



**TWEED**  
SHIRE COUNCIL

**Mayor:** Cr B Longland

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

# Agenda

## **Ordinary Council Meeting Thursday 10 April 2014**

held at Murwillumbah Cultural and Civic Centre  
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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## CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 March 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
- 

### SUMMARY OF REPORT:

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 20 March 2014 are attached for information and adoption by Council.

### RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 20 March 2014 be adopted as a true and accurate record of proceedings of that meeting.
- 2 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.4.

**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 Ordinary Council Meeting held Thursday 20 March 2014 (ECM 3320742).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 20 March 2014 (ECM 3320616).

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 [SOR] Schedule of Outstanding Resolutions

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes
- 

### 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.

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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:** The Aboriginal Employment Strategy is currently under review. Discussions in train with the Local Employment Coordinator and third party entities.

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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 COMMUNITY AND NATURAL RESOURCES**

**43 [CNR-CM] Community and Cultural Facility Options Interim Report**

**852**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

1. Council notes the preliminary information regarding site options and identified community infrastructure requirements for the Tweed Urban North region identified in this report.
2. Council notes that a cross-divisional working group will be established, led by the Community and Cultural Services Unit, to develop a framework for planning and developing Council's community infrastructure network.
3. A discussion paper is prepared for the April 2014 meeting of Council presenting the proposed Community Infrastructure Framework and summarising identified community infrastructure requirements in the Tweed Urban North region, to be released for public comment and facilitate community and stakeholder engagement, subject to Council approval.
4. Funding of \$20,000 (2013-14) is identified from Section 94 Contribution Plan 15 to provide external expert input and review for the proposed discussion paper, and assist with associated community engagement.
5. Subject to Council consideration of public comments and identified community infrastructure requirements:
  - (a) seek further funding under Section 94 CP 15 for detailed planning, analysis and preliminary design work for community infrastructure site options and facilities in the Tweed Urban North region
  - (b) commence detailed planning and analysis for community infrastructure in the Tweed Urban North region including costing of facility options, site analysis, feasibility assessment and preliminary/concept design.

**Current Status:** Discussion Paper being prepared and a report will be presented to the May meeting.

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**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:** Feasibility Study not expected until April 2014.

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**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.

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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:** Preliminary estimate of \$40,000 has been included for consideration in the 2014/2015 Draft Budget. Detailed estimate still to be determined.

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**12 [NOM-Cr G Bagnall] Review of Planting Guide**

**NOTICE OF MOTION:**

16

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that officers undertake a review of the planting guides that currently govern developments in this Shire, including Tweed Shire Council's own plantings, and a further

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report be brought back to Council that examines the appropriateness and feasibility of requiring an increased sourcing of local occurring plants.

**Current Status:** Report to be prepared and workshop scheduled prior to report being submitted to Council.

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**13 [NOM-Cr G Bagnall] Budd Park**

**NOTICE OF MOTION:**

19

**Cr B Longland  
Cr M Armstrong**

**RESOLVED** that:

1. Council conveys its appreciation to Lifebridge for this generous offer; and
2. Subject to officer's assessment of the condition of the swing with respect to Australian Standards, this offer from Lifebridge for the supply of a "Liberty" swing be referred to the Equal Access Committee for their advice.

**Current Status:** In progress.

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**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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**56 [NOM-Cr K Milne] Saltmarsh**

**NOTICE OF MOTION:**

124

**Cr K Milne  
Cr G Bagnall**

**RESOLVED** that Council brings forward a brief report on the state of saltmarsh in the Shire and options for a way forward to address any current or potential issues.

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

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**20 March 2014**

**REPORTS FROM DIRECTOR PLANNING AND REGULATION**

**10 [PR-CM] Development Application DA10/0801.02 for an Amendment to Development Consent DA10/0801 for the Cobaki Estate Subdivision of Precinct 6 Comprised of 442 Residential Lots (Including 1 Residual Lot) and Lots for Drainage, Open Space and Urban Infracst**

143

**Cr M Armstrong  
Cr W Polglase**

**RESOLVED** that this item be deferred to the Planning Committee meeting scheduled for Thursday 1 May 2014, to enable:

1. The proponent's consultant to have an opportunity to respond to the Council's memo of 18 March 2014
2. Council to provide a series of questions relating to the preparation of the proponent's consultant's report; and
3. Council to negotiate with the proponent to determine if an arbitrator could be appointed to resolve the outcome of the openings, with costs to be shared equally between the parties.

**Current Status:** To be reported to Planning Committee meeting of 1 May 2014.

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## MAYORAL MINUTE

### 3 [MM-CM] Mayoral Minute for the month of March 2014

SUBMITTED BY: Cr B Longland, 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

- § 13 March - Local Traffic Committee Meeting - Mt Warning Meeting Room, Murwillumbah Civic Centre, Murwillumbah.
  - § 14 March - Economic Development Strategy Steering Committee - Mt Warning Meeting Room, Murwillumbah Civic Centre, Murwillumbah.
  - § 19 March - Destination Tweed Board Meeting - High Performance Surfing Centre, 7 Barclay Drive, Casuarina.
- 

### INVITATIONS / MAYORAL REPRESENTATION:

- § 5 March - Citizenship Ceremony, 50 new citizens - Tweed Heads Civic Centre, Cnr Wharf Street and Brett Streets, Tweed Heads.
  - § 7 March - Murwillumbah Chamber of Commerce Breakfast - Greenhills on Tweed, 131 River Street, Murwillumbah.
  - § 7 March - Disability Jobs Drive Roadshow Invitation - Nortec Office, 87-89 Minjungbal Drive, Tweed Heads South.
  - § 7 March - Aboriginal Advisory Committee meeting - Tweed Byron Local Aboriginal Land Council, 21/25 Ourimbah Road, Tweed Heads.
-

- § 7 March - Dream Cricket Day event, co-hosted by Murwillumbah Rotary with assistance from Council's Equal Access Advisory Committee - The main oval at the Rabjones Cricket Oval, Elizabeth Street, Murwillumbah.
- § 7 March - Australian Cricket Allstars versus the Tweed XI - Cudgen Oval, Wommin Bay Road, Cudgen.
- § 7 March - Ganggalah Training Centre student graduation - South Tweed Sports Club, 4 Minjungbal Drive, Tweed Heads South.
- § 8 March - Get Out and Play family fun day - Salt Village Parklands in 'Mantra on Salt Beach', Gunnamatta Ave, Kingscliff.
- § 8 March - Australasian Touring Caravan, Motorhome & Camping Club, Southern Queensland Rally - Murwillumbah Showgrounds, Queensland Road, Murwillumbah.
- § 11 March - Tweed Chamber of Commerce Breakfast Meeting, Mayor's speech on the year ahead - Tweed Heads Bowls Club, Wharf Street, Tweed Heads.
- § 11 March - Presentation of Beau Nixon Australia Day Sporting Achievement Award - Jack Evans Boat Harbour, Wharf Street, Tweed Heads.
- § 14 March - Hastings Point Residents' Association Meeting, Lot 156 Presentation - North Star Marine & Education Centre - Crs Milne and Bagnall also attended.
- § 15 March - Opening of Margaret Olley Art Centre - Tweed Regional Gallery, Mistral Road, Murwillumbah - Crs Bagnall, Polglase, and Byrne also attended.
- § 15 March - Tweed Valley Relay for Life, Fundraising Performance by Mayor and Deputy Mayor - Cudgen Leagues Club, 3 Wommin Bay Rd, Kingscliff.
- § 16 March - Opening of Seniors' Week by Mayor - Banora Point Community Centre, Corner Leisure and Woodlands Drives, Banora Point.
- § 17 March - Bistro@View Opening Night - The Riverview Hotel, 267 Tweed Valley Way, Murwillumbah.
- § 18 March - Rising Stars Scholarship presentation ceremony - Kirra Hill Community and Cultural Centre, Cnr Garrick Street and Powell Crescent, Coolangatta.
- § 19 March - Publication Launch hosted by Andrew Stoner, "NSW, A Global Destination for the World of Business" - Parliament House, 6 Macquarie Street, Sydney.

- § 20 March - Closing the Gap Event for Aboriginal Employment and signing of pledge - Tweed Heads Civic Centre, Corner Wharf and Brett Streets, Tweed Heads.
- § 23 March - Closing of Seniors' Week - Murwillumbah Community Centre, Knox Park, Murwillumbah.
- § 30 March - Kingscliff Triathlon - Cudgen Surf Life Saving Club, Marine Parade, Kingscliff.
- § 30 March - Australian Longboard Surfing Open Presentation - Lions Park, Marine Parade, Kingscliff.

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

- § 26 March - Kingscliff and Murwillumbah TAFE Awards of Excellence - Showroom, Twin Towns, Wharf Street, Tweed Heads.

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

- § 6 March - Wonders of Women Awards - Elevation Church, 56 Caloola Dr Tweed Heads, on 6 March 2014 between 4pm and 6pm.
- § 19 March - Twin Towns Friends Association, Rock 'n; Roll Dancing Exhibition - Tweed Heads Civic Centre, Corner Wharf and Brett Streets, Tweed Heads.
- § 22 March - The Sauce Studio's first birthday celebration - Shop 4/15 Cnr Proudfoots Lane and Commercial Road, Murwillumbah.

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**REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during March 2014.

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**CONFERENCES:**

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

- § 24-26 March 2014 Australian Coastal Councils Conference - Ballina RSL, 20 River Street, Ballina - Cr Longland attended.
- § 28-29 March Executive Certificate for Elected Members (Stage 3) - Aqualuna Beach Resort, Coffs Harbour - Cr Armstrong attended.

**Information on Conferences to be held**

- § 10-11 July - 7<sup>th</sup> Making Cities Liveable Conference 2014 - Mantra on Salt, Kingscliff  
- *Topics will include:*
- *Planning liveable cities and vibrant communities*
  - *Managing population growth and an ageing population*
  - *Transport and logistics: public transport – road systems – cycling – walking*
  - *Impact of new technology: how will it continue to drive change*
  - *Regional and rural towns: the interconnectivity between city and the bush*
  - *Future of work: dispersing jobs and the urban impacts*
  - *Food security – recycling – waste management*
- Earlybird Registration by 26 May, \$855 per person (\$200 saving). No travel or accommodation costs. Refer <http://healthycities.com.au/program.html>
- 

**SIGNING OF DOCUMENTS BY THE MAYOR:**

- § 19 March - Transfer document - Sale of Murwillumbah Cattle Saleyards.
- § 21 March - Transfer document - Sale of 21 Piggabeen Road Tweed Heads West.
- § 27 March - Variation to Waterfront Structures Licence 379377 at Salt, South Kingscliff.
- 

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.4.

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

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

**c. Legal:**

Not applicable.

**d. Communication/Engagement:**

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

**RECOMMENDATION:**

**That:-**

- 1. The Mayoral Minute for the month of March 2014 be received and noted.**
  - 2. The attendance of Councillors at nominated Conferences be authorised.**
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**UNDER SEPARATE COVER:**

Nil.

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## RECEIPT OF PETITIONS

### 4 [ROP] Receipt of Petitions

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
- 

### SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.4, *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. 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.

**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

#### 5 [GM-CM] Cooly Rocks On Expansion into Tweed Heads Request

**SUBMITTED BY:** Business 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
2.1.3	Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
3	Strengthening the Economy
3.1	Expand employment, tourism and education opportunities
3.1.2	Attract major events to the Tweed

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#### SUMMARY OF REPORT:

When the twenty year old Wintersun Festival transferred to Port Macquarie after the 2010 Festival, business and community leaders and local enthusiasts from both sides of the border came together vowing to put on an even better festival in Coolangatta and Tweed Heads.

Cooly Rocks On looks likely to achieve that with this year's car entries all but sold out within an hour of release at midnight on 23 March 2014.

A request to expand the event has been made to Council and is attached. Cooly Rocks On are requesting agreement from Council to expand their family entertainment hub at the Jack Evans Boat Harbour precinct with a new zone of car display at the south end of the park and the transfer of the popular carnival with the Ferris wheel and other attractions to the park from Marine Parade.

#### RECOMMENDATION:

**That Council agrees to the expansion of the festival into the Jack Evans Boat Harbour precinct of the Cooly Rocks On Festival with:**

1. **New Zone 10 Car Display in Chris Cunningham Park.**
2. **Transfer of the carnival from Marine Parade, subject to the usual licensing conditions.**

## REPORT:

The festival is welcomed by local businesses in Tweed Heads, and increasingly along the Tweed Coast, as a major economic boost in the otherwise slow mid winter period. Among those benefitting from the visitors dollars are tourism services, shopping centres, motels and rental apartments and Tweed clubs, cafes and pubs.

Council has provided festival funding in the amount of \$20,000 to Cooly Rocks On since its inception in 2011. The recommendation to support the request will sustain the investment Council has made in this event to date and facilitate and assist its expansion.

Cooly Rocks On reported to Council in September 2013 on the economic impact of the 2013 Festival. The independent research undertaken by Destination Research & Development showed an estimated economic impact on the Tweed of \$6,324,814 which is 19% of the overall estimated economic impact of \$33,258,499 of the event.

Of the estimated 62,250 visitors 65% rented house/apartment or stayed in a motel, hotel or resort. 17% of these stayed in NSW. The average length of stay was 7 days. Accommodation in Tweed Heads was booked out and visitors were booking all along the Tweed Coast.

In 2013, 9.7% of visitors to the festival came from other states (not Qld or NSW) and 3.1% came from overseas. Cooly Rocks On was sponsored in 2013 by Gold Coast Airport to attend similar events in Japan to promote the festival here. Destination Tweed is working with Cooly Rocks On to provide packages for visitors staying in the Tweed.

Organisers are working on expanding to a fully programmed 10 day event in 2015. The weekend prior to the Queen's Birthday holiday is a long weekend in New Zealand and it is planned to provide special packages to visitors from there. Reaching a maximum capacity on the Queen's Birthday weekend will also encourage patrons to book for the lead up events on the previous weekend.

The number of cars in Jack Evans Boat Harbour rose from 80 in 2012 to 250 in 2013 and if agreed by Council will again expand to an estimated 350 in 2014. The car displays provide a major attraction at Cooly Rocks On and draws the audience around the streets of Coolangatta and into Wharf Street and Jack Evans Boat Harbour. The car displays are accompanied by stages with a full program of live music throughout the day, and dancing and dressing up is warmly encouraged.

Coolangatta and Tweed Heads is once again the proud host of Australia's foremost nostalgia festival celebrating the styles, music and fun of the 50's and 60's, and is the equal of similar festivals in the USA, Japan and NZ.

Letter of Request and recent Gold Coast Bulletin article follows.



Bob Newman  
Cooly Rocks On  
203/87 Griffith St  
Coolangatta, Q 4225

26 March 2014

Mr Troy Green  
General Manager  
Tweed Shire Council  
Murwillumbah, NSW

Mr Troy Green,

On behalf of Cooly Rocks On I would like to formally request access to Chris Cunningham Park between Twin Towns Club and Bay St to become zone ten (10) for display classic cars, cruisers & hot rods of the Cooly Rocks On Festival.

The reason for this request is due to the overwhelming demand for car entries in to this year's festival.

The decision was made to open the entries at midnight Sunday 23 March in an attempt to stagger and slow the flow of car entries, because last year after opening the entries at 9am all of the car spaces were allocated in a day and a half. Unfortunately the change of the timing made no difference to the flow of entries, and in fact within one hour of opening all but a few places were snapped up. Given this I am very concerned that the remaining spots we have left in Jack Evans Boat Harbour (Zone 8) will sell out.

We (Cooly Rocks On Festival) have a second request in relation to Jack Evans Boat Harbour, (currently known as zone 8) which is to relocate the carnival, normally located in Marine Pde Coolangatta, to this precinct as our aim has always been to classify this area as our family precinct

[admin@coolyrockson.com](mailto:admin@coolyrockson.com) [www.coolyrockson.com](http://www.coolyrockson.com)  
T/F 07 5599 2081 - Suite 203, 87 Griffith St Coolangatta Qld 4225

abn 8487 2956035



targeting families who bring their children along. To this end for the past two years we have had children's activities such as face painting, balloonery, art & craft, etc. We feel a natural progression of this would be to relocate the carnival to add to the feel of the area.

A side benefit of the relocation, if it is granted, would be the height of the Ferris wheel would enable visitors to see it from Coolangatta and to be enticed to come to Jack Evans Boat Harbour for a look and enjoy what this precinct has to offer.

I hope Tweed Shire Council can meet these requests and ensure that the businesses and community south of the border receive the full benefits of what is shaping up to be our most successful festival yet. I look forward to your response as soon as possible.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bob Newman', with a long horizontal stroke extending to the right.

Bob Newman  
Chief Executive Officer  
Cooly Rocks On Festival Inc.

admin@coolyrockson.com www.coolyrockson.com  
T/F 07 5599 2081 - Suite 203, 87 Griffith St Coolangatta Qld 4225

abn 84812956035

# Village deal is real bargain

## Partnership with developer cuts millions from Games construction costs

LUCY ANDRICH AND ANDREW POTTS

The State Government has done a deal with developer Grocon that will see the cost of delivering the Gold Coast 2018 Commonwealth Games athletes' village slashed to \$130 million.

The estimated cost of the village was expected to be at least double that figure and under the previous govern-

ment, it was feared the project could cost taxpayers as much as \$2 billion.

Deputy Premier and Minister for State Development, Infrastructure and Planning Jeff Seeney, said the partnership agreement hatched with Grocon was key to the cut-price result.

"This is a good result in terms of the cost to the taxpayer," he said.

"I think the model will work really well for us."

Grocon will build the village at Parklands, where the 6500 athletes and officials are set to be housed during the Games.

Then a Grocon-led consortium will take possession of the retail centre and 1200 apartments after the event before selling off the property assets.

But Premier Campbell Newman said the sales would be staggered over 10 years to avoid impacting on the Gold Coast property market.

"After the Games, the build-

ings transfer to a property trust which will exist for 10 years when we will seek to rent those apartments out or sell them on the private market," he said.

"Ultimately there will be an organised process and normalisation of the site and it means the Government is putting less money in than originally expected."

"The quality of the architecture means it will be a sought-after place to live after the Games."

"After the Games, the build-

ings transfer to a property trust which will exist for 10 years when we will seek to rent those apartments out or sell them on the private market," he said.

"Ultimately there will be an organised process and normalisation of the site and it means the Government is putting less money in than originally expected."

"The quality of the architecture means it will be a sought-after place to live after the Games."

"After the Games, the build-



Premier Campbell Newman

## Car owners blowing a gasket at fast sellout

SUZANNE SIMONOT

SUZANNE.SIMONOT@GMAIL.COM

CLASSIC car owners have been left hot under the bonnet after tickets for the flagship Show 'n' Shine weekend at this year's Cooly Rocks On festival sold out within 40 minutes of going on sale in the middle of the night.

Car enthusiasts woke up and logged on to the event website yesterday to find all 1300 tickets for the 2014 display-awards component of the annual nostalgia festival had been snapped up shortly after going on sale at 12:01am yesterday.

The event's Facebook page was yesterday flooded with posts from angry enthusiasts who failed to secure a berth but organisers said there was little they could do about demand outstripping supply.

Cooly Rocks On CEO Bob Newman said he empathised with people who had already booked accommodation for the show 'n' Shine on June 7-8 (the Queen's birthday long weekend) but missed out on display car passes.

"We're stuck between a rock and a hard place," Mr Newman said.

"There's not a great deal we can do about that."

"For the 1300 spots we have available, we had 3500 hits of people trying to book in."

"If we allow people to book a year in advance and keep booking a year in advance, we don't get a turnover - we get the same vehicles and the same people every year."

A celebration of the music, cars and nostalgia of the '50s



Cooly Rocks On's busy streets during the Cooly Rocks On festival. Inset: Sam Walker admires a hot rod.



and '60s, this year's fourth annual Cooly Rocks On will run from May 30 to June 9.

Rockabilly icon Slim Jim Phairton, the stand-up drummer from rock royalty the Stray Cats, will headline the entertainment component when he plays the Coolangatta Hotel on June 7. Swedish rockabilly act Jack Baymoore and The Bandits, Rusty Pisto, Wes Pudry

and the Sonic Aows, Frankie J Holden and Wilbur Wilde, and The Deltones will also perform.

A signature event for Coolangatta and a key tourism and economic driver for the city, last year's festival attracted more than 90,000 people to the area and injected an estimated \$33.3 million into the local economy.

The highlight of the festival for motoring enthusiasts, the Show 'n' Shine has the streets of Coolangatta and Tweed Heads closed to make way for a display of 1300 classic cars, customs and hot rods from 1923 to 1969.

"The phone has been ringing all day with people without a computer who want to book," Mr Newman said.

"From a business perspective, it's a perfect storm. It's

great. We've got a product people want and demand is fantastic. But from a car enthusiast's perspective, it's like wanting to buy Pink Floyd tickets and sitting online, pushing the button, but you can't get in and when you do, it's fall."

He said last year's Show 'n' Shine places took a day-and-a-half to sell out.

Visit [coolyrockson.com](http://coolyrockson.com)

## Criminologist to learn if he stands trial or not today



HIGH-profile Gold Coast criminologist Paul Wilson (pictured) could learn whether he has to stand trial for six counts of indecent treatment of a girl under 17 as early as today.

The criminal hearing for the nation's best-known criminologist began in Brisbane Magistrates Court yesterday and is expected to conclude this afternoon.

Four witnesses, including the two alleged victims, will give evidence during the committal hearing.

One has asked to be declared a "special witness" and will give evidence behind a board while the other has chosen to give evidence via video link.

The alleged offences date back to the 1970s.

The courtroom was closed to the media yesterday so one of the alleged victims could give evidence. More than 50 witness statements were tendered to the court.

Mr Wilson's lawyer Bill Potts told the court that some of the witness accounts had changed during the course of the investigation.

The former Bond University criminologist was supported in court by his partner Robyn Lincoln, who is also a criminologist.

After cross-examination of the four witnesses, Magistrate John Costello will determine whether Mr Wilson stands trial for the alleged offences.

**OPTIONS:**

1. Accept the request from Cooly Rocks On
2. Decline the request from Cooly Rocks On

**CONCLUSION:**

Cooly Rocks On brings a fun atmosphere to the border towns of Coolangatta and Tweed Heads with the colourful cars, costumes, roll and roll music and dancing. This adds to the long standing reputation of the area as a friendly and affordable family tourist destination.

For many of the businesses in Tweed Heads the Cooly Rocks On festival is a welcome boost to the local economy during mid winter.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Events Strategy 2001-2016

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

No additional funding required. A multiyear major event funding agreement for 2015-2017 is being prepared.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil

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## 6 [GM-CM] Destination Tweed - Performance and Funding Contract

**SUBMITTED BY:** General Manager

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:

On 1 October 2010 the performance and funding agreement between Council and Destination Tweed commenced. This agreement was for four years with an option subject to satisfactory performance, for an additional four years. The first term of this agreement will finish on 30 September 2014.

This report recommends that Council continue to engage Destination Tweed to provide the tourism promotion services for an additional four years in line with the current agreement. It also recommends that Council enter into a Deed of Variation over the agreement to no longer engage Destination Tweed to provide the services of business attraction (B1) to Council.

#### RECOMMENDATION:

That Council;

1. **Renews the Performance and Funding Contract with Destination Tweed for an additional four year term being from 1 October 2014 to 31 September 2018.**
2. **Endorses the General Manager to enter into a Deed of Variation with Destination Tweed to revoke the requirement to provide services described as B1 Marketing and Promotion of Tweed for Business Investment.**
3. **Undertakes all necessary documentation under the common seal of Council.**
4. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
  - (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:

In 2010 Tweed Shire Council resolved to tender for the provision of Economic Development and Tourism Promotion services. This tender was for the supply of Economic Development and Tourism Promotion Services to Tweed Shire Council. These functions have been identified in Council's Community Strategic Plan as a Function of Council pursuant to Chapter 5 of the Local Government Act.

Council engage Destination Tweed to provide these services in accordance with s55 and s356 of the Local Government Act.

### A. Tourism Promotion

- A1. Investigate and develop tourism product
- A2. Operate Tweed Heads and Murwillumbah Visitor Information Centres
- A3. Development and delivery of tourism and promotion strategies

### B. Economic Development

- B1. Marketing and promotion of Tweed for business investment

The performance and funding agreement between Council and Destination Tweed (AC2010-073) commenced on 1 October 2010. This agreement was for four years with an option subject to satisfactory performance, for an additional four years. The first term of this agreement will cease on the 30 September 2014.

Below is a summary of the annual payment for each component allocated within the 2013/14 budget.

Agreement Component	2013/14 Budget
A1 - Develop Tourism Product	162,105
A2 - Operate Visitor Centres	382,678
A3 - Tourism Promotion	270,182
B1 - Business Attraction	162,105
<b>TOTAL</b>	<b>977,070</b>

## Performance

Over the three and a half years that this agreement has been in force, Destination Tweed has provided Council with a quarterly performance report. Council has received all of these reports.

## Deed of Variation

Since the appointment of the new General Manager, Council is required to consider and adopt a corporate structure for the organisation. The General Manager is currently undertaking a structural review of the organisation. As part of this review it was considered that the current arrangements for the delivery of economic development by Council is fragmented with some services being provided by Destination Tweed and some services being provided internally. An additional \$10,000 will be retained by Council to re-coup the amount which will be saved through the economy of scale through not having to provide Admin to B1.

Discussions between Destination Tweed and the General Manager have reached an agreement where the component of Marketing and promotion of Tweed for business investment (B1) be brought back to Council to be provided internally.

Destination Tweed are amenable to this proposal and have been provided a copy of the Deed of Variation to be ratified by their Board.

**OPTIONS:**

That Council extends the term of the performance and funding agreement with Destination Tweed for an additional four years,

OR

That Council lets the existing agreement lapse and go to tender for the provision of tourism promotion services.

**CONCLUSION:**

This report recommends that Council continue to engage Destination Tweed to provide the tourism promotion services for an additional four years in line with the current agreement. It also recommends that Council enter into a deed of variation over the agreement to no longer engage Destination Tweed to provide the following services of business attraction (B1) to Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

This report recommend that Council no longer provide the budget allocation for

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Confidential Attachment 1. Deed of Variation (ECM 3328823)

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**7 [GM-CM] Economic Development Strategy**

**SUBMITTED BY: Business and Economic Development**

Valid



## **Strengthening the Economy**

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

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

### **SUMMARY OF REPORT:**

At its 2013 November meeting Council resolved to place the draft Tweed Economic Development Strategy on public exhibition. This exhibition process has been completed and this report reviews the submissions and presents a final draft Strategy for endorsement.

### **RECOMMENDATION:**

**That Council**

- 1. Endorses the Tweed Economic Development Strategy,**
- 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:**

In December 2012 Council resolved to undertake the preparation of an Economic Development Strategy. Through discussions with Destination Tweed in early 2013 it was agreed to undertake this process in a partnership arrangement with both organisations equally sharing the costs of the project.

A Steering Committee was organised to oversee the drafting of the strategy. The members of this Committee are:

- Mayor
- Chair – Destination Tweed
- Acting General Manager – Tweed Shire Council
- CEO – Destination Tweed
- Manager Business and Economic Development - Tweed Shire Council
- Acting Coordinator Economic Development - Tweed Shire Council

The role of the Steering Committee:

- Be responsible for the drafting of the Strategy
- Provide professional input into the drafting
- Manage the consultant
- Authorise payments to the consultant
- Project administration

## **Tweed Economic Development Strategy – Objectives**

The Draft Economic Development Strategy has established the following objectives:

- Maintain a diverse industry and business base
- Provide investment certainty
- Support existing businesses
- Increase job participation and inclusion
- Grow jobs in the Tweed Shire
- Promote and develop business sustainability (financial, environmental, social)

## **Economic Development Pillars and Key Projects**

The Draft Economic Development Strategy is based around seven pillars with an associated vision and key projects as summarised below:

1. Tweed Heads economic revitalisation
2. The Australian landscapes
3. Resilient and innovative agriculture
4. Tweed Shire: business attraction and investment
5. Tweed Shire destination development
6. Leveraging from Tweeds' geographic location
7. Plan for an economy of the future

## **Public Exhibition**

In November 2013, Council resolved to place the draft Tweed Economic Development Strategy on public exhibition. The draft was exhibited for three months through December 2013 and January, February 2014.

---

There were 45 submissions to the public exhibition of the Strategy with a strong endorsement by business groups and community associations. The business and community groups which submitted include: Tweed Heads Chamber of Commerce, Kingscliff Ratepayers Association, Kingscliff and District Chamber of Commerce, South Murwillumbah Business and Owners Group, Murwillumbah Ratepayers Association, Murwillumbah Chamber of Commerce. 15 submissions were from individual residents and 11 submissions from individual businesses. These individual submissions mostly focused around planning policy issues.

A summary of the individual submissions as located in the confidential attachment to this report.

The summary below identifies the changes that have been made to the exhibited draft to bring it to a final draft as presented in this report for adoption.

- Reference to marine industry and the working waterfront (new project/direction added)
- Removal of reference to leasehold of private land at Jack Evans Boat Harbour and reworking of direction
- Reference of broader health industry development across the Tweed
- Reference Rural Towns Strategy underway
- Reference Sustainable Agriculture Strategy
- Reference importance of tracks and trails in tourism
- Reference to Tweed River and Ocean tourism opportunities
- Add in/Expand Masterplan for Murwillumbah CBD and Murwillumbah South
- Reference to Youth Strategy
- Reference to investigation into a convention centre within the Tweed
- Reference to cultural heritage tourism opportunities
- Expand northern gateway improvements to all gateways
- Remove reference to Green Cauldron and replace with reference to “National Landscapes”
- Open for Business replace with Business Attraction and Investment

#### **OPTIONS:**

The options available to Council are to either;

1. Endorse Draft Economic Development Strategy,
- or
2. Take no further action with the preparation and adoption of the Economic Development Strategy.

#### **CONCLUSION:**

The Draft Economic Development Strategy seeks to encourage the development of a robust Tweed economy which is more resilient to fluctuations in the economic cycle, has a broader range of business activities and supports the growth and development of sustainable employment opportunities for Tweed Shire’s population.

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This report recommends that Council endorse this final draft Tweed Economic Development Strategy.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Confidential Attachment 1. Summary of Submissions to Draft Economic Development Strategy (ECM 3328753)

Attachment 2. Final Draft Tweed Economic Development Strategy (ECM 3328764)

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

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

(a) the provisions of:

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

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

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

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

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

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

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

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

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

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

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

## 8 [PR-CM] Council Car Parking Enforcement Tweed Heads Hospital

**SUBMITTED BY:** Regulatory Services



### **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

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

A previous written agreement held between Council and the North Coast Area Health Service (NCAHS) to for Council Rangers to undertake patrols and enforcement of the time restricted car parking within the grounds of Tweed Hospital concluded on February 2009.

Council officers wrote to the NCAHS prior to the end date of the agreement to attempt to establish a new agreement, but no formal arrangement has since been entered into. Since 2009 Council continued its parking enforcement role for the Tweed Hospital grounds, but has reduced the service over the last six months, following advice from the NCAHS.

Following a recent enquiry about the extent of Council's monitoring of the Hospital parking, Council officers sought advice from the NCAHS, who have since requested that Council resume its parking control service.

Council's Parking Officers regularly undertake patrols in the Tweed Heads CBD, therefore the resumption of additional patrols within the Tweed Hospital grounds creates no major resource burden for Council.

However, in order to ensure that Council is complying with the regulatory requirements under the Local Government Act 1993 in terms of enforcement of parking within a privately owned property, it is recommended that Council endorse and delegate to the General Manager to enter into a new formal agreement with the NCAHS.

#### **RECOMMENDATION:**

**That Council:**

- 1. Receives and notes the report titled Council Car Parking Enforcement Tweed Heads Hospital;**
  - 2. Endorses and delegates to the General Manager to enter into a new agreement with the North Coast Area Health Service to provide a monitoring and enforcement service for time restricted car parking spaces within the grounds of the Tweed Heads Hospital.**
-

## REPORT

A previous written agreement held between Council and the North Coast Area Health Service (NCAHS) to for Council Rangers to undertake patrols and enforcement of the time restricted car parking within the grounds of Tweed Hospital concluded on February 2009.

