



TWEED
SHIRE COUNCIL

Mayor: Cr G Bagnall

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

Agenda

Ordinary Council Meeting Thursday 11 December 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-CM] Confirmation of Minutes of Ordinary and Confidential Council Meetings held Thursday 20 November 2014

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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

RECOMMENDATION:

That:

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

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.4.1.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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 November 2014 (ECM 3525478).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 20 November 2014 (ECM 3525477).

2 [CONMIN-CM] Confirmation of Minutes of the Ordinary Council Meeting held Thursday 4 December 2014

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Due to time constraints, there will be an addendum report provided to Council that will include the Minutes of the Ordinary Council Meeting that follows the Planning Committee, which was held on Thursday 4 December 2014.

RECOMMENDATION:

Refer Addendum Report.

REPORT:

As per summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.4.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Minutes of the Ordinary Council Meeting held Thursday 4 December 2014 will be included in the Addendum Report.

SCHEDULE OF OUTSTANDING RESOLUTIONS

3 [SOR-CM] Schedule of Outstanding Resolutions



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

CODE OF MEETING PRACTICE:

Section 2.8 Outstanding Resolutions

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

18 APRIL 2013

13 [NOM-Cr K Milne] Climate Change Priority

NOTICE OF MOTION:

197

Cr K Milne
Cr G Bagnall

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

Current Status: Workshop conducted 12 September 2013 and will be dealt with through the Environmental Sustainability Strategy that will be presented to Council for consideration at the January 2015 Council meeting.

19 SEPTEMBER 2013

ORDERS OF THE DAY

4 [NOM-Cr B Longland] Aboriginal Employment Strategy

NOTICE OF MOTION:

532

**Cr B Longland
Cr K Milne**

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

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

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.

12 DECEMBER 2013

REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

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

866

**Cr M Armstrong
Cr G Bagnall**

RESOLVED that:

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

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

Investigation is in progress.

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

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

23 JANUARY 2014

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

NOTICE OF MOTION:

12

**Cr C Byrne
Cr P Youngblutt**

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

Current Status: Workshop conducted 12 September 2013 and will be dealt with through the Environmental Sustainability Strategy that will be presented to Council for consideration at the January 2015 Council meeting.

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

NOTICE OF MOTION:

15

Cr W Polglase
Cr M Armstrong

RESOLVED that:

1. Staff prepares an estimate of costs for preparation of the plan of management in (2) below to inform consideration of this item in the 2014/15 budget
2. Council considers the following item in the 2014/15 budget:

"Prepare a Plan of Management for the Tweed Valley Way/Tweed River Corridor. This Plan of Management is to be a guiding document to coordinate activities and ensure consistency for planned and future works along the corridor. Activities to be addressed by the plan will include, but not be limited to: signage, roadside plantings, river bank stabilisation, riverbank plantings and town entry statements."

3. A report be prepared that:
 - (a) Assesses the adequacy of existing town/village entry statements in Tweed Shire in regards to the functions of informing the travelling public, promoting the towns and villages and providing an attractive, culturally and environmentally appropriate village/town entries.
 - (b) Provides a detailed, prioritised and costed works program to upgrade the entry statements to an appropriate current standard over a suitable number of years.
 - (c) The Rural Villages Strategy be considered in preparing the Tweed Valley Way/Tweed River Corridor Plan of Management.

Current Status:

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

26 October 2014 Deputy Premier announced \$10,000 for the provision of entry gateway signage on the Gold Coast Highway.

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

20 FEBRUARY 2014

ORDERS OF THE DAY

48 [NOM-Cr M Armstrong] Public Open Space

NOTICE OF MOTION:

114

**Cr M Armstrong
Cr K Milne**

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

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

Current Status: In progress.

10 APRIL 2014

37 [NOM] Impacts of Cats on Native Fauna

NOTICE OF MOTION:

241

**Cr G Bagnall
Cr M Armstrong**

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

This report to include, but not be limited to:

- a summary of current research on the interactions between cats (domestic, free-living strays and feral) and native wildlife on the eastern seaboard;
-

- what measures have been successfully employed by other Australian Councils to reduce the impacts of cats on native wildlife;
- recommendations as to possible measures Tweed Shire Council can adopt to reduce the impacts of cats on native wildlife; and
- suggestions on where these measures will fit into the organisational structure, and the resourcing implications of adopting such measures.

Current Status: Report to be prepared.

15 MAY 2014

ORDERS OF THE DAY

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

NOTICE OF MOTION:

289

**Cr P Youngblutt
Cr G Bagnall**

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

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

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

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



24 June 2014

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

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

Email: thomas.george@parliament.nsw.gov.au

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 616
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Dear Sir

Camphor Laurel Harvesting for the Condong Cogeneration Plant

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

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

Page 1 of 2





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

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

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

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

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

Yours faithfully

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

24 Jun 2014 3:50 PM

Troy Green

General Manager

CSign

Enclosure

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

32 [NOM] Environmental Vandalism

NOTICE OF MOTION:

291

Cr G Bagnall
Cr K Milne

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

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

Current Status: Workshop held on Thursday 27 November 2014.

33 [NOM] Tree Health Assessment Standards and Policy

NOTICE OF MOTION:

293

Cr G Bagnall
Cr M Armstrong

RESOLVED that Council undertakes a workshop to:

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

Current Status: Workshop held on Thursday 27 November 2014.

34 [NOM] Promoting Culture in the Streets

NOTICE OF MOTION:

294

**Cr K Milne
Cr M Armstrong**

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

Current Status: Workshop held on 30 October 2014 for Social Living Rooms and Culture in the Street, and report to be prepared.

19 JUNE 2014

ORDERS OF THE DAY

53 [NOM] Holiday Rentals

NOTICE OF MOTION:

370

**Cr C Byrne
Cr K Milne**

RESOLVED that:

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

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

17 JULY 2014

ORDERS OF THE DAY

34 [NOM] Bruce Chick Conservation Park

NOTICE OF MOTION:

428

**Cr G Bagnall
Cr P Youngblutt**

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

1. Sealing of the road to the existing building and the car park areas adjacent to the building.
2. Refurbishment of the building.
3. Explore options to upgrade the toilet facility.
4. Options for the restoration of the bridge crossing over the creek to the arboretum.
5. Removal and options for rehousing of feral poultry (ongoing).
6. Council calls for expressions of interest for the pump out of sewage waste from Bruce Chick Conservation Park.
7. Re-establishment of appropriate signage for the park to include the interpretive information displayed in the building and the entry statements which acknowledge Bruce Chick.
8. An assessment of opportunities that might be considered for the park between Council and a suitable community organisation, that can exploit possible revenue potential from overnight stay campers/caravaners, a possible retail outlet at the Park, or suitable activities from such a community organisation.
9. The plan to be brought back to the Council in November 2014 in a form that would be suitable for public exhibition.

Current Status: Item 5 - poultry has been re-homed.
November 2014 timeline on other items not able to be met due to the complexity of the review to be undertaken and resourcing constraints.

21 AUGUST 2014

REPORT FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

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

461

**Cr K Milne
Cr G Bagnall**

RESOLVED that Council:

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

Current Status: Report to be prepared, following conclusion of the Environmental Sustainability Strategy, due to resourcing.

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

465

**Cr C Byrne
Cr M Armstrong**

RESOLVED that Council:

1. Proceeds with detailed design work to extend the Tweed Heads Branch Library within the Tweed Heads Civic Centre building as recommended in this report and prepares a funding submission to the State Library of NSW for the next capital infrastructure funding round in 2014/15 to assist with funding the extension.
2. Endorses the relocation of the Council Customer Contact Centre from the Tweed Heads Civic Centre to the former SCU building to make way for expansion of the library, when appropriate.
3. Provides shared community and Council meeting and activity spaces within available existing rooms in the former SCU building, including providing for the existing uses of the South Sea Islander Room by the South Sea Islander Community and the Emergency Operations Centre.
4. Determines that proposed community and cultural facilities in the former SCU building will be made available for general community use and not for exclusive use by individual organisations or groups.

5. Redesigns the lecture theatre (located at the western end of the middle level of the former SCU building) to provide a chamber for Council and Planning Committee Meetings, and a multipurpose theatre style meeting and activity space for performance and rehearsal, community meetings and events, and council training and activities.
6. Investigates options for community and/ or commercial activities to activate the public domain area between the Tweed Civic Centre building and the former SCU building.
7. Involves users of community and cultural facilities and relevant technical experts in the design of interim improvements for the Tweed Heads Branch Library and the Civic and Community Centre, as per the implementation and engagement requirements outlined in this report.
8. Receives a report in December 2014 on detailed design and costs for the interim improvements proposed in this report.

Current Status: Report included in December 2014 Council agenda.

REPORTS FROM THE DIRECTOR ENGINEERING

18 [E-CM] Coal Seam Gas Free Signage

469

Cr K Milne
Cr M Armstrong

RESOLVED that:

1. Council approves the installation of eleven of the thirteen proposed coal Seam Gas Free signs.
2. The signs referred to in 1 above contain the words "Gas Field Free" or "Tweed Shire - Gas Field Free", depending on available space.
3. Council:
 - a. Undertakes further investigation to identify whether there is any Council owned land or supportive private landholders where it would be appropriate to install further signs at the three entrances (M1, Gold Coast Highway, Wharf Street) to north of the Shire and South Tweed Heads, and
 - b. Brings back a supplementary report.

Current Status: In relation to 1 and 2 signs have been installed. In relation to Item 3 further site investigations are in progress.

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

476

Cr M Armstrong
Cr K Milne

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

Current Status: Report included in December 2014 Council agenda.

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

481

Cr M Armstrong
Cr K Milne

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

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

ORDERS OF THE DAY

44 [NOM] Concept Plans and Cost Estimates - Murwillumbah

NOTICE OF MOTION:

501

Cr G Bagnall
Cr K Milne

RESOLVED that:

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

2. The concept plans and cost estimates are to be reported back to Council for consideration.

Current Status: Concept plans and costs estimates being prepared.

18 SEPTEMBER 2014

26 [NOM] Welcome to Tweed Shire Signs

NOTICE OF MOTION:

549

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council brings forward a report on:

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

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

16 OCTOBER 2014

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

11 [CNR-CM] Community Infrastructure Framework

576

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council:

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

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

ORDERS OF THE DAY

37 [NOM] Seniors Exercise Equipment

NOTICE OF MOTION:

608

**Cr K Milne
Cr M Armstrong**

RESOLVED that Council:

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

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

20 NOVEMBER 2014

URGENCY MOTION:

[UM] Painted Handrails - Kyogle Road Bridge, Uki

627

**Cr B Longland
Cr M Armstrong**

RESOLVED that:

1. Council take no action in relation to the unauthorised painting of the handrail on Smiths Creek Bridge on Kyogle Road.
2. The paintwork remains pending advice from the Uki Village & District Residents Association regarding community opinion on the paintwork.
3. An article on the need for Council approval for works of this nature be included in a future Tweed Link edition.
4. A report be brought back to the February 2015 Council meeting.

Current Status: Consultation has commenced. Report to be prepared for consideration at February 2015 Council meeting.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

13 [CNR-CM] Art Deco Festival Murwillumbah

637

**Cr B Longland
Cr P Youngblutt**

RESOLVED that Council:

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

Current Status: A workshop was held with councillors on Thursday 27 November 2014 and noted that a procedure has been prepared covering heritage management for the local heritage assistance funds grants across the Shire, therefore no further report required at this stage.

Note: Items 3 and 4, which are specific to the Art Deco heritage buildings in the Murwillumbah CBD (noting that this is separate from the local heritage assistance funds program) will be considered in December 2014 quarterly budget review.

ORDERS OF THE DAY

40 [NOM] Lighting to Chinderah Bay Drive Bus Shelters

NOTICE OF MOTION:

671

Cr M Armstrong
Cr K Milne

RESOLVED that Council brings back a report to a future Council meeting with respect to providing lighting to bus shelters in the Shire and identify prioritised bus shelters.

Current Status: Report to be prepared.

41 [NOM] Tweed Shire/State Government Relations

NOTICE OF MOTION:

674

Cr B Longland
Cr W Polglase

RESOLVED that the Mayor send the following letter, attached to this Business Paper item, to the Deputy Premier of NSW without delay, with copies to the State Members for Tweed and Lismore as well as his Councillor colleagues:

"Dear Deputy Premier

I am writing to convey the appreciation of the Council for your welcome support with the provision of State Government funding for entry signage to NSW at Tweed Heads following your announcement on site on 24 October. Council has noted some negative publicity around the launch event that might have detracted from its significance. This

related to the Council's position on the coal seam gas industry of which I am sure you would be aware. It is regrettable that this issue, which has been separately dealt with in other forums, was allowed to get in the way of what was a great example of the positive engagement we have enjoyed with the NSW Government over recent times.

The Council places a high value on our relationship with your Government and we wish to also acknowledge the work of our two local State members for Tweed and Lismore for their support and advocacy. They are the conduit between our levels of Government and play an important role in Council's capacity to deliver good outcomes for our residents. Council seeks to retain a continuing strong partnership with the State Government and the Council looks forward to welcoming you again when you next visit the Tweed.

*Kind regards
Cr Gary Bagnall
Mayor"*

Current Status: At the time of the business paper preparation this item had not been actioned.

42 [NOM] A-Frame Signs

NOTICE OF MOTION:

675

**Cr B Longland
Cr M Armstrong**

RESOLVED that Council officers bring forward a report with regulatory options that might be considered in limiting the proliferation of A-frame signage on Council land adjacent to our road network.

Current Status: Report to be prepared.

44 [NOM] Greening the Shire

NOTICE OF MOTION:

678

Cr B Longland
Cr C Byrne

RESOLVED that Council holds a workshop on possible participation in 2020 Vision and Greening the Shire.

Current Status: Workshop to be scheduled.

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES IN COMMITTEE

C1 [CNR-CM] Community Services - Department of Social Services Regional Assessment Services Tender

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

C 47

That Council supports:

1. Staff to continue discussions with the proposed Northern Community Care/Support Alliance.
 2. A proposed subcontractor arrangement for the Department of Social Services Regional Assessment Service tender through Community Options Australia and/or the proposed Northern Community Care Alliance subject to a risk assessment and a satisfactory mitigation of identified risks once the model of delivery and governance has been agreed.
 3. A further report will be presented to Council as soon as practicable on the Memorandum of Understanding and the results of the risk assessment.
-

Current Status: Action on items 1 and 2 in progress. Item 3 will be actioned following the determination of the lead agency.

