of the draft policy is attached.

The draft policy has been constructed in consultation with the relevant departments within Council to ensure that it does not conflict with any other Council Policies or Government legislation.

Pursuant to Section 160 of the Local Government Act, 1993 it is recommended that Council place the draft policy Unauthorised Private Encroachments on Public Roads on urban and rural addressing 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 Council Policy titled Unauthorised Private Encroachments on Public Roads, Version 1.0 on public exhibition for a period of 28 days allowing a period of 42 days from the date of exhibition to receive written submissions from the public.**

## **REPORT:**

Council has encountered several issues relating to private unauthorised structures which have been built or encroach within Council public road reserves. At present there is only a protocol in place which deals with such issues. The protocol is limited in providing an informative approach when dealing with each individual case. A copy of the protocol is attached for information.

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 the issues relating to such structures and encroachments and the possible outcomes which may be relevant in each instance. A copy of the draft policy is attached.

The draft policy has been developed in consultation with the relevant departments within Council to ensure that it does not conflict with any other Council Policies or Government legislation. It was also the subject of a recent workshop with Councillors.

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;

- (a) Place the draft policy on public exhibition without amendment, or
- (b) 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 Unauthorised Private Encroachments on Public Roads, Version 1.0 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:**

New policy to replace Private Structures on Public Roads Protocol

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

No future budget implications.

### **c. Legal:**

Section 160 of the Local Government Act 1993 requires

1. The council must give public notice of a draft local policy after it is prepared.
2. The period of public exhibition must be not less than 28 days.



3. The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.
4. The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.

This Report is seeking Council approval for the exhibition of the draft Policy in accordance with the Local Government Act 1993

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

|               |  |
|---------------|--|
| Attachment 1. | Protocol - Private Structures on Public Roads (ECM 3507568).                     |
| Attachment 2. | Draft Policy - Unauthorised Private Encroachments on Public Roads (ECM 3507567). |

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16 [E-CM] Road Naming - Palmvale

**SUBMITTED BY:** Design

**FILE REFERENCE:** GS5/1 Part 7

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

|       |   |
|-------|---|
| 2     | Supporting Community Life   |
| 2.4   | An integrated transport system that services local and regional needs                     |
| 2.4.3 | Ensure local streets, footpaths and cycleways are provided, interconnected and maintained |

---

### SUMMARY OF REPORT:

Council at its meeting of 17 July 2014 resolved to advertise its intention to name the road that runs off Palmvale Road at Palmvale as "Singhs Lane" allowing one month for submissions or objections to the proposal.

An objection to the name was received from a resident of the road noting the below:

"We strongly object to this name for the following reasons;

- The Singh family is well represented around Murwillumbah.
- The Singh family lived and live in and around Murwillumbah, not just Palmvale. There is nothing of particular significance, historic value or uniqueness in this area nor specifically on this road that Council proposes naming 'Singh's Lane' that is attributable to the Singh family.
- The general 'Palmvale' area contains banana farms, cane fields, tropical fruit farms, cattle grazing etc... as does much of Murwillumbah and her surrounding regions, all of which have no particular significance in relation to the road that Council proposes to name Singh's Lane.
- We are also concerned as to how the naming of a dirt road with less than 10 properties along it, cannot be named by the submissions of the people living on it, given that two of these properties (Collins and Smith) provided the only two submissions for the original name and especially given that this road is maintained at the sole expense of the owners of land along the road, and not by Council."

A further proposal for the naming of the road has been submitted as Aquilas Retreat.

As the new proposal takes into account the thematic scope and topography of the area it would be suggested that Council publicise the newly submitted name of "Aquilas Retreat" for consideration allowing one month for submissions.

**RECOMMENDATION:**

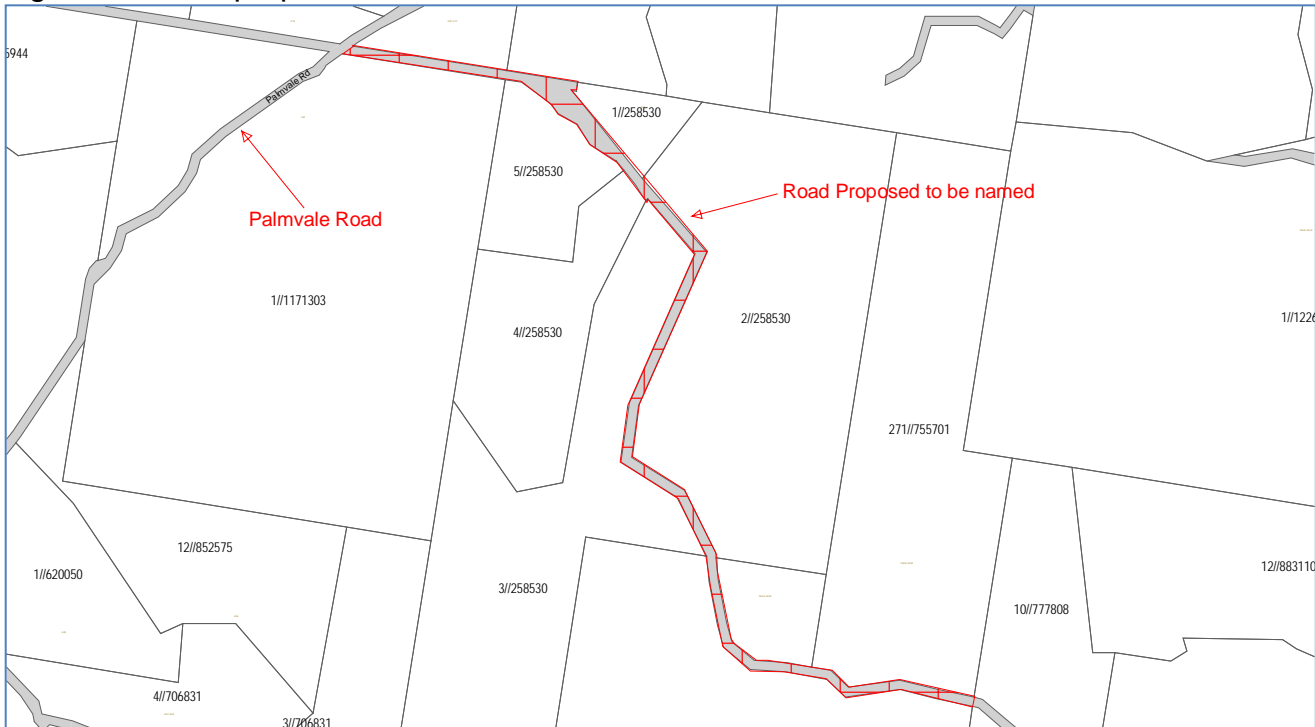
**That Council:**

- 1. Advertises its intention to name the road that runs off Palmvale Road at Palmvale as "Aquilas Retreat" allowing one month for submissions or objections to the proposal.**
- 2. Notifies the relevant authorities under the provisions of the Roads (General) Regulation 2008.**

## REPORT:

Council at its meeting of 17 July 2014 resolved to advertise its intention to name the road that runs off Palmvale Road at Palmvale as "Singhs Lane" allowing one month for submissions or objections to the proposal. See Figure 1 below

Figure 1 - Road proposed to be named



An objection to the name of Singhs Lane was received from a resident of the road noting the below:

"We strongly object to this name for the following reasons;

- The Singh family is well represented around Murwillumbah.
- The Singh family lived and live in and around Murwillumbah, not just Palmvale. There is nothing of particular significance, historic value or uniqueness in this area nor specifically on this road that Council proposes naming 'Singh's Lane' that is attributable to the Singh family.
- The general 'Palmvale' area contains banana farms, cane fields, tropical fruit farms, cattle grazing etc... as does much of Murwillumbah and her surrounding regions, all of which have no particular significance in relation to the road that Council proposes to name Singh's Lane.
- We are also concerned as to how the naming of a dirt road with less than 10 properties along it, cannot be named by the submissions of the people living on it, given that two of these properties (Collins and Smith) provided the only two submissions for the original name and especially given that this road is maintained at the sole expense of the owners of land along the road, and not by Council."

A further proposal for the naming of the road was then submitted by the resident as either **Eagles Retreat** or **Eagles Brae**. The relevance of this name to the area is that there is a number of Eagles nesting within the vicinity and sightings are a common occurrence. There

is however already an Eagle Place within the Tweed Shire and a name duplication is not acceptable.

An alternate suggestion of **Aquila Brae** or **Aquilas Retreat** has now been submitted. This suggestions stems from the same origin referring to the Wedge-tailed Eagle, *Aquila audax* which are a protected species known to be active in the Northern Rivers area, See Figure 2 below. Wedge-tails construct a huge nest in large trees usually with a commanding view.

Figure 2 - Wedge-tailed Eagle



The road suffix in most cases is a standard of road, street, lane and the like. In this instance the suffix of either Retreat or Brae has been requested and can be considered relative to the specific area and landscape. The Oxford dictionary defines the names as follows;

**Brae** - a steep bank or hillside

**Retreat** - A quiet secluded place in which one can rest and relax

Based on the fact that the Wedge-tailed eagle, *Aquila audax* is a protected species nesting within this area it seems that the suggestion of *Aquilas Retreat* would be quite fitting.

#### **OPTIONS:**

1. Council considers the written objection as valid and readvertises a new road naming submission of *Aquilas Retreat* for the road that runs off Palmvale Road at Palmvale allowing one month for submissions, or
2. Council does not consider the written objection as valid and resolves to adopt the name of Singhs Lane for the road that runs off Palmvale Road at Palmvale

#### **CONCLUSION:**

As the new proposal takes into account the thematic scope and topography of the area it would be suggested that Council publicise the newly submitted name of "*Aquilas Retreat*" for consideration allowing one month for submissions.

#### **COUNCIL IMPLICATIONS:**

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

Naming of Streets and Roads v1.2.

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

No Future Budget Implications

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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17 [E-CM] Easement to Drain Water - Ozone Street Chinderah

SUBMITTED BY: Design

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

An Easement to Drain Water 5 Wide was created over Lot 118 in DP 572524 in 1974. The drain is a formed open channel connected to the pipe system within Ozone Street at Chinderah (see Diagram 1).

Roads and Maritime Services subsequently acquired Lot 118 in DP572524 for the purpose of road as part of the upgrade of the Pacific Highway from Yelgun to Chinderah. During the resumption process the Easement to Drain Water was extinguished.

The parcel of land is now being sold by Roads and Maritime Services by public auction. Prior to the sale the easement for the existing drainage channel will be required to be reinstated to protect the stormwater drainage corridor via the registration of a Transfer Granting Easement with Council being the benefiting authority.

As Roads and Maritime Services are creating the Easement by Transfer it is necessary for the document to be signed under the Common Seal of Council.

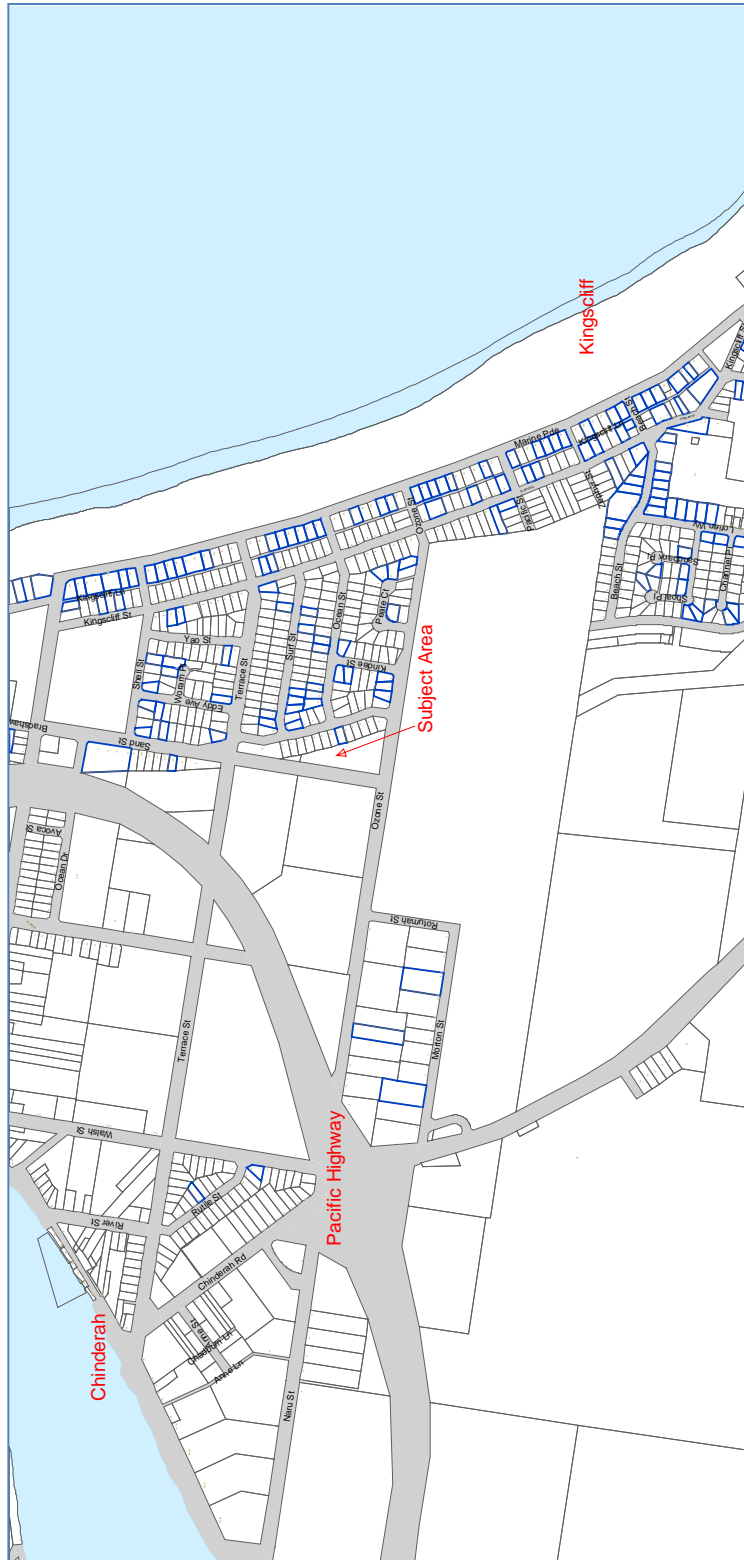
### RECOMMENDATION:

**That Council:-**

1. Provides its consent to the creation of an Easement to Drain Water 5 Wide over Lot 118 in DP572524; and
2. Executes all documentation under the Common Seal of Council.

**REPORT:**

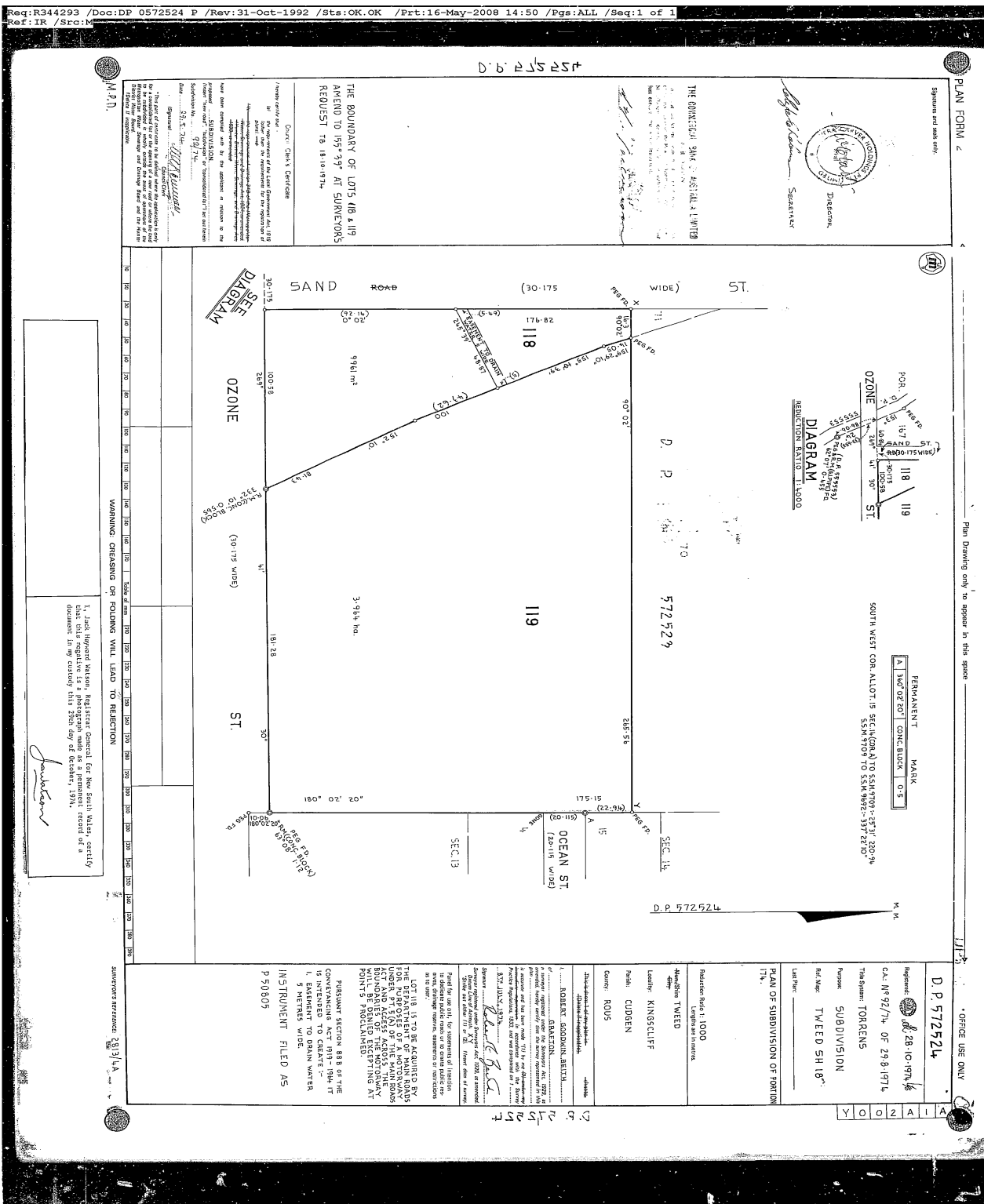
An Easement to Drain Water 5 Wide was created over Lot 118 in DP 572524 in 1974. The drain is formed open channel connected to the pipe system within Ozone Street at Chinderah (see Diagram 1 below).





Roads and Maritime Services subsequently acquired Lot 118 in DP572524 for the purpose of road as part of the upgrade of the Pacific Highway from Yelgun to Chinderah. During the resumption process the Easement to Drain Water was extinguished. Refer to Diagram 2 showing the location of the Easement.

Diagram 2 - DP572524 showing the location of the Easement within Lot 118.



The parcel of land is now being sold by Roads and Maritime Services by public auction. Prior to the sale the easement for the existing drainage channel will be required to be reinstated via Transfer Granting Easement with Council being the benefiting authority. Roads and Maritime Service are prepared to create and register the Transfer Granting Easement at their cost.

**OPTIONS:**

It is necessary to create the easement to protect and retain the existing stormwater drainage corridor.

**CONCLUSION:**

To ensure the retention of this asset it is recommended that Council provides its consent to the creation of an Easement to Drain Water 5 wide over Lot 118 in DP 572524.

As the Easement is to be created by Transfer it will be necessary for the document to be signed under the Common Seal of Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

No further budget implications - already included in the Drainage maintenance schedule

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Email from Roads & Maritime Services (ECM 3485168)

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**18 [E-CM] Acquisition of Easements to Drain Sewage at Kingscliff**

**SUBMITTED BY: Design**

Valid



## Supporting Community Life

### 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 |

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### SUMMARY OF REPORT:

When the Salt development and the Kings Forest development were being planned in 1990s, the strategy to provide sewerage to these developments was that the first development to proceed would include the construction of a regional sewer pump station and rising main from the development to the existing waste water treatment plant in Cudgen Road.

The sewer rising main and pump station were constructed in 2004 by the Salt developer and with the development of Seaside City, a second sewer rising main was constructed in late 2013 within the same corridor to service the Kingscliff area.

Easements were negotiated with affected landowners, and the plans for the proposed easements have been registered. The easements will be finalised following the compulsory acquisition of same, and the gazettal of the acquisition.

It is now necessary for Council to resolve to compulsorily acquire the Easements to Drain Sewage created in DP 1197936 and DP 1198430 within the affected parcels, and to proceed with the application to the Minister and/or Governor for approval to the acquisition. It is also recommended that Council resolves to execute all necessary documentation under the Common Seal.

### RECOMMENDATION:

**That Council:**

- 1. Approves the acquisition, with consent, of an Easement to Drain Sewage created in DP 1197936 within Lot 2 DP 1117599, the bed of the stream of Cudgen Creek and Lot 3 DP 803772 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor;**

2. **Approves the acquisition, with consent, of an Easement to Drain Sewage created in DP 1199430 within Lots 1 and 2 DP 803772 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act, 1993 and the making of the necessary application to the Minister and/or Governor; and**
3. **Executes all necessary documentation under the Common Seal of Council.**

**REPORT:**

When the Salt development and the Kings Forest development were being planned in 1990s, the strategy to provide sewerage to these developments was that the first development to proceed would include the construction of a regional sewer pump station and rising main from the development to the existing waste water treatment plant in Cudgen Road.

The sewer rising main and pump station were constructed in 2004 by the Salt developer and with the development of Seaside City, a second sewer rising main was constructed in late 2013 within the same corridor to service Seaside City.

Figure 1 below shows the parcels, with heavy white outline that are affected by the proposed easement for the sewer rising main, shown in a lighter line:

Figure 1:



The sewer pump station was constructed in 2004 with the first rising main, Figure 2 shows its location, which is Council owned community land, vested in Council as part of the Salt development.

Figure 2 shows the sewer rising main south of the boundary of Lot 2 DP 1117599 and within a public reserve, Lot 531 DP 1198327 (heavy white line) joining SPS 4030, shown hatched:

Figure 2:



Easements were negotiated with affected landowners in 2000, and plans showing the proposed easements have been registered. These plans are shown below as Figures 3 and 4.

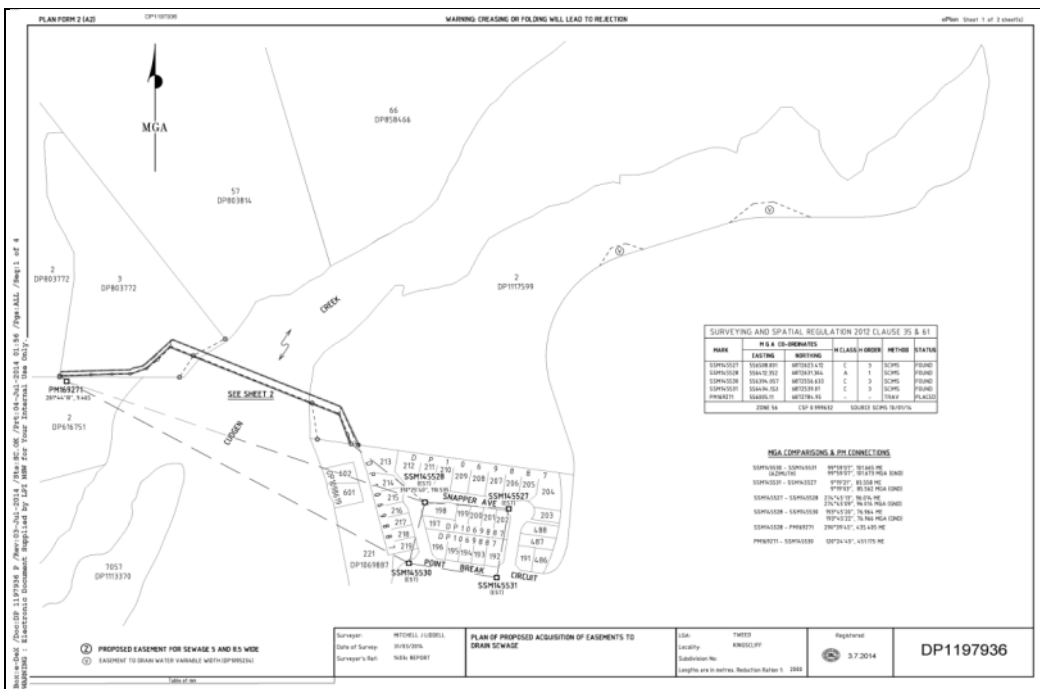
### Acquisition details

Easement to Drain Sewage created in DP 1197936 is located within Lot 2 DP 1117599, which is part of the parcel formerly known as Lot 490, and together with the bed of Cudgen Creek, will be acquired from the Crown.

Lot 3 DP 803772, immediately to the west of Cudgen Creek, is owned by the Department of Education, as part of the Kingscliff TAFE site.

Figure 3 shows the proposed easement as a heavy double line within Lot 2 DP1117599, formerly part of Lot 490, the bed of Cudgen Creek and Lot 3 DP 803772, created in DP 1197936:

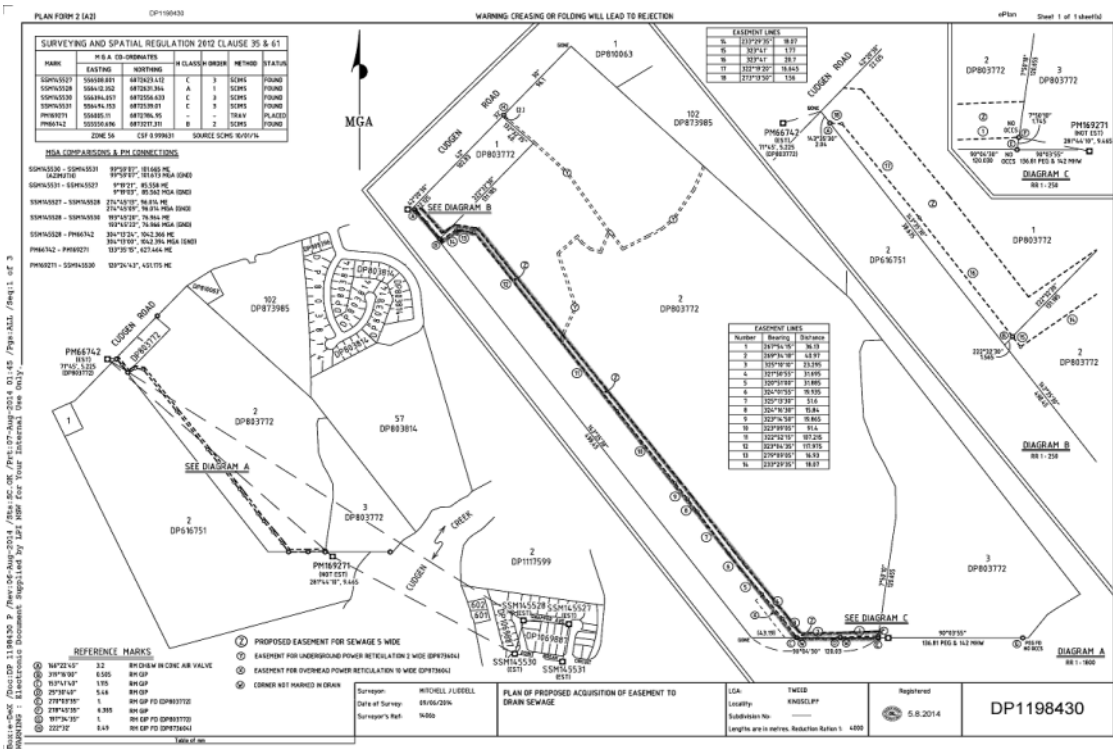
Figure 3:



The second Easement to Drain Sewage is located within Lots 1 and 2 DP 803772. Lot 2 is owned by the Minister of Education and is also part of the Kingscliff TAFE campus. Lot 1 is privately owned.

Figure 4 shows the proposed easement as a heavy double line within Lots 1 and 2 DP 803772, created in DP 1198430:

Figure 4:



The easements are to be acquired by compulsory acquisition with consent, and the compensation payable will be determined by the Valuer General when the acquisitions are completed.

It is necessary for Council to resolve to compulsorily acquire the Easements to Drain Sewage created in DP 1197936 and DP 1198430 within the affected parcels, and to proceed with the application to the Minister and/or Governor for approval to the acquisition. It is also recommended that Council resolve to execute all necessary documentation under the Common Seal.

**OPTIONS:**

1. To approve the acquisition of Easements to Drain Sewage created in DP 1197936 and DP 1198430; or
2. To not approve the acquisition of Easements to Drain Sewage created in DP 1197936 and DP 1198430.

**CONCLUSION:**

As the easement corridors contain significant Council infrastructure, it is necessary to formalise the use of the affected land and protect the infrastructure contained within it. It is recommended that Council approves acquisition of Easements to Drain Sewage created in DP 1197936 and DP 1198430.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Sewer Strategic Plan.

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

Compensation for the acquisition of the easements will be payable and determined by the Valuer General at completion of the acquisition.

**c. Legal:**

The acquisition provides enforceable easements over Council infrastructure on Crown and private land.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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19 [E-CM] Amendment to Council Contract Variation Resolution

SUBMITTED BY: Director

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 

### SUMMARY OF REPORT:

Council's Procurement Protocol v1.7 addresses the issue of variation to contracts entered into through a Council resolution. Specifically it states in Section 8.3:

***"Contracts approved through Council resolution***

*Where the contract is greater than \$150,000 (inclusive of GST) and was approved through a Council resolution, Council must approve any variations to the contract, unless Council has resolved to delegate authority to the General Manager or Unit Director to approve the relevant variations."*

It is noted that there is no legislative or regulatory requirement for Council to approve a variation to a contract. Council's current process is necessary due to a previous resolution of Council.

The present protocol for Council approving variations to Contracts over \$150,000 poses a financial risk due to possible significant contract delay costs incurred whilst having to gain variation approval by Council.

### RECOMMENDATION:

That:

1. For all Contracts the General Manager be granted delegated authority to approve appropriate deemed variations and those variations be reported to Council in accordance with the Variation Reporting Table below.

**VARIATION REPORTING TABLE:**

| <b>Contract Value &lt;\$500,000</b>                  | <b>Contracts &gt;\$500,000 and &lt;\$1,000,000 and for a contract duration less than 6 months</b> | <b>Contracts &gt;\$500,000 and &lt;\$1,000,000 and for a contract duration greater than 6 months</b> | <b>Contracts &gt;1,000,000 (Assuming contract period is &gt;12 months)</b>     |
|--|---|--|--|
| <b>At finalisation of the contract i.e. 1 report</b> | <b>At finalisation of the contract i.e. 1 report</b>  | <b>Mid contract and at finalisation of contract i.e. 2 reports</b>                                   | <b>Every 6 months and at contract finalisation (i.e. minimum of 2 reports)</b> |

2. The Procurement Protocol be amended accordingly.

## REPORT:

### Background

In accordance with the current contract variation approval process, the General Manager (or delegate) cannot approve variations to contracts entered into through a resolution of Council without Council approval.

In August 2004, Council resolved:

*"that Council adopts a percentage to Senior Executive Officers to approve contract variations based on a tender threshold contract price amounts of*

*\$100,000 to \$500,000      20%*

*Over \$500,000 the total of variations be limited to \$100,000."*

With changes to the Local Government Regulations, in January 2011 Council resolved to include on all future tender recommendations:

*"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."*

In June 2013 it was resolved by Council to amend the standard recommendation to:

*"The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations reported to Council following completion of the tendered works/services."*

This resolution places Council at risk of financial loss. Where a large variation is required to allow the works to progress in an expedient manner a timely approval of the variation is required to prevent the imposition of possible contract delay costs. As an example, a variation to address latent conditions, such as the presence of rock, would take the preparation of a report, presentation to Councillors, the calling of an extraordinary Council Meeting, debate and a resolution of Council. At a minimum the General Manager must provide Councillors at least 3 days notice of the extraordinary Council Meeting. There is then the holding of the meeting, resolution and passage of information to the contract manager with such a process taking several days. From the point in time at which the variation was sought, until the point in time the variation is approved, works may be suspended. Under contractual conditions delay costs may be incurred for the period the contract was suspended. On large contracts delay costs may be in excess of \$10,000 per day.

### Legislation, Regulations and Guidelines

The Local Government Act requires Council to call tenders before entering into a specific range of contracts (specified in s55 (1)).

The Act provides exemptions to that clause in s55(3).

The Act at s377 states what powers cannot be delegated to the GM, (that is what powers must remain with Council). One of those at s377(1) is the *"the acceptance of tenders which are required under this Act to be invited by the council"*

The Act is silent on variations to contracts.

The Local Government (General) Regulation 2005 makes provision for the variation of tenders (not contracts).

The Guidelines refer to both variations to tenders and variations to contracts. In respect to the latter it simply says:

*"In managing contracts Councils should: .....Ensure proper processes are followed for the approval of variations to the contract"*

It is assumed that the Guidelines do not define those proper processes because they are defined in General Conditions of Contract which may vary from contract to contract. It also suggests that a record of variations to the contract should be included in a report.

### **Discussions with Office of Local Government (OLG)**

The OLG, have advised that once a contract is entered into, through whatever means, the contract can be varied without the requirement for a Council resolution.

### **OPTIONS:**

1. That Council approve variations as previously resolved; or
2. That the new process is adopted whereby variations to contracts are approved under delegation and are subsequently reported to Council.

### **CONCLUSION:**

The present process for the approval of a variation to increase the monetary value of a contract may result in delay costs incurred by Council and has been difficult for officers to comply with.

The Legislation, Regulations and Guidelines, while not silent on variations to tenders are silent on authority to approve a variation to a contract.

Consistent with s377 of the Local Government Act 1993, the General Manager can be given delegation to approve any variation to a contract.