Council officers wrote to the NCAHS prior to the end date of the agreement to attempt to establish a new agreement, but no formal arrangement has since been entered into. Since 2009 Council continued its parking enforcement role for the Tweed Hospital grounds, but has reduced the service over the last six months, following advice from the NCAHS.

Following a recent enquiry about the extent of Council's monitoring of the Hospital parking, Council officers sought advice from the NCAHS, who have since requested that Council resume its parking control service.

Council's Parking Officers regularly undertake patrols in the Tweed Heads CBD, therefore the resumption of additional patrols within the Tweed Hospital grounds creates no major resource burden for Council.

However, in order to ensure that Council is complying with the regulatory requirements under the Local Government Act 1993 in terms of enforcement of parking within a privately owned property, it is recommended that Council endorse and delegate to the General Manager to enter into a new formal agreement with the NCAHS.

### OPTIONS:

That Council:

1. Endorses and delegates to the General Manager to enter into a new agreement with the North Coast Area Health Service to provide a monitoring and enforcement service for time restricted car parking spaces within the grounds of the Tweed Heads Hospital;  
or
2. Does not support a renewed Council monitoring and enforcement service for time restricted car parking spaces within the grounds of the Tweed Heads Hospital.

Option 1 is recommended.

### CONCLUSION:

Council has provided a monitoring and enforcement service for time restricted car parking spaces within the grounds of the Tweed Heads Hospital for a number of years. A previous formal agreement for this service lapsed in February 2009, and it is therefore considered appropriate to gain Council's direction on whether it supports a renewed agreement with the NCAHS.

### COUNCIL IMPLICATIONS:

#### a. Policy:

Not Applicable.

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

A renewed Council monitoring and enforcement service for time restricted car parking spaces within the grounds of the Tweed Heads Hospital would have minimal impact of Council's resources;

**c. Legal:**

It is important in terms of the requirements of the Local Government Act 1993 for Council to gain the written approval of the NCAHS to enable Council to conduct its parking control services on the grounds of the Tweed Heads Hospital.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil

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- 9 [PR-CM] Development Application DA13/0711 for a Staged Redevelopment of the Mount Warning Hotel Incorporating Demolition of Existing Structures and Vegetation, Construction of New Single Storey Hotel, Motel Accommodation and Associated Infrastructure at Lot 20 DP 1139178 No. 1497 Kyogle Road, Uki

**SUBMITTED BY:** Development Assessment

**FILE REFERENCE:** DA13/0711 Pt2



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

---

### SUMMARY OF REPORT:

There will be an addendum report provided to Council for consideration at its meeting on 10 April 2014.

### RECOMMENDATION:

**Refer to addendum report.**

**REPORT:**

As per summary.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 10 [CNR-CM] Tyalgum Transfer Station - Consultation on Options for Closure of the Transfer Station and Establishment of a Scenic Lookout

**SUBMITTED BY:** Waste Management

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.4	Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand

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### SUMMARY OF REPORT:

At the meeting on 19 September 2013 Council resolved as follows:

- "1. Recognises that the Tyalgum Transfer Station has a very low usage due to the expansion of domestic bin collection to rural areas.*
- 2. Initiates a process of consultation with the community with a view to closing the Tyalgum Transfer Station with the view of providing a scenic lookout.*
- 3. Undertakes an assessment of the operation of the transfer station to confirm the cost benefit and impact of closing the facility.*
- 4. Officers report back to the Council in November 2013 on the outcomes for 2 and 3 above."*

A further report was tabled at the November 2013 Council meeting outlining the consultation process, including a financial evaluation of the sites operating costs.

At the November meeting Council resolved that:

*"Council seek further consultation on the proposal in relation to options regarding the closure of the transfer station and the proposed scenic lookout."*

At the February 2014 Council meeting a further report was presented outlining the additional consultation process that had occurred following the November resolution. Council elected to seek further representation from the Tyalgum Community and resolved:

*“that the Tyalgum Transfer Station item be deferred to 10 April 2014 Council meeting for Council Officers to bring forward an updated report as to negotiations with the community.”*

This additional consultation has now occurred and this report outlines the process that was undertaken and the feedback provided.

**RECOMMENDATION:**

**That:**

- 1. Council closes the Tyalgum Transfer Station at the end of the 2013/14 financial year.**
- 2. Council seeks feedback from the community on the design of a scenic lookout on the site of the current Tyalgum Transfer Station.**
- 3. The funds currently committed to the Transfer Station for the next four years be used for the establishment and maintenance of the new scenic lookout.**
- 4. The balance of funds redeemed due to the closure of the Transfer Station for the next four years be put toward a prioritised list of infrastructure projects in the Tyalgum area.**
- 5. Council submits a list of projects previously proposed in the Tyalgum area for feedback from the community in determining the prioritised program of works.**

## REPORT:

At the September 2013 Council meeting it was resolved as follows that Council:

- "1. Recognises that the Tyalgum Transfer Station has a very low usage due to the expansion of domestic bin collection to rural areas.
2. Initiates a process of consultation with the community with a view to closing the Tyalgum Transfer Station with the view of providing a scenic lookout.
3. Undertakes an assessment of the operation of the transfer station to confirm the cost benefit and impact of closing the facility.
4. Officers report back to the Council in November 2013 on the outcomes for 2 and 3 above."

Officers undertook a consultation process that involved advertising in print media, the placement of a notice in the Tweed Link and media interview on the ABC radio and NBN television. A contact number was also provided to allow residents to make verbal inquiries or representations.

Council received over 130 written representations, the majority of which were on a form letter prepared by the Tyalgum District Community Association. The form letter expressed concern with the proposed closure and with the consultation process that Council had used.

There were also a number of letters received that were supportive of the closure and particularly of the establishment of a lookout to foster tourism in the area.

Of the respondents, only a couple did not have access to Council waste services and Council is working with these residents to provide options that will allow access to waste services.

The financial analysis of transfer station operations showed that the cost was significantly greater than the charges levied on customers. On average the site received approximately \$175 per week in disposal fees in 2012/13, whilst costing \$1,384 per week to operate. This analysis is based on simply looking at cash flows, with the position being considerably worse should an implied lease or amortisation of assets and infrastructure for the site be applied.

The feedback from the consultation process was reported back to Council at the November 2013 meeting where it was resolved that:

*"Council seek further consultation on the proposal in relation to options regarding the closure of the transfer station and the proposed scenic lookout."*

This revised consultation process involved media advertising, advertising of the process in the Tweed Link, the ability for residents to engage with Council through the Your Say Tweed web link, advertising advising that Council was reopening the Public Submissions up to 24 January 2014 and by way of a public meeting held at the Tyalgum Community Hall at 6.30pm on 15 January.

### **Representations received post November**

A representation has been received from the aboriginal community highlighting the cultural value of the Tyalgum site. The site has been identified as being on one of the routes taken by the Aboriginal people when travelling from the Tweed Valley across the McPherson

Ranges to Beaudesert in Queensland. The site is situated in a cultural landscape which contains a range of different landscape and anthropogenic features which bear significance to the local Aboriginal people.

It was suggested that should the site be established as a scenic lookout some form of interpretive signage acknowledging the culturally significant aspects of the region would be of great value to all people and lend to the significance for tourists in the area. This site was seen as providing an excellent vantage point from which to view many of the culturally significant features of the region.

There has also been a number of representations from organisations and people who recognise the value of providing an easily accessed viewing platform or scenic lookout that is likely to attract tourism and visitors to the area. The relative ease of access was seen as very valuable in diversifying this from the Mount Warning walk.

Representations were also received that focussed on the importance of being able to dispose of their waste locally and that expressed concern at the loss of amenity to the community. Many of the respondents claim it is just too far to have to take large items to Stotts Creek Resource Recovery Centre.

There have been a few suggestions of joint facilities, that is, a transfer facility with a scenic lookout above the site, as well as suggestions to relocate the waste facility to an alternate location in the Tyalgum area.

Concerns have also been expressed that the establishment of a lookout will lead to young people hanging out there drinking and hooning, and that the removal of the Transfer Station will lead to an increase in illegal dumping at both the site and elsewhere within the area.

#### **Public Consultation Meeting - Tyalgum Community Hall 15 January 2014**

A public consultation meeting was held at the Tyalgum Community Hall on 15 January at 6.30pm. The meeting was scheduled to run until 7.30pm, however due to the number of people and the questions being asked the meeting did not close until 8.05pm. There were approximately 80 members of the community present supporting both sides of the discussion. Four members of staff were in attendance as well as the Mayor and Councillors Bagnall and Milne.

The agenda format was structured so as to present the questions that had been posed by the community prior to the meeting along with responses to those questions. The reasoning behind Council's investigations was also presented to allow the residents to consider why the question of closure was being asked and from where the proposal for a scenic lookout had originated. Once the formal presentation was over at approximately 7.00pm, the floor was opened to questions from the attendees and each of these was responded to. A copy of the questions and responses is attached as an addendum to this report.

The key issues that formed the basis for the majority of questions included:

- the operational finances at the site,
- Stotts Creek Resource Recovery Centres finances,
- the likelihood of a lookout ever being built,
- alternative means of operating the site, and
- why Council was investigating the closure of the site.

There were also a number of unrelated issues that were raised relating to Council services and the general Tyalgum area and it was suggested that should Council decide to close the site the money that was saved should be put back into the Tyalgum area.

The community were generally very receptive to the forum and provided valuable feedback and input. The questions that were asked on the night as well as those presented prior to the meeting have been annexed to this report.

A number of options were proposed and discussed on the night by members of the community and these have been responded to in the question and answer session on the night, with these subsequently followed up by a written response on 17 January (copy annexed to this report). The majority of options presented by the community to retain a waste drop off facility in the region involved permutations on the current arrangements at the site with either less operating hours or the management of an unmanned or community manned site. There was also discussion around the establishment of a waste drop off centre on an alternate site in the Tyalgum area.

There are a number of reasons why these have not been considered favourably and these reasons have been explained in the responses provided to the Tyalgum community.

### **Consultation after the February Council Meeting**

At the February 2014 Council meeting Council resolved:

*“that the Tyalgum Transfer Station item be deferred to 10 April 2014 Council meeting for Council Officers to bring forward an updated report as to negotiations with the community.”*

Council officers organised a meeting with representatives of the Tyalgum Community with the Mayor in attendance. At the meeting a number of options were discussed with the community members agreeing that there was a significantly reduced need for the Tyalgum Transfer Station the community may be more accepting of the closure if the current operational budget allocation for the Transfer Station was redirected to community infrastructure in Tyalgum.

The favoured option from the community group's perspective was for the closure of the transfer station at the end of the financial year, the establishment of a lookout on the transfer station site and for the investment of a significant proportion of Council's savings from the closure of the transfer station back into community infrastructure over the next four years. It was acknowledged by the community representations that their view may not be shared by all sections of the Tyalgum Community. There was strong support for the community to have involvement in establishing what would be the priority infrastructure.

A meeting was also held with other community stakeholders that had always been supportive of the closure of the transfer station and the establishment of a lookout. This group had gone to considerable length and submitted a number of proposed design options that could be incorporated into any proposed lookout at the site.

### **Legislative Considerations**

Under the Local Government Act waste management is treated differently than other Council activities for services that are provided to residents as domestic waste management

services. If the operation of the transfer station is deemed to be provided as a domestic waste management service for residents of Tyalgum, Council needs to consider the implications of Section 504 of the Act. The relevant subsections are:

- A Council must not apply income from its ordinary rate toward the cost of providing Domestic Waste Management services.
- Income to be applied by Council toward the cost of providing Domestic Waste Management services must be obtained from the making and levying of a charge.
- Income obtained from charges for Domestic Waste Management must be calculated so as to not exceed the reasonable cost to Council of providing those services.

If the service is determined as being a Domestic Waste Management Service provided to residents of the shire, the service would need to be costed to the Domestic Waste Management Charge levied against the rates and not from the general fund.

If the Tyalgum Transfer Station is deemed to be a commercial waste service provided by Council this would need to be funded from the general fund and no funds from the DWM could be used to fund the facility. Either way the financial performance of the operation needs to be evaluated.

The site is situated on State Crown land and initial investigations show that this does not impede the establishment of a scenic lookout on the site.

### **Tyalgum Community Infrastructure**

The Tyalgum Community Association has made representation to Council over previous years regarding requests for community infrastructure. The requests have been for:

- An all access public toilet
- Pedestrian paths linking to existing paved areas within the village
- Upgrade of the tennis court and associated facilities

Should Council wish to consider returning a portion of the current allocated operations budget for the Transfer Station to community assets within Tyalgum, these infrastructure works may be among those considered.

### **OPTIONS:**

1. Continues to operate the Tyalgum Transfer Station as it currently does.
2. Closes the site and seek community input into the design of a scenic lookout to be established at the site of the Tyalgum Transfer Station.
3. Redistributes the budget allocated to operate the transfer station toward the cost of establishing and maintaining the scenic lookout and the priority community infrastructure in the Tyalgum area.

### **CONCLUSION:**

There is considerable support from residents living in the Tyalgum area to have the Tyalgum Transfer Station remain open on the current site, however an analysis of the last six months of use of the site shows that the site receives just under eight paying customers dropping off waste per weekend. In addition to this there are approximately 12 customers per weekend taking advantage of the free metals and recycling drop off.

In the most recent engagement with representatives of the community who had expressed support in keeping the site operating as a Transfer Station there was also a recognition of the need to spend ratepayers money in the most productive and supportive manner for the community as a whole, and the acknowledgement that the current operation of the transfer station was not achieving this. The residents had accepted that given the falling patronage and lack of commercial viability, it would be in the communities interest to close the transfer station and establish a scenic lookout on the site, but only if there was a significant proportion of the money saved by Council returned to the community to help upgrade infrastructure within Tyalgum, with the community to have input into the establishment of a prioritised program of works.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Option 1           \$62,000 per year (2014/2015)

Option 2           Estimate \$40,000 to construct outlook. \$22,000 saving in 2014/2015.  
\$62,000 saving per year thereafter.

Option 3           Nil years 2014/2015 to 2017/2018. \$66,000 saving thereafter.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Summary of questions/comments received and responses provided by Council officers (ECM 3284001)

Attachment 2. Responses to community questions for people attending the public consultation (ECM 3284002)

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**11 [CNR-CM] Feasibility of Collection of Household Batteries within Various Commercial Business Districts**

**SUBMITTED BY: Waste Management**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.4	Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand

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### SUMMARY OF REPORT:

At its meeting of Thursday 21 November 2013, Council resolved as follows:

*“that Council to take a more active role in the recycling of household batteries through the development of a drop off scheme, which goes beyond the current collection of household batteries and that will substantially increase the amount of batteries presented for recycling. Further, that an "Action Plan" for the scheme be developed and brought back to Council, which would include, but not limited to the following:*

- 1. Identify how many drop off points are needed and in what areas.*
- 2. Identify what businesses are potentially most suitable to host a drop off bin.*
- 3. Then actively "sell" the scheme to these businesses by emphasising the advantages to their operations which would include: publicity, goodwill, community minded business status.*
- 4. Establish a media program to publicise the scheme and continue to reinforce it.*
- 5. Look at designing eye catching drop off bins and associated pamphlets.*
- 6. Actively examine and draw from successful battery disposal drop off schemes operated elsewhere in Australia”.*

Whilst investigating options for battery recycling officers realised that there is an opportunity for Council to target other problematic waste streams that are not currently recycled through the domestic yellow lidded recycling bin collection service.

The action plan has therefore been expanded to include batteries, compact fluorescent lights (CFL)/fluorescent lighting, mobile phones and ink cartridges, all of which will be able to be placed in the drop off stations that can be situated throughout the shire and managed and promoted in partnership with Council and organisations interested in participating.

**RECOMMENDATION:**

**That Council implements drop off recycling stations for domestic waste streams including batteries, compact fluorescent lights/fluorescent lighting, mobile phones and ink cartridges at Council's Civic Centres (Tweed and Murwillumbah), schools and businesses as per the action plan outlined in this report.**

## REPORT:

### Background

At its meeting of Thursday 21 November 2013, Council resolved:

*“Council to take a more active role in the recycling of household batteries through the development of a drop off scheme, which goes beyond the current collection of household batteries and that will substantially increase the amount of batteries presented for recycling. Further, that an "Action Plan" for the scheme be developed and brought back to Council, which would include, but not limited to the following:*

- 1. Identify how many drop off points are needed and in what areas.*
- 2. Identify what businesses are potentially most suitable to host a drop off bin.*
- 3. Then actively "sell" the scheme to these businesses by emphasising the advantages to their operations which would include: publicity, goodwill, community minded business status.*
- 4. Establish a media program to publicise the scheme and continue to reinforce it.*
- 5. Look at designing eye catching drop off bins and associated pamphlets.*
- 6. Actively examine and draw from successful battery disposal drop off schemes operated elsewhere in Australia”.*

In the development of an appropriate response to the Council resolution, further deliberation was afforded to additional household waste streams that could be included in Council's recycling initiative which are not currently recycled through the domestic (*yellow lidded*) recycling collection service. It is proposed in the action plan below, that recycling drop off stations be situated at Council's Tweed and Murwillumbah civic administration foyers, businesses and schools. Drop off stations will be serviced by Council's waste management staff in a milk run style collection with materials being delivered to Stotts Creek Resource Recovery Centre for storage and transport to suitably licensed processing facilities.

### Action Plan

- 1. Identify how many drop off points are needed and in what areas.*

It is proposed that recycling drop off stations will be located strategically to provide the community easy access for recycling batteries, compact fluorescent lights (CFL)/fluorescent lighting, mobile phones and ink cartridges. The drop off stations will be designed to store small quantities and will be serviced frequently or as required based on feedback.

Initially it is intended that Council's Waste Management section will provide drop off stations at Tweed and Murwillumbah Civic Centre administration buildings to introduce the program. Officers will then seek to engage with suitable organisations to encourage the installation of drop off stations throughout the shire. The number of stations will be monitored, as well as volumes being presented at each location, to allow Council to determine the cost and feasibility of continuing certain locations where volumes are extremely low and other options exist within close proximity.

2. *Identify the types of businesses that are potentially most suitable to host a drop off bin.*

It is anticipated that organisations which have expressed an interest in waste minimisation programs such as the Tweed Shire Council Business Waste Program will be targeted to house drop off stations as well as frequently visited centres such as supermarkets, post offices and businesses that sell items being recycled in the program. It is proposed that education facilities also be invited to house drop off stations to further promote resource recovery in our schools and complement existing waste education programs that are being offered by Council.

3. *Then actively "sell" the scheme to these businesses by emphasising the advantages to their operations which would include: publicity, goodwill and a community minded business status.*

Having the first drop off points located in the civic centres will create awareness of the program initially. Further awareness will be created through existing business waste programs and school education programs.

4. *Establish a media program to publicise the scheme and continue to reinforce it.*

The Tweed Link will be utilised for publicity of the scheme with reinforcement through the media to occur periodically. Council's web page and knowledge base will be included with updates on the availability of drop off stations and success of the program.

5. *Look at designing eye catching drop off bins and associated pamphlets.*

Council's Waste Management section will work closely with graphic designers, sign writers and the media unit on the suitable design of drop off bins and associated promotional material.

6. *Actively examine and draw from successful battery disposal drop off schemes operated elsewhere in Australia".*

The program has taken a number of key elements from existing battery recycling programs that are currently being implemented throughout NSW and Victoria. With the infrastructure, time and effort required to provide and service the drop off stations it is thought that there is additional value to the program by incorporating additional waste streams such as the CFL/fluorescent lighting, mobile phones and ink cartridges.

### **Cost and Funding**

The processing of waste and recycling is generally funded by Council through waste management charges at Stotts Creek Resource Recovery Centres and Council's Domestic Waste Management charge.

Council has a current service agreement with MRI (Aust) Pty Ltd to process household batteries based on the type of battery with pricing ranging between \$1,980 and \$7,000 per tonne.

CFL/fluorescent lighting is recycled under contract with Toxfree Australia at a cost of \$8,300 per tonne. Mobile phones and ink cartridges currently have no processing costs and are recycled using charity organisations or existing resource recovery programs.

The cost of constructing drop off stations and providing the collection service to businesses and schools which is estimated to be:

- a) Drop off station construction and signage - \$400 each
- b) Collection - approximately \$330 per day, 2 - 4 days per month.

Council has allocated \$25,000 for the current 2013/14 financial year for the processing of household batteries at Stotts Creek Resource Recovery Centre using Waste and Sustainability Improvement Payment (WaSIP) money. The provision of drop off stations and the service/collection of materials may be funded using current allocation of WaSIP funding, but will need to be provided for in the operations budget in future years as this program of state funding will no longer be available from 2013/14.

There is an opportunity for Council to have the processing of batteries and CFL/fluorescent lighting funded by the State Government as part of the Waste Less Recycling More grant allocation or under a Federal Extended Producer Responsibility scheme. Successful grant allocation or the introduction of the federal scheme may relieve some of the financial burden on Council.

**OPTIONS:**

- 1. That Council implements recycling drop off stations at its civic centres, schools and businesses with the inclusion of household batteries, CFL/fluorescent lighting, mobile phones and printer cartridges in the recycling initiative.
- 2. That Council implements battery (only) drop off stations at businesses without the inclusion of schools and civic centres.
- 3. That Council implements battery (only) drop off stations at businesses, schools and its civic centres.

**CONCLUSION:**

The implementation of recycling drop off stations throughout the shire will make the recycling of identified waste streams easier for residents. The funding of the drop off stations is expected to be an additional cost to Council, however it is likely that recycling of materials will increase as a direct result of this initiative.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The proposed scheme will have additional costs associated with construction, advertising, routine collection, transport, processing or materials and managing the program.

**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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## 12 [CNR-CM] Update on the Regional Waste Strategy

**SUBMITTED BY:** Waste Management

Valid



### Supporting Community Life

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

- 2 Supporting Community Life
  - 2.3 Provide well serviced neighbourhoods
  - 2.3.4 Provision of high quality, best practice, solid waste disposal with energy recovery, and improving resource recovery practices and infrastructure which meets health and environmental requirements and projected demand
- 

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

Council has been involved in the development of joint regional waste management disposal and processing options with all other Northern Rivers Councils for the past ten years. This has led to the development of a Regional Waste Management Strategy which includes the proposed development of a number of initiatives for the processing and disposal of waste.

A key issue that needs to be determined prior to commencing the delivery of any initiative is the governance model that will be adopted for the management of the individual projects.

Morrison Low was engaged to report on governance models and options for the group with this presented to each of the councils in the northern rivers.

This report highlights the outcomes of those investigations and includes the key recommendations.

#### **RECOMMENDATION:**

##### **That Council:**

- 1. Provides a response to the North East Waste group supporting the joint regional initiatives and advising of Council's willingness to sign up to a Memorandum of Understanding to further investigate the governance and establishment of a independent company that will allow the delivery of joint regional waste initiatives.**
  - 2. Advises the North East Waste Group of its position relating to the joint regional landfill proposal.**
-

## REPORT:

### **Northern Rivers Waste Disposal Strategy**

Hyder consulting was engaged in April 2012 by the Northern Rivers Regional Waste Managers Group made up of Ballina Shire Council, Byron Shire Council, Clarence Valley Council, Kyogle Council, Lismore City Council, Richmond Valley Council and Tweed Shire Council to prepare a regional waste disposal strategy. In light of targets included in the State Government's Waste and Resource Recovery Strategy, increasing disposal and operating costs and the capacity constraints that a number of the Councils are under, Hyder was asked to develop a regional waste strategy with a view to identifying the most efficient and effective disposal and processing options for the region over the short, medium and long term.

This evaluation involved:

- A desktop review of details for each potential waste disposal site including DA and License conditions,
- Review operating budgets for each Council facility to identify operating costs and to allow for a consideration of potential operating cost on a larger regional scale,
- Review travel distances between each of the key disposal facilities,
- Investigate private market disposal options,
- Prepare a multi scenario assessment to identify the most cost effective option based around critical input data relating to site operating and transport costs, and
- Provision of an action plan to allow member councils to access the most cost effective options within each of the planning horizons.

The strategy came up with disposal options for the short, medium and long term with reference to alternatives that may be required should the cost structure change in South East Queensland (SEQ) change. The short term options favoured transport and disposal to SEQ for the northern Councils for as long as there was a significant financial incentive to do so. In the longer term the preferred option involved the establishment of a joint regional facility at Kyogle and subsequently, Bora Ridge in the Richmond Valley Council area, but only if the position in SEQ changes affecting the economics.

There was also a long term recommendation to investigate the development of advanced resource recovery infrastructure to be established at the regional facility when and if developed.

As a result of these recommendations a joint and several contract was let for the Councils of Tweed, Byron, Ballina, Kyogle, Richmond Valley and Lismore to establish the cost of transporting and disposing of waste. The prices that were offered during the tender process to Tweed for transport and disposal of waste into SEQ were below the regional report estimates and a contract was entered into with Veolia Environmental Services commencing in January 2013 for a period of three years. Ballina Shire and Byron Bay Councils have since entered into similar arrangements.

### **Regional Cooperation**

A meeting of the various Waste Managers and General Managers was called on 14 June 2013 to workshop options on regional waste issues. At this meeting each of the Councils presented their current position and any strategic waste planning they had in place with each suggesting how matters could be dealt with regionally. The meeting also focused on



the need to develop a governance model to allow the group to effectively deal with regional waste initiatives, and it was agreed that NOROC would investigate options that had been used in arrangements for other joint regional groupings including Coffs Harbour, Kimbriki and the Hunter group of Councils.

As a result of undertakings made at the meeting, John Walker, the General Manager of Richmond Valley Council, sent through a governance structure that he proposed as being useful for the establishment and operation of a body to manage regional waste matters, and more specifically a joint regional disposal facility. John proposed that the Northern Rivers Councils establish a company limited by shares that would be at arm's length from the constituent Councils which would undertake waste related activities on behalf of the group.

Whilst the initial inquiries involved the need to investigate governance structures for the management of a joint regional disposal facility it was subsequently determined that the investigation should be expanded to cover governance for all joint waste related initiatives. Morrison Low was engaged to flesh out governance options, and to present these to the various Councils for their consideration.

### **Morrison Low Recommendations**

Morrison Low was provided with a brief to investigate the governance options available to the Councils. They presented what they believed to be the key issues that would need to be addressed, those being:

- The scope of the service,
- Ability to utilise existing landfills,
- Minimising the risk to Council,
- Retaining control,
- Levels of service,
- Affordability,
- Alternative Waste Technology, and
- The sharing of benefits.

The governance options that were investigated included In-house management, unincorporated joint venture, regional organisation of councils, county council and a council owned company. Each was investigated on the basis of the objectives of the group in relation to control and how this was affected with each structure. The report also looked at the objectives of the individual councils and how these may vary from a normal corporate entity.

The preferred option as determined by a Multi Criteria Assessment was the establishment of independent Council owned corporation. The benefits were seen as being:

- Provided long term certainty for all shareholders,
- Common well understood model of governance,
- Allows for a flexibility of shareholding that is appropriate for each Council,
- Control could be exerted through founding documents and ongoing performance monitoring and reporting,
- Able to attract and make use of industry experts on the Board of Directors, and
- Able to borrow funds and enter contracts in their own right thus reducing the upfront cost to each Council of developing a regional facility.

Morrison Low also identified the following issues that would need to be determined to allow the group to progress on the establishment of the proposed company:

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- Capitalisation
- Shareholding,
- Setting performance requirements,
- Structure of the board,
- Shareholders committee
- Competing objectives
- Pricing
- Individual council procurement issues
- Existing landfills and commitments, and
- The need to have ministerial approval.

These issues were to be resolved through the establishment of foundation documents for the company including:

- Statement of corporate intent including performance expectations, roles, responsibilities and skills/expertise of the board, and the role and responsibility of the shareholders committee,
- Company constitution which formally establishes the company,
- Shareholders agreement(s) which establishes the arrangements between shareholders including the ability to transfer shares,
- Waste services agreement which would provide long term security by tying up the waste giving security and value to the company.

### **Council's Position**

This structure and the options were delivered as a presentation to Council by Morrison Low in October 2013 at a briefing session. The briefing session was followed by a second briefing provided by Council officers outlining the impact that the proposal to pursue a joint regional landfill would have on Council and how this fit as against both the regional and Councils integrated waste strategy, and planning for the new Eviron landfill and quarry.

The second presentation outlined the pros and cons of three key waste disposal options to Council. The options were the export of waste to QLD based landfills for disposal, disposal into a Tweed Shire Council owned and operated facility and the operation of a joint regional facility at a location in the northern rivers. Each option was assessed from a Tweed Shire Council perspective with the QLD disposal option favoured, followed by the option to operate a council owned facility, and finally by a joint regional facility.

This outcome differed from the findings of the Hyder regional waste disposal options report in that they had preferred regional land filling over the Tweed owned and operated option, however their finding was based on a regional waste disposal site at Kyogle where it was believed that no liner would be required. The Environment Protection Authority has now advised that a liner would be required at the Kyogle location so the modelled cost would need to increase to cover this. The alternate site, being Bora Ridge in the Richmond Valley Council area is now the site being investigated.

Council is currently exporting the majority of the waste brought into the Stotts Creek Resource Recovery Centre to QLD for disposal, and will continue to do so for as long as the economic conditions remain favourable. Development of the Council Eviron Road site provides long term security to Council for waste disposal.

### **Joint Regional Planning and Governance**

Council is continuing to participate in the planning and investigation of regional waste processing opportunities through participation in North East Waste and by being involved in the development of joint regional planning initiative instigated as a result of the directives of NOROC. It is likely that these investigations will identify measures that need to be undertaken and the question that remains unresolved is the method of governance for the delivery of these.

The Morrison Low recommendation favoured a separate corporate entity with each Council involved as a shareholder. Richmond Valley has forwarded a Memorandum of Understanding (MOU) seeking Council's commitment to this ongoing process to determine the appropriate structure for the governance of the delivery of regional waste initiatives.

**OPTIONS:**

1. Council can choose to not join with the other northern rivers Councils in working on waste initiative by refusing to sign up to the proposed MOU.
2. Council also has the option of signing up to investigate and determine the best means of governance to allow the delivery of joint regional waste initiatives, and of advising of Council's decision to not participate in the development of a joint regional landfill at this time.
3. Council also has the option of signing up to participate in the development of a joint regional landfill with the governance to be determined.

**CONCLUSION:**

Morrison Low has provided a report on what they believe to be the most appropriate governance structure to allow the North East Waste Councils to develop and deliver joint regional waste initiatives. They have recommended the formation of a company as the most appropriate vehicle by which to deliver initiatives with each of the Councils buying in as shareholders.

The following issues would still need to be determined prior to start-up however it is suggested that these could be understood and dealt with in the founding documents:

- Capitalisation,
- Shareholding,
- Setting performance requirements,
- Structure of the board,
- Shareholders committee,
- Competing objectives,
- Pricing,
- Individual council procurement issues,
- Existing landfills and commitments, and
- The need to have ministerial approval.

Given the years of regional commitment and the potential to develop regional waste options that have a significant benefit to Council, it is recommended that Council becomes a party to the MOU with other Northern Rivers Councils to allow it to further develop the governance options. It is also recommended that Council clearly advises of its position in relation to the establishment of a regional landfill, that being to take no further part in this process for the moment.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**13 [CNR-CM] Amended Tweed Development Control Plan Section B25 - Coastal Hazards**

**SUBMITTED BY: Natural Resource Management**

Valid



## **Caring for the Environment**

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

4	Caring for the Environment
4.4	Manage the Tweed coastline to ensure a balance between utilisation and conservation
4.4.1	Recognise and accommodate natural processes and climate change

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### **SUMMARY OF REPORT:**

At the February 2014 meeting, Council adopted the updated Tweed Shire Coastal Hazard Assessment, November 2013 and associated hazard lines. As these updated maps relate directly to implementation of the Tweed DCP Section B25 - Coastal Hazards, this section of the DCP is to be publicly exhibited for comment prior to Council adopting the amended section.

Council staff took the opportunity to consider any changes that may be required to the text of the document so that proposed changes would be considered in the public exhibition. There were minimal changes made to the text of the adopted document.