MAYORAL MINUTE

4 [MM-CM] Mayoral Minute for November 2014

SUBMITTED BY: Cr G Bagnall, Mayor



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

- 3 November Kingscliff Ratepayers and Progress Association Meeting - Kingscliff Public School, Orient Street, Kingscliff
 - 7 November NOROC Meeting - Ballina Council Chambers, 40 Cherry Street, Ballina
 - 10 November Cudgen Progress Association - Cudgen Public School, 11 Collier Street, Cudgen
 - 11 November Destination Tweed Meeting - World Heritage Rainforest Centre, Murwillumbah
 - 18 November Kingscliff Chamber of Commerce - Kingscliff Bowls Club, Marine Parade, Kingscliff
 - 19 November Caba Progressive Co-ordination Meeting - Cabarita Beach Sports Club, Cabarita Road, Bogangar
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 1 November Tweed River Agricultural Society 114th Murwillumbah Show, Murwillumbah Showgrounds
- 1 November Escape Fine Art Gallery Opening Exhibition - 1 Brisbane Street, Murwillumbah
- 3 November Mt Warning Dragon Boat Club Awards - Council Chambers Foyer, Murwillumbah
- 5 November CEO Gold Coast Airport - 1 Eastern Avenue, Gold Coast Airport
- 7 November Bond University Indigenous Gala - Bond University, University Drive, Robina
- 8 November Tweed River Festival Main Event and Lantern Parade - Jack Evans Boat Harbour, Wharf Street, Tweed Heads
- 11 November Remembrance Day - War Memorial, Civic Park, Tumbulgum Road, Murwillumbah
- 13 November Citizenship Ceremony - Tweed Heads Civic Centre, Cnr Wharf and Brett Streets, Tweed Heads
- 14 November IMAGinE Awards - 107 Redfern Street, Redfern
- 16 November Tweed Foodie Fest Sponsors Evening - Murray's Back Bar, 13 Wharf Street, Murwillumbah
- 20 November Dedication of Plaques to Memorial Way - Murphy's Road, Kingscliff
- 20 November Murwillumbah Community Centre's Inaugural Art Exhibition - Nullum Street, Murwillumbah
- 21 November Sourdough Group Business Luncheon - Macadamia Castle, Pacific Highway, Knockrow
- 21 November Kingscliff Beach Hotel Unveiling - 102 Marine Parade, Kingscliff
- 22 November Tweed Foodie Fest - Murwillumbah Showground, Banner Street, Murwillumbah
- 23 November 10th Kingscliff Triathlon Official Starter - Cudgen Creek boat ramp
- 24 November Official Opening of Tweed Heads Men's Shed - 1-2 Park Street, Tweed Heads
- 25 November Exclusive Madura Bush Tea Experience - Madura Tea Estates, 753 Clothiers Creek Road, Clothiers Creek
- 27 November Announcement of estuary grant for riverbank restoration trial for Murwillumbah - NSW Environment Minister media event Budd Park, Alma Street, Murwillumbah South

- 27 November Joey's Pouch Early Years Educational and Preschool opening of their new playground by Hon Thomas George Joey's Pouch, Cnr Ewing and Rous Streets, Murwillumbah
- 28 November Hon Rob Stokes Minister for the Environment, Heritage, the Central Coast and Assistant Minister for Planning meeting Cudgen Surf Lifesaving Club, 61 Marine Parade, Kingscliff

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

- 1 November Tweed River Agricultural Society 114th Murwillumbah Show, Murwillumbah Showgrounds - Cr Longland attended
- 5 November Tweed Heads Diabetes Support Group - Community Room, Tweed City Shopping Centre, 54 Minjungbal Drive, Tweed Heads South - Cr Byrne attended
- 8 November Tumble Town Indoor Play Centre 10th Birthday Celebration, 10 Everleigh Street, Murwillumbah - Cr Youngblutt attended
- 17 November Twin Towns Friends Association Inc. Christmas Lunch - Tweed Heads Bowls Club, Florence Street, Tweed Heads - Cr Longland attended
- 22 November Bowls Queensland Division One State Pennant Finals - Tweed Heads Bowls Club, Florence Street, Tweed Heads - Cr Longland attended
- 25 November Australian Airports Association National Airport Industry Awards - Gold Coast Convention Centre, Gold Coast Highway, Broadbeach - Cr Byrne attended
- 29 November Opening of the Foundation for National Parks and Wildlife first workshop - Burringbar Community Hall, Burringbar - Cr Longland attended

Inability to Attend by or on behalf of the Mayor

- 29 November Riding For The Disabled 25th Anniversary - 661 Stokers Road, Dunbible
-

REQUESTS FOR WORKSHOPS:

Councillors did not request any additional workshops during November 2014.

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

- 29-30 November LG NSW Inaugural Mayor's Weekend - Stamford Plaza, Cnr Robey and O'Riordan Streets, Mascot
-

Information on Conferences to be held

- 11-13 March Australian Coastal Councils Conference, Mornington Peninsular, Victoria

The annual Australian Coastal Councils Conference is an important national event that brings together representatives of local government, researchers, policy makers and others with a stake in the future of the Australian coast and its communities.

Early bird registration \$1155 plus welcome reception \$55 and gala dinner \$132, two flights and three nights' accommodation. Refer www.seachangetaskforce.org.au

 - 22-24 July 15th International Cities Town Centres and Communities Conference and 5th Mainstreet Australia Conference - Novotel Wollongong, 2-14 Cliff Road, Wollongong NSW

Provide practical international case studies for analysis - lessons learnt and practical take-away examples. Discuss the latest global developments in urban design, place making, retail, planning, development, main street marketing and management, project management and sustainability. Mix with professionals from varying backgrounds in a true cross-disciplinary event. Provide access to and leverage from the experience of national and international specialists.

Early bird registration \$895, two flights and two-three nights' accommodation. Refer www.ictcmainstreet2015.org
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 6 November Transfer document - Property Purchase - SCU Lot 2 DP 1019196 Brett Street Tweed Heads

 - 26 November Termination Deed and Lease document - Southern Cross University - 31 Brett Street Tweed Heads
-

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.4.1.

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 November be received and noted.**
- 2. The attendance of Councillors at nominated Conferences be authorised.**

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

5 [ROP] Receipt of Petitions

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

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

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

RECOMMENDATION:

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

REPORT:

As per Summary

OPTIONS:

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

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.4.1.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

- 6 [GM-CM] Destination Tweed: Quarterly Report for the quarter July to September 2014

SUBMITTED BY: Holiday Parks and Economic Development



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:

As required by the current funding and performance agreement with Destination Tweed, a quarterly performance report and summary financial statement are to be provided for Council's review. This report provides Destination Tweed's quarterly reports for the quarter 1 July to 30 September 2014.

This report recommends that Council notes this quarterly report from Destination Tweed.

RECOMMENDATION:

That Council:

1. Notes Destination Tweed's Quarterly Report for the quarter July to September 2014.
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:



PROGRESS REPORT TO TWEED SHIRE COUNCIL

November 2014

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MARKETING AND PROMOTION OF THE TWEED

WHERE DT HAS COME FROM

At the beginning of 2012 we reviewed Destination Tweed as an organisation: its objectives, resources, position and ability to deliver on its objectives.

The review also critically examined the existing tourist experiences available in the Tweed and ability to deliver on them. We profiled the visitors to better understand them, what they seek and how they want to be engaged. We reviewed our marketing, its look and feel, consistency, and the channels used to reach our target markets.

We reviewed the Visitor Information Centres, how they ran, what they sold and how they serviced visitors to the Tweed. We also reviewed the products on offer in the Tweed and matched them to our target markets expressed needs.

We identified the gaps in marketing, visitor servicing, product development and set about strengthening these areas. The journey that Destination Tweed has taken over the last 18 months has peeled back a number of layers and provided redirection to enable us to be in a position to better deliver on our vision *'to build and foster an economically and environmentally sustainable tourism industry for the Tweed Shire'*.

We have had successes, strong consistent growth in core markets capped off with being a finalist in the 2014 NSW Tourism awards for Destination Marketing. We have increased yield of visitors and grown the economic contribution of tourism to the Tweed from 321 million AUD in 2011 to 376 million AUD in 2013. We have delivered new collateral and have a higher engagement with Tweed's industry than ever before.

In consultation with Council we also reviewed our contractual obligations under which we were responsible for providing Business Attraction and Marketing Services for the Shire. These roles and responsibilities, contractually set and clearly articulated, did not constitute responsibility for overall Shire economic development. After consideration of the policy settings and framework required for the future of the broader economic development support function for the Tweed, the Board and Councillors established a partnership to jointly fund and develop a Tweed Economic Development Strategy (EDS). Following the adoption of the EDS, further discussion and collaboration between the two organisations has led to a rationalisation of responsibility and service delivery for business marketing and development in the Tweed.

We have also recently completed the Shire's first Tourism Destination Management Plan (TDMP). This provides a road map and focus for the Tweed's tourism marketing and development initiatives 2014-2018. A TDMP that has synergy with broader NSW and National strategies is also a prerequisite for access to grant funds.

We have continued to review our corporate structure within the context of both our contractual obligations to Tweed Shire Council and the direction we need to take in the longer term to remain a viable and effective organisation. This has been a staged approach designed to better facilitate the development of product and marketing of the region. These are slow but essential changes in order to support us in better delivering our obligations to Council and the local industry and community.

This report reviews some of the activities and outcomes from the last 18 months that have helped us in delivering our goals of;

- Building a strong brand for our region
- Positively influencing the perception of the Tweed in the mindset of consumers, industry and trade.
- Cultivating an engaged, informed and educated tourism industry; and build strong and positive relationships with Tweed operators

WHO WE ARE TARGETING

We identify our target markets based on extensive and critical market research provided by the National Visitor Survey (NVS), International Visitor Survey (IVS) and data collected from our Visitor Information Centres at Murwillumbah, Tweed Heads (and more recently Kingscliff). Data provided by the NVS and IVS from Tourism Research Australia (which is recognised as one of the most reputable sources of tourism data in the world) is the industry's benchmark and provides a detailed insight into the trends and behaviours of tourists.

Destination Tweed's *Tourism Monitor* is a quarterly report produced by an independent industry specialist. The Tourism Monitor uses statistically significant numbers from the NVS and IVS to provide accurate and up-to-date market research data. We take note of trending data to identify travel patterns and movements.

We are one of a handful of regions to query the full NVS and IVS data sets. These methods enable us to drill down and query data that is specific to the Tweed Shire, exclusive of surrounding regional areas. This provides us with the distinct advantage of having critical, accurate and in-depth knowledge of our target markets and their travel patterns. It also allows us to identify new and emerging markets that will be beneficial to our region.

Data is available to us every quarter. We are continually defining and re-defining our target audiences in a tiered structure based on their ability to deliver a higher economic return to our region. A summary of this data is reported and published in quarterly reports as provided to Tweed Shire Council.

SUMMARY OF DOMESTIC AND INTERNATIONAL TARGET MARKETS TIERS

Origin of Domestic Overnight Visitors

- Tier 1 – Brisbane 33.4%
- Tier 3 – Sydney 11.8%
- Tier 2 – Gold Coast 9.6%
- Tier 4 – Northern Rivers / North Coast 9.2%
- Tier 5 – Darling Downs, Sunshine Coast, Melbourne <5%

Origin of Domestic Day Visitors

- Tier 1 – Northern Rivers 41%
- Tier 2 – Brisbane 31%
- Tier 3 – Gold Coast 26%
- Tier 4 – Bundaberg, Darling Downs < 1%

Origin of International Overnight Visitors

- Tier 1 – New Zealand 35%
- Tier 3 – England 12%
- Tier 2 – USA (including Hawaii) 6%
- Tier 4 – Germany 6%

On a regular basis, we critically examine the percentage of visitors each of these segments generate, and their fluctuation in market share. Our research allows us to accurately define our target markets and critically evaluate marketing budget expenditure.

Within these geographical tiers, we also analyse demographical data to ensure products and experiences are matched with specific targets. It is of fundamental importance to ensure all imagery and messages we present resonate and align with our target markets.

We also track trending patterns within target markets relevant to our northern neighbours (Gold Coast) and our southern neighbours (Northern Rivers). We investigate opportunities to partner with them and collaborate on campaigns to leverage off their marketing activities. Participation in these activities also assists with regional visitor dispersal from two iconic destinations to the north and south of our region.

Target markets given the highest priority are identified based on their ability to deliver a positive return for the Tweed Shire economy. We ensure marketing budgets are dispersed efficiently and effectively, specifically targeting valuable, high-yield markets. Targeting these specific high-yield markets has proven to be more cost effective for our region and delivers a higher return on our marketing investment.

Our Shire is not, and never will be, a mass tourist destination, It is fundamentally important to understand our region's strengths and weaknesses in order to identify niche target markets that can be matched to the products and experiences available in the Tweed.

The Tweed is a nature based destination, the most popular tourism experiences in the region are those focused on engaging with the natural environment, a such as all our marketing collateral and imagery strongly focuses on the beauty of natural attractions found in the Tweed: the Green Cauldron; world-heritage-listed national parks; pristine and uncrowded beaches; relaxed, informal yet sophisticated atmosphere.

Our marketing collateral has been developed to:

- Resonate with target markets through interesting, engaging, eye-catching imagery and creative and compelling calls to action that positively influence a decision to visit the destination;
- Present the region's destinational profile and quality of experiences to target markets;
- Reposition the 'Tweed' brand from old, outdated and drab, to a fresh, clean and simple brand proposition that depicts a number of elements and experiences available within the destination;
- Highlight nature-based destinational aspects of the region.

Imagery, messages and calls to action vary depending on the target markets and their location, for example:

- Sydney *Turn your day dreams in to a reality - Tweed Valley, only 1 hour flight from Sydney*
- Brisbane *Turn your day dreams in to a reality - Tweed Valley, only 1 hour drive from Brisbane*
- Gold Coast *Your daydream is just a day trip - only 20km from the Gold Coast*

TOURISM MARKETING OBJECTIVES

Based on sound tourism research, we have implemented a variety of marketing and promotional activities across a broad range of media since 2012. All activities were aligned with achieving the following marketing objectives:

- 1) Increase visitor numbers
- 2) Increase length of stay
- 3) Increase repeat visitation
- 4) Increase yield
- 5) Raise the profile of the Tweed
- 6) Increase operator/industry engagement
- 7) Position the Tweed as an attractive travel destination
- 8) Encourage regional dispersal to share economic benefits across the Shire

Our role is to attract visitors to the region. We aim at target markets?? in mediums and channels that reach and influence them *before* they make the decision to travel, not after they arrive at the airport/destination.

Marketing messages used are relevant to each market segment and aimed to introduce the region and the products and experiences it offers and to stimulate overnight or longer term visitation.

We adopted an intensive four phase approach to the execution of our marketing campaigns and strategies:

Phase 1 - Concept and Brand Development

Phase 2 - Collateral Development and Market Distribution

Phase 3 - Marketing Activities

Phase 4 - Participation in Industry Lead Cooperative Marketing Campaigns

PHASE 1 – CONCEPT AND BRAND DEVELOPMENT

Development of our destination marketing campaign incorporated a review of the outdated Tweed brand. Concept work was undertaken to provide a more contemporary focused brand identifying the Tweeds strengths in order to support the region.

The new and refreshed Tweed identity has a strong fit and resonance with local tourism operators and the region. The new design elements provide a clean and simple brand proposition that complements the experiences offered by the destination.

Our destination awareness campaign targeting the South East Queensland region was designed to reinforce and promote the region's experiences.

Emotive imagery and clear and compelling messages were instrumental in achieving our project objectives. Marketing activities included bus advertising in the Brisbane Bayside area and the Gold Coast, as well as billboards at Brisbane's Central Station, and an extensive schedule of radio advertisements on the Gold Coast.

All advertisements and messages were designed to:

1. **Reinforce** the beauty and appeal of the destination to those that already knew about it, and;
2. **Introduce** the destination to new consumers.

A similar campaign was rolled out in Sydney. Similar to South East Queensland, we sought to promote the region's identity and experiences with a simple message and emotive imagery that would appeal to our target markets. Billboards were placed in Wynyard and Town Hall stations and advertisements appeared on buses in the Eastern Suburbs. These, along with industry advertising, helped pitch and promote the region.

This was the first phase of the overall campaign, which was complemented by product and destination advertising in selected print publications that were aligned with specific target markets and through various media activities such as complimentary public relations and media familiarisations.

PHASE 2 - COLLATERAL DEVELOPMENT & MARKET DISTRIBUTION

The second phase of our campaign involved the development and distribution of collateral to consumers. Each piece of collateral was aligned to the branding, messages, style and tone developed and used in Phase 1. The collateral forms a suite of reference material.