To keep Council informed and aware of Contracts variations, it is proposed to report to Council in accordance with the Variation Reporting table below. This Procurement Policy would be amended to include this table.

|  |   |  |  |
|--|---|--|--|
| <b>Contract Value &lt;\$500,000</b>                  | <b>Contracts &gt;\$500,000 and &lt;\$1,000,000 and for a contract duration less than 6 months</b> | <b>Contracts &gt;\$500,000 and &lt;\$1,000,000 and for a contract duration greater than 6 months</b> | <b>Contracts &gt;1,000,000 (Assuming contract period is &gt;12 months)</b>     |
| <b>At finalisation of the contract i.e. 1 report</b> | <b>At finalisation of the contract i.e. 1 report</b>  | <b>Mid contract and at finalisation of contract i.e. 2 reports</b>                                   | <b>Every 6 months and at contract finalisation (i.e. minimum of 2 reports)</b> |

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.5.

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

The current adopted process for the approval of variation to Contracts presents a financial risk to Council.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

**20 [E-CM] EC2013-233 Supply of Bulk Fuels - Variation to Schedule A - Supplier Costs**

**SUBMITTED BY: Infrastructure Delivery**

Valid



## **Civic Leadership**

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

- 1 Civic Leadership
  - 1.3 Delivering the objectives of this plan
  - 1.3.2 Council will seek the best value in delivering services
- 

### **SUMMARY OF REPORT:**

The second year of the three (3) year contract term for the Supply and Delivery of Bulk Fuels to Council's Murwillumbah Works Depots expires on 15 November 2014. The bulk fuel contract has been negotiated as a non exclusive supply arrangement under a Panel of Providers arrangement.

Provision exists under the terms of the contract supply arrangement for an annual review of Schedule A (Suppliers Costs) of the tender schedule.

Advice, closing 12 November 2014, has been sought from the listed Panel of Providers of their Schedule A charges that will apply for the period 16 November 2014 until 15 November 2015.

Details of submitted suppliers Schedule A charges to apply for the period 16 November 2014 until 15 November 2015 will be provided as a late report given the timing of the Council Meeting.

### **RECOMMENDATION:**

**That the report for EC2013-233 Supply of Bulk Fuels - Variation to Schedule A - Supplier Costs be received and noted.**

## **REPORT:**

### **Tender Background**

The second year of the three (3) year contract term for the Supply and Delivery of Bulk Fuels to Council's Murwillumbah Depot expires on 15 November 2014. The bulk fuel contract has been negotiated as a non exclusive supply arrangement using suppliers sourced from a Panel of Providers.

Suppliers listed under the Panel of Providers are as follows:

- Caltex Australia
- Neumann Petroleum
- Park Fuels
- Reliance Petroleum

The tender was separated into two (2) schedules, Schedule A which detailed all Supplier Costs that would be applied for deliveries to the Murwillumbah Depot and Schedule B, costs detailing all Government and Excise charges that would be applied.

Schedule A costs include freight charges, profit margin, credit fees and the actual fuel costs as identified by the Terminal Gate Price (TGP) for the Reliance Petroleum, Park Fuels and Neumann Petroleum products or the Caltex Reference Price (CRP) for the Caltex products.

Schedule B (Government and Excise charges) include GST and the set Federal Government Excise fee.

The Schedule A and B price streams are coupled together to give a comparable cent per litre purchase price with purchasing decisions then made accordingly. This comparison procedure is repeated prior to the placement of every bulk fuel order.

Provision exists under the terms of the contract supply arrangement for an annual review of Schedule A (Suppliers Costs) of the tender schedule.

Advice has been sought from the Panel of Providers on the Schedule A charges that will apply for each delivery location for the period 16 November 2014 until 15 November 2015.

The requested pricing advice responses closed on 12 November 2014 which did not allow for normal reporting in the November 2014 meeting Business Paper and details of submitted suppliers Schedule A charges to apply for the period 16 November 2014 until 15 November 2015 will be tabled at the meeting as a late report.

### **OPTIONS:**

Not applicable.

### **CONCLUSION:**

Will be the subject of a late report.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v 1.5.

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

Adequate allowance is made within the budget for fuel purchases.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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21 [E-CM] EC2014-154 Asphalt Works for Kennedy Drive Stage 2

SUBMITTED BY: Infrastructure Delivery

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
  - 2.4 An integrated transport system that services local and regional needs
  - 2.4.3 Ensure local streets, footpaths and cycleways are provided, interconnected and maintained
- 

### SUMMARY OF REPORT:

Tender EC2014-154 Asphalt Works for Kennedy Drive Stage 2 was called to supply and install asphalt pavement material on Kennedy Drive, Tweed Heads West.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on Wednesday 29 October 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

### RECOMMENDATION:

That:

1. Council awards the contract EC2014-154 Asphalt Works for Kennedy Drive Stage 2 to East Coast Asphalt and Concrete Edging Pty Ltd for the amount of \$587,515.77 (exclusive of GST).
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret.

## REPORT:

### Tender Background

Tender EC2014-154 Asphalt Works for Kennedy Drive Stage 2 was called to supply and install asphalt pavement material on Kennedy Drive, Tweed Heads West.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on Wednesday 29 October 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The proposed asphalt works consist of three components, sprayed primer seal, deep lift asphalt and a fine gap graded wearing surface. The pavement works form Stage 2 of the reconstruction of Kennedy Drive between the Pacific Motorway and Gray Street, Tweed Heads West.

### Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EC2014-154 Asphalt Works for Kennedy Drive Stage 2 on Tuesday 7 October 2014 in Sydney Morning Herald including Tweed Shire Council's internet site. The tender was also advertised in Tweed Shire Council's Tweed Link on Wednesday 15 October 2014.

### Tender Addendums

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

### Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on Wednesday 29 October 2014 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Five tenders were recorded at the Tender Box opening and their details are as follows:

| <b>Tenderer</b>                                | <b>ABN</b>     |
|--|----------------|
| East Coast Asphalt and Concrete Edging Pty Ltd | 51 755 877 285 |
| Creggs Asphalt Pty Ltd                         | 53 163 653 656 |
| Boral Resources (QLD) Pty Ltd                  | 46 009 671 809 |
| Fulton Hogan Industries Pty Ltd                | 54 000 538 689 |
| RPQ Asphalt Pty Ltd                            | 70 088 212 757 |

Tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering. The details of the price and non price evaluation are shown on the attached Tender Evaluation Spreadsheet.

| <b>Criterion</b>                             | <b>Document Reference</b>       | <b>Weighting (%)</b> |
|--|---------------------------------|----------------------|
| Value for Money<br>(Normalised Tender Price) | CL.24 (Offer Evaluation Clause) | 60                   |
| Local Preference                             | CL.24 (Offer Evaluation Clause) | 10                   |
| Quality Management                           | CL.24 (Offer Evaluation Clause) | 10                   |
| Environmental Management                     | CL.24 (Offer Evaluation Clause) | 10                   |
| WHS and Risk Management                      | CL.24 (Offer Evaluation Clause) | 5                    |
| Previous Contract Experience                 | CL.24 (Offer Evaluation Clause) | 5                    |
| Sustainable Procurement                      | CL.24 (Offer Evaluation Clause) | Yes                  |
|  | Total                           | 100                  |

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

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

The Tender Evaluation was conducted by Council's Tender Panel, consisting of Engineer - Construction, Senior Engineer - Construction and Senior Engineer - Contracts.

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

#### **OPTIONS:**

1. That Council awards the contract to the recommended tenderer; or
2. That Council awards the contract to an alternative tenderer.

#### **CONCLUSION:**

As per the attached Tender Evaluation Report, the recommended tenderer for this contract is East Coast Asphalt and Concrete Edging Pty Ltd.

#### **COUNCIL IMPLICATIONS:**

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

Corporate Policy Not Applicable.

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

This project is funded under a Federal Government Program.

##### **c. Legal:**

Not Applicable.

**d. Communication/Engagement:**  
**Inform** - Community Consultation.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Tender Evaluation Report (ECM 3511791).

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**22 [E-CM] EC2014-112 Expression of Interest for the Provision of Road Stabilisation Services**

**SUBMITTED BY: Infrastructure Delivery**

Valid



**Supporting Community Life**

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

- 2 Supporting Community Life
- 2.4 An integrated transport system that services local and regional needs
- 2.4.3 Ensure local streets, footpaths and cycleways are provided, interconnected and maintained

**SUMMARY OF REPORT:**

This report outlines the tender for EC2014-112 Expression of Interest for the Provision of Road Stabilisation Services to Council for the period of 12 months with the option for a further two (2) by 12 month extensions. Council is seeking to engage the services of one or more qualified and certified Road Stabilisation Contractors under a Preferred Supplier Arrangement to provide and conduct a variety of road stabilisation services based on a suitability, availability and economical advantage to Council over the nominated period. Tendered Schedules of Rates for the road stabilisation services are listed in **CONFIDENTIAL ATTACHMENTS 1 & 2.**

It is recommended that Council accepts the list of providers for tender EC2014-112 Expression of Interest for the Provision of Road Stabilisation Services as included as a confidential attachment to this report.

**RECOMMENDATION:**

**That:-**

- 1. Council accepts the list of providers and their rates (as included in the confidential attachment) for the tender EC2014-112 Expression of Interest for the Provision of Road Stabilisation Services for a contract period of 12 months with the option for a further two (2) by 12 month extensions:**

|  |
|--|
| <b>Tenderer</b>                                    |
| <b>Stabilised Pavements of Australia Pty Ltd</b>   |
| <b>Diveva Pty Ltd</b>                              |
| <b>Downer EDI Works Pty Ltd</b>                    |
| <b>Accurate Asphalt &amp; Road Repairs Pty Ltd</b> |
| <b>FK Gardner &amp; Sons Pty Ltd</b>               |
| <b>Kerway Asphalting Pty Ltd</b>                   |

|  |
|--|
| <b>Tenderer</b>                            |
| <b>Ausroads Stabilisers Pty Ltd</b>        |
| <b>Civil Stabilising Solutions Pty Ltd</b> |
| <b>Stabilco Pty Ltd</b>                    |
| <b>SAT Civil Constructions Pty Ltd</b>     |
| <b>Ellis Stabilising Pty Ltd</b>           |

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

## **REPORT:**

Council tender EC2014-112 closed on 30 July 2014 for the procurement of a Panel of Providers for the Provision of Road Stabilisation services for Tweed Shire Council for a period of 12 months with the option for a further two (2) by 12 month extensions.

Council is seeking to engage the services of one or more qualified and certified Road Stabilisation Contractors under a Preferred Supplier Arrangement to provide and conduct a variety of road stabilisation services based on a suitability, availability and economical advantage to Council needs for a period of 12 months with the option for a further two (2) by 12 month extensions.

Tenderers were advised that submissions would be assessed by the Tender Schedules submitted by the Tenderer which would provide Council with a preferred suppliers list offering the best competency and economical advantage, for various aspects of works as required.

Council officers will as the need arise request various aspects of work from the most suitable Contractor assessed from the submitted priced schedule for that aspect of work in the first instance based on availability, capability and economical advantage to Council. If by reason of unavailability or inability to meet Councils time frame, Council will then approach the next suitably assessed Contractor and so on until all requirements are achieved.

Site Specific road stabilisation services not covered in the submitted priced schedule may be requested from time to time under this contract. In these instances, Council officers will use Council's adopted procurement procedure and approach three most suitable Contractors on the preferred supplier list to provide a quotation of cost and availability for the work.

If individual project works are estimated to exceed \$150,000 in value then tenders for these works will be called as per Councils adopted procurement procedure, in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005.

Council gives no Guarantee to any amount of works under this Contract engagement.

Work will be requested on a needs basis by the Engineering Division.

Rates submitted are not subject to escalation and will remain fixed for 12 months from the Contract start date. Prior to the completion of the first 12 months the Contractors will be requested to provide their rates for the following 12 months and so on for the following 12 months.

## **Tenders Received**

Tender Submissions closed at 4:00pm on 30 July 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. A total of 11 responses were recorded for EC2014-112 at the Tender Box opening on 30 July 2014 from the following contractors:

| <b>Tenderer</b>                           | <b>ABN</b>     |
|---|----------------|
| Stabilised Pavements of Australia Pty Ltd | 90 002 900 736 |
| Diveva Pty Ltd                            | 34 003 779 815 |
| Downer EDI Works Pty Ltd                  | 66 008 709 608 |
| Accurate Asphalt & Road Repairs Pty Ltd   | 41 096 051 311 |
| FK Gardner & Sons Pty Ltd                 | 99 010 136 053 |
| Kerway Asphaltting Pty Ltd                | 81 498 587 594 |
| Ausroads Stabilisers Pty Ltd              | 70 148 038 984 |
| Civil Stabilising Solutions Pty Ltd       | 38 164 990 041 |
| Stabilco Pty Ltd                          | 54 087 601 956 |
| SAT Civil Constructions Pty Ltd           | 86 077 817 737 |
| Ellis Stabilising Pty Ltd                 | 96 144 885 334 |

### **Tender Evaluation**

The Tender Evaluation was conducted by Council's Engineering Division's Infrastructure Delivery and Roads and Stormwater section's staff. The submissions were examined to ensure that they met the requirements for performance and capabilities required under this contract. Tender Evaluation is included in **ATTACHMENTS 1 & 2** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers rates to provide specific services. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

### **OPTIONS:**

1. Council accepts the list of providers as recommended in the report.
2. Council does not accept the list of providers as recommended in the report.

### **CONCLUSION:**

In accordance with the rates submitted for each required service it is recommended that Council accepts the Providers' schedule of rates for provided services for EC2014-112 Expression of Interest for the Provision of Road Stabilisation Services for a period of 12 months with the option for a further two (2) by 12 month extensions as included as a confidential attachment to this report.

### **COUNCIL IMPLICATIONS:**

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

Procurement Policy v1.5

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

Budget for this work is within the Roads Program.



**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1 - Tender Evaluation Report - (ECM 3505930)

*(Confidential)* Attachment 2 - Tender Evaluation Spreadsheets - (ECM 3506182)

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**23 [E-CM] Financial Assistance to Proponents of Recycled Water Schemes Policy, Version 1.0**

**SUBMITTED BY: Water and Wastewater**

Valid



## Supporting Community Life

### 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 |

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### SUMMARY OF REPORT:

Council at its meeting of 16 October 2014 resolved to develop a policy for the provision of financial assistance to proponents of recycled water schemes.

A Draft Policy has been prepared. The policy requires the consideration of Council and the exhibition of a draft policy prior to any adoption.

### RECOMMENDATION:

**That Council places the draft policy Financial Assistance to the Proponents of Recycled Water Schemes, Version 1.0 on public exhibition for a period of 28 days allowing a period of 42 days from the date of exhibition to receive written submissions from the public.**

## **REPORT:**

### **Background**

Council has no policy on the provision of assistance to proponents of recycled water schemes.

At present Council is achieving between 5% and 8.9% reuse of wastewater treatment plant flows as compared to a State median of 9% and Council's longer term target, as stated in the Integrated Water Cycle Management Strategy, of 15%. If Council is to achieve its targets Council may need to provide financial support to proponents of recycled water schemes.

At the Council meeting of 16 October 2014, Council resolved to develop a policy for the provision of financial assistance to proponents of recycled water schemes.

It is considered that no detailed policy could be applied to give a consistent and fair level of support to proponents of recycled water schemes. As such it is suggested that a Council policy provide a framework under which proponents of recycled water schemes are encouraged to develop such schemes.

Such a policy or framework would consist of

- Stating Council's objective and targets for the use of recycled water
- Provide direction on the identification of opportunities for increased water recycling
- Provide guidance to proponents on how to seek Council support for the development of a water recycling scheme
- Provide guidance on how proposed water recycling schemes will be assessed

Under such a policy each recycled water scheme proposed, and for which assistance is sought, would be assessed on a case by case basis on its merits.

A copy of the draft Policy is attached. The policy addresses:

- Council's targets
- Identification of opportunities
- Guidance to proponents, and
- Guidance on assessment of proposals

In the formation and adoption of a policy, there is a requirement to seek Council approval to exhibit the draft Policy. Legislation requires the exhibition of the draft Policy for a period not less than 28 days. This Report is seeking that Council approval to exhibit a draft Policy titled Financial Assistance to Proponents of Recycled Water Schemes.

### **OPTIONS:**

Not Applicable.

### **CONCLUSION:**

To assist in achieving its adopted recycled water targets, Council has resolved to develop a policy for the provision of financial assistance to proponents of recycled water schemes.

A Draft Policy has been prepared. The policy requires the consideration of Council and the exhibition of a draft policy prior to any adoption of a policy.

Council approval for the exhibition of the draft Policy, in accordance with s160 of the Local Government Act 1993, is sought.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

This Report is seeking Council approval for the exhibition of the draft Policy

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

The Budget/Long Term Financial Plan for the implementation of the policy and provision of financial assistance will be included in the Long Term Financial Plan for wastewater. In general the amounts of assistance will be small and will be taken from existing provisions.

**c. Legal:**

Section 160 of the Local Government Act 1993 requires

1. The council must give public notice of a draft local policy after it is prepared.
2. The period of public exhibition must be not less than 28 days.
3. The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.
4. The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.

This Report is seeking Council approval for the exhibition of the draft Policy in accordance with the Local Government Act 1993

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Policy - Financial Assistance to the Proponents of Recycled Water Schemes, Version 1.0 (ECM - 3507237).

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**24 [E-CM] Pedestrian Access and Mobility Plan**

**SUBMITTED BY: Roads and Stormwater**

Valid



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## Supporting Community Life

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

- 2 Supporting Community Life
  - 2.4 An integrated transport system that services local and regional needs
  - 2.4.3 Ensure local streets, footpaths and cycleways are provided, interconnected and maintained
- 

### **SUMMARY OF REPORT:**

In June 2014 Council considered a draft Pedestrian Access and Mobility Plan (PAMP), prepared by consultants GHD, and resolved to place the draft on public exhibition.

The draft was exhibited from 1 July to 12 August 2014. Feedback from the exhibition period has been incorporated into a final version of the PAMP, which is attached to this report.

Adoption of the PAMP provides Council with the information necessary to formulate prioritised forward programs for footpath and other access related works, as well as access to grant funding from associated Roads and Maritime Services programs.

### **RECOMMENDATION:**

**That Council adopts the Pedestrian Access and Mobility Plan.**

## **REPORT:**

Tweed Shire Council is preparing a Pedestrian Access Mobility Plan (PAMP) to meet the present and future needs of its residents by enhancing pedestrian safety, mobility and access with infrastructure catering to the needs of older persons, people who have mobility or vision impairment, school children, tourists, cyclists and recreational pedestrians.

The PAMP is led by a Steering Committee that is made up of Council representatives from Engineering, Community and Natural Resources and Communication and Customer Service units. The PAMP is being prepared by consultants GHD on behalf of Council.

The PAMP study area comprises five Tweed Shire town centres identified as high priority and high pedestrian activity areas. These are:

- Tweed Heads
- Tweed Heads South
- Kingscliff
- Banora Point
- Murwillumbah

In consultation with GHD, the Steering Committee guided Stage 1 of the process auditing existing pedestrian infrastructure and consultation with the wider community. This identified pedestrian networks within each of these areas as well as linkages between town centres, detailed pedestrian concentration, centres of activity, identifiable accident clusters, walking patterns and links between land use, pedestrian facilities (existing and proposed), pedestrian accessibility and mobility issues.

In consideration of the Stage 1 draft, Council resolved at the June 2014 meeting to publicly exhibit the draft.

Stage 2 of the PAMP project considered wider community feedback from the exhibition period and via online community survey. Issues raised are detailed in the draft report attached (refer Appendix C Stage 2).

## **OPTIONS:**

1. To adopt the draft Pedestrian Access Mobility Plan (PAMP) as attached.
2. To adopt the draft Pedestrian Access Mobility Plan (PAMP) with amendments.
3. To defer consideration of the Pedestrian Access Mobility Plan (PAMP) to address further issues.

Option 1 is the preferred option.

## **CONCLUSION:**

Adoption of the Pedestrian Access Mobility Plan (PAMP), as recommended, provides Council with the information necessary to formulate prioritised forward programs for footpath and other access related works, as well as access to grant funding from associated Roads and Maritime Services programs.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Having an adopted PAMP is a pre-requisite to accessing grant funding from RMS for PAMP projects.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Pedestrian Access and Mobility Plan by GHD, October 2014  
(ECM 3510513).

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**25 [E-CM] Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0**

**SUBMITTED BY: Roads and Stormwater**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Guidelines have been drafted in response to ambiguities in development controls applying to flood prone caravan parks, which have become apparent through the course of assessing a development application by the Tweed Coast Holiday Parks Reserve Trust.

Council engaged flood risk management consultants Molino Stewart to conduct an independent review of the applicable policies and industry best practice for short term tourist accommodation, as occurs in Tweed Coast Holiday Parks.

The principles and recommendations from the consultant's report have been incorporated into a facilitative document. The intent is that the Guidelines will take precedence over the Development Control Plan (DCP) and other Policies until such time as they can be formally reviewed and updated.

### RECOMMENDATION:

**That Council adopts the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.**



## REPORT:

Recent issues arising around the redevelopment of flood liable caravan parks have prompted a review of existing policies - namely *Development Control Plan Section A3 - Development of Flood Liable Land* (DCPA3) and the *Unregisterable Moveable Dwellings and Annexes on Flood Liable Land Policy* (the UMD policy).

On 22 April 2014 Consent No. DA13/0742 was granted to Tweed Coast Holiday Parks Reserve Trust for alterations to, and overall use of, the existing Boyds Bay Holiday Park. The redevelopment involves installation of new tourist cabins on short term sites. A consent condition requires that cabins comply with the prevailing residential habitable floor level for the Lower Tweed (100 year ARI flood level plus 0.5m freeboard in accordance with DCPA3).

The Reserve Trust has objected to this condition on feasibility and commercial grounds and intends to lodge a Section 96 application to reduce the minimum habitable floor level. DCPA3 does not specify minimum floor levels for this type of land use however legal advice sought by Council and provided by Maddocks confirmed that this floor level condition was "both valid and reasonable in the circumstances". However, the legal advice also recommended that in the event of a modification application, Council should "request that an independent flood engineer assess the modification application".

In order to resolve this matter independently and promptly, Council engaged flood risk management consultants Molino Stewart to review the current policies and industry best practice in other LGAs for short term tourist accommodation.

The outcome was a report from Molino Stewart, which recommended changes to DCPA3 and the UMD policy. As these changes would take time and resources to complete satisfactorily, and considering that such a review would likely involve a range of other more complicated policy decisions that would delay resolution of the Holiday Park matter, the proposed approach is to take the relevant recommendations from the report and draft a facilitative guideline. This approach ensures consistency for developers and Council staff in considering redevelopment of flood liable caravan parks. The Guidelines, if adopted by Council, will take precedence over DCPA3 and the UMD Policy where inconsistencies arise.

A previous version of the draft document was reviewed by the Floodplain Management Committee at its meeting of 24 October 2014. While this meeting failed to achieve a quorum, those members in attendance raised no concerns with the draft document. Of those who could not attend the meeting, one member indicated support, while no response has been provided by the remaining members.

## OPTIONS:

That Council:

1. Adopts the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.
2. Amends the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.
3. Does not endorse the Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0.

**CONCLUSION:**

The Guidelines aim to overcome ambiguities and inconsistencies in the Development Control Plan (DCP) and policies governing flood liable caravan parks. It provides clarification of applicable floor levels for short term tourist accommodation, in order to resolve objections raised by the Tweed Coast Holiday Parks Reserve Trust. A comprehensive review of DCPA3 and the UMDs Policy will follow as resources permit.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Unregisterable Moveable Dwellings and Annexes on Flood Liable Land v1.1  
Tweed Development Control Plan Section A3 - Development of Flood Liable Land

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

Not Applicable.

**c. Legal:**

The Guidelines advocate floodplain risk management principles in accordance with the NSW Floodplain Development Manual and is intended to ensure "good faith" indemnity for Council under S733 Local Government Act 1993 for decisions relating to floodplain management.

A previous version of the draft document was referred to Stacks the Law Firm to ensure it would not conflict with legal processes already underway concerning caravan parks. Their advice raised no significant concerns regarding the proposed changes to controls for short term accommodation.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Guidelines - Flood Controls for Caravan Park Accommodation, Version 1.0 (ECM 3512722).

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26 [E-CM] Ultima Stage 2 - Request for Fee Relief - DA04/0016 Lot 100 DP  
77892 25 - 33 Wharf Street, Tweed Heads

SUBMITTED BY: Roads and Stormwater

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
  - 2.4 An integrated transport system that services local and regional needs
  - 2.4.3 Ensure local streets, footpaths and cycleways are provided, interconnected and maintained
- 

### SUMMARY OF REPORT:

Fees and charges are levied on development for the use of the road reserve. The developer of the Ultima Stage 2 residential/tourist development has requested either a reduction or a waiver of these fees.

### RECOMMENDATION:

**That Council selects Option 4 in the report which applies a fee of \$4.90 per lineal metre per week (\$343 per week) with a time limit of 5 months for the partial closure of 70 metres of Navigation Lane for DA04/0016 - Tweed Ultima Stage 2 at 25 - 33 Wharf Street, Tweed Heads.**

## **REPORT:**

Navigation Lane has a pavement formation of approximately 6m wide and links Bay Street to Stuart Street, Tweed Heads. Traffic usage is low and it provides access to the Twin Towns Resort car park, Ultima Stage 1 car park and the Dolphins Hotel.

Construction of Stage 2 of the Ultima development has commenced and the developer has requested a temporary partial 2 metre width closure of Navigation Lane along the frontage of the property (70m) to facilitate the construction work.

The proposed area for enclosure negates the ability to park vehicles on Navigation Lane, thereby in accordance with Council's fees and charges would require payment of \$73 per day per 6m increments which equates to \$803 per day.

Currently the development has approval for partial closure of the footpath along Bay and Wharf Streets and is levied a hoarding fee of \$4.90 per lineal metre per week.

The Developer has requested either:

1. A full waiver of the Council fee for temporary fencing into Navigation Lane

Or

2. A lower fee is applied in line with the \$4.90 per lineal metre per week hoarding fee.

No time period for the temporary closure has been proposed.

## **OPTIONS:**

1. The fee for proposed partial closure of Navigation Lane is levied to reflect the loss of parking at \$803 per day, in accordance with the adopted Fees and Charges.
2. The fee for proposed partial closure of Navigation Lane is waived for the time period required for construction.
3. The fee for proposed partial closure of Navigation Lane is levied at the hoarding fee rate of \$4.90 per lineal metre (70m) per week equating to \$343p/w.
4. Option 3 with a time limit applied of 5 months and a further report brought to Council if extension is requested.

## **CONCLUSION:**

Council's fees and charges for partial road closures are in place to reflect the use of public land for commercial activities. The fees and charges may be considered unreasonable for longer term major projects. Therefore, Option 4 is considered the preferred option in these circumstances.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Corporate Policy Not Applicable.

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

Reduction in Council income.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES

### 27 [CS-CM] Council and Planning Committee Meeting Dates 2015

SUBMITTED BY: Corporate Governance

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

|       |  |
|-------|--|
| 1     | Civic Leadership   |
| 1.2   | Improve decision making by engaging stakeholders and taking into account community input       |
| 1.2.1 | Council will be underpinned by good governance and transparency in its decision making process |

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### SUMMARY OF REPORT:

The purpose of this report is to review the dates of the Planning Committee and Council Meetings, incorporating Community Access sessions to be held during 2015.

Council's Code of Meeting Practice in relation to the convening of Council Meetings states:

*"1.1.2 Where are council meetings held?"*

*Council meetings are normally held in the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. It is up to the council to decide when and where to have the meeting.*

*These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.*

*Council will meet in the following format:*

- a) *A Planning Committee meeting (comprising all seven councillors) to only discuss planning related matters on the first Thursday of the month. The Planning Committee will include Community Access on the items on the Planning Agenda, with a Council Meeting to follow, to specifically adopt the recommendations of the Planning Committee; and*
- b) *A Council Meeting on the third Thursday of the month, where all other items are considered, including any planning matters that may have been deferred from the Planning Committee Meeting. This Council Meeting will include consideration of Notices of Motion, Questions on Notice, Mayoral Minute and all other reports. A Community Access session will be held at the commencement of the Council Meeting for members of the public to discuss pertinent matters other than planning matters.*

*(Adopted by Council 20 February 2014)*

*Dates of proposed meetings are available on Council's Internet site."*

**RECOMMENDATION:**

That the Planning Committee and Council Meetings, incorporating Community Access sessions for 2015 be conducted as per the following schedule:

| <b>Meetings for 2015</b>                              |  |
|---|--|
| <b>Planning Committee<br/>1<sup>st</sup> Thursday</b> | <b>Council<br/>3<sup>rd</sup> Thursday</b> |
|   | <b>22 January 2015 ∅</b>                   |
| <b>5 February 2015</b>                                | <b>19 February 2015</b>                    |
| <b>5 March 2015</b>                                   | <b>19 March 2015</b>                       |
| <b>9 April 2015 *</b>                                 | <b>16 April 2015</b>                       |
| <b>7 May 2015</b>                                     | <b>21 May 2015</b>                         |
| <b>4 June 2015</b>                                    | <b>18 June 2015</b>                        |
| <b>2 July 2015</b>                                    | <b>16 July 2015</b>                        |
| <b>6 August 2015</b>                                  | <b>20 August 2015</b>                      |
| <b>3 September 2015</b>                               | <b>17 September 2015</b>                   |
| <b>1 October 2015</b>                                 | <b>22 October 2015 **</b>                  |
| <b>5 November 2015</b>                                | <b>19 November 2015</b>                    |
| <b>3 December 2015</b>                                | <b>10 December 2015 #</b>                  |

**NOTE:**

- ∅ 22 January 2015 due to the Christmas / New Year Period
- \* 9 April 2015 due to Easter period
- \*\* to allow for consideration of the Annual Financial Statements
- # 10 December 2015 given proximity to Christmas

## REPORT:

The purpose of this report is to review the dates of the Planning Committee and Council Meetings, incorporating Community Access sessions to be held during 2015.

Council's Code of Meeting Practice in relation to the convening of Council Meetings states:

*"1.1.2 Where are council meetings held?"*

*Council meetings are normally held in the Council Chambers Civic and Cultural Centre, Tumbulgum Road, Murwillumbah. It is up to the council to decide when and where to have the meeting.*

*These meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.*

*Council will meet in the following format:*

- a) A Planning Committee meeting (comprising all seven councillors) to only discuss planning related matters on the first Thursday of the month. The Planning Committee will include Community Access on the items on the Planning Agenda, with a Council Meeting to follow, to specifically adopt the recommendations of the Planning Committee; and*
- b) A Council Meeting on the third Thursday of the month, where all other items are considered, including any planning matters that may have been deferred from the Planning Committee Meeting. This Council Meeting will include consideration of Notices of Motion, Questions on Notice, Mayoral Minute and all other reports. A Community Access session will be held at the commencement of the Council Meeting for members of the public to discuss pertinent matters other than planning matters.*

*(Adopted by Council 20 February 2014)*

*Dates of proposed meetings are available on Council's Internet site."*

With regards to the Community Access sessions the following excerpt of Part 13 of Code of Meeting Practice states:

*"Community Access sessions will be incorporated into both the Planning Committee and Council Meeting format, it is proposed that these sessions will be conducted on the first Thursday (Planning) and third Thursday (Council and Other) of the month from 4.00pm until 4.45pm."*



This report seeks to set appropriate dates for these meetings to occur during 2015 as follows:

| <b>Meetings for 2015</b>                              |  |
|---|--|
| <b>Planning Committee<br/>1<sup>st</sup> Thursday</b> | <b>Council<br/>3<sup>rd</sup> Thursday</b> |
|   | 22 January 2015 ∅                          |
| 5 February 2015                                       | 19 February 2015                           |
| 5 March 2015  | 19 March 2015                              |
| 9 April 2015 *  | 16 April 2015                              |
| 7 May 2015  | 21 May 2015                                |
| 4 June 2015   | 18 June 2015                               |
| 2 July 2015   | 16 July 2015                               |
| 6 August 2015   | 20 August 2015                             |
| 3 September 2015                                      | 17 September 2015                          |
| 1 October 2015  | 22 October 2015 **                         |
| 5 November 2015                                       | 19 November 2015                           |
| 3 December 2015                                       | 10 December 2015 #                         |

and consideration may be given to changing meeting dates.

|              |    |   |
|--------------|----|---|
| <b>NOTE:</b> | ∅  | 22 January 2015 due to the Christmas / New Year Period        |
|              | *  | 9 April 2015 due to Easter period                             |
|              | ** | to allow for consideration of the Annual Financial Statements |
|              | #  | 10 December 2015 given proximity to Christmas                 |

With Community Access sessions to be incorporated into both the Planning Committee and Council Meeting format, it is proposed that these will be conducted from 4.00pm until 4.45pm, followed by a councillor discussion session, with the Planning Committee and Council Meetings advertised to commence at 5.00pm. Any required Trust Meetings will precede the commencement of the Council Meeting on the third Thursday of the month.

#### **OPTIONS:**

That the Planning Committee and Council Meeting dates for 2015 be adopted.

#### **CONCLUSION:**

That the proposed meeting schedule for 2015 be adopted and appropriately advertised.

Consideration may also be given to the meeting venue, given that the Tweed Heads building will be available to conduct meetings during 2015.

#### **COUNCIL IMPLICATIONS:**

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

Code of Meeting Practice Version 2.4.1.