### **RECOMMENDATION:**

**That:**

- 1. Council publicly exhibits the amended Tweed Development Control Plan Section B25 - Coastal Hazards in accordance with the Environmental Planning and Assessment Act 1979 for a period of 60 days.**
- 2. A further report be brought back to Council following the conclusion of the exhibition period.**

**REPORT:**

Council resolved the following at the 20 February 2014 meeting:

*"That:*

1. *Council adopts the Tweed Shire Council Hazards Assessment, November 2013 as the basis for development of the Kingscliff Coastal Zone Management Plan and an updated Tweed Shire Coastline Coastal Zone Management Plan;*
2. *Council adopts the Immediate Hazard Line, Maximum 2050 Hazard Line and Maximum 2100 Hazard Line as assessed and mapped by BMT WBM (November 2013) as the basis for planning and management of coastal erosion hazard in Tweed Shire;*
3. *Council initiates a general review of Tweed Development Control Plan section B25 – Coastal Hazards prior to reporting to Council and placing the document on public exhibition with revised November 2013 mapping for the immediate, 2050 and 2100 Hazards Zones; and*
4. *Council's Section 149(2) Planning Certificate information relating to the latest coastal erosion hazards be adjusted to coincide with the upgrade of information required by the commencement of recent amendments to the Exempt and Complying State Environmental Planning Policy (Known as the Codes SEPP) on 22 February 2014 and notify in writing those landowners affected by the adjustment."*

This report responds to item 3 with relevant Council staff having reviewed the text of the document and new maps have been developed to accompany Tweed DCP Section B25. Note that the November 2013 Hazard Lines apply predominantly to currently developed, or developable, portions of the Tweed Shire coastline. Some maps, where development is not currently possible under the current land zoning or land tenure, have maintained the 2010 Hazard Lines as the hazard assessment was not updated due to the very low level of risk to development.

The document with amended text (p8) and the updated maps are appended to this report.

**OPTIONS:**

1. Council publicly exhibits the amended Tweed Development Control Plan Section B25 - Coastal Hazards.
2. Council does not publicly exhibit the amended Tweed Development Control Plan Section B25 - Coastal Hazards and retains the currently adopted version.

**CONCLUSION:**

Council adopted, at the 20 February 2014 meeting, the updated Tweed Shire Coastal Hazard Assessment, November 2013 and associated hazard lines. As these updated maps relate directly to implementation of the Tweed DCP Section B25 - Coastal Hazards, this section of the DCP is to be publicly exhibited for comment prior to Council adopting the amended section.

Council staff took the opportunity to consider any changes that may be required to the text of the document so that proposed changes would be considered in the public exhibition. There were minimal changes made to the text of the adopted document.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.  
Tweed Shire Coastline Management Plan 2005

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Coastal Hazards - Tweed Development Control Plan - Section B25  
(ECM 3324273)

Attachment 2. Coastal Hazard Lines Maps (ECM 3324307)

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## 14 [CNR-CM] Planning Proposal for Commercial Wakeboarding Operations

**SUBMITTED BY:** Natural Resource Management

Valid



### Caring for the Environment

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

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

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

This report responds to two notices of motion resolved by Council in 2013 concerning the Tweed River and its use by vessels for commercial and recreational activities.

The resolutions, included within this report, were passed on 20 June 2013 and 19 September 2013 and dealt respectively with the issues of a planning proposal to regulate commercial wakeboarding, and a recreational use strategy for the Tweed River.

Issues pertinent to the resolutions are intrinsically linked and best addressed with an integrated approach.

This report provides an outline of how a planning framework could be prepared and adopted by Council to regulate commercial wakeboarding operations. It is considered that preparation of a Recreational Strategy and new Section of the Tweed Development Control Plan would be the most effective means of achieving the intent of the resolutions.

Any additions to the Tweed Development Control Plan prepared with the intent of regulating river use must be based on a well researched, consultative process that determines the Tweed community's desired outcomes for the river. Undertaking a process of determining the community's aspirations for the river is an explicit objective of the Council resolution to prepare a recreational strategy. It is therefore considered that the recreational strategy should be prepared with the intent of it being a key reference document, and informing the preparation of a development control plan.

Council's Natural Resource Management Unit will commence preparation of the recreational strategy in May 2014. The Planning Reform Unit will ensure that the research and consultation process provides the requisite information to permit development of a development control plan that is compliant with statutory planning requirements.

**RECOMMENDATION:**

**That:**

- 1. A Tweed River System Recreational Strategy for the navigable waters of the Tweed's rivers and estuaries be prepared, in consultation with key stakeholders and government agencies, and that it provide suitable recommendations and guidelines for the preparation of a development control plan.**
  
- 2. Following the adoption of a Tweed River System Recreational Strategy by Council, a development control plan be prepared and publicly exhibited.**

## REPORT:

This report addresses two notice of motion resolved in 2013.

The first from 20 June is titled Commercial Wakeboarding Operations. It was resolved that:

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

The second resolution from 19 September was titled Tweed River System - Recreational Use Strategy, and resolved that:

*Council develops a 'Tweed River System - Recreational Strategy' to determine the Tweed community's desired future character for the river system in light of the current state of erosion of the River, and the desired level of recreational facilities.*

*This process to include:*

1. *Education of the community on the current issues affecting the Tweed River system from recreational use, including but not limited, to the cumulative impacts from boat wakes and wakeboarding on accelerating erosion and the 6kms of road along Tweed Valley Way, now subject to severe erosion, and the projected cost estimates of such works.*
2. *Consultation with the community and affected stakeholders, including but not limited to, a survey and public meetings, to determine:*
  - a) *The community's current use and engagement with the river,*
  - b) *The desired amenity, visual character and ecological aspirations for the River system,*
  - c) *Priorities eg revegetation, environmental facilities (walking trails, picnic tables, interpretive signs, bird hides, etc), boating facilities, rock revetment, etc*
  - d) *Support or objection to various recreational activities on the river in light of the erosion impacts and cost for revetment works,*
  - e) *Preference on whether the community would like to see waterway facilities increased, and if so, the types and sizes of recreational waterway facilities the community would prefer.*

These two items are intrinsically linked and as such are being dealt with in a combined response.

The first resolution, development of a comprehensive planning proposal to regulate wakeboarding, is by definition seeking to amend Council's Local Environmental Plan (LEP), specific to the activity: commercial wakeboarding. As the Tweed LEP 2000 is scheduled to be repealed and superseded in-part by the Tweed LEP 2014, in a matter of weeks based on most recent advice, the recreational strategy and options for managing land-use will need to be based on the 'new' (standardised) LEP.

Within the standard LEP is a definition for 'recreational facility (outdoor)', which states:

***recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

This definition is considered to best encompass commercial wakeboarding, which is not separately defined. Recreation facilities (outdoor) are permitted with consent in the W2 Recreational Waterway zone.

As detailed, the recreation facility (outdoor) definition provides a wide breadth of potential land use activities and is not solely specific to commercial wakeboarding activities. In addition, the W2 Recreational Waterways zone encompasses the majority of the Tweed River (generally south of the Murwillumbah weir, to the highway overpass at Chinderah) and Tweed Broadwaters.

Accordingly, pursuing a Planning Proposal to prohibit recreation facility (outdoor) from the W2 Recreational Waterways zone would have greater, far reaching, consequences than just commercial wakeboarding and would prohibit a number of activities which may be desirable within the area zoned W2 (eg. Kayak or Stand Up Paddleboard hire and tours). Under the standard LEP, Councils are not permitted to amend dictionary definitions and are generally not permitted to include new definitions. Accordingly, creating a specific definition for commercial wakeboarding activities does not appear to be a viable option. Nonetheless, a meeting will be arranged between the Regional Office of NSW Planning and Infrastructure and NSW Maritime to further explore this option.

In light of the above, it is considered that the most practical way of regulating wakeboarding and other commercial uses of the Tweed River would be through preparation of a 'river use' themed Section of the Tweed Development Control Plan (DCP).

Application of the DCP would be triggered by a development application (required for commercial use of zoned waterways under the LEP), and could outline the various types and intensities of uses deemed to be sustainable within the waterway. The DCP would seek to ensure waterway uses were compatible with management objectives and identified recreational and environmental values. Additional matters related to environmental restoration of waterways could also be considered within the DCP, where there is a connection with the use.

The requirements for drafting, exhibiting, and adopting a new Section of the Tweed DCP would need to be undertaken following the consultative process outlined in the Council's second resolution regarding preparation of a Tweed River System Recreational Strategy.

Preparation of DCP's is guided by statutory planning requirements, which include:

- Be in the form of a written statement, and may include supporting maps, plans, diagrams, illustrations and other materials.

- Describe the land to which it applies, and must identify any local environmental plan or deemed environmental planning instrument applying to that land.
- Council must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan.
- Council must publicly exhibit the draft plan for at least 28 days, and specify the period during which submissions about the draft plan may be made to Council.

It is noted that while Council has called for a report "outlining a comprehensive planning proposal" it is recommended that a Tweed River System Recreational Strategy be first prepared, followed by a new DCP. Should the NSW Planning and Infrastructure indicate support for amendment to the Tweed LEP to specifically target commercial wakeboarding a planning proposal may then be prepared. In any event the planning proposal should be the final policy to be prepared.

The Waterways Program has identified funds to allocate to this project and has prioritised it within the suite of projects currently being implemented. The Tweed River Committee has been informed of Council's decision to undertake the project and the impact of the project on previously scheduled projects.

At this time, preparation of a recreational strategy has not progressed past the development of a draft scope.

The deliverables, methodology and resources requirements for preparation of a recreational strategy consistent with the Council resolution are as follows:

### **Deliverables**

- An education and awareness program on current issues affecting the Tweed River system due to recreational use
- Consultation including a survey and public meetings
- A strategic plan that sets out the desired future character for the river system and the desired level of use and provision of recreational facilities

### **Methodology**

1. Education campaign
  - Assessment to determine the current issues affecting the Tweed River system from recreational use
  - Education and awareness initiatives via: Fact sheet, website, Tweed link, presentations at community meetings etc.
2. Phone (randomised) and on-line survey to determine:
  - The community's current use and engagement with the river,
  - The desired amenity, visual character and ecological aspirations for the River system,
  - Priorities for the river, eg. revegetation, environmental facilities, boating facilities, rock revetment, etc
  - Support or objection to various recreational activities on the river in light of the erosion impacts and cost for revetment works,
  - Preference on whether the community would like to see waterway facilities increased, and if so, the types and sizes of recreational waterway facilities the community would prefer.

3. Strategy Preparation
  - Review of existing relevant strategies
    - Lower Tweed Boating Strategy (1997)
    - Tweed River Estuary Recreational Boating Facilities Strategy (2008)
    - Revised (assumed) RMS Tweed River Boating Plan of Management (2014/15)
      - Incorporate community survey findings
      - Undertake public consultation including meetings
      - Strategy finalisation

### **Cost and Time**

- Education campaign
  - 6 months (3 months prep, 3 months implementation)
  - approximately \$10,000
  - Significant staff time to manage
- Phone (randomised) and on-line survey
  - 3 months
  - approximately \$15,000 (consultancy for production and analysis)
  - Significant staff time to manage
- Strategy Preparation
  - 6 months
  - approximately \$50,000 (consultancy for meetings and document prep.)
  - Significant staff time to manage

If undertaken as a single consultancy it is estimated that the full range of tasks prescribed to be undertaken by Council would cost between \$50,000 and \$75,000, and take up to eighteen months to complete.

It is important to note that the Recreational Strategy would be referenced by the DCP. As such it will be essential for the recreational strategy to be based on a solid base of evidence, particularly with regard to points 2 a, b, c, d and e of the Council resolution on preparation of the Recreational Strategy.

It is intended to finalise a consultancy brief and commence the project in May 2014.

### **OPTIONS:**

1. Council resolves to prepare the Tweed River System Recreational Strategy, followed by a DCP.
2. Council resolves to prepare the DCP first and allocates the resources available for the Tweed River System Recreational Strategy toward the public and industry consultation required to inform the preparation of either policy.
3. Council resolves to defer or not proceed with the policy development.

### **CONCLUSION:**

Based on a consideration of known constraints, it does not seem possible for Council to prepare a planning proposal to regulate commercial wakeboarding. Therefore to achieve the intent of the original resolution, the most practical way forward is for Council to prepare a DCP, based upon a well researched and consultative process, as described for the preparation of a Tweed River Recreational Strategy.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Funds to complete the preparation of a Tweed River Recreational Strategy are available in the Lower Tweed Management Plan Budget. Planning Reforms Unit does not have funding allocated for the preparation of a DCP. Subject to the resolution of Council, allocation of resources to this project would be incorporated into the Unit's work program.

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

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:

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

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

### RECOMMENDATION:

**That Council approves the expenditure under the Biodiversity Fund Koala Connections project for works on twelve private properties as listed in the table contained within the report.**

## REPORT:

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

The project will implement critical on-ground and educational actions arising from the Tweed Coast Koala Habitat Study (TCKHS) adopted by Council in February 2011 and the Tweed Coast Comprehensive Koala Plan of Management (TCKPOM), which is currently in preparation. Specific actions will include:

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

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

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

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

Name	Area	Details	Cost Estimate (\$ excl. GST)
Dasi	Cudgera Creek	Plant 300 trees Bush regeneration – 5 person days Fencing 330 metres	\$8,600
Wilk	Cudgera Creek	Plant 750 trees Bush regeneration – 8 person days Fencing 235 metres	\$10,170
Pexa	Cudgera Creek	Plant 610 trees Bush regeneration – 8 person days	\$6,410
Pemberton	Cudgera Creek	Plant 875 trees Bush regeneration – 6 person days Fencing 310 metres	\$11,395
Rayner	Cudgera Creek	Plant 510 trees Bush regeneration – 14 person days	\$8,430
James	Cudgera Creek	Plant 1,000 trees Bush regeneration – 3 person days	\$11,260
Ealand	Duranbah	Plant 1200 trees Bush regeneration - 8 person days Fencing 200 metres	\$18,400

Name	Area	Details	Cost Estimate (\$ excl. GST)
Taylor	Palmvale	Plant 4000 trees Bush regeneration – 25 person days Fencing 400 metres	\$55,600
Pritchard	Palmvale	Plant 350 trees Bush regeneration – 18 person days	\$11,060
Coles and Eva	Palmvale	Plant 450 trees Bush regeneration – 3 person days	\$5,760
Dunn	Palmvale	Plant 450 trees Bush regeneration – 26 person days Fencing 210 metres	\$18,570
Wynn	Palmvale	Plant 400 trees Bush regeneration – 20 person days	\$12,400
<b>TOTAL</b>			<b>\$178,055</b>

**OPTIONS:**

1. That Council approves the expenditure under the Biodiversity Fund Koala Connections project for works on twelve private properties as listed in the table contained within the report.
2. That Council does not approve the expenditure under the Biodiversity Fund Koala Connections project for works on twelve private properties as listed in the table contained within the report.

**CONCLUSION:**

The proposed works will significantly enhance koala habitat, Endangered Ecological Communities and fauna corridors in the priority areas of Duranbah, Cudgera Creek and Palmvale and will contribute to implementation of recommendations in the Draft Comprehensive Tweed Coast Koala Plan of Management.

**COUNCIL IMPLICATIONS:****a. Policy:**

Community Strategic Plan 2013-2023

Strategy 4.2.2 *Encourage and promote rehabilitation and management of native vegetation and wildlife habitat in Tweed Shire.*

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

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

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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16 [CNR-CM] Biodiversity Grant

**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 researcher 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 a private landholder, as listed below, in accordance with the provisions of the Biodiversity Grant Program.

### RECOMMENDATION:

**That Council approves the proposed Biodiversity Grants to assist the private landowner to undertake the project listed in the table contained within the report.**

**REPORT:**

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

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

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

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

- Ecological benefits (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 recently visited and listed below in accordance with the provisions of the Biodiversity Grant Program.

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

Name	Area	Estimate (\$)	Description
Townsend	Stokers Siding	4,248	Site Action Plan and six person days of ecological restoration
	<b>Total</b>	<b>\$4,248</b>	

**OPTIONS:**

1. That Council approves the proposed Biodiversity Grant to assist the private landholder 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:**

\$4,248 from existing Biodiversity Program budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**17 [CNR-CM] Variations to Contract EQ2011-170 Options and Design Report for Foreshore Protection Works, Kingscliff Beach**

**SUBMITTED BY: Design**

Valid



## **Caring for the Environment**

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

4	Caring for the Environment
4.4	Manage the Tweed coastline to ensure a balance between utilisation and conservation
4.4.1	Recognise and accommodate natural processes and climate change

### **SUMMARY OF REPORT:**

Council has contracted the Water Research Laboratory (WRL), University of New South Wales to undertake detailed assessments of foreshore protection options for Kingscliff. The erosion events of 2010 to 2012 have precipitated a re-examination of the options and identified a need for a more detailed review of the terminal seawall design and materials and the volume of nourishment sand required.

Council requested Water Research Laboratory to provide a quote for some additional design scenarios being a concrete piled wall and rock seawall.

WRL provided a quote in response to a request from Council for an addendum to contract EQ2011-170 Options and Design Report for Foreshore Protection Works, Kingscliff Beach.

### **RECOMMENDATION:**

**That:**

- 1. Council accepts the variation for additional sea wall detailed concept designs from Water Research Laboratory to a total of \$41,259 (exclusive of GST) for EQ2011-170 Options and Design Report for Foreshore Protection Works, Kingscliff Beach.**
- 2. The General Manager is given delegated authority to approve additional variations up to \$150,000 above the revised contract sum and those variations reported to Council following completion of the works.**
- 3. Council requests financial assistance of 50% of this additional cost from the Coastal Management Program of the NSW Office of Environment and Heritage.**
- 4. ATTACHMENT is CONFIDENTIAL in accordance with Section 10A(2)(c) and (d) 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.**
- (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:

Following the erosion events along Kingscliff Beach in 2010/11, Council resolved to consider the options for a permanent seawall between the Cudgen Headland Surf Life Saving Club and the Kingscliff Beach (Bowls) Club seawalls.

A brief was issued on 10 August 2011 to four pre-selected consultants to produce an Options and Design Report for Foreshore Protection Works, Kingscliff Beach (EQ2011-170). Three tenders were received with the successful tenderer being the Water Research Laboratory, University of New South Wales (WRL). The brief required a contract in two parts being Part A: Alternative Terminal Seawall Designs and Part B: Design and Specification of Terminal Seawall.

The accepted lump sum price for Part A was \$35,455 (GST exclusive) and the lump sum price for Part B varied dependent upon the outcome of Part A. The lump sum fee for Part B varied between \$54,182 and \$73,545 dependent upon seawall materials and design. For the purposes of the tender documentation the lump sum cost for Part B of \$58,727 (GST exclusive) was accepted based on one material type being selected for detailed design.

The tender for the two parts was awarded together based on the urgency, on behalf of Council, to have an appropriate seawall designed and constructed to protect the Kingscliff Beach Holiday Park prior to the sand nourishment, if possible. The Tweed Coast Holiday Parks Reserve Trust subsequently constructed the temporary seawall, thus reducing the urgency of this design project.

As was reported to the June 2012 Council meeting, the NSW Minister for Environment (upon advice from the NSW Coastal Panel) requested Council to investigate an alternative option, specifically a slotted groyne field to protect Kingscliff Beach foreshore (Part C: Groyne Field Assessment). This resulted in variations to the contract for the extension to Part A: Alternative Terminal Seawall Designs (now extended to consider sand nourishment volumes within the context of wall design) and for Part C, Groyne Field Assessment being approved.

It is now appropriate for Council to fully consider the design implications and cost options for the long-term protection for Kingscliff foreshore. Design considerations relate to the alignment of the seawall and the material the seawall would be constructed of. These issues have the potential to impact on Kingscliff Foreshore Master Plan redevelopment design and greatly vary the cost for a long term solution to the erosion at Kingscliff.

WRL provided a quote in response to the request from Council for an addendum to the above contract. Coordinator Natural Resource Management and the Coordinator Civil Engineering Design have assessed the proposal provided by WRL, dated 14 March 2014 and are satisfied that it meets Council's requirements.

In particular the proposed works by WRL allow for physical modelling of two proposed seawall materials being a piled concrete wall and a rock seawall. The physical modelling will optimise the required mass for rock armour, which may provide cost savings of around 20% to 30% should a rock seawall be constructed. Furthermore, the modelling will provide details of wave overtopping conditions, which would provide management options for the proposed Kingscliff Central Park and Kingscliff Beach Holiday Park for a storm event where a sea wall was predicted to be overtopped.

It is requested that the proposal dated 14 March 2014 from Water Research Laboratory, be accepted as a variation to Contract EQ2011-170 with a total value of \$41,259 (GST exclusive) for the extension to Part B: Detailed Concept Terminal Seawall Designs.

This variation would bring the total project costs to \$190,791 being:

Part A - Alternative Terminal Seawall Designs:	\$35,455 (ex GST)
Variation 1 - (inc sand nourishment)	\$21,000 (ex GST)
Variation 2 - (extra reporting)	\$7,350 (ex GST)
Part C - Groyne Field Assessment	\$27,000 (ex GST)
Part B - Detailed Concept Design of Terminal Seawall	\$58,727 (ex GST)
Variation 4 - additional material option and modelling	\$41,259 (ex GST)

Note: Parts A and C have been completed. Part B has not been undertaken.

**OPTIONS:**

1. That Council accepts the proposal from Water Research Laboratory as a variation to Contract EQ2011-170.
2. That Council does not accept the proposal from Water Research Laboratory as a variation to Contract EQ2011-170.

**CONCLUSION:**

Council is undertaking detailed assessments of foreshore protection options for Kingscliff. The erosion events of 2010 to 2012 have precipitated a re-examination of the options and identified a need for sea wall options to be considered in more detail including both a concrete piled seawall and rock sea wall. It is proposed to include the detailed Concept Design of these options as part of the Alternative Terminal Seawall Design contract.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.  
Tweed Shire Coastline Management Plan 2005.

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

Additional costs would come from the existing Coastline Management Plan Implementation budget. Council has applied for grant funding under the NSW Coastal Management Program for financial assistance for 50% for this project.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Proposal from Water Research Laboratory for variation to EQ2011-170 Detailed Concept Terminal Seawall Design: Addendum to Brief (ECM 3322004)

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**18 [CNR-CM] Second Round Applications for Financial Assistance 2013/2014 - Donations Policy**

**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:**

Through the Donations Policy, Tweed Shire Council recognises a need to assist non-profit community groups, organisations and individuals who are interested in and are working towards the enhancement and the wellbeing of its residents and the Tweed.

Council advertises in the Tweed Link and invites applications for financial assistance from eligible organisations in accordance with its Donations Policy twice a year under Section 356 of the Local Government Act, 1993. Applications for financial assistance close at the end of July for the first round and end of February for the second round.

Second Round applications for financial assistance were invited under Council's Donations Policy and closed on 28 February 2014. *Tweed Link* advertisement calling for applications appeared in Issue 844, 4 February 2014.

**RECOMMENDATION:**

**That Council:**

- 1. allocates the Second Round Donations for 2013/2014 under the Donations Policy as follows:-**

<u>Applicant</u>	<u>Amount</u>
Tyalgum District Community Association Inc	\$ 1,000
Tweed Valley Early Childhood Intervention Service Inc (t/as Shaping Outcomes)	\$ 2,000
Tweed Valley Woodcrafters Association Inc	\$ 1,000
St Vincent de Paul Society NSW Lismore Central Council	\$ 2,000
1st Chinderah Scouts	\$ 1,400
Tweed Valley Justice's Association Inc	\$ 500

Studio Aperio Incorporation	\$ 2,000
Tweed Palliative Support Inc	\$ 2,000
Caba Creative	\$ 720
Tweed Theatre Company Inc	<u>\$ 550</u>
<b>TOTAL</b>	<b>\$13,170</b>

2. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (a) **personnel matters concerning particular individuals (other than councillors).**



**REPORT:**

Council has \$25,750 allocated in the 2013/2014 budget for the Donations Policy. The total amount allocated in Round One was \$12,580. It is recommended that the balance of funds of **\$13,170** be allocated in Round Two.

The following criteria is required to be used to determine the applications:

- No financial assistance will be given to privately owned businesses/companies.
- Organisations must be Tweed based or the funds are to be used on a service or activity for Tweed.
- No financial assistance will be given to Government Departments or agencies or for support of Government owned facilities.
- The funds are not to be used for a social activity for members of the organisation exclusively.

A panel of two professional senior staff members and the Mayor reviewed the applications and agreed on the recommendations provided to Council for its consideration.

**Background****List of Applicants for Second Round 2013/2014:**

<b>Applicant</b>	<b>Amount</b>	<b>Summary</b>
Neighbourhood Watch - Bray Park / Murwillumbah	\$200	Newsletter printing and delivery.
Northern NSW Local Health District: Organ and Tissue Donation Service	\$2,000	Cycle Cover Insurance, water and fruit for competitors in the "Cycle for Life" event which aims to raise awareness in the community about organ donation.
Tyalgum District Community Association Inc	\$2,000	Update, rebuild and re-establish website (\$1000), community newsletter printing and delivery (\$750) and community revitalising meeting/ function (\$250).
Tweed Valley Early Childhood Intervention Service Inc (t/as Shaping Outcomes)	\$2,000	Purchase of portable interactive smart-board.
Riding for the Disabled (NSW) Tweed Valley Centre	\$2,000	Provide care for 10 horses including feed and supplements, horse and rider equipment and veterinary and farrier services.
Russell Wild	\$1,000	Travel expenses (\$700), wear and tear on computer and scanner (\$200) and hosting space for website (\$100) to enable individual to scan and upload to website photographs of students attending Murwillumbah area schools between 1890 and 1990.

<b>Applicant</b>	<b>Amount</b>	<b>Summary</b>
Tweed Church of Christ - Epic Youth	\$2,500	Provide more engaging and developmental activities for young people and enable financial assistance to individuals who would otherwise not be able to participate in some activities.
Pottsville and District Men's Shed	\$7,209	Establishment costs for Pottsville and District Men's Shed including various registration and application fees (\$1330), postage, telephone, stationery (\$1440), Accountancy and Auditing fees (\$800), Land survey, building and land GA (\$3640).
Tweed Valley Woodcrafters Association Inc	\$2,000	Improvement of existing dust extraction system to ensure adequate health and safety of members and visitors.
St Vincent de Paul Society NSW Lismore Central Council	\$2,000	Support homeless or those at risk of being homeless through Fred's Place (Tweed Heads) Community Garden and Fred's Place Art Group.
Coolheads (St Joseph's Youth Service)	\$10,000	Maintain street outreach program in Tweed Shire (\$10,000) or continue planned activities one night per week (\$4000 to \$5500).
Twin Towns Friends Association	\$2,000	Administration expenses including stationery, postage, consumables and compulsory insurance costs.
Murwillumbah Friendship Club	\$2,000	Purchase of stove to enable Friendship Club to provide catering of lunches and morning teas.
Twin Towns Radio Yacht Club Inc	\$2,000	Funds towards purchase and installation of public floating pontoon on Lake Kimberley.
Club Banora Garden Club	\$2,000	Funding for shire-wide private garden and schools garden competitions including payment to judges and production of DVD, prizes, fund expert guest speakers and fund production of club diary booklet for members.
Northern Rivers Symphony Orchestra Inc	\$2,000	Compact Disc production costs for "Back to Broadway" concert.
1st Chinderah Scouts	\$2,000	Purchase of one x three person canoe, paddles and life jackets (\$1400), safe for secure storage of camera and laptop (\$250), floor marking (\$600) and storage cupboards (\$420).
Piggabeen and Cobaki Progress Association Inc	\$4,500	Purchase of materials for maintenance of Piggabeen Hall including widening and concreting pathway, erecting screen to cover underfloor area on south side, maintenance of wheelchair and disabled access ramps, sealing of kitchen floor.

<b>Applicant</b>	<b>Amount</b>	<b>Summary</b>
Westpac Life Saver Rescue Helicopter	\$2,000	Purchase of additional night vision goggle accessories - 6 helmet mounts (\$1167), 6 x alpha conversion plates (\$66.90), 6 x battery packs (\$660), 1 x export licence (\$380).
Tweed Valley Justice's Association Inc	\$1,000	Extensive advertising in local media to promote services and encourage new members, purchase of toner for photocopier, provide personal JP stamps as required by members.
Murwillumbah Cricket Club	\$2,000	Subsidising annual Dream Cricket event for disabled children (\$1000) and subsidising professional coaching of juniors in Tweed area (\$1000).
Studio Aperio Incorporation	\$2,000	Subsidising dance teachers' fees for weekly integrated dance classes and insurance costs.
Tweed Palliative Support Inc	\$2,000	Purchase of electric pull-apart hospital bed for equipment pool to be loaned out free of charge to palliative patients.
Caba Creative	\$2,000	Design and production of a sculptural community noticeboard.
Tweed Theatre Company Inc	\$808	Payment of three months rental of storage shed (July to September 2014).
Playtime @ Tweed Presbyterian Church Hall	\$500	Purchase items for playgroup including parachute, sand box and table equipment, books, music, craft supplies and smocks, block, dress-up costumes, child proof gates and portable change table and advertising.
<b>Totals</b>	<b>\$61,717</b>	

**List of recipients for First Round Donations 2013/2014 (Council resolution 19 September 2013)**

<b>Applicant</b>	<b>Amount Requested</b>	<b>Summary</b>
Rotary Club of Kingscliff Inc	\$1,500	Purchase and hire of equipment for annual Kingscliff Rotary Standup Paddleboard and Duck Race.
Friends of the Pound (Tweed) Inc	\$1,000	Cat and dog desexing voucher program.
Story Dogs Inc	\$1,500	Purchase of audio-visual equipment including microphone, small speaker, digital projector and screen.
Coolangatta Senior Citizens Centre Inc	\$1,000	Completion of kitchen refurbishment and replacement of office equipment.
Northern Rivers Symphony Orchestra Inc	\$2,000	Catering for patrons and musicians, advertising, postage and telephone, stationery, reimbursement to musicians and conductor of transport costs, insurance, equipment maintenance and venue hire (THCC).