Website

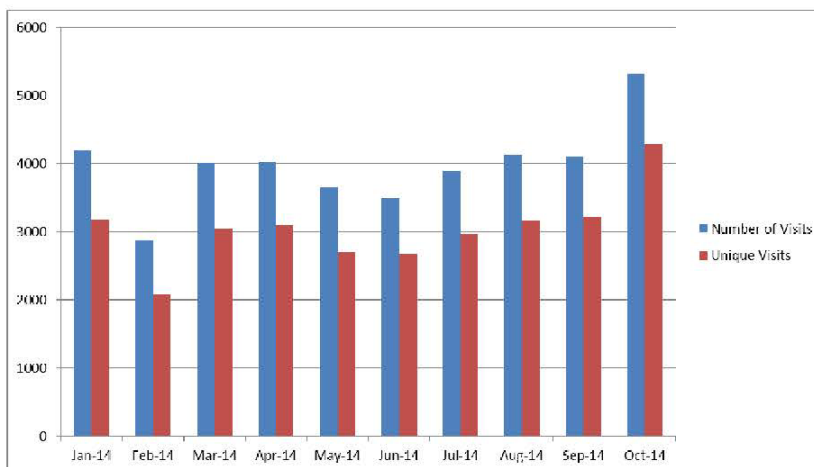
Our new website went live in December 2013 and was officially launched in January 2014. It is the foundation and anchor of all marketing activities. It was carefully developed to ensure both consumer and industry needs were considered.

The website offers easy and logical search functionality and is our primary digital platform. Content categories are more user-friendly and align with tourism research based on how consumers search and browse content. All activities conducted by us are aimed at driving consumer traffic to the website.

After extensive research, the process for booking accommodation and experiences online was overhauled. Operators now have the option to link their business profile to an existing third party booking channel. This reduces the need for operators to manage multiple channels, reduces the time required for our Visitor Information Centres to manage inventory, and is more user friendly for consumers booking online. Opportunities are available for operators to map their profile to multiple webpages (depending on product relevance) which allows for more exposure.

Previously, listing on our website was only available to specific types of membership. The number of operators/contributors at this time fluctuated between 150 and 180. Now, over 275 Tweed operators have engaged with us to build their online presence.

The outcome is a destination website with rich, informative content that portrays a comprehensive picture of the experiences available in the Tweed. Consumer visitation to the new website continues to experience growth as indicated in the graph below.



Tweed Visitor Guide

Our Tweed Visitor Guide, in its second year of publication, is the primary sales tool for the Tweed. Launched in 2013, the Tweed Visitor Guide supports and complements the revitalisation of our regional tourism brand:

- The Guide is distributed via the Information Centres in Murwillumbah, Tweed, Kingscliff and Hastings Point, which service over 70,000 customers each year. Staff use the guide to suggest travel and activities, provide access to maps, and disperse visitors and share the tourism dollar throughout the region;

- The Guide is the key resource for consumers planning a holiday in the Tweed region;
- The strength of the publication is its large distribution base, including channels that are *only* accessible to tourism organisations like us. The electronic version of the Guide is distributed to highly influential industry partners such as Tourism Australia and Destination NSW;
- The Guide is distributed to travel trade partners at events such as the Australian Tourism Exchange.

Travel Trade Itinerary Guide

Our Travel Trade Itinerary Guide was developed to complement the suite of marketing collateral presented to Inbound Tour Operators, retailers, wholesalers and industry professionals at B2B events and trade shows.

The brochure provides an overview and suggestions for the best ways to experience the Tweed, recommending 3, 5 and 7 day itineraries that ITOs, retailers and wholesalers can consider when planning holidays for their customers.

The activities suggested in the itineraries are not mutually exclusive and can be mixed-and-matched to suit the consumer's interests. The guide is designed to encourage increased length of stay, dispersal of tourist dollars throughout the region, and promote a cross section of experiences that best showcase the highlights the Tweed region offers.

Conference and Events Brochure

Our Conference and Event Brochure was developed for B2C and B2B distribution to support the Meeting Incentives Conference & Events (MICE) market in the region. It covers transport to, from and within the region, USPs, and presents a table of conference and event venues. It also offers suggestions for business incentives and team building events. The brochure complements the expo display used at B2B events such as the Australian Tourism Business Events Expo.

Moto Touring Itinerary Guide

Over 86% of visitors to the Tweed emanate from the self-drive market. The Destination Tweed Moto Touring Itinerary Guide was developed to capitalise on the self-drive market by encouraging visitors to travel more throughout the Shire. The Moto Touring Guide provides 3, 5 and 7 day itineraries, highlighting the best way to experience more highlights of the region from the comfort of a car or the thrill of a motorbike. The brochure complements the expo display used at B2C events such as Motorclassica - The Australian International Concours d'Elegance & Classic Motor Show.

Tweed Regional Maps

A suite of maps has been produced to complement and match the new Tweed branding and style. The maps are a valuable resource for VIC staff and are also available in an A3 tear-off pad form. Using the maps, VIC staff personalise itineraries for visitors to enrich their experience, increase length of stay and enhance dispersal of tourism dollars and visitation throughout the Shire. The maps have been replicated and printed in the Tweed Visitor Guide and maps are also provided to local tourism operators to pass on to their guests.

Outdoor Signage & Visitor Information at Sporting Events

Every year, our region hosts a number of high profile sporting and cultural events which bring huge economic benefits to the local business community. In addition to assisting event managers with logistics, permits and funding, we have developed a range of outdoor signage to increase brand awareness and presence, including mesh banners, feather flags and corflutes. Signage at local events strengthens our brand locally and showcases Destination Tweed to both local industry and sporting visitors to our region. In previous years, our support has been 'behind-the-scenes', working with organisers during the development and planning stages. We are now also focusing on have visibility during events.

We have also developed templates to customise information about activities available for visitors to the region specific to the event they are attending and the time of year they are visiting. These are printed and distributed at events.

Partnership Program

Effective marketing of our region wouldn't be possible without the support of local tourism operators. By joining forces, we can ensure that funds and resources are evenly dispersed throughout the Shire. Our Partnership Program was created to encourage local operators to become involved in the marketing activities and promotional opportunities that we facilitate.

It takes our refreshed brand and strategic activities to industry partners and is designed to assist operators to get more leverage and further reach for their marketing expenditure. The Partnership Program presents strategic and cost effective options for operators to be involved in collaborative marketing activities. Getting involved is accessible and affordable, even for the smallest tourism related businesses. Since the launch of the Partnership Program and website in January 2014, we have seen 86% growth in operator and industry participation.

PHASE 3 – MARKETING ACTIVITIES

Based on critical evaluation of our target markets, their travel patterns and demographics, we have chosen marketing mediums and channels that provide the best opportunity to reach and influence our markets before they decide to travel. These marketing mediums include:

Bus advertisements

Bus advertisements in major metro and regional areas are effective and economical mobile billboards that take our destination and marketing messages to mass target markets in Sydney, Brisbane and the Gold Coast. They are also instrumental in creating brand awareness of the Tweed as a travel destination.

Train Station Billboards

Billboards were strategically placed in high traffic locations in the Sydney and Brisbane CBDs. These billboards exposed our brand repeatedly to target markets living in these two major metro locations.

Print advertisements

Advertisements and campaigns have been placed in the following publications:

- 24 month campaign in Holidays With Kids
- 24 month campaign in Holidays For Couples
- Destination Weddings feature and campaign
- Annual campaign with Time to Roam magazine
- Advertisements in senior newspaper publications
- 24 month campaign in Northern Rivers Business Magazine – a business and lifestyle publication
- 12 month campaign to encourage dispersal of visitors from the Gold Coast to the Tweed via placement of advertorial in Hotel Compendiums in the Gold Coast region
- 24 month + ongoing support of The Legendary Pacific Coast campaign + associated cooperative marketing activities
- 12 month campaign to encourage dispersal of visitors from the Gold Coast to the Tweed via DPS and editorial in Gold Coast Hotel coffee table publication
- 24 month campaign of strategic advertisements on the back cover of the Gold Coast and Brisbane Street Directories, plus strip advertisements in the Sydney Street Directory
- Byron Bay and Beyond brochure and complimentary accommodation guide to attract visitors from Byron Bay to the Tweed

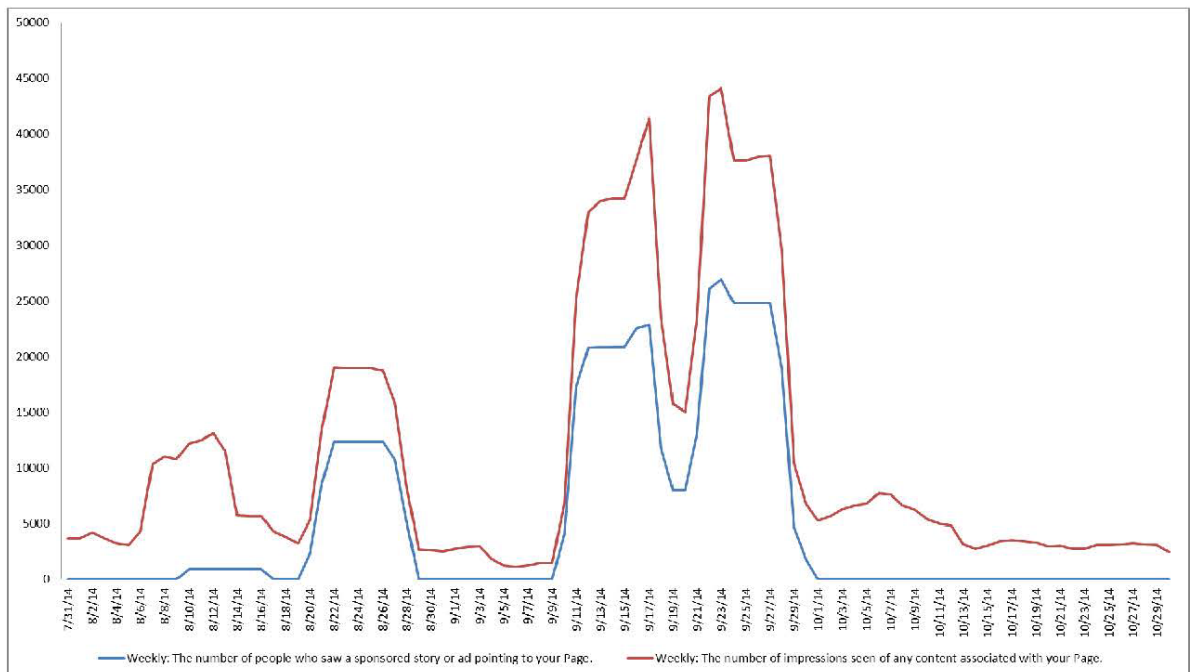
Digital/Broadcast Marketing

- Radio campaign targeting the Gold Coast and encouraging day trip visitation to the region.
- 24 month e-newsletter campaign distribution via Holidays With Kids
- Blog, website content and e-newsletter distribution via Holidays For Couples
- Destination competition giveaway and digital distribution via Time to Roam magazine
- Digital distribution via Northern Rivers Business Magazine
- Online campaign with Australian Traveller via distribution in Electronic Direct Mail (EDM)
- Destination Tweed Branded EDMs and B2C communications - product-based campaigns to encourage bookings and visitation
- Destination Tweed Branded EDMs and B2B communications – distribution to information to keep local industry and stakeholders informed

Social Media

Social media is an integral component of our marketing mix. These popular communication platforms enable us to communicate across a variety of channels with people interested in visiting the Tweed. The instantaneous nature of these mediums enables Destination Tweed to adaptively trial new concepts and offer market-specific information.

The chart below demonstrates spikes in exposure of advertised content (blue) and page impressions (red) following the running of a series of advertisement. The results are instant and provide us with real-time results. The advertisements in this example were for the Tweed Fusion weekend. The first advertisement yielded 5 bookings for the Margret Olly Dinner with 12hours of the ad being pushed by Facebook.



Whilst we continually evaluate the rapid evolution and developing trends of social media channels, we also remain focused on the more established channels where our predominant markets frequent and interact. Channels are updated at least once a day. Social media is used to promote the Tweed’s natural assets, as well as to broadcast news about events, marketing campaigns, business networking opportunities and consumable tourism product.

Consumer Travel Expos

Our attendance at consumer travel expos ensures exposure of the brand to key domestic markets. It also allows us to conduct informal onsite market research to gauge consumer brand/region recognition and survey consumers as to the experience and style of travel experience they are seeking for their next holiday. This research provides insight into how to refine our marketing messages and collateral inclusions and helps us make qualified, research-based marketing decisions.

Our displays at consumer events are colourful, eye-catching, reinforce our brand and its messages, and complement our marketing collateral and hand-outs. We created a 'competition which allowed us to capture consumer data and survey the experiences and style of travel that appealed most to consumers. The results of which have further helped shape the Tweeds marketing message.

Attendance at Expos and Travel Shows is considered essential for strengthening brand awareness across Australia. The following expos are included in our marketing mix:

- Holiday & Travel Show – Brisbane 2013, 2014 – ongoing
- Holiday & Travel Show – Sydney 2013, 2014 – ongoing
- Holiday & Travel Show – Melbourne 2013, 2014 – ongoing
- RACV Motorclassica – Melbourne 2013, 2014 – ongoing
- Brisbane Caravan and Camping Show – 2012, 2013, 2014 -ongoing
- Sydney Caravan and Camping Show – 2012, 2013, 2014 -ongoing
- Melbourne Caravan and Camping Show – 2012, 2013, 2014 –ongoing

Trade Events

Attendance at B2B events and expos allows us to introduce export-ready product to distribution channels domestically and internationally and therefore enhance economic growth in the region. We strive to develop meaningful long-term relationships with key contacts across multiple distribution channels to ensure the longevity of tourism for our region. Attendance at B2B events includes:

- Australian Tourism Export Council (ATEC) membership, workshops and trade events
- Australian Tourism Exchange (ATE)
- Australian Business Events Expo (ABEE)

Public Relations

We utilise the services of a local public relations specialist to assist with media communications. The key focus of our public relations campaigns are to:

- Increase brand awareness of Destination Tweed, promote the beauty and diversity of the region and its appeal as a holiday destination
- Increase awareness of the role we play within the Tweed Shire
- Promote our tourism initiatives and campaigns to increase visitation
- Communicate good news stories relating to tourism growth within the region
- Promote local cultural and sporting events
- Provide support to interstate media and event organisers visiting the region for local, state and national sporting events
- Create strong relationships and active lines of communication between us and local media

Our public relations consultant strives to ensure that in all media releases, the role and/or support of Destination Tweed is communicated. Our media releases are regularly distributed to a targeted database (print, broadcast, digital) of national, state and local travel, business and news editors, chiefs of staff, journalists and presenters.

During an average three month period news about, or including, Destination Tweed reached a cumulative audience of 925,713 and generated more than \$61,637 in advertising space across the mediums of television, radio and print.

PHASE 4 – PARTICIPATION IN INDUSTRY LEAD COOPERATIVE MARKETING CAMPAIGNS

The decision to be involved in industry lead cooperative marketing campaigns allows us to maximise marketing investment and increase visitation through increased exposure. It allows us to leverage off combined marketing dollars and engage with industry shire-wide.

Campaigns are built around price offers and/or value-added deals to encourage bookings and travel throughout the campaign period. These campaigns draw traffic to our website and are aimed at increasing visitation and expenditure per visitor to the region.

Tweed Valley – Beaches and Bush Campaign

The campaign was designed to integrate industry and local destination involvement. The promotional aspects were built around price offers and/or value added deals to encourage bookings and travel through the campaign period.

Our Beaches and Bush Campaign attracted record visitor numbers to the campaign site legendarytweedvalley.com.au

- Bus ads acted as mobile billboards exposing our brand and the campaign to consumers around the Tweed and Gold Coast and attracting more visitors to the website
- The Beaches and Bush TV commercial aired in homes across regional NSW, Newcastle and the Gold Coast via NBN and Gem
- Advertisements featured in the Autumn edition of the most popular Australian Family Travel magazine Holidays With Kids
- Advertisements and editorial featured on the Holidays for Couples website
- Electronic Direct Mail was distributed to our subscriber database
- Promotional flyers were distributed at local events such as the Australian Longboard Surfing Open
- Offers were promoted on the hugely popular Holidays With Kids website and in their monthly EDM to hundreds of thousands of subscribers
- Banner ads on our Facebook page and home page of the website attracted visitors to the campaign site

Tweed Valley - Food & Art Campaign

The Food & Art Campaign followed on from the success of the Beaches and Bush cooperative marketing campaign. This large scale tactical cooperative campaign targeted families and couples. We achieved strong visitation to the campaign site in comparison with other participating destinations.