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

Expenditure associated with council meetings is included in the annual budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**28 [CS-CM] 2013/2014 Statutory Financial Reports/Audit Report**

**SUBMITTED BY: Financial Services**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

Council's Statutory General Purpose and Special Purpose Financial Reports in accordance with Section 413 of the Local Government Act, 1993 for the financial year ended 30 June 2014 have been completed and audited. The reports including significant accounting policies and associated independent Audit Report from Thomas, Noble and Russell (TNR), presents Council with a financial overview of its operations for the year 2013/2014.

The financial result for the year reveals that Council's finances are in a stable position and that the internal financial management practices are sound.

The Financial Reports for 2013/2014 are now presented to Council for adoption.

### **RECOMMENDATION:**

**That Council adopts the 2013/2014 Statutory General Purpose and Special Purpose Financial Reports.**

## REPORT:

Council's General Purpose Financial Report, including significant accounting policies for year ended 30 June 2014 have now been completed and the auditor's report received.

These reports were completed by Council and audited by Council's auditors, Thomas Noble and Russell.

### Legislation Requirements

The Local Government Act, 1993 ("the Act") relating to the preparation of Council's annual financial reports requires that:

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413 (2) – A council's financial reports must include:
  - (a) a general purpose financial report;
  - (b) any other matter prescribed by the regulations; and
  - (c) a statement in the approved form by the council as to its opinion on the general purpose financial report.
3. Section 413 (3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - (a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to regulations; and
  - (b) such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the Council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public.
6. Section 420 – Any person may make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Report.
7. Section 428(4)(a) – The audited financial reports must be included in the Council's annual report.
8. Clause 215 of the Local Government (General) Regulation, 2005 requires that the Statement under Section 413 (2) (c) on the annual financial report must be made by resolution of the Council and signed by the Mayor, at least one (1) other member of Council, the General Manager and the Responsible Accounting Officer.
9. It is a requirement of the Office of Local Government that lodgement of the Audited Financial Statements and the Auditors Report be submitted to the Chief Executive by 7 November of each year. (Note: This requirement has been met with Council submitting the Statements on 5 November 2014).

## **Council's responsibility**

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, the selection and application of accounting policies, and the safeguarding of the assets of Council. As the Responsible Accounting Officer, the Manager Financial Services, Mr Michael Chorlton has stated the accounting records have been maintained in accordance with Section 412 of the Act and in a manner that permitted the preparation of the General and Special Purpose Financial Reports for the year ended 30 June 2014.

Update No. 22 to the Local Government Code of Accounting Practice and Financial Reporting was issued in June of this year and is relevant to accounting periods ending 30 June 2014.

## **Purpose of Annual Financial Reporting**

The purpose of financial reporting, or the preparation of annual financial statements, is to communicate information about the financial position and operating results of Council to those who need to know or have an interest in Council operations.

Parties who have an interest in, or need to know financial reporting information include:

- councillors and management;
- residents/ratepayers;
- government departments and public authorities;
- community groups; and
- financial institutions

The users of financial reporting information are varied and financial statements must, therefore, be structured to meet all their respective requirements. This is achieved through conformity with the Australian Accounting Standards, which apply to the majority of business operations in Australia.

## **Annual Financial Reporting System**

### ***General Purpose Financial Reports***

Under the requirements of Australian Accounting Standards, Council is required to prepare the following reports for each financial year.

### ***Income Statement***

This shows the operating result and change in net assets from operations for the year.

### ***Statement of Comprehensive Income***

Components of the statement of comprehensive income are items of income and expense that are not recognised in profit and loss as required or permitted by other Australian Accounting Standards. These items were previously recorded in the statement of change in equity, but due to the change in AASB101 *Presentation of Financial Statements*, are now recorded in this new statement.

### ***Statement of Financial Position***

This discloses the assets, liabilities and equity of Council.

***Statement of Changes in Equity***

This reconciles opening and closing balances for each class of equity during the reporting period and gives details of any movement in these classes of equity.

***Statement of Cash Flow***

This shows information about cash flows associated with Council's operating, financing and investing activities.

***Notes to the Financial Statements***

These disclose the accounting policies adopted by Council and provide additional material necessary for evaluating and interpreting the financial statements.

In addition to the General Purpose Financial Reports, Council must also submit the Auditor's Reports in accordance with Section 417(1) of the Act and Council's Statement in accordance with Section 413(2)(c) of the Act.

***Special Purpose Financial Reports***

The National Competition Policy requires Local Government to complete Special Purpose Financial Reports for all Council's declared business activities:- Tweed Water, Tweed Sewerage, Tweed Coast Holiday Parks and Commercial Waste.

***Special Schedules***

The Office of Local Government, the Local Government Grants Commission and the NSW Office of Water require a series of schedules. These provide additional details on Council's net cost of services; internal and external loans; operating statements and statements of net assets committed for water and sewerage services; and information on water and sewerage rates and charges.

**Audit Mandate**

Council's Auditors, Thomas Noble and Russell, have completed the audit of Council's general purpose financial reports for the year ended 30 June 2014 under Section 417 of the Local Government Act 1993.

Council's auditor must prepare two reports to Council (Section 417 (1)):

- A report on the general purpose financial report, and
- A report on the conduct of the audit.

As soon as practicable after receiving the auditor's reports, Council must send a copy of the audited financial reports and the auditor's reports to the NSW Office of Local Government.

**Management Responsibility - Audit**

The performance of an audit or the provision of an audit report does not in any way absolve or relieve management of its responsibility in the maintenance of adequate accounting policies and the preparation of financial information such as budget preparation and the quarterly budget reviews submitted to Council each three months. Council has strong

internal management reporting practices in place that ensures all costs and income are monitored and acted upon.

Management has the responsibility to safeguard Council assets and prescribe policies and procedures that are consistent with the economic and efficient use of resources.

### Performance Indicators

The key financial performance ratios and their purpose, as shown in the financial reports, are listed in the following table.

| Performance Indicators               | 2013/14    | 2012/13    | 2011/12    |
|--------------------------------------|------------|------------|------------|
| Operating Performance Ratio          | -10.92%    | -4.52%     | 0.51%      |
| Own Source Operating Revenue Ratio   | 69.82%     | 74.91%     | 74.18%     |
| Unrestricted Current Ratio           | 3.18:1     | 3.51:1     | 3.07:1     |
| Debt Service Cover Ratio             | 1.87       | 2.07       | 2.69       |
| Rates and Annual Charges Outstanding | 5.79%      | 7.04%      | 8.08%      |
| Cash Expense Cover Ratio             | 12.49 mths | 12.01 mths | 14.13 mths |

- Operating Performance Ratio - This ratio measures Council's achievement of containing operating expenditure within operating revenue. (*Benchmark: >= 0%*)
- Own Source Operating Revenue Ratio - This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. (*Benchmark: >60%*)
- Unrestricted Current Ratio - This liquidity ratio is used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. (*Benchmark: >1.50:1*)
- Debt Service Cover Ratio - This ratio measures the ability of operating cash to service debt including interest, principal and lease payments. (*Benchmark: >2.0*)
- Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage - This ratio is used to assess the impact of uncollected rates, annual charges, interest and extra charges on Council's liquidity and the adequacy of recovery efforts. (*Benchmark: <10%*)
- Cash Expense Cover Ratio - This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. (*Benchmark: >3 mths*)

On a consolidated funds basis, Council has achieved or is close to benchmark in all indicators excepting the Operating Performance ratio. The recently released *Fit for the Future* reforms require Council to address this result by ensuring the operating result before capital grants and contributions is in surplus.

### OPTIONS:

Not Applicable.

### CONCLUSION:

The financial reports for 2013/2014 are now presented to Council for adoption.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

The Statutory General Purpose and Special Purpose Financial Statements and Special Schedules for the year 2013/2014 (ECM 3509348)

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29 [CS-CM] Tweed Shire Council Annual Report 2013/2014

SUBMITTED BY: Corporate Governance

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- |       |  |
|-------|--|
| 1     | Civic Leadership   |
| 1.2   | Improve decision making by engaging stakeholders and taking into account community input       |
| 1.2.1 | Council will be underpinned by good governance and transparency in its decision making process |
- 

### SUMMARY OF REPORT:

The 2013/2014 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report documentation comprises the following:

- Tweed Shire Council Annual Report 2013/2014 which includes statutory information as prescribed within the Local Government Act and Regulations; and
- Tweed Shire Council Audited Financial Statements 2013/2014.

Copies of all these documents will be uploaded to the Council website and as prescribed, will be made available to the Minister for Local Government.

### RECOMMENDATION:

**That Council receives and notes the Tweed Shire Council Annual Report 2013/2014 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.**

## **REPORT:**

The 2013/2014 Annual Report has been prepared as required under Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2005 and is attached to this report for information of the Council and community.

The Annual Report documentation comprises the following:

- Tweed Shire Council Annual Report 2013/2014 which includes statutory information as prescribed within the Local Government Act and Regulations; and
- Tweed Shire Council Audited Financial Statements 2013/2014.

Copies of all these documents will be uploaded to the Council website and as prescribed, will be made available to the Minister for Local Government.

The Annual Report highlights Council's achievements and progress including any award recognition against each of the Community Strategic Plan themes of Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment.

The audited Financial Statements 2013/2014 detail the income and expenditure and financial position of Council over this period as well as specific schedules and the Special Purpose Financial Reports.

## **OPTIONS:**

That Council receives and notes the Tweed Shire Council Annual Report 2013/2014 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

## **CONCLUSION:**

That Council receives and notes the Tweed Shire Council Annual Report 2013/2014 and makes it available to the public on Council's website and notifies the Minister for Local Government of its availability.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

In accordance with the requirements of Sections 428 and 428A of the Local Government Act 1993 and Clause 217 of the Local Government (General) Regulation 2015.

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

Not Applicable.

### **c. Legal:**

Not Applicable.

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

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Tweed Shire Council Annual Report 2013/2014  
(ECM 3511689).

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## 30 [CS-CM] Quarterly Budget Review - September 2014

**SUBMITTED BY: Financial Services**

Valid



### Civic Leadership

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

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

#### SUMMARY OF REPORT:

This is the first quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2014/2015 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 30 June 2015 in all Funds.

#### RECOMMENDATION:

That the:

1. Quarterly Budget Review Statement as at 30 September 2014 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2015.

| Description           | Change to Vote |         |
|-----------------------|----------------|---------|
|                       | Deficit        | Surplus |
| General Fund          |                |         |
| <u>Expenses</u>       |                |         |
| Employee costs        | 25,000         | 0       |
| Materials & Contracts | 316,435        | 0       |
| Interest              | 0              | 0       |
| Other Operating costs | 0              | 0       |
| Capital               | 70,000         | 0       |
| Loan Repayments       | 0              | 0       |
| Transfers to Reserves | 120,469        | 0       |
|                       | <hr/>          |         |
|                       | 531,904        | 0       |

| Description              | Change to Vote   |                  |
|--------------------------|------------------|------------------|
| <b>Income</b>            |                  |                  |
| Rates and Annual Charges | 0                | 0                |
| Interest revenue         | 0                | 0                |
| Operating Grants & Conts | 0                | 456,904          |
| Capital Grants & Conts   | 0                | 0                |
| User Charges & Fees      | 0                | 30,000           |
| Other Operating Revenue  | 0                | 0                |
| Loan Funds               | 0                | 0                |
| Recoupments              | 0                | 45,000           |
| Transfers from Reserves  | 0                | 0                |
| Asset Sales              | 0                | 0                |
|                          | <u>0</u>         | <u>531,904</u>   |
| <br>                     |                  |                  |
| Net Surplus/(Deficit)    |                  | <u>0</u>         |
|                          | <b>Deficit</b>   | <b>Surplus</b>   |
| <b>Sewer Fund</b>        |                  |                  |
| <b>Expenses</b>          |                  |                  |
| Employee costs           | 0                | 0                |
| Materials & Contracts    | 443,401          | 0                |
| Interest                 | 0                | 0                |
| Other Operating costs    | 0                | 0                |
| Capital                  | 0                | 3,149,450        |
| Loan Repayments          | 0                | 0                |
| Transfers to Reserves    | 2,572,353        | 0                |
|                          | <u>3,015,754</u> | <u>3,149,450</u> |
| <br>                     |                  |                  |
| <b>Income</b>            | 0                | 0                |
| Rates and Annual Charges | 0                | 0                |
| Interest revenue         | 0                | 165,754          |
| Operating Grants & Conts | 0                | 0                |
| Capital Grants & Conts   | 0                | 0                |
| User Charges & Fees      | 0                | 0                |
| Other Operating Revenue  | 0                | 0                |
| Loan Funds               | 0                | 0                |
| Recoupments              | 0                | 359,750          |
| Transfers from Reserves  | 659,200          | 0                |
| Asset Sales              | 0                | 0                |
|                          | <u>659,200</u>   | <u>525,504</u>   |
| <br>                     |                  |                  |
| Net Surplus/(Deficit)    |                  | <u>0</u>         |
| <br>                     |                  |                  |
| <b>Water Fund</b>        |                  |                  |
| <b>Expenses</b>          |                  |                  |
| Employee costs           | 0                | 0                |
| Materials & Contracts    | 69,221           | 0                |
| Interest                 | 0                | 0                |
| Other Operating costs    | 0                | 0                |
| Capital                  | 0                | 1,017,623        |
| Loan Repayments          | 0                | 0                |
| Transfers to Reserves    | 0                | 290,096          |
|                          | <u>69,221</u>    | <u>1,307,719</u> |

| Description              | Change to Vote |         |
|--------------------------|----------------|---------|
| <b>Income</b>            |                |         |
| Rates and Annual Charges | 0              | 0       |
| Interest revenue         | 266,875        | 0       |
| Operating Grants & Conts | 0              | 0       |
| Capital Grants & Conts   | 0              | 0       |
| User Charges & Fees      | 0              | 0       |
| Other Operating Revenue  | 0              | 0       |
| Loan Funds               | 0              | 0       |
| Recoupments              | 1,743,373      | 0       |
| Transfers from Reserves  | 0              | 771,750 |
| Asset Sales              | 0              | 0       |
|                          | <hr/>          | <hr/>   |
|                          | 2,010,248      | 771,750 |
| Net Surplus/(Deficit)    |                | <hr/>   |
|                          |                | 0       |

## **REPORT:**

### **Budget Review 30 September 2014 (Quarterly Budget Review)**

In accordance with section 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to council within two months of the close of each quarter.

The Regulation requires that the quarterly financial review must include the following:

- A revised estimate for income and expenditure for the year.
- A report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

### **Report by Responsible Accounting Officer – Quarterly Budget Review Statements**

The Quarterly Budget Review Reports are prepared to provide Council and the community with information in relation to Council's financial performance and proposed amendments to its budget and forward estimates. The reports are prepared under accrual accounting principles in accordance with the requirements of the Local Government Act 1993.

From the 2011/2012 financial year, councils have been required to prepare a Quarterly Budget Review Statement, which includes the following information:

- The original budget
- Approved changes to the original budget
- Recommendations by Council officers regarding changes to the revised budget
- A projected year end result
- Actual year to date figures
- Key Performance Indicators
- New contracts entered into during the quarter
- Consultancy and legal expenses

This information is presented in the following reports:

- List of changes which will impact on revenue, i.e. will affect the Operational Plan (budget) or Long Term Financial Plan
- Detailed list of recommended changes, including those recommended by officers and those adopted by Council
- Income and Expenses Statement, consolidated and by fund
- Funding Statement, consolidated and by fund, which gives the total budget result
- Capital Budget Review Statement
- Cash & Investments Budget Review Statement
- Budget Review Key Performance Indicators Statement
- Budget Review Contracts (part A) and Other Expenses (part B)

## Impacts on the Operational Plan and/or Long Term Financial Plan

Some recommended changes will have no net effect on the Operational Plan (1 year budget). Others will have long term effects and will need to be reflected in the next revision of the Long Term Financial Plan. The changes which will have such an effect are listed below:

| Description                   | \$                   | \$                |
|-------------------------------|----------------------|-------------------|
|                               | <b>Net Effect on</b> | <b>Net Effect</b> |
|                               | <b>2014/2015</b>     | <b>on LTFP</b>    |
|                               | <b>Budget</b>        |                   |
| <b>General Fund</b>           |                      |                   |
| Financial Assistance Grant    | (137,018)            |                   |
| SES asset replacement reserve | 120,469              |                   |
| State Library subsidy         | 12,549               | 12,549            |
| Growers Market                | 4,000                | 4,000             |
|                               | <u>0</u>             | <u>16,549</u>     |

### Detailed list of changes

| In/Ex                         | Item | Category   | Description  | Current Vote      | Change to Vote  | Details / Comments   |
|-------------------------------|------|------------|--|-------------------|-----------------|--|
| <b>1. Proposed Variations</b> |      |            |  |                   |                 |  |
| <b>General</b>                |      |            |  |                   |                 |  |
| Ex                            | 1    | Ex-Op      | Community Facilities Infrastructure Framework - Libraries            |                   | <b>5,000</b>    | As reported to Council - Planning & design                               |
| In                            | 1    | In-Recoup  | Contribution Plan 11 - Libraries                                     |                   | <b>-5,000</b>   | Funding for above  |
| Ex                            | 1    | Ex-Op      | Community Facilities Infrastructure Framework - Community Facilities |                   | <b>5,000</b>    | As reported to Council - Planning & design                               |
| In                            | 1    | In-Recoup  | Contribution Plan 15 - Community Facilities                          |                   | <b>-5,000</b>   | Funding for above  |
| Ex                            | 1    | Ex-Op      | Community Facilities Infrastructure Framework - Office Space         |                   | <b>5,000</b>    | As reported to Council - Planning & design                               |
| In                            | 1    | In-Recoup  | Contribution Plan 18 - Admin & Technical facilities                  |                   | <b>-5,000</b>   | Funding for above  |
| In                            | 2    | In-OG&C    | Financial Assistance Grant - general                                 | <b>-6,619,350</b> | <b>-137,018</b> | Advice received - grant greater than budget.                             |
| Ex                            | 3    | Ex-TTR     | SES asset replacement reserve  |                   | <b>120,469</b>  | Provision for building replacement/relocation                            |
| In                            | 4    | In-OG&C    | Financial Assistance Grant - local roads                             | <b>-2,599,980</b> | <b>-52,624</b>  | Advice received - grant greater than budget.                             |
| Ex                            | 4    | Ex-Op      | FAG roads expenditure  | 2,599,980         | <b>52,624</b>   | Expenditure funded from grant. Advice received - grant less than budget. |
| In                            | 5    | In-OG&C    | Regional Roads Grant   | <b>-1,864,300</b> | <b>37,300</b>   |  |
| Ex                            | 5    | Ex-Op      | Regional Roads Maintenance   | 1,864,300         | <b>-37,300</b>  | Expenditure reduction from grant   |
| In                            | 6    | In-OG&C    | Better Waste & Recycling Fund grant                                  |                   | <b>-217,111</b> | Grant from EPA   |
| Ex                            | 6    | Ex-Op      | Better Waste & Recycling Fund projects                               |                   | <b>217,111</b>  | Expenditure of above   |
| Ex                            | 7    | Ex-Capital | Murwillumbah Depot   |                   | <b>70,000</b>   | Roof repairs   |
| Ex                            | 7    | Ex-Op      | Depot compliance expenditure   | 51,500            | <b>-35,000</b>  | Funding for above  |
| Ex                            | 7    | Ex-Op      | Contribution from Water/Sewer funds                                  |                   | <b>-35,000</b>  | Funding for above  |
| Ex                            | 8    | Ex-Op      | Software licensing - ELMO  | 10,300            | <b>14,700</b>   | Online learning software licensing                                       |
| Ex                            | 8    | Ex-Op      | Software licensing - Epilepx   | 7,210             | <b>-7,210</b>   | Funding for above  |
| Ex                            | 8    | Ex-Op      | Training - GM section  | 32,695            | <b>-410</b>     | Funding for above  |
| Ex                            | 8    | Ex-Op      | Training - Corporate Services  | 70,233            | <b>-890</b>     | Funding for above  |
| Ex                            | 8    | Ex-Op      | Training - Planning & Regulatory                                     | 76,039            | <b>-890</b>     | Funding for above  |
| Ex                            | 8    | Ex-Op      | Training - Community & Natural Resources                             | 56,046            | <b>-1,800</b>   | Funding for above  |
| Ex                            | 8    | Ex-Op      | Training - Engineering Services                                      | 48,283            | <b>-3,500</b>   | Funding for above  |



| In/Ex | Item | Category     | Description   | Current Vote | Change to Vote | Details / Comments  |
|-------|------|--------------|---|--------------|----------------|---|
| Ex    | 9    | Ex-Op        | Acquisitive Prize Community Printmakers             | 2,926        | -2,926         | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | Artist in Residence exhibition/public program       |              | 2,926          | Re-allocation of funds  |
| In    | 9    | In-Operating | Artwork sales                                       | -42,789      | -5,000         | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC miscellaneous                                  |              | 11,000         | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC exhibition furniture                           |              | 2,200          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC freight/cartage/courier                        |              | 1,000          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC "Yellow Room" exhibition                       |              | 12,600         | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC publications                                   |              | 2,000          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC "Moya Dyring" exhibition                       |              | 5,000          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | MOAC signage  |              | 1,000          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | Art Gallery education                               | 91,956       | -43,975        | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | Grant Arts NSW Triennial                            |              | 7,175          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | Art exhibitions - "Cream"                           |              | 2,000          | Re-allocation of funds  |
| Ex    | 9    | Ex-Op        | Art exhibitions - "The world is not a foreign land" |              | 5,000          | Re-allocation of funds  |
| In    | 10   | In-OG&C      | Arts NSW triennial grant                            |              | -50,000        | Expected grant income   |
| Ex    | 10   | Ex-Op        | Art grant expenditure                               |              | 50,000         | Grant Expenditure from above  |
| Ex    | 11   | Ex-OpEmp     | Increasing Soil Carbon in Tweed Farmland            | 91,500       | 18,593         | Re-allocation of staff resources  |
| Ex    | 11   | Ex-OpEmp     | Tweed Sustainable Agriculture Strategy              | 40,000       | -18,593        | Re-allocation of staff resources<br>Work associated with Kingscliff Hotel upgrade |
| Ex    | 12   | Ex-Op        | Kingscliff car parking                              |              | 30,000         |   |
| In    | 12   | In-Recoup    | Contribution Plan 23 - Car Parking                  |              | -30,000        | Funding for above   |
| In    | 13   | In-OG&C      | State Library subsidy per capita                    | -180,102     | 13,391         | Advice received - grant less than budget.   |
| In    | 13   | In-OG&C      | State Library subsidy Local Priority                | -77,000      | -842           | Advice received - grant greater than budget.                                      |
| Ex    | 14   | Ex-Op        | Tweed Coastal Floodplain ASS hotspot identification |              | 100,000        | Acid sulfate soil program   |
| In    | 14   | In-OG&C      | Department of Environment & Climate Change Grant    |              | -50,000        | Funding for above   |
| Ex    | 14   | Ex-Op        | Tweed Coast Estuaries Management Plan               | 82,808       | -50,000        | Funding for above   |
| Ex    | 15   | Ex-Op        | Growers market site maintenance                     | 2,251        | 4,000          | Original budget insufficient  |
| Ex    | 16   | Ex-OpEmp     | Building Control Salaries                           | 1,197,016    | 40,000         | Cadet Building Surveyor   |
| Ex    | 16   | Ex-OpEmp     | Building & Health Admin Salaries                    | 444,386      | -40,000        | Funding for above   |
| Ex    | 16   | Ex-OpEmp     | Building Control Salaries                           | 1,197,016    | 25,000         | Swimming pool inspections   |
| In    | 16   | In-Operating | Pool inspection fees                                | -40,000      | -25,000        | Funding for above   |
|       |      |              |   |              | 0              |   |
|       |      |              | <b>Sewer Fund</b>                                   |              |                |   |
| Ex    | 17   | Ex-Op        | Operations  |              | 443,401        | Operational adjustments   |
| Ex    | 17   | Ex-Capital   | Various Capital Works                               |              | -3,149,450     | Deferrals & adjustments   |
| In    | 17   | In-Interest  | Interest  |              | -165,754       | Funding adjustment  |
| Ex    | 17   | Ex-TTR       | Transfers to Asset Replacement Res.                 |              | 2,572,353      | Funding adjustment  |
| In    | 17   | In-Recoup    | Transfers from Capital Contributions Res.           |              | -359,750       | Funding adjustment  |
| In    | 17   | In-TFR       | Transfers from Asset Replacement Res.               |              | 659,200        | Funding adjustment  |
|       |      |              |   |              | 0              |   |
|       |      |              | <b>Water Fund</b>                                   |              |                |   |
| Ex    | 18   | Ex-Op        | Operations  |              | 69,221         | Deferrals & adjustments   |
| In    | 18   | In-Interest  | Interest  |              | 266,875        | Funding adjustment  |
| Ex    | 18   | Ex-Capital   | Various Capital Works                               |              | -1,017,623     | Deferrals & adjustments   |
| In    | 18   | In-Recoup    | Transfers from Capital Contributions Res.           |              | 1,743,373      | Funding adjustment  |

| In/<br>Ex | Item | Category  | Description                           | Current<br>Vote                  | Change<br>to Vote | Details / Comments                    |
|-----------|------|---|---------------------------------------|----------------------------------|-------------------|---------------------------------------|
| In        | 18   | In-TFR  | Transfers from Asset Replacement Res. |                                  | -771,750          | Funding adjustment                    |
| Ex        | 18   | Ex-TTR  | Transfers to Asset Replacement Res.   |                                  | -290,096          | Funding adjustment - restricted asset |
|           |      |   |                                       |                                  | <u>0</u>          |                                       |
|           |      | <b>2. Variations Arising from Council Resolutions</b> |                                       |                                  |                   |                                       |
|           |      |   | Nil                                   |                                  | <u>0</u>          |                                       |
|           |      | <b>Summary of Votes by Type</b>                       |                                       |                                  |                   |                                       |
|           |      |   | 2014/15 Variations                    |                                  | 0                 |                                       |
|           |      |   | Council Resolutions                   |                                  | <u>0</u>          |                                       |
|           |      |   |                                       |                                  | <u>0</u>          |                                       |
|           |      | <b>Key to Category codes</b>                          |                                       |                                  |                   |                                       |
|           |      | Ex-   | OpEmp                                 | Employee costs                   |                   |                                       |
|           |      | Ex-Op   |                                       | Materials & contracts            |                   |                                       |
|           |      | Ex-   | Interest                              | Interest on loans                |                   |                                       |
|           |      | Ex-   | OpOther                               | Other operating expenses         |                   |                                       |
|           |      | Ex-Capital  |                                       | Capital works                    |                   |                                       |
|           |      | Ex-Loan   |                                       | Repayment on principal on loans  |                   |                                       |
|           |      | Reps  |                                       | Transfers to reserves            |                   |                                       |
|           |      | Ex-TTR  |                                       | Rates & annual charges           |                   |                                       |
|           |      | In-Rates  |                                       | Interest income                  |                   |                                       |
|           |      | In-Interest   |                                       | Operating grants & contributions |                   |                                       |
|           |      | In-OG&C   |                                       | Capital grants & contributions   |                   |                                       |
|           |      | In-CG&C   |                                       | User charges & fees              |                   |                                       |
|           |      | In-   | Operating                             | Other operating income           |                   |                                       |
|           |      | In-   | OpOther                               | Loan funds                       |                   |                                       |
|           |      | In-Loan   |                                       | Recoupment from s64 & s94 funds  |                   |                                       |
|           |      | In-Recoup   |                                       | Transfers from reserves          |                   |                                       |
|           |      | In-TFR  |                                       | Proceeds from sale of assets     |                   |                                       |
|           |      | In-Sales  |                                       |                                  |                   |                                       |
|           |      |   | <u>Expenses</u>                       |                                  |                   |                                       |
|           |      |   | Employee costs                        |                                  | 25,000            |                                       |
|           |      |   | Materials & Contracts                 |                                  | 829,057           |                                       |
|           |      |   | Interest                              |                                  | 0                 |                                       |
|           |      |   | Other Operating costs                 |                                  | 0                 |                                       |
|           |      |   | Capital                               |                                  | -4,097,073        |                                       |
|           |      |   | Loan Repayments                       |                                  | 0                 |                                       |
|           |      |   | Transfers to Reserves                 |                                  | <u>2,402,726</u>  |                                       |
|           |      |   |                                       |                                  | -840,290          |                                       |
|           |      |   | <u>Income</u>                         |                                  |                   |                                       |
|           |      |   | Rates and Annual Charges              |                                  | 0                 |                                       |
|           |      |   | Interest revenue                      |                                  | 101,121           |                                       |
|           |      |   | Operating Grants & Conts              |                                  | -456,904          |                                       |
|           |      |   | Capital Grants & Conts                |                                  | 0                 |                                       |
|           |      |   | User Charges & Fees                   |                                  | -30,000           |                                       |
|           |      |   | Other Operating Revenue               |                                  | 0                 |                                       |
|           |      |   | Loan Funds                            |                                  | 0                 |                                       |
|           |      |   | Recoupments                           |                                  | 1,338,623         |                                       |
|           |      |   | Transfers from Reserves               |                                  | -112,550          |                                       |
|           |      |   | Asset Sales                           |                                  | <u>0</u>          |                                       |
|           |      |   |                                       |                                  | 840,290           |                                       |
|           |      |   | Net                                   |                                  | <u>0</u>          |                                       |
|           |      | <b>Summary of Votes - by Division</b>                 |                                       |                                  |                   |                                       |
|           |      |   | Corporate Services                    |                                  | -130,418          |                                       |
|           |      |   | Planning & Regulation                 |                                  | 119,579           |                                       |

| In/Ex | Item | Category | Description                   | Current Vote | Change to Vote | Details / Comments |
|-------|------|----------|-------------------------------|--------------|----------------|--------------------|
|       |      |          | Community & Natural Resources |              | 10,749         |                    |
|       |      |          | Engineering                   |              | 500            |                    |
|       |      |          | General Manager               |              | -410           |                    |
|       |      |          |                               |              | <u>0</u>       |                    |

## Results by fund:

### General Fund

The General Fund is expected to remain as a “balanced budget”.

### Water Fund

The Water Fund is expected to remain as a “balanced budget”.

### Sewer Fund

The Sewer Fund is expected to remain as a “balanced budget”.