Applicant	Amount Requested	Summary
Tyalgum Community Hall Association Inc	\$1,500	Replacement of electrical wiring and Supper Room including sub-board, six new power points and additional lighting.
Kunghur Community Preschool	\$1,380	Upgrade of playground including softfall, sand for sandpit and repair of shade sails in accordance with legislative requirements.
Tweed Shire Vacation Care Inc	\$1,500	Purchase of two computers and software for use by children attending OOSH and vacation care.
Uki Public School P&C After Hours School Care	\$1,200	Purchase of laptop and digital camera to fulfil student observation documentation requirements.
<b>Totals</b>	<b>\$12,580</b>	

**List of recipients for Second Round Donations for 2012/2013 (Council Resolution 18 April 2013):**

Applicant	Amount	Summary
Neighbourhood Watch Area 14 Murwillumbah	\$200	Printing and distribution of Area 14 newsletter to 1600 residents
Twin Towns Friends Association Inc	\$1,500	Administration expenses including stationery, postage, consumables and insurance
Tweed River War Widows Association	\$500	Socialisation including bus trips and lunches and Christmas party for war widows
Northern Region SLSA Helicopter Rescue Service Pty Ltd	\$2,000	Rescue crewman to attend "Swiftwater" training in Cairns
Legacy Kingscliff Division	\$500	Luncheon for Widows of Legacy prior to Badge Week in August 2013
Riding for the Disabled (NSW) Tweed Valley Centre	\$2,000	Care of horses owned or on long term loan to Riding for the Disabled Tweed Valley.
Uki Public Hall & Recreation Reserve Trust	\$1,000	Various works to Hall including some which are essential to meet fire protection guidelines
Tweed Heads Community Men's Shed on behalf of Celebrating Men	\$750	Hall hire, expenses for speakers and equipment, printing for Celebrating Men on 16 June 2013
The Compassionate Friends Tweed Heads Chapter	\$70	Candles, cards, supper and printing for annual candle-lighting for bereaved
Burringbar Hall Committee	\$1,000	Repair damage to Hall ceiling
Beachside Communicare	\$1,680	Purchase of fuel, packaging and storage of equipment, office furniture for Pottsville Community Pantry
Tyalgum Community Hall Association	\$1,000	Purchase of stainless steel kitchen appliances for the Hall
<b>Total</b>	<b>\$12,200</b>	

**List of recipients of First Round Donations for 2012/2013 (Council resolution 21 August 2012):**

<b>Applicant</b>	<b>Amount</b>	<b>Summary</b>
Tweed River Classic Boat Regatta	\$750	Towards running costs of the regatta at Condong on 6 October 2012. Volunteer run event.
Tweed Unlimited Arts	\$800	For a picture hanging system for gallery and work area.
Cooloon Children's Centre Inc	\$1,500	Towards running costs of annual Kids Fest promoting family support and involvement.
Combined Groups Neighbourhood Watch Tweed Valley	\$450	To add another school to School Watch program currently covers Banora Point, Uki, Fingal Heads.
Tweed Hospital Pink Ladies	\$300	For framing donated pictures, wool and fabric for making clothes for special care nursery and children's paint aprons.
Chillingham Community Preschool	\$1,500	For second garden shed outside children's play area, to free up space for children's equipment and access in current shed.
Tweed Heads Community Men's Shed Inc.	\$560	Industrial vacuum cleaner (\$400) and kitchen equipment including BBQ (\$550)
Coolangatta Tweed Heads Legacy Laurel Club	\$1,000	Running costs for program of activities providing social contact for isolated aged in the Tweed.
Tyalgum District Community Association	\$1,000	Contribution to bi-monthly newsletter and Spring Fair for Tweed rural village communities.
Chillingham Voices Community Choir	\$1,000	Towards hire of venue, orchestra and promotion cost of Three Choirs Festival, All Saints Anglican Church, September 2012.
Mothers Milkbank Pty Ltd	\$1,290	Stainless steel to FDA standards workbench (\$740) and storage cabinet (\$550); fridge/freezer (\$1770) and fridge gauge and alarm (\$50)
Gold Coast District Orchid Society Inc	\$500	Prize money encouraging participation by gardeners, Gold Coast Tweed.
Joey's Pouch Educational Child Care Centre	\$1,500	Renovations to the outdoor learning area currently dark and in need of basic repairs and improvements.
Murwillumbah Potters Inc	\$650	For installation of a stainless steel sink for cleaning of pottery equipment and general use, in front of the tank stand.
<b>Total</b>	<b>\$12,800</b>	

**OPTIONS:**

1. Allocate the funds in accordance with staff recommendations based on the criteria set out in the Donations (Financial Assistance) Policy Version 1.1.
2. Not allocate the funds in accordance with staff recommendations and reallocate the funds using a different methodology.

**CONCLUSION:**

The amount recommended for allocation in the Second Round 2013/2014 is \$13,170. The amount of \$12,580 was distributed in the First Round 2013/2014.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Donations (Financial Assistance) Version 1.1

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

The total budget available for 2013/2014 was \$25,750. The amount of \$12,580 was distributed in the First Round 2014/2014. The balance of \$13,170 is recommended for distribution in the Second Round 2013/2104.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Assessment - Donations Policy Funding Second Round 2013/2014 (ECM 3323211)

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19 [CNR-CM] Draft Access and Inclusion Plan

**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 preparation of the Access and Inclusion Plan is a response to the Commonwealth *Disability Discrimination Act 1992*. Preparation of an Access and Inclusion Plan was included as an action in the Operational Plan from 2011/12 to 2012/13.

Community consultation was undertaken by the Community Development Officer, Aged and Disability in late 2011 and early 2012 with assistance from Communications and Customer Services. Three Issues Papers were produced in 2012 reflecting the results of the community consultation. A consultant was engaged in late 2012 to develop the demographic profile and include the issues papers in a single document adopted by Council on 20 February 2014.

The Draft Access and Inclusion Plan 2014/18 will inform and guide Council planning processes, design methodology, construction and service delivery on the principles of universal access. The Draft Access and Inclusion Plan is now ready for public exhibition.

### RECOMMENDATION:

**That Council:**

1. **Places on public exhibition the Draft Access and Inclusion Plan for a period of 28 days and seeks submissions for a period of 42 days.**
2. **A further report be brought back to Council following the conclusion of the exhibition period.**

## REPORT:

### Strategic Context

The Division of Local Government introduced the Integrated Planning and Reporting Framework (IPRF) to ensure local government operations and strategic planning meets the needs of the community. The *Integrated Planning and Reporting Manual pg 35* notes there are "particular groups who may have special needs or issues. These groups were formerly referred to as 'target groups' in the social planning process and include:

- children
- young people
- people with disabilities
- older people
- women
- Aboriginal and Torres Strait Islander people
- people from culturally and linguistically diverse backgrounds
- people from diverse sexualities"

The Access and Inclusion Plan 2014/18 will address a range of issues towards improving access and inclusion for the whole community and identifies key actions to be integrated into Council's four year Delivery Program and one year Operational Plan. Additionally it identifies other sections of Council responsible for the implementation of the document to ensure a whole-of-Council response.

The IPRF specifically indicates Council's Community Strategic Plan must be based on the social justice principles including equity, access, participation and rights. Central to the Draft Access and Inclusion Plan are the principles of social justice, economic resilience and sustainability. To ensure access and inclusion this means:

- there is fairer distribution of economic resources and access to essential services to meet basic needs and to improve quality of life
- the human rights of people with disabilities are recognised and promoted by Council and the community
- all members of the community have better opportunities for genuine participation and consultation about decisions affecting their lives
- the views of all members of the community are valued and listened to in Council deliberations
- there is balanced decision making in Council based on social, economic and environmental goals

### Background

Access and Inclusion (also called Disability) Action Plans are a strategic response to the Commonwealth *Disability Discrimination Act 1992*. In 2008 the (then) NSW Department of Ageing Disability and Home Care produced guidelines for the development of disability action planning for NSW government agencies. The Australian Human Rights Commission (AHRC) continues to provide advice to organisations and businesses on the preparation of Disability Action Plans. Action Plans can be registered with the AHRC and act as a defence against a claim of discrimination under the *Disability Discrimination Act 1992*. The Plans reference a range of state and federal legislation and international guidelines and include a framework and action plan for identified barriers to access and inclusion.



The Draft Access and Inclusion Plan presented with this report follows previous work undertaken since 2000. The Draft Access and Inclusion Plan 2014/18 has been prepared following community consultation and extensive consultation across Council Divisions.

The need for an Access and Inclusion Plan is strengthened by:

- a) The *Disability (Access to Premises - Buildings) Standards 2010* amendment to the *Disability Discrimination Act 1992* which mandates access requirements to new buildings and renovations to existing buildings in most classifications. The only exceptions under the Act are Class 1A (private detached dwelling and the internal part of sole-occupancy units under Class 2 and a new Class 10 (non-habitable) building only if it is associated with a private dwelling in Class 1a or Class 4. For all renovations to buildings covered under the Act, if a Development Application is required the Premises Standards apply.
- b) The *Tweed Access and Inclusion Policy* adopted by Council in February 2014 that commits Council to follow Australian Standards and Guidelines for access and inclusion to buildings, open space environments, information and services.
- c) New NSW legislation to be ratified in 2014, the *NSW Disability Inclusion Bill* that requires Councils to develop and implement Disability Action Plans.

### **The Draft Access and Inclusion Plan 2014/18 (Attachment 1)**

The Draft Access and Inclusion Plan 2014/18 includes:

- a) Information on the international, national and state legislative and policy framework on access and inclusion
- b) Statistical and demographic information on rates of people living with disability in the Tweed
- c) Links with other Council policies and strategic plans
- d) Five Strategic Outcomes based on the role and function of Council
- e) Actions, responsibility and time frames for achieving each Strategic Outcome

### **The Draft Access and Inclusion Plan Strategic Outcomes**

- a) STRATEGIC OUTCOME 1 Organisational Culture Demonstrates Understanding and Commitment to the Principles of Universal Access and Social Inclusion

### The Role of Tweed Shire Council

As an organisation with a leadership role in the community, it is essential that all Tweed Shire Council employees demonstrate understanding of, and commitment to the principles of universal access and social inclusion. This commitment is shown through the actions and behaviour of staff as well as through the infrastructure and services provided. Thinking about and planning for an accessible environment is a responsibility of all areas of Council linked to the broad range of roles and functions of local government organisations.

- b) STRATEGIC OUTCOME 2 Physical Infrastructure and Essential Services are Provided and Maintained in Line with the Principles of Universal Access and Social Inclusion

The importance of providing accessible environments

Access (sometimes referred to as universal access) means that regardless of ability a person can approach, enter, pass to or from and make use of an area and its facilities without assistance.

*An accessible environment, while particularly relevant for people with disabilities, has benefits for a broader range of people. (World Report p 169)*

*During all our lives, we will experience times when our ability to go places is compromised: we have to carry luggage or shopping; we need to ferry around children; and we experience injuries and/or illnesses that may leave us temporarily or permanently without a full range of motion. Some of us have been born with an impairment that reduces our movement or senses; others will acquire one during their life. As children, we were limited in how we could travel and, as we all continue to age, most of us will experience a loss of hearing, reduced vision, or find our bodies become frailer. But these experiences do not mean our lives must get worse as result. If we can retain our dignity and independence, and if we can still get to the places required to achieve the things we want to do, then everyone can lead a meaningful, valuable life. (VCOSS 2011 Creating Accessible Journeys p8)*

- c) STRATEGIC OUTCOME 3 Regulatory Functions and Responsibilities Follow Protocols and Procedures that Include the Principles of Universal Access and Social Inclusion

Planning for Access

Incorporating provisions for accessibility into formal planning and assessment processes is an essential part of changing thinking and outcomes in the built environment. The *Premises Standards* provide minimum compliance requirements for access in new buildings and renovations to buildings accessed by the public. However a full understanding of the meaning of access and inclusion requires a shift in thinking that goes beyond adherence to minimum standards. Universal access considers people, place and design throughout the life course. Legislation and building regulations have changed over the past few decades to provide accessible and inclusive environments. There is no doubt that these requirements will continue to change taking into consideration the needs of an ageing population. A commitment to universal access and design is a commitment to a future that provides for the needs of the whole community.

- d) STRATEGIC OUTCOME 4 Partnerships and Collaborative Projects Support and Promote the Principles of Universal Access and Social Inclusion

The Importance of Partnerships

Tweed Shire Council has an important role in improving access and inclusion. However this cannot be achieved alone. Partnering with other levels of government, non-government organisations and in research projects is essential in achieving universal access and social inclusion for the whole community. Showing leadership in actions and in the provision of advice to the business community is also an important component.

Changes to legislation, policies, guidelines, strategies and research on universal access and social inclusion are continually changing. Emerging needs of population groups within communities contribute to these changes. Local governments have a key role and

responsibility to remain informed and involved in these developments. Promoting social inclusion through community development strategies is an accepted function of Council.

- e) STRATEGIC OUTCOME 5 The Principles of Universal Access and Social Inclusion are Promoted Across the Community

#### Community Awareness

*A person's environment has a huge impact on the experience and extent of disability. Inaccessible environments create disability by creating barriers to participation and inclusion. (World Report p4)*

A consequence of improving access in the physical environment is the greater contact between people of all abilities. The NSW Government changes to disability funding under the *Living Life My Way* strategy and the National Disability Insurance Scheme will enable more people with disabilities to fulfil their hopes and goals in life. Many people with disabilities say that attitudes of people in the community are the biggest barriers to access and inclusion. As the tier of government closest to the people Council has a very important responsibility to support in words and actions the full inclusion of all people in the community.

#### **OPTIONS:**

1. That Council places the Draft Access and Inclusion Plan on public exhibition for a period of 28 days and seeks submissions for a period of 42 days.
2. That Council seeks further information and does not place the Draft Access and Inclusion Plan on public exhibition for a period of 28 days.

#### **CONCLUSION:**

The requirement to prepare an Access and Inclusion Plan will soon be a requirement under the NSW *Disability Inclusion Bill 2014*. Tweed lags behind the vast majority of Local Governments across Australia in the adoption of an Access and Inclusion Plan and needs to act in order to comply with the changes to NSW legislation and meet the intentions of the Commonwealth *Disability Discrimination Act 1992*. Of equal if not greater importance is recognising the human rights of all our residents and visitors enshrined in the United Nations *Convention on the Rights of People with Disabilities 2007* ratified by Australia in 2008. An accessible and inclusive community has benefits for everyone in social, health and economic factors. Preparation of an Access and Inclusion Plan was also included as an action in the Operational Plan from 2011/12 to 2012/13. The Draft Access and Inclusion Plan 2014/18 will inform the way Council plans, designs and builds a more accessible community into the future. It is recommended the Access and Inclusion Plan be placed on public exhibition.

#### **COUNCIL IMPLICATIONS:**

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

The recently adopted Access and Inclusion Policy Version 1.0 necessitates a review of a number of Council's adopted policies, protocols and templates to include principles of access, inclusion and universal design. Attachment 2 to this report identifies particular policies, protocols and templates that will be prioritised for review in consultation with

Council staff. The table is also reproduced within the Draft Access and Inclusion Plan as an annexure.

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

Funding of \$19,500 per annum plus CPI is currently in place in the Long Term Financial Plan for the delivery of the Access and Inclusion Plan. Access audits of buildings and parks will be sourced from Access Reserve. Upgrades of Council infrastructure (buildings, public toilets, accessible car parks) will be prioritised by Council when audits are complete. There is some provision in divisional budgets for upgrades however additional external funding will be required.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed. Representatives of the Equal Access Advisory Committee, Community Options Team and members of the Tweed Disability Interagency will be alerted to the exhibition of the Access and Inclusion Plan and encouraged to make submissions.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- |               |   |
|---------------|---|
| Attachment 1. | The Draft Access and Inclusion Plan 2014/18 (ECM 3327664)       |
| Attachment 2. | Table of Council Policies Protocols and Templates (ECM 3324936) |
-

20 [CNR-CM] Membership Equal Access Advisory Committee

SUBMITTED BY: Community and Cultural Services

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

This report concerns changes to membership of the Equal Access Advisory Committee (EAAC), noted in the EAAC minutes of 19 February 2014. Recommendations of the EAAC are presented for Council's endorsement.

### RECOMMENDATION:

That:

1. Council makes the following appointments for the remainder of the term until September 2016, to the Equal Access Advisory Committee:

Member Organisation	Nominated Delegate
Community Member	Faye Druett
Community Member	Angela Collins

2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:
  - (a) personnel matters concerning particular individuals (other than councillors).

## REPORT:

To ensure equity of membership, composition of the Equal Access Advisory Committee (EAAC) will, as far as possible, be balanced in regard to age, gender, and reflect interest/expertise in a broad range of disability access issues. The Terms of Reference for the EAAC states that membership includes:

- *A maximum of eight community representatives including people with disabilities, carers and/or representatives of peak disability, aged care and other related organisations, plus two Councillors and senior council officer will be voting members of the Committee.*
- *One Council officer from each of the following units may be represented on the Committee for technical advice and support. The most senior Council Officer present may vote on issues before the Committee.*
  - *Community and Cultural Services*
  - *Building Services*
  - *Planning and Infrastructure*
  - *Works*

The current composition of the EAAC, as determined by Council on 20 March 2014 is as follows:

<b>Name</b>	<b>Organisation</b>
Ms Milena Morrow Chair	Community Representative
Position Vacant	Community Representative (effective 20 March 2014)
Ms Lee Clark	Community Representative Spinal Cord Injuries Australia
Mrs Una Cowdroy	Community Representative
Ms Suzanne Hudson	Community Representative
Ms Chris Vannucci	Community Representative Alzheimer's NSW
Ms Beverly Kelso	Community Representative
Alannah Hunter	Community Representative, Synergy
Cr Michael Armstrong	Councillor Tweed Shire Council
Cr Phil Youngblutt	Councillor Tweed Shire Council
Ms Karen Collins	ADDO Community Services Tweed Shire Council
Mr Michael Kenny	Road Safety Officer Tweed Shire Council
Mr Robert Noakes	Senior Health & Building Surveyor Tweed Shire Council

The terms of reference state that membership of the Equal Access Advisory Committee will be terminated if a member does not attend or apologise for missing three consecutive meetings. Alannah Hunter, from the organisation Synergy, missed the June, August and October 2013 meetings without apologies. At the meeting of 16 October 2013, the Chair requested staff representatives inform Ms Hunter of the Terms of Reference, with an

opportunity to continue on the committee if the December meeting was attended. Ms Hunter did not attend the December meeting or send apologies.

At the EAAC on 18 December 2013, the Committee resolved:

*A letter will advise Alannah that her membership has been withdrawn. A vacancy has been declared which will be filled in 2014 in line with the terms of reference.*

An Expression of Interest was advertised in the Tweed Link on 21 January 2014 that closed on 7 February 2014, seeking interested community members to fill the vacancy. Two applications, received from Faye Druitt and Angela Collins, were considered by the EAAC on 19 February 2014 and the Committee resolved:

*That Faye Druett is appointed to the existing vacancy on the Equal Access Advisory Committee and Angela Collins application be held open for six months to fill any other vacancy arising in that period.*

Following the March 2014 Council decision, there are now currently exists vacancies for two community members and it is further recommended that Council appoints Angela Collins to the other existing vacancy on the Equal Access Advisory Committee.

#### **OPTIONS:**

1. That Council appoints community members as recommended by the Equal Access Advisory Committee.
2. That Council does not appoint community members as recommended by the Equal Access Advisory Committee, and seeks further information.

#### **CONCLUSION:**

The Equal Access Advisory Committee advises Council on matters regarding access and inclusion. The Draft Access and Inclusion Action Plan is in final draft in preparation for submission to Council. Together with the changes to Federal and NSW State legislation on the provision of support for people with disabilities, the role of the Committee and the capacity of its membership are very important.

#### **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:**

*Confidential* Attachment 1. Application from Angela Collins (ECM 3324110)

*Confidential* Attachment 2. Application from Faye Druett (ECM 3284926)

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## REPORTS FROM THE DIRECTOR ENGINEERING

### 21 [E-CM] Acquisition of Crown Land for Road Purposes - Twin Bridge and O'Briens Bridge, Kyogle Road Mount Burrell

SUBMITTED BY: Design

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Council is upgrading Twin and O'Briens Bridges on Kyogle Road over South Arm Tweed River at Mount Burrell. Part of the bridge has been and will continue to be located within the riverbed which is Crown Land.

It is now necessary to complete the acquisition of the riverbed from Crown Lands to rectify the encroachment. Plans of acquisition have been registered for the area. Twin Bridge is shown as Lot 1 in DP 1193231 and O'Briens Bridge is shown as Lot 1 in DP 1193234. Crown Lands have provided their concurrence to the acquisition of both lots as required.

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

### RECOMMENDATION:

That:-

1. Council approves the acquisition of Lot 1 in DP 1193231 and Lot 1 in DP 1193234 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
2. Lot 1 in DP 1193234 and Lot 1 in DP1193231 be dedicated as road following gazettal of the acquisition; and

3. All necessary documentation be executed under the Common Seal of Council.

**REPORT:**

Council is upgrading Twin and O'Briens Bridges on Kyogle Road over South Arm Tweed River at Mount Burrell. Part of the bridge has been and will continue to be located within the riverbed which is Crown Land.

It is now necessary to complete the acquisition of the riverbed from Crown Lands to rectify the encroachment. Plans of acquisition have been registered for the area. Twin Bridge is shown as Lot 1 in DP 1193231 (See Figure 1 below) and O'Briens Bridge is shown as Lot 1 in DP 1193234 (See Figure 2 below). Crown Lands have provided their concurrence to the acquisition of both lots as required.

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

Figure 1  
DP1193231 showing Lot 1 (Twin Bridge) to being acquired for road purposes.

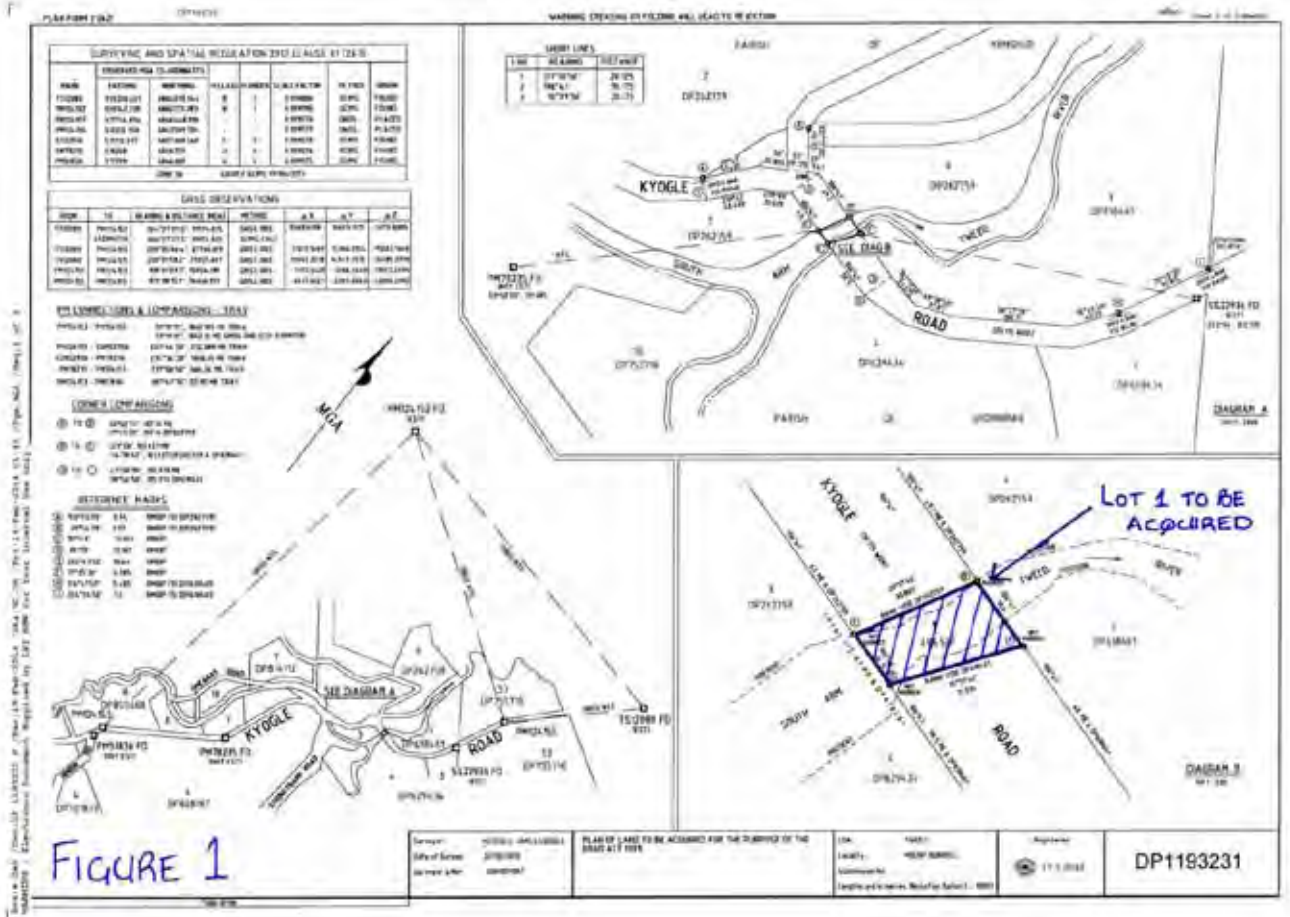
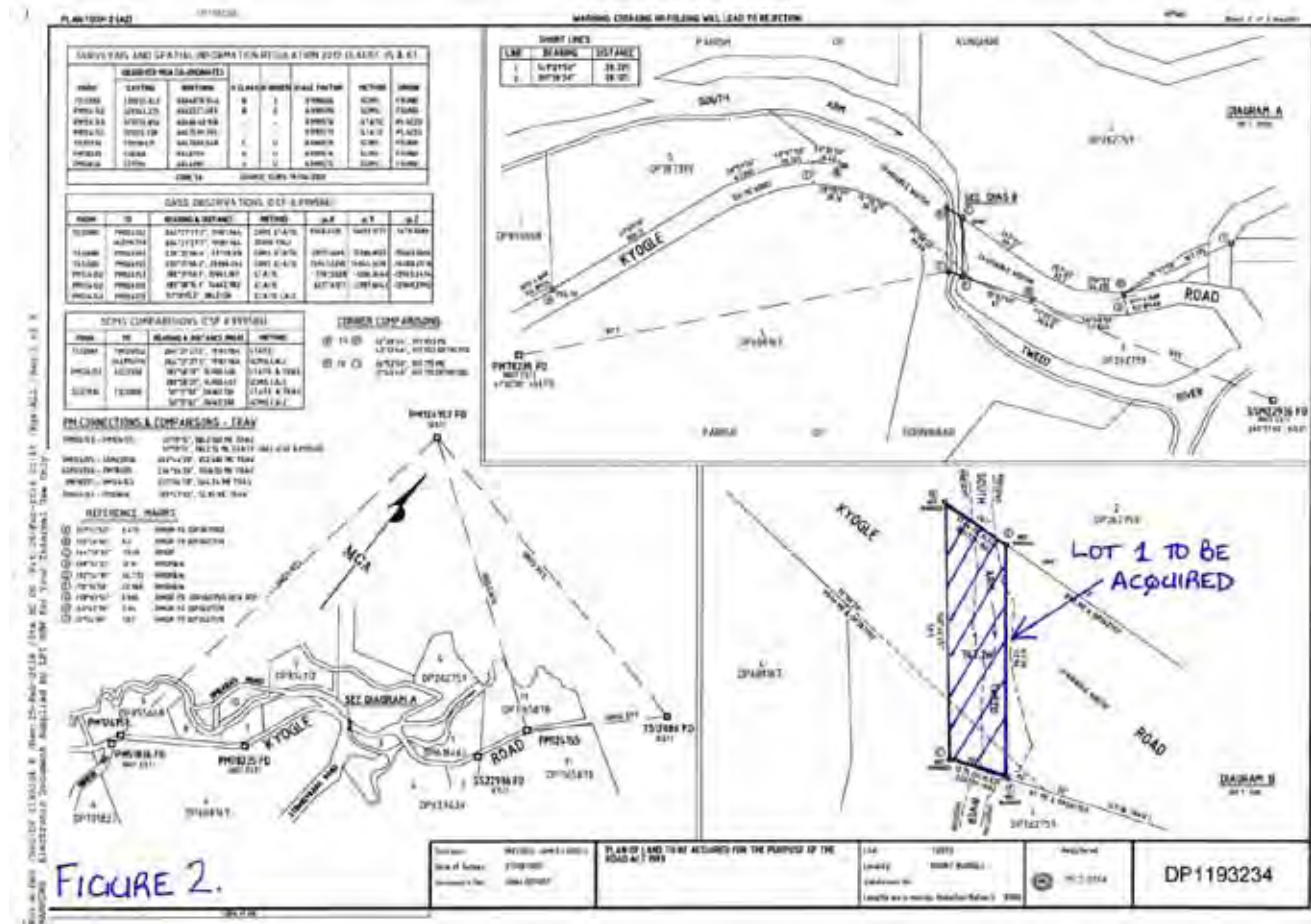


Figure 2  
 DP1193234 Showing Lot 1 (O'Briens Bridge) to be acquired for road purposes.



**OPTIONS:**

1. Approve the acquisition of Crown Land being Lot 1 in DP1193231 and Lot 1 in DP1193234 for road purposes; or
2. Not approve the acquisition of Crown Land being Lot 1 in DP1193231 and Lot 1 in DP1193234.

**CONCLUSION:**

It is recommended that Council approves the acquisition of Lot 1 in DP 1193231 and Lot 1 in DP 1193234 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor. Upon approval and Gazettal of the acquisition Lot 1 in DP 1193231 and Lot 1 in DP1193234 to be dedicated as road.

The acquisition will formalise the use of the Crown Land as road.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Funds are available within the Rural Roads Survey Investigation, Design and Roads budgets.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**22 [E-CM] Variation and Release of Restrictions on Use of Land at Tweed Ultima, Wharf Street, Tweed Heads**

**SUBMITTED BY:** Design

**FILE REFERENCE:** DA13/0294

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:**

Tweed Ultima in Wharf Street, Tweed Heads was originally approved as a mixed residential/tourist accommodation double tower development in 2004 by the Department of Planning. There have been multiple s96 applications since that time, effecting changes to the use of the units within the towers.

DA13/0294 changed the use of nineteen (19) tourist accommodation units in the complex to dual use - shop top housing and serviced apartments.

Car parking for the building was rationalised as part of the consent with the required car parking for the residential component of the complex being reduced to the new car parking rates in the Tweed City Development Control Plan.

A Restriction on Use was registered on the Common Property for the complex, in DP 1148811, limiting the use of car parking spaces in accordance with the original tourist accommodation.

Given the change of use approval, the car parking spaces can now be utilised for the other approved uses. To allow the expansion of use, the Restriction on Use must be released and the developer has lodged an application for Council's approval to release same, as Council has the authority to vary, release or modify the Restriction on Use.

As the release of the Restriction on Use is consistent with the approval for the change in use, it is recommended that Council approve the Release of Restriction on Use.

Documentation to effect the change in use has also been lodged with Council for execution and it is recommended that Council resolve to execute all documentation under the Common Seal of Council.

**RECOMMENDATION:**

**That Council:**

1. Approves the Variation of the Restriction on the use of land to vary the requirement "*A Lot Burdened must not be used for any purpose other than the purpose of tourist accommodation*" to "*A Lot Burdened must not be used for any other purpose than for the purpose of multi-dwelling housing*" ninthly referred to in SP 79995 affecting the following Lots in SP 79995:

11	85	99
12	86	100
13	87	107
17	88	
19	89	
25	92	
28	93	
31	94	

2. Approves the release of the Restriction on the Use of Land Variable Width firstly referred to in DP1148811 burdening the Common Property of SP 79995.
2. Executes all documentation under the Common Seal of Council.



**REPORT:****Change of Use**

The approval of DA13/0294, issued in October 2013, changed the use of nineteen (19) tourist accommodation units in the Tweed Ultima complex, Wharf Street Tweed Heads, to a dual use - shop top housing and serviced apartments.

A Restriction on Use was registered over the affected lots following the initial development approval, stating "*A Lot Burdened must not be used for any purpose other than the purpose of tourist accommodation*". The developer has lodged an application for Council's approval to vary the Restriction so that the units can be used in accordance with the DA13/0294 approval.

The table below shows the lots within the complex in SP 79995 affected by the change of use approved under DA13/0294:

Lot Numbers	Lot Numbers	Lot Numbers
11	85	99
12	86	100
13	87	107
17	88	
19	89	
25	92	
28	93	
31	94	

DA08/0907 similarly approved the change of use of lots at Tweed Ultima, in that approval, issued in July 2009, Lot 51 in SP 79995, being a tourist accommodation unit was approved to become a multi-dwelling unit.

Documentation for the Variation or Modification of the Restriction on Use for this unit has also been lodged for approval by Council. The effect of the documentation is that the lot must not be used for any purpose other than for the purpose of a multi dwelling housing unit.

Council has the authority to vary, release or modify the Restriction on Use, and as the variation of the restriction is consistent with approvals issued by Council for the change in use, it is recommended that Council approve the Variation of the Restriction on Use on Lot 51.

**Car Parking**

Car parking for the complex was rationalised as part of the DA13/0294 consent with the required car parking for the residential component of the complex being reduced to the new car parking rates in accordance with the Tweed City Development Control Plan.

A Restriction on Use was registered on the Common Property of SP 79995 for the complex in DP 1148811, limiting the use of car parking spaces in accordance with the original tourist accommodation.

Given the change of use approval, the car parking spaces can now be utilised for the approved uses. To allow the change of use, the Restriction on Use must be released. The developer has lodged an application for Council's approval to release same, as Council has the authority to vary, release or modify the Restriction.

As the release of the Restriction on Use is consistent with the approval for the change in use, it is recommended that Council approve the Release of Restriction on Use on the Common Property for SP 79995.

**OPTIONS:**

As the variation or release of the Restriction on Use for both the change of use and consequential car parking are required to effect Council's approval of same in DA08/0907 and DA13/0294, there is no option but to approve the variation and release of the Restrictions on Use and execute all documentation under the Common Seal of Council.