- Our television commercial was broadcast throughout regional NSW, Newcastle and the Gold Coast via NBN and Gem.
- Advertisements featured in Brisbane News which is delivered direct to households with high incomes and readers who enjoy the 'good things in life'.
- Advertisements featured in Gold Coast Eye Magazine, a full colour leisure and lifestyle magazine published every Saturday in the Gold Coast Bulletin.
- Digital ads featured in the lifestyle section and entertainment section of the website goldcoast.com.au for a duration of two weeks/25,000 ad impressions
- Digital ads were featured on the website couriermail.com.au for two weeks / 50,000 ad impressions

- Advertisements featured in the winter edition of Australia's most popular family travel magazine Holidays With Kids
- Offers featured on the popular website Holidays for Couples website
- Offers were promoted on the hugely popular Holidays With Kids website and in their monthly e-newsletter to hundreds of thousands of subscribers
- Flyers were inserted into the Australian Traveller magazine directing visitors to legendarydeals.com.au for 'Legendary Holiday Deals' on the Tweed.
- Banner ads on our Facebook page and website home page helped attract more visitors to the campaign site.

TOURISM MARKETING RESULTS

The table below outlines our target objectives and our achievements during this period.

Objective	Target	Achieved
Increase visitor numbers	Average of 500,000 domestic overnight visitors	Average of 502,375 p/a in 24 month period
	Average of 20,000 international overnight visitors	Average of 21,375 p/a in 24 month period
Increase length of stay	Average of 3 nights per stay for domestic overnight visitors	Average of 3.7 nights in 24 month period
	Average of 10 nights per stay for international overnight visitors	Average of 13.8 nights in 24 month period
Increase Tweed's percentage share of domestic visitors to the Northern Rivers region	Average 25% share of domestic overnight visitors to the NR	Average of 26.96% in 24 month period
	Average 25% share of domestic visitor nights to the NR	Average of 25.63% in 24 month period
Increase Tweed's percentage share of international visitors to the Northern Rivers region	Average 10% share of international overnight visitors to the Northern Rivers region	Average of 11.1% in 24 month period
	Average 12% share of international visitor nights to the Northern Rivers region	Average of 14.9% in 24 month period
Increase Tweed's percentage share of domestic visitors to Regional NSW	Average 3% share of domestic overnight visitors to Regional NSW	Average of 2.9% in 24 month period
	Achieve 3% share of domestic visitor nights to Regional NSW	Average of 3% in 24 month period
Increase Tweed's percentage share of international visitors to Regional NSW	Average 3% share of international overnight visitors to Regional NSW	Average of 3.7% in 24 month period
	Achieve 3% share of international visitor nights to Regional NSW	Average of 2.7% in 24 month period

PRODUCT DEVELOPMENT

Product development is a broad term and can be misused, in the context of Tourism Destination Development there are three key areas of focus;

- Soft development
- Hard development
- Events

SOFT DEVELOPMENT

Each business is in a different stage of the business life cycle and each requires different solutions. The goal sought here is to ensure that operators are able to access and engage with industry distribution channels, engage in marketing campaigns and importantly build the Tweed experience.

We continue to work and engage with operators on their business to build both sustainability and resilience. This is working through areas such as marketing, planning, yield management, understating how costs and commission to become internationally ready.

To facilitate internationally ready products we engaged with Travel Trade (tourism retails, wholesales, ITO's, Destination Management companies, airlines etc) to build and develop relationships with to be able to connect the Tweed's operators to. This type of trade engagement takes time and is the long term cornerstone of being able to have the Tweed's experiences promoted, packaged, included in itineraries and sold by third-parties across the world.

ENGAGE WITH INDUSTRY

- **Tourism Managers Group:** we are an active participant with the TMG and together we are working to build a regional profile as a group. We participate in cooperative marketing activity to build the broader regional profile of the Tweed and surrounding areas.
- **Australian National Landscapes program:** Destination Tweed remains part of the Steering Committee for the Australia's Green Cauldron (Tourism Australia's National Landscape program). We continue to implement the experience development strategy for the AGC including business mentoring, marketing and industry development. This program has strengthened our relationship with the Gold Coast City Council, Queensland Government State Development and Scenic Rim Council.
- **Destination NSW:** We continue to build our relationships with DNSW, this relationship has strengthened over the last few years with the Tweed now being included on an increasing number of industry and media familiarisations. The Tweed has benefited from this relationship with increased awareness of the expertise in the Tweed being included in PR, Media and destination advertising. Previously the focus had only been on Byron Bay, but as the Tweed's profile builds so have our opportunities with DNSW.
- **Tourism Australia (TA):** We continue with our relationship with TA through the National Landscapes program but more strategically and directly with the TA staff and regional offices/representatives. Our attendance over the last few years at the Australian Tourism Exchange (ATE) has developed and fostered a number of key industry development opportunities.

Attendance at ATE provides us with direct access to the world's travel trade; our focus over the past few years has centred around building awareness of the Tweed within our key target markets. Last year was again about building the destination, but also incorporating the Tweed into existing programs and travel trade itineraries. The results will come over time, with each year progressing forward with engagement. ATE is also the time where we learn and understand our target markets (emerging, declining and growth), their travel

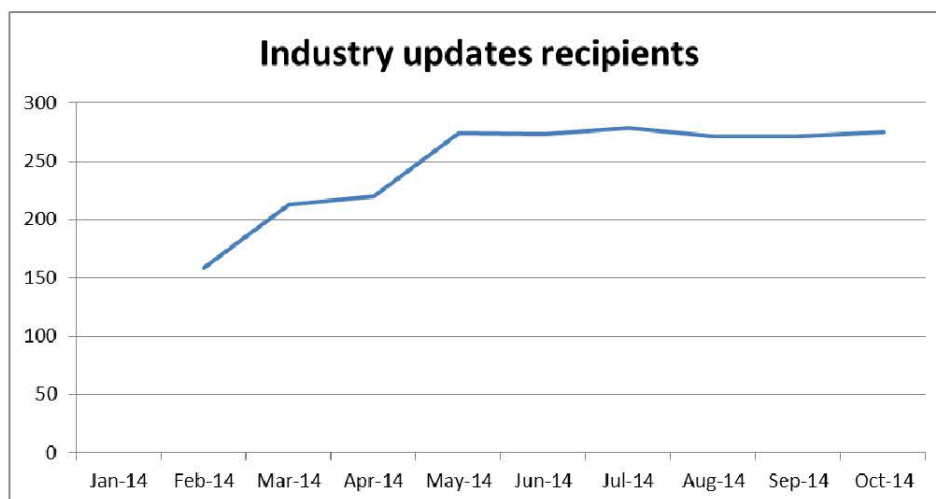
habits and what is trending in each market; this enables us to better understand the product gaps or opportunities for the Tweed. Knowing this, we have worked with some operators to tweak and change their product offer to better suit the expressed needs of the market.

- **Relationship development with trade, retail, wholesale, airlines, Inbound Tour operators (ITO) & Destination Management Companies (DMC)** has progressed positively over the last few years. This is an essential component of both raising the profile of the Tweed, but also enabling internationally ready products to become engaged with trade. Some businesses in the Tweed are already engaged, but it is essential if we are to develop the experiences of the Tweed that we provide opportunities for emerging business to be able to engage in this sphere.
- **North Coast Destination Network (NDCN):** The NCDN is the regional tourism organisation (TRO) for the northern part of NSW. We have invested in building strong relationships with the NCDN which has, over the last eighteen months, yielded some very good results in both accesses to grant funding and inclusion, participation and representation in cooperative marketing activities.

TOURISM UPDATES

eNewsletters are regularly sent to our consumer databases. These databases continue to grow with each consumer exhibition we attend and marketing campaign. As we segment this information our marketing becomes more define our consumer. It is this data that we use to deliver relevant content to consumers and to deliver product offers that have interest to them.

The monthly Industry eNewsletter was redesigned and content reviewed to be more relevant and helpful for the Tweed's tourism industry. More work has been scheduled in the coming month to provide industry with quarterly tourism research to assist them in their marketing and decision making. Since the new template and delivery of the industry eNewsletter there has been a healthy uptake with an average of 48% of recipients reading the content (average rate for travel industry is 30-40%: Campaign Monitor)



HARD DEVELOPMENT

Hard development looks at both capacity and infrastructure requirements; and how to fill the gaps that have been identified in the delivery of the Tweed Experiences. By nature these activities are longer term in and are identified in both the Tweeds Economic Development Plan (co-authored by DT) and the Destination Tweed's Tourism Destination Management Plan.

We have worked to build stronger working relationship with Council to better understand the planning process and approach. This has assisted in the planning stages of proposed tourism ventures so that more effective tourism development can be established in context with current and emerging trends.

This approach has assisted in providing council with up-to-date information and understanding on commercially what would be applicable for tourism development in the Tweed. There have been a number of projects that we have worked on such as the 'Integrated trails Network' and 'Rail Trail' which have provided clear opportunities to be considered for tourism development.

The Integrated trails Network project has been an ongoing collaboration with the Caldera Institute that has identified product development opportunities to develop a network of trails for walking, cycling, mountain biking and paddling and the potential for creating adventure tourism experiences and events. These are all important growth areas for the Tweed experience development.

The Tourism Destination Management Plan referred to earlier is an essential document for the future development of tourism, this document reviewed a number of council plans and policies, as well as its community engagements in order to provide a road map for tourism that is in keeping with council and community expectations and provides actual development of long term tourism experiences.

EVENTS

Events are essential for the long term development of the Tweed. We use events as a draw card for visitation in shoulder and low seasons (to spread of visitation across the year) and to increase exposure of the Tweed.

Whilst events are good at bringing people to the Tweed the true opportunity is to have visitors engage in other activities whilst they are in the region, and ideally extend their stay. We have approached this through packaging of events with accommodation, visits to local attraction and suggested things to do and see whilst in the Tweed.

We have taken a focus on sporting events and delivered on this through our partnership with Sports Marketing Australia (SMA), the Tweed lends its self to the more passive sporting events such as triathlons, cycling, and surf lifesaving events. The Tweed also has a number of excellent venues that have been utilised from lawn bowls and netball. Sports tourism brings a high level of direct economic return to the region, with a number of participants taking additional time to stay in the Tweed for a holiday whilst they are here.

OPERATE VISITOR INFORMATION CENTRES

Over the last 18 months we have reviewed both the functions and the operations of the Visitor Information Centres (VICs). There has been a re-focus on the skill sets required to meet the changing needs of visitors and the ways in which they are serviced, as well as how information is disseminated.

VIC's must adapt and change with emerging consumer trends in order to remain relevant, helpful and of value.

One method we have employed to meet emerging trends has been the introduction of iPads to the VICs. The iPads provide a number of options for visitors to access information. The iPads have been set up to provide visitors with access to specific applications such as bus time tables, maps, e-brochures and are designed to provide visitors with the freedom and flexibility to browse information in their own-time. If assistance is required, staff and volunteers are on hand to help.

The iPads also represent opportunities for increasing online sales as consumers become increasingly comfortable with purchasing products and services online. It has been important to enable visitors to do this within the VICs at their own leisure. As above, the iPads contain applications that enable visitors to browse, enquire and purchase tours, attraction and accommodation.

Another very important and valuable method we have recently employed in VICs is the establishment of a voucher-booking system. We have worked with local operators to implement this new process which has enabled us to generate more sales that are booked directly with local suppliers. This process enables cost efficiencies for both Destination Tweed and the operators by removing commissionable areas of third party distribution channels.

RETAIL SALES

During this period we have reviewed the designs and layout of the VICs. Staff have undertaken retail training and shop fitting and layout courses, which have had a positive impact on the sales figures. There are a number of improvements that will be made over the coming months to better utilise the spaces available for both retail and visitor servicing. These changes and improvements will be rolled out in stages.

Another important component of the review has included the products offered for sale to consumers. We have made a conscious move away from products that are made off-shore. We are placing greater emphasis on increasing our product range to offer more locally made products. The emphasis has been placed on quality products that reflect the Tweed region and its varied and vibrant local artisans.

VIC STATISTICS

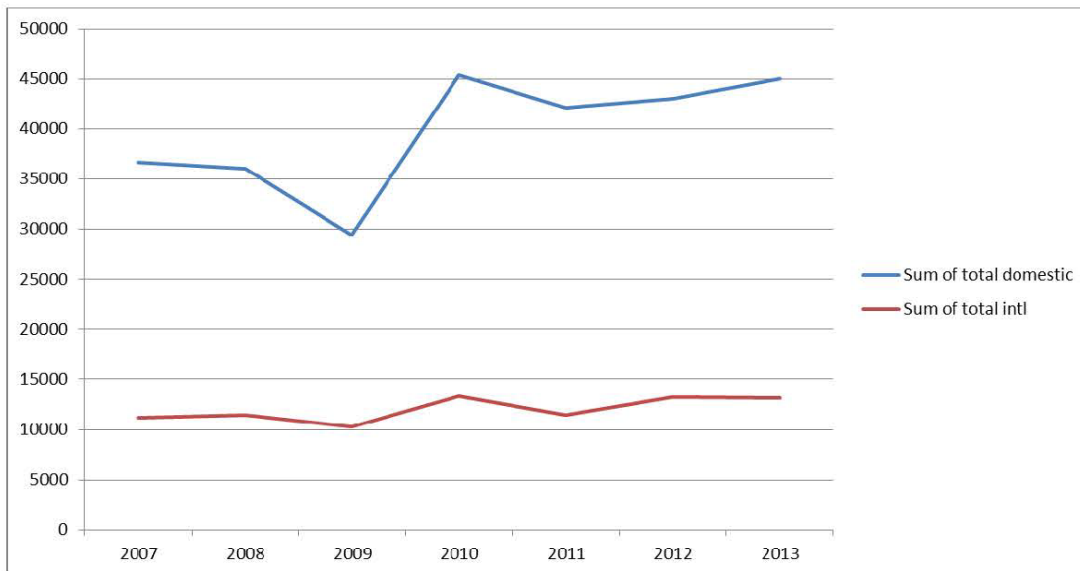
It is important to note the visitor numbers listed below are taken from only two areas of the Shire and register only those visitors that come into the VICs. These figures **should not** be used to judge or compare effectiveness of marketing; they are a snapshot of a section of the market that travel to our region. Statistically sound data can be drawn from the NVS, IVS and room occupancy datasets.

MOVEMENT IN VISITOR NUMBERS

	2014	2013	Variance	2014	2013	Variance
	Murwillumbah			Tweed Heads		
Sept Qtr	7111	6469	+9.9%	9744	10209	-4.55%
June Qtr	6394	6370	+0.37%	7251	8171	-11.25%
Mar Qtr	5256	5844	-10.06%	8252	7652	+7.84%

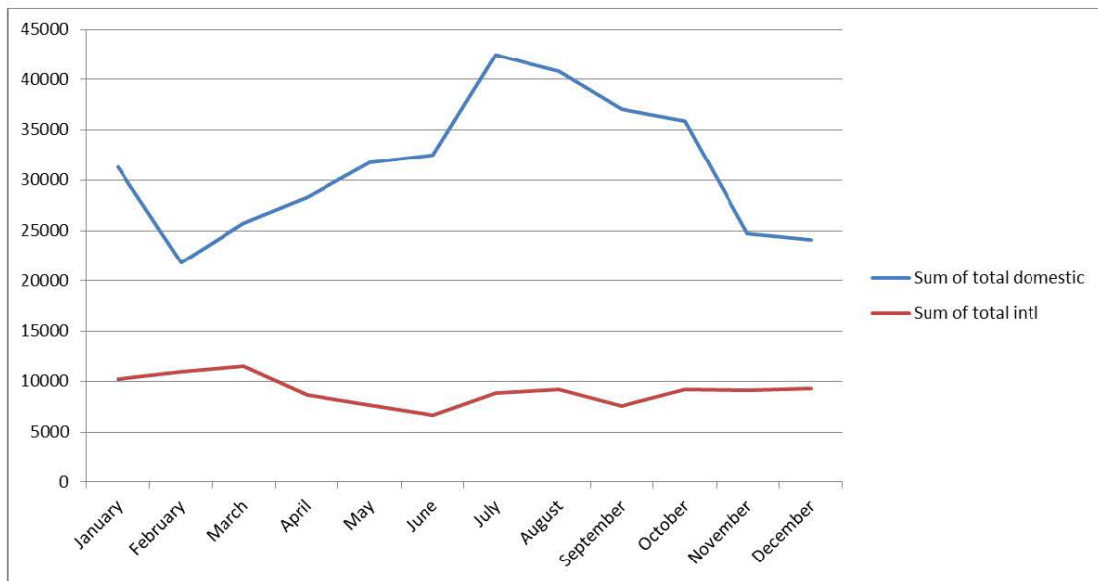
- Murwillumbah had an increase in visitor numbers this quarter 9.9% and Tweed Heads a decrease of 4.55% in comparison to the same quarter last year.
- There was a 7.53% increase in sales bookings made in the September quarter in comparison to last quarter.