## Quarterly Budget Review Statements

### Income and Expense - Consolidated Budget Review Statement for the quarter ended 30 September 2014

|  | Original Budget |                     |                    |                        | Recommended changes for Council Resolution (000's) | Projected year end result (000's) | Actual YTD (000's) |
|--|-----------------|---------------------|--------------------|------------------------|--|-----------------------------------|--------------------|
|  | (000's)         | Sep Review* (000's) | Dec Review (000's) | Revised Budget (000's) |  |                                   |                    |
| <b>Income</b>                                    |                 |                     |                    |                        |  |                                   |                    |
| Rates and Annual Charges                         | 94,362          | -                   | -                  | 94,362                 | -  | 94,362                            | 24,085             |
| User Charges and Fees                            | 37,718          | -                   | -                  | 37,718                 | 30   | 37,748                            | 9,698              |
| Interest and Investment Revenue                  | 9,116           | -                   | -                  | 9,116                  | (101)  | 9,015                             | 2,479              |
| Other Revenues                                   | 1,622           | -                   | -                  | 1,622                  | -  | 1,622                             | 588                |
| Grants & Contributions - Operating               | 16,147          | -                   | -                  | 16,147                 | 457  | 16,604                            | 3,764              |
| Grants and Contributions - Capital               | 2,103           | -                   | -                  | 2,103                  | -  | 2,103                             | 1,403              |
| - Contributions (S94)                            | 21,121          | -                   | -                  | 21,121                 | -  | 21,121                            | 564                |
| Net gain from the disposal of assets             | -               | -                   | -                  | -                      | -  | -                                 | -                  |
| <b>Total Income</b>                              | <b>182,189</b>  | <b>-</b>            | <b>-</b>           | <b>182,189</b>         | <b>386</b>   | <b>182,575</b>                    | <b>42,581</b>      |
| <b>Expense</b>                                   |                 |                     |                    |                        |  |                                   |                    |
| Employee costs                                   | 46,514          | 366                 | -                  | 46,880                 | 25   | 46,905                            | 11,122             |
| Borrowing Costs                                  | 13,042          | -                   | -                  | 13,042                 | -  | 13,042                            | 1,926              |
| Materials & Contracts                            | 52,534          | 14,398              | -                  | 66,932                 | 831  | 67,763                            | 8,192              |
| Depreciation                                     | 41,368          | -                   | -                  | 41,368                 | -  | 41,368                            | 10,342             |
| Legal Costs                                      | 436             | -                   | -                  | 436                    | -  | 436                               | 93                 |
| Consultants                                      | 471             | -                   | -                  | 471                    | -  | 471                               | 45                 |
| Other Expenses                                   | 14,735          | 200                 | -                  | 14,935                 | -  | 14,935                            | 3,798              |
| Net Loss from Disposal of Assets                 | -               | -                   | -                  | -                      | -  | -                                 | -                  |
| <b>Total Expenses</b>                            | <b>169,100</b>  | <b>14,964</b>       | <b>-</b>           | <b>184,064</b>         | <b>856</b>   | <b>184,920</b>                    | <b>35,518</b>      |
| <b>Net Operating Result</b>                      | <b>13,089</b>   | <b>(14,964)</b>     | <b>-</b>           | <b>(1,875)</b>         | <b>(470)</b>                                       | <b>(2,345)</b>                    | <b>7,063</b>       |
| <b>Net Operating Result before capital items</b> | <b>(10,135)</b> | <b>(14,964)</b>     | <b>-</b>           | <b>(25,099)</b>        | <b>(470)</b>                                       | <b>(25,569)</b>                   | <b>5,096</b>       |

## Funding Statement - Consolidated - Source and Application of Funds

|   | Original Budget | Sep Review*   | Dec Review | Revised Budget | Recommended changes for Council Resolution | Projected year end result |
|---|-----------------|---------------|------------|----------------|--|---------------------------|
|   | (000's)         |               |            |                |  |                           |
| Operating Result (Income Statement)                     | 13,089          | (14,964)      | -          | (1,875)        | (470)                                      | (2,345)                   |
| <b>Add Back non-funded items:</b>                       |                 |               |            |                |  |                           |
| Depreciation  | 41,368          | -             | -          | 41,368         | -  | 41,368                    |
|   |                 | -             | -          | -              | -  | -                         |
| <b>Add non-operating funding sources</b>                |                 |               |            |                |  |                           |
| Transfers from Externally Restricted Cash               | 15,142          | 3,862         | -          | 19,004         | (1,338)                                    | 17,666                    |
| Transfers from Internally Restricted Cash               | 20,514          | 21,470        | -          | 41,984         | 113  | 42,097                    |
| Proceeds from sale of assets                            | 2,845           | -             | -          | 2,845          | -  | 2,845                     |
| Loan Funds Utilised                                     | 4,376           | 8,852         | -          | 13,228         | -  | 13,228                    |
| Repayments from Deferred Debtors                        | -               | -             | -          | -              | -  | -                         |
| <b>Funds Available</b>                                  | <b>97,334</b>   | <b>19,220</b> | <b>-</b>   | <b>116,554</b> | <b>(1,695)</b>                             | <b>114,859</b>            |
| <b>Funds were applied to:</b>                           |                 |               |            |                |  |                           |
| Purchase and construction of assets                     | 48,169          | 19,014        | -          | 67,183         | (4,097)                                    | 63,086                    |
| Repayment of principal on loans                         | 7,714           | -             | -          | 7,714          | -  | 7,714                     |
| Transfers to Externally Restricted Cash                 | 21,863          | -             | -          | 21,863         | -  | 21,863                    |
| Transfers to Internally Restricted Cash                 | 19,588          | 206           | -          | 19,794         | 2,402                                      | 22,196                    |
| <b>Funds Used</b>                                       | <b>97,334</b>   | <b>19,220</b> | <b>-</b>   | <b>116,554</b> | <b>(1,695)</b>                             | <b>114,859</b>            |
| <b>Increase/(Decrease) in Available Working Capital</b> | <b>-</b>        | <b>-</b>      | <b>-</b>   | <b>-</b>       | <b>-</b>                                   | <b>-</b>                  |

\* Includes Carried Forward Works

**Income and Expense- General Fund Budget Review Statement for the quarter ended 30 September 2014**

|  | Original       |                     |                    | Recommended changes for Council Resolution (000's) | Projected year end result (000's) | Actual YTD (000's) |
|--|----------------|---------------------|--------------------|--|-----------------------------------|--------------------|
|  | Budget (000's) | Sep Review* (000's) | Dec Review (000's) |  |                                   |                    |
| <b>Income</b>                                    |                |                     |                    |  |                                   |                    |
| Rates and Annual Charges                         | 65,338         |                     |                    | 65,338   |                                   | 16,777             |
| User Charges and Fees                            | 17,244         |                     |                    | 17,244   | 30                                | 4,802              |
| Interest and Investment Revenue                  | 4,643          |                     |                    | 4,643  | -                                 | 1,642              |
| Other Revenues                                   | 1,364          |                     |                    | 1,364  | -                                 | 433                |
| Grants & Contributions - Operating               | 15,297         |                     |                    | 15,297   | 457                               | 3,732              |
| Grants and Contributions - Capital               | 2,103          |                     |                    | 2,103  | -                                 | 1,403              |
| - Contributions (S64/S94)                        | 1,677          |                     |                    | 1,677  |                                   | 467                |
| Net gain from the disposal of assets             |                |                     |                    | -  |                                   | -                  |
| <b>Total Income</b>                              | 107,666        | -                   | -                  | 107,666  | 487                               | 29,256             |
| <b>Expense</b>                                   |                |                     |                    |  |                                   |                    |
| Employee costs                                   | 38,123         | 366                 |                    | 38,489   | 25                                | 8,596              |
| Borrowing Costs                                  | 6,044          |                     |                    | 6,044  |                                   | 751                |
| Materials & Contracts                            | 32,217         | 14,398              |                    | 46,615   | 317                               | 6,372              |
| Depreciation                                     | 25,315         |                     |                    | 25,315   |                                   | 6,329              |
| Legal Costs                                      | 436            |                     |                    | 436  |                                   | 93                 |
| Consultants                                      | 107            |                     |                    | 107  |                                   | 35                 |
| Other Expenses                                   | 10,488         | 200                 |                    | 10,688   | -                                 | 3,247              |
| Net Loss from Disposal of Assets                 |                |                     |                    | -  |                                   | -                  |
| <b>Total Expenses</b>                            | 112,730        | 14,964              | -                  | 127,694  | 342                               | 25,423             |
| <b>Net Operating Result</b>                      | (5,064)        | (14,964)            | -                  | (20,028)   | 145                               | 3,833              |
| <b>Net Operating Result before capital items</b> | (8,844)        | (14,964)            | -                  | (22,131)   | 145                               | 2,430              |

## Funding Statement - General Fund - Source and Application of Funds

|   | Original Budget | Sep Review* (000's) | Dec Review (000's) | Revised Budget (000's) | Recommended changes for Council Resolution (000's) | Projected year end result (000's) |
|---|-----------------|---------------------|--------------------|------------------------|--|-----------------------------------|
|   | (000's)         |                     |                    |                        |  |                                   |
| Operating Result (Income Statement)                     | (5,064)         | (14,964)            | -                  | (20,028)               | 145  | (19,883)                          |
| <b>Add Back non-funded items:</b>                       |                 |                     |                    |                        |  |                                   |
| Depreciation  | 25,315          |                     |                    | 25,315                 | -  | 25,315                            |
| <b>Add non-operating funding sources</b>                |                 |                     |                    |                        |  |                                   |
| Transfers from Externally Restricted Cash               | 3,300           | 3,862               |                    | 7,162                  | 45   | 7,207                             |
| Transfers from Internally Restricted Cash               | 8,300           | 21,470              |                    | 29,770                 | -  | 29,770                            |
| Proceeds from sale of assets                            | 2,845           |                     |                    | 2,845                  | -  | 2,845                             |
| Loan Funds Utilised                                     | 4,376           | 8,852               |                    | 13,228                 | -  | 13,228                            |
| Internal charges  |                 |                     |                    | -                      |  | -                                 |
| Repayments from Deferred Debtors                        |                 |                     |                    | -                      |  | -                                 |
| <b>Funds Available</b>                                  | 39,072          | 19,220              | -                  | 58,292                 | 190  | 58,482                            |
| <b>Funds were applied to:</b>                           |                 |                     |                    |                        |  |                                   |
| Purchase and construction of assets                     | 28,037          | 19,014              |                    | 47,051                 | 70   | 47,121                            |
| Repayment of principal on loans                         | 3,480           |                     |                    | 3,480                  |  | 3,480                             |
| Transfers to Externally Restricted Cash                 | 2,419           |                     |                    | 2,419                  |  | 2,419                             |
| Transfers to Internally Restricted Cash                 | 5,136           | 206                 |                    | 5,342                  | 120  | 5,462                             |
| <b>Funds Used</b>                                       | 39,072          | 19,220              | -                  | 58,292                 | 190  | 58,482                            |
| <b>Increase/(Decrease) in Available Working Capital</b> | -               | -                   | -                  | -                      | -  | -                                 |

\* Includes Carried Forward Works revotes

**Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 30 September 2014**

|  | Original Budget |                    |                    | Recommended changes for Council Resolution (000's) | Projected year end result (000's) | Actual YTD (000's) |
|--|-----------------|--------------------|--------------------|--|-----------------------------------|--------------------|
|  | (000's)         | Sep Review (000's) | Dec Review (000's) |  |                                   |                    |
| <b>Income</b>                                    |                 |                    |                    |  |                                   |                    |
| Rates and Annual Charges                         | 24,192          |                    |                    | 24,192   |                                   | 6,121              |
| User Charges and Fees                            | 1,311           |                    |                    | 1,311  |                                   | 379                |
| Interest and Investment Revenue                  | 2,838           |                    |                    | 2,838  | 166                               | 535                |
| Other Revenues                                   | 15              |                    |                    | 15   |                                   | 5                  |
| Grants & Contributions - Operating               | 464             |                    |                    | 464  | -                                 | 32                 |
| Grants and Contributions - Capital               |                 |                    |                    | -  |                                   |                    |
| - Contributions (S64/S94)                        | 5,646           |                    |                    | 5,646  | -                                 | 28                 |
| Net gain from the disposal of assets             |                 |                    |                    | -  |                                   |                    |
| <b>Total Income</b>                              | <b>34,466</b>   | <b>-</b>           | <b>-</b>           | <b>34,466</b>                                      | <b>166</b>                        | <b>7,100</b>       |
| <b>Expense</b>                                   |                 |                    |                    |  |                                   |                    |
| Employee costs                                   | 4,848           |                    |                    | 4,848  |                                   | 1,470              |
| Borrowing Costs                                  | 2,389           |                    |                    | 2,389  |                                   | 15                 |
| Materials & Contracts                            | 9,647           |                    |                    | 9,647  | 444                               | 818                |
| Depreciation                                     | 9,209           |                    |                    | 9,209  |                                   | 2,302              |
| Legal Costs                                      |                 |                    |                    | -  |                                   |                    |
| Consultants                                      | 141             |                    |                    | 141  |                                   | 5                  |
| Other Expenses                                   | 2,327           |                    |                    | 2,327  | -                                 | 339                |
| Net Loss from Disposal of Assets                 |                 |                    |                    | -  |                                   |                    |
| <b>Total Expenses</b>                            | <b>28,561</b>   | <b>-</b>           | <b>-</b>           | <b>28,561</b>                                      | <b>444</b>                        | <b>4,949</b>       |
| <b>Net Operating Result</b>                      | <b>5,905</b>    | <b>-</b>           | <b>-</b>           | <b>5,905</b>                                       | <b>(278)</b>                      | <b>2,151</b>       |
| <b>Net Operating Result before capital items</b> | <b>259</b>      | <b>-</b>           | <b>-</b>           | <b>259</b>   | <b>(278)</b>                      | <b>2,123</b>       |

## Funding Statement - Sewer Fund - Source and Application of Funds

|   | Original Budget |                           |                          | Revised Budget<br>(000's) | Recommended changes<br>for Council<br>Resolution<br>(000's) | Projected<br>year end<br>result<br>(000's) |
|---|-----------------|---------------------------|--------------------------|---------------------------|---|--|
|   | (000's)         | Sep<br>Review*<br>(000's) | Dec<br>Review<br>(000's) |                           |   |  |
| Operating Result (Income Statement)                     | 5,905           | -                         | -                        | 5,905                     | (278)   | 5,627                                      |
| <b>Add Back non-funded items:</b>                       |                 |                           |                          |                           |   |  |
| Depreciation  | 9,209           | -                         | -                        | 9,209                     | -   | 9,209                                      |
| <b>Add non-operating funding sources</b>                |                 |                           |                          |                           |   |  |
| Transfers from Externally Restricted Cash               | 5,335           |                           |                          | 5,335                     | 360   | 5,695                                      |
| Transfers from Internally Restricted Cash               | 8,548           |                           |                          | 8,548                     | (659)   | 7,889                                      |
| Proceeds from sale of assets                            |                 |                           |                          | -                         |   | -  |
| Loan Funds Utilised                                     |                 |                           |                          | -                         | -   | -  |
| Repayments from Deferred Debtors                        |                 |                           |                          | -                         |   | -  |
| <b>Funds Available</b>                                  | 28,997          | -                         | -                        | 28,997                    | (577)   | 28,420                                     |
| <b>Funds were applied to:</b>                           |                 |                           |                          |                           |   |  |
| Purchase and construction of assets                     | 14,433          |                           |                          | 14,433                    | (3,149)   | 11,284                                     |
| Repayment of principal on loans                         | 3,049           |                           |                          | 3,049                     |   | 3,049                                      |
| Transfers to Externally Restricted Cash                 | 5,646           |                           |                          | 5,646                     |   | 5,646                                      |
| Transfers to Internally Restricted Cash                 | 5,869           |                           |                          | 5,869                     | 2,572   | 8,441                                      |
| Internal charges  |                 |                           |                          | -                         |   | -  |
| <b>Funds Used</b>                                       | 28,997          | -                         | -                        | 28,997                    | (577)   | 28,420                                     |
| <b>Increase/(Decrease) in Available Working Capital</b> | -               | -                         | -                        | -                         | -   | -  |



**Income and Expense- Water Fund Budget Review Statement for the quarter ended 30 September 2014**

|  | Original Budget    |                    |                        | Recommended changes for Council Resolution (000's) | Projected year end result (000's) | Actual YTD (000's) |
|--|--------------------|--------------------|------------------------|--|-----------------------------------|--------------------|
|  | Sep Review (000's) | Dec Review (000's) | Revised Budget (000's) |  |                                   |                    |
| <b>Income</b>                                    |                    |                    |                        |  |                                   |                    |
| Rates and Annual Charges                         |                    |                    | 4,832                  |  | 4,832                             | 1,187              |
| User Charges and Fees                            |                    |                    | 19,163                 | -  | 19,163                            | 4,517              |
| Interest and Investment Revenue                  |                    |                    | 1,635                  | (267)  | 1,368                             | 302                |
| Other Revenues                                   |                    |                    | 243                    |  | 243                               | 150                |
| Grants & Contributions - Operating               |                    |                    | 386                    | -  | 386                               |                    |
| Grants and Contributions - Capital               |                    |                    | -                      |  | -                                 |                    |
| - Contributions (S64/S94)                        |                    |                    | 13,798                 | -  | 13,798                            | 69                 |
| Net gain from the disposal of assets             |                    |                    | -                      |  | -                                 |                    |
| <b>Total Income</b>                              |                    |                    | 40,057                 | (267)  | 39,790                            | 6,225              |
| <b>Expense</b>                                   |                    |                    |                        |  |                                   |                    |
| Employee costs                                   |                    |                    | 3,543                  |  | 3,543                             | 1,056              |
| Borrowing Costs                                  |                    |                    | 4,609                  |  | 4,609                             | 1,160              |
| Materials & Contracts                            |                    |                    | 10,670                 | 70   | 10,740                            | 1,002              |
| Depreciation                                     |                    |                    | 6,844                  |  | 6,844                             | 1,711              |
| Legal Costs                                      |                    |                    | -                      |  | -                                 |                    |
| Consultants                                      |                    |                    | 223                    |  | 223                               | 5                  |
| Other Expenses                                   |                    |                    | 1,920                  |  | 1,920                             | 212                |
| Net Loss from Disposal of Assets                 |                    |                    | -                      |  | -                                 |                    |
| <b>Total Expenses</b>                            |                    |                    | 27,809                 | 70   | 27,879                            | 5,146              |
| <b>Net Operating Result</b>                      |                    |                    | 12,248                 | (337)  | 11,911                            | 1,079              |
| <b>Net Operating Result before capital items</b> |                    |                    | (1,550)                | (337)  | (1,887)                           | 1,010              |

**Funding Statement - Water Fund - Source and Application of Funds**

|   | Original Budget |                        |                       | Revised Budget<br>(000's) | Recommended changes for Council Resolution<br>(000's) | Projected year end result<br>(000's) |
|---|-----------------|------------------------|-----------------------|---------------------------|---|--------------------------------------|
|   | (000's)         | Sep Review*<br>(000's) | Dec Review<br>(000's) |                           |   |                                      |
| Operating Result (Income Statement)                     | 12,248          | -                      | -                     | 12,248                    | (337)   | 11,911                               |
| <b>Add Back non-funded items:</b>                       |                 |                        |                       |                           |   |                                      |
| Depreciation  | 6,844           | -                      | -                     | 6,844                     | -   | 6,844                                |
| <b>Add non-operating funding sources</b>                |                 |                        |                       |                           |   |                                      |
| Transfers from Externally Restricted Cash               | 6,507           |                        |                       | 6,507                     | (1,743)   | 4,764                                |
| Transfers from Internally Restricted Cash               | 3,666           |                        |                       | 3,666                     | 772   | 4,438                                |
| Proceeds from sale of assets                            |                 |                        |                       | -                         |   | -                                    |
| Loan Funds Utilised                                     |                 |                        |                       | -                         | -   | -                                    |
| Repayments from Deferred Debtors                        |                 |                        |                       | -                         |   | -                                    |
| <b>Funds Available</b>                                  | 29,265          | -                      | -                     | 29,265                    | (1,308)   | 27,957                               |
| <b>Funds were applied to:</b>                           |                 |                        |                       |                           |   |                                      |
| Purchase and construction of assets                     | 5,699           |                        |                       | 5,699                     | (1,018)   | 4,681                                |
| Repayment of principal on loans                         | 1,185           |                        |                       | 1,185                     |   | 1,185                                |
| Transfers to Externally Restricted Cash                 | 13,798          |                        |                       | 13,798                    |   | 13,798                               |
| Transfers to Internally Restricted Cash                 | 8,583           |                        |                       | 8,583                     | (290)   | 8,293                                |
| Internal charges  |                 |                        |                       | -                         |   | -                                    |
| <b>Funds Used</b>                                       | 29,265          | -                      | -                     | 29,265                    | (1,308)   | 27,957                               |
| <b>Increase/(Decrease) in Available Working Capital</b> | -               | -                      | -                     | -                         | -   | -                                    |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2014 and should be read in conjunction with other documents in the QBRs.

### Capital Budget Review Statement - Consolidated - for the quarter ended 30 September 2014

|                                     | Original Budget |                     |                    | Recommended changes for Council Resolution (000's) | Projected year end result (000's) | Actual YTD (000's) |                        |
|-------------------------------------|-----------------|---------------------|--------------------|--|-----------------------------------|--------------------|------------------------|
|                                     | (000's)         | Sep Review* (000's) | Dec Review (000's) |  |                                   |                    | Revised Budget (000's) |
| <b>Capital Funding **</b>           |                 |                     |                    |  |                                   |                    |                        |
| Rates and other untied funding      | 16,654          |                     |                    | 16,654   | (209)                             | 16,445             | 913                    |
| Capital Grants & Contributions      | 4,378           |                     |                    | 4,378  |                                   | 4,378              | 475                    |
| Internal Restrictions (Reserves)    | 18,723          | 6,300               |                    | 25,023   | (3,231)                           | 21,792             | 2,435                  |
| External Restrictions               |                 |                     |                    |  |                                   |                    |                        |
| - s64 & s94 funds                   | 11,555          | 3,862               |                    | 15,417   | (658)                             | 14,759             | 1,716                  |
| Other Capital Funding Sources       |                 |                     |                    |  |                                   |                    |                        |
| - loans                             | 6,576           | 8,852               |                    | 15,428   |                                   | 15,428             | 1,673                  |
| Income from sale of assets          |                 |                     |                    |  |                                   |                    |                        |
| - plant and equipment               | 2,545           |                     |                    | 2,545  |                                   | 2,545              | 276                    |
| - Land,Buildings,Furniture,Fittings |                 |                     |                    |  |                                   |                    |                        |
| <b>Total Capital Funding</b>        | <b>60,431</b>   | <b>19,014</b>       |                    | <b>79,445</b>                                      | <b>(4,098)</b>                    | <b>75,347</b>      | <b>7,488</b>           |
| <b>Capital Expenditure</b>          |                 |                     |                    |  |                                   |                    |                        |
| <u>New Assets</u>                   |                 |                     |                    |  |                                   |                    |                        |
| - Plant and Equipment               |                 | 200                 |                    | 200  |                                   | 200                |                        |
| - Land,Buildings,Furniture,Fittings | 7,100           | 3,067               |                    | 10,167   |                                   | 10,167             | 797                    |
| - Roads, Bridges, Footpaths         | 451             | 288                 |                    | 739  |                                   | 739                | 57                     |
| - Drainage                          |                 |                     |                    |  |                                   |                    |                        |
| - Water & Sewer Infrastructure      | 4,778           |                     |                    | 4,778  |                                   | 4,778              | 327                    |
| - Other                             | 8,875           | 4,411               |                    | 13,286   |                                   | 13,286             | 714                    |
| <u>Renewals (Replacement)</u>       |                 |                     |                    |  |                                   |                    |                        |
| - Plant and Equipment               | 5,506           |                     |                    | 5,506  |                                   | 5,506              | 1,148                  |
| - Land,Buildings,Furniture,Fittings | 100             | 161                 |                    | 261  | 70                                | 331                | 25                     |
| - Roads, Bridges, Footpaths         | 6,066           | 5,973               |                    | 12,039   |                                   | 12,039             | 1,005                  |
| - Drainage                          | 210             | 620                 |                    | 830  |                                   | 830                | 56                     |
| - Water & Sewer Infrastructure      | 6,968           |                     |                    | 6,968  | (1,023)                           | 5,945              | 500                    |
| - Other                             |                 | 277                 |                    | 277  |                                   | 277                | 254                    |
| <u>Upgrades</u>                     |                 |                     |                    |  |                                   |                    |                        |
| - Plant and Equipment               |                 |                     |                    |  |                                   |                    |                        |
| - Land,Buildings,Furniture,Fittings |                 | 2                   |                    | 2  |                                   | 2                  | 37                     |
| - Roads, Bridges, Footpaths         | 3,566           | 2,786               |                    | 6,352  |                                   | 6,352              | 602                    |
| - Drainage                          | 890             | 990                 |                    | 1,880  |                                   | 1,880              | 389                    |
| - Water & Sewer Infrastructure      | 8,207           |                     |                    | 8,207  | (3,145)                           | 5,062              | 547                    |
| - Other                             |                 | 239                 |                    | 239  |                                   | 239                | 49                     |
| Loan Repayments (principal)         | 7,714           |                     |                    | 7,714  |                                   | 7,714              | 981                    |
| <b>Total Capital Expenditure</b>    | <b>60,431</b>   | <b>19,014</b>       |                    | <b>79,445</b>                                      | <b>(4,098)</b>                    | <b>75,347</b>      | <b>7,488</b>           |

**Capital Budget Review Statement - General Fund - for the quarter ended 30 September 2014**

| Original Budget<br>(000's) | Original Budget        |                       |                           | Recommended changes for Council Resolution<br>(000's) | Projected year end result<br>(000's) | Actual YTD<br>(000's) |
|----------------------------|------------------------|-----------------------|---------------------------|---|--------------------------------------|-----------------------|
|                            | Sep Review*<br>(000's) | Dec Review<br>(000's) | Revised Budget<br>(000's) |   |                                      |                       |

**Capital Funding \*\***

|  |               |               |               |           |               |              |
|--|---------------|---------------|---------------|-----------|---------------|--------------|
| Rates and other untied funding         | 11,870        |               | 11,870        | 70        | 11,940        | 917          |
| Capital Grants & Contributions         | 4,378         |               | 4,378         |           | 4,378         | 475          |
| Internal Restrictions (Reserves)       | 8,175         | 6,300         | 14,475        |           | 14,475        | 1,570        |
| External Restrictions                  |               |               |               |           |               |              |
| - s64 & s94 funds                      | 2,200         | 3,862         | 6,062         |           | 6,062         | 657          |
| Other Capital Funding Sources          |               |               |               |           |               |              |
| - loans                                | 6,576         | 8,852         | 15,428        |           | 15,428        | 1,673        |
| Income from sale of assets             |               |               |               |           |               |              |
| - plant and equipment                  | 2,545         |               | 2,545         |           | 2,545         | 276          |
| - Land, Buildings, Furniture, Fittings |               |               |               |           |               |              |
| <b>Total Capital Funding</b>           | <b>35,744</b> | <b>19,014</b> | <b>54,758</b> | <b>70</b> | <b>54,828</b> | <b>5,568</b> |

**Capital Expenditure**

New Assets

|  |               |               |               |           |               |              |
|--|---------------|---------------|---------------|-----------|---------------|--------------|
| - Plant and Equipment                  |               | 200           | 200           |           | 200           |              |
| - Land, Buildings, Furniture, Fittings | 6,600         | 3,067         | 9,667         |           | 9,667         | 795          |
| - Roads, Bridges, Footpaths            | 451           | 288           | 739           |           | 739           | 57           |
| - Drainage                             |               |               |               |           |               |              |
| - Other                                | 8,875         | 4,411         | 13,286        |           | 13,286        | 714          |
| <u>Renewals (Replacement)</u>          |               |               |               |           |               |              |
| - Plant and Equipment                  | 5,506         |               | 5,506         |           | 5,506         | 1,148        |
| - Land, Buildings, Furniture, Fittings | 100           | 161           | 261           | 70        | 331           | 25           |
| - Roads, Bridges, Footpaths            | 6,066         | 5,973         | 12,039        |           | 12,039        | 1,005        |
| - Drainage                             | 210           | 620           | 830           |           | 830           | 56           |
| - Other                                |               | 277           | 277           |           | 277           | 254          |
| <u>Upgrades</u>                        |               |               |               |           |               |              |
| - Plant and Equipment                  |               |               |               |           |               |              |
| - Land, Buildings, Furniture, Fittings |               | 2             | 2             |           | 2             | 37           |
| - Roads, Bridges, Footpaths            | 3,566         | 2,786         | 6,352         |           | 6,352         | 602          |
| - Drainage                             | 890           | 990           | 1,880         |           | 1,880         | 389          |
| - Other                                |               | 239           | 239           |           | 239           | 49           |
| Loan Repayments (principal)            | 3,480         |               | 3,480         |           | 3,480         | 437          |
| <b>Total Capital Expenditure</b>       | <b>35,744</b> | <b>19,014</b> | <b>54,758</b> | <b>70</b> | <b>54,828</b> | <b>5,568</b> |

**Capital Budget Review Statement - Sewer Fund - for the quarter ended 30 September 2014**

| Original Budget<br>(000's) | Sep Review<br>(000's) | Dec Review<br>(000's) | Revised Budget<br>(000's) | Recommended changes for Council Resolution<br>(000's) | Projected year end result<br>(000's) | Actual YTD<br>(000's) |
|----------------------------|-----------------------|-----------------------|---------------------------|---|--------------------------------------|-----------------------|
|                            |                       |                       |                           |   |                                      |                       |

**Capital Funding \***

|                                     |               |  |               |                |               |              |
|-------------------------------------|---------------|--|---------------|----------------|---------------|--------------|
| Rates and other untied funding      | 3,599         |  | 3,599         | (279)          | 3,320         | 33           |
| Capital Grants & Contributions      |               |  |               |                |               |              |
| Internal Restrictions (Reserves)    | 8,548         |  | 8,548         | (3,231)        | 5,317         | 642          |
| External Restrictions               |               |  |               |                |               |              |
| - s64 & s94 funds                   | 5,335         |  | 5,335         | 360            | 5,695         | 688          |
| Other Capital Funding Sources       |               |  |               |                |               |              |
| - loans                             |               |  |               |                |               |              |
| Income from sale of assets          |               |  |               |                |               |              |
| - plant and equipment               |               |  |               |                |               |              |
| - Land,Buildings,Furniture,Fittings |               |  |               |                |               |              |
| <b>Total Capital Funding</b>        | <b>17,482</b> |  | <b>17,482</b> | <b>(3,150)</b> | <b>14,332</b> | <b>1,363</b> |

**Capital Expenditure**

New Assets

|                                     |       |  |       |       |       |     |
|-------------------------------------|-------|--|-------|-------|-------|-----|
| - Plant and Equipment               |       |  |       |       |       |     |
| - Land,Buildings,Furniture,Fittings |       |  |       |       |       |     |
| - Water & Sewer Infrastructure      | 4,023 |  | 4,023 | (644) | 3,379 | 119 |
| - Other                             |       |  |       |       |       |     |

Renewals (Replacement)

|                                     |       |  |       |       |       |     |
|-------------------------------------|-------|--|-------|-------|-------|-----|
| - Plant and Equipment               |       |  |       |       |       |     |
| - Land,Buildings,Furniture,Fittings |       |  |       |       |       |     |
| - Water & Sewer Infrastructure      | 3,783 |  | 3,783 | (941) | 2,842 | 451 |
| - Other                             |       |  |       |       |       |     |

Upgrades

|                                     |       |  |       |         |       |     |
|-------------------------------------|-------|--|-------|---------|-------|-----|
| - Plant and Equipment               |       |  |       |         |       |     |
| - Land,Buildings,Furniture,Fittings |       |  |       |         |       |     |
| - Water & Sewer Infrastructure      | 6,627 |  | 6,627 | (1,565) | 5,062 | 538 |
| - Other                             |       |  |       |         |       |     |

|                                  |               |  |               |                |               |              |
|----------------------------------|---------------|--|---------------|----------------|---------------|--------------|
| Loan Repayments (principal)      | 3,049         |  | 3,049         |                | 3,049         | 255          |
| <b>Total Capital Expenditure</b> | <b>17,482</b> |  | <b>17,482</b> | <b>(3,150)</b> | <b>14,332</b> | <b>1,363</b> |

**Capital Budget Review Statement - Water Fund - for the quarter ended 30 September 2014**

| Original Budget<br>(000's) | Sep Review<br>(000's) | Dec Review<br>(000's) | Revised Budget<br>(000's) | Recommended changes for Council Resolution<br>(000's) | Projected year end result<br>(000's) | Actual YTD<br>(000's) |
|----------------------------|-----------------------|-----------------------|---------------------------|---|--------------------------------------|-----------------------|
|                            |                       |                       |                           |   |                                      |                       |

**Capital Funding \***

|                                     |              |  |              |                |              |            |
|-------------------------------------|--------------|--|--------------|----------------|--------------|------------|
| Rates and other untied funding      | 1,185        |  | 1,185        |                | 1,185        | (37)       |
| Capital Grants & Contributions      |              |  |              |                |              |            |
| Internal Restrictions (Reserves)    | 2,000        |  | 2,000        |                | 2,000        | 223        |
| External Restrictions               |              |  |              |                |              |            |
| - s64 & s94 funds                   | 4,020        |  | 4,020        | (1,018)        | 3,002        | 371        |
| Other Capital Funding Sources       |              |  |              |                |              |            |
| - loans                             |              |  |              |                |              |            |
| Income from sale of assets          |              |  |              |                |              |            |
| - plant and equipment               |              |  |              |                |              |            |
| - Land,Buildings,Furniture,Fittings |              |  |              |                |              |            |
| <b>Total Capital Funding</b>        | <b>7,205</b> |  | <b>7,205</b> | <b>(1,018)</b> | <b>6,187</b> | <b>557</b> |

**Capital Expenditure**

New Assets

|                                     |     |  |     |     |       |     |
|-------------------------------------|-----|--|-----|-----|-------|-----|
| - Plant and Equipment               |     |  |     |     |       |     |
| - Land,Buildings,Furniture,Fittings | 500 |  | 500 |     | 500   | 2   |
| - Water & Sewer Infrastructure      | 755 |  | 755 | 644 | 1,399 | 208 |
| - Other                             |     |  |     |     |       |     |

Renewals (Replacement)

|                                     |       |  |       |      |       |    |
|-------------------------------------|-------|--|-------|------|-------|----|
| - Plant and Equipment               |       |  |       |      |       |    |
| - Land,Buildings,Furniture,Fittings |       |  |       |      |       |    |
| - Water & Sewer Infrastructure      | 3,185 |  | 3,185 | (82) | 3,103 | 49 |
| - Other                             |       |  |       |      |       |    |

Upgrades

|                                     |       |  |       |         |  |   |
|-------------------------------------|-------|--|-------|---------|--|---|
| - Plant and Equipment               |       |  |       |         |  |   |
| - Land,Buildings,Furniture,Fittings |       |  |       |         |  |   |
| - Water & Sewer Infrastructure      | 1,580 |  | 1,580 | (1,580) |  | 9 |
| - Other                             |       |  |       |         |  |   |

|                                  |              |  |              |                |              |            |
|----------------------------------|--------------|--|--------------|----------------|--------------|------------|
| Loan Repayments (principal)      | 1,185        |  | 1,185        |                | 1,185        | 289        |
| <b>Total Capital Expenditure</b> | <b>7,205</b> |  | <b>7,205</b> | <b>(1,018)</b> | <b>6,187</b> | <b>557</b> |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2014 and should be read in conjunction with other documents in the QBRS.

\* Note: includes carried forward works revotes

\* \*Note: figures in the Actual YTD column of capital funding are estimates only. Detailed calculations of funding results are performed annually.