**CONCLUSION:**

In accordance with DA08/0907 and DA13/0294 it is recommended that Council approve the following:

1. Variation of the Restriction to delete the requirement *"A Lot Burdened must not be used for any purpose other than the purpose of tourist accommodation"* on the Use of Land ninthly referred to in SP 79995 affecting Lots:

11	85	99
12	86	100
13	87	107
17	88	
19	89	
25	92	
28	93	
31	94	

2. Release of the Restriction on the Use of Land Variable Width firstly referred to in DP 1148811 burdening the Common Property of SP 79995.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

No financial or budget implications arise from this report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**23 [E-CM] EC2014-036 Supply of Retail Electricity to Large Sites and EC2014-037 Supply of Retail Electricity for Streetlighting**

**SUBMITTED BY:** Contracts

**FILE REFERENCE:**

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:

Council maintains 3 major Electricity Supply contracts to ensure continued supply to Council operated infrastructure. Proposed Retail Electricity Supply Contracts from 01/07/2014 are as follows:

Small Site Electricity (for Small Sites that consume less than 160MWh per year)

New Contract - EC2013-217 Supply of Electricity Small Sites (01/07/2014 to 31/12/2016) awarded to PowerDirect Pty Ltd as resolved at the Council meeting 20/02/2014.

Large Site Electricity (for Large Sites that consume more than 160MWh per year)

New Contract - EC2014-036 Supply of Electricity Large Sites (01/07/2014 to 30/06/2017). Tender submissions will close on 04/04/2014 and due to the electricity markets short tender validity period of offers, a Late Report will be presented to Council meeting 10/04/2014 for resolution with intent to enter a contract agreement on 11/04/2014.

Streetlighting Contract

New Contract - EC2014-037 Supply of Electricity Streetlighting (01/07/2014 to and undetermined date). Tender submissions will close on 04/04/2014 and due to the electricity markets short tender validity period of offers, a Late Report will be presented to Council meeting 10/04/2014 for recommendation with intent to enter a contract agreement on 11/04/2014.

It is anticipated that Retail Electricity Supply Agreement submissions will be subject to a 7 day validity period. Due to the time frames associated with the preparation of reports to Council, it is proposed that late reports be provided detailing the tenders received for consideration at the Council meeting of 10 April 2014. The late reports will review pricing offered and make a recommendation in relation to action to be taken on these tenders.

**RECOMMENDATION:**

**That Council considers a late report for:**

- 1. EC2014-036 Supply of Retail Electricity to Large Sites.**
- 2. EC2014-037 Supply of Retail Electricity for Streetlighting.**

## **REPORT:**

Council maintains 3 major Electricity Supply contracts to ensure continued supply to Council operated infrastructure. The current Retail Electricity Supply Contracts are as follows:

### Small Site Electricity (for Small Sites that consume less than 160MWh per year)

There are approximately 370 sites classed as small sites that are operated by Council. The monthly spend is approximately \$130,000 incl GST.

Outgoing contract - EC2011-005 Supply of Retail Electricity to Non Contestable Sites (01/07/2011 to 30/06/2014).

New Contract - EC2013-217 Supply of Electricity Small Sites (01/07/2014 to 31/12/2016) awarded to PowerDirect Pty Ltd as resolved at the Council meeting 20/02/2014.

### Large Site Electricity (for Large Sites that consume more than 160MWh per year)

There are 28 sites classed as large sites that are operated by Council. The monthly spend is approximately \$300,000 incl GST.

Outgoing Contract - EC2011-006 Supply of Retail Electricity to Contestable Sites (01/07/2011 to 30/06/2014).

New Contract - EC2014-036 Supply of Electricity Large Sites (01/07/2014 to 30/06/2017). Tender submissions will close on 04/04/2014 and due to the electricity markets short tender validity period of offers, a Late Report will be presented to Council meeting 10/04/2014 for resolution with intent to enter a contract agreement on 11/04/2014.

### Streetlighting Contract

Council operates an unmetered Streetlighting Network. There are two separate charges for maintenance and consumption. Essential Energy charge a Streetlight Use of System fee.

Outgoing Contract - EC2013-001 Supply of Electricity to Streetlighting Network (01/07/2011 to 30/06/2014) awarded as per the Council Resolution on 18/04/2013.

New Contract - EC2014-037 Supply of Electricity Streetlighting (01/07/2014 to and undetermined date). Tender submissions will close on 04/04/2014 and due to the electricity markets short tender validity period of offers, a Late Report will be presented to Council meeting 10/04/2014 for recommendation with intent to enter a contract agreement on 11/04/2014.

It is anticipated that Retail Electricity Supply Agreement submissions will be subject to a 7 day validity period. Due to the time frames associated with the preparation of reports to Council, it is proposed that late reports be provided detailing the tenders received for consideration at the Council meeting of 10 April 2014. The late reports will review pricing offered and make a recommendation in relation to action to be taken on these tenders.

## **OPTIONS:**

Not applicable.

## **CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**24 [E-CM] Tender Evaluation and Recommendation for EC2014-044 Captain Cook Memorial and Lighthouse - Marine Rescue Point Danger Communications Centre**

**SUBMITTED BY: Contracts**

Valid



**Civic Leadership**



**Strengthening the Economy**

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

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.2 Council will seek the best value in delivering services
- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability
- 3 Strengthening the Economy
- 3.1 Expand employment, tourism and education opportunities
- 3.1.9 Develop coordinated cross border relationships

---

**SUMMARY OF REPORT:**

Tender Evaluation and recommendation for EC2014-044 Captain Cook Memorial and Lighthouse – Marine Rescue Point Danger Communications Centre was called for works to repair the internal structural beam due to spalling of concrete and the eastern fascia.

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 26 March 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

**RECOMMENDATION:**

**That Council considers a late report for EC2014-004 Captain Cook Memorial and Lighthouse – Marine Rescue Point Danger Communications Centre.**

## REPORT:

### Tender Background

The Gold Coast City Council and Tweed Shire Council have an agreed arrangement in maintaining the Point Danger Lighthouse and Marine Rescue Building Point Danger located at Captain Cook Look Out.

The building is located in a highly aggressive environment and requires continual maintenance to maintain the life expectancy of the building.

The building is enduring the elements but requires some urgent maintenance to repair structural concrete beams that are suffering from concrete spalling caused by rusting of the internal reinforcement. It also requires a new rendered facade to be reinstated to return the building back to a satisfactory condition.

Tender EC2014-044 Captain Cook Memorial and Lighthouse – Marine Rescue Point Danger Communications Centre was called for works to repair the internal structural beam due to spalling of concrete and the eastern fascia.

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 26 March 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

### Retendering Process

A request for quotation (EQ2013-137) was sought and closed in the Tender Box on 15 January 2014. One tendered quotation was received and the quotation amount was \$192,555.00.

Council Officers were not aware that pricing to be received during the quotation request period would exceed the limits as set out by the Local Government Act 1993 and Local Government (General) Regulations 1995.

The received quotation was not formally accepted due to the price exceeding allowable process limits. As a consequence the process undertaken by Council Officers was unknowingly not in accordance with the Local Government Act 1993, Local Government (General) Regulations 1995 and Councils Procurement Protocol 1.6. The non conformances with the above documents are as follows:

- In accordance with the Local Government Act 1993 section 55 Clause 2 “*Tenders are to be invited, and invitations to tender are to be made, by public notice and in accordance with any provisions prescribed by the regulations*”
- *The quotation received exceeded the \$150,000 (inc GST) limit.*
- *The tender was not advertised in a recognised Capital City paper.*

### Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for a Tender EC2014-044 and was re-advertised on Tuesday 4 March in a Sydney Metropolitan paper. The tender was also placed on the Tweed Shire Council e-tender web page.

### **Tender Addendums**

There were 3 Notice to Tenderers issued before close of tender.

Addendum No. 1 was issued to advise tenderers of a site inspection date.

Addendum No. 2 was issued to advise tenderers of meeting minutes and a revised copy of the tender schedules.

Addendum No. 3 was issued to advise tenderers of structural drawings available of the building.

### **OPTIONS:**

Nil

### **CONCLUSION:**

Recommendation to be included in a late confidential attachment.

### **COUNCIL IMPLICATIONS:**

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

Procurement Version 1.3.

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

Tweed Shire Council and Gold Coast City Council have a 50% share in this building. Gold Coast City Council is funding half of the construction costs for these works with Tweed Shire Council managing the construction works.

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

Not Applicable.

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

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

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

Nil.

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25 [E-CM] Response to Notice of Motion - Tweed Road Contribution Plan

SUBMITTED BY: Planning and Infrastructure

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.5	Provide vibrant and accessible town, community and business centres
2.5.2	Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents

---

### SUMMARY OF REPORT:

At the February 2014 meeting Council resolved:

*"that the exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the Tweed Roads (sic) Contribution Plan be reviewed by Council officers and a report brought back to a future Council meeting."*

This report is provided in response to that resolution.

Based on a review of the plan's history, the exclusion of coastal development between Kingscliff and Bogangar, including the South Kingscliff / Casuarina area, is no longer considered to be reasonable, given the passing of time and changed development landscape. Further, similar exclusions of Bilambil Heights and Cobaki are also no longer considered reasonable. As such, amendment to CP4 Tweed Road Contribution Plan (TRCP) is recommended, subject to the statutory public exhibition and reporting process.

Amendments to the TRCP (draft Version 6.2) are detailed in this report.

### RECOMMENDATION:

**That draft Version 6.2 of Section 94 Plan No. 4 Tweed Road Contribution Plan, containing the amendments detailed in this report, be placed on public exhibition.**

## REPORT:

Section 94 Plan No.4 Tweed Road Contribution Plan (TRCP) enables Council to levy developer contributions for the provision of additional road capacity to service urban growth. It ensures that the existing community is not burdened by the provision of distributor road infrastructure required as a result of future development demands.

The TRCP commenced in 1997, and has been subject to several reviews.

At the February 2014 meeting Council resolved unanimously as follows, in response to a Notice of Motion:

*RESOLVED that the exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the Tweed Roads (sic) Contribution Plan be reviewed by Council officers and a report brought back to a future Council meeting.*

This follows correspondence in November 2013 from the development company Consolidated Properties, requesting that Council amends the TRCP to reduce the financial impact it has on the proposed development of the Town Centre at Casuarina, by applying the concession for "commercial job creating developments".

### Existing Concessions

The current TRCP Version 6.1.2, Section 3.1 provides the following concessions:

#### **Council Policies**

##### **A) Concessions:**

A concession is offered to all commercial job creating **developments (not including detached housing and unit developments)**, across the Shire except in the following areas:

- i) coastal development between Kingscliff and Bogangar (Sector 7): Casuarina, Kings Forest, Salt, and the 'Tourist Property' (Lot 490 DP 47021); and
- ii) developments in Bilambil Heights and Cobaki.

The concession is not available for developments exploiting 'existing use rights' as defined in Clause 3.6.1, and nor can Local Area Contributions be discounted by the concession.

The offer by Council stands at forty percent (40%) and Council may review the concession on an annual basis at 1<sup>st</sup> July each year.

##### **B) Deferred Payments:**

Council accepts staged payment of commercial contributions: four equal payments over

, and fifty percent (50%), for eligible businesses that are issued with an Occupation Certificate in the period 1/1/2013 - 31/12/2013,

The 40% concession has been applied since the original 1997 version. The following explanation to the exclusion of coastal development between Kingscliff and Bogangar, including South Kingscliff / Casuarina, is provided in the adoption report of 18 June 1997:

#### **"2.2.2 Containment of Employment**

The TRCP could have a significant influence on this economic parameter. The Tweed Development Program is to be amended to indicate that Council has a 'job containment policy' which promotes permanent job creating commercial developments. The proposal is to allow a forty percent (40%) concession in TRCP charges for commercial developments...

The benefit will apply for all commercial developments in the Shire except in those instances where assistance is already available or previously provided, and therefore would not apply to:

- a) coastal development between Kingscliff and Bogangar (Sector 7): Kings Beach, Kings Forest, Sahben, and the 'Tourist Property' (Lot 490 DP 47021); These developments already benefit from the State Government grant of \$2.2M towards the construction of Old Bogangar Road and the relocation of the Tweed Coast Road. This grant effectively removes the private agreement between the above parties to build this corridor;
- b) developments in Bilambil Heights and Cobaki who will gain from the benefit of the construction of Lakes Drive Bridge prior to receipt of all related contributions;
- c) developments which exploit 'existing use rights'; and
- d) local area contributions; the Local Area Contribution Funds will have a shortfall if the job containment concession is applied."

It appears that the original authors of the TRCP were concerned about developers "double dipping" by receiving infrastructure benefits paid for by the community while also paying a reduced contribution towards the consumption of road capacity by their developments.

While it is difficult to relate to all of the logic and negotiations that were no doubt involved in these previous decisions, on review it is no longer considered reasonable to continue to exclude the coastal development area between Kingscliff and Bogangar from the job creation concessions enjoyed by all other areas, on the basis of a State Government grant obtained around 20 years ago. It is therefore recommended that this exclusion from concessions be lifted, allowing the Casuarina Town Centre and other commercial development sites in Casuarina, Kings Forest, Salt, Seaside and potentially Lot 490 access to the 40% concession on TRCP contributions.

Further, the exclusion of Bilambil Heights and Cobaki from the concession is no longer relevant given their exclusion appears to be based on the public funding of the Lakes Drive Bridge. This link between Kirkwood Road west across to Lakes Drive in Tweed Heads West is no longer contained in Council's road network planning, and was deleted from the TRCP works program in 2007 (Version 5.0). It is therefore recommended that the exclusion of these localities also be lifted by amending Clause 3.1.

No changes are proposed to the concession exclusions for development under "existing use rights" or where Local Area Contributions apply.

The above amendments address the current inequity in the application of this concession which aims to assist the development of job creating commercial enterprises, which are due to historical circumstances that are no longer considered relevant in today's development landscape.

### **Proposed Amendments to draft TRCP Version 6.2**

It is proposed to amend Section 3.1 of the TRCP as follows, as the basis of draft Version 6.2:

## "Council Policies

### **A) Concessions:**

A concession is offered to all **commercial job creating developments (not including detached housing and unit developments)**, across the Shire. ~~except in the following areas:~~

- ~~i) coastal development between Kingscliff and Bogangar (Sector 7): Casuarina, Kings Forest, Salt, and the 'Tourist Property' (Lot 490 DP 47021); and~~
- ~~ii) developments in Bilambil Heights and Cobaki.~~

The concession is not available for developments exploiting 'existing use rights' as defined in Clause 3.6.1, and nor can Local Area Contributions be discounted by the concession.

The offer by Council stands at forty percent (40%) and Council may review the concession on an annual basis at 1 July each year."

### **Concession Amount**

Version 6.1.2 specifies that a 50% concession was applicable for eligible businesses that were issued with an Occupation Certificate for the period 1/1/2013 to 31/12/2013. Council should note that this larger concession has now lapsed, and may wish to review it as part of draft Version 6.2.

### **OPTIONS:**

1. To accept draft TRCP Version 6.2 as detailed in this report as the basis for public exhibition and comment;
2. To accept draft TRCP Version 6.2 with further amendments as the basis for public exhibition and comment;
3. To retain the current TRCP Version 6.1.2.

Option 1 is the recommendation of this report.

### **CONCLUSION:**

The current exclusion of the coastal development area between Kingscliff and Bogangar, including South Kingscliff / Casuarina, from job creating concessions under Version 6.1.2 of the TRCP is no longer considered relevant, as these exclusions were based on the funding of projects many years ago, and hold limited relevance to the current development landscape. Amendment to Section 3.1 of the TRCP is recommended, with these amendments to also remove Bilambil Heights and Cobaki areas from the concession exclusions.

### **COUNCIL IMPLICATIONS:**

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

CP4 - Tweed Road Contribution Plan

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



Under TRCP Version 6.1.2, South Kingscliff / Casuarina falls within Sector 7 - Duranbah / Cabarita. This area attracts a Standard Contribution of \$1,186 per trip end. The area of Casuarina south of Dianella Drive (which includes the Town Centre site) attracts an additional Local Area Contribution (LAC) of \$174 per trip end towards intersection works on Tweed Coast Road (total contribution rate = \$1,186 + \$174 = \$1,360).

The amendments would reduce TRCP contributions by 40% for eligible commercial development, amounting to a reduced Standard Contribution of \$711.60 per trip end. As the LAC is not eligible for concessions, the total contribution rate in the LAC area would be \$711.60 + \$174 = \$885.60 per trip end.

For a development such as the Town Centre, the application of the concession represents considerable savings, and a loss of potential income for Council.

**EXAMPLE CALCULATIONS (FOR COMPARISON PURPOSES ONLY)**

Current approvals for the Town Centre are based around a trip generation of 1,143.9 trips from the commercial component (this is subject to current modification applications, so may change).

Using this example, the TRCP contribution payable for the combined Standard Rate + LAC is about \$1.55 million.

By applying the 40% concession to the Standard Rate, but not the LAC, the TRCP contribution is reduced to around \$1.01 million. The developer benefits to the tune of \$540,000, at the expense of TRCP income. However this reduction in contributions is available to other eligible commercial developments across the LGA (a recent example being the Woolworths supermarket development in Cabarita Beach), and will obviously make the development of the Town Centre more viable for the developer, with positive flow on to local employment and services to the local community likely.

The reduction of TRCP income has been considered in the context of equity and existing business incentive policies of Council, and removal of the concession exemption remains the recommendation.

**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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## 26 [E-CM] Mandating Sustainable Water Conservation Measures

**SUBMITTED BY:** Water

Valid



### Caring for the Environment

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

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

#### SUMMARY OF REPORT:

Council at its meeting of 21 November 2013 resolved:

*"that Council brings forward a report on mandating sustainable water conservation in Greenfield developments to minimise water use and achieve self sufficiency in water supply wherever possible, and includes in the report an estimate on when augmentation of the current water supply would be required under those conditions."*

Under BASIX legislation Council cannot mandate water conservation measures within a lot such as rainwater tanks, internal fixtures and grey water systems. This matter was addressed as an issue (Issue 11) in the 2013 Integrated Water Cycle Management Strategy (IWCM).

Councils could mandate the provision of services in developments, and therefore to the lot through the development consent process only if the condition of consent is considered reasonable.

The 2009 Demand Management Strategy considered the option of providing third pipe to Council's identified large Greenfield developments and concluded that based on Triple Bottom Line assessment it was not preferred. The site which provided the greatest opportunity for this option was West Kingscliff due to its proximity to the waste water treatment plant. Of interest is the recently adopted position of the City of Gold Coast who has resolved to decommission its third pipe service in the Pimpama Coomera developments. Although Council could attempt to mandate a third pipe through a condition of consent, Council's actions could be subject to challenge and could be found unreasonable.

Council has and continues to try and influence the behaviour of consumers through the implementation of the Demand Management Strategy. The implementation of the Demand Management Strategy has contributed to a reduction in consumption and resulted in Council

achieving its consumption target of 180L/person per day. It has also progressed reductions in water consumption towards the 2016 target of 170 L/person per day.

The recently completed IWCM Strategy has identified that the implementation of demand management measures will extend the longevity of the current water supply to possibly 2030 or beyond.

In accordance with the recommendations in the IWCM and due to variable factors such as growth rates, reduction in per capita consumption, climate change, environmental flows, etc, estimates of the life of the current water system will require review now and at regular intervals in the future.

**RECOMMENDATION:**

**That Council receives and notes the report on Mandating Sustainable Water Conservation Measures.**

## **REPORT:**

Council at its meeting of 21 November 2013 resolved:

*"that Council brings forward a report on mandating sustainable water conservation in Greenfield developments to minimise water use and achieve self sufficiency in water supply wherever possible, and includes in the report an estimate on when augmentation of the current water supply would be required under those conditions."*

### **Mandating Water Conservation**

#### Legislative Issues

The legislative provisions which enable the operation of BASIX are contained in the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (the BASIX SEPP). The BASIX SEPP, which commenced on 1 July 2004, aims to ensure consistency in the implementation of the BASIX scheme throughout the state of NSW by overriding provisions of other environmental planning instruments and development control plans that would otherwise modify any obligations arising under the BASIX scheme.

Therefore Council is not in a position where it can mandate water conservation measures to be undertaken within a lot. This matter was addressed as an issue (Issue 11) in the 2013 Integrated Water Cycle Management Strategy.

#### Voluntary Planning Agreements

Under the Environmental Planning and Assessment Act Part 4, Division 6, Sub-Division Council may enter into a Voluntary Planning Agreement (VPA) where it is agreed between Council and a developer that a proposed development is required to meet a water conservation target greater than that mandated by BASIX.

In Tweed Shire, the BASIX water score must be a minimum of 40. This requires a minimum 40% reduction in mains-supplied potable water consumption, compared to the average 'pre-BASIX' home. A target such as BASIX 50 may be proposed under a VPA. BASIX 50 would aim to reduce water consumption by 50% versus the 40% of the present BASIX.

To achieve a BASIX 50 VPA would require the agreement of the developer. If agreement was gained land titles would be notated to mandate the requirement to meet BASIX 50.

#### Amendment of BASIX SEPP

NSW Planning and Infrastructure is proposing changes to BASIX. In essence NSW Planning and Infrastructure is considering increasing the BASIX target from BASIX 40 to BASIX 50 for coastal local government areas including Tweed Shire Council.

Council has made a submission to NSW Planning and Infrastructure supporting the proposed changes.

If enacted, the changes will result in an amendment to the BASIX State Environmental Planning Policy.

## IWCM

Advice from NSW Planning and Infrastructure, E Planning Branch is that Council, through the IWCM process may seek to impose a higher BASIX requirement on developments. The process by which this could be done is

- Preparing an IWCM which includes the requirements for higher BASIX requirement. This preparation would need to be done with sufficient community consultation to demonstrate to NSW Office of Water and NSW Planning and Infrastructure that the community supports the proposed higher BASIX requirement. Exhibited material would need to be supported by a cost:benefit analysis comparing the proposed change in the BASIX target with other options in the IWCM.
- The IWCM would require approval by NSW Office of Water.
- The IWCM would require the consultation with NSW Planning and Infrastructure.
- A change in the BASIX target would require approval of the Minister for Planning following a recommendation from the Minister for Water.

It should be noted that Council has recently completed an IWCM Strategy. That IWCM Strategy has been placed on public exhibition consistent with Council's resolution dated 12 December 2013. To include a higher BASIX requirement within the IWCM Strategy would require a significant revision of the IWCM Strategy, further consultation with the community, finalisation of the revised draft and public exhibition prior to adoption by Council. This may take up to 12 months.

## **Provision of Services**

Councils could mandate the provision of services in developments, and therefore to the lot through the development application and conditions of consent process. Any such consent condition can be tested against the Newbury Principles which require of any consent conditions that they:

1. must be imposed for a planning purpose,
2. must fairly and reasonably relate to the development for which permission is being given, and
3. must be reasonable.

The 2009 Demand Management Strategy considered the option of providing third pipe to Greenfield developments and concluded that based on a Triple Bottom Line assessment it was not preferred. Although Council could attempt to mandate a third pipe through consent conditions, Council's actions could be subject to challenge and found to be unreasonable.

## **Demand Management**

Council cannot mandate consumer behaviour. Council seeks to influence consumer behaviour through a range of programs under the Demand Management Strategy, adopted by Council in March 2011 and the subsequently adopted Demand Management Implementation Plan adopted by Council in May 2011.

Council also adopted four (4) Key Performance Indicators for Demand Management. They are:

<b>Measure</b>	<b>KPI</b>	<b>2013 Target</b>
Residential Demand	Average daily per capita residential demand in L/person/d	180 L/person/d
Whole of Shire Demand	Average daily per capita total demand in L/person/d	300 L/person/d
Non Revenue Water	As a % of water produced	10%
Recycled Water	% of treated WWTP effluent reused	15%

To achieve the Key Performance Indicators the following elements/programs described in the Demand Management Implementation Plan are being implemented:

- Water Billing Processes
- Residential Retrofits and Rebates
- Rainwater Tank Program
- Top 20 Water Users – Non-Residential Program
- TSC Audits – Training of TSC Staff
- Open Space Irrigation Guidelines – Water Efficient Garden Policy
- Unaccounted for Water
- Other Major Water Users – Top 100
- Permanent Water Restrictions
- Recycled Water Projects
- Leakage Reduction Program
- Water Sensitive Urban Design/ESD

Studies undertaken in the development of the Demand Management Strategy modelled the impact of 3.0 kL and 5 kL rainwater tanks on demand. For overall demand management scenarios a 5kL tank was chosen. The 5kL rainwater tank was to provide around 80KL/annum water saving for the average household.

As reported to Council in August 2011, a review of the implementation of BASIX showed the median tank volume for single dwellings was 5kL and between 4.5kL and 5kL for all new dwellings.

Although unable to mandate rainwater tank sizes, Council through the impact of BASIX, has achieved the installation of water tanks consistent with the conclusions and recommendations of the Demand Management Strategy.

The implementation of the Demand Management Strategy has contributed to a reduction in consumption and contributed to Council achieving its consumption target of 180L/person per day. It has also progressed reductions in water consumption towards the 2016 target of 170 L/person per day.

## **IWCM**

Council on 24 January 2012 adopted a detailed process to review the existing IWCM Strategy. From that process a draft IWCM Strategy has been prepared and was presented to Council in December 2013 and Council resolved to place the IWCM on public exhibition and seek public comment.

Within the IWCM Strategy is intent to achieve sustainable water conservation. The IWCM Strategy identifies a range of actions which relate to:

- Ongoing reduction of water use
- Climate change adaption planning
- Achieving best practice in water cycle management
- Increasing the use of treated wastewater
- Implementing total water cycle management framework and preparation of sub-catchment management plans
- Improving drinking water catchments

Actions identified in the IWCM are yet to be taken and as such the efficacy of the proposed actions cannot be assessed at this time. Notwithstanding it is anticipated the actions included in the IWCM Strategy will extend the longevity of the existing water supply to 2030 or beyond.

## **Best Practice Guidelines NSW Office of Water**

The Guidelines for Best Practice Management of Water Supply and Sewerage, Department of Water and Energy 2007, require Councils to meet six (6) criteria in the management of water supply and sewerage. The criteria are

- Strategic Business Planning
- Pricing
- Water Conservation
- Drought Management
- Performance Reporting, and
- Integrated Water Cycle Management.

In respect to sustainable water conservation, Council through its 2009 Demand Management Strategy, Drought Management Strategy and now IWCM Strategy is meeting the criteria for water conservation as determined by the now NSW Office of Water.

## **Sustainable Water Conservation by Council**



Council has implemented sustainable water conservation measures that have been assessed using a triple bottom line assessment and incorporated into the Demand Management Strategy and the IWCM Strategy. The implementation of the water conservation measures have resulted in a reduction in consumption

The approach taken by Council in sustainable water conservation is consistent with the Best Practice requirements of the NSW Office of Water.

The approach taken by Council appears to have significant community support. This will most probably be confirmed through the public exhibition and seeking of comments on the IWCM Strategy.

As advised to Council in February 2014 Council's performance against the key Performance Indicators is set out below:

Measure	KPI	2013 Target	1 July 2012 – 30 June 2013 Performance	1 July 2013 – 31 December 2014 Performance
Residential Demand	average daily per capita residential demand in L/person/d	180L/person/d	186L/person/day	179L/person/day
Whole of Shire Demand	average daily per capita total demand in L/person/d	300L/person/d	256L/person/day	252L/person/day
Non Revenue Water	as a % of total water produced	10%	13.4%	15.9%
Recycled Water	% of treated WWTP effluent that is reused	15%	5.4%	6.1%

As can be seen Council has exceeded its targets for residential demand and whole of shire demand. It is yet to meet its targets for non revenue water (water losses) and recycled water.

### Augmentation of Current Water Supply

The time frames for the augmentation of the current water supply have been determined based on a range of assumptions. They include assumptions on growth rates, reduction in per capita consumption and climate change and other factors affecting secure yield estimates.

As detailed in the adopted IWCM Strategy it is projected that consumption, modified by demand management will potentially exceed secure yield in 2030.

Scenarios based on high growth and no demand management forecast demand exceeding secure yield as early as 2017. Demand management has and will continue to reduce per capita consumption. This combined with more accurate growth projections result in the

requirement for an augmentation of the water supply being potentially delayed in excess of 10 years.

The actual date at which an augmented supply is required will depend on factors, to a large extent, outside Council's control. They include:

- Growth. Growth may slow delaying the requirement for augmentation. Alternatively it may accelerate.
- Demand Management. As it cannot be mandated but seeks to influence. If more successful than predicted it will delay the requirement for augmentation.
- Climate Change. Climate change may reduce secure yield bringing forward the requirement for augmentation

As noted within the IWCM Strategy estimates for the longevity of the current water supply require regular review and if necessary amendment.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Council cannot effectively mandate sustainable water conservation measures at the lot level as BASIX is the legislation control.

Providing a third pipe is an option however there is no evidence to suggest that this is a viable option. The City of the Gold Coast has recently resolved to discontinue their major third pipe scheme at Pimpama Coomera.

The Demand Management Strategy modelled the impact of 5kL rainwater tanks. Although this could not be mandated the implementation of BASIX has resulted in a median rainwater tank size of 5kL for single dwellings.

The water conservation measures presently being implemented by Council, such as implementation of demand management strategy, have extended the longevity of the existing supply from 2017 to at least 2030.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR CORPORATE SERVICES

### 27 [CS-CM] Integrated Planning and Reporting Framework - 2013/2017 Delivery Program, 2014/2015 Operational Plan and Resourcing Strategy

**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
- 1.2.3 Financial requirements and the community's capacity to pay will be taken into account when meeting the community's desired levels of service

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### SUMMARY OF REPORT:

The 2013/2017 Delivery Program incorporating the Draft 2014/2015 Operational Plan are provided for public comment. Principal activities listed in the Delivery Program are linked to long-term strategies in the Community Strategic Plan as well as enhanced linkages to the Resourcing Strategy and Budget for the next financial year.

The 2013/2023 Resourcing Strategy has been reviewed and updated to ensure all principle activities listed in the Delivery Program are fully resourced.

### RECOMMENDATION:

**That the Delivery Program 2013/2017 incorporating amendments made by the Draft Operational Plan 2014/2015, Draft Revenue Policy and Statement 2014/2015, Operational Plan Budget 2014/2015 and Fees and Charges 2014/2015, be placed on public exhibition inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.**

## **REPORT:**

The 2013/2023 Community Strategic Plan was adopted by Council on 21 March 2013.

To support the implementation of the 2013/2023 Community Strategic Plan Council has reviewed the 2013/2017 Resourcing Strategy which includes the 2013/2023 Long Term Financial Plan, the 2013/2023 Asset Management Planning and the 2013/2017 Workforce Management Plan.

The 2013/2017 Delivery Program has been updated to incorporate amendments identified by the Draft Operational Plan 2014/2015. Principle activities in the Delivery Program must respond to objectives in the 2013/2023 Community Strategic Plan with clear linkages to the Resourcing Strategy.

The Draft Operational Plan 2014/2015 and Draft Revenue Policy and Statement 2014/2015, the Operational Plan Budget 2014/2015 and Draft Fees and Charges 2014/2015 together with an amended 2013/2017 Delivery Program must be placed on public exhibition inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993 for at least 28 days. Council must adopt all Plans by 1 July 2014 in accordance with s405(1) of the *Local Government Act*.

### **Delivery Program and Operational Plan**

The 2013/2017 Delivery Program has been amended to include the Draft Operational Plan 2014/2015.

### **Consultation**

The 2013/2017 Delivery Program and Draft Operational Plan 2014/2015 will be placed on public exhibition from 14 April 2014 to 25 May 2014 with access to all documents via printed copies, on request, or the Tweed Shire Council internet site.

Public consultation will also include several convened forums with community groups. Council will carry out the forums towards the end of the public exhibition period to allow for community groups time to review the Draft documentation prior to attending the forums.

### **2013/2023 Resourcing Strategy**

The Resourcing Strategy 2013/2023 is attached to this report and incorporates the Workforce Management Plan, an overview of Asset Management Planning and the outcomes of the Long Term Financial Plan.

While the Community Strategic Plan highlights all the objectives and aspirations of the community, the Resourcing Strategy focuses in detail on matters that are the direct responsibility of Council.