Total visitation - calendar 2007-2013



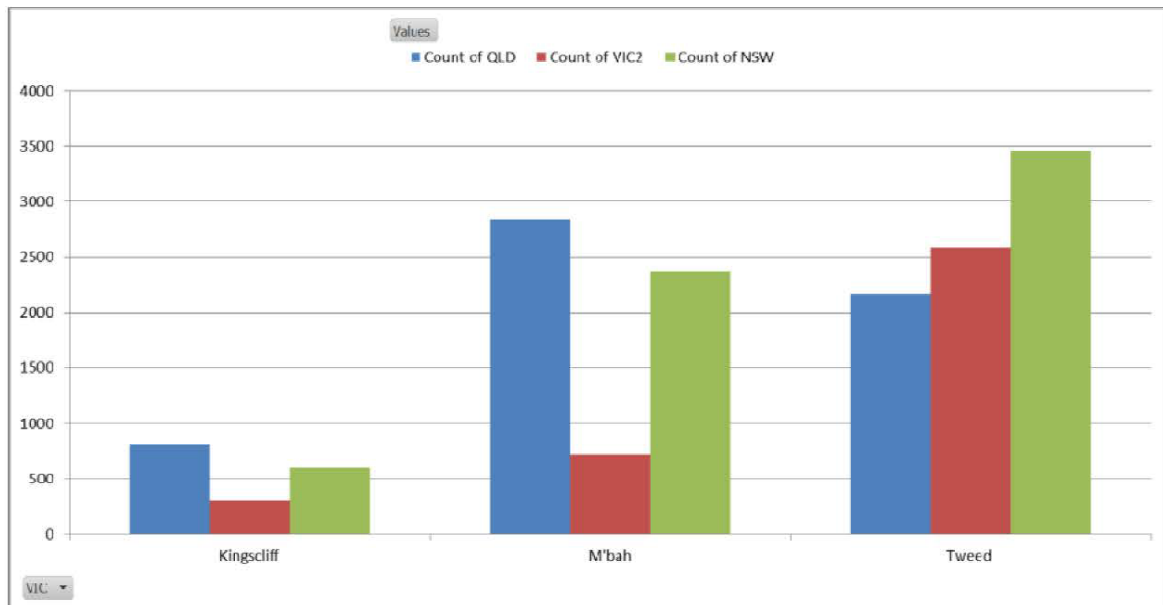
Visitation to the information centres will increase proportionally with the increase in overall tourist numbers to the region. As we move into the future we are ensuring that VIC's remain relevant in both the type of information provided and how it is disseminated; these are key to the future of visitor servicing and capitalising on any subsequent sales opportunity.

Visitation by month



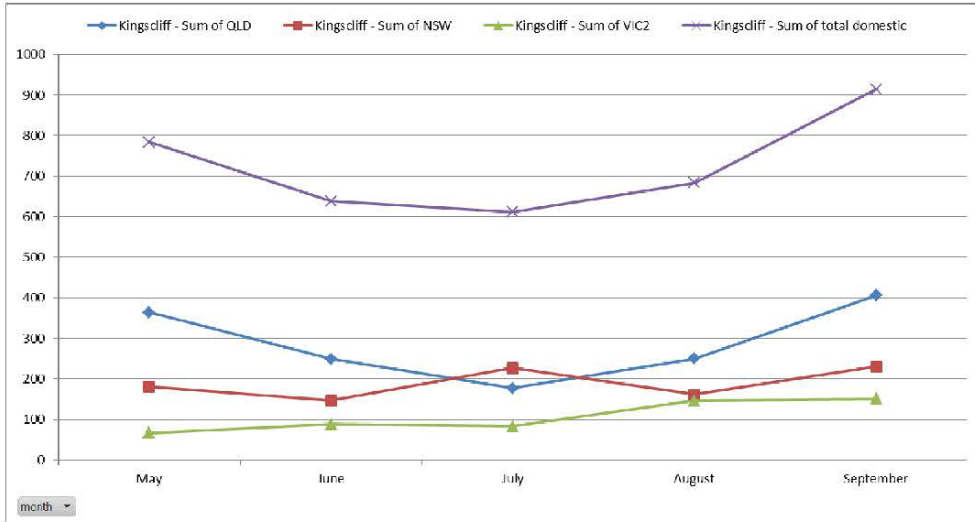
As previously reported, the number of visitors frequenting the VIC during the summer months (in comparison to winter) is proportionally low due to visitors pre booking their accommodation / activities before they come to the Tweed. A large portion of visitors in the summer months stay on the Tweed Coast, where to date there has not been the opportunity to connect them with a VIC. Now that Kingscliff VIC is open, there is the opportunity to increase this number over the summer months and influence their activities.

Visitation by top three domestic target markets



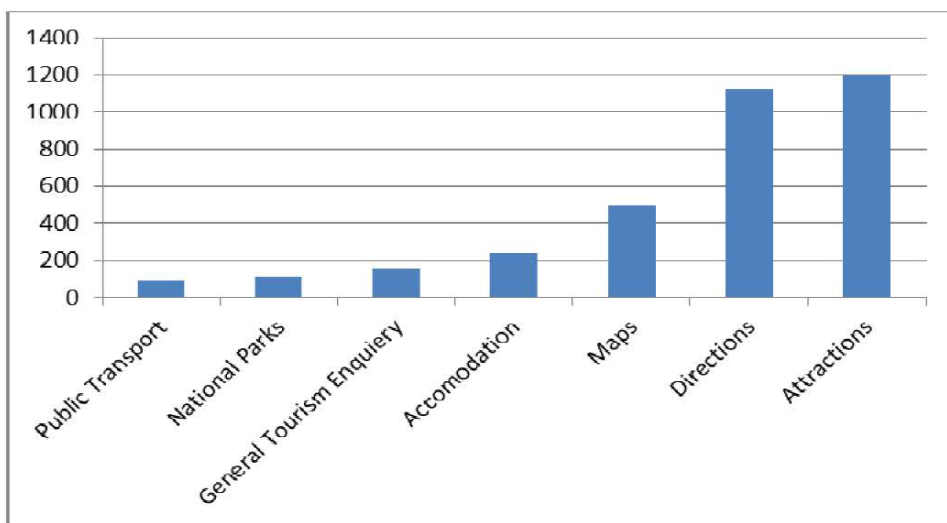
KINGSCLIFF VIC

Kingscliff VIC opened in May 2014 as a joint initiative of Destination Tweed and the Kingscliff Chamber of Commerce. The VIC visitation is as expected, while to some this would seem low but there are a number of factors that influence this such as location, signage, awareness and hours of operation.



From the chart above, the drop in visitation by Queensland visitors is in line with all other research, surprisingly the number of visitors from the southern states over the winter period is low in comparison to Tweed Heads. For the most part, this is the grey nomad market travelling through the region heading north. This is a future opportunity that can be capitalised on to bolster the low and shoulder seasons.

The chart below outlines the key enquiries made by visitors at the VIC, not surprisingly they are centred on attractions and directions. The majority of people frequenting the VIC are already staying in the region and are seeking information on things to see and do whilst they are here. This is an important opportunity to influence the visitor to 'stay another day' and to spend more time and money in the Tweed Shire by providing them with experiences to purchase and consume.



We see the opportunity and value of having an Accredited Level 1 VIC in Kingscliff, the opportunity to influence those that are already in region to stay longer cannot be underestimated, or provide them reasons to come back whilst they are already in region.

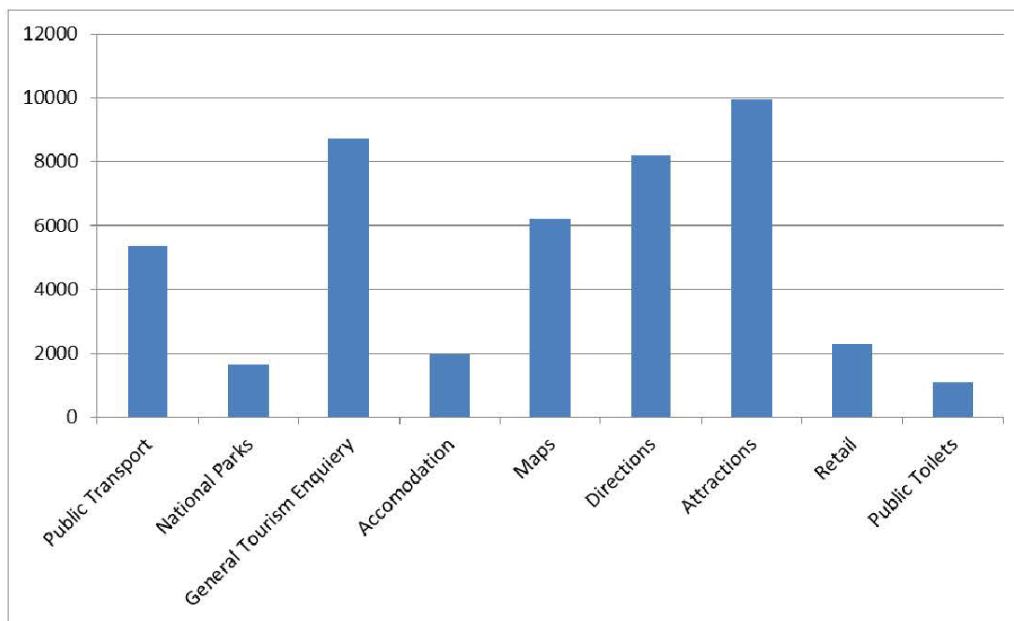
TYPES OF ENQUIRY

Types of enquiry vary across each of the VICs, the chart below show the top types of enquiry across all the VICs. This enquiry data is for the 2014 calendar year to-date.

Enquiry at Murwillumbah is focused on visitors on self-drive tours, enquiring about national parks, activities and seeking general information. They also request more information on public toilet amenities than other VICs, which stands to reason.

Tweed’s key enquiries are centred on people looking to book attractions, tours and seeking maps and general information. Another key enquiry for the Tweed VIC is public transportation; this brings in a large number of people seeking information to travel-around and disperse.

Kingscliff, as identified above is more directed to visitors looking for activities as for the most they are already staying in the Tweed and looking for activities to engage in whilst they are in situ.



OPTIONS:

This report to Council presents the quarterly report from Destination Tweed which is required as part of their contract. The successful submission of this report will endorse payment of their quarterly contract instalment for the next quarter in line with their contract.

1. **Endorse this Quarterly Report** - By endorsing Destination Tweed's Quarterly Report Council acknowledge and endorse the progress Destination Tweed have made to achieving the milestones outlined in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy; or
2. **Postpone Endorsement of this Quarterly Report** - If Council is not satisfied with the progress Destination Tweed has made in achieving the milestones identified in their funding contract and the agreed Business Attraction Marketing Strategy and the Tourism Marketing Strategy then it would be prudent to postpone the endorsement and commence discussions with the Board of Destination Tweed regarding the project.

CONCLUSION:

It is recommended that Council notes this quarterly report from Destination Tweed.

COUNCIL IMPLICATIONS:

a. Policy:

This report fulfils Destination Tweed's reporting requirement under its current funding agreement.

b. Budget/Long Term Financial Plan:

This report is submitted by Destination Tweed along with their quarterly invoice for payment under the current funding agreement.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Financial Report September Quarter 2014 (ECM3527680)

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

SUBMITTED BY: Development Assessment and Compliance

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

At the Council meeting of 20 November 2014, an officers' report recommended:

"That Council:

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

In respect of this recommendation, Council resolved the following:

"RESOLVED that this item be deferred to the December Council Meeting, to enable the General Manager, Troy Green, and the Director of Planning and Regulation, Vince Connell, to meet with the Executive of the Friends of the Pound for further talks on achieving savings to running costs, without impacting on the current level of service to the community."

On 27 November 2014, Council's General Manager, Director Planning and Regulation, Team Leader Compliance and Councillor Youngblutt met with representatives of the Friends of the Pound (FoP) to discuss these matters further. The meeting generated some very positive discussion, with the FoP putting forward an alternative proposal for a shared use of

the existing Pound facilities to more efficiently deal with the re-homing and care of impounded animals by FoP. The officers also put forward a proposal for the introduction for a new fee-for-service for the drop-off of impounded animals to their owners.

It was agreed that the officers would review and consult further with the FoP and other stakeholders, and submit a further report to Council in early 2015.

RECOMMENDATION:

That:

- 1. Council receives and notes the outcomes of meeting held between Council and Friends of the Pound on 27 November 2014 in terms of alternative proposals for the review of Council's Pound operations; and**
- 2. The officers submit a further report on a preferred proposal in early 2015.**

REPORT

Background

An officers' report on these matters was submitted to Council's Meeting of 20 November 2014. A copy of this report is provided as Attachment 1.

The officers' report recommended:

"That Council:

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

In respect of this recommendation, Council resolved the following:

"RESOLVED that this item be deferred to the December Council Meeting, to enable the General Manager, Troy Green, and the Director of Planning and Regulation, Vince Connell, to meet with the Executive of the Friends of the Pound for further talks on achieving savings to running costs, without impacting on the current level of service to the community."

Outcomes of Meeting with Friends of the Pound

On 27 November 2014, Council's General Manager, Director Planning and Regulation, Team Leader Compliance and Councillor Youngblutt met with representatives of the Friends of the Pound (FoP) to discuss these matters further. The meeting generated some very positive discussion, with the FoP putting forward an alternative proposal for a shared use of the existing Pound facilities to more efficiently deal with the re-homing and care of impounded animals by FoP. The officers also put forward a proposal for the introduction for a new fee-for-service for the drop-off of impounded animals to their owners.

It was agreed that the officers would review and consult further with the FoP and other stakeholders, and submit a further report to Council in early 2015.

OPTIONS:

That Council:

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

Option 1 is recommended.

CONCLUSION:

On the basis of further discussions with Friends of the Pound, it is considered appropriate for the officers to undertake further investigations and consultation with relevant stakeholders on some revised alternatives for the operation of Council's Pound.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The State Government's Fit for the Future policy requires all NSW Councils to review the efficiency of their services by mid 2015. The process for the review of Council's Pound operations will form part of this broader program for Tweed Council.

c. Legal:

There are a number of State and Federal legislative instruments which affect Council's Pound operations, including the Companion Animals Act and the Work Health and Safety Act.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1: A copy of the officers' report submitted to Council's Meeting of 20 November 2014 (ECM 3531161)

8 [PR-CM] Non-Motorised Water Recreation Businesses and Tweed Local Environmental Plan 2014/Tweed City Centres Local Environmental Plan 2012

SUBMITTED BY: Development Assessment and Compliance

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:

With the adoption of Tweed Local Environmental Plan (TLEP) 2014 and zoning of the waterways, legal advice provided in the confidential attachments was requested seeking clarification on water recreation businesses' requirement for consent and permissibility. Upon receiving the legal advice dated 26 September 2014 and 30 October 2014, a review has been undertaken regarding how to administer and regulate the commercial use of waterways and public space regarding recreation involving non-motorised watercraft.