**Cash and Investments Budget Review Statement for the quarter ended 30 September 2014**

| Original Budget<br>(000's)         | Approved Changes      |                       |                       |                           | Recommended changes for Council Resolution<br>(000's) | Projected year end result<br>(000's) | Actual * YTD<br>(000's) |
|------------------------------------|-----------------------|-----------------------|-----------------------|---------------------------|---|--------------------------------------|-------------------------|
|                                    | Roll-Overs<br>(000's) | Sep Review<br>(000's) | Dec Review<br>(000's) | Revised Budget<br>(000's) |   |                                      |                         |
| <b>Unrestricted</b>                |                       |                       |                       |                           |   |                                      |                         |
| 5,539                              |                       |                       |                       | 5,539                     |   | 5,539                                | 6,062                   |
| <b>Externally restricted</b>       |                       |                       |                       |                           |   |                                      |                         |
| RTA Contributions                  | 347                   |                       |                       | 347                       |   | 347                                  | 347                     |
| Developer contributions            | 22,016                |                       |                       | 22,016                    |   | 22,016                               | 24,107                  |
| Domestic waste management          | 7,300                 |                       |                       | 7,300                     |   | 7,300                                | 7,300                   |
| Special Rates                      | 214                   |                       |                       | 214                       |   | 214                                  | 214                     |
| Special purpose grants             | 2,764                 |                       |                       | 2,764                     |   | 2,764                                | 2,764                   |
| Water Supplies                     | 31,533                |                       |                       | 31,533                    |   | 31,533                               | 27,459                  |
| Sewerage Services                  | 53,510                |                       |                       | 53,510                    |   | 53,510                               | 61,484                  |
| Other                              | 21,443                |                       |                       | 21,443                    |   | 21,443                               | 21,443                  |
| <b>Total Externally restricted</b> | 139,127               | 0                     | 0                     | 139,127                   | 0   | 139,127                              | 145,118                 |
| <b>Internally restricted</b>       |                       |                       |                       |                           |   |                                      |                         |
| Employee Leave entitlements        | 10,291                |                       |                       | 10,291                    |   | 10,291                               | 10,291                  |
| Unexpended loans                   | 9,436                 |                       |                       | 9,436                     |   | 9,436                                | 9,436                   |
| Unexpended grants                  | 2,753                 |                       |                       | 2,753                     |   | 2,753                                | 2,753                   |
| 7 Year Plan                        | 3,094                 |                       |                       | 3,094                     |   | 3,094                                | 3,094                   |
| Works Carried Forward              | 11,777                |                       |                       | 11,777                    |   | 11,777                               | 11,777                  |
| Replacement of Plant and Vehicles  | 3,039                 |                       |                       | 3,039                     |   | 3,039                                | 3,039                   |
| Tip improvements                   | 4,311                 |                       |                       | 4,311                     |   | 4,311                                | 4,311                   |
| Asset renewals                     | 2,034                 |                       |                       | 2,034                     |   | 2,034                                | 2,034                   |
| Other                              | 5,781                 |                       |                       | 5,781                     |   | 5,781                                | 5,781                   |
| <b>Total Internally restricted</b> | 52,516                | 0                     | 0                     | 52,516                    | 0   | 52,516                               | 52,516                  |
| <b>Total Restricted</b>            | 191,643               | 0                     | 0                     | 191,643                   | 0   | 191,643                              | 197,634                 |
| <b>Total cash and investments</b>  | 197,182               | 0                     | 0                     | 197,182                   | 0   | 197,182                              | 203,696                 |
| <b>Available cash</b>              | 5,539                 | 0                     | 0                     | 5,539                     | 0   | 5,539                                | 6,062                   |

\* Note: figures in the Actual YTD are estimates only. Detailed calculations of funding results and cash restrictions are performed annually.

**Notes:**

The available cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations. Internal restrictions are funds that council has determined will be used for a specific purpose.

**Statement of compliance with investment policy:**

Council's investments have been made in accordance with Council's investment policies.

**Reconciliation of restricted funds with current investment report:**

**Reconciliation of restricted funds with current investment report:**

|  |                |
|--|----------------|
|  | <b>(000's)</b> |
| Total restricted funds   | 197,634        |
| Total invested funds as per September Investment Report                                      | 202,246        |
| Note: some restricted funds are held as cash as they will be utilised in the current period. |                |

**Statement of bank reconciliation:**

Cash has been reconciled with the bank statement. The last bank reconciliation was completed to 13 October 2014.

**Reconciliation of cash and investments:**

|                                   |                |  |
|-----------------------------------|----------------|--|
|                                   | <b>(000's)</b> |  |
| Cash and investments as per above | 203,696        |  |
| <b>Cash on hand and at bank</b>   | 1,450          |  |
| <b>Investments</b>                | <u>202,246</u> |  |
|                                   | 203,696        |  |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2014 and should be read in conjunction with other documents in the QBRS.

**Key Performance Indicators Budget Review Statement for the quarter ended 30 September 2014**

Note that KPIs will be distorted by the short reporting period (3 months), and by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

**1. Unrestricted Current Ratio**

|   |                |       |
|---|----------------|-------|
|   | <b>(000's)</b> |       |
| Current assets less all external restrictions | <u>110,596</u> | 7.1:1 |
| Current liabilities                           | 15,509         |       |



**Purpose:**

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

**Comment:**

Higher than it would be for the annual calculation, as expenditure throughout the year will run down cash and receivables.

|                           | Amounts | Indicator |
|---------------------------|---------|-----------|
| 2. Debt Service Ratio     | (000's) |           |
| Debt Service Cost         | 2,907   | 7.6%      |
| Selected operating income | 38,262  |           |

**Purpose:**

To assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2014 and should be read in conjunction with other documents in the QBRS.

**Budget Review Contracts and Other Expenses for the quarter ended 30 September 2014**

| PART A-Contracts Listing           |   | Contract value | Commencement date | Duration of contract | Budgeted (Y/N) |
|------------------------------------|---|----------------|-------------------|----------------------|----------------|
| Contractor                         | Contract detail & purpose   | \$             | date              | contract             | (Y/N)          |
| Crosana Pty Ltd                    | EC2014-066 Urliup Road Crib Wall Retaining Structure  | \$185,522      | 01/09/2014        | 05/11/2014           | y              |
| Demacs Construction (Aust) Pty Ltd | EC2014-095 Supply, Construction, Testing and Commissioning of Sewer Pipelines and Associated Works at Mount Ernest Crescent Murwillumbah (SEW 27) and Grassmere Court Banora Point (SEW 30) | \$267,472      | 08/09/2014        | 14 weeks             | y              |

| PART B - Consultancy and Legal expenses |  | Expenditure | Budgeted |
|---|--|-------------|----------|
| Expense                                 |  | YTD \$      | (Y/N)    |
| Consultancies                           |  | 73,473      | Y        |
| Legal expenses                          |  | 91,440      | Y        |

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 30 September 2014 and should be read in conjunction with other documents in the QBRS.

**Statutory Statement – Local Government (General) Regulations 2005  
(Sections 202 & 203) by “Responsible Accounting Officer”**

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

- (a) *establish and maintain a system of budgetary control that will enable the council’s actual income and expenditure to be monitored each month and to be compared with the estimate of the council’s income and expenditure, and*
- (b) *if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

**203 Budget review statements and revision of estimates**

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Statement of the council’s revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
  - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

**Statutory Statement**

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 30/9/2014 indicates that Council’s projected financial position at 30/6/2015 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton 24/10/2014  
“Responsible Accounting Officer”  
Manager Financial Services  
Tweed Shire Council

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Refer to Statutory Statement above.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

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

As detailed within the report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**31 [CS-CM] Corporate Quarterly Performance Report 1 July to 30 September 2014**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

- 1 Civic Leadership
  - 1.3 Delivering the objectives of this plan
  - 1.3.2 Council will seek the best value in delivering services
- 

### **SUMMARY OF REPORT:**

The Corporate Quarterly Report for the period 1 July to 30 September 2014 is presented to Council for consideration.

This report and accompanying attachments detail the progress of the 2014/2015 Operational Plan activities up to 30 September 2014.

### **RECOMMENDATION:**

**That Council receives and notes the Corporate Quarterly Performance Report as at 30 September 2014.**

**REPORT:**

At the Council meeting held Thursday 19 June 2014 the Operational Plan 2014/2015 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



**Civic Leadership** - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



**Supporting Community Life** - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



**Strengthening the Economy**- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



**Caring for the Environment** - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

Some highlights for the quarter 1 July to 30 September 2014 are as follows:

| Item              | Description   |
|-------------------|---|
| <b>P1.5.2.11</b>  | Business Park Development Control Plan<br>Section A17 "Business, Enterprise Corridor & General Industrial Zones" of the Tweed Development Control Plan 2008 took effect on 20 August 2014   |
| <b>P2.1.1.16</b>  | Youth Strategy - Development of Knox Park Youth Precinct<br>Council's engagement with key stakeholders to design a concept plan for the Youth Precinct skate park in Knox Park is complete. |
| <b>P2.1.1.6</b>   | An Access and Inclusion Plan<br>Council adopted the Access and Inclusion Plan on 21 August 2014.  |
| <b>CP2.3.2.1</b>  | Clarrie Hall Dam Spillway Upgrade - to pass Probable Maximum Flood (PMF)<br>Project completed.  |
| <b>CP2.3.2.26</b> | Water Mains: Barnby Street - Byangum to William Street Murwillumbah - replacement<br>Construction works are complete.   |
| <b>CP2.3.2.30</b> | Water Mains: Flow Meter Installation - Hartigan Hill Murwillumbah, Reservoir outlet<br>Project completed.   |
| <b>CP2.3.2.33</b> | Water Mains: Flow Meter Installation - Water Pump Station 12 corner of Terranora and Bilambil Roads<br>Project completed.   |
| <b>CP2.3.2.40</b> | Water Mains: Stanley Street - replacement<br>Construction works are complete.   |
| <b>CP2.3.6.3</b>  | Faulks park toilet replacement Kingscliff<br>Project completed.   |
| <b>CP2.3.6.9</b>  | Barry Sheppard Sports Facility Capital Works<br>Project completed in August 2014.   |
| <b>CP2.4.3.6</b>  | Terrace Street<br>Project completed.  |

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

An undertaking given through the overarching Community Strategic Plan was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the first quarterly report on the progress of the 2014/2015 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Being reported in accordance with requirements associated with Integrated Planning and Reporting Framework.

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

Not Applicable.

**c. Legal:**

In line with the impacts of the adopted Operational Plan.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Corporate Quarterly Performance Report for the period 1 July to 30 September 2014 (ECM 3511527)

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**32 [CS-CM] Mayor and Councillors Interaction with Staff and Access to Council Premises Policy, Version 1.0**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 

### **SUMMARY OF REPORT:**

This Policy has been prepared in response to the following requirement contained within the Code of Conduct, as no Policy or Procedure currently exists:

*"Councillors or administrators must not:  
contact a member of the staff of the council on council related business unless in  
accordance with the policy and procedures governing the interaction of councillors and  
council staff that have been authorised by the council and the general manager."*

The current practices are contained within various source documents and the preparation of this Policy will locate all the appropriate mechanisms within a primary document.

It is proposed that this Draft Policy does not require to be advertised as it is based on internal processes, relating to the Mayor, Councillors and Staff which in turn do not directly affect members of the community.

### **RECOMMENDATION:**

**That the draft Mayor and Councillor Interactions with Staff and Access to Council Premises Policy, Version 1.0 be adopted without advertising.**

## **REPORT:**

This Policy has been prepared in response to the following requirement contained within the Code of Conduct as no Policy or Procedure currently exists:

*"Councillors or administrators must not:  
contact a member of the staff of the council on council related business unless in  
accordance with the policy and procedures governing the interaction of councillors and  
council staff that have been authorised by the council and the general manager."*

The current practices are contained within various source documents, being the Local Government Act, Code of Conduct, Code of Meeting Practice and the Media Policy and the preparation of this Policy will locate all the appropriate mechanisms within a primary document. It is foreseen that this Policy will provide definitive information and processes to ensure adequate, timely and fruitful interaction is enabled by all parties.

It is proposed that this Draft Policy does not require to be advertised as it is based on internal processes, relating to the Mayor, Councillors and Staff which in turn do not directly affect members of the community.

## **OPTIONS:**

1. That the draft Mayor and Councillor Interactions with Staff and Access to Council Premises Policy Version 1.0 be adopted without advertising.
2. That the draft Mayor and Councillor Interactions with Staff and Access to Council Premises Policy Version 1.0 be adopted with amendments and without advertising.

## **CONCLUSION:**

That the draft Mayor and Councillor Interactions with Staff and Access to Council Premises Policy Version 1.0 be adopted without advertising.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Code of Conduct (Model), Version 1.9

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

Not Applicable

### **c. Legal:**

Not Applicable.

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

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

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

Attachment 1. Draft Mayor and Councillor Interactions with Staff and Access to Council Premises Policy, Version 1.0 (ECM 3508329)

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**33 [CS-CM] Code of Conduct Complaints - 1 September 2013 to 31 August 2014**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 

### **SUMMARY OF REPORT:**

The Office of Local Government requires annual reporting of Code of Conduct Complaints made about councillors and the general manager and this report covers the required period of 1 September 2013 to 31 August 2014 which is to be submitted in electronic form by 30 November 2014.

It should also be noted that Council had a Special Complaints Management Arrangement with the Office of Local Government that concluded on 1 January 2014.

### **RECOMMENDATION:**

**That the Code of Conduct Complaints for the period 1 September 2013 to 31 August 2014 be received and noted.**

## REPORT:

The Office of Local Government requires annual reporting of Code of Conduct Complaints made about councillors and the general manager and this report covers the required period of 1 September 2013 to 31 August 2014 which is to be submitted in electronic form by 30 November 2014.

It should also be noted that Council had a Special Complaints Management Arrangement with the Office of Local Government that concluded on 1 January 2014.

Details of the annual return are as follows:

| Number of Complaints              |   |   |          |
|-----------------------------------|---|---|----------|
| 1                                 | a | The total number of complaints <b>received</b> in the period about councillors and the general manager under the code of conduct                        | 18       |
|                                   | b | The total number of complaints <b>finalised</b> in the period about councillors and the general manager under the code of conduct                       | 18       |
| Overview of Complaints and Cost   |   |   |          |
| 2                                 | a | The number of complaints <b>finalised at the outset</b> by alternative means by the General Manager or Mayor  | 16       |
|                                   | b | The number of code of conduct complaints <b>referred to a conduct reviewer</b>  | 2        |
|                                   | c | The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer   | 0        |
|                                   | d | The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>  | 2        |
|                                   | e | The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>  | 0        |
|                                   | f | Number of finalised complaints investigated where there was found to be <b>no breach</b>  | 1        |
|                                   | g | Number of finalised complaints investigated where there was found to be <b>a breach</b>   | 1        |
|                                   | h | Number of complaints being investigated that are <b>not yet finalised</b>   | 0        |
|                                   | i | The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the general manager including staff costs | \$50,000 |
| Preliminary Assessment Statistics |   |   |          |
| 3                                 |   | The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:                       |          |
|                                   | a | To take no action   | 0        |

|   |  |   |
|---|--|---|
| b | To resolve the complaint by alternative and appropriate strategies   | 0 |
| c | To refer the matter back to the general manager or the Mayor, for resolution by alternative and appropriate strategies           | 0 |
| d | To refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Office or the Police | 0 |
| e | To investigate the matter  | 0 |
| f | To recommend that the complaints coordinator convene a conduct review committee to investigate the matter                        | 0 |

### Investigation Statistics

|   |  |   |
|---|--|---|
| 4 | The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made: |   |
| a | That the council revise it's policies or procedures  | 0 |
| b | That a person or persons undertake training or other education   | 0 |
| 5 | The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:    |   |
| a | That the council revise any of its policies or procedures  | 0 |
| b | That the subject person undertake any training or other education relevant to the conduct giving rise to the breach                                    | 0 |
| c | That the subject person be counselled for their conduct  | 0 |
| d | That the subject person apologise to any person or organisation affected by the breach   | 0 |
| e | That findings of inappropriate conduct be made public  | 0 |
| f | In the case of a breach by the general manager, that action be taken under the general manager's contract for the breach                               | 0 |
| g | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act                         | 1 |
| h | In the case of a breach by a councillor, that the matter be referred to the Office for further action  | 1 |

### Categories of misconduct

|   |   |   |
|---|---|---|
| 6 | The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct: |   |
| a | General conduct (Part 3)  | 2 |

|                                  |  |   |
|----------------------------------|--|---|
| b                                | Conflict of interest (Part 4)  | 0 |
| c                                | Personal benefit (Part 5)  | 0 |
| d                                | Relationship between council officials (Part 6)  | 0 |
| e                                | Access to information and resources (Part 7)   | 0 |
| <b>Outcome of determinations</b> |  |   |
| 7                                | The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation                           | 0 |
| 8                                | The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office of Local Government | 0 |

The number of Code of Conduct Complaints for the previous reported period (September 2012 to August 2013) totalled 11 at an estimated cost to council of \$40,000.

**OPTIONS:**

This reporting is a mandatory requirement and there are no other options available.

**CONCLUSION:**

That the Code of Conduct Complaints for the period 1 September 2013 to 31 August 2014 be received and noted.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Conduct Administration (Procedure) v1.0

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

Due allowance is made within the budget for expenditure incurred on Code of Conduct Complaint investigations.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## 34 [CS-CM] Receipt of Electronic Petitions

**SUBMITTED BY:** Corporate Governance

Valid



### Civic Leadership

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

- 1 Civic Leadership
  - 1.2 Improve decision making by engaging stakeholders and taking into account community input
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making process
- 

#### SUMMARY OF REPORT:

Council at its meeting of 19 June 2014, in response to a Notice of Motion, resolved:

*"That Council brings forward a report outlining options for the receipt of electronic petitions including, but not limited to, electronic alternatives to requirements for signatures and other methods to ensure the integrity of petitioners."*

In response to this resolution an investigation into options for receipt of electronic petitions has been undertaken.

This report recommends Council considers the acceptance of e-petitions only when:

- The e-petition contains at least five email addresses,
- The e-petition does not contain defamatory statements,
- The e-petition relates to Council business and
- Council retains the discretion to check the validity of each e-petitioner from the source of the e-petition or from the main e-petition contact.

E-petitions will be managed through Council's Code of Meeting Practice, Clause 1.5.4 Receipt of Petitions, which will now include written and electronic forms.

It is suggested that Council's Code of Meeting Practice be amended as outlined in the report.

#### RECOMMENDATION:

**That:**

- 1 Council's Code of Meeting Practice 1.5.4 - Receipt of Petitions be amended as described in the draft Code of Meeting Practice Version 2.5.**
-

2. In accordance with Section 361 of the Local Government Act 1993, the draft Code of Meeting Practice Version 2.5 be placed on public exhibition for 28 days with receipt of submissions for 42 days.

## **REPORT:**

Council at its meeting of 19 June 2014 in response to a Notice of Motion resolved:

*"That Council brings forward a report outlining options for the receipt of electronic petitions including, but not limited to, electronic alternatives to requirements for signatures and other methods to ensure the integrity of petitioners."*

An on-line petition (e-petition) is a form of petition which is signed online usually through a form on a website.

A detailed investigation of the Notice of Motion has been undertaken and it appears that the City of Sydney is the only NSW council that currently accepts e-petitions. This report recommends that Council only receives e-petitions hosted by a third party website and not establish an e-petition website itself, as the likely disadvantages outweighs any advantages.

Council will only accept an e-petition if:

- The e-petition contains at least five email addresses,
- The e-petition does not contain defamatory statements,
- The e-petition relates to Council business and
- Council retains the discretion to check the validity of each e-petitioner from the source of the e-petition or from the main e-petition contact.

### **Validity of petitioners**

Council retains the discretion to verify all personal details from the source site of the e-petition or from the main petition contact.

The most appropriate form to manage e-petitions is through Council's Code of Meeting Practice, Clause 1.5.4 Receipt of Petitions, which will now include written and electronic forms.

It is suggested that Council's Code of Meeting Practice be amended, as attached, to cater for electronic petitions.

## **OPTIONS:**

That Council:

1. Does not accept e-petitions.
2. Host an e-petition website.
3. That Council accepts e-petitions hosted by a third party website and in accordance with draft Code of Meeting Practice Version 2.5.

**CONCLUSION:**

That:

- 1 Council's Code of Meeting Practice Clause 1.5.4 - Receipt of Petitions be amended as described in the draft Code of Meeting Practice Version 2.5.
2. In accordance with Section 361 of the Local Government Act 1993, the draft Code of Meeting Practice Version 2.5 be placed on public exhibition for 28 days with receipt of submissions for 42 days.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice v2.5

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

No funds allocated in Budget for hosting e-petition website.

**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.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft Code of Meeting Practice, Version 2.5 (ECM 3508431)

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**35 [CS-CM] Legal Services Register for the period 1 July to 30 September 2014**

**SUBMITTED BY: Corporate Governance**

Valid



**Civic Leadership**

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

- 1 Civic Leadership
- 1.2 Improve decision making by engaging stakeholders and taking into account community input
- 1.2.1 Council will be underpinned by good governance and transparency in its decision making process

**SUMMARY OF REPORT:**

The Legal Services Report 1 July to 30 September 2014 provides the status of legal instructions for the current or recently completed matters which have been issued to legal panel providers. This Report includes payments to various legal providers, as well as payments for barristers and consultants where applicable.

The net amount for legal instructions for the period 1 July to 30 September 2014 is \$88,662 as compared to \$287,372 for the previous quarter.

The legal instructions that relate to this quarter include:

|   |           |
|---|-----------|
| • 2689 - Oakvale Capital Ltd                  | \$2,130   |
| • 2746 - DA11/0456 - Noble Lakeside           | (\$9,529) |
| • 2758 - DA12/0527 - IGA/Seagulls             | \$21,341  |
| • 2762 - DA13/0397 - Pearl Street, Kingscliff | \$7,589   |
| • 2763 - Hacienda Caravan Park                | \$3,500   |
| • 2764 - Tyalgum unauthorised excavation      | \$2,330   |
| • 2769 - DA13/06782/1 Beatrice Court          | \$24,023  |
| • 2772 - Prospero/Colin Streets               | \$8,521   |
| • 2774 - DA13/0591 & DA13/0594 Enid Street    | \$11,473  |
| • 2775 - DA13/0201 Depot Road, Kings Forest   | \$3,090   |

**RECOMMENDATION:**

**That Council receives and notes the Legal Services Report for the quarter ending 30 September 2014 with updates as at 31 October 2014.**

**REPORT:**

Expenditure incurred on legal instructions for the period 1 July to 30 September 2014 follows:

| Category 1<br>Planning and<br>Environmental Law | Category 2<br>Local Government<br>Law | Category 3<br>Commercial/Property<br>Law | Category 4<br>District/Local<br>Court |
|---|---------------------------------------|--|---------------------------------------|
| \$77,932  | \$10,730                              | \$0                                      | \$0                                   |

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

| Category 1<br>Planning and Environmental<br>Law | Year to Date    | Current Period<br>1 July to<br>30 September 2014 |
|---|-----------------|--|
| DLA Piper                                       | \$12,893        | \$12,893   |
| HWL Ebsworth Lawyers                            | (\$6,439)       | (\$6,439)  |
| Lindsay Taylor Lawyers                          | \$24,023        | \$24,023   |
| Maddocks Lawyers                                | \$1,549         | \$1,549  |
| Marsdens Law Group                              | \$2,330         | \$2,330  |
| Sparke Helmore Lawyers                          | \$29,862        | \$29,862   |
| Wilshire Webb Staunton Beattie                  | \$7,589         | \$7,589  |
| <b>Other</b>                                    |                 |  |
| SK Partners                                     | \$2,625         | \$2,625  |
| Stacks - The Law Firm                           | \$3,500         | \$3,500  |
| <b>Sub Total</b>                                | <b>\$77,932</b> | <b>\$77,932</b>                                  |

| Category 2<br>Local Government Law (litigation<br>and advice) | Year to Date    | Current Period<br>1 July to<br>30 September 2014 |
|---|-----------------|--|
| DLA Piper   | \$4,494         | \$4,494  |
| Lindsay Taylor Lawyers  | \$0             | \$0  |
| Local Government Legal  | \$725           | \$725  |
| Maddocks Lawyers  | \$0             | \$0  |
| Marsdens Law Group  | \$0             | \$0  |
| Prevention Partners   | \$183           | \$183  |
| <b>Other</b>  |                 |  |
| Piper Alderman  | \$2,130         | \$2,130  |
| SINC Solutions  | \$3,198         | \$3,198  |
| <b>Sub Total</b>  | <b>\$10,730</b> | <b>\$10,730</b>                                  |

| <b>Category 3<br/>Commercial/Property Law</b> | <b>Year to Date</b> | <b>Current Period<br/>1 July to<br/>30 September 2014</b> |
|---|---------------------|---|
| HWL Ebsworth Lawyers                          | \$0                 | \$0   |
| Local Government Legal                        | \$0                 | \$0   |
| Maddocks Lawyers                              | \$0                 | \$0   |
| Marsdens Law Group                            | \$0                 | \$0   |
| Sparke Helmore Lawyers                        | \$0                 | \$0   |
| Stacks – The Law Firm                         | \$0                 | \$0   |
| Wilshire Webb Staunton Beattie                | \$0                 | \$0   |

| <b>Category 4<br/>District/Local Court</b> | <b>Year to Date</b> | <b>Current Period<br/>1 July to<br/>30 September 2014</b> |
|--|---------------------|---|
| DLA Piper                                  | \$0                 | \$0   |
| Stacks – The Law Firm                      | \$0                 | \$0   |
| <b>Sub Total</b>                           | <b>\$0</b>          | <b>\$0</b>  |
| <b>Total</b>                               | <b>\$88,662</b>     | <b>\$88,662</b>   |

### LEGAL SERVICES REGISTER as at 30 September 2014

| <b>Category 1 - Planning and Environmental Law</b> |  |  |   |  |                                    |
|--|--|--|---|--|------------------------------------|
| <b>Provider<br/>(reference)</b>                    | <b>Description</b>                                   | <b>General<br/>instructions</b>  | <b>Costs</b>  | <b>Comments</b>  | <b>Status as at<br/>31/10/2014</b> |
| HWL Ebsworth (2719)                                | DA10/0160 Tamarind Avenue Bogangar                   | Seek appropriate advice on section charges.  | <i>P.years</i><br>\$11,715  | <b>Completed.</b><br>Information received regarding section charges.   | Completed                          |
| Lindsay Taylor (2735)                              | Voluntary Planning Agreement, Area E Altitude Aspire | Prepare a Voluntary Planning Agreement for the Altitude Aspire Part 3 Major Application by Metricon. | <i>P.years</i><br>\$27,111  | <b>Completed.</b><br>Council, at its meeting of 18 September 2014 accepted the Altitude Aspire Voluntary Planning Agreement  | Completed                          |
| HWL Ebsworth (2742) (2746)                         | DA11/0456 Noble Lakeside                             | Council resolved on 21 March 2013 to defend Class 1 Appeal in the Land and Environment Court.        | <i>P.years</i><br>\$361,087<br><b>14/15</b><br>(\$9,529)<br><b>Total</b><br>\$351,558 | <b>Completed.</b><br>Appeal dismissed December 2013. Agreed costs of \$30,000 accepted. Payment of costs made in accordance with Agreement. Specialist consultant overpaid, credit received. | Completed                          |
| Sparke Helmore (2758)                              | DA12/0527 Gollan Drive Tweed Heads (IGA / Seagulls)  | Council resolved on 12 December 2013 to defend Class 1 Appeal in Land and Environment Court.         | <i>P.years</i><br>\$283,457<br><b>14/15</b><br>\$21,341<br><b>Total</b><br>\$304,798  | <b>Completed.</b><br>Class 1 Appeal heard in Land and Environment Court. Judgement was handed down on 16 July 2014, when the Class 1 Appeal was dismissed.                                   | Completed                          |

| Category 1 - Planning and Environmental Law |  |  |  |  |                         |
|---|--|--|--|--|-------------------------|
| Provider (reference)                        | Description                              | General instructions   | Costs  | Comments   | Status as at 31/10/2014 |
| Wilshire Webb Staunton Beattie (2762)       | DA13/0397 Pearl Street Kingscliff        | Class 1 Appeal refusal DA - Land and Environment Court   | <i>P.years</i><br>\$3,291<br><b>14/15</b><br>\$7,589<br><b>Total</b><br>\$10,880 | <b>Completed.</b><br>Matter adjourned in Land and Environment Court for draft conditions to be provided by Council. Judgement was handed down on 21 July 2014 when the Class 1 Appeal was upheld with amended consent with no Order as to costs. | Completed.              |
| Stacks (2763)                               | Hacienda Caravan Park                    | Land and Environment Court - prosecution of van owner for ignoring Notice of Intention to issue Order. Subsequent Order. | <b>14/15</b><br>\$3,500  | <b>In Progress.</b><br>Judgement was handed down on 30 September 2014 when the prosecution was dismissed on the basis of a technicality in how the Order was served. Intend to proceed with Class 4 proceeding.                                  | Current                 |
| Marsdens (2764)                             | Unauthorised excavation Tyalgum          | Seek appropriate legal advice.   | <i>P.years</i><br>\$6,312<br><b>14/15</b><br>\$2,330<br><b>Total</b><br>\$8,642  | <b>In Progress.</b><br>Additional council information forwarded to Solicitors.   | Current                 |
| Maddocks (2767)                             | Boyds Bay Caravan Park                   | Review conditions of Development Consent.  | <b>14/15</b><br>\$1,549  | <b>Completed.</b><br>Advice provided.  | Completed               |
| Lindsay Taylor Lawyers (2769)               | 2/1 Beatrice Court, Pottsville DA13/0678 | Defend Appeal in Land and Environment Court.   | <b>14/15</b><br>\$24,023   | <b>Completed.</b><br>Conciliation conference conducted on site on 28 & 29 August 2014 resulting in amendments to the Development Application, which was then granted consent.  | Completed               |
| DLA Piper (2772)                            | Tweed LEP 2014                           | Challenge in Land and Environment Court - amendment to LEP - made in error.  | <b>14/15</b><br>\$1,420  | <b>In Progress.</b><br>Court matter adjourned for a Directions Hearing on 19 December 2014. Draft changes currently being reviewed.  | Current                 |

| Category 1 - Planning and Environmental Law |  |   |   |   |                                   |
|---|--|---|---|---|-----------------------------------|
| Provider (reference)                        | Description  | General instructions  | Costs   | Comments  | Status as at 31/10/2014           |
| Sparke Helmore (2773)                       | Prospero/Colin Streets, Murwillumbah and Clothiers Creek Road, Clothiers Creek.  | Class 4 Civil Enforcement action initiated against owner.   | <b>14/15</b><br>\$8,521                           | <b>In Progress.</b><br>Notice of Intention to issue Order served on the property owner.   | Current                           |
| DLA Piper (2774)                            | DA13/05914 and DA13/0594 Enid Street, Tweed Heads.   | Defend Class 1 Appeal in Land and Environment Court.  | <b>14/15</b><br>\$11,473                          | <b>In Progress.</b><br>Directions Hearing and conciliation conference conducted. Statement of Facts and contentions filed with Court for both properties. | Current                           |
| HWL Ebsworth (2775)                         | DA13/0201 Depot Road, Kings Forest - Telstra Corporation.  | Defend the matter in the Land and Environment Court   | <b>14/15</b><br>\$3,090                           | <b>Completed.</b><br>Advice provided to Council. Considered at Planning Committee meeting 2 October 2014. Council has now withdrawn its contention.       | Completed                         |
| Marsdens (2776)                             | DA13/0654 40 Queen Street, Fingal  | Defend Class 1 Appeal in the Land and Environment Court   | <b>14/15</b><br>\$0                               | <b>In Progress.</b> Final statement of facts and contentions forwarded to solicitors. S34 Conciliation Conference to be held.                             | Current - costs to be received.   |
| Lindsay Taylor Lawyers (2777)               | Use of waterways and public land.  | Provide advice on the use of waterways and public land.   | <b>14/15</b><br>\$0                               | <b>In Progress.</b> Draft advice sent to council, awaiting further instructions.  | Current - costs to be received.   |
| Lindsay Taylor Lawyers                      | New Voluntary Planning Agreement - Pottsville employment land.   | Prepare new Voluntary Planning Agreement for 39 Kudgerie Avenue, Cudgera Creek.                     | <b>P.years</b><br>\$10,054<br><b>14/15</b><br>\$0 | <b>In Progress.</b><br>Updated version of Voluntary Planning Agreement provided to council for review.  | Current - costs to be received.   |
| HWL Ebsworth                                | LEDA seeking copy of advice provided to council re: Land and Environment Court proceedings, 80 Depot Road, Kings Forest. | Provide advice on the question of whether LEDA could be provided with a copy of solicitor's advice. | <b>14/15</b><br>\$0                               | <b>Completed.</b> Advice provided and considered by council at its meeting held 16 October 2014.  | Completed - costs to be received. |
| Marsdens                                    | 7 Year Special Rate Variation.   | Class 4 Appeal Land and Environment Court.  | <b>P.years</b><br>\$493,120                       | <b>In Progress.</b><br>Dismissed by Land and Environment Court 30/12/08. Appeal dismissed 5/2/10 part costs awarded. Application to High                  | Current                           |

| Category 1 - Planning and Environmental Law |             |                      |       |   |                         |
|---|-------------|----------------------|-------|---|-------------------------|
| Provider (reference)                        | Description | General instructions | Costs | Comments  | Status as at 31/10/2014 |
|   |             |                      |       | Court for special leave dismissed with cost, not assessed. Recovery of assessed costs of \$134,058 being pursued. |                         |

| Category 2 - Local Government Law (litigation and advice) |  |   |   |   |                         |
|---|--|---|---|---|-------------------------|
| Provider (Reference)                                      | Description of Matter                                  | General Instructions  | Costs to date   | Comments  | Status as at 31/10/2014 |
| DLA Piper (713071078)                                     | Local Government                                       | General advice.   | <b>14/15</b><br>\$1,372   | <b>Completed.</b><br>Advice provided.   | Completed               |
| Piper Alderman (2689)                                     | Appeal against Oakvale Capital Ltd ACN 009 070 884     | Commence proceedings in Federal Court in claim against security bond. | <b>P.years</b><br>\$63,933<br><b>14/15</b><br>\$2,130<br><b>Total</b><br>\$66,063 | <b>In Progress.</b><br>Appeal currently being implemented. Mediation in respect of the Appeal is to be conducted on 21 November 2014. | Current                 |
| DLA Piper   | Provide advice on GIPAA Applications.                  | Provide appropriate advice.   | <b>P.years</b><br>\$8,822   | <b>In Progress.</b><br>Advice provided. Matter is now expected to be determined by NCAT.  | Current                 |
| Prevention Partners                                       | Local Government Act                                   | General advice.   | <b>14/15</b><br>\$183   | <b>Completed.</b><br>Advice provided.   | Completed               |
| SK Partners   | Cobaki Development                                     | General advice.   | <b>14/15</b><br>\$2,625   | <b>Completed.</b><br>Advice provided.   | Completed               |
| DLA Piper   | Flood Plain Risk Management Plan                       | Provide appropriate advice.   | <b>14/15</b><br>\$3,122   | <b>Completed.</b><br>Advice provided on the Plan.   | Completed               |
| LG Legal  | Local Government Act                                   | General advice.   | <b>14/15</b><br>\$725   | <b>Completed.</b><br>Advice provided on Pensions.   | Completed               |
| SINC Solutions  | NCAT/GIPAA and Independent Chair Panel Review matters. | Prepare/review documents and associated activities.                   | <b>14/15</b><br>\$3,198   | <b>Completed.</b><br>Advice provided.   | Completed               |

| Category 3 - Commercial/Property Law |  |  |  |  |  |
|--------------------------------------|--|--|--|--|--|
| Nil.                                 |  |  |  |  |  |

| Category 4 - District/Local Court |   |   |                            |  |                                  |
|-----------------------------------|---|---|----------------------------|--|----------------------------------|
| Provider (Reference)              | Description of Matter                                   | General Instructions  | Costs to Date              | Comments   | Status as at 31/10/2014          |
| Stacks (2698) (130331)            | Hacienda and Homestead Caravan Park compliance matters. | Council resolved on 24 January 2012 to seek legal advice on breach of legislation to operate the Homestead Caravan Parks. | <i>P.years</i><br>\$40,818 | <b>In Progress.</b><br>Local court found against Council on 18 June 2013. Council appealed to Land and Environment Court. Matter held on 26 November 2013 and awaiting decision.       | Current                          |
| Russell Baxter                    | Viavettene v Tweed Shire Council                        | Defend Appeal issues in Local and District Court.   | <i>P.years</i><br>\$3,360  | <b>In Progress.</b><br>Awaiting hearing in the District Court.   | Current                          |
| Stacks                            | 2 Willow Avenue, Bogangar                               | Prosecution for offence of "development without consent"  | <b>14/15</b><br>\$0        | <b>Completed.</b> Judgement handed down on 2 October 2014 where the Defendant was convicted of the offence "development without consent", fined and ordered to pay professional costs. | Completed. Costs to be received. |

**OPTIONS:**

Not Applicable

**CONCLUSION:**

Legal expenses for the quarter related primarily to actions instigated in previous periods.