### **2013/2017 Workforce Management Plan**

The 2013/2017 Workforce Management Plan enables Council to plan its future workforce needs to deliver agreed goals and to meet the current and future service and operational needs of the Shire as well as ensuring that it is appropriately staffed to handle the changes

and challenges that will be faced over the four years of the Delivery Program and more generally over the ten years of the Community Strategic Plan.

The 2013/2017 Workforce Management Plan focuses on minimising employment costs whilst ensuring Council has the right people in the right place at the right time with the right skills to meet the community's desired needs and its operational objectives and has been updated to reflect the harmonisation requirements of Workplace Health and Safety and provides greater detail in relation to Equal Employment Opportunity principles.

### **2013/2023 Asset Management Planning**

The 2013/2023 Asset Management Planning component of the Resourcing Strategy has seen the development of an Asset Management Policy, Asset Management Strategy and Asset Management Plans for the following categories that were adopted in June 2011, and are based on the categories of:

- Transport
- Drainage
- Fleet
- Buildings
- Open Space
- Wastewater and Water

### **2013/2023 Long Term Financial Plan**

The 2013/2023 Long Term Financial Plan forecasts the financial capacity of Council to meet the objectives adopted in the Community Strategic Plan.

Estimates, projections and assumptions have been used to develop a picture of how Council's finances will progress over each of the next 10 years by quantifying revenue growth, expenditure commitments, and funding capacity.

It also serves to measure to what extent Council is able to finance its asset management commitments as determined in the various Asset Management Plans.

The Long Term Financial Plan has been amended to incorporate resolutions of Council that have a long term financial impact on the budget.

### **Draft Revenue Policy and Statement**

The Draft Operational Plan 2014/2015 includes a statement of the council's revenue policy for the year. The Draft Revenue Policy and Statement 2014/2015 including separable parts detailing the proposed Draft Fees and Charges and Draft Budget for 2014/2015 are attached to this report and available for community submissions.

The Draft Revenue Policy and Statement 2014/2015 has been prepared to conform to the requirements as prescribed within the regulations and embodies all the rates, special rates, annual charges, interest on unpaid accounts and proposed fees and charges to be applied by council during 2014/2015. The General Fund Rate increase is based upon the IPART approved 2.3% increase for 2014/2015.

## 2014/2015 Proposed Rating Structure

The 2014/2015 rating structure is proposed as follows:

Item	2013/2014 \$	2014/2015 based on allowed Ordinary Rate increase 2.3%	\$ variation	% variation
Ordinary Rate				
Residential*	972.20	994.55	22.35	2.30%
Business*	1,038.95	1062.85	23.90	2.30%
Farmland*	972.20	994.55	22.35	2.30%
Sewerage Charge	691.00	732.00	41.00	5.94%
Water Access Charge	138.00	148.00	10.00	7.25%
Domestic Waste Service Charge	161.15	176.30	15.15	9.41%
Domestic Waste Management Charge	56.55	59.40	2.85	5.04%
Waste Minimisation and Recycling Charge	61.55	64.60	3.05	4.96%
Landfill Management Charge	45.70	48.00	2.30	5.04%
<b>Total Residential (minimum rate)</b>	<b>2,126.15</b>	<b>2,222.85</b>	<b>96.70</b>	<b>4.55%</b>

### Domestic Waste Management

The domestic waste management charge represents the reasonable cost of providing garbage and recycling services to residents and is in accordance with Sections 496 and 504 of the *Local Government Act*.

In 2009 the NSW State Government introduced a Waste and Environment Levy, aimed at increasing the price of disposing waste to landfill in an effort to promote recycling. The NSW Waste Avoidance and Resource Recovery (WARR) Act 2001 identifies a target of 66% diversion from landfill for domestic waste.

The Domestic Waste Charges proposed for 2014/2015 are:

Type of Service	Services	Charge \$	Revenue \$
Domestic Waste Management Charge	36,529	59.40	2,169,822.60
Domestic Waste Service Charge	34,164	176.30	6,023,113.20
Waste Minimisation and Recycling Charge	34,114	64.60	2,203,764.40
Green Organics Collection Charge	14,681	56.70	832,412.70
Landfill Management Charge	38,904	48.00	1,867,392.00

### Water Supply and Sewerage Pricing Pressures

The supply of Water and Sewerage services are continuing to be impacted by a number of pricing pressures including:

- Financing costs of loans for growth related capital works.



- Slow recoupment of Section 64 development contributions.
- Increased operational costs related to ongoing increases in electricity costs and embedded flow on effects.
- Increased operational costs related to chemicals and other inputs.
- Increases in operational costs associated with significant increases in the quantity and sophistication of plant and equipment now required to be used.
- Future increased operational costs related to incorporation of carbon pricing across the economy.
- Increased compliance costs in relation to additional legislation requiring the development and implementation of numerous management plans and the associated extensive reporting. This has been significant in the following areas:
  - Environmental compliance
  - Work Health and Safety
  - Drinking Water Quality.
  - Effluent Recycling
  - Bio-solids Reuse
  - Asset Management
  - Risk Management
- The very significant increase in reporting requirements, to provide for transparency, accountability and to demonstrate actual performance against numerous criteria, across the spectrum of activities, have and are continuing to require further significant investment in the development, implementation, and maintenance of various systems and process along with increased staff and associated training requirements to support these requirements.

## **Water Cost Pressures**

As part of the NSW Office of Water Best Practice Pricing Guidelines there is a requirement that the income received from volumetric charges be a minimum of 75% of the combined access and volumetric income, for residential assessments. This is intended to send a stronger water conservation signal through pricing to consumers. The trend over the last number of years has shown a reduction in water usage per household.

The increase in access and volumetric charge rates have been calculated to maintain the minimum 75% requirement, as well as cater for increased regulatory compliance related to water quality and reporting; impacts of carbon pricing, growth, ageing infrastructure and the associated increases in operational and treatment costs.

## **2014/2015 Water Charges**

Water Access (S501) and Volumetric Charges (S502) proposed to apply from 1 July 2014 are:

- Residential assessments – an annual access charge of \$148.00
- Business assessments - an annual access charge based on residential assessment 20mm access charge, multiplied by the ratio of meter size cross sectional area.
- Volumetric charge of \$2.45/kL for non-residential assessments.
- Volumetric charge of \$2.45/kL for residential assessments for each kL up to and including 300kL per annum.
- Excess volumetric charge of \$3.70/kL for residential assessments for each kL in excess of 300kL per annum consumption.

- The above volumetric charges relate to the reading period between 1 July 2014 to 30 June 2015.
- Bulk water sales from standpipes for use within the shire will be charged at \$3.70/kL in 2014/2015. For use outside the shire will be charged at \$11.10/kL in 2014/2015, being three times the standard charge.
- Vacant properties rated to water are subject to an access charge of \$148.00.
- Unpaid accounts are subject to interest charges applicable calculated from the due date.

It is estimated that the notional yield from access charges will be \$5,364,015.20 and \$18,105,000 from the volumetric charge.

### **Sewer Cost Pressures**

Due to increased regulatory compliance related to recycled water quality and reporting; impacts of carbon pricing, growth, ageing infrastructure and the associated increases in operational and treatment costs, the sewerage access charge will continue to increase on an annual basis.

The sewerage usage charge was implemented to manage and control sewerage trade waste discharges to the public sewer system and to recover council's additional costs in the transportation, treatment and disposal of trade waste discharges.

### **2014/2015 Sewerage Charges**

Sewerage charges (S501) proposed to apply from 1 July 2014 is:

#### **Residential Assessments**

- Residential assessments – an annual access charge of \$732.00
- Vacant properties rated to sewer are subject to an annual access charge of \$732.00
- Unpaid accounts are subject to interest charges applicable calculated from the due date.

It is proposed the residential access charge will continue to rise by \$41.00 to \$50.00 per year, as shown in the table below, to cater for increased regulatory compliance impacts, carbon pricing, growth and the associated increases in operational costs.

<b>Sewerage Access Charge (S501)</b>	<b>2012/2013</b>	<b>2014/2015</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>2016/2017</b>
<b>Sewerage Access Charge</b>	\$650.00	\$691.00	\$732.00	\$782.00	\$832.00

### **OPTIONS:**

Council is required to place the Draft Delivery Program and associated documentation on public exhibition, inviting submissions prior to the formal adoption of these documents.

**CONCLUSION:**

That the 2013/2017 Delivery Program and supporting Resourcing Strategy as amended by the Draft Operational Plan 2014/2015, Draft Revenue Policy and Statement 2014/2015, Operational Plan Budget 2014/2015 and Fees and Charges 2014/2015, be placed on public exhibition inviting submissions, in accordance with Sections 404 and 405 of the Local Government Act 1993.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Public exhibition inviting submissions is required in accordance with Sections 404 and 405 of the Local Government Act.

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

All operations, services and infrastructure projects have been identified and costed within the Draft Budget 2014/2015.

**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 Delivery Program 2013/2017 and Draft Operational Plan 2014/2015 (ECM 3328015)
  - Attachment 2. Draft Revenue Policy and Statement 2014/2015, Part A (ECM 3300788)
  - Attachment 3. Draft Budget 2014/2015, Part B (ECM 3325600)
  - Attachment 4. Draft Fees and Charges 2014/2015 Revenue Policy, Part C (ECM 3325906)
  - Attachment 5. Draft Resourcing Strategy, Supporting the 2013/2023 Community Strategic Plan (ECM 3325994).
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28 [CS-CM] Workers Compensation Insurance Tender - EC2014-013

SUBMITTED BY: Human Resources

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:

Council at its meeting of Thursday 20 June 2013 resolved as follows:

*"Council endorses a twelve (12) month contract extension, until 30 June 2014, for AC2008-040 to StateCover Mutual Pty Ltd for the provision of Workers Compensation Insurance to Council as an interim arrangement whilst new tenders are being called."*

In accordance with this resolution Council called tenders for the Provision of Worker's Compensation Insurance Services - Tender EC 2014-013, Friday 24 January 2014, with tender submissions closing in the tender box 4.00pm Wednesday 19 February 2014. Complying tender submissions were received from three (3) organisations being GIO Workers Compensation, QBE Workers Compensation (NSW) Limited and StateCover Mutual Limited.

Tenders were evaluated against the Tender Specifications detailed in the Request for Tender documentation.

### RECOMMENDATION:

That Council

1. Awards the contract EC 2014-013 for Workers Compensation Insurance Services to StateCover Mutual Limited for a contract period of two years (1 July 2014 to 30 June 2016), with the option to extend the contract for a further three (3) by one (1) year periods subject to satisfactory annual performance reviews.
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:**

Council at its meeting of Thursday 20 June 2013 resolved as follows:

*"Council endorses a twelve (12) month contract extension, until 30 June 2014, for AC2008-040 to StateCover Mutual Pty Ltd for the provision of Workers Compensation Insurance to Council as an interim arrangement whilst new tenders are being called."*

In accordance with this resolution Council invited submissions for the Provision of Worker's Compensation Insurance Services - Tender EC 2014-013, on Friday 24 January 2014, with Tender submissions closing in the tender box at 4.00pm Wednesday 19 February 2014. Complying tender submissions were received from three (3) organisations being GIO Workers Compensation, QBE Workers Compensation (NSW) Limited and StateCover Mutual Limited.

Tender submissions were evaluated against the specifications detailed in the Request for Tender documentation by a Tender Evaluation Panel consisting of the Acting Director Corporate Services, Manager Human Resources, Coordinator Work Health and Safety, Manager Works, Manager Recreation Services and Manager Corporate Governance.

The evaluation specifications consisted of 46 service level indicators (Confidential Attachment 1 - Workers Compensation Insurance Tender Criteria Weighting Spreadsheet - Tender EC 2014-013) across six (6) broad criteria and weightings as follows:

No	Criteria	Weighting
1	Administration	10%
2	Communication	20%
3	Operations	25%
4	Reporting	15%
5	Value for Money	20%
6	Local Preference	10%

In evaluating the tender submissions the main areas of distinction between the providers were in the areas of:

- Price - although the workers compensation premium itself is subject to a legislated formula and hence is consistent across providers, scheme discounts and incentive payments varied significantly from one provider to another.
- Value Adding Services - As an industry insurer StateCover Mutual Limited was able to provide tailored tools, template documents, training, interpretive advice, reporting and advocacy which is not available to the same extent from the other Tenderers.
- Response Times - varied significantly across providers, as did the level of partnership offered and access to information.
- Accessibility - varied across providers with two offering local support through sub-offices in the Northern Rivers area, and one providing remote support only through its Sydney office.

The outcome of the evaluation process resulted in StateCover Mutual Limited being the preferred provider.

**OPTIONS:**

1. Award the contract EC 2014-013 for Workers Compensation Insurance Services to StateCover Mutual Limited.
2. Award the contract EC 2014-013 for Workers Compensation Insurance Services to an alternate supplier that responded to the tender.

**CONCLUSION:**

As a result of the Tender Evaluation process it is recommended that StateCover Mutual Limited be awarded contract EC 2014-013 for Workers Compensation Insurance Services.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

Council's budget contains appropriate allocations for workers compensation insurance.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Confidential Attachment - Workers Compensation Insurance Tender Criteria Weighting - Tender EC2014-013 (ECM 3324542)

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29 [CS-CM] Provision of Legal Services - Tender AC2014-015

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
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan

### SUMMARY OF REPORT:

Council's current contract for the provision of legal services expired on 31 March 2014. Advertisements were placed in the media in accordance with Council's Procurement Policy inviting tenders from legal service providers for appointment to a panel for a period of two years with an option for a further two years.

There are four categories to which legal provides are to be appointed to:

- Category 1:** Planning and Environmental Law (litigation and advice)
- Category 2:** Local Government Law (litigation and advice)
- Category 3:** Commercial/Property Law
- Category 4:** District and Local Court

At the close of tenders on Wednesday 26 February 2014, fourteen (14) tenders were received.

The submission of each tenderer has been evaluated by a group of three Council officers, against the assessment criteria that was contained in the tender specification. The Tender Evaluation Report has been included as a confidential attachment to this report.

It is recommended that Council appoint the panel as detailed in the recommendation.

### RECOMMENDATION:

**That Council in accordance with Tender AC2014-015 Provision of Legal Services, for a period of two years with an option for a further two years:**

1. **Appoints a panel of legal service providers as follows:**

**Category 1: Planning and Environmental Law (litigation and advice)**

<b>Wilshire Webb Staunton Beattie</b>
<b>Marsdens</b>

<b>Sparke Helmore</b>
<b>Maddocks</b>
<b>Lindsay Taylor Lawyers</b>
<b>HWL Ebsworth</b>
<b>DLA Piper</b>

**Category 2: Local Government Law (litigation and advice)**

<b>Marsdens</b>
<b>Maddocks</b>
<b>Prevention Partners NSW</b>
<b>Local Government Legal</b>
<b>DLA Piper</b>

**Category 3: Commercial/Property Law**

<b>Wilshire Webb Staunton Beattie</b>
<b>Marsdens</b>
<b>Sparke Helmore</b>
<b>Maddocks</b>
<b>HWL Ebsworth</b>
<b>Stacks the Law Firm, Tweed Heads</b>
<b>Local Government Legal</b>

**Category 4: District and Local Court**

<b>Marsdens</b>
<b>Stacks the Law Firm, Tweed Heads</b>
<b>DLA Piper</b>

2. All documentation be executed under the Common Seal of Council; and
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

## REPORT:

Council's current contract for the provision of legal services expired on 31 March 2014. Advertisements were placed in the media in accordance with Council's Procurement Policy inviting tenders from legal service providers for appointment to a panel for a period of two years with an option for a further two years to commence on 1 April 2014.

The tender invited applications from legal service providers for appointment to a panel with four categories:

**Category 1:** Planning and Environmental Law (litigation and advice)

**Category 2:** Local Government Law (litigation and advice)

**Category 3:** Commercial/Property Law

**Category 4:** District and Local Court

Category 2 is a new category added to the brief as this discrete area of law requires specialisation.

At the close of tenders on Wednesday 26 February 2014, the following fourteen (14) tenders were received:

Wilshire Webb Staunton Beattie  
Marsdens  
Sparke Helmore  
Maddocks  
Lindsay Taylor Lawyers  
HWL Ebsworth  
Stacks the Law Firm Tweed Heads  
Thomson Lawyers  
Prevention Partners NSW  
Locale Consulting  
Local Government Legal  
Kells  
DLA Piper  
McCullough Robertson

The submission of each tenderer has been evaluated by a group of three Council officers, against the assessment criteria that was contained in the tender specification. The Tender Evaluation Report has been included as a confidential attachment to this report.

The tender specification noted that for the purpose of the assessment of the tenders received, the Council would apply the following weightings:

Cost and suitability of fees and charges	40%
Experience of service provider	40%
Ability to meet specific requirements contained in the tender specifications	10%
Local content	10%

### **Cost and suitability of fees and charges**

It can be difficult to objectively compare costs as an evaluation criterion, because hourly rates alone do not determine cost. However, the assessment process considered the range

of hourly rates for the specified partners that the legal service provider could be likely to charge during the delivery of the service and cost of disbursements and travel costs.

### **Experience of service provider**

The assessment process examined the experience of the practitioner who will be responsible for overseeing and managing Council's legal work, the relevant experience of the service provider, the lawyers and support staff who would be dealing with, and responsible for the Council matters and the legal service provider's clients and service to clients.

### **Ability to meet specific requirements contained in the tender specifications**

The assessment process for this criteria examined the tenderer's response to undertake not to act against Council, providing training and legal updates, meeting with Council's Executive Management Team three times a year, the engagement of counsel, providing additional information through regular email updates, the conducting of seminars and the cost of one-off ad hoc advice.

### **Conclusion**

It is recommended that Council retain the legal service providers currently on the panel of providers with the addition of 3 new firms to the overall panel.

The panel is to be comprised of the following, new provider additions to the panel are marked with an \*:

#### **Category 1: Planning and Environmental Law (litigation and advice)**

Wilshire Webb Staunton Beattie
Marsdens
Sparke Helmore
Maddocks
Lindsay Taylor Lawyers
HWL Ebsworth
*DLA Piper

#### **Category 2: Local Government Law (litigation and advice)**

Marsdens
Maddocks
*Prevention Partners NSW
*Local Government Legal
*DLA Piper

#### **Category 3: Commercial/Property Law**

Wilshire Webb Staunton Beattie
Marsdens
Sparke Helmore
Maddocks

HWL Ebsworth
Stacks the Law Firm, Tweed Heads
*Local Government Legal

**Category 4: District and Local Court**

Marsdens
Stacks the Law Firm, Tweed Heads
*DLA Piper

During the course of the contract, the service provider's performance will be monitored and discussed by Council's Executive Management Team at any of the three required meetings per year.

Quarterly reports will also be presented to Council relating to updates and actions relating to matters on foot.

**OPTIONS:**

1. That Council appoints the service providers to a panel for the 4 different categories as approved and described in the recommendation; or
2. That Council does not appoint the service providers to a panel for the 4 different categories as approved and described in the recommendation and makes any appropriate additions or deletions.

**CONCLUSION:**

The procurement process for the tender has been conducted in accordance with Council's Procurement Policy and Procedure. The assessment of the tenders received has resulted in a proposal to retain the current providers and expand the current panel by the addition of three firms. It is anticipated this addition will consolidate the panel and provide Council with access to specialist advice in a broad range of law affecting Council and its operations.

It is recommended that Council appoint the panel as proposed.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Version 1.5.

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

No financial or budgetary implications arise from this report, excepting those arising from the engagement of the legal service providers as they occur, with appropriate expenditures allocated for legal expenses within the budget.

**c. Legal:**

The Legal Services Contract provides a basis of engagement in accordance with the tenders received from the successful tenderers.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Tender Evaluation Report dated 12 March 2014 (ECM 3320127)

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**30 [CS-CM] Monthly Investment Report for Period Ending 31 March 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:**

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

There is a requirement by Council's investment consultant to allow at least five (5) working days following the end of the month to provide the statistics for this report. Due to this time constraint and the Council requirement to receive reports ten (10) days prior to the Council meeting, there will be an addendum report provided to Council for consideration at its meeting on 10 April 2014.

### **RECOMMENDATION:**

**Refer to addendum report.**

**REPORT:**

As per summary.

**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

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### Civic Leadership

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

- 1 Civic Leadership
  - 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes
- 

### **31 [NOR] Holiday Rentals (Citizen's Jury)**

#### **NOTICE OF RESCISSION:**

Councillor C Byrne, W Polglase and P Youngblutt move that the resolution at Item 40 of the Council Meeting held Thursday 20 March 2014 at Minute Number 179 being:

*"... that the matter be deferred to enable the view of a Citizen's Jury to be obtained. For the purposes of establishing a Citizen's Jury to consider the regulation of holiday lettings in residential unit blocks and residential areas (single dwellings) currently zoned 2(a) Local Environmental Plan 2000 (or similar in the Draft Local Environmental Plan 2012) Council:*

- 1. Engage a suitably qualified external Consultant to guide the Citizen's Jury process;*
- 2. Advertise the intention of the Council to explore the issues pertaining to holiday letting and calling for volunteers to participate in a Citizen's Jury;*
- 3. With the advice of the suitably qualified external Consultant, select a panel of no more than fifteen (15) jurors based upon their availability for an appropriate period of time and to ensure that a balance of demographic characteristics, environmental attitudes, business activity, community participation, and involvement in local government; and*
- 4. Undertake to review the recommendations of the Citizen's Jury within a period of six (6) months from the completion of the Citizen's Jury Process with a view to the preparation of a report to establish clear planning guidelines to regulate holiday lettings in residential unit blocks and residential areas (single dwellings) currently zoned 2(a) Local Environmental Plan 2000 (or similar in the Draft Local Environmental Plan 2012)."*

**be rescinded.**

---

**32 [NOM] Holiday Rentals (Citizen's Jury)**

**NOTICE OF MOTION:**

**Councillor C Byrne moves that Council brings forward a report regarding 'holiday rentals' in residential unit blocks and residential areas (single dwellings) currently zoned Residential 2(a) Local Environmental Plan 2000 (or similarly in the Draft Local Environmental Plan 2012). The report to include, but not limited to:**

- **any need for utilising residential lots for short term accommodation in the Shire;**
- **any restrictions on owners on using their lot for this commercial venture;**
- **any concerns raised to Council regarding 'holiday rentals' and the actions Council has taken against the owner of the lot, managing agent or the occupant of the lot in response to a complaint.**

**Councillor's Background Notes**

Recommended priority:

Draft 2012 Local Environmental Plan

Description of project:

Whether a possible amendment to the Draft Local Environmental Plan 2012 should be attended to at some time in the future to address any anomaly, similar to Gosford and Byron councils and the cases of Debrohotoff v Bennic (2013) NSWLEC61 and Byron Shire v Blaney (2012) NSWLEC.

**Management Comments:**

Delivery Program:



**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 |

---

Budget/Long Term Financial Plan:

Council staffing resources will need to be re-directed to this task.

Legal Implications:

There has been extensive legal scrutiny of these complex legal matters in a number of local government areas across the state. Increased compliance and enforcement of any unauthorised uses is likely to require additional resources in defending legal action. Council may require further legal advice as part of these investigations.

Policy Implications:

Council expects the gazettal of its current Draft Council wide LEP in a number of weeks. The LEP would need to be amended for any significant change in Council policy on this issue.

---

**33 [NOR] Murwillumbah Library Alterations**

**NOTICE OF RESCISSION:**

Councillor K Milne, M Armstrong and G Bagnall move that the resolution at Item 15 of the Council Meeting held Thursday 20 March 2014 at Minute No. 149 being:

*"... that:*

- 1. Council endorses removing the pond fronting the Murwillumbah Library and the Civic and Cultural Centre and landscaping the area in accord with the design presented within the report.*
- 2. The pond on the western side of the access ramp to the Murwillumbah Civic and Cultural Centre be retained."*

**be rescinded.**

---

**34 [NOM] Murwillumbah Library Alterations**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council places on public exhibition for 28 days, the issues arising in the 'Murwillumbah Library Alterations' report of 20 March 2014, and brings forward a report on the community's preferred position.

The public exhibition process to provide discussion of safety issues including details of incidents and comparative incident data from other parks, including Council's skate parks, information on existing plans for future Murwillumbah Library upgrades or expansions and other options to provide more space, and a range of options for the pond, including but not limited, to:

1. The options provided in the Council report;
2. Various options to retain the pond and increase safety with netting/meshing, etc;
3. The option to remove the pond down the side of the building but retain the pond in front of the library; and
4. The potential to enhance the pond with more regular maintenance and improved marine habitats.

**Councillor's Background Notes**

Recommended Priority:

Priority dependent on relative safety issues to be ascertained during the forthcoming exhibition process.

Description of Project:

Proposal for community consultation to inform the decision on the Murwillumbah library pond, as per the Council report 20 March 2014

**Management Comments:**

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 |

Budget/Long Term Financial Plan:

The option to undertake the works in accordance with report of 20 March 2014 is \$73,000

Legal Implications:

Nil

Policy Implications:

Nil

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35 [NOM] Lot 1 DP1117599 (formerly Lot 490) Kingscliff

**NOTICE OF MOTION:**

Councillor B Longland moves that Council maintains its previous vision to preserve Lot 1 DP 1117599 (formerly known as Lot 490, Kingscliff) for public open space and recreation reserve while preserving its ecological values. Accordingly, Council seeks an amendment to the Tweed Local Environmental Plan to seek rezoning of Lot 1 DP 1117599 (former Lot 490, Kingscliff) as E2 Environmental Zone.

---

**Councillor's Background Notes**

Recommended Priority:

The purpose of the amendment will be to protect ecological significance of the land as identified under the Tweed Vegetation Management Strategy and to retain the land for low impact recreation activity, consistent with the Notice of Motion of 23 January 2014. Due to the ongoing review of environmental zones commenced by State Government in 2012, Council is to seek advice from NSW Planning & Infrastructure regarding the appropriate way of proceeding with the LEP amendment.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:

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
- 

Budget/Long Term Financial Plan:

Proceeding with an amendment to the Tweed Local Environmental Plan may have a direct and significant impact on Council's Budget both in terms of contract procurement of a suitable service provider to undertake the planning proposal, and should additional planning studies be required.

Budgetary impacts may be mitigated should the planning proposal be scheduled within the Planning Reform Work Programme and internally resourced. This will likely delay the commencement of the planning proposal.

---

Rezoning the land to E2 Environmental Zone would also result in an economic opportunity to develop an eco friendly low impact holiday park being foregone. This would mean that any income derived would not be able to be utilised towards the maintenance and enhancement of the coastal reserve.

Financial estimates based on preliminary concept designs indicate that a new holiday park would provide:

- Projected Net Present Value of approximately 10.5% based on initial capital cost of \$23M.
- Positive cumulative cash flow over 24 years operation of approximately \$61M (in future value).
- Estimated market value for sale after 24 years estimated to be approximately \$25M (in present value).

The above option includes cost for provision of revegetation and open space embellishment on the creek side lot including above ground walkways and creek access points and purchase of surf life saving equipment and lifeguard manning of beachfront. Ongoing allowance is also made for creek front lot revegetation and maintenance on an annual basis for 24 years.

As opposed to the costs associated with creation of open space revegetation reserve forecasts:

- Cost of site clearing/establishment as revegetated open space, including basic amenities, car parking estimated at \$5M.
- Annual maintenance, cleaning, mowing, etc. estimated at \$100,000 per annum therefore cost of \$2.4M over 24 years (in present value).

It should be noted that income from any low scale development of the site would, of course, be conditional on Council submitting an expression to acquire and develop the site and there is no guarantees that Council would be successful in its bid. The economic factors need to be weighed against the community's value of the retention of green space being preserved for community benefit for future generations.

Legal Implications:

Compliance with the statutory planning framework will mitigate the likelihood of litigious matters arising.

Policy Implications:

The proposed LEP amendment is generally consistent with Council's policy on environmental management and sustainable provision and use of public land.

---

36 [NOM] Brisbane Street, Murwillumbah

**NOTICE OF MOTION:**

**Councillor G Bagnall moves that Council remove the blister on the eastern side of Brisbane Street, corner of Wollumbin Street, Murwillumbah, and create extra public car parks.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

Delivery Program:



**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:

The estimated cost to remove this blister and return it to car parking is \$20,000. This cost could be funded from Section 94 Contributions Plan (CP) 23 Offsite Parking.

The blister was previously approved for construction by Council and the developer was conditioned to pay fees for the loss of the parking spaces. The current contribution rates levied for unsupplied on site car parking spaces in CP23 is \$16,373 (inc. admin.) per space.

The length of the blister is approximately 11m and depending on the length of vehicles, could allow for an additional two parking spaces if left unmarked.

Legal Implications:

Nil

Policy Implications:

Nil

---

37 [NOM] Impacts of Cats on Native Fauna

**NOTICE OF MOTION:**

**Councillor G Bagnall moves 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;**
- **suggestions on where these measures will fit into the organisational structure, and the resourcing implications of adopting such measures**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil

**Management Comments:**

Delivery Program:

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  |

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

---

**38 [NOM] Protecting Lot 490**

**NOTICE OF MOTION:**

**Councillor M Armstrong moves that Council maintains its previous vision to preserve Lot 1 DP 1117599 (formerly known as Lot 490, Kingscliff) as a public open space and to protect, manage and restore this area of high ecological, cultural, and aesthetic importance. To achieve this, the site should be rezoned to E2 Environmental Zone (under the draft Tweed Shire Council LEP 2012).**

**Reflecting this objective a Planning Proposal be prepared to amend the Tweed Local Environmental Plan to rezone the site to E2 Environmental Zone (under the draft Tweed Shire Council LEP 2012).**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

The purpose of this amendment is to protect an ecologically and socially significant parcel of land. Lot 490 is a vital area which can be used for public open space on the foreshore at Kingscliff and also contains unique environmental attributes. As such it needs significant protection to not only protect the areas environmental assets but also to ensure that locals and tourists can continue to have the opportunity to make use of this area as public open space.

**Management Comments:**

Delivery Program:

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

Budget/Long Term Financial Plan:

Proceeding with an amendment to the Tweed Local Environmental Plan may have a direct and significant impact on Council's Budget both in terms of contract procurement of a suitable service provider to undertake the planning proposal, and should additional planning studies be required.

Budgetary impacts may be mitigated should the planning proposal be scheduled within the Planning Reform Work Programme and internally resourced. This will likely delay the commencement of the planning proposal.

Rezoning the land to E2 Environmental Zone would also result in an economic opportunity to develop an eco friendly low impact holiday park being foregone. This would mean that any income derived would not be able to be utilised towards the maintenance and enhancement of the coastal reserve.

Financial estimates based on preliminary concept designs indicate that a new holiday park would provide:

- Projected Net Present Value of approximately 10.5% based on initial capital cost of \$23M.
- Positive cumulative cash flow over 24 years operation of approximately \$61M (in future value).
- Estimated market value for sale after 24 years estimated to be approximately \$25M (in present value).

The above option includes cost for provision of revegetation and open space embellishment on the creek side lot including above ground walkways and creek access points and purchase of surf live saving equipment and lifeguard manning of beachfront. Ongoing allowance is also made for creek front lot revegetation and maintenance on an annual basis for 24 years.

As opposed to the costs associated with creation of open space revegetation reserve forecasts:

- Cost of site clearing/establishment as revegetated open space, including basic amenities, car parking estimated at \$5M.
- Annual maintenance, cleaning, mowing, etc. estimated at \$100,000 per annum therefore cost of \$2.4M over 24 years (in present value).

It should be noted that income from any low scale development of the site would, of course, be conditional on Council submitting an expression to acquire and develop the site and there is no guarantees that Council would be successful in its bid. The economic factors need to be weighed against the community's value of the retention of green space being preserved for community benefit for future generations.

Legal Implications:

Compliance with the statutory planning framework will mitigate the likelihood of litigious matters arising.

Policy Implications:

The proposed LEP amendment is generally consistent with Council's policy on environmental management and sustainable provision and use of public land.

---

**39 [NOM] Coal Seam Gas Free Signage**

**NOTICE OF MOTION:**

**Councillor K Milne moves that Council:**

- 1. Undertakes a public exhibition process to determine if the community would like Council to install Coal Seam Gas Free signage at the major entrances to the Shire.**
- 2. To liaise with the gas field-free groups to work out potential locations, size and wording for the signs to include such information in the public exhibition process.**

**Councillor's Background Notes**

Recommended Priority:

High priority due to increase Coal Seam Gas (CSG ) activities in the area, and the limited impact on Council resources of such signage.