Based on the legal advice received on the topic:

- The exchange of money is not a trigger for Development Consent i.e. the commercial activity (hiring or tours) associated with the recreation is not the trigger for a Development Application.
- The trigger for Development Consent is rather, which proposals constitute 'development' as defined by the EP&A Act and as interpreted by the Courts. What constitutes 'development' has been determined by the 'scale and degree of the use of the land' and whether the proposed use is deemed 'sufficiently regular'.
- If the use is deemed to constitute 'development' and requires development consent, characterisation is as per the attached Table A.

Given the eventful history of proposals of this nature, the recent adoption of new LEPs, introduction of zoning of the waterways and regular enquiries to both Council's Development Assessment Unit and Recreational Services Unit, a unified approach to handling this matter is requested. Accordingly it is recommended that a draft Policy be placed on public exhibition for 28 days seeking public comment on the proposed thresholds for non motorised water recreation businesses.

RECOMMENDATION:

That:

1. **ATTACHMENT 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
2. **The draft policy provided in the attachments be placed on public exhibition for 28 days and invites public submissions up to 42 days.**
3. **Following the public exhibition period a report be prepared for Council's consideration of the submissions and any amendments to the draft if required.**

REPORT:

With the adoption of TLEP 2014 and zoning of the waterways, legal advice provided in the confidential attachments was requested seeking clarification on water recreation businesses' requirement for consent and permissibility. Upon receiving the legal advice dated 26 September 2014 and 30 October 2014, a review has been undertaken regarding how to administer and regulate the commercial use of waterways and public space regarding recreation involving non-motorised watercraft.

There is an argument that regulation of the waterway could be considered to draw parallels with roads in that the TLEP regulates development within the area but does not trigger consent for the driving of vehicles on the road associated with commercial activity. Further, the vehicles/vessels/craft require licensing for operation through NSW Roads and Maritime Services and not Council.

Also, there is an argument that the Tweed Local Environmental Plan 2014 or Tweed City Centre Local Environmental Plan 2012 does not provide definitions to cater for development outside buildings, structures or places.

The main points to consider are:

- What triggers Development Consent?
- How is the use of the Waterway (Crown land) regulated?
- How is the use of Council owned/managed parks regulated?
- If Development Consent is triggered, what is the characterisation and extent of the assessment under TLEP 2014 or TCCLEP 2012?

Based on the legal advice received on the topic:

- The exchange of money is not a trigger for Development Consent i.e. the commercial activity (hiring or tours) associated with the recreation is not the trigger for a Development Application.
- The trigger for Development Consent is rather, which proposals constitute 'development' as defined by the EP&A Act and as interpreted by the Courts. What constitutes 'development' has been determined by the 'scale and degree of the use of the land' and whether the proposed use is deemed 'sufficiently regular'.
- If the use is deemed to constitute 'development' and requires development consent, characterisation is as per the attached Table A.

In light of the received legal advice, a suggested way of regulating this matter involves focusing on what triggers development consent, which is by determining if the activity constitutes 'development' and consequently setting standards or tests that Council considers to be the *threshold*.

A proposed test for whether the commercial recreational activity is above the threshold, (and therefore constitutes 'development') involves consideration of the following factors:

- Frequency of the activity at a certain site.
- Duration of the activity.

- The site area nominated for the activity.

The proposed thresholds for constituting 'development' are as follows:

- Business delivery or pick up of equipment and craft - maximum 30 minutes per visit, maximum 2 visits per day per site.
- Guided tours, instruction or transport - maximum 3 hours per visit, maximum 3 visits per week per site. Parking is required to be lawful and offsite.

If the threshold is not exceeded, land owner consent (and associated licensing) is required particularly if on Council owned/managed land.

If the threshold is exceeded, the proposal requires development consent and therefore will require landowner's consent for the lodgement of a Development Application with the proposal characterised as per the attached Table A. The assessment of the Development Application will involve the areas (i.e. land and/or waterway) involved in the 'development'.

Provision of Council landowner's consent (and potential subsequent licensing) is dependent on advice from Council's Recreation Services Unit on a site by site basis and directed by any Plans of Management in place. Owners consent from the Crown will be required if Crown land is involved.

It should be noted that *recreation facility (outdoor)* and *recreation areas* are prohibited development in waterways zoned W1, W3 and SP2, as displayed in Table A.

Given the eventful history of proposals of this nature, the recent adoption of new LEPs, introduction of zoning of the waterways and regular enquiries to both Council's Development Assessment Unit and Recreational Services Unit, a unified approach to handling this matter is requested.

Memo



Use	Is it 'development' and therefore is Development Consent required?	If development consent is required, characterisation under Standard Instrument	If development consent is required, permissibility under TLEP 2014 or TCLEP 2012										
			RE1 - Public Recreation	W1 - Natural Waterways	W2- Recreational Waterways	W3 - Working Waterways	SP2 - Water Supply System	RU1 - Primary Production	RU2 - Rural Landscape	RU5 - Village			
Members of public using land or waterways (on privately owned or commercially hired craft)	No	-	-	-	-	-	-	-	-	-	-	-	-
Hiring of craft on public park		Retail Premises	Prohibited	-	-	-	-	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted with Consent
Depositing or collecting craft in public parks		Retail Premises	Prohibited	-	-	-	-	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted with Consent
Lessons and guided tours on waterways	Yes, only if the activity is above the threshold	Recreation area or recreation facility (outdoor)	Permitted with Consent	Prohibited	Permitted with Consent	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted with Consent
Waterskiing or wakeboarding from commercial vessels (Guided)		Recreation area or recreation facility (outdoor)	Permitted with Consent	Prohibited	Permitted with Consent	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted with Consent

Table A - Example proposals for the commercial use of public land and waterways for water recreation businesses. Please note that some Tweed Shire public boat ramps or jetties are located within road reserve which is zoned RU1, RU2 or RU5.

OPTIONS:

That Council:

1. Adopts the thresholds and places the Draft Policy on exhibition, identified in this report;
or
2. Adopts some other course of action.

CONCLUSION:

The proposed thresholds provide a defined position to manage waterway based recreation uses.

COUNCIL IMPLICATIONS:

a. Policy:

It is recommended to place the draft Policy on public exhibition.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Yes, legal advice has been received and is attached.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment Legal advice from Lindsay Taylor Lawyers dated 26 September 2014 (ECM 3523885)

(Confidential) Attachment 2. Confidential Attachment Further legal advice from Lindsay Taylor Lawyers dated 30 October 2014 (ECM 3523918)

Attachment 3. Draft Policy for Non Motorised Water Recreation Businesses and the interpretation of the Tweed Local Environmental Plan 2014 and the Tweed City Local Environmental 2012 (ECM 3531186)

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

9 [CNR-CM] Chinderah Pontoon - Budget for Construction

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.3	Maintain and enhance Tweed's waterways and its catchments

SUMMARY OF REPORT:

Council has received six tenders to construct the Chinderah Pontoon. All tenders nominate a price to construct the pontoon that is in excess of the originally estimated cost of the project. This report provides detail on the additional funds allocated to the project, as well as the preferred tenderer.

Tender EQ2014-150 Chinderah Bay Drive Floating Pontoon Jetty, Gangway and Abutment was called to engage a suitably qualified and experienced contractor to provide all plant, labour and materials to design and construct the floating pontoon jetty, gangway and abutment.

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 29 October 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

RECOMMENDATION:

That:

1. Council awards the contract EQ2014-150 Chinderah Bay Drive Floating Pontoon Jetty, Gangway and Abutment to Pacific Pontoon & Pier for the amount of \$187,250 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations and those variations be reported to Council at finalisation of the contract.

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

REPORT:

Tender Background

Tender EQ2014-150 Chinderah Bay Drive Floating Pontoon Jetty, Gangway and Abutment was called to engage a suitably qualified and experienced Contractor to provide all plant, labour and materials to design and construct the floating pontoon jetty, gangway and abutment.

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 29 October 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

Council will construct a pontoon for recreational boating use at the site identified in the project drawings. The project has been initiated and partially funded by the Chinderah community. The pontoon will service an existing demand in this reach of the Tweed River for boating access to shore based facilities. The project has also received funding through the NSW Maritime Better Boating Program.

The pontoon is to be 30 metres long and three metres wide and will be designed and constructed to withstand the significant flood and debris loads known to occur in this locality. The gang way is to be 20 metres long, allowing for a depth beneath the pontoon of ~2.0 metres.

The site chosen for the pontoon takes advantage of an existing gap in the shoreline mangrove growth. It will be important in the construction of the facility that all possible measures are taken to prevent damage to mangrove and seagrass beds in the locality.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EQ2014-150 Chinderah Bay Drive Floating Pontoon Jetty, Gangway and Abutment on 4 October 2014 in the Brisbane Courier Mail and Gold Coast Bulletin. The tender was also advertised in the Tweed Link and on Council's website.

Tender Addendums

There were two Tender Addendum (Notice to Tenderers) issued before close of tender.

Addendum No. 1 was issued to advise potential Tenderers that the piles supporting the pontoon are to be black in colour in accordance with the approved Review of Environmental Factors.

Addendum No. 2 was issued to advise potential Tenderers of a change to Schedule 3 - Quantities and Prices to include a Rate Item with a Provisional Quantity for the supporting piles. This Rate Item was included to address the lack of geotechnical information in the Tender Documents.

Tender Submissions

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

Tenderer	ABN
Bellingham Marine Australia Pty Ltd	80 074 864 887
Pacific Pontoon & Pier	11 111 445 204
Superior Jetties	94 100 384 254
The Jetty Specialist	32 010 633 119
Universal Marina Systems (WA) Pty Ltd	64 167 624 704

Tenders were evaluated based on the criteria noted in the table below and in accordance with the approved Tender Evaluation Plan. The details of the price and non-price evaluation are included in Confidential Attachment 1.

Criterion	Document Reference	Weighting (%)
Tender Price	Schedule 3	65
Relevant Experience and Capability	Schedules 4, 5 & 8	10
Management Systems (WH&S, Quality and Environmental)	Schedule 7	5
Construction Methodology and Design	Schedule 6 and supporting documentation	10
Local Content	Schedule 11	10
	Total	100

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

The Tender Evaluation was conducted by Council's Tender Panel, consisting of the Waterways Program Leader and a Contracts Engineer.

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

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

Project Cost Increase

The original budget estimate for the project was \$120,000 to \$130,000. The estimate was based on two sources:

- A quote conveyed to council from the community group advocating for the pontoon which had been provided to them by a local pontoon construction contractor.

- An extrapolation of costs from the then recently completed pontoon at Lakes Drive, Terranora Creek. Individual component costs were increased relative to the proposed scale of the new facility, to determine the estimated total cost.

The revised total project cost, inclusive of both the pontoon and ancillary items required through conditions of approval, is \$240,000.

A significant proportion of the revised total project cost is comprised of items such as landscaping and footpath construction. The additional expense of the pontoon itself can be partially attributed to a general rise in the cost of construction materials and labour.

Council has been advised that the NSW Department of Roads and Maritime Services Better Boating Program will allocate an additional \$60,000 to the project. Council's Waterways Program is also able to allocate an additional \$60,000 to the project from the 2014/2015 financial year budget. These allocations cover the existing shortfall in project funding.

As such, despite the project being significantly more expensive than originally estimated, it can be funded within existing financial year program constraints.

OPTIONS:

1. Allocate an additional \$60,000 to the project, accept an additional \$60,000 from the RMS Better Boating Program, award the contract EQ2014-150 to Pacific Pontoon & Pier for the amount of \$187,250.00 (ex GST) and proceed to completion.
2. Resolve to not commit additional funding, not accept additional RMS Better Boating Program funds, not award the contract and discontinue the Chinderah Pontoon project.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

An increase in grant funding and redistribution of waterway infrastructure management funding allow this project to proceed within the constraints of existing 2014/2015 financial year program allocations.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tender Evaluation Scoresheet (ECM 3525723)

(Confidential) Attachment 2. Tender Evaluation Report (ECM 3525763)

10 [CNR-CM] EC2014-094: Supply and Installation Arkinstall Park Solar Powered Street Light System

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Tender EC2014-094 Supply and Installation Arkinstall Park Solar Powered Street Light System was called to engage a suitably qualified and experienced contractor to provide all plant, labour and materials to supply and install a solar powered street light system at Arkinstall Park Tweed Heads South.

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 5 November 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

RECOMMENDATION:

That:

- 1. Council awards the contract EC2014-094 Supply and Installation Arkinstall Park Solar Powered Street Light System to Desire Contractors Pty Ltd for the amount of \$180,196 (exclusive of GST).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations and those variations be reported to Council at finalisation of the contract.**
- 3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because they contain:**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Tender Background

Tender EC2014-094 Supply and Installation Arkinstall Park Solar Powered Street Light System was called to engage a suitably qualified and experienced Contractor to provide all plant, labour and materials to supply and install a solar powered street light system at Arkinstall Park Tweed Heads South.

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 5 November 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah.

Council is developing a regional sporting facility at Arkinstall Park. The facility includes a Tennis Court facility, Netball Court facility, playground and football fields, including landscaping, footpaths and lighting.

The scope of works includes, but is not necessarily limited to supply, commissioning, testing and certification of the complete lighting system to deliver a solution which fully satisfies the design intent and the Performance Specification.

The scope of work for this project is as follows:

- Structural design for all lighting footings.
- Supply & install solar path lighting to path areas, including adjacent to car park areas, in accordance with design (to AS1158.3.1:2005 to P4 standard) to footpath areas.
- Commission, test and certify all lighting provided.
- Provide maintenance and technical manuals as well as spare parts in accordance.
- Consideration must be given to flood levels.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were officially advertised for EC2014-094 Supply and Installation Arkinstall Park Solar Powered Street Light System on 14 October 2014 in the Sydney Morning Herald. The tender was also advertised in the Brisbane Courier Mail and the Gold Coast Bulletin on 11 October 2014.

Tender Addendums

There was one Notice to Tenderers issued before close of tender.

Addendum No. 1 was issued to advise tenderers that the previously unavailable drawings could now be downloaded from Council's Notice To Tenderer's section for this tender.

Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 5 November 2014 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah. Twelve tender submissions were recorded at the Tender Box opening and details are as follows:

Tenderer	ABN
A1 Highways	84 949 319 042
Aizer Electrical Solutions	85 134 820 581
Linked Group Services	20 141 360 607
Asten Solar	62 158 563 225
Australasian LED Pty Ltd	31 149 775 039
Court Craft Australia Pty Ltd	41 003 169 015
Desire Contractors Pty Ltd	77 167 694 055
Galvanised Poles Australia	87 092 285 508
H&B Group Pty Ltd	52 966 800 621
Lumaled	63 146 948 272
Mi Electrical Pty Ltd	65 315 440 366
Tweed Heads Electrical	49 897 143 723

Conforming tenders were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Tendering. The details of the price and non price evaluation are shown on the attached Tender Evaluation Scoresheet (attachment 2).

Criterion	Document Reference	Weighting (%)
Tender Price	Schedule 3	60
Relevant Experience and Capability	Schedules 4 & 8	15
Proposed Lighting Details	Schedule 12	10
Management Systems (WH&S, Quality and Environmental)	Schedule 7	5
Local Content	Schedule 11	10
	Total	100

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

The Tender Evaluation was conducted by Council's Tender Panel, consisting of a Contracts Engineer, Construction Foreman (Recreation Services) and an external Electrical Consultant.

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

OPTIONS:

Not Applicable.