**COUNCIL IMPLICATIONS:****a. Policy:**

Corporate Policy Not Applicable

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

Total legal services budget \$379,254

Total legal expenditure \$88,662

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

**36 [CS-CM] Five Year Contract EC2014-062 for Wide Area Network Radio Maintenance and Installations**

**SUBMITTED BY: Information Technology**

Valid



## **Civic Leadership**

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

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

---

### **SUMMARY OF REPORT:**

This report outlines the outcome of tender for “EC2014-062 Supply, Install and Maintenance for WAN Radio 5 Years”. The contract will be based on the standard NSW Government Procure IT contract for which council has received approval to use. The contract will encompass maintenance, moves, adds and changes, equipment replacement (typical hardware life span is 5 years) plus any new installations.

Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation Report included in Confidential Attachment 1. A summary of the Selection Criteria is also included in the body of this report.

### **RECOMMENDATION:**

**That:**

- 1. The tender from SME Telecoms be accepted to the value of \$423,546 exclusive of GST for tender EC2014-062 Supply, Install and Maintenance for WAN Radio Equipment for five years effective from 1 January 2015.**
- 2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:**
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**



**REPORT:**

Tender EC2014-062 invited responses for the Supply, Install and Maintenance for Council's WAN Radio infrastructure for a five year period.

**Tenders Received**

Five tender submissions were recorded at the closing time and their details were as follows:

| Tenderer               | ABN            |
|------------------------|----------------|
| ATI Australia          | 25 009 256 179 |
| CBO Telecommunications | 21 102 295 116 |
| HomeTech Systems       | 84 093 174 059 |
| SME Telecoms           | 41 125 997 971 |
| StarTech (BigAir)      | 077 123 767    |

**Tender Evaluation**

The following selection criteria and weightings were determined prior to the issue of the tender:

| Assessment Criteria  | Weighting |
|--|-----------|
| Demonstrated fit to the Technical Specifications   | 40        |
| Overall financial investment required to provide Council with a "value for money" solution in accordance with the NSW Local Government Act | 25        |
| Support and maintenance model and capability   | 15        |
| Vendor experience and implementation plan  | 10        |
| Local Preference Policy  | 10        |

The tender evaluation is included in ATTACHMENT 1 which is CONFIDENTIAL in accordance with section 10A(2)(c) 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 rates to provide specific services. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the tender.

**OPTIONS:**

1. The tender from SME Telecoms up to the value of \$423,546 exclusive of GST for tender EC2014-062 Supply, Install and Maintenance for WAN Radio 5 Years be accepted.
2. The tender from SME Telecoms to the value of \$423,546 exclusive of GST for tender EC2014-062 Supply, Install and Maintenance for WAN Radio 5 Years is not accepted.

**CONCLUSION:**

Based on the Tender Evaluation, it is recommended that SME Telecoms be awarded the contract for EC2014-062 Supply, Install and Maintenance for WAN Radio 5 Years, effective from 1 January 2015.

Details of SME Telecoms relative competitiveness is shown in the Tender Evaluation Report Confidential Attachment 1.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Policy v1.5

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

The funding for the maintenance component will be from the existing Wide Area Network/Radios maintenance budget (A0063.1302). The high speed radio link equipment replacements will be funded from the Hardware Leases budget (A0083.0031) whilst other lower speed links plus moves, adds and changes will be funded from the New Computer Items budget (A0069.0001).

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Tender Evaluation EC2014-062 Supply, Install and Maintenance for WAN Radio 5 Years (ECM 3490780)

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**37 [CS-CM] In Kind and Real Donations - July to September 2014**

**SUBMITTED BY: Financial Services**

Valid



## Supporting Community Life

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

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
  - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 

### **SUMMARY OF REPORT:**

Details of in kind and real donations for the period July to September 2014 are reproduced in this report for Council's information.

### **RECOMMENDATION:**

**That Council notes the total in kind and real donations of \$100,538.66 for the period July to September 2014.**

**REPORT:**

Council maintains a register of in kind and real donations. Details of these donations for the period July to September 2014 are reproduced as follows:

**Financial Assistance**

| Amount             | Recipient                                      | Donated Item   | Date       |
|--------------------|--|--|------------|
| \$1,500.00         | Octopus Garden Festival Inc                    | Donation - Festivals & Events Policy 2014/2015             | 03/07/2014 |
| \$1,000.00         | Kids in the Community                          | Donation - Kids in the Community Awards 'Tweed Shire' 2014 | 07/07/2014 |
| \$1,500.00         | Tweed Heads Croquet Club Inc                   | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$5,000.00         | Caldera Environment Centre                     | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Tweed District Orchid Society                  | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Crabbes Creek Community Film Society           | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Burringbar District Sports Club                | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Murwillumbah Rowing Club                       | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Tweed Valley Equestrian Group                  | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Dragons Abreast Mt Warning                     | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$7,500.00         | Tweed River Agricultural Society               | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$5,000.00         | Island Style Promotions                        | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$6,000.00         | Tyalgum Music Festival                         | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$7,500.00         | Rotary Club of Murwillumbah Central Inc        | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$5,000.00         | Tweed Food Fest Inc                            | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$1,500.00         | Cabarita Beach Pottsville Beach Lions Club Inc | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$7,500.00         | Murwillumbah Festival of Performing Arts Inc   | Donation - Festivals & Events Policy 2014/2015             | 09/07/2014 |
| \$100.00           | United Services Union                          | Donation - White Ribbon Initiative                         | 27/07/2014 |
| \$5,000.00         | Tweed Valley Wildlife Carers Inc               | Donation   | 01/08/2014 |
| \$6,000.00         | Tweed Byron Life Education Action Group        | Budget Allocation  | 06/08/2014 |
| \$625.00           | Terranora Lakes Equestrian Club                | Contribution - Lighting Installation                       | 27/08/2014 |
| \$2,584.00         | Kingscliff Hockey Club                         | Contribution - Portable Dug Outs                           | 03/09/2014 |
| <b>\$72,309.00</b> |  |  |            |

**Goods and/or Materials**

| Amount          | Recipient                        | Donated Item      | Date          |
|-----------------|----------------------------------|-------------------|---------------|
| \$93.60         | Tweed Land Care Committee        | Printing          | July/Aug/Sept |
| \$228.00        | Murwillumbah Historical Society  | Printing          | July/Aug/Sept |
| \$14.80         | Friends of Tweed Regional Museum | Printing          | July/Aug/Sept |
| \$25.00         | Studio Aperio                    | Printing          | July/Aug/Sept |
| \$37.00         | Stokers Siding Markets           | Printing          | July/Aug/Sept |
| \$45.00         | Tweed Foodie Friday              | Printing          | July/Aug/Sept |
| \$118.00        | Stokers Siding Public School     | 26 Shrubs & Trees | 04/08/2014    |
| \$105.00        | Tweed Heads Public School        | 30 Shrubs & Trees | 19/08/2014    |
| <b>\$666.40</b> |                                  |                   |               |

**Provision of Labour and/or Plant and Equipment**

| Amount            | Recipient   | Donated Item                        | Date          |
|-------------------|---|-------------------------------------|---------------|
| \$1,537.42        | Life Education Van Relocation                               | Provision of Labour & Council Plant | July/Aug/Sept |
| \$210.27          | Cudgen Surf Life Saving Club - IRB Championships Kingscliff | Provision of Labour & Council Plant | 18/07/2014    |
| \$779.02          | Tweed Banana Festival                                       | Provision of Labour & Council Plant | Aug/Sept      |
| \$626.17          | Tyalgum Music Festival                                      | Provision of Labour & Council Plant | 12/09/2014    |
| <b>\$3,152.88</b> |   |                                     |               |

**Rates**

| Amount             | Recipient                                  | Donated Item            | Date       |
|--------------------|--|-------------------------|------------|
| \$280.69           | Twin Towns Police and Community Youth Club | Water Usage             | 25/08/2014 |
| \$110.94           | Twin Towns Police and Community Youth Club | Sewer Usage             | 25/08/2014 |
| \$1,701.95         | Bilambil Literary Society                  | Council Rates 2014/2015 | 23/09/2014 |
| \$2,212.85         | Tyalgum Community Hall Association Inc     | Council Rates 2014/2015 | 23/09/2014 |
| \$1,369.85         | Trustees of Kunghur Public Hall            | Council Rates 2014/2015 | 23/09/2014 |
| \$2,432.40         | Uki Hall Reserve Trust                     | Council Rates 2014/2015 | 23/09/2014 |
| \$2,453.75         | Trustees Burringbar School of Arts         | Council Rates 2014/2015 | 23/09/2014 |
| \$1,434.45         | Stokers Siding Hall                        | Council Rates 2014/2015 | 23/09/2014 |
| \$994.55           | Murwillumbah Autumn Club Inc               | Council Rates 2014/2015 | 23/09/2014 |
| \$2,692.20         | Twin Towns Police and Community Youth Club | Council Rates 2014/2015 | 23/09/2014 |
| \$3,270.60         | Tweed Coast Community Centre               | Council Rates 2014/2015 | 23/09/2014 |
| \$1,369.05         | Crabbes Creek Hall Pty Ltd                 | Council Rates 2014/2015 | 23/09/2014 |
| \$732.00           | Pottsville Beach Tennis Club               | Council Rates 2014/2015 | 23/09/2014 |
| <b>\$21,055.28</b> |  |                         |            |

**Tweed Link Advertising**

| Amount            | Recipient                 | Donated Item | Date       |
|-------------------|---------------------------|--------------|------------|
| \$89.10           | Various Community Notices | Advertising  | 01/07/2014 |
| \$43.20           | Various Community Notices | Advertising  | 08/07/2014 |
| \$116.10          | Various Community Notices | Advertising  | 15/07/2014 |
| \$64.80           | Various Community Notices | Advertising  | 15/07/2014 |
| \$170.10          | Various Community Notices | Advertising  | 22/07/2014 |
| \$256.50          | Various Community Notices | Advertising  | 29/07/2014 |
| \$180.90          | Various Community Notices | Advertising  | 05/08/2014 |
| \$129.60          | Various Community Notices | Advertising  | 05/08/2014 |
| \$162.00          | Various Community Notices | Advertising  | 12/08/2014 |
| \$167.40          | Various Community Notices | Advertising  | 19/08/2014 |
| \$194.40          | Various Community Notices | Advertising  | 26/08/2014 |
| <b>\$1,574.10</b> |                           |              |            |

**Room Hire**

| Amount            | Recipient                               | Donated Item                         | Date       |
|-------------------|---|--------------------------------------|------------|
| \$660.00          | NSW Cancer Council                      | Room Hire - Tweed Heads Civic Centre | 28/07/2014 |
| \$27.00           | Banora Point & District Residents Assoc | Room Hire - Banora Point Com Centre  | 07/07/2014 |
| \$27.00           | Banora Point & District Residents Assoc | Room Hire - Banora Point Com Centre  | 04/08/2014 |
| \$27.00           | Banora Point & District Residents Assoc | Room Hire - Banora Point Com Centre  | 01/09/2014 |
| \$47.40           | Twin Towns Friends Association          | Room Hire - South Tweed HACC         | 09/07/2014 |
| \$54.60           | Red Cross Tweed Heads                   | Room Hire - South Tweed HACC         | 22/07/2014 |
| \$15.80           | Red Cross Tweed Heads                   | Room Hire - South Tweed HACC         | 05/08/2014 |
| \$57.40           | Twin Towns Friends Association          | Room Hire - South Tweed HACC         | 13/08/2014 |
| \$15.80           | Red Cross Tweed Heads                   | Room Hire - South Tweed HACC         | 21/08/2014 |
| \$54.60           | Red Cross Tweed Heads                   | Room Hire - South Tweed HACC         | 25/08/2014 |
| \$47.40           | Twin Towns Friends Association          | Room Hire - South Tweed HACC         | 10/09/2014 |
| \$83.00           | South Sea Islanders Community           | Room Hire - South Sea Islander Room  | 05/07/2014 |
| \$83.00           | South Sea Islanders Community           | Room Hire - South Sea Islander Room  | 06/07/2014 |
| \$83.00           | Tweed Hospital Auxiliary                | Room Hire - South Sea Islander Room  | 07/07/2014 |
| \$83.00           | South Sea Islanders Community           | Room Hire - South Sea Islander Room  | 12/07/2014 |
| \$83.00           | South Sea Islanders Community           | Room Hire - South Sea Islander Room  | 02/08/2014 |
| \$83.00           | Tweed Hospital Auxiliary                | Room Hire - South Sea Islander Room  | 04/08/2014 |
| \$83.00           | South Sea Islanders Community           | Room Hire - South Sea Islander Room  | 26/06/2014 |
| \$83.00           | Tweed Hospital Auxiliary                | Room Hire - South Sea Islander Room  | 01/09/2014 |
| \$83.00           | South Sea Islanders Community           | Room Hire - South Sea Islander Room  | 13/09/2014 |
| <b>\$1,781.00</b> |   |                                      |            |

**\$100,538.66 Total Donations 1st Quarter (July, August, September 2014)**

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

For Councillor's Information and the details will also be included in the 2014/2015 Annual Report.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Donations and Subsidies Version 1.2.

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

As per Budget estimates.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**38 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report for Period Ending 31 October 2014**

**SUBMITTED BY: Financial Services**

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$199,773,047** invested as at **31 October 2014** and the accrued net return on these funds was **\$643,054** or **3.86%** 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 October 2014 totalling \$199,773,047 be received and noted.**

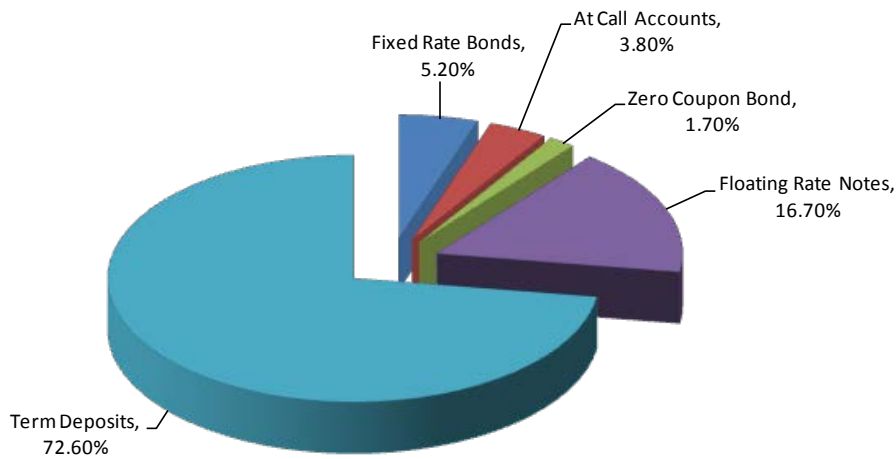
**REPORT:**

**1. Restricted Funds as at 1 July 2014**

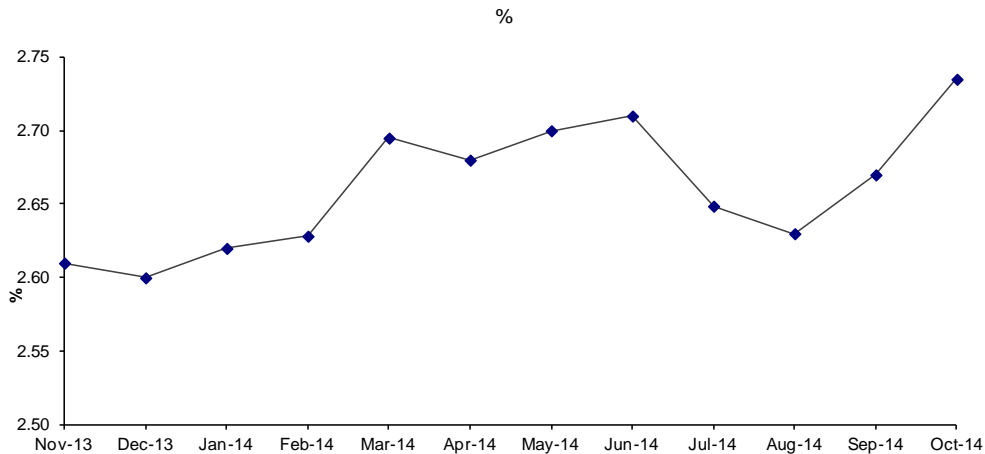
| Description                          | (\$'000)       |               |               |                |
|--------------------------------------|----------------|---------------|---------------|----------------|
|                                      | General Fund   | Water Fund    | Sewer Fund    | Total          |
| <b>Externally Restricted (Other)</b> | 11,504         | 18,795        | 47,006        | <b>77,305</b>  |
| Crown Caravan Parks                  | 18,338         |               |               | <b>18,338</b>  |
| Developer Contributions              | 23,639         | 2,615         |               | <b>26,254</b>  |
| Domestic Waste Management            | 11,407         |               |               | <b>11,407</b>  |
| Grants                               | 2,764          |               |               | <b>2,764</b>   |
| <b>Internally Restricted (Other)</b> | 29,998         |               |               | <b>29,998</b>  |
| Employee Leave Entitlements          | 9,811          |               |               | <b>9,811</b>   |
| Grants                               | 2,753          |               |               | <b>2,753</b>   |
| Unexpended Loans                     | 9,436          |               |               | <b>9,436</b>   |
| <b>Total</b>                         | <b>119,650</b> | <b>21,410</b> | <b>47,006</b> | <b>188,066</b> |

*Note: Restricted Funds Summary updated September 2014, corresponding with the Annual Financial Statements as at 30 June 2014*

**2. Investment Portfolio by Category**



**3. Investment Rates - 90 Day Bank Bill Rate**





#### 4. Bond and Floating Rate Note Securities

| Counterparty                                  | Face Value           | Market Value  | % Return on Face Value | Investment Type  | Maturity Date |
|---|----------------------|---|------------------------|--|---------------|
| AMP (6/18)                                    | 1,000,000.00         | <b>1,010,750.00</b>   | 3.56                   | FRN  | 06/06/2018    |
| AMP (RIM) (05/17)                             | 2,500,000.00         | <b>2,550,475.00</b>   | 3.73                   | FRN  | 29/05/2017    |
| ANZ (11/18)                                   | 1,000,000.00         | <b>1,017,600.00</b>   | 3.52                   | FRN  | 06/11/2018    |
| Bendigo (FIIG) (11/15)<br>+1.25%              | 1,000,000.00         | <b>1,018,750.00</b>   | 4.18                   | FRN  | 02/11/2015    |
| Bendigo (RBS) (05/17)                         | 3,000,000.00         | <b>3,059,730.00</b>   | 3.88                   | FRN  | 17/05/2017    |
| Bendigo (RBS) (11/18)                         | 1,000,000.00         | <b>1,025,510.00</b>   | 3.91                   | FRN  | 14/11/2018    |
| BOQ (06/18)                                   | 1,000,000.00         | <b>1,012,280.00</b>   | 3.65                   | FRN  | 12/06/2018    |
|   |                      |   |                        | Fixed Rate   |               |
| BOQ Bond (06/18)                              | 1,000,000.00         | <b>1,023,050.00</b>   | 4.00                   | Bond   | 12/06/2018    |
| CBA (04/19)                                   | 1,000,000.00         | <b>1,008,120.00</b>   | 3.62                   | FRN  | 24/04/2019    |
| CBA (08/16) 1.17%                             | 3,000,000.00         | <b>3,069,750.00</b>   | 3.90                   | FRN  | 02/08/2016    |
| CBA (10/19)                                   | 2,000,000.00         | <b>2,007,540.00</b>   | 3.57                   | FRN  | 18/10/2019    |
|   |                      |   |                        | Fixed Rate   |               |
| CBA Bond (04/19)                              | 1,000,000.00         | <b>1,022,910.00</b>   | 4.25                   | Bond   | 24/04/2019    |
| CBA/Merrill Lynch Zero<br>Coupon Bond (01/18) | 4,000,000.00         | <b>3,404,000.00</b>   | 7.17                   | Fixed Rate<br>Bond   | 22/01/2018    |
| CUA (Dec 2017) ANZ                            | 1,000,000.00         | <b>1,004,080.00</b>   | 3.95                   | FRN  | 22/12/2017    |
| CUA (Mar 2017) (CBA)                          | 1,000,000.00         | <b>1,006,690.00</b>   | 3.96                   | FRN  | 20/03/2017    |
| CUA (Mar 2017) (Morgans)                      | 2,000,000.00         | <b>2,013,380.00</b>   | 3.96                   | FRN  | 20/03/2017    |
|   |                      |   |                        | Fixed Rate   |               |
| Heritage (RBS) (06/17)                        | 1,000,000.00         | <b>1,070,000.00</b>   | 7.25                   | Bond   | 20/06/2017    |
|   |                      |   |                        | Fixed Rate   |               |
| ING Bond (RBS) (09/15)                        | 2,000,000.00         | <b>2,056,320.00</b>   | 5.50                   | Bond   | 03/09/2015    |
|   |                      |   |                        | Fixed Rate   |               |
| ING Bond (RBS) (09/15)                        | 2,000,000.00         | <b>2,056,320.00</b>   | 5.50                   | Bond   | 03/09/2015    |
|   |                      |   |                        | Fixed Rate   |               |
| ING Bond(RBS) (08/16)                         | 1,000,000.00         | <b>1,023,480.00</b>   | 4.25                   | Bond   | 23/08/2016    |
| ME Bank (CBA) (09/15)                         | 1,400,000.00         | <b>1,416,072.00</b>   | 3.94                   | FRN  | 03/09/2015    |
| ME Bank (CBA) (11/16)                         | 1,000,000.00         | <b>1,015,950.00</b>   | 3.95                   | FRN  | 28/11/2016    |
| ME Bank (Morgans)<br>(11/16)                  | 1,000,000.00         | <b>1,015,950.00</b>   | 3.88                   | FRN  | 28/11/2016    |
| NAB (06/16)                                   | 2,000,000.00         | <b>2,034,600.00</b>   | 3.83                   | FRN  | 21/06/2016    |
| Rabo (RBS) (09/18)                            | 1,000,000.00         | <b>1,019,430.00</b>   | 3.85                   | FRN  | 25/09/2018    |
| Suncorp (04/19)                               | 2,000,000.00         | <b>2,027,160.00</b>   | 3.84                   | FRN  | 23/04/2019    |
| Suncorp (CBA) (08/2019)                       | 1,000,000.00         | <b>1,010,920.00</b>   | 3.58                   | FRN  | 20/08/2019    |
|   |                      |   |                        | Fixed Rate   |               |
| Suncorp Covered<br>(RIMSEC) (12/16)           | 2,000,000.00         | <b>2,101,360.00</b>   | 4.75                   | Bond   | 06/12/2016    |
| Westpac (Morgans)<br>(02/19)                  | 2,000,000.00         | <b>2,034,560.00</b>   | 3.64                   | FRN  | 25/02/2019    |
| Westpac (RBS) (02/17)                         | 1,000,000.00         | <b>1,036,310.00</b>   | 4.27                   | FRN  | 20/02/2017    |
| <b>Total</b>                                  | <b>46,900,000.00</b> | <b>47,173,047.00</b>  | <b>4.23</b>            |  |               |
| <b>LEGEND</b>                                 |                      |   |                        |  |               |
| Investment Type                               |                      | ABS = Asset Backed Security<br>Bond = Fixed Rate Bond<br>FRN = Floating Rate Note                         |                        |  |               |
| <b>Counterparty</b>                           |                      | BB = Bendigo Bank<br>Heritage = Heritage Bank   |                        | ME = Members Equity Bank<br>RaboDirect = Rabo Bank<br>Rural = Rural Bank (previously<br>Elders Bank)<br>Suncorp = Suncorp Metway Bank<br>WBC = WBC Banking Corporation |               |
| AMP = AMP Bank                                |                      | ING = ING Bank<br>Investec = Investec Bank<br>Macquarie = Macquarie Bank<br>NAB = National Australia Bank |                        |  |               |
| ANZ = ANZ Bank                                |                      |   |                        |  |               |
| BOQ = Bank of Queensland                      |                      |   |                        |  |               |
| CBA = Commonwealth Bank                       |                      |   |                        |  |               |

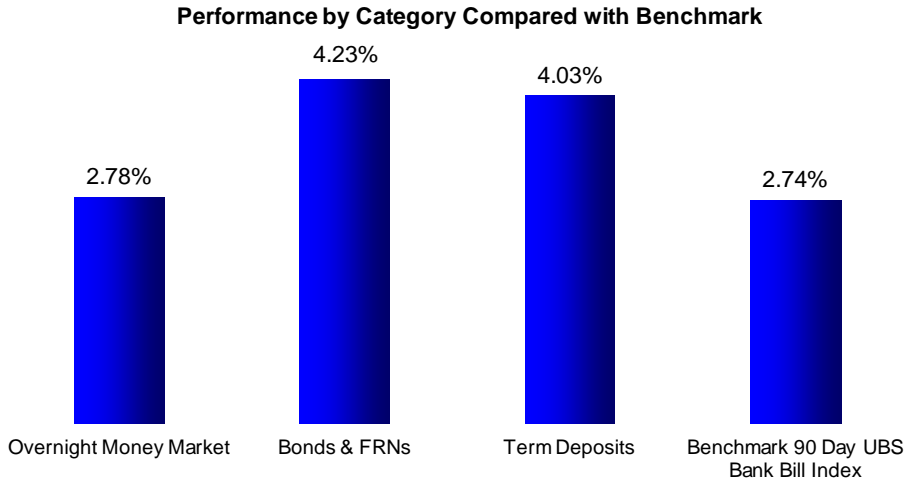
## 5. Term Deposits

| Counterparty                                  | Lodged or Rolled | DUE       | PRINCIPAL    | TERM | % Yield |
|---|------------------|-----------|--------------|------|---------|
| AMP (Curve) annual interest (Jul 2014)        | 30-Jul-14        | 27-Jan-15 | 1,000,000.00 | 181  | 3.50    |
| AMP Bank (RIMSEC)                             | 02-Sep-14        | 02-Jun-15 | 2,000,000.00 | 273  | 3.50    |
| BCCU (Dec 2014)                               | 03-Jun-14        | 02-Dec-14 | 2,000,000.00 | 182  | 3.85    |
| Bendigo (May 2015)                            | 28-May-14        | 26-May-15 | 2,000,000.00 | 363  | 3.63    |
| Bendigo Bank (Dec 2014)                       | 10-Jun-14        | 09-Dec-14 | 2,000,000.00 | 182  | 3.65    |
| Bendigo Bank (Dec 2014)                       | 03-Jun-14        | 09-Dec-14 | 2,000,000.00 | 189  | 3.65    |
| Bendigo Bank (Nov 2014)                       | 13-May-14        | 11-Nov-14 | 2,000,000.00 | 182  | 3.66    |
| Bendigo Bank (Sept 2019)                      | 01-Sep-14        | 03-Sep-19 | 1,000,000.00 | 1828 | 4.15    |
| BOQ (Feb 2016)                                | 25-Aug-14        | 24-Nov-14 | 1,000,000.00 | 94   | 4.29    |
| BOQ (Feb 2016)                                | 25-Feb-14        | 23-Feb-15 | 3,000,000.00 | 365  | 4.05    |
| BOQ (Mar 2016)                                | 03-Sep-14        | 03-Sep-15 | 3,000,000.00 | 365  | 4.05    |
| BOQ (Sept 2015) annual interest               | 20-Sep-14        | 21-Sep-15 | 2,000,000.00 | 365  | 4.20    |
| BOQ (Sept 2016) quarterly interest            | 22-Sep-14        | 22-Dec-14 | 2,000,000.00 | 91   | 3.96    |
| CBA (Oct 2015) annual interest                | 11-Oct-14        | 11-Oct-15 | 1,000,000.00 | 365  | 4.85    |
| CUA (Mar 2015) (Curve)                        | 04-Mar-14        | 03-Mar-15 | 2,000,000.00 | 364  | 3.80    |
| CUA (Oct 2015) (Curve)                        | 09-Oct-14        | 06-Oct-15 | 1,000,000.00 | 362  | 3.60    |
| Heritage Bank (Dec 2014)                      | 19-Aug-14        | 16-Dec-14 | 2,000,000.00 | 119  | 3.35    |
| Heritage Bank (Dec 2014)                      | 03-Jun-14        | 16-Dec-14 | 2,000,000.00 | 196  | 3.80    |
| IMB   | 02-Sep-14        | 06-Jan-15 | 2,000,000.00 | 126  | 3.40    |
| IMB (Nov 2014)                                | 08-Jul-14        | 05-Nov-14 | 2,000,000.00 | 120  | 3.50    |
| ING (Curve) (Feb 2015)                        | 12-Aug-14        | 10-Feb-15 | 1,000,000.00 | 182  | 3.55    |
| ING (Curve) (Oct 2015)                        | 15-Oct-14        | 13-Oct-15 | 2,000,000.00 | 365  | 4.01    |
| ING (Curve) (Oct 2015)                        | 15-Oct-14        | 13-Oct-15 | 2,000,000.00 | 365  | 4.01    |
| ING (FIIG) (Feb 2015)                         | 19-Aug-14        | 17-Feb-15 | 1,000,000.00 | 182  | 3.75    |
| ING (RIMSEC) (Feb 2015)                       | 20-Aug-14        | 20-Nov-14 | 1,000,000.00 | 92   | 4.02    |
| ING (RIMSEC) (Feb 2015)                       | 12-Aug-14        | 17-Feb-15 | 1,000,000.00 | 189  | 3.55    |
| ING (RIMSEC) (Jan 2015)                       | 27-Oct-14        | 27-Jan-15 | 2,000,000.00 | 92   | 3.74    |
| ING (RIMSEC) (Sept 2013)                      | 02-Sep-14        | 02-Sep-15 | 1,000,000.00 | 364  | 4.14    |
| Investec (July 2016)                          | 24-Oct-14        | 26-Jan-15 | 2,000,000.00 | 94   | 3.74    |
| Investec (RIMSEC) (Aug 2015)                  | 06-Aug-14        | 06-Nov-14 | 1,000,000.00 | 92   | 4.22    |
| Investec (RIMSEC) (Jun 2014)                  | 10-Sep-14        | 10-Dec-14 | 1,000,000.00 | 91   | 3.73    |
| Investec (RIMSEC) (Sept 2015) annual interest | 03-Sep-14        | 03-Sep-15 | 1,000,000.00 | 365  | 4.14    |
| Investec (Sept 2015) annual interest          | 11-Sep-14        | 15-Sep-15 | 2,000,000.00 | 365  | 4.37    |
| MEB (Apr 2015)                                | 15-Apr-14        | 14-Apr-15 | 2,000,000.00 | 364  | 3.90    |
| MEB (Mar 2016)                                | 25-Feb-14        | 25-Feb-15 | 2,000,000.00 | 365  | 4.07    |
| MEB (May 2015)                                | 13-May-14        | 11-Nov-14 | 2,000,000.00 | 182  | 3.90    |
| MEB annual interest (Jul 2014)                | 29-Jul-14        | 29-Oct-14 | 2,000,000.00 | 91   | 3.75    |
| NAB (Aug 2015)                                | 15-Aug-14        | 15-Nov-14 | 1,000,000.00 | 92   | 3.65    |
| NAB (Aug 2015)                                | 10-Sep-14        | 11-Aug-15 | 4,000,000.00 | 273  | 3.50    |
| NAB (Aug 2015) (Curve)                        | 06-Aug-14        | 04-Aug-15 | 2,000,000.00 | 364  | 4.10    |
| NAB (Feb 2015)                                | 04-Mar-14        | 03-Feb-15 | 3,000,000.00 | 336  | 3.75    |
| NAB (Feb 2015)                                | 18-Feb-14        | 17-Feb-15 | 2,000,000.00 | 364  | 3.80    |
| NAB (Feb 2015) annual interest                | 12-Aug-14        | 12-Feb-15 | 2,000,000.00 | 92   | 4.03    |
| NAB (July 2015) annual interest               | 23-Oct-14        | 20-Jan-15 | 2,000,000.00 | 89   | 4.03    |
| NAB (May 2016)                                | 20-May-14        | 20-May-15 | 3,000,000.00 | 365  | 4.00    |
| NAB (Oct 2016)                                | 21-Oct-14        | 31-Jan-15 | 2,000,000.00 | 90   | 3.56    |
| NAB (RBS) (Aug 2015)                          | 27-Aug-14        | 27-Nov-14 | 2,000,000.00 | 92   | 3.83    |
| NAB (RBS) (Aug 2015) quarterly interest       | 11-Aug-14        | 11-Nov-14 | 2,000,000.00 | 92   | 4.59    |
| NAB (Sept 2015) annual interest               | 03-Sep-14        | 03-Sep-15 | 4,000,000.00 | 365  | 4.05    |
| NAB (Sept 2016)                               | 04-Sep-14        | 04-Sep-15 | 4,000,000.00 | 1098 | 4.25    |