Description of Project:

Community consultation and potential erection of signage.

**Management Comments:**

Delivery Program:

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

Budget/Long Term Financial Plan:

The cost to implement this action is estimated at \$811 per 2.4 metre by 1.2 metre sign to erect with a sign life of years 10 years (including anti graffiti coating). Cost to clean graffiti if required is \$180 per sign. Funding would need to be reallocated from existing budget items should this proposal proceed.

Legal Implications:

nil



Policy Implications:

Council has previously resolved to unanimously support a moratorium on Coal Seam Gas mining in the Shire. To the officers knowledge there are no companies actively investigating these opportunities within the Shire.

---

40 [NOM] Murwillumbah Hospital - Children's Ward

**NOTICE OF MOTION:**

**Councillor P Youngblutt moves that Council writes to the Minister for Health, Jillian Skinner and provides a copy to the State Members for Tweed and Lismore, Geoff Provest MP and Hon Thomas George MP strongly objecting to the closing of the Children's Ward at Murwillumbah Hospital.**

**Councillor's Background Notes**

Recommended Priority:

Nil.

Description of Project:

Nil.

**Management Comments:**

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

---

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

The Draft Economic Development Strategy supports a strong Murwillumbah Hospital with supporting complimentary services.

---

## **QUESTIONS ON NOTICE**

### **41 [QON] Financial Impact of Tweed's Greenfield Developments**

#### **QUESTION ON NOTICE:**

Councillor K Milne asked:

In regard to Tweed's greenfield developments, is the Council likely to experience a financial benefit or burden on the sustainable operations of Council, in relation to the increase in rates and developer contributions, compared to the increased costs associated to Council from these developments, and briefly outline these impacts to Council and any potential impacts on rates for the existing residents

---

### **42 [QON] Wildlife Crossing Signs**

#### **QUESTION ON NOTICE:**

Councillor K Milne asked:

Can Council advise whether it is possible to paint wildlife crossing signs on the road similar to those which can be seen on Connection Rd between Currumbin Valley and Tallebudgera Valley?

---

### **43 [QON] Boating Impacts**

#### **QUESTION ON NOTICE:**

Councillor K Milne asked:

What is the direct or indirect financial contribution of boat owners through boat registrations fees etc, to the installation and maintenance of public boating facilities and the costs of riverbank erosion in the Tweed?

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

**44 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 December 2013**

**SUBMITTED BY: Community and Cultural Services**

---



### Supporting Community Life

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

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

#### SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 December 2013 are reproduced in the body of this report for the information of Councillors.

#### RECOMMENDATION:

**That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 December 2013 be received and noted.**

**REPORT:**

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 6 December 2013 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Museum and Cultural Centre

Time:

10.02am

Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Mayor Barry Longland (Tweed Shire Council)

Ex-officio:

Gina Combo (Tweed Byron Local Aboriginal Land Council representative), Anne McLean (Tweed Shire Council), Rob Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes)

Guests (in order of arrival):

Kelly Fox (arrived at 10.43am), Ian Fox (arrived at 10.43am), Judy Kean (arrived at 11.06am), Andy Reimanis (Caldera Art) (arrived at 11.25am)

Apologies:

Des Williams (Tweed Byron Local Aboriginal Land Council representative), Naida Tattersall (Tweed Shire Council)

Chair: Desrae Rotumah

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RESOLVED that the Chair be declared vacant and nominations called. Desrae Rotumah was nominated and was unanimously elected to Chair the meeting.

Desrae Rotumah opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Aunty Joyce Summers

Seconded: Leweena Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 1 November 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. 'Learning Our Way' PaCE Project Booklets and Flash Cards endorsement  
Rob tabled the 'Learning Our Way' resource kit and provided one to each member. AAC members to distribute resource kits to their organisations, to make them aware of the project. Endorsement of the project deferred to TWAECG.

BA2. Welcome to Country Register

Rob noted that Council receives many requests for Welcomes to Country and following the last AAC meeting has drafted a 'Welcome to Country' Register of eligible people. He will speak to all those nominated to ensure they are happy to be on the Register. Rob advised he has some reservations about setting a fee. Gina advised that TBLALC have a register and forward contacts to people when requests are made. Aunty Joyce Summers noted that there are protocols in place and also asked it be recorded that she is unable to perform a Welcome to Country south of Tweed Heads.

Inwards Correspondence:

IC1. Tweed Shire Council - Request for 'Welcome to Country' for official opening of Margaret Olley Art Centre on 15 March 2014

AAC endorsed Deidre Currie to perform the Welcome to Country at the opening of the Margaret Olley Art Centre on 15 March 2014.

*Action: CDO - Aboriginal to advise Council staff member that the AAC has endorsed Deidre Currie to perform the Welcome to Country at the opening of the Margaret Olley Art Centre on 15 March 2014.*

Agenda Items:

A1. Update by Rob Appo (Tweed Shire Council)

(a) Aboriginal Cultural Heritage Management (ACHMP) and Mapping Project

Rob has been requested by Robyn Eisermann of TSC to provide an update:

- Converge is still working on implementation of ACHMP project with Council.
- It will still be a few months before the Management Plan is finalised.
- Once finalised, the ACHMP will be reported to Council for adoption before it is placed on public exhibition.

(b) Aboriginal Cultural Heritage Legislation Review / Aboriginal Heritage Reform Workshop

Rob advised that he recently attended the Aboriginal Cultural Heritage Legislation Review/ Aboriginal Heritage Reform Workshop.

Jackie asked how Council's mapping will work with the new legislation as the exact location of sites is not identified. If the proposal goes ahead, each 10 person committee will be expected to have the mapping of their borders set up. The borders will be defined on the Local Aboriginal Land Council boundaries, which will require Tweed, Lismore and Byron shires to be mapped.

Submissions can be made until 14 February 2014.

Desrae suggested that a community meeting be arranged by Rob Appo with National Parks and Wildlife and OEH informing the community about proposed changes to legislation and enable community input into submissions(s) before 14 February 2014.

Rob tabled Council's draft submission and advised that it will be going to the Council meeting on 23 January 2014. AAC members will provide Council's draft submission to their respective Boards.

Concern was raised as to how the 10 person committee will be resourced and whether there will be legal representation on the committee. It was suggested that funding should be provided for a compliance officer within Council to ensure Cultural Heritage Management is being complied with on all developments.

Desrae Rotumah left at 10.36am

Rob advised that under the new legislation, the AAC may be bypassed. All Due Diligence and Cultural Heritage Management Plans etc. will go to the 10 person committee, which will then report back to the State body. The committee will be required to complete all consultation within 10 days.

Jackie raised the point that compliance matters and appropriate resourcing will be an essential part of the submission.

Desrae Rotumah returned at 10.40am

*Action: CDO - Aboriginal to arrange a community meeting with Kathy Kerr (National Parks and Wildlife) and Claude McDermott (OEH) to discuss Aboriginal Heritage Reform legislation. Desrae, Leweenaa and Rob to liaise regarding a proposed meeting date (mid January 2014). The meeting to be held at Minjungbal Aboriginal Museum and Cultural Centre.*

Barry Longland left at 10.42am  
Kelly Fox and Ian Fox arrived at 10.43am

A2. Holocene palaeogeography for the Tweed and its link with Indigenous cultural sites  
(Kelly Fox)

Kelly thanked the AAC for allowing her to incorporate the Aboriginal sites into her palaeogeography study. Kelly reported the findings of her study and advised that she attended sites at Banora Point, Dulguigan, Wooyung and a site near Stotts Island.

Barry Longland returned at 10.56am

Kelly advised that Rob has been provided with a hard copy of the report for the AAC's record. Kelly advised she can provide a digital copy to members and asked that all requests be sent to Rob.

Leweenaa passed on her appreciation to Kelly for undertaking the study and the significance it will have in assisting with Cultural Heritage awareness.

Leweenaa Williams left at 11.04am  
Kelly Fox left at 11.04am  
Judy Kean arrived at 11.06am



A3. Ian Fox and Judy Kean (Tweed Regional Museum)

Leweena Williams returned at 11.08am

(b) Murwillumbah Museum - Museum panels

Prior to the meeting, Rob emailed out to the AAC the document prepared by Ian Fox entitled 'Tweed Shire Council and Tweed Regional Museum website statement re Aboriginal Cultural Heritage', for comment. The statement could be used to tell the story in the Murwillumbah Museum.

*Action: CDO - Aboriginal to invite Ian Fox to attend the Aboriginal Heritage Reform Legislation community meeting in mid January 2014. This will enable him to seek community input from the community regarding the draft wording for the interpretive signage, website and panels.*

*Action: Ian Fox to bring proposed material to the community meeting for comment.*

Ian noted that the proposed text for the website will be the primary source, informing the panels at the Museum and other interpretative signage. It was noted that it is very important that consistency is maintained with the panels.

A panel will be prepared outlining the story of Billy Moore, and his king plate and boomerang will be on display. Further research has to be undertaken to confirm that the boomerang in the Museum's collection is Billy Moore's.

Andy Reimanis arrived at 11.25am

A map of the Tweed Shire with an overlay of Aboriginal names will also be on display, together with an appropriate acknowledgement to Aboriginal people as the first people. Ian advised he is working on the draft list of Aboriginal place names and is expecting to come up with 120-130 cultural names. A copy of the draft list was tabled for consideration. Jackie requested that the list be rearranged into alphabetical order based on the European place/location. Ian advised that sometimes there is more than one name for each place and sometimes there are different spellings.

When preparing the list, Ian has kept in mind that there will be points of discussion and debate on many of the names. Once the draft has been finalised approximately 100 of the names will be overlaid on the Tweed Shire map and the table with all names will be displayed in the map's vicinity. It is proposed that the "What's in a Name" draft text will be the introductory text that will go with the map.

Judy Kean left at 11.43am

(a) Clarrie Hall Dam - Interpretative signage

Included in discussion regarding interpretive signage as above.

Leweena Williams left at 11.43am

A4. Andy Reimanis (Caldera Art)

(a) Budd Park signage

Andy advised that since his last attendance at the AAC meeting, he has been liaising with Rob, Ian Fox and Council's Natural Resource Management Unit.

Leweena Williams returned at 11.48am

Ian has been assisting Andy with the text for the 'River of First People' signage and is assisting with obtaining the images of Billy Andrews and Billy Bleucher, which are to be included. Proposed signage and images tabled for AAC's consideration and endorsement.

Ian advised that Billy Bleucher is the source of the story regarding the bleeding nose and specifically refers to the small rocky headland opposite Budd Park. The site is below where the Youth Hostel is now located.

Barry Longland left at 12.01pm

In the absence of a quorum, the Budd Park signage presentation by Andy Reimanis continued for those present; it was noted that any recommendations/resolutions would need to be deferred to the next AAC meeting.

The second paragraph of the 'River of First People' signage to be amended to read: *"Each of these "clans" belong to a larger tribal group with a common language base known as the Bundjalung-Yugambah Language Chain."*

Following discussion in relation to the inclusion of images of Billy Andrews and Billy Bleucher on the signage, it was agreed that both images would be removed. Jackie suggested that a watermark of Wollumbin could be included on the signage instead.

Subject to the requested changes to the wording on the signage, removal of the images and insertion of the watermark of Wollumbin, the AAC endorses the signage proposed for Budd Park in-principle, to be confirmed at the next meeting on Friday 10 January 2014.

(b) The Tweed book

Following discussion in relation to pages 14 to 17 of The Tweed book, the AAC advised:

- Page 14 - the word "Lore (law)" be amended to read "LORE (rules for living)".
- Page 16 'Times of Upheaval' confirmed in-principle.
- Page 17 - Agreement to insertion of the image "Group of Tweed Aboriginal people taken at Kynumboon circa 1890's" which shows Aboriginal people in European clothing.
- Page 17 photograph to be provided by Murwillumbah Museum.
- Ian to complete further work on the 'The First People' text, and to be referred to next AAC meeting.

The Tweed book to be further discussed at the AAC meeting on 10 January 2014.

Andy Reimanis left at 12.38pm

Inwards Correspondence:

IC1. Tweed Shire Council - Request for 'Welcome to Country' for official opening of Margaret Olley Art Centre on 15 March 2014  
Discussed at BA2 above.

Outwards Correspondence:

Nil.

Jackie McDonald left at 12.39pm

General Business:

GB3. PaCE Project

Rob tabled the Certificate of Appreciation awarded to the AAC for its contribution and support of the 'Learning Our Way project in 2013'. Rob to retain the original certificate for record.

GB1. Cultural Awareness Training - Rob Appo's work plan, MOU, RAP, Employment Strategy

Rob provided the following update:

- He will be working on the Cultural Awareness Training and schedule. The training will be provided to Councillors and Council Executive in two half day sessions.

Jackie McDonald returned at 12.41pm

- Rob will continue working on the Cultural Awareness Training, MOU, RAP and Employment Strategy.
- A possible date for the Cultural Awareness Training is March 2014.
- Following the Cultural Awareness site visits, Rob suggested a morning tea or lunch be held at Minjungbal Museum and Cultural Centre.
- Aunty Joyce Summers to provide the Cultural Awareness presentation.
- Ian Fox to provide Cultural Heritage Management presentation.

GB2. Scarred Tree - Kirkwood Road (Rob Appo)

(b) Possible location of scarred tree

Discussion in relation to Scarred Tree:

- Rob has become aware of a possible alternate location for the Kirkwood Road scarred tree in Harold Pearce Park, which is in close vicinity (500m) to the original site of the scarred tree. The park is also the location of an existing living Scarred Tree.
- Discussion regarding associated risks of erecting an enclosure which may attract attention to the Scarred Tree and may leave it and the living Scarred Tree as a target to vandalism.
- Jackie raised concern of whether the park would be a secure place for the Scarred Tree.
- Leweena queried whether it may be possible to nestle the Scarred Tree in the adjacent bushland? Ian suggested that this could happen. There is a lot of old growth eucalypts in the park.

Jackie McDonald left at 12.51pm

- Ian suggested that generic interpretative signage could be done acknowledging the significance of the area as a ceremonial place.
- Leweena advised it is critical to maintain its original locality.
- General concern was expressed regarding maintenance and preservation of the Scarred Tree.
- Rob advised that another suggested location for the Scarred Tree has been Goorimahbah where it could be placed within a structure in a landscaped area incorporating learning boards.
- Ian suggested that if the Scarred Tree was relocated to Harold Pearce Park, it could be placed on a plinth to assist with its preservation.

*Action: CDO - Aboriginal to prepare a formal proposal for the alternate locations of the Scarred Tree to Harold Pearce Park or Goorimahbah, and present it to the AAC for further discussion.*

(a) Plaque  
Deferred to next meeting.

Next Meeting:  
The next meeting of the Aboriginal Advisory Committee will be held Friday 10 January 2014.

The meeting closed at 1.05pm.

**DIRECTOR'S COMMENTS:**

**Nil.**

**DIRECTOR'S RECOMMENDATIONS:**

**Nil.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**  
Code of Meeting Practice.

Terms of Reference - Adopted 25 September 2012.

**b. Budget/Long Term Financial Plan:**  
Not applicable.

**c. Legal:**  
Not Applicable.

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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45 [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 February 2014

SUBMITTED BY: Community and Cultural Services

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## Supporting Community Life

- 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 7 February 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 7 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

***A2. Tim Robins & Clair Davey (Everick) (d) Cobaki Lakes***

***That Council notes the concerns of the Aboriginal Advisory Committee regarding the filling of the sand ridge at Cobaki Lakes and seeks further advice from the Aboriginal Advisory Committee.***

## REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 February 2014 are reproduced as follows for the information of Councillors.

### Venue:

Minjungbal Aboriginal Museum and Cultural Centre

### Time:

9.50am

### Present:

Aunty Joyce Summers (Canowindra representative), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Cr Katie Milne (Tweed Shire Council)

### Ex-officio:

Rob Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes)

### Guests (in order of arrival):

Tim Robins and Clair Davey (Everick) (arrived at 9.58am), Andy Reimanis (Caldera Art) (arrived at 11.34am), Ian Fox (arrived at 11.34am)

### Apologies:

Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Mayor Barry Longland (Tweed Shire Council), Anne McLean (Tweed Shire Council)

In the absence of a quorum, discussions commenced at 9.50am with Rob Appo providing an update for those present.

#### 1. Manager Community and Cultural Services

Rob Appo advised that Naida Tattersall completed her contract with Council on 31 January 2014. Before leaving, Naida asked that Rob pass on her best wishes to the AAC. Rob advised that Robyn Grigg has been appointed as the Manager Community and Cultural Services and that she commenced on 3 February 2014. Due to other commitments, Robyn passes on her apologies for this meeting but will attend the next meeting.

#### 2. Anne McLean

Rob Appo advised that Anne McLean is an apology for today's meeting as her mother passed away. The AAC requested that flowers be sent to Anne from the AAC with a card passing on the members' condolences.

In the absence of a quorum, Tim Robins and Clair Davey of Everick proceeded with their presentation; it was noted that any recommendations/resolutions would need to be delayed until a quorum was present.

A2. Tim Robins & Clair Davey (Everick)

(d) Cobaki Lakes

Tim Robins advised that earthwork approvals are current being sought in areas of Cobaki Lakes where there has been extensive disturbance and no potential to contain heritage. There is opportunity for those earthworks to involve the burying (entombing) of the sand ridge if that is what the Aboriginal community wish to happen.

Des Williams arrived at 10.15am

A quorum was achieved at 10.15am.

Leda proposes to place 1m to 1.5m of fill over the sand ridge however this cannot occur without agreement between Leda and the registered stakeholders.

There has been no further progress since the meeting between Leda and the stakeholders however Grant Eppell is no longer employed by Leda. Mr Ell has advised he is not able to meet with the stakeholders but Reg Van Rij would be able to meet with the stakeholders on his behalf.

Tim advised that the developer has met its obligations under the cultural heritage obligations not to harm Aboriginal objects or Aboriginal places.

Discussion concerning the need for the Aboriginal community to prepare a letter to Leda advising that it is in the process of obtaining funding for further investigations and that it does not agree to the covering the sand ridge with fill due to the potential for significant dating to be undertaken.

Suspension of business to nominate Chair.

Chair: Des Williams  
Moved: Desrae Rotumah  
Seconded: Jackie McDonald

RESOLVED that the Chair was declared vacant and nominations were called. Des Williams was nominated and was unanimously elected to Chair the meeting.

Resumption of business - Agenda Item A2(d).

Moved: Aunty Joyce Summers  
Seconded: Desrae Rotumah

RESOLVED that the Aboriginal Advisory Committee does not agree to Leda filling the sand ridge at Cobaki Lakes.

Carried

*Action:* TBLALC to seek legal advice and prepare a letter to Leda advising that the Aboriginal community is in the process of obtaining funding for further investigations and that it does not agree to the covering the sand ridge with fill.



Moved: Jackie McDonald  
Seconded: Aunty Joyce Summers  
RECOMMENDATION:

That Council supports the concerns of the Aboriginal Advisory Committee regarding the filling of the sand ridge at Cobaki Lakes and defers the approval of the Construction Certificate for filling of the sand ridge until further advice from the Aboriginal Advisory Committee.

Carried

(a) Tweed City

Clair Davey provided the AAC with an overview of the five pits that were dug in various locations for the proposed Tweed City extension. The pits were each 2m x 1.2m. Five pits were dug over four days in various locations however no culturally significant material was located.

Aunty Joyce Summers left meeting at 10.53am.

There being no quorum, the meeting was unable to proceed.

Everick had two research questions in relation to the proposal:

1. Is there any evidence of cultural material on the surface?
2. Is it a similar sand source as Cobaki and if they go deep what will they find?

Des Williams advised that due to the location of the bora ring and initiation ground near the Project Area that the area wouldn't have been used for camping by Aboriginal people. However, this does not mean that the area isn't significant.

Aunty Joyce Summers returned at 10.59am

A quorum was present at 10.59am

Tim advised that Council requires feedback from the AAC before the DA can be approved.

Moved: Aunty Joyce Summers  
Seconded: Desrae Rotumah

RESOLVED that the Aboriginal Advisory Committee does not have any objection to Council issuing the Development Approval for the northern retail expansion at Tweed City Shopping Centre.

Carried

(b) Dodds Island

Everick tabled and distributed the draft due diligence report for the development at Dodds Island, Chinderah to the AAC. Everick advised that they were of the opinion that no further mitigation works were required, as the site is highly disturbed.

During discussion, Jackie advised of the story of Aboriginal people throwing boomerangs, Desrae advised of the story of the children following the train line and the bora ring and Des advised of the story of stone axes on the island.

A monitor is required during any excavation work on the site.

Moved: Jackie McDonald

Seconded: Desrae Rotumah

RESOLVED that the Aboriginal Advisory Committee requests a monitor to be on site during any ground disturbance works at the Dodds Island development at Chinderah.

Carried

(c) Chinderah Service Centre

Everick tabled and distributed the draft due diligence report for the Chinderah Service Centre development to the AAC. Everick advised that they were of the opinion that no further mitigation works were required, as the site is highly disturbed.

Desrae Rotumah left at 11.22am

Desrae Rotumah returned at 11.24am

Aunty Joyce Summers left at 11.24am

Jackie McDonald left at 11.26am

There being no quorum, the meeting was unable to proceed.

Des referred Tim to the report prepared by Kelly Fox '*Holocene palaeogeography for the Tweed and its link with Indigenous cultural sites*' and advised that there is a very good chance of there being artefacts and camp sites in the area due to sea level change.

Jackie McDonald returned at 11.29am

Aunty Joyce Summers returned at 11.31am

A quorum was present at 11.31am

Moved: Desrae Rotumah

Seconded: Jackie McDonald

RESOLVED that the Aboriginal Advisory Committee requests a monitor to be on site during any ground disturbance works that go below the level of agriculture (approximately 0.5m) at the proposed Highway Service Centre, Pacific Highway, Chinderah.

Carried

Tim Robins and Clair Davey left at 11.33am

Katie Milne left at 11.33am

Andy Reimanis and Ian Fox arrived at 11.34am

Des Williams left at 11.35am

Katie Milne returned at 11.35am

Des Williams returned to meeting at 11.40am

A quorum was present at 11.40am

A3. Andy Reimanis (Caldera Art)

(a) Budd Park signage

Andy Reimanis advised that as requested by the AAC previously, the second paragraph has now been amended to read: *Each of these "clans" belong to a larger tribal group with a common language base known as the Bundjalung-Yugambah Language Chain.*

Des advised that the word "Yugambeh" should be removed and it should read: *Each of these "clans" belong to a larger tribal group with a common language base known as the Bundjalung Language Chain.*

Andy Reimanis and Ian Fox confirmed that as requested at the AAC meeting on 6 December 2013, the images have been removed and the watermark has been inserted.

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RESOLVED that the Aboriginal Advisory Committee endorses the signage proposed for Budd Park.

Carried

(b) The Tweed book

The AAC advised the following in relation to The Tweed book:

- The reference to "Bundjalung-Yugambeh" to be changed to read "Bundjalung".
- Page 14 - the word "Lore (law)" be amended to read "Lore (rules for living)" (no need for "Lore" to be fully capitalised).
- Page 16 - "Times of Upheaval" confirmed.
- Page 14 - be amended to read "At birth, each person was given totems for an animal or plant species"
- Page 17 - Agreement to insertion of the image "Group of Tweed Aboriginal people taken by at Kynumboon circa 1890s in European clothing".
- Page 17 photograph of Tweed artefacts to be provided by Murwillumbah Museum.

Desrae requested that Andy provide a copy of The Tweed Book to the AAC once it is completed.

Ian reminded the AAC that he has copyright for the map printed on page 15 of the book and requested that an acknowledgement be printed in the book. The AAC agreed that the acknowledgement should be printed.

Cr Milne requested that Andy provide to the AAC members an internet link to the Tweed Book. Andy agreed to provide the link however asked that members note that the copy provided will be conceptual only.

*Action:* Andy Reimanis to provide the internet link to The Tweed book to Rob Appo for circulation to the AAC.

Andy undertook to review The Tweed Book for other cultural information.

Moved: Aunty Joyce Summers

Seconded: Jackie McDonald

RESOLVED that the Aboriginal Advisory Committee endorses The Tweed book in-principle, subject to the above amendments being made.

Carried

Andy Reimanis left at 12.25pm

A4. Ian Fox

(a) Tweed Shire Council and Tweed Regional Museum website Aboriginal Cultural Heritage statement

Ian Fox tabled and handed out the draft wording for the Tweed Shire Council and Tweed Regional Museum website Aboriginal Cultural Heritage statement for discussion.

Jackie McDonald left at 12.28pm  
Jackie McDonald returned at 12.30pm

The AAC requested that the following changes be made:

- first paragraph on second page to be swapped around with the second sentence to precede the current first sentence so that it reads:

"There is a general acceptance among our Tweed Aboriginal community for the presence of three main groups in the Tweed River Valley. These were the Goodjinburra people for the Tweed Coastal area, the Tul-gi-gin people for the North Arm, and the Moorang-Moobar people for the Southern and Central Arms around Wollumbin (Mt Warning). There are many names used to identify the Tweed and our surrounding areas Aboriginal people in the written record of the early European settlers. This largely reflected a lack of understanding of our culture and also European attempts to spell our language. Some of these names are Chubboburri, Gandowal, Duthurinbar, Wirangiroh, Wollumbin, Murwillumbah, Ngarrumbul, Kitabul and Ngarartbul."

- last sentence on the bottom of page 2, reference to "traditional custodian descendants" be changed to read "descendants of traditional custodians".

*Action:* Rob Appo to email the amendments to AAC members.

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RESOLVED that the Aboriginal Advisory Committee endorses the Tweed Shire Council and Tweed Regional Museum website Aboriginal Cultural Heritage statement in-principle, subject to the amendments above being made.

Carried

(b) Clarrie Hall Dam - Interpretative signage

Ian Fox tabled drafts of the five proposed stories for the Clarrie Hall Dam interpretative signage project. Ian advised that he has also consulted outside of the AAC. Ian has received a text message from Kyle Slabb advising he is happy with the stories. Ian sought approval from the AAC for the stories to be passed onto Council's signwriters for preparation of the signage. Ian advised that he will be preparing two more interpretative signs; one will be an introduction to cultural background and the other a cultural history of what is under the dam.

Moved: Aunty Joyce Summers

Seconded: Desrae Rotumah

RESOLVED that the Aboriginal Advisory Committee endorses:

1. the five stories prepared by Ian Fox for the Clarrie Hall Dam interpretative signage

2. Ian Fox to prepare two additional interpretative signs: introduction to cultural background and cultural history of what is under the dam
3. Ian Fox to forward the stories to Council's signwriters for preparation of the interpretative signage.

Carried

(c) Murwillumbah Museum - Display panels

Ian Fox tabled the draft wording for the proposed three panels at the Murwillumbah Museum: Introduction interpretation panel, Billy Moore's Breastplate and Billy Moore's Boomerang.

The AAC advised the following changes were required:

- Introduction interpretation panel - the word "Yugambah" to be removed.
- Billy Moore's Boomerang - change the third paragraph to read: "Members of today's Aboriginal community advise that Billy's boomerang may have also been used for more practical reasons to hunt small animals and birds".

Moved: Des Williams

Seconded: Aunty Joyce Summers

RESOLVED that the Aboriginal Advisory Committee endorses the Murwillumbah Museum Display Panels in-principle, subject to the amendments above being made.

Carried

(d) Murwillumbah Museum - Aboriginal Place Names

Ian Fox tabled the "Draft List of Aboriginal place/location names in Tweed Shire and What's in a Name" draft text and advised:

- Draft List of Aboriginal place/location names in Tweed Shire:
  - The list is not a comprehensive list of all names; it is a list of the ones that he could find in the records.
  - Not all names on the list will be printed onto the map.
  - The inappropriate names are not included in the list.
- What's in a Name:
  - The purpose of this text is to assist people who have a view that their particular name or spelling is correct.

Des Williams left at 1.23pm  
Des Williams returned at 1.26pm

Lengthy discussion took place regarding the heading used for the second column "Cultural Name". Ian advised that the words and spelling used are based on his research.

Desrae Rotumah left at 1.30pm  
Desrae Rotumah returned at 1.34pm

Ian was requested to swap around the Alternate Name and the Cultural Name for the Boyds Bay and Razorback entries.

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

RESOLVED that the Aboriginal Advisory Committee endorses:

1. the draft List of Aboriginal place/location names in Tweed Shire subject to the Alternate Name and Cultural Name for Boyds Bay and Razorback being changed around and the addition of Cook Island and Oxley Cove
2. the What's in a Name draft text
3. Ian Fox to forward the information to Council's GIS for preparation of the map for exhibition at the Murwillumbah Museum.

Carried

Ian Fox left at 2.01pm

A1. Rob Appo

(a) Council Submission - Reforming the Aboriginal Cultural Heritage System in NSW  
Rob Appo advised that Council is seeking endorsement from the AAC to its amended submission regarding the reforming of the Aboriginal Cultural Heritage System in NSW. The AAC noted that it has previously endorsed Council's submission regarding Aboriginal Cultural Heritage.

*Action:* Rob Appo to email a copy of Council's draft submission to AAC members.

Rob sought advice from the AAC as to who they would like to attend the Workshop and when it should be held. The AAC requested that Robyn Eisermann of Council and Ian Fox be invited to attend. The AAC requested that the workshop not be held on 4, 5 or 6 March 2014 and that it be held as a separate workshop outside of any other meeting.

*Action:* Rob Appo to arrange date for workshop, invite Robyn Eisermann and Ian Fox to attend and to advise AAC and community of date.

Following the workshop, each organisation will need to prepare its own submission. A template submission will be prepared to assist the organisations.

(b) Kirkwood Road - Relocation of Scarred Tree

Rob Appo advised he has been speaking with Council's Project Coordinator Andrea Hamann who is working on the Arkinstall Park upgrade project. Andrea has advised that the southern entry at Arkinstall Park is still being landscaped and there is the opportunity to work with the landscape architect for the Kirkwood Road Scarred Tree to be included in the entry or garden.

Minutes of Previous Meeting:

Moved: Des Williams

Seconded: Jackie McDonald

RESOLVED that adoption of the Minutes of the Aboriginal Advisory Committee meeting held on Friday 6 December 2013 be deferred to the next Aboriginal Advisory Committee meeting.

General Business:

1. The AAC requested that there be no guests invited to attend the next meeting on 7 March 2014 to enable finalisation of outstanding business.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 7 March 2014.

The meeting closed at 2.15pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**A2. *Tim Robins & Clair Davey (Everick) (d) Cobaki Lakes***

Nil.

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**A2. *Tim Robins & Clair Davey (Everick) (d) Cobaki Lakes***

**That Council notes the concerns of the Aboriginal Advisory Committee regarding the filling of the sand ridge at Cobaki Lakes and seeks further advice from the Aboriginal Advisory Committee.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted 25 September 2012.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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46 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 11 February 2014

SUBMITTED BY: Natural Resource Management

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## 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

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### SUMMARY OF REPORT:

The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 11 February 2014 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Tweed Coast Advisory Committee Meeting held Tuesday 11 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
  - A1. Black Rocks Sports Field
    1. ***That:***
      - a) ***Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.***
      - b) ***the lockable gate will be closed at dusk daily.***
      - c) ***the lockable gate will be funded from the Koala Management Plan budget.***
    2. ***Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.***
    3. ***The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.***



## REPORT:

The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 11 February 2014 are reproduced in the body of this report for the information of Councillors.

Venue:

Canvas and Kettle – Murwillumbah Civic Centre.

Time:

1.00 pm

Present:

Cr Katie Milne (TSC), Mark Kingston (TSC), Scott Hetherington (TSC), Rhonda James (community rep), Lorraine Vass (Friends of the Koala Inc.), Marama Hopkins (TSC), Jennifer Hayes (Team Koala Inc.), Iain Lonsdale (TSC), Tanya Fountain (TSC), John Turnbull (TSC), Ralph Kraemer (community rep)

Guests: David Norris, Lyn Dickinson, Ari Erlich, Tanya Fountain (TSC) for Item 2. John Turnbull (TSC) for item 5.