CONCLUSION:

Based on the evaluation scoring process Desire Contractors Pty Ltd provides the best value option for Contract EC2014-094.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.5..

b. Budget/Long Term Financial Plan:

Arkinstall Park Redevelopment Project.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tender Evaluation Report (ECM 3526543)

(Confidential) Attachment 2. Tender Evaluation Scoresheet (ECM 3526679)

11 [CNR-CM] EC2014-156 Tender Recommendation - Processing and Removal of Greenwaste from the Stotts Creek Resource Recovery Centre

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 advertised tenders for the processing and removal of greenwaste from the Stotts Creek Resource Recovery Centre on 18 October closing on 12 November 2014.

Submissions were received from three tenderers; Eric Childs and Sons Pty Ltd, Solo Resource Recovery and ARG Trees.

This report outlines those submissions and makes recommendations regarding the award of the contract. The revised contract has the potential to save Council money whilst meeting its legislative requirements relating to the management of greenwaste following the introduction of new management protocols required under the Protection of the Environment Operations Legislation

RECOMMENDATION:

That:

- 1. Council accepts the schedule of rates tender of Aegina Pty Ltd (trading as ARG Trees) including the alternate schedule as proposed, for Tender EC2014-156 Processing and removal of greenwaste from the Stotts Creek Resource Recovery Centre.**
- 2. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Tender EC2014-156 for the Processing and removal of greenwaste from the Stotts Creek Resource Recovery Centre was advertised on 18 October 2014, closing on 12 November 2014. Three submissions were received from:

- Eric Childs and Sons Pty Ltd
- Rico Enterprises Pty Ltd Trading as Solo Resource Recovery, and
- Aegina Pty Ltd Trading as ARG Trees

The tender submitted by Eric Childs and Sons P/L was very brief, missing a number of key documents and therefore assessed as being nonconforming. As such this tender, whilst scored, was not assessed further.

The tenders from Solo Resource Recovery and ARG Trees both addressed the key criteria and both companies were seen as being suitably experienced and capable of performing the work required under the contract.

Legislative compliance

There has however, been a legislative review which will impact on the provision of this service. The EPA, who licence these activities, has introduced amendments to the Protection of the Environment Operations Legislation which have required additional treatment and monitoring of the processing to allow the application of processed mulch to land. The new amendment prescribes a methodology by which mulch must be treated to ensure pasteurisation of the product prior to being able to distribute this for application to land. The process of pasteurisation involves maintaining temperatures of 55 degrees for a set period of time to reduce the presence of pathogens in the compost.

The Resource Recovery Order under which this work is done is prescriptive relating to the testing and monitoring required during processing.

The submission of ARG Trees was thorough in proposing a methodology for achieving compliance with the amended legislation however the submission of Solo did not fully address this area and would need to be revised were Council to recommend the use of Solo to undertake this work.

Pricing

The assessment of pricing has been provided as a confidential attachment to this report.

Both Solo and ARG submitted alternative options that were considered, although the alternative proposal submitted by Solo was not relevant to the current contract and could not be considered for implementation as part of this tender process.

Tender Evaluation

The tender submissions were evaluated against non-price and price criteria. The tender submission of Eric Childs and Sons was missing a number of support documents and short on detail and was not able to be assessed adequately against the non-price criteria. Accordingly no score was allocated to this tender.

The tenders of both Solo and ARG were conforming in that they addressed all of the non price criteria and provided appropriate responses to all schedules. The Solo tender submission was not specific in how compliance with the legislative changes would be met whereas the ARG tender addressed all concerns in relation to this. Both companies had more than adequate experience and key personnel capable of undertaking the work, however the Solo bid proposed to use a subcontractor to do the processing work whereas ARG propose to use their own personnel and equipment.

Both tenders were assessed with very similar scores for non price criteria.

ARG included two options in their tender. The first option was for processing and removal of green waste as required by the specification. The second option involved the processing of the material and leaving it on site for Council's use. This material could be used by Council for rehabilitation work at the site or composted as per the EPA requirements, and sold or distributed to residents.

Local Preference

The significant difference in the price of the two tenders has meant that the local preference assessment had minimal impact on the recommendation and did not influence the result of this tender assessment.

OPTIONS:

1. Council accepts the tender of ARG Trees Pty Ltd including the alternate offer. This would allow the establishment of a Schedule of Rates Contract for the processing and removal of green waste from the Stotts Creek Resource Recovery Facility, as well as the alternate offer being for the processing of green waste only, with the mulched material to be left on site for Council's use.
2. Council accepts only the conforming tender of ARG Trees Pty Ltd for a schedule of rates contract for the processing and removal of green waste from the Stotts Creek Resource Recovery Facility.
3. Council accepts no tender and negotiates for the provision of the services with either of the contractors that submitted tenders.

CONCLUSION:

Council has tested the market for the provision of the green waste processing and removal works that are currently undertaken at the landfill, and established that significant savings can be made over the current processing rate. The tender process has only drawn a limited number of applicants (3) however the rates offered are a fair representation of the market for these services.

Council will save substantially on the current cost of undertaking the work at the Stotts Creek Resource Recovery Centre by offering the contract to our highest scoring tenderer as the processing rate as submitted is less than half the rate paid under the current contract. This saving could be as high as \$200,000 per annum over the life of the contract.

The tenderer has proposed a methodology that will ensure Council meet our license requirements in relation to the work. The adoption of the alternate proposal included in the ARG Trees bid will provide Council with more flexibility through the opportunity to access the processed material for use on site or for distribution to residents for minimal cost.

If Council choose to initiate the alternate option to have the mulched material left on site following processing that was included in the ARG Trees tender, there will need to be procedures put in place to ensure compliance with the revised regulatory requirements included in the 2014 EPA Resource Recovery Order relating to the production and management of compost.

The alternate option will save Council an additional \$9.90 per tonne on the contract rate for processing and removal. It is proposed that this saving would offset any increase in cost associated with achieving compliance with the revised regulations. By electing to take up this option Council is provided with an opportunity that will allow access to the mulch for use on site in rehabilitation works or for distribution and sale.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The cost of this contract is included in the approved operating budget for the Stotts Creek Resource Recovery facility.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tender evaluation Scoresheet (ECM 3528616)

(Confidential) Attachment 2. Tender evaluation Report (ECM 3531019)

12 [CNR-CM] Promotion of Touring Productions

SUBMITTED BY: Community and Cultural Services

Valid



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.3 Provide opportunities for visitors to enjoy access to the arts through cultural facilities, festivals and programs
-

SUMMARY OF REPORT:

In August 2014 the Murwillumbah Theatre Company (MTC) hosted Opera Australia's (OA) touring production of The Magic Flute at the Murwillumbah Civic Centre auditorium. OA's production was enabled by the financial backing from former Murwillumbah resident Mr Gary Alcorn. It was a sell-out show and MTC and OA reported to the Council on the satisfactory capacity of the Murwillumbah auditorium to host touring productions. With the view to repeating this success MTC has approached Council to support the bringing of other touring productions to Murwillumbah. In its endeavour to successfully accommodate future touring shows MTC has highlighted desired maintenance and other new works or equipment for the Murwillumbah auditorium.

In the short term Council's Community and Cultural Services Unit has the budget to work with MTC to fund priority low cost maintenance works or additions to the Murwillumbah auditorium to enhance its functionality for performance. However, an additional budget allocation and further consultation with auditorium users is required before carrying out any more costly works identified and to ensure current, and potential, user needs are met by additional works to the venue.

The forthcoming shire-wide cultural plan process (2015) will provide the timely opportunity for Council to directly engage MTC, other auditorium stakeholders and the broader community to prioritise actions needed to realise the potential opportunity to bring touring productions to Murwillumbah. The shire-wide cultural plan process will also provide the opportunity to consider the potential for touring shows eg. music, film festivals and alternate theatre productions, at the Tweed Heads auditorium.

RECOMMENDATION:

That Council notes:

1. **The report on the key advantages and challenges of the Murwillumbah auditorium following Opera Australia's visit in August 2014.**
-

2. **Low cost priority works at the Murwillumbah auditorium can be met by its existing maintenance budget.**
3. **The forthcoming shire-wide cultural plan process will directly engage Murwillumbah Theatre Company, other auditorium stakeholders and the broader community to consider the potential to bring touring productions to the Murwillumbah auditorium.**

REPORT:

On Thursday 18 September 2014 it was resolved that Council:

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

OA's The Magic Flute was performed at the Murwillumbah auditorium on 30 August 2014. The performance was enabled by the financial support of Mr Gary Alcorn, who was born and raised in Murwillumbah and currently works for OA. Gary's vision to see opera performed in his home town was practically supported by volunteers from the Murwillumbah Theatre Company (MTC) to coordinate and run the show. The combined assistance of Mr Alcorn and MTC resulted in a sell-out performance and the production fee was recouped through ticket sales.

In response to Council's resolution of 18 September 2014, Council's Community Development Officer-Cultural Planner met with representatives of MTC and the Venue Services Contractor for the Murwillumbah auditorium to discuss the advantages and challenges it posed for OA's The Magic Flute performance. A telephone discussion was had with OA's Operations Coordinator for Touring and Outreach services to gain its perspective on the performance of the venue.

Representatives of MTC pointed to a number of matters that impact its functionality in relation to the performances it stages. Among these limitations were points relating to the practicalities of bumping-in and bumping-out of the venue. In the case of OA its production equipment was transported in a 48 foot truck, which was just able to manoeuvre onto the ramp and unload at the front entrance of the auditorium. Equipment was unloaded and carried into the auditorium by hand and with the assistance of MTC and other community members/groups.

For OA, the ease of moving of equipment from the truck and into the auditorium was thwarted by its front stairs (3 steps). This was exacerbated by the off-centre placement of the stair handrail, which made it awkward to manoeuvre bulky items up the stairs, and into the front-of-house area. Unloading equipment at the front of the venue is required for all performances, given there is no lifting facility available to unload at the rear of the auditorium.

Further, and in the case of all performances, MTC indicated that from within the bio box its small openings impinge the sight and hearing of the performance taking place on the stage, consequently important cues for sound and lighting changes can be hard to read. The need for additional three phase power on the stage, stage footlights and a screened storage area for equipment boxes etc. that come with touring productions were among desired improvements pointed to by MTC. In addition, MTC also indicated that the dressing rooms are tired.

Other limitations highlighted by MTC concerned matters relating to the overall functioning of the whole auditorium space, which in turn support the holding of all performances. These included the need for a sink and tap in the front-of-house canteen to wash cups and glasses and to fill the urn, as well as a banner style promotional sign at the front of the venue to promote its current and coming shows.

Key advantages of the venue highlighted by MTC included the auditorium's flexibility, facilitated by its large stage suited to varied performance needs, including both theatre and dance. Its level and large seating area also means the auditorium can be configured for theatre-in-the-round performances.

From OA's perspective it concurred with the challenges of bumping-in and bumping-out raised by MTC and outlined above. It expressed enormous gratitude for a ramp built by MTC to improve access onto the stage. It advised that the venue's acoustics were highly suited to *The Magic Flute*, which toured with a nine piece orchestra and opera singers. OA was unable to comment on how the venue performed with respect to amplified sound as it did not need these facilities. With respect to lighting, OA travelled with its own truss lights, which it was able to temporarily install in the place of the existing lighting system in the auditorium.

Overall, OA found the Murwillumbah auditorium to be a highly satisfactory performance venue. It recommended that Council could provide more detailed specifications of the venue and all the facilities it offers including dimensions of all of the auditorium's spaces - its seating, stage, dressing rooms and front of house areas - as well as details of the power supply, sound and lighting technology etc. available, to assist the future co-ordination of touring shows.

With respect to addressing the points raised by MTC to improve the functionality of the venue some of these needs, such as the canteen sink and tap, can be met in the short term and are covered by its existing maintenance budget, administered by Council's Community and Cultural Services Unit. The prioritising of other low cost improvements can be established by having further consultation with MTC.

For more costly items, such as stage footlights, three phase power and storage, there is no current budget allocation for these. Any planning to bring future touring productions to Murwillumbah should also consider the needs of performing arts other than opera, to maximise the opportunity to attract diverse performances to Murwillumbah. Planning and stakeholder consultation concerning improvements at the auditorium will ensure the most effective solutions are provided and result in the outcomes desired. Grant funding for more costly auditorium improvements is potentially available through Arts NSW's regional arts and cultural development grant program.

The cost of bringing touring productions to Murwillumbah will vary in accordance with the nature of the production. There is an array of touring production options available, auspiced by various organisations. In addition to OA's touring program other opportunities include music, film festivals and alternate theatre productions. Indicative costs of touring performance events can range greatly. During 2017 OA's *The Marriage of Figaro* will cost \$17,500; the Sydney based alternate theatre company Critical Stage currently offers subsidised touring productions for around \$2,500. There are varied ways touring productions could be funded, including in partnership with community groups or with

sponsorship assistance. Regional collaboration with other Councils and venues that support touring performances can also be explored.

The option of Council providing financial assistance to support the cost of touring productions is not currently budgeted for, nor has any past planning by Council occurred to facilitate this opportunity. Importantly, MTC's recent request to Council to prepare a plan to attract touring shows to Murwillumbah has highlighted a desire for this type of cultural activity in the shire and MTC's willingness to work with Council to plan toward this. It is anticipated that the forthcoming shire-wide Cultural Plan process (2015) provides the necessary opportunity for Council to engage with MTC and any other interested stakeholders to determine and prioritise how Council could give support to bringing touring productions to the Murwillumbah auditorium.

The shire wide cultural plan process will also provide the opportunity to consider the potential for touring performances at the Tweed Heads auditorium. Coordinating the future programming of touring productions at each of these venues simultaneously will enable the complimentary operation of these facilities to strategically meet locality based and shire-wide cultural activity needs. Further, identifying how the programming of touring shows can be funded in consultation with the shire community, and the nature of the support given by Council to these, will be integral to the cultural plan process.

OPTIONS:

1. That Council notes:
 - The report on the key advantages and challenges of the Murwillumbah auditorium following Opera Australia's visit in August 2014.
 - That low cost priority works at the Murwillumbah auditorium can be met by its existing maintenance budget.
 - The forthcoming shire-wide cultural plan process will directly engage MTC, other auditorium stakeholders and the broader community to consider the potential to bring touring productions to the Murwillumbah auditorium.

- 2: That Council seeks further information on supporting touring productions in Murwillumbah.

CONCLUSION:

Council's Community and Cultural Services Unit has the budget to work with MTC to fund priority low cost maintenance works or additions to the Murwillumbah auditorium to enhance its functionality for current, and future, performance. An additional budget allocation and further consultation with auditorium users is needed before carrying out the more costly works identified and to ensure current, and potential, auditorium user needs are met by additional works to the venue.

The forthcoming shire-wide cultural plan process will provide the timely opportunity for Council to directly engage MTC, other auditorium stakeholders and the broader community to identify and prioritise actions needed to realise the potential opportunity to bring touring productions to Murwillumbah, as well as at Tweed Heads.

COUNCIL IMPLICATIONS:

a. Policy:

Asset Management Strategy v1.2

b. Budget/Long Term Financial Plan:

Low cost priority improvements to the Murwillumbah auditorium are funded by an existing maintenance budget. More costly improvements will require an additional budget allocation from Council and/or through seeking grant opportunities.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

13 [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, \$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 three 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 three private properties as listed in the table below:

Name	Area	Details	Cost Estimate (\$ excl. GST)
Bennett	Duranbah	Install 360m of stock fencing to protect plantings Prepare three areas for planting Supply and plant 1300 Koala feed trees Maintain plantings for 12 month period	\$19,920
Kraemer	Duranbah	Prepare planting area Supply and plant 332 Koala feed trees Maintain plantings for 12 month period	\$3,984

Name	Area	Details	Cost Estimate (\$ excl. GST)
Thornton and Maiden	Round Mountain	Prepare planting area Supply and plant 800 Koala feed trees Maintain plantings for 12 month period Undertake bush regeneration in 3ha of koala habitat	\$15,000
TOTAL			\$38,904

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 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 Draft Tweed Coast Comprehensive Koala Plan of Management (TCKPOM). 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 three 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 and to assist the landholders to more effectively manage environmental weeds and ensure survival of the trees.