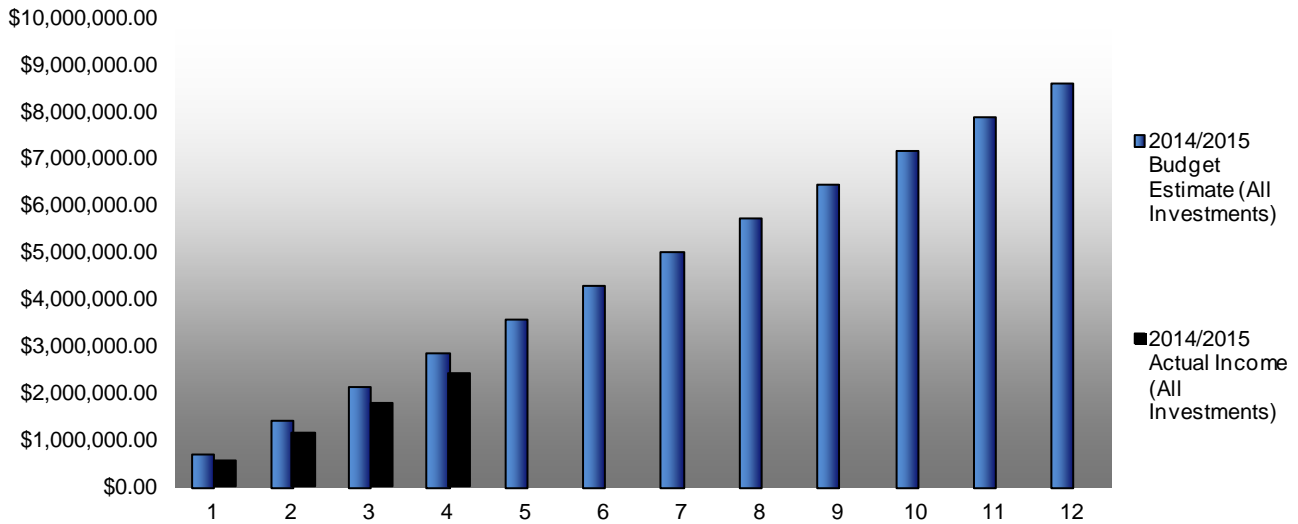
| Counterparty                                      | Lodged or Rolled    | DUE   | PRINCIPAL             | TERM                          | % Yield     |
|---|---------------------|---|-----------------------|-------------------------------|-------------|
| P&N Bank (RIMSEC) (Sept 2017)                     | 22-Sep-14           | 21-Sep-17                                   | 1,000,000.00          | 1095                          | 4.00        |
| Rabo Bank (Curve) (Aug 2018)                      | 20-Aug-14           | 20-Aug-15                                   | 2,000,000.00          | 1462                          | 4.10        |
| Rabo Bank (Curve) (Jan 2015)                      | 01-Sep-14           | 03-Sep-19                                   | 1,000,000.00          | 1828                          | 4.05        |
| Rabo Bank (Mar 2017) (RIMSEC)                     | 04-Mar-14           | 07-Mar-17                                   | 2,000,000.00          | 370                           | 4.15        |
| RaboDirect (Curve) Aug 2019                       | 07-Aug-14           | 07-Aug-15                                   | 2,000,000.00          | 365                           | 4.30        |
| RaboDirect (Curve) (Feb 2015)<br>annual interest  | 07-Feb-14           | 10-Feb-15                                   | 1,000,000.00          | 366                           | 6.00        |
| RaboDirect (Curve) (Jan 2015)                     | 11-Jul-14           | 13-Jan-15                                   | 1,000,000.00          | 185                           | 4.20        |
| RaboDirect (Curve) (Jul 2015)                     | 26-Jul-14           | 27-Jul-15                                   | 1,000,000.00          | 365                           | 5.20        |
| RaboDirect (Curve) (Jul 2016)                     | 26-Jul-14           | 28-Jul-15                                   | 1,000,000.00          | 365                           | 5.40        |
| RaboDirect (Curve) (Nov 2016)<br>annual interest  | 11-Nov-13           | 11-Nov-14                                   | 1,000,000.00          | 366                           | 6.30        |
| RaboDirect (RIMSEC) (Mar 2016)<br>annual interest | 22-Mar-14           | 22-Mar-15                                   | 1,000,000.00          | 364                           | 7.15        |
| RaboDirect (RIMSEC) annual<br>interest            | 24-Jul-14           | 27-Jul-15                                   | 2,000,000.00          | 364                           | 4.25        |
| Rural (Curve) (Nov 2014)                          | 27-May-14           | 25-Nov-14                                   | 2,000,000.00          | 182                           | 3.65        |
| Suncorp (Feb 2015)                                | 21-Oct-14           | 24-Feb-15                                   | 2,000,000.00          | 126                           | 3.45        |
| Suncorp Metway (Feb 2015)                         | 14-Aug-14           | 10-Feb-15                                   | 1,000,000.00          | 180                           | 3.50        |
| Suncorp Metway (March 2015)                       | 10-Sep-14           | 10-Mar-15                                   | 4,000,000.00          | 181                           | 3.45        |
| Westpac (Jan 2016)                                | 13-Oct-14           | 12-Jan-15                                   | 8,000,000.00          | 91                            | 3.96        |
| Westpac (Apr 2016) quarterly<br>interest          | 07-Oct-14           | 07-Jan-15                                   | 2,000,000.00          | 92                            | 4.01        |
| Westpac (Aug 2015)                                | 19-Aug-14           | 18-Aug-19                                   | 3,000,000.00          | 364                           | 3.75        |
| Westpac (Feb 2016)                                | 18-Aug-14           | 18-Nov-14                                   | 2,000,000.00          | 91                            | 3.85        |
| Westpac (June 2015)                               | 24-Jun-14           | 23-Jun-15                                   | 2,000,000.00          | 364                           | 3.84        |
| Westpac (Mar 2014) quarterly<br>interest          | 11-Mar-14           | 17-Mar-15                                   | 2,000,000.00          | 371                           | 3.85        |
| Westpac (Nov 2014)                                | 18-Aug-14           | 17-Nov-14                                   | 2,000,000.00          | 91                            | 3.99        |
| Westpac (Sept 2014)                               | 16-Sep-14           | 15-Sep-15                                   | 3,000,000.00          | 364                           | 3.74        |
|   |                     | <b>Total</b>                                | <b>145,000,000.00</b> |                               | <b>4.03</b> |
| <b>LEGEND</b>                                     | <b>Counterparty</b> | 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               |                       | WBC = 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   | Weighted Average Return | Above or (Below) 90 day BBSW Benchmark |
|--------------------------------------|----------------|----------------|-------------------------|--|
| Overnight Money Market               | 7,600,000.00   | 7,600,000.00   | 2.78%                   | 0.04%                                  |
| Bonds & FRNs                         | 46,900,000.00  | 47,173,047.00  | 4.23%                   | 1.49%                                  |
| Term Deposits                        | 145,000,000.00 | 145,000,000.00 | 4.03%                   | 1.29%                                  |
| Benchmark 90 Day UBS Bank Bill Index | 199,500,000.00 | 199,773,047.00 | 2.74%                   | 0.94%                                  |



**7. Total Portfolio Income v Budget**



**8. Investment Policy Diversification and Credit Risk**

| Total Portfolio Credit Limits Compared to Policy Limits |                         |                  |                           |                         |                  |
|---|-------------------------|------------------|---------------------------|-------------------------|------------------|
| Long-Term Credit Ratings                                | Investment Policy Limit | Actual Portfolio | Short-Term Credit Ratings | Investment Policy Limit | Actual Portfolio |
| AAA Category  | 100%                    | <b>1.07%</b>     | A-1+                      | 100%                    | <b>16.65%</b>    |
| AA Category   | 100%                    | <b>29.96%</b>    | A-1                       | 100%                    | <b>5.11%</b>     |
| A Category  | 60%                     | <b>15.81%</b>    | A-2                       | 60%                     | <b>20.43%</b>    |
| BBB Category  | 20%                     | <b>6.37%</b>     | A-3                       | 0%                      | <b>0.00%</b>     |
| Unrated   | 10%                     | <b>0.00%</b>     | Unrated                   | 10%                     | <b>4.60%</b>     |

Market Value by Security Rating Group (Long Term)



9. Term to Maturity

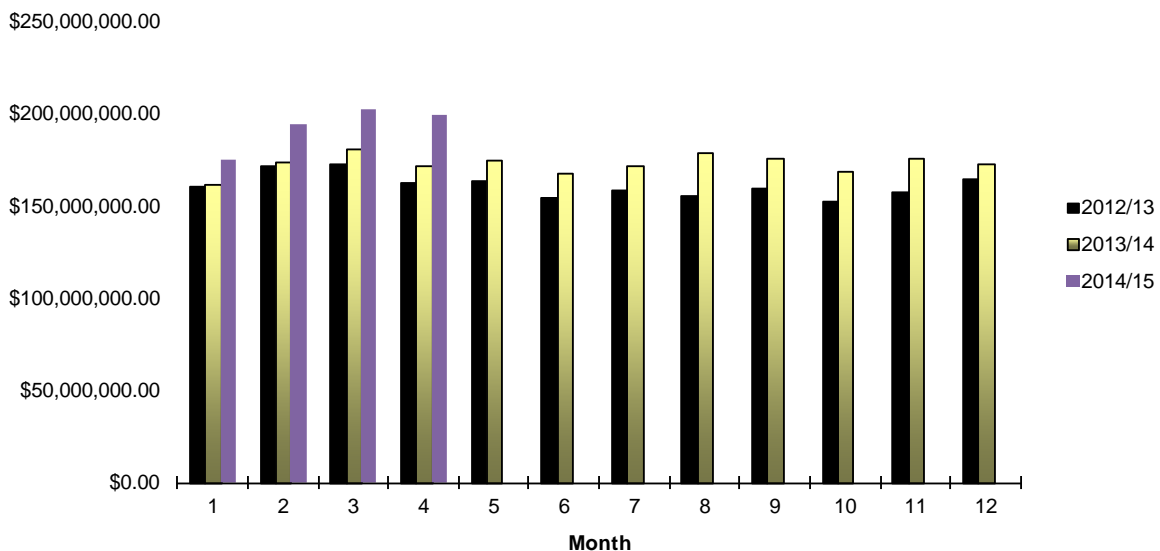
| Maturity Profile                         | Actual % Portfolio | Policy Limits |
|--|--------------------|---------------|
| Less than 365 days                       | 53.86%             | Minimum 40%   |
| More than 365 days and less than 3 years | 32.88%             | Maximum 60%   |
| 3 years and less than 5 years            | 13.26%             | Maximum 35%   |
| Total                                    | 100.00%            |               |

10. Investment Alternatives Explained

| Investment Product | Maturity Range | Usual term to maturity    | Major Benefits   | Major risks   |
|--------------------|----------------|---------------------------|--|---|
| At Call Cash       | At Call        | Immediate to a few months | Highly liquid - same day access to funds with no impact on capital                     | Not a capital growth asset                            |
|                    |                |                           | Highly secure as a bank deposit  | Underperforms other asset classes in the long term    |
| Bank Bill          | 1 - 180 days   | Less than 1 year          | Highly liquid - same day access to funds, usually with no or minimal impact on capital | Not a growth asset                                    |
|                    |                |                           | Highly secure (bank risk)  | Underperforms other asset classes in the long term    |
|                    |                |                           |  | May incur a small loss for early redemption           |
| Term Deposit       | Up to 5 years  | Less than 2 years         | Liquid - same day access to funds  | Will incur a small capital loss for early termination |
|                    |                |                           | Highly secure as a bank deposit  | Underperforms growth assets in the longer term        |

| Investment Product      | Maturity Range | Usual term to maturity | Major Benefits  | Major risks   |
|-------------------------|----------------|------------------------|---|---|
| Floating Rate Note Bond | 1 - 5 years    | Greater than 2 years   | Increased yield over bank bills   | Not a growth asset  |
|                         |                |                        | Can accrue capital gain if sold ahead of maturity and market interest rates have fallen | Can incur capital losses if sold ahead of maturity and market interest rates have risen |
|                         |                |                        | Coupon interest rate resets quarterly based on 90 day bank bill swap rate               | Credit exposure to company issuing the paper  |
|                         |                |                        | Relatively liquid   | May not be bank guaranteed  |
|                         |                |                        | Less administration than bank bills   | Underperforms other asset classes in the long term                                      |
| Fixed Rate/Bond         | 1 - 5 years    | Greater than 3 years   | Can accrue capital gain if sold before maturity and market interest rates have fallen   | Can incur capital losses if sold before maturity and market interest rates have risen   |
|                         |                |                        | Fixed return - semi annual coupons  | Credit exposure to company issuing paper  |
|                         |                |                        | Generally liquid  |   |
|                         |                |                        | Can be government or corporate issuer   |   |

### 11. Monthly Comparison of Total Funds Invested



## 12. Section 94 Developer Contributions - Monthly Balances and Receipts

| Contribution Plan | Plan Description                         | End of Month Balance | Contributions Received for Month |
|-------------------|--|----------------------|----------------------------------|
| 1                 | DCP3 Open Space                          | 4,093,534            |                                  |
| 2                 | Western Drainage                         | 586,151              |                                  |
| 3                 | DCP3 Community Facilities                | 1,596                |                                  |
| 4                 | TRCP Road Contributions                  | 9,012,725            | 678,420                          |
| 5                 | Open Space                               | 643,097              | 1,021                            |
| 6                 | Street Trees                             | 170,389              |                                  |
| 7                 | West Kingscliff                          | 447,272              |                                  |
| 10                | Cobaki Lakes                             | -1,320               |                                  |
| 11                | Libraries                                | 1,896,169            | 61,012                           |
| 12                | Bus Shelters                             | 70,986               | 4,555                            |
| 13                | Cemeteries                               | 33,717               | 8,933                            |
| 14                | Mebbin Springs                           | 88,225               |                                  |
| 15                | Community Facilities                     | 805,955              | 95,109                           |
| 16                | Surf Lifesaving                          | 377,319              |                                  |
| 18                | Council Administration/Technical Support | 1,096,643            | 130,079                          |
| 19                | Kings Beach                              | 595,642              |                                  |
| 20                | Seabreeze Estate                         | 736                  |                                  |
| 21                | Terranora Village                        | 30,205               |                                  |
| 22                | Cycleways Shirewide                      | 174,549              | 32,306                           |
| 23                | Carparking Shirewide                     | 1,407,663            |                                  |
| 25                | SALT                                     | 1,114,864            |                                  |
| 26                | Open Space Shire wide                    | 1,786,979            | 355,266                          |
| 27                | Tweed Heads Masterplan                   | 171,862              |                                  |
| 28                | Seaside City                             | 118,104              | 3,735                            |
| 91                | DCP14                                    | 105,582              |                                  |
| 92                | Public Reserve Contributions             | 132,421              |                                  |
| 95                | Bilambil Heights                         | 516,302              |                                  |
|                   | <b>Total</b>                             | <b>25,477,368</b>    | <b>1,370,435</b>                 |

## 13. Economic Commentary

### Australian and World Economy and Cash Rate

The Reserve Bank of Australia (RBA) met on 4 October and the cash rate again remained unchanged at 2.50%.

Growth in the global economy is continuing at a moderate pace. China's growth has generally been in line with policymakers' objectives, though weakening property markets there present a challenge in the near term. Commodity prices in historical terms remain high, but some of those important to Australia have declined further in recent months.

Volatility in some financial markets has picked up over the past couple of months. Overall, however, financial conditions remain very accommodative. Long-term interest rates and risk spreads remain very low. Markets still appear to be attaching a low probability to any rise in global interest rates or other adverse event over the period ahead.

In Australia, most data are consistent with moderate growth in the economy. Resources sector investment spending is starting to decline significantly, while some other areas of private demand are seeing expansion, at varying rates. Public spending is scheduled to be subdued. Overall, the Bank still expects growth to be a little below trend for the next several quarters.

Recent data on prices confirmed that inflation is running between 2 and 3 per cent, as expected, and this is likely to continue. Although some forward indicators of employment have been firming this year, the labour market has a degree of spare capacity and it will probably be some time yet before unemployment declines consistently. Hence, growth in wages is expected to remain relatively modest over the period ahead, which should keep inflation consistent with the target even with lower levels of the exchange rate.

Monetary policy remains accommodative. Interest rates are very low and have continued to edge lower over the past year or so as competition to lend has increased. Investors continue to look for higher returns in response to low rates on safe instruments. Credit growth is moderate overall, but with a further pick-up in recent months in lending to investors in housing assets. Dwelling prices have continued to rise.

The exchange rate has traded at lower levels recently, in large part reflecting the strengthening US dollar. But the Australian dollar remains above most estimates of its fundamental value, particularly given the further declines in key commodity prices in recent months. It is offering less assistance than would normally be expected in achieving balanced growth in the economy.

### Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Office of Local Government guidelines with 76.4% of the portfolio held in cash and term deposits. Term deposits and bonds are still paying above average margins over the 90 day bank bill rate but these margins are continuing to contract markedly.

The historic low cash rate is still translating to lower total investment yields. This situation continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories including cash at call out-performed the UBS 90 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 0.94% pa above the 90 day UBS bank bill index for the last month.

*Source: RBA Monetary Policy Decision*

### 14. Investment Summary

|                          |                                  |                     |                       |
|--------------------------|----------------------------------|---------------------|-----------------------|
| <b>GENERAL FUND</b>      |                                  |                     |                       |
|                          | CORPORATE<br>FIXED RATE<br>BONDS | 13,757,440.00       |                       |
|                          | FLOATING RATE<br>NOTES           | 33,415,607.00       |                       |
|                          | TERM DEPOSITS                    | 50,000,000.00       |                       |
| <b>WATER FUND</b>        | CALL ACCOUNT                     | <u>7,600,000.00</u> | <b>104,773,047.00</b> |
|                          | TERM DEPOSITS                    | 32,000,000.00       |                       |
| <b>SEWERAGE<br/>FUND</b> | FUND MANAGERS                    | <u>0.00</u>         | <b>32,000,000.00</b>  |
|                          | TERM DEPOSITS                    | 63,000,000.00       |                       |
|                          | FUND MANAGERS                    | <u>0.00</u>         | <b>63,000,000.00</b>  |



**TOTAL INVESTMENTS**

**199,773,047.00**

It should be noted that the General Fund investments of **\$104 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.

**Michael Chorlton**



Responsible Accounting Officer  
Manager Financial Services  
Tweed Shire Council

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

*"(1) The responsible accounting officer of a council:*

- (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*

- (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
  - (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
- (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting."*

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## ORDERS OF THE DAY

### 39 [NOM] Pedestrian Crossing on Pearl Street Kingscliff

#### NOTICE OF MOTION:

**Councillor C Byrne moves that Council conducts further pedestrian counts in Pearl Street at the northern side of the intersection of Pearl and Turnock Streets, Kingscliff, within six months of the completion of the Kingscliff Hotel redevelopment, in accordance with the Roads and Maritime Services warrants, to review the access already provided by the interruption in the kerb and guttering outside the "Kingscliff Professional Centre" building.**

#### Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

#### Management Comments:

Marked pedestrian crossings are a regulatory device that Council can install when recommended through the Local Traffic Committee (LTC).

There are site considerations that need to be assessed and Roads and Maritime Services (RMS) warrants that need to be met before the LTC can recommend approval to Council.

A copy of the RMS warrants for marked zebra crossings is attached. It contains 3 different warrants based on number of pedestrians, traffic volume, and a product of the two exceeding 45,000 (for a special warrant).

RMS have previously advised that these numbers are needed to ensure the crossing has adequate usage as sporadic/occasional use has been found to create dangerous conditions for pedestrians as drivers who frequently use the area become complacent as they do not expect anyone to be crossing.

As these warrants are Technical Standards, council officers and the LTC are required to apply them to the decision making process.

This was the case when this matter was recently considered by the LTC at its meeting on 25 September 2014 and made the following recommendation to Council

*"The RMS pedestrian warrants are not met for a marked pedestrian crossing on Pearl Street near Turnock Street and therefore a marked pedestrian crossing should not be installed."*

*The Committee noted that currently there is redevelopment of the Kingscliff Hotel and once this new development is completed further pedestrian counts should be conducted in this vicinity."*

The traffic/Pedestrian Counts undertaken for the subject site are also attached.

In the afternoon count the number of pedestrians(P) and vehicle(V) were attained being 36 and 708 respectively , however the product  $P*V + 25,488$  much lower than the special Warrant level of 45,000.In the morning survey ,the number of pedestrians was 11 well below the warrant requirement of 30 although the volume of traffic was 842 vehicles which is does meet the volume criteria.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Roads and Maritime Services Pedestrian Crossing Warrants (ECM 3510997)

Attachment 2. Traffic Counts - Pearl Street, Kingscliff (ECM 3510998)

Delivery Program:

Valid

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**Supporting Community Life**

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

- 2 Supporting Community Life
  - 2.4 An integrated transport system that services local and regional needs
  - 2.4.3 Ensure local streets, footpaths and cycleways are provided, interconnected and maintained
- 

Budget/Long Term Financial Plan:

Cost of installation is approximately \$5,000.

Legal Implications:

Council may be exposed to litigation if an incident occurs on the marked pedestrian crossing as it does not comply with the RMS Technical Standards or have LTC endorsement.

Policy Implications:

Nil.

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**40 [NOM] Lighting to Chinderah Bay Drive Bus Shelters**

**NOTICE OF MOTION:**

**Councillor C Byrne moves that Council:**

- a) Installs lighting to the bus shelters situated along Chinderah Bay Drive Chinderah to provide safer facilities for night time users; and**
- b) Brings back a report to a future Council meeting with respect to providing lighting to other bus shelters in the Shire.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**(a) Installs lighting to the bus shelters situated along Chinderah Bay Drive**

Chinderah Bay Drive currently has three bus shelters installed. There are two options for providing lighting to these facilities as follows:

- Install Solar Streetlighting  
Council have installed 9 solar lights at other locations and whilst they illuminate the areas around the shelter there is limited illumination within the shelter itself.  
  
New technologies such as LED solar lights are improving in terms of reliability. The approximate cost is \$6,000 each.
- Install Hard Wired Lighting  
This option could be an external streetlight or internal security lighting. The cost will be significantly higher than the solar option as additional power poles will be required to bring power to the shelters. It is estimated this could cost \$20,000 per shelter.

It is recommended that the solar option be considered in these shelters which would require a budget allocation of \$18,000 to light the three shelters. Currently no funds are available for this work.

The previously installed solar lighting was funded through a Federal Government Safer Community Grant about 5 years ago which is no longer available.

**(b) Brings back a report to a future Council meeting with respect to providing lighting to other bus shelters in the Shire**

This request will require significant staff resources and time to undertake as Council currently has over 170 bus shelters throughout the Shire which will all need to be assessed individually. Some may not need auxiliary lighting as they are on well lit roads that provide adequate ambient lighting. A significant budget allocation would then be required to implement any adopted program based on priority criteria.

Given the above it would be anticipated that such report should be available for the March 2015 Council Meeting.

Valid

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## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

|       |   |
|-------|---|
| 2     | Supporting Community Life   |
| 2.4   | An integrated transport system that services local and regional needs                     |
| 2.4.3 | Ensure local streets, footpaths and cycleways are provided, interconnected and maintained |

---

### Budget/Long Term Financial Plan:

A budget allocation of \$18000 needs to be made to enable the three bus shelters on Chinderah Bay Drive to have solar security lighting installed.

### Legal Implications:

NA

### Policy Implications:

Councils Bus Shelter Program.

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41 [NOM] Tweed Shire/State Government Relations

**NOTICE OF MOTION:**

**Councillor B Longland moves that the Mayor send the attached letter to the Deputy Premier of NSW without delay, with copies to the State Members for Tweed and Lismore as well as his Councillor colleagues.**

**Councillor's Background Notes**

Recommended Priority:

This correspondence should be given a high priority due to the damage that has been caused to the relationship between the Council and the State Government and the importance of a functioning partnership with the State in the delivery of services and infrastructure to the Tweed community.

Description of Project:

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1 Draft Letter (ECM 3509226)

**Management Comments:**

Delivery Program:

Valid



**Civic Leadership**

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

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

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

Not applicable.

Policy Implications:

In accordance with Tweed Shire Economic Development Strategy - "*Tweed Shire Gateways - D32 In conjunction with NSW State Government improve Tweed Shire's Gateways*".

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## 42 [NOM] A-Frame Signs

### NOTICE OF MOTION:

Councillor B Longland moves that Council officers bring forward a report with regulatory options that might be considered in limiting the proliferation of A-frame signage on Council land adjacent to our road network.

### Councillor's Background Notes

#### Recommended Priority:

In many prominent streets and entry points to the Shire's towns and villages, the visual amenity for residents and visitors alike, is marred by excessive use of A-frame signage at these locations.

#### Description of Project:

Based on the options that might be available and with the input of the Chambers of Commerce, it may be preferable to provide a clear regulation for the use of A-frame to facilitate better coordination of signage in these prominent locations, and to limit the number, size and location of signage per business. This may also allow for an annual licensing scheme to be administered by the Council.

### Management Comments:

#### Delivery Program:

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

|       |   |
|-------|---|
| 2     | Supporting Community Life   |
| 2.4   | An integrated transport system that services local and regional needs                     |
| 2.4.3 | Ensure local streets, footpaths and cycleways are provided, interconnected and maintained |

### Budget/Long Term Financial Plan:

A business case would need to be prepared to ensure that any future revenue raising opportunities are relative to the additional resources costs required for compliance monitoring.

The preparation of the recommended report to Council will require an additional allocation of staff resource.

### Legal Implications:

Issues of Council risk management and public liability, accessibility, zoning and other statutory implications will need to be addressed.



Policy Implications:

A review of Council's Footpath Trading and other relevant planning policies will be required.

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**43 [NOM] Men's Shed**

**NOTICE OF MOTION:**

**Councillor K Milne moves that Council brings forward a report to the next Council meeting:**

- 1. On the suitability of a Men's Shed at the southern end of the Pottsville Market site; and**
- 2. If appropriate, suitable sites at this location, and sizes that could be accommodated.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

As part of the process in developing the Pottsville Locality Plan a number of options were exhibited suggesting additional uses over the Market Park including the relocation of the tennis club and club house as well as the reopening of Phillip Street to Overall Drive which was met with significant community objection. The general feedback was that the Market Park should be retained as a place for public open passive recreation uses which has the ability to host events such as the bi-monthly market. The main community concerns related to the any additional uses potentially compromising the broader public useability and functioning of park.

It was also found that during the consultation process the community valued the existing 'green open spaces' of Pottsville, including the market park, as significant contributors to the localities character and that the green space surrounding the village centre provides a welcome entry statement to the village. The presence of this green space maintains a human scale to the village, softens the existing built form and provides valuable public passive open space opportunities. In that regard the village structure plan strategy for the village calls for the consolidation of open space within the village centre, namely Market Park for the purposes of passive open space and market use.

In regard to the above, the siting of the men's shed over this site to be contrary to the objectives and strategies within the Pottsville Locality Plan and that of the broader communities submissions made during the exhibition period. Specifically the key issues would be:

- Undermining the 'green space' character and village entry sequence by imposing a new built form element into a public space;

- Potentially undermining the visual character of the visually prominent Market Park with a building(s) which are typically of a low cost / budget structure potentially reducing usable footprint of the site to the detriment of the market and passive recreation users;
- Introducing a noise generating use into the public domain which may impact the usability of the remaining area of Market Park.

Although the men's shed is a valuable community use, the location and siting needs to be carefully considered to reduce the visual and amenity impacts, particularly on the most valuable of community open space areas. This is especially the case over the Market Park which also has a broader regional draw and economic driver for the village on market days.

Delivery Program:

Valid



## Supporting Community Life

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

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

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Budget/Long Term Financial Plan:

Nil

Legal Implications:

Nil

Policy Implications:

Nil

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**44 [NOM] Greening the Shire**

**NOTICE OF MOTION:**

**Councillor K Milne moves that:**

- 1. Council adopts an approach of Greening the Shire in all relevant operations of the organisation by maximizing local native vegetation that is ecologically appropriate whenever possible and appropriate, and**
- 2. Brings forward a report on a range of ways this could be implemented and encouraged through both Council and private landholders on urban and rural lands, for example through policies on:**
  - a) Maximising trees in Council parks and properties,**
  - b) Denser plantings of street trees,**
  - c) Awards for the best native gardens for residential, business and Council owned land.**

**Councillor's Background Notes**

Recommended Priority:

Nil

Description of Project:

Nil.

**Management Comments:**

Council already has a raft of policies and guidelines that maximises local native vegetation that is ecologically appropriate whenever possible and appropriate as presented to Council in a recent workshop.

- 2 a) Tree planting in Council parks and properties is undertaken to achieve a balance between the numerous uses and users of a park. Considerations include safety (vision and surveillance), provision of shade and amenity and provision of adequate open space for recreation and community activities. Current practice is to maximise tree planting with respect to all of the other consideration and where appropriate and feasible.
- 2 b) Street tree plantings are largely limited by the availability of space with respect to services and infrastructure such as underground services (power, sewer, water), overhead wires, footpaths, street lights, driveway, intersections etc. Generally, the aim is to plant two trees per allotment (depending on allotment size, location, services etc). The planting of trees at this spacing also allows each individual tree to grow to its natural form (without competition for crown space etc) and create a 'specimen' tree which contributes significantly to the shires streetscape.

It must also be appreciated that the nature strips front people's houses. The planting of trees on nature strips has a significant impact on residents and many would object to denser plantings in nature strips fronting their houses.

- 2 c) Council has previously run an annual garden competition with a number of categories including native gardens. The competition was discontinued due to the significant resources required to run the competition and the diminishing number of entries over the years.

There were very few entries in the native garden category, and the same gardens appeared to enter each year.

Delivery Program:

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

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45 [NOM] Manicured Shrubs

**NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report to review the manicuring of shrubs in parks and street vegetation with view to allowing natural growth forms and/or replacement over time of manicured shrubs with appropriate local native species to both reduce costs to Council and provide for a more natural look.

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

'Manicured' shrubs within the Shire have been progressively removed from parks and roundabouts over recent years. The circumstances where shrubs are 'manicured' are now largely restricted to roundabouts and surrounds and centre medians where sight lines and vehicle clearances need to be maintained. There are also a very limited number in higher profile, more formal settings such as the Civic Centre.

When replacing or renovating areas with hedged plants, they are generally removed and replaced with low maintenance native plants with a compact growth habit.

There will remain limited circumstances where some hedging may be retained to maintain an aesthetic appeal and physical site constraint limit options. One example is the carpark and elements of the streetscape in Tweed Heads. Plantings in this circumstance provide visual relief from a harsh carpark setting. As the plants grow in a narrow strip between cap spaces, the only way of getting height and not blocking car spaces is to hedge. Low growing plants in this circumstance do not provide the visual relief and tend to be trampled.

Delivery Program:

Valid



**Caring for the Environment**

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

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

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

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**46 [NOM] Review of Shark Control Programs**

**NOTICE OF MOTION:**

**Councillor K Milne moves that the Mayor writes to the NSW and Queensland Authorities to request a review of the shark control program with a view to removal of shark nets and drum lines, especially during the whale migration season due to:**

- 1. The relatively low numbers of human fatalities;**
- 2. The lack scientific evidence on the effectiveness of the shark control program;**
- 3. The impact on other marine life; and**
- 4. The negative impact on Australia's international reputation.**

**Councillor's Background Notes**

Recommended Priority:

According to reports in relation to shark control programs:

- a) Over the course of 52 years, almost 50,000 sharks have been caught in Australia's shark control program and reportedly more than 53,000 other marine animals have been caught as 'by-catch'; including whales, dolphins, dugongs, seals, marine turtles, rays and other marine life. Nearly 700 sharks were caught in Queensland in the last year.
- b) Sharks are often the top predators and are responsible for maintaining the balance in those ecosystems. Where shark species have been over-fished in areas around the world there are examples where suddenly unpredictable things happened in the ecosystem and the collapse of fisheries.
- c) The NSW Government has recognised shark netting as a "key threatening process" under their environment law in 2003.
- d) There has been a significant decline in Queensland's rate of shark attack fatalities that started 40 years before drum lines were first deployed. There has been no further reduction in fatalities since the program began, despite half a century of increasing drum line deployments".
- e) Shark-related fatalities in Queensland have declined in both areas with and without drum lines, with the steepest rates of decline before their installation.
- f) The effectiveness of drum lines is difficult to evaluate, as the rates of attacks before and after their deployment are both very low. Moreover, 83% of drum lines are deployed at locations where a fatal attack has never occurred.