Apologies:

Steve Jensen (DP&I), John Turbill (OEH), Anita Mudge (community rep).

Minutes of Previous Meeting:

Moved: Jennifer Hayes

Seconded: Ralph Kraemer

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held Tuesday 19 November 2013 be accepted as a true and accurate record of the proceedings of that meeting (subject to adoption at next Council meeting).

Note: See first item under Business Arising.

## BUSINESS ARISING:

### BA1. Endangered Population Nomination

This item was deferred until after agenda item 1.

## AGENDA ITEMS:

### A1. Black Rocks Sports Field - Notice of Motion 12 December 2013

The following Notice of Motion was referred to the Koala Advisory Group following the 12 December 2013 Council meeting.

TITLE: [NOM-Cr K Milne] Black Rocks Sports Fields

NOTICE OF MOTION:

Cr K Milne

Cr G Bagnall

RESOLVED that Council refers the following matters to the Koala Advisory Committee for consideration:

1. Installs a lockable Koala proof gate at Black Rocks Sports Field to form a continuous Koala proof fence, and
2. Reviews more effective options to prohibit hooning, motor bike riding, dog walking golfing, model aeroplanes and other inappropriate activities, including education signs at the start of the access road on the presence and fragility of the local Koalas and the Bush Stone Curlews in the area.
3. rings forward a report on opportunities to restore the vegetation and Koala habitat around the sports field, including with community involvement.

David Norris and Lyn Dickinson presented a summary of Koala and Bush Stone-curlew observations at and around the sports field and documentation of a variety of activities considered to be impacting on koalas (hooning, dogs, motorbike/go-kart riding, parties etc) that have been occurring in the area. Arguments in support of installing a lockable koala-proof gate at the entrance to the sports field were presented. Arguments for the decommissioning of the sports field in favour of restoration to koala habitat were presented, based on the incompatibility of koalas with current activities and its limited usage as a sporting facility. Additional notices of motion were suggested for further investigation into appropriate use of the sports field.

There was discussion around the need to clarify the key point arising from Mr Norris and Ms Dickinson's presentation, and the desired outcome. Mr Norris advised that in his opinion, the use of the site as a sports field is incompatible with the persistence of the koala population in the area, with the only available solution being its removal in favour of Koala habitat. Iain advised that presentation of the key argument to Council would be a more effective approach than the range of investigations put forward as suggested motions. Mark advised that the ultimate use of the land in question is beyond the role of the Koala Advisory Group, and that the mechanism for addressing the issue is the Sports Field Strategy currently underway.

With regard to the first matter in the Notice of Motion:

**RECOMMENDATION:**

Moved: Mark Kingston

Seconded: Rhonda James

That Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.

With regard to the second matter in the Notice of Motion, Mark identified two separate issues; the first being signage and education, the second being compliance. Existing signage is only partially effective, and the only available recommendation to address illegal activities on the sports field is increased compliance. Jennifer suggested that some targeted compliance, for example ranger presence during scheduled cricket matches, may be effective, as well as the issuing of fines.

RECOMMENDATION:

Moved: Mark Kingston

Seconded: Lorraine Vass

That:

- a) Council considers increased compliance with regard to prohibited activities at the Black Rocks sports field; and
- b) sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.

3. With regard to the third matter in the Notice of Motion:

Tanya advised that under an Environmental Trust grant, Council has employed contractors to undertake restoration works (primarily assisted regeneration) in the Pottsville Wetlands. This includes the area surrounding the Black Rocks sports field.

This has been done in accordance with the Pottsville Wetland Restoration Plan.

The focus has been assisted regeneration, ie. controlling weeds to encourage the natural regeneration of native plant as this is a lot more cost effective than planting trees.

Tanya recently assessed the area surrounding the Black Rocks sports field to locate any areas for revegetation. As regeneration has been so successful in this area following weed control, planting is not suitable for much of the area surrounding the sports field. However potential areas for infill planting that have been identified either surrounding the sports field, or further north in the Pottsville Wetland include:

One small area (approx. 800m<sup>2</sup>) on the north western extent of the sports field - weed control and infill planting only, approx. 25 koala feed trees

One small area (approx. 640m<sup>2</sup>) within a bushfire asset protection zone to the north east of the sports field - stop slashing, weed control and infill planting only, approx 25 koala feed trees

One larger area (approx. 1.9ha) to the south of Kellehers Road. Weeds are currently being controlled in this area and the amount of koala feed trees that can be planted in this area will be based on site response to weed control. Two thousand trees have already been planted in an area immediately to the north of this including a significant proportion of koala feed trees.

Moved: Katie Milne

Seconded: Lorraine Vass

RESOLVED that the Koala Advisory group recognises and supports the ongoing rehabilitation work being carried out in association with the Pottsville Wetland Restoration Plan.

RECOMMENDATION:

That the Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.

David Norris, Lyn Dickinson, Ari Erlich and Tanya Fountain left the meeting.

## Business Arising

BA1. Marama provided an update on the preparation of additional information requested by the Scientific Committee. This is in final review, and will be submitted in the next few days. The accompanying map was circulated around the group for information purposes.

## Agenda Items

### A3. Koala Connections update

Scott Hetherington, Koala Connections Project Manager, provided the following update on the progress of the project:

- 13,000 trees planted to date - excellent survival and growth rates despite dry weather
- 26,000 in preparation for planting this autumn (15,000 Tweed & 11,000 Byron) - planning taking account of dry weather conditions as much as possible
- Includes 5000 in 'Stage 1' planting on ex-banana lease area at Cudgen Nature Reserve
- Remainder to be planted at private and public land sites currently being assessed and plans prepared (Cudgera Creek, Palmvale, Farrants Hill, Sleepy Hollow, Pottsville, Cudgen Lake)
- 25 active sites (works, site assessment or site action plan preparation underway) and 47 potential sites (confirmed interest and site assessment pending)
- KC Steering Committee has endorsed revised fire and koalas project plan involving:
  - working with Rural Fire Service district to identify and implement on ground provisions to assist to exclude wildfire, develop wildfire response strategy and hazard reduction certificate protocol
  - working with Nature Conservation Council and other relevant stakeholders to deliver 'peri-urban' fire management workshop
  - assisting NPWS to plan and implement hazard reduction burn in late Autumn on 'pony club' site north of Round Mountain Road.
  - development of hazard reduction management plan, best practice management guidelines and documentation of overall project as case study
  - integration with Tweed Coast KPoM and Northern Rivers Fire and Biodiversity Consortium

### A5. Proposed hazard reduction burn - Cudgen Nature Reserve (Additional agenda item)

John Turnbull tabled a map from the Pony Club Hazard Reduction Burn in Cudgen Nature Reserve Plan, currently being prepared by National Parks, detailing the location of a planned medium-intensity burn to occur in Autumn. The location is the area between Grass Tree Circuit, Murnanes Road and Round Mountain Road. National Parks is under pressure to reduce fuel in this area. John has been providing advice to National Parks. The burn is likely to benefit heath communities in the northeast of the site.

The burn area is outside the mapped koala metapopulation boundaries, but there is some koala habitat on the western ridge and it is possible that koalas may occur in the area. Scott suggested this is a good opportunity to identify protocols for responding to koala issues for future burns as it is a simple site.

Lorraine raised concern regarding the effect of smoke on any animal that was not necessarily in the burn area but nearby.

The methodology and timing for any pre-burn survey and the determining/avoidance of impact on any animals present in the area is unknown at this stage but is to be addressed in the plan. Likely to involve a walkthrough of the site prior to burning to identify any animals present. Marama raised the need for a thorough activity survey prior to the burn to better inform planning.

#### A4. CKPOM Draft operational provisions

Mark tabled the draft working document and gave a brief explanation of the chapters that had not been previously presented to the group; Introduction, General Provisions, Koala Management Framework, Roles & Responsibilities; Strategic Planning.

Scott provided an overview of the approach to offsetting taken by the plan. Offsetting is to be considered only as a last resort and the plan will provide either a calculator or offset ratio to be used in calculating the quantum of offset.

The group was advised that the Working Draft would be circulated via email, and it was requested that detailed feedback is provided within two weeks. Hard copies will be provided to group members upon request. A meeting of the KAG will follow to confirm the group's support for the Draft Plan. Mark will organise a Councillor workshop following that meeting.

There was some discussion around the scope of the future Koala Management Committee and the process for finalising the plan from this point.

#### Next Meeting

Tuesday 11 March 2014.

The meeting closed at 4:55pm.

#### **EXECUTIVE MANAGEMENT TEAM COMMENTS:**

##### ***A1. Black Rocks Sports Field***

**Nil.**

#### **EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

##### ***A1. Black Rocks Sports Field***

1. **That:**
  - a) **Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.**
  - b) **the lockable gate will be closed at dusk daily.**

- c) the lockable gate will be funded from the Koala Management Plan budget.
- 2. Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.
- 3. The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted 31 March 2010

**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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47 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 February 2014

SUBMITTED BY: Community and Cultural Services

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.3	Delivering the objectives of this plan
1.3.3	Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability

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### SUMMARY OF REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 February 2014 are reproduced in the body of this report for the information of Councillors.

### RECOMMENDATION:

That:

1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 February 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

**GB1. Committee membership matters**

*That Faye Druett be appointed to the existing vacancy on the Equal Access Advisory Committee and Angela Collins application be held open for six months to fill any other vacancy arising in that period.*

## REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 19 February 2014 are reproduced in the body of this report for the information of Councillors.

Venue:

Banora Point Community Centre

Time:

10.00am

Present:

Karen Collins, Suzanne Hudson, Una Cowdroy, Chris Vannucci, Bev Kelso, Michael Kenny, Robert Noakes, Milena Morrow (Chair).

Apologies:

Michael Armstrong, Ron Douglas (leave of absence for February 2014).

Minutes of Previous Meeting:

Moved: Karen Collins

Seconded: Bev Kelso

RESOLVED: that the Minutes of the Equal Access Committee meeting held Wednesday 18 December 2014 are a true and accurate record.

Outstanding Matters Report:

1. Footpath access following emergencies

Investigation by Council officers indicates a gap in procedures to deal with this matter. The committee was advised by Rob Noakes and Mike Kenny that this is a complex matter involving a number of scenarios and cannot be solved by a single linear procedure. There are also a number of organisations with different levels of authority and responsibilities involved. There are two main issues, the first being timing in securing the affected area to ensure pedestrian safety. The second is in relation to timing and methods of communication to alert Council and the public, especially people with vision impairment and other disabilities, that the usual pedestrian path of travel is changed and what alternative arrangements have been made. It may be appropriate to include this as an action in the draft Access and Inclusion Action Plan.

Action: Undertake further investigation on how to address this matter. Responsibility: Karen Collins and Mike Kenny

2. Affordable entry to Murwillumbah, Kingscliff and South Tweed aquatic centres for people with permanent or temporary disabilities

The trial continues to go well with memberships still selling and being promoted by aquatic centre staff. Trial continues until 20 March 2014.

3. Kerb ramp on Prowse St, Tweed Heads South

Action: Investigate whether this matter has been dealt with. Responsibility: Karen Collins

Agenda Items

1. Access and Inclusion Policy and Action Plan

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The Draft Access and Inclusion Policy public exhibition period ended on 20 January 2014. The policy will go to January Council meeting for adoption. The Draft Access and Inclusion Action Plan is being finalised for submission to Council in April for approval for public exhibition.

2. All Access Playground

This project is included in the Draft Access and Inclusion Action Plan with the concept design to be completed in the 2014-2015 financial year.

3. Tweed Link monthly Access All Areas column

The theme for April, May, June 2014 will focus on community input on the Draft Access and Inclusion Action Plan.

4. Access funds

Tabled.

General Business

1. Committee membership matters

1.1 Confidential briefing note attached with recommendation (matter dealt with at 20 March 2014 Council meeting, therefore briefing note not attached).

1.2 Expressions of interest to fill a vacancy on the Equal Access Advisory Committee were sought. Applications were received from Faye Druett and Angela Collins. The applications were considered by the Committee. Both applicants were considered suitable for membership on the Committee. Faye Druett was chosen as the preferred applicant.

RECOMMENDATION

Moved: Una Cowdroy

Seconded: Suzi Hudson

That Faye Druett be appointed to the existing vacancy on the Equal Access Advisory Committee and Angela Collins application be held open for six months to fill any other vacancy arising in that period.

2. Regional Access Committee's Forums for 2014

The next regional Access Committees forum will be held on 7 April at Lennox Head Community and Cultural Centre. The invitation has been circulated. Members will confirm attendance and transport requirements with Karen Collins.

3. Pedestrian Access Mobility Plan

This matter will be discussed at the consultation meeting following this Committee meeting.

4. Accessible toilet at Tweed City Shopping Centre

A request for the Committee to advocate for the inclusion of an adult change table in a toilet at Tweed City was received from a Case Manager from Ageing Disability and Home Care on behalf of the mother of a twenty two year old man. Some people with disabilities need access to full change table facilities in order for them, family members and carers assisting them to be included in the community. These facilities are not readily available in public facilities in Tweed Shire.

Rob Noakes advised that a request for advanced requirements, above and beyond the minimum standards can be requested and negotiated. Tweed City is in the process of major renovations to the centre.

Action: Investigate the most appropriate methods and process and advocate for the inclusion of adult change facilities in an accessible toilet as part of the planned renovation at Tweed City. Responsibility: Karen Collins

5. NSW Disability Inclusion Bill 2014

Karen Collins advised members that the NSW Government was currently reviewing and updating state disability legislation to align with the changes to the National Disability Insurance Scheme and the transition of responsibility to the National Disability Insurance Agency. The draft Bill requires Local Government Authorities to develop and adopt Disability Action Plans where previously this recommended.

6. Dream Cricket event, Friday March 7 2014

This event is supported by Access funds. The event is a partnership between the Murwillumbah Rotary Club and Cricket Club and Dream Cricket Australia.

7. Culvert on Tree Street Murwillumbah

A solution to improve the safety of this culvert for pedestrians and public transport users was sought by the Tenants Committee of 204 Byangum Road in 2012. The solution proposed and approved was that a No Standing sign be erected in front of the culvert funded by Access budget. This work has yet to be undertaken. Michael Kenny RSO advised that even though approved this matter has to be referred to the Traffic Committee as a No Standing sign is a regulatory sign with penalties and must go through another approval process.

Action: Refer matter to the Traffic Committee and update Equal Access Advisory Committee on progress. Responsibility: Karen Collins

8. Tweed heads Swimming Pool

The inability to access the swimming pool at South Tweed Heads via the metal stair/ladders was raised by a member of the community. Karen Collins advised that an access audit of the pools is included in the Draft Access and Inclusion Action Plan.

Action: Investigate whether the hoist at the South Tweed pool is working and whether the availability of the hoist is well publicised to pool users. Responsibility: Karen Collins

9. Designated Accessible Car Parking Bay at Murwillumbah Primary School

A parent of a student with disability has requested the school provide a Designated Accessible Parking Bay (DAPB) so that he can assist his son into and out of school. Council has advised that due to the slope of the site and the adjacent roads installing a DAPD on the roadway is problematic. The school has concerns about permitting parking within the school grounds.

Action: Meet with the School Principal and discuss further options. Responsibility: Karen Collins and Michael Kenny

10. Footpath and kerb ramps on Powell Street Tweed Heads and surrounding area

There are inadequate footpaths and in accessible kerb ramps along Powell Street and surrounding streets preventing safe accessible path of travel to Tweed Centro and other facilities. This area is included in the Pedestrian Access and Mobility Plan audit currently underway and will be highlighted as a priority area.

Action: Investigate the developer contribution for infrastructure is included in the new aged care residence in Powell Street and the timing. Responsibility: Karen Collins

11. Access into and within retail outlets in Murwillumbah

Many retail outlets including major chains, with Target in Murwillumbah specifically mentioned in this issue submitted to the Committee, do not use universal design in the layout of their premises. This makes it impossible for people using wheelchairs in particular to shop.

Action: Raise awareness of the importance of universal access and design with business owners and retailers through Chambers of Commerce. Responsibility: Karen Collins

12. Lift from multi storey car park in Murwillumbah

The Committee has been alerted that the lift providing access from the top storey, free parking level down through the car park for access to Queen Street and the Aquatic Centre is broken and has been out of action for some time. This car park includes designated accessible parking bays.

Action: Report to the appropriate section of Council to fix the lift. Responsibility: Karen Collins

13. Development Application for outside dining space on road way in Main Street Murwillumbah near Commonwealth Bank

This development impacts on a designated accessible parking bay. Michael Kenny seeks advice from the Committee. The question was whether to reposition the existing DAPB and create a new one in the next space repositioning the kerb ramp for better access to the footpath. The improvements would not bring the new DAPB up to Australian Standards for access. Karen Collins advised that an audit and review of all DAPBs with a focus on Murwillumbah is included in the Draft Access and Inclusion Action Plan as most of the DAPBs in Murwillumbah do not meet Australian Standards for access and safety. The Committee does not feel that moving the existing DAPB would improve the situation. The decision to remove the current DAPB to allow outside dining directly adjacent to the cafe and not replace at this stage pending the implementation of the Access and Inclusion Action Plan is a matter for the Traffic Committee.

The meeting closed at 12noon

Next Meeting: 16 April, 2014

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

***GB1.Committee membership matters***

**Nil.**

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

***GB1. Committee membership matters***

That Faye Druett be appointed to the existing vacancy on the Equal Access Advisory Committee and Angela Collins application be held open for six months to fill any other vacancy arising in that period.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Reviewed 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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**48 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held Thursday 13 March 2014**

**SUBMITTED BY: Planning and Infrastructure**

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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
  - 2.4.1 Provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities
- 

### **SUMMARY OF REPORT:**

The Minutes of the Local Traffic Committee Meeting held Thursday 13 March 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 Thursday 13 March 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] Fraser Drive and Terranora Road Intersection, Terranora**

***That a 'Stop' sign be installed on Fraser Drive at the intersection of Terranora Road.***

##### **A2 [LTC-LATE] Queensland Road, Murwillumbah**

***That the three existing 'No Parking' spaces on Queensland Road opposite the off road bus bay be removed and retained as unlimited parking.***

**REPORT:**

The Minutes of the Local Traffic Committee Meeting held Thursday 13 March 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, Ms Liz Smith, Roads and Maritime Services of NSW, Snr Constable Ray Wilson, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Rod Bates on behalf of Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Ray Clark (Chairman), Mr Michael Kenny, Mr Steve Sharp, Ms Judith Finch (Minutes Secretary).

**APOLOGIES:**

Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed, Mr David Bonner.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 13 February 2014 be adopted as a true and accurate record of proceedings of that meeting.

*FOR VOTE - Unanimous*

**SCHEDULE OF OUTSTANDING RESOLUTIONS**

[LTC] Schedule of Outstanding Resolutions - March 2014

**ORIGIN:**

Planning & Infrastructure

FILE NO: Traffic - Committee

**SUMMARY OF REPORT:**

From Meeting held 7 November 2013:

2. [LTC] Fraser Drive, Banora Point (B1)

**ORIGIN:**

Planning & Infrastructure

FILE NO: ECM 3194837; Traffic; Committee; Speed Zones; Safety; Fraser Drive

## SUMMARY OF REPORT:

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."*

Current Status: *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 13 March 2014).*

*(That Item B1 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 5 December 2013 remain on the list of Outstanding Resolutions.*

*(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] Fraser Drive and Terranora Road Intersection, Terranora

#### ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3284325; Traffic - Committee; Signs - Traffic Issues; Traffic - Safety; Fraser Drive; Terranora Road

#### SUMMARY OF REPORT:

Request received for the installation of a "Stop" sign at the Fraser Drive and Terranora Road intersection:

*"Intersection of Terranora Road and Fraser Drive. Please refer my request to the Tweed Local Traffic Committee to undertake a formal review of the intersection control. It is currently a Give Way for leaving Fraser Drive onto Terranora Road. Whilst the sight lines to the east are excellent, the same can not be said for the sight lines to the west. This intersection may well have been considered suitable for a Give Way many years ago but over time vegetation growth has dramatically cut the sight distance. With the ever increasing traffic volumes, a Stop sign should be considered.*

*You need ot (sic) consider two actions: 1. Change the Give Way to Stop, and 2. Remove, not trim, the vegetation (sic). Perhaps if this vegetation is removed and kept removed permanently, the need for a Stop sign may be removed. However, it is apparent that the vegetation lies upon private land, so one wonders how you could ensure safe sight lines are guaranteed for the long term."*



Consideration to be given to installation of a concrete median in the slip lane and that the adjacent property owner at the intersection be requested to trim/remove shrubs that are affecting sight distance for drivers exiting the intersection. The Linemarking should also be repainted to improve delineation of the intersection.

RECOMMENDATION TO COUNCIL:

That a 'Stop' sign be installed on Fraser Drive at the intersection of Terranora Road.

*FOR VOTE - Cr Barry Longland, Liz Smith, Rod Bates, Ray Wilson*

*AGAINST VOTE - Nil*

*ABSENT. DID NOT VOTE - Nil*

*PRESENT. DID NOT VOTE - Col Brooks*

A2 [LTC-LATE] Queensland Road, Murwillumbah

A safety issue was raised in relation to the current 'No Parking' designation on Queensland Road adjacent to the Museum. Parents should not be encouraged to drop off children at this location and therefore the signage should be removed and the spaces reinstated to 2 hour parking during normal business hours.

RECOMMENDATION TO COUNCIL:

That the three existing 'No Parking' spaces on Queensland Road opposite the off road bus bay be removed and retained as unlimited parking.

*FOR VOTE - Cr Barry Longland, Col Brooks, Liz Smith, Ray Wilson*

*AGAINST VOTE - Nil*

*ABSENT. DID NOT VOTE - Nil*

*PRESENT. DID NOT VOTE - Rod Bates*

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Dianella Drive and Casuarina Way, Casuarina

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3300749; Traffic - Committee; Traffic - Parking Zones; Traffic - Safety; Parking - Illegal; Signs - Traffic Issues; Dianella Drive; Casuarina Way

SUMMARY OF REPORT:

Request received in relation to parking outside the Santai Resort Casuarina when the restaurant is open or a function is held in the Resort.

*"As restaurant guests cannot park in the resort carpark, they park in Dianella Drive on both sides of the road right up to the edge of the round about on the corner of Casuarina Way and Dianella Drive.*

*Dianella Drive is sometimes reduced to one lane especially near the round about making it extremely dangerous when you come around the round about and turn into Dianella Drive.*

*Add to this is the vehicles turning in and out of Santai which makes it very congestive and unsafe.*

*There should be no parking outside Santai Resort on Dianella Drive especially when that there is parking on the new section of Casuarina Way.*

*We request "No Parking" signage be erected on Dianella Drive outside the resort and the traffic officers inspect the area regularly to ensure the street signage is being obeyed."*

It is noted from the photographs provided that the pavement width allows for two vehicles to pass each other, albeit at lower speeds. Removing parking in this area may lead to higher vehicle speeds in a site that is adjacent to a recreational reserve.

Limiting parking adjacent to the Resort may lead to customers parking in nearby streets.

Note from Rangers:

RSU Parking Officers and Rangers have not found vehicle parking outside the Santai restaurant to be a problem during our routine patrol times. However, we do not patrol this area during peak trading periods at the restaurant but we are aware that the street can become congested during busy periods.

We would support restricted parking along this section of Dianella Drive if recommended by the Committee.

#### COMMITTEE ADVICE:

That prohibitive parking signage is not supported on Dianella Drive adjacent to the Santai Resort.

B2 [LTC] Wollumbin and Coodgie Streets, Tyalgum

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3286466; Traffic - Committee; Traffic - Safety ; Traffic - Local Area Traffic Management; Traffic - Signs; Wollumbin Street and Coodgie Street, Tyalgum

SUMMARY OF REPORT:

Request received from Tyalgum District Community Association in relation to:

*"The 'give way sign' at the corner of Wollumbin & Coodgie Streets is not effective in relation to vehicles travelling down Wollumbin Street. Whereas vehicles 'give way' at the other side of the intersection coming from Tyalgum Rd, that does not happen as effectively when vehicles come down Wollumbin Street. Repeatedly vehicles drive straight through the intersection when coming from that direction.*

*Therefore we request that consideration be given to replacing the 'give way' sign on the Wollumbin Street side to a 'Stop' sign.*

Sight distance on Wollumbin Street approaching Coodgie Street is considered appropriate for a 'Give Way' sign. Minor tree trimming would further improve sight distance.

There is no recorded crash history at the intersection.

COMMITTEE ADVICE:

That the installation of a 'Stop' sign at the intersection of Wollumbin Street and Coodgie Street is not supported.

B3 [LTC] Tyalgum Road and Kyogle Road, Bray Park

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3286466; Traffic - Committee; Traffic - Safety; Traffic - Local Area Traffic Management; Advertising - Directory Tourism Signs; Street Lighting - General; Signage - Villages; Tyalgum Road; Kyogle Road

SUMMARY OF REPORT:

Request received from Tyalgum District Community Association Inc as follows:

*"At various times in 2013 the Association has written to (emailed) Council requesting the installation of lighting and/or clear signage identifying the corner of the above mentioned streets. The reason for the request is constant advice from Tyalgum residents that the corner in question is badly marked and a significant safety risk in wet weather.*

*These requests have been rejected on the basis that it is not the policy of Council to provide lighting or additional signage (generally) on rural roads. We were also advised that because there had been no reported crashes at the location, the need for preventive action was not required. Lastly the advice was that the existing signage is adequate.*

*First and foremost this is a question of safety. The corner is reasonably identifiable in daylight. But at night, identifying the corner is problematic. However when it is raining*

*the location of the corner becomes very unclear ..... obviously the current signage is not adequate."*

Signage approaching the intersection is according to the current guidelines. Linemarking is in place with a dedicated right turn lane into Tyalgum Lane off Kyogle Road. Currently Council is undertaking works to upgrade the delineation at the intersection with additional RRPMs (retro reflective pavement markers) and guide posts. Further directional signage is not required however a review of the tourist signage will be undertaken in this area.

**COMMITTEE ADVICE:**

That further delineation of the intersection of Kyogle Road and Tyalgum Road be undertaken as soon as practicable.

**B4 [LTC] Riverside Drive and Tweed Valley Way, Tumbulgum**

**ORIGIN:**  
Planning & Infrastructure

**FILE NO:** Traffic Committee; Local Area Traffic Management; Traffic - Safety

**SUMMARY OF REPORT:**

Request received from Council meeting held 20 February 2014 for Local Traffic Committee consideration for the installation of a "Stop" sign at the intersection of Riverside Drive with Tweed Valley Way, Tumbulgum.

Officers will further inspect the site and provide additional data to the Committee.

The intersection sight distance availability was considered appropriate for a 'Give Way' sign and therefore a 'Stop' sign would most likely lead to non-compliance and a risk of motorists avoiding the intersection by going through the Farmers Markets.

**COMMITTEE ADVICE:**

That the intersection of Riverside Drive and Tweed Valley Way remain designated with a 'Give Way' sign.

**B5 [LTC] Mount Warning Road, Mount Warning - Mt Warning Road Hill Climb Challenge  
27 July 2014**

**ORIGIN:**  
Planning & Infrastructure

**FILE NO:** ECM 3301221; Traffic - Committee; Traffic - Control; Festivals/Events; Bicycle Matters General; Mount Warning Road

**SUMMARY OF REPORT:**

Request received for Local Traffic Committee concurrence and permission to partially close Mount Warning Road, Mount Warning for the 'Mt Warning Road Hill Climb Challenge' to be held on Sunday 27 July 2014.

*"The Mt Warning Road Hill Climb Challenge is a 4k running and cycling event starting at the Mt Warning Rainforest Park (Holiday Park) on Mt Warning Road and finishing at the Mt Warning car park. This event requires a road closure. The road closure is from 6.30am to 11.30am (See Map 1) Sunrise is at 6.32am.*

*Event Program and format:*

*Road Closed: 6.30am*

*Run Start Time: 7.30am*

*Individual Cycle Trial Start time: 9am*

*Hill Climb Cycle Race Start Time: 10.30am*

*Presentations Finish at 11.30am (Road opens)*

*The Finish line is at the car park at Mt Warning and will be used for First Aid personnel, Timing staff and a warm down circle for runners and cyclists."*

#### COMMITTEE ADVICE:

That the proposed Mt Warning Road Hill Climb Challenge on Sunday 27 July 2014 not be supported due to the expected impact on visitation to the Mount Warning National Park.

B6 [LTC] Endeavour Parade, Tweed Heads

#### ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3279643; Traffic - Committee; Traffic - Speed Zones; Traffic - Safety; Complaint; Pollution - Noise; Transport - Bus Services - Routes; Endeavour Parade

#### SUMMARY OF REPORT:

Request received for the curfew for trucks and buses between 7.00pm and 7.00am on Endeavour Parade, Tweed Heads to be strictly enforced:

*"On the 13<sup>th</sup> Dec 2013 I detailed to Surfside Buses the offenders - ie times, dates and bus numbers including (which I enclose) another submission from a resident nearby detailing other dates.*

*For a couple of weeks towards the end of Dec and early Jan there was a difference. Not any longer. For example, on Tuesday 21 Jan 5 buses passed between 7.15-9.15pm and one at 11.55pm."*

The customer also attached a letter from another resident:

*"Listed under is just a sample of Surfside Buses ignoring the curfew:*

<i>DATE</i>	<i>TIME</i>	<i>BUS NO.</i>
<i>Tue 26/11/13</i>	<i>7.42pm</i>	<i>Unknown</i>
<i>Thur 28/11/13</i>	<i>1.03am</i>	<i>Unknown</i>
<i>Thur 28/11/13</i>	<i>8.38pm</i>	<i>Unknown</i>
<i>Fri 29/11/13</i>	<i>5.30am</i>	<i>741</i>
<i>Fri 29/11/13</i>	<i>7.20pm</i>	<i>Unknown</i>
<i>Fri 29/11/13</i>	<i>7.49pm</i>	<i>Unknown</i>
<i>Fri 29/11/13</i>	<i>10.26pm</i>	<i>Unknown</i>
<i>Sat 30/11/13</i>	<i>8.14pm</i>	<i>750?</i>
<i>Sun 01/12/13</i>	<i>7.27pm</i>	<i>490</i>
<i>Mon 02/12/13</i>	<i>7.16pm</i>	<i>490</i>
<i>Tue 03/12/13</i>	<i>7.10pm</i>	<i>499</i>

*Also, some drivers appear to be ignorant of the 50kpm speed limit in Endeavour Parade and regularly and quite dangerously missile down the street. The number of buses using this street to terminate their run is now beyond tolerance, particularly as Endeavour Parade is not an official bus route and does not have one designated bus stop".*

The sign was installed at the direction of the Local Traffic Committee in early 2003. Since installation Council receives regular complaints regarding non compliance. Alternate routes are available for drivers to bypass the sign.

Council officers will further investigate the use of this sign in consultation with the RMS.

#### COMMITTEE ADVICE:

That Council writes to bus operators advising that non compliance with the sign on Endeavour Parade may lead to infringement notices being issued by NSW Police.

#### NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 10 April 2014 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11:40am.

#### **SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:**

##### **A1 [LTC] Fraser Drive and Terranora Road Intersection, Terranora**

#### **RECOMMENDATION TO COUNCIL:**

**That a 'Stop' sign be installed on Fraser Drive at the intersection of Terranora Road.**

**A2 [LTC-LATE] Queensland Road, Murwillumbah**

**RECOMMENDATION TO COUNCIL:**

**That the three existing 'No Parking' spaces on Queensland Road opposite the off road bus bay be removed and retained as unlimited parking.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Reviewed 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] Park Naming - Bogangar**

**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: -

- (a) personnel matters concerning particular individuals (other than councillors).

Valid

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**Supporting Community Life**

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

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

## REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

### C2 [E-CM] Licence of Road Reserve - Wharf Street, Tweed Heads

#### REASON FOR CONFIDENTIALITY:

This report contains commercial in confidence material that should not be disclosed to the public as it may affect any dealings between the parties.

#### 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.

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
- 
-

**C3 [E-CM] Sale of Duroby Quarry**

**REASON FOR CONFIDENTIALITY:**

Disclosure of the negotiations on this sale could affect the expected outcome of the proposed sale.

**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.

Valid

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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
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