Name	Area	Details	Cost Estimate (\$ excl. GST)
Bennett	Duranbah	Install 360m of stock fencing to protect plantings Prepare three areas for planting Supply and plant 1300 Koala feed trees Maintain plantings for 12 month period	\$19,920
Kraemer	Duranbah	Prepare planting area Supply and plant 332 Koala feed trees Maintain plantings for 12 month period	\$3,984
Thornton and Maiden	Round Mountain	Prepare planting area Supply and plant 800 Koala feed trees Maintain plantings for 12 month period Undertake bush regeneration in 3ha area of koala habitat	\$15,000
TOTAL			\$38,904

OPTIONS:

1. That Council approves the expenditure under the Biodiversity Fund Koala Connections project for works on three 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 three 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 and Pottsville 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.

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

SUBMITTED BY: Community and Cultural Services

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:

This report provides an update on Council's resolutions of 21 August 2014 to respond to the urgent need to expand the Tweed Heads Branch Library and to deliver additional space for Council offices and community meetings within Tweed Heads. For the purpose of this report the Tweed Heads Civic and Community Centre is defined as the civic centre building (including the library), the former Southern Cross University (SCU) building and the adjacent public domain areas.

RECOMMENDATION:

That Council notes the update on the Tweed Heads Civic and Community Centre Proposed Interim Improvements incorporating the provision of expanded library space, community meeting space and Council offices at Tweed Heads.

REPORT:

Interim improvements are required to respond to the urgent need to expand the Tweed Heads Branch Library and to deliver additional space for Council offices and community meetings within Tweed Heads. Plans for the extension of the branch library in the space currently occupied by the Tweed Shire Council contact centre (customer service), South Sea Islander Room and part of the foyer in the Tweed Heads Civic Centre building, and the provision of shared community and Council meeting and activity spaces within the former Southern Cross University (SCU) building have commenced.

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

- "1. Proceeds with detailed design work to extend the Tweed Heads Branch Library within the Tweed Heads Civic Centre building as recommended in this report and prepares a funding submission to the State Library of NSW for the next capital infrastructure funding round in 2014/15 to assist with funding the extension.*
- 2. Endorses the relocation of the Council Customer Contact Centre from the Tweed Heads Civic Centre to the former SCU building to make way for expansion of the library, when appropriate.*
- 3. Provides shared community and Council meeting and activity spaces within available existing rooms in the former SCU building, including providing for the existing uses of the South Sea Islander Room by the South Sea Islander Community and the Emergency Operations Centre.*
- 4. Determines that proposed community and cultural facilities in the former SCU building will be made available for general community use and not for exclusive use by individual organisations or groups.*
- 5. Redesigns the lecture theatre (located at the western end of the middle level of the former SCU building) to provide a chamber for Council and Planning Committee Meetings, and a multipurpose theatre style meeting and activity space for performance and rehearsal, community meetings and events, and council training and activities.*
- 6. Investigates options for community and/ or commercial activities to activate the public domain area between the Tweed Civic Centre building and the former SCU building.*
- 7. Involves users of community and cultural facilities and relevant technical experts in the design of interim improvements for the Tweed Heads Branch Library and the Civic and Community Centre, as per the implementation and engagement requirements outlined in this report.*
- 8. Receives a report in December 2014 on detailed design and costs for the interim improvements proposed in this report."*

Progress towards each of the above resolutions has to be addressed in a sequence and the purchase of the SCU building is scheduled for settlement on 8 December 2014. A development application has been lodged for the change of use of the SCU building to accommodate Council offices and community meeting spaces.

Council has also tendered for the detailed design and costs of the redevelopment of the Tweed Heads Civic and Community Centre, SCU building and site as identified in the report to Council on 21 August 2014. Tender submissions closed on 12 November 2014 and if the value of the tender exceeds \$150,000 threshold a report will be prepared for consideration at the January 2015 Council meeting.

An application for \$200,000 through the Public Library Infrastructure Grants was lodged on 31 October 2014. This funding application is to contribute to the refurbishment of the Tweed Heads Library and the outcome of the funding will be announced in early 2015.

A consultation strategy to include Library stakeholders, the South Sea Islander Association, and auditorium customers is being developed to assist in the design of the shared public spaces and the library in particular. This will provide input to the design and support the development application for the redesign of the Civic and Community Centre, the SCU building and the public domains on the site.

CONCLUSION:

Preparation for the redesign and expansion of the Tweed Heads Library has commenced. The development application for change of use and plans for the movement of staff are being prepared in anticipation of finalising the purchase of the SCU building. Once staff movement has been actioned and pending the announcement of the Public Library Infrastructure Grant, the consultation and redesign of the Tweed Heads Library can progress.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Redesign costs for community facilities proposed to be provided in the former SCU building and for the expansion of the Tweed Heads Library will be determined after further progress is made on detailed design.

Provision for the expansion of libraries and community facilities are included within the respective S94 Development Contribution Plans.

The balances of these plans at 30 June 2014 are:

Tweed Shire Library Facilities - CP 11	\$1,822,052
Developer Contributions for Community Facilities - CP 15	\$705,518

Expenditure from CP 11 includes annual loan repayments of \$56,696 per annum. If a balance of \$1.1m is retained within the plan, interest on investments at 5.10% pa would produce \$56,100 per year, thereby funding the loan repayments. As a result it is recommended that the plan balance remain at the \$1.1m level for as long as possible.

A more detailed assessment of funding will be made at the conclusion of the detailed design and costing stage.

A funding application for \$200,000 has been made to the Public Library of NSW Infrastructure Grant and if successful this funding will take some pressure off limited resources in the CP 11 development contributions fund.

Tweed Heads Branch Library (CP 11) and Tweed Heads community facilities expansion (CP 15) are identified priorities in the respective s94 Development Contribution Plans. However, funds also need to be available for other future priorities including Kingscliff Branch Library, Murwillumbah Branch Library and general community facilities in the Tweed Coast district catchment.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] Road Naming - Laneway at Pottsville

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 at its meeting of 15 May 2014 resolved to call for suggestions on the naming of the proposed rear lane adjacent to Coronation Avenue at Pottsville.

An advertisement was placed in the Tweed Link on 10 June 2014 requesting written submissions for names be provided by 8 July 2014. Several submissions were received as shown in the body of the report.

The new lane is required to be named under the Roads Act 1993. Upon selection of a suitable name, Council is required to advertise the proposed name for a period of 28 days seeking submissions from the public and relevant authorities as provided under the Roads Regulation 2008.

A report was prepared for Council at its meeting of 21 August 2014 whereby Council resolved that the item be deferred until such time as a determination has been made with regard to the formation of this lane. As Council has since resolved the formation of the rear lane at Pottsville this report is again presented to Council for consideration.

RECOMMENDATION:

That Council:

- 1. Advertises its intention to name the proposed rear lane adjacent to Coronation Avenue at Pottsville as Berkleys Lane, allowing 28 days for submissions or objections to the proposal.**
- 2. Notifies the relevant authorities under the provisions of the Roads Regulation 2008.**

REPORT:

Council at its meeting of 15 May 2014 resolved to call for suggestions on the naming of the proposed rear lane adjacent to Coronation Avenue at Pottsville. Refer to Diagram 1.

Diagram 1 - Location of the new lane at Pottsville



An advertisement was placed in the Tweed Link on 10 June 2014 requesting written submissions from the public for names be provided by 8 July 2014. Several submissions were received as shown below;

- **Drury Lane** - to continue the theme of London road names which already exists within the immediate area.
- **Bonnors Circuit** - in memory of Phill Bonnor 9/3/1920 - 6/12/2012. Moved to Pottsville at age 14 in 1934 with his family who managed the only local store in Coronation Avenue - this building is still standing at the site of the bait shop. Phil established the first Real Estate in Pottsville called Sunshine Realty and was a Tweed Shire Councillor between 1960 and 1963. He was a renowned community member who re-established the Pottsville RSL and was primary in the establishment of the Memorial Park and Gates at Anzac Park Pottsville. Phil wrote a book about Pottsville called Glimpses of the Past which recounts the history of the area. Phil was further named Citizen of the Year on Australia Day 1999 in honour of his contributions to the community over many years.
- **Back Lane** - non denominational and not specific to a person or place
- **Shellys Lane** - in memory of a long standing community person. She was the Director of the Community Preschool, assisted families with kids with disabilities and assisted children with learning difficulties. Shelly lost her battle to cancer in early 2014.
- **Tennis Lane** - as the Pottsville Tennis courts are located off the laneway. Alternatively Tennis Court Lane was also suggested.

- **Berkleys Lane** - a continuation of an existing road name. Berkleys Lane is located at the western end of the new lane formation.
- **Barry Pittman Lane** - Barry ran Pottsville's only general store in the 1970's and was the president of the local school P & C Association. Foundation member of the Cabarita Beach Lions Club and the driving force behind the clubs project to build Pottsville's first Community Centre. Barry showed unquestionable integrity with selfless contributions to the local community.
- **The Ernie Graham Way** - Settled in Pottsville in approximately 1915 and were the first to build on 7 Coronation Drive. He opened the first general store in Lower Cudgera on the outskirts of Pottsville. Ernie was a returned serviceman of the Great War of 1914/18. The family farmed the area and had an interest in the coal mine which supplied the old power station, located at the present site of the Murwillumbah Civic Centre.

The following do not comply with Tweed Shire Council Policy:-

- **Rundells Circuit** - to enhance Rundells corner site.
- **Berkley Square** - no explanation provided however probably in keeping with adjoining road name.
- **Hardy Lane** - In honour of the Hardy Family who have a long standing connection with Pottsville.

Each of the above names were considered in conjunction with Councils Policy on Road Naming. Rundells Circuit may be seen to be connected with a commercial or business name and as such is not acceptable. Berkley Square and Hardy Lane are also unacceptable as they are duplication of existing road names within the Shire.

The balance of the proposed names all fall within the scope of the Policy and would be considered acceptable for use.

OPTIONS:

As above there are several acceptable suggestions for road names to be considered as options by Council.

CONCLUSION:

The new lane is required to be named under the Roads Act 1993. The recommended name by Council officers is Berkleys Lane. Council is required to advertise the proposed name for a period of 28 days seeking submissions from the public and relevant authorities as provided under the Roads Regulation 2008.

COUNCIL IMPLICATIONS:

a. Policy:

Naming of Streets and Roads v1.2.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

16 [E-CM] Restriction on Use of Land - Piggabeen Road, Cobaki

SUBMITTED BY: Design

FILE REFERENCE: DA12/0299 Pt 1

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.3	Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand

SUMMARY OF REPORT:

In January 2009 Council issued an approval for the construction of water and sewer mains from Cobaki Estate via Piggabeen Road. This infrastructure is an integral part of the development consents issued for the Cobaki Estate development.

As part of the infrastructure corridor a Restriction as to User benefiting Council over Lot 1 DP772296 is proposed to be created which states:

"No clearing or development shall occur or be permitted to occur within the area subject to this Restriction as to User without the prior consent of the Benefited Party."

This restriction has been approved by the relevant Development Assessment officer and the property owner. As the prescribed authority, Council is required to execute the document under Common Seal to allow registration at Land and Property Information (LPI) Sydney.

RECOMMENDATION:

That all documents relating to the Restriction on the Use of Land within Lot 1 DP 772296 be signed under the Common Seal of Council.

REPORT:

In January 2009 Council issued an approval for the construction of water and sewer mains from Cobaki Estate via Piggabeen Road. This infrastructure is an integral part of the development consents issued for the Cobaki Estate development.

To avoid disturbance to pipe work and other services proposed for the area, Council approval was sought to create a services corridor. The corridor would be situated within road reserve and on Essential Energy owned land on the northern side of Piggabeen Road and would allow for provision of services for future large scale residential subdivisions in the Cobaki and Bilambil Heights area, and the subsequent upgrading of Piggabeen Road.

The proposed development under DA12/0299 involves the creation of an infrastructure corridor at Piggabeen Road, Tweed Heads West. The corridor would allow for the construction of water and sewer mains, as well as future telecommunications, power and road upgrading over a 600 metre section of Piggabeen Road.

As part of the infrastructure corridor a Restriction as to User benefiting Council over Lot 1 DP772296 is proposed to be created which states:

"No clearing or development shall occur or be permitted to occur within the area subject to this Restriction as to User without the prior consent of the Benefited Party."

Please refer to diagrams 1 and 2.

Diagram 1 - Proposed plan of Restriction as to User over Lot 1 DP 772296 shown as (E):

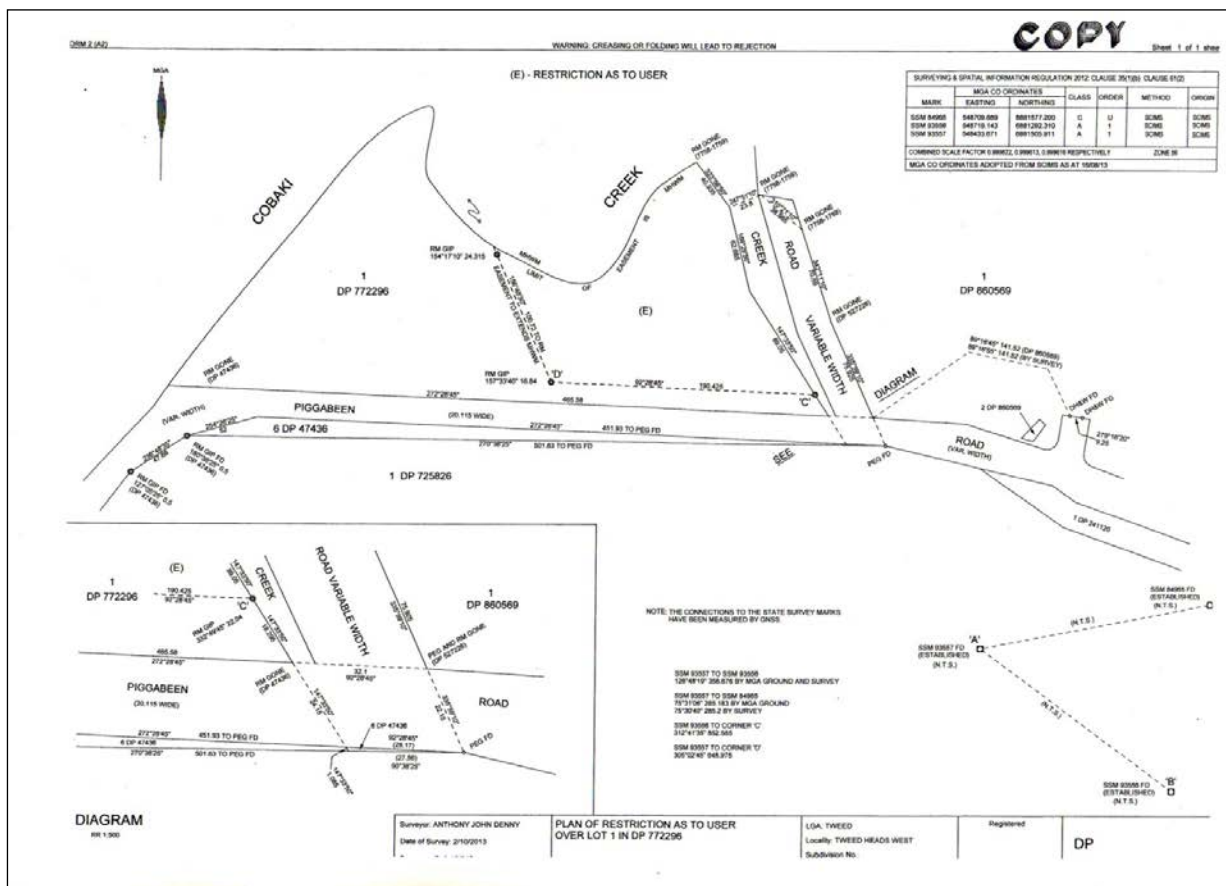