- g) The ecological cost of drum lines is high, with 97% of sharks caught since 2001 considered to be at some level of conservation risk, and 89% caught in areas where no fatalities have occurred.
- h) The USA has never implemented shark nets or drumlines, despite the popularity of their beaches.

<http://www.abc.net.au/news/2014-10-24/nearly-700-sharks-killed-in-queensland-this-year/5839188>

<https://theconversation.com/has-queensland-really-saved-lives-by-killing-thousands-of-sharks-23437>

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

Valid

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## Civic Leadership

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

- 1 Civic Leadership
  - 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 

Budget/Long Term Financial Plan:

Not applicable.

Legal Implications:

State Government area of responsibility.

Policy Implications:

Not Applicable to Council.

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## QUESTIONS ON NOTICE

### 47 [QON-Cr P Youngblutt] Black Rocks Sports Field

#### QUESTION ON NOTICE:

Councillor P Youngblutt asked:

Given the statements made at the Meeting on 16 October 2014 (Black Rocks Sports Field) regarding koala mortality in the past year and rate of extinction on the Tweed Coast:

*"We've lost 35 Koalas in the last year alone" and "We're supposed to protect the koalas and yet we now have only around 110 left" and "How many more do you want to lose?"*

1. Can Councillor Milne advise the governing body of how she arrived at these numbers, who provided these numbers, how did the koalas die, where did the koalas die, and where are the statistics kept on these koala mortalities?; and
  2. If the Tweed Coast has only approximately 144 Koalas left and 35 have died *"in the last year alone"* ( $144 - 35 = 109$ ) how can we have *"around 110 left"* ?
- 

### 48 [QON-Cr P Youngblutt] Koala Habitat Study 2011

#### QUESTION ON NOTICE:

Councillor P Youngblutt asked:

Given the Koala Habitat Study 2011 commissioned by Tweed Shire Council, can the General Manager or relevant Director please advise the governing body on the following two questions.

1. What (if any) further studies have been completed by Council that supports the claimed loss of koalas? If no other studies have been completed then,
  2. Can the General Manager or relevant Director provide any information from the NSW National Parks and Wildlife Service, the NSW Office of Environment and Heritage, Federal Department of Environment and/or The Friends of the Koala from any of their reports (2014) on koala mortality, injury, bush fires, disease, etc. in the Tweed Shire Local Government Area and specifically the Tweed Coast?
-

## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

49 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 July 2014

SUBMITTED BY: Community and Cultural Services

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

---

### SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 July 2014 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 July 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
  - A1. Aboriginal Peoples of the Tweed Valley - Notice of Motion by Cr Bagnall - Robert Appo (Tweed Shire Council)

*That the Aboriginal Advisory Committee:*

1. *Endorses the Notice of Motion by Cr Bagnall and enters into discussions with Council regarding process to progress dual naming for sites of significance within the Shire.*
2. *Acknowledges that the Notice of Motion of Cr Bagnall is a result of the Cultural Appreciation training held in May 2014.*

**REPORT:**

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 4 July 2014 are reproduced as follows for the information of Councillors.

Venue:

Tweed Byron Local Aboriginal Land Council

Time:

10.00am

Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Mayor Barry Longland (Tweed Shire Council).

Ex-officio:

Anne McLean, Rob Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Nil.

Apologies:

Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Ronella Phillips (Bugalwena Aboriginal Health Service representative), Victor Slockee (Canowindra representative), Robyn Grigg (Tweed Shire Council).

Chair: Aunty Joyce Summers

Moved: Jackie McDonald

Seconded: Des Williams

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

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

Minutes of Previous Meeting:

Moved: Jackie McDonald

Seconded: Leweena Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 2 May 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Minutes of Previous Meeting:

Moved: Leweena Williams

Seconded: Des Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 6 June 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising from Meeting held on 2 May 2014:

GB3. Ed Parker Rotary Park, Cudgen Creek

Rob advised that this is a Rotary project which is being funded by Rotary. Robyn Grigg will be discussing whether further information is required from the AAC with Council's Acting Director Community Natural Resources and Rotary. Aboriginal stories will not be included on the signage. Rotary's signage is not in line with Council's interpretative signage practices.

Business Arising from Meeting held on 6 June 2014

A3. Everick Heritage - Due Diligence Reports being marked "Draft"

Anne advised that a meeting has been held with the Development Assessment and Planning Reform teams. The Development Assessment and Planning Reforms teams advised that within their processes, they are aware of what is being submitted by Everick as draft, even though they aren't marked as draft. Development Assessment advised it is aware that the comments made by site officers are not the view of the stakeholder and many other considerations are taken into account when preparing the recommendation.

Council advised that Everick is requesting a copy of the Minutes and recommendation to include in their reports before they have been endorsed by the AAC. A copy of the Minutes can be provided to Everick once they have been endorsed by the AAC noting that they have not been adopted by Council.

Pottsville South Holiday Park - It appears that Richard Adams, Council's Manager Business and Economic Development, commissioned Everick to do the Due Diligence Assessment report after the other documentation had been lodged with Council. It is unlikely this will happen again. The decision as to whether the documentation needs to be re-exhibited will be made following Development Assessment's receipt of the report from Everick.

BA1. Kenmar Farms Bogangar No. 2 Project

Monitoring would be required within the footprint of the redevelopment site. The Bundjalung Mapping Project shows that there are known sites in the area.

Moved: Des Williams

Seconded: Leweena Williams

RESOLVED that in relation to Kenmar Farms Bogangar No. 2 Project, that site monitoring be provided during any site disturbance within the footprint of the proposed development site.

BA2. Pottsville South Caravan Park (DA14/0258)

This item was dealt with at the meeting on 6 June 2014 - refer to Item A3.

Agenda Items:

A1. Aboriginal Peoples of the Tweed Valley - Notice of Motion by Cr Bagnall - Robert Appo (Tweed Shire Council)

Mayor Longland advised that Cr Bagnall would like to seek opinion of the AAC re identifying significant sites around the Shire and move to have dual naming, specifically villages that

have Aboriginal meaning in their name. The village entry signs would include Aboriginal meaning on them. No media has yet been released as the opinion of the AAC needed to be sought beforehand.

The AAC agreed there would be many significant sites within the Shire including Uki, Norries Head, Razorback, Fingal Head and Cook Island.

It is hoped an initial response from the AAC can be taken back to the July Council meeting.

Moved: Des Williams

Seconded: Jackie McDonald

RECOMMENDATION that the Aboriginal Advisory Committee:

1. endorses the Notice of Motion by Cr Bagnall and enters into discussions with Council regarding process to progress dual naming for sites of significance within the Shire.
2. acknowledges that the Notice of Motion of Cr Bagnall is a result of the Cultural Appreciation training held in May 2014.

A media release will now be issued as a result of this recommendation with a quote from a member of the AAC.

A2. Robert Appo (Tweed Shire Council)

(a) Reconciliation Action Plan (RAP)

Rob tabled a draft timeline for the RAP and requested feedback from the AAC regarding the measurable targets. Items 1 (Develop and implement a Reconciliation Action) to 22 (Assist in the promotion of Aboriginal cultural ceremonies and significant events to staff and the wider community) were discussed. The following comments were made in relation to the items:

| Item No. | Action   | Measurable Target                                  | Comments  |
|----------|--|--|---|
| 7        | Fly the Aboriginal and Torres Strait Islander flags together with the Australian flag in front of the Shire's main Administration offices every business day and to be on display in the Council Chambers at all time.         | Measurable target required.                        | This is already happening.  |
| 8        | Use the Welcome/ Acknowledgement of Country Aboriginal statement policy on significant occasions such as State, National, International functions/events and official Council meetings to be read by the Mayor or Chairperson. | The Code of Meeting Practice will require updating | "The Mayor according to Council Policy or in the absence of the Mayor, their nominated delegate to read the Welcome/ Acknowledgement of Country Aboriginal statement policy on significant occasions such as State, National, International |

| Item No. | Action  | Measurable Target                               | Comments   |
|----------|---|---|--|
|          |   |   | functions/events and official Council meetings.  |
| 9        | Welcome/Acknowledgement of Country: Develop a protocol document for the organisation to ensure there is shared meaning behind the ceremonies.                               |   | Aboriginal Statement to be reviewed to ensure it is still reflective of the current AAC.                             |
| New Item | Develop Aboriginal branding and signage policy to include Items 10 and 11.  |   | New item to be added.  |
| 12       | Targeted cultural awareness and cultural heritage induction training in consultation with the Aboriginal Advisory Committee and key staff to be implemented across Council. |   | Needs to be delivered with local content.<br><br>Look at Cultural awareness training packages and bring back to AAC. |
| New Item | Cultural awareness/appreciation training to all TSC staff.  |   | New item to be added.  |
| 14       | Council to develop an understanding of the history of Aboriginal and Torres Strait Islander people in the region.   |   | Incorporate into Item 12.  |
| 15       | Develop a set of Cultural protocols with the Tweed Shire Council Aboriginal Advisory Committee.   |   | Item to be deleted.  |
| New Item | Issues Paper to fit into a new Aboriginal Policy.   |   | New item to be added.  |
| 18       | Seek input by the Aboriginal community on key strategic projects and developments.  | Include Economic Development Strategy.          | Change to "Seek input <u>from</u> Aboriginal community on key strategic projects and developments."                  |
| 19       | Celebrate National Reconciliation Week (NRW) by providing opportunities for Aboriginal and Torres Strait Islander peoples and other Australians to build relationships.     | Annual event each National Reconciliation Week. |  |

*Action:* CDO-Aboriginal to email the updated draft RAP to all AAC members for distribution and discussion with their organisations.

*Action:* AAC members to email any further suggestions CDO-Aboriginal, who will continue to work on RAP.

(b) Memorandum of Understanding (MOU)

Rob advised that the MOU is a work in progress as it is tied to the RAP. A further draft will be presented to AAC meetings over the next couple of months.

General Business:

GB1. NAIDOC

Councillors and the Executive Management Team have been sent invitations to the NAIDOC dinner dance on Saturday 12 July. The Mayor and Cr Bagnall will be attending.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held Friday 1 August 2014

The meeting closed at 12.00pm.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

**A1. Aboriginal Peoples of the Tweed Valley - Notice of Motion by Cr Bagnall - Robert Appo (Tweed Shire Council)**

**That the Aboriginal Advisory Committee:**

- 1. Endorses the Notice of Motion by Cr Bagnall and enters into discussions with Council regarding process to progress dual naming for sites of significance within the Shire.**
- 2. Acknowledges that the Notice of Motion of Cr Bagnall is a result of the Cultural Appreciation training held in May 2014.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.



**50 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 30 October 2014**

**SUBMITTED BY: Roads and Stormwater**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held Thursday 30 October 2014 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

**That:**

- 1. The Minutes of the Local Traffic Committee Meeting held 30 October 2014 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

#### **SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:**

##### **A1 [LTC] Endeavour Parade, Tweed Heads**

***That:***

- 1. The "no stopping" zone on the north side of Bay Street opposite the entrance to Tweed Mall be extended by approximately 10m to the west to enable buses to carry out a "U-turn" in the break in the median.***
- 2. The existing "no parking bus excepted" adjacent to Tweed Mall in Bay Street be relocated further west between the driveway access for the loading bay of the centre and the pedestrian kerb extension, and that the***

*current "no parking buses excepted" be sign posted as "2 hour parking" during business hours.*

**REPORT:**

The Minutes of the Local Traffic Committee Meeting held Friday 30 October 2014 are reproduced as follows for the information of Councillors.

**VENUE:**

Mt Warning Meeting Room

**TIME:**

Commencing at 10.00am

**PRESENT:**

Committee Members: Cr Barry Longland, Mr Greg Sciffer, Roads and Maritime Services of NSW, Snr Constable Chris Davis, NSW Police, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Nick Tzannes, Ms Sandy Zietlow (Minutes Secretary).

**APOLOGIES:**

Mr Thomas George MP, Member for Lismore; Mr Geoff Provest MP, Member for Tweed; Mr Col Brooks.

MIN1 [LTC] Confirmation of Previous Minutes Meeting held 25 September 2014

**ORIGIN:**

Planning & Infrastructure

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 25 September 2014 be adopted as a true and accurate record of proceedings of that meeting.

*FOR VOTE - Unanimous*

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

SCH1 [LTC]-SOR Schedule of Outstanding Resolutions - 30 October 2014

**ORIGIN:**

Planning & Infrastructure

FILE NO: Traffic - Committee

**SUMMARY OF REPORT:**

From Meeting held 25 September 2014

1. [LTC] Tyalgum Road Murwillumbah (B13)

FILE NO: ECM 3282718; Traffic - Committee; Traffic - Speed Zones; Traffic - Safety; Bus - Stops; Bus - Routes; Tyalgum Road

SUMMARY OF REPORT:

*This report has been listed on the Schedule of Outstanding Resolutions since the meeting held 13 February 2014. The item is reproduced below and advice received by RMS is that further data is available and ready for discussion.*

*"Request received for a reduction in the speed limit on Tyalgum Road, Murwillumbah.*

*"...I would like I strongly believe it is a matter of pedestrian and motorists safety. I also asked that this limit be reduced as young children are regularly waiting for their school bus on this road next to an electric fence and waterway having to keep safe from traffic travelling at 100klms per hour and are also having to cross this road. This road directly passes a residential estate and street facing houses. Another concern is the location of a childrens park which is not much more than 100metres away from this road. From this estate there is no path for pedestrians to walk along if wishing to access local shops meaning that pedestrians have to walk along a 100 klm per hour road. There is also no public bus that comes through this estate, only bus available is on Tyalgum road. I have spoken to bus company requesting they pick up school children on Sovereign heights estate, they say this is not possible as there is nowhere to turn and the only other road they can exit Sovereign Heights estate is Old Lismore Road which is even more dangerous as not only does it come out onto Tyalgum Road (100klm per hour road) but at this point there is no visibility for the bus to safely pull out. I have spoken to other residents who would also like the road speed reduced from the Old Lismore Road to the Tyalgum/Kyogle road intersection, reasons being for pedestrian safety, their childrens safety, motorists safety. I do not believe that a reduction in speed to a residential area speed should affect motorists speed in which they get to their destination as it is only an area of less than 1klm. On this stretch of road if travelling from Old Lismore road to Tyalgum/Kyogle road intersection you have to slow down towards the intersection so I don't believe it will delay travellers by more than 1 minute, but the safety to me far out ways how fast someone gets to work, home or to the shops. Perhaps drivers should allow 1 extra minute in their daily drive along this road."*

*Sovereign Heights Estate is a comparatively new subdivision where access off Tyalgum Road has been constructed to the appropriate standard for a 100kph road. Sight distance for motorists exiting the estate is approximately 200 metres to the west. It is not unusual for children to wait for a bus on rural roads, however this is a decision for parents and bus operators. Reducing the speed limit on Tyalgum Road in this vicinity is unlikely to result in a change in driver operating speeds unless the reduced speed limit is heavily enforced.*

*A number of driveways directly access Tyalgum Road west of Sovereign Way. Speed surveys should be undertaken in this vicinity and forwarded to the RMS for speed zone reviews.*

COMMITTEE ADVICE:

*That the speed limit on Tyalgum Road be considered for a review by the Roads and Maritime Services according to the speed zoning guidelines.*

*From Meeting held 25 September 2014:*

*The RMS Representative tabled proposed changes to the speed limit and based on the Committee's advice will provide direction to Council on speed zone changes for Tyalgum Road, Murwillumbah.*

**COMMITTEE ADVICE:**

*That the speed review of Tyalgum Road, Murwillumbah be placed on the Schedule of Outstanding Resolutions.*

Current Status: *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 25 September 2014).*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 13 February 2014 (Item B4)."*

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*From Meeting held 25 September 2014:*

2. *Tweed Coast Road - Wooyung Road, Pottsville (B14)*

FILE NO: *ECM 3353132; Traffic - Committee; Speed - Zones; Wooyung Road; Kellehers Road, Pottsville; Tweed Coast Road, Pottsville*

**SUMMARY OF REPORT:**

*"This report has been listed on the Schedule of Outstanding Resolutions since the meeting held 12 June 2014. The item is reproduced below and advice received by RMS is that further data is available and ready for discussion:*

*"From meeting held 12 June 2014.*

*The RMS have received correspondence from a Pottsville resident requesting a further review of the speed limit on Wooyung Road near Kellehers Road Pottsville. The RMS have advised that it is recommending a reduction in the speed limit to 80km/h from approximately 200m south of Kellehers Road continuing to the 50km/h posted speed limit at the Pottsville Cudgera Creek Bridge.*

**COMMITTEE ADVICE:**

*That the Committee supports the recommendation for a reduction in the speed limit to 80km/h on Wooyung Road from approximately 200m south of Kellehers Road continuing to the 50km/h posted speed limit at the Pottsville Cudgera Creek Bridge and an article be placed in the Tweed Link outlining the reasoning behind the speed reduction.*

**RECOMMENDATION TO COUNCIL:**

*That this item be sent to RMS requesting a review of the speed limit on Wooyung Road between Kellehers Road and Pottsville.*

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*From meeting held 21 August 2014:*

*The Committee requested that the Pottsville Residents Association be informed of the outcome of the speed zone review results. RMS advised that the field work has been completed."*

*From Meeting held 25 September 2014:*

*The RMS Representative tabled proposed changes to the speed limit and based on the Committee's advice will provide direction to Council on speed zone changes for Tweed Coast Road, Wooyung Road, Pottsville.*

**COMMITTEE ADVICE:**

*That the speed review of Tweed Coast Road, Wooyung Road, Pottsville be placed on the Schedule of Outstanding Resolutions.*

**Current Status:** *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 25 September 2014).*

*(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 12 June 2014 (Item A4).*

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From Meeting held 25 September 2014

[LTC] Fraser Drive, Banora Point (B14)

**FILE NO:** ECM 3194837; 3472865; Traffic - Committee; Speed Zones; Safety; Fraser Drive, Banora Point

**SUMMARY OF REPORT:**

*This report has been listed on the Schedule of Outstanding Resolutions since the meeting held 7 November 2013. The item is reproduced below and advice received by RMS is that further data is available and ready for discussion.*

*"Request received for a reduction in the 80km/h speed zone on Fraser Drive Banora Point/Terranora based on the following:*

*"The matters to take in consideration are:*

- 1. There are no footpaths to speak of, forcing the many people, including children, having to walk on the road verge because of the rough nature either side of the bitumen. Many bike riders walk their bikes up the steep hill.*
- 2. At night there is no street lighting in the areas of the road that are currently 80km/h particularly in the vicinity of the sporting fields. In a dark rainy night this danger is further advanced especially because of the bends in the road.*
- 3. The volume of traffic that now uses Fraser Drive, to and from Terranora Road, has increased enormously since its completion of The Sexton Hill. Vehicles turning from Terranora Road down the hill accelerate, exceeding the 60km/h prior to reaching*

80km/h areas, making exiting driveways hazardous. Many of them are using mobile phones too.

4. In the afternoon traffic sometimes queues 300 metres trying to turn into Terranora Road.
5. Large numbers of bike riders use Fraser Drive.
6. Whether we like it or not young people use the downhill for skateboard riding."

The Committee advice from the meeting on 8 August 2013 in relation to the speed limit on Fraser Drive between Vintage Lakes Drive and south of Acacia Street was to remain at 80 km/h as per the following:

"That the speed limit on Fraser Drive is considered appropriate and no changes are warranted.

The existing 80km/h speed limit on Fraser Drive extends south of Botanical Circuit to north of Glen Ayr Drive, a length of approximately 1.3km. Accident data shows 2 casualty and 1 injury crash in this area and additional crashes at the intersection of Amaroo and Fraser Drive. No speed surveys are available for the area. There are only 3 houses with direct access to Fraser Drive within the area.

Traffic volumes on Fraser Drive south of Terranora Road have reduced from 5556 in 2011 to 5063 in 2013.

**ADVICE TO COMMITTEE:**

That the 80 km/h speed limit on Fraser Drive remain.

**COMMITTEE ADVICE:**

That:

1. This item be referred to the Roads & Maritime Services for a review of the speed limit on Fraser Drive, Banora Point.
2. The Banora Point Residents Association be advised that a review of the speed limit on Fraser Drive (by the RMS) has been requested."

From Meeting held 25 September 2014:

**COMMITTEE ADVICE:**

That the speed review of Fraser Drive Banora Point be placed on the Schedule of Outstanding Resolutions.

Current Status: (This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 25 September 2014).  
This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 7 November 2013 (Item B1).

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BUSINESS ARISING

Nil.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Endeavour Parade, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3494173; Traffic - Committee; Traffic - Safety; Transport - Bus Services - Routes; Endeavour Parade; Bay Street; Frances Street; Wharf Street

SUMMARY OF REPORT:

Transport for NSW have sent an email to Surfside Buslines concerning complaints received about Surfside Buses using Endeavour Parade to access Bay Street, Tweed Heads:

*"I've been contacted by RMS who have been fielding some complaints about Surfside buses using Endeavour Parade to access Bay Street, Tweed Heads.*

*RMS advises that the buses are supposed to use Wharf Street and turn right at the lights to enter Bay Street, accessing the bus bay via the u-turn at the end of the road.*

*Drivers are apparently turning down Frances Street at the round-about before the lights and entering Bay Street via Endeavour Parade.*

*The residents in Endeavour Parade have apparently made a number of complaints to RMS about buses using their street.*

*Can you please have someone investigate this matter. I'd like to have confirmation about the approved route of the bus and whether Council has been involved in assessing the suitability of roads in the area for use by buses. If the drivers are merely using Endeavour as a 'short-cut' can you please advise what corrective actions you are going to put in place."*

Surfside Buslines responded as follows:

*"We have investigated your enquiry.*

*Council signs displayed approve access to Endeavour Parade by buses and trucks between the hours of 7am & 7pm with no access to buses and trucks between the hours of 7pm & 7am. We have now taken steps to issue an instruction to our Drivers stating that all access to Bay Street via Frances Street & Endeavour Parade will not be allowed regardless of Council signage. This access can only be used in an emergency. Buses will now access Bay Street via Wharf Street. This instruction will be put out today and monitored this week to ensure all Drivers are aware. We hope that this meets with your approval and look forward to you reply."*

Transport for NSW have advised that *"this seems to be a reasonable outcome"*.

Roads and Maritime Services have requested that this be listed as an agenda item at the Local Traffic Committee meeting.

Council officers are meeting with Surfside Buslines management on Thursday 23 October and further advice will be provided to the Committee based on the outcomes of that meeting.

To enable east-bound buses on Bay Street to carry out a "U-turn" at the entrance to the shopping centre, the "no stopping" length on the north side of Bay Street has been extended.

It is requested that the Committee endorse this extension of the "no stopping" zone.

At a meeting with Council officers and Surfside Management it was agreed that:-

*"Surfside Buslines has committed to:*

- *Update their driver Run Sheets to formally recognise all local restrictions to buses (e.g. prohibitive signage) and to enforce recent company directives that buses are to no longer use Frances Street and Endeavour Parade to access Bay Street.*
- *Increase spot checks of their drivers in Bay Street to ensure idle times and bus movements comply with Surfside directives and protocols.*
- *Review operation planning to better coordinate NSW and Qld services to minimise impacts, including consideration of bus parking in Boundary Street for some services."*

#### COMMITTEE ADVICE:

That the "no stopping" zone on the north side of Bay Street opposite the entrance to Tweed Mall be extended by approximately 10m to the west to enable buses to carry out a "U-turn" in the break in the median.

#### RECOMMENDATION TO COUNCIL:

That:-

1. The "no stopping" zone on the north side of Bay Street opposite the entrance to Tweed Mall be extended by approximately 10m to the west to enable buses to carry out a "U-turn" in the break in the median.
2. The existing "no parking bus excepted" adjacent to Tweed Mall in Bay Street be relocated further west between the driveway access for the loading bay of the centre and the pedestrian kerb extension, and that the current "no parking buses excepted" be sign posted as "2 hour parking" during business hours.

*FOR VOTE - Greg Sciffer, Cr B Longland, Snr Const Chris Davis, Mr R Bates*

*AGAINST VOTE - NIL*

*ABSENT - DID NOT VOTE - NIL*

*PRESENT. DID NOT VOTE - NIL*

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B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Byangum Road, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3492329; Traffic - Committee; Traffic - Parking Zones; Traffic - Safety

SUMMARY OF REPORT:

Request received to inspect the parking on Byangum Road approaching Heritage Lodge:

*"I wish to inform Council of a dangerous traffic situation on Byangum Road. The problem is situated while exiting Heritage Lodge and turning right to come back into town.*

*This part of Byangum Rd is a steep hill heading west and on the southern side of the road approaching Heritage Lodge there is always 4 or 5 cars parked on the road side.*

*This gives a blind spot to cars coming down Byangum heading west and causes a definite hazard to cars leaving Heritage Lodge and turning right.*

*Trusting the Committee is able to inspect this hazardous situation and come to the conclusion that no parking is allowed on this section of Byangum Road approaching Heritage Lodge."*

COMMITTEE ADVICE:

The Committee did not support further removal of parking on Byangum Road to extend sight distance for drivers exiting the driveway as current sight distances are considered appropriate.

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B2 [LTC] Moss Street, Kingscliff

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3476370; Traffic - Committee; Traffic - Safety; Traffic - Directional Signage; Traffic - Parking Zones; Traffic - Parking - Illegal, Access to Properties - Driveways; Moss Street, Kingscliff

SUMMARY OF REPORT:

A request has been received for the installation of "No Parking" signage to be erected on both sides of the driveway of 24 Moss Street Kingscliff due to cars being parked on both

sides of the driveway allowing very little space for garbage services and cars to enter the site.

Council officers met the property managers onsite where it was agreed that in consultation with the other property owners that signage and linemarking be installed by them to address the concerns of what is effectively a private driveway.

**COMMITTEE ADVICE:**

That no further action is required on this item.

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**NEXT MEETING:**

The next meeting of the Local Traffic Committee will be held 4 December 2014 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.15.

**EXECUTIVE MANAGEMENT TEAM COMMENTS**

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS.**

**SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:**

**A1 [LTC] Endeavour Parade, Tweed Heads**

***That:-***

- 1. The "no stopping" zone on the north side of Bay Street opposite the entrance to Tweed Mall be extended by approximately 10m to the west to enable buses to carry out a "U-turn" in the break in the median.***
- 2. The existing "no parking bus excepted" adjacent to Tweed Mall in Bay Street be relocated further west between the driveway access for the loading bay of the centre and the pedestrian kerb extension, and that the current "no parking buses excepted" be sign posted as "2 hour parking" during business hours.***

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**51 [SUB-FMC] Minutes of the Floodplain Management Committee Meeting held Monday 27 October 2014**

**SUBMITTED BY: Roads and Stormwater**

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## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

The Minutes of the Floodplain Management Committee Meeting held Monday 27 October 2014 are reproduced in the body of this report for the information of Councillors.

### **RECOMMENDATION:**

**That the Minutes of the Floodplain Management Committee Meeting held Monday 27 October 2014 be received and noted.**

## REPORT:

The Minutes of the Floodplain Management Committee Meeting held Monday 27 October 2014 are reproduced as follows for the information of Councillors.

Venue:

Mount Warning Room

Time:

9:00am

Present:

David Oxenham, Danny Rose, Steve Twohill, Lindsay McGavin (TSC), Phil Buchanan (OEH), Brian Sheahan, Chad Ellis (SES), Felicia Cecil, Sam Dawson

*NOTE: As a 50% quorum of voting members was not achieved, the committee met on an informal basis and did not vote on any resolutions or make recommendations to Council.*

Guest:

Andy Yeomans (Calderia Environment Centre).

Apologies:

Cr Katie Milne, Iain Lonsdale, Toong Chin, Wayne Pettit, Paul Taylor, Max Boyd, Robert Quirk

Minutes of Previous Meeting:

Moved: Sam Dawson

Seconded: Brian Sheahan

RESOLVED that the Minutes of the Floodplain Management Committee meeting held 7 May 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil

Agenda Items:

1. Committee Membership

Danny Rose and David Oxenham explained recent changes to Council's structure. Danny Rose has been promoted to the position of Manager Roads and Stormwater, with the additional responsibilities of asset management for all Council road and drainage assets. While Danny Rose retains oversight of the floodplain management program, including this Committee, Steve Twohill is the main point of contact for projects and enquiries.

Danny Rose tabled a Council resolution from September 2014, confirming Cr Milne as the Council Delegate to the Committee, with Cr Bagnall as alternate, for the period ending September 2016.

Danny Rose tabled a Council resolution from February 2014 requiring the annual election of chairperson for the Committee. This matter was deferred due to lack of quorum.

Sam Dawson nominated Andy Yeomans as his replacement representative from the Caldera Environment Centre on the Committee. Andy Yeomans spoke to the group about his qualifications and interests. Although the matter was deferred, no objections were raised by attending Committee members. Andy Yeomans will be invited to attend the next meeting. Sam Dawson was thanked by the Committee for his involvement.

Phil Buchanan introduced himself as the delegate for Office of Environment and Heritage (OEH) on the committee, following Toong Chin's promotion. Phil Buchanan comes from a similar role in the Hunter / Central Coast region.

Chad Ellis introduced himself as the Acting Regional Controller. He expects to fill this role until November 2014, when Wayne Pettit returns.

## 2. Tweed Valley Floodplain Risk Management Study and Plan - Adoption

Danny Rose informed the committee of Council's adoption of the Study and Plan in September 2014. Council adopted 2 of the 5 resolutions of the committee. A copy of the Council report was provided to interested members.

This was a significant project, taking considerable time and resources, and now it is complete provides a strategic framework for floodplain management into the future. Significantly, it provides the basis for Council to apply to OEH for grant funding for projects.

The Study provides a holistic approach to risk management for floodplain development, and will feed into various town planning studies. This avoids adhoc consideration of floodprone development without due consideration of impacts on emergency management and existing and future flood risk to the Tweed communities.

Council expects the final Study and Plan, and associated mapping files to be delivered in the following weeks. The Study and Plan will be provided to each committee member and will be posted on Council's website. Flooding files will be in a format compatible with WaterRIDE, and will be provided to the SES.

## 3. Coastal Creeks Floodplain Risk Management Study and Plan - Update

Steve Twohill has recommenced the subject study with consultants BMT WBM, which had been deferred pending resolution of various issues in the Tweed Valley Study. Many of these issues are relevant to the coastal areas and can now be progressed in detail. Steve Twohill is in the process of updating the project workplan for approval of OEH.

A specific issue of interest in the Coastal Creeks Study is examination of rural floodplain management, and the cost/benefits of dredging creeks to improve farm drainage. Preliminary modelling has confirmed the limitations of this approach, which may be counter-productive in many areas due to increased tidal ingress. Steve Twohill will recommence discussions with industry and farmer stakeholders.



Emergency response in the upper catchment areas such as Burringbar will be a challenge due to lack of data and warning time, so a different approach to the Tweed Valley may be required.

The next meeting of the Committee will look at the initial reports coming from the study.

4. NSW Floodplain Management Program Grants - Update

Council made application for 3 projects in the 2013/14 grant program. 2 projects were unsuccessful, being community awareness funding, and floodway purchase in Quarry Road. The Murwillumbah CBD study was successful (refer item 5 below).

Council reapplied for the community awareness and floodway purchase projects in the 2014/15 grant program. Phil Buchanan advised that these are still to be determined, as confirmation of Federal funding has been delayed.

Danny Rose spoke generally about the Productivity Commission's review of the Commonwealth Natural Disaster Relief and Recovery Arrangements, with the recommendation that more be spent on mitigation, including betterment, rather than repair.

5. Murwillumbah CBD Flood Study

Steve Twohill is preparing a consultants brief for a flood and drainage study for the CBD area behind the Commercial Road Levee. This will include levee overtopping and evacuation planning, optimisation of local drainage systems and the pump station, consideration of development issues and cumulative fill of storage areas, with the aim of reducing damage exposures.

6. Review of Flood Controls for Short Term Caravan Park Accommodation

Danny Rose tabled a draft Interim Policy and background report by consultants Molino Stewart. A review of existing development controls and applicable policies was prompted by a number of development applications and enquiries received from caravan and holiday park operators this year. The Interim Policy proposes development principles and controls that would be applied to applications for redevelopment of existing caravan parks, which allow Council planners to consider variations to DCP controls that would result in a reduction in flood risk. It also recognises that holiday parks have a different risk profile to privately owned long term dwellings, and therefore allows a reduction in minimum habitable floor level. There are no changes to current restrictions on new or expanded parks.

While the committee could not make a formal recommendation due to lack of quorum, all attending members were supportive. Robert Quirk also raised no objection when passing on his apologies. Feedback from other non-attending members will still be sought, for inclusion in a future Council report.

7. WaterRIDE Update

Council purchased the WaterRIDE mapping application in late 2013. This application provides Council staff and the SES with increased ability to examine flood data provided by flood studies. With the pending handover of updated data files from the Tweed Valley FRMS, current data issues that have been observed in WaterRIDE should be overcome. A workshop with the SES will be scheduled once this data is available and working.

General Business:

Nil

Next Meeting:

The next meeting of the Floodplain Management Committee will be held in February / March 2015. The Committee will be advised of time and location.

The meeting closed at 11.15am.

**EXECUTIVE MANAGEMENT TEAM'S COMMENTS:**

Nil.

**EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Reviewed by Council 21 August 2013.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

#### C1 [CNR-CM] Community Services - Department of Social Services Regional Assessment Services Tender

#### REASON FOR CONFIDENTIALITY:

##### Local Government Act

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret.

Valid

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## Supporting Community Life

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

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
  - 2.1.2 Preserve Indigenous and Non-Indigenous cultural places and values
- 
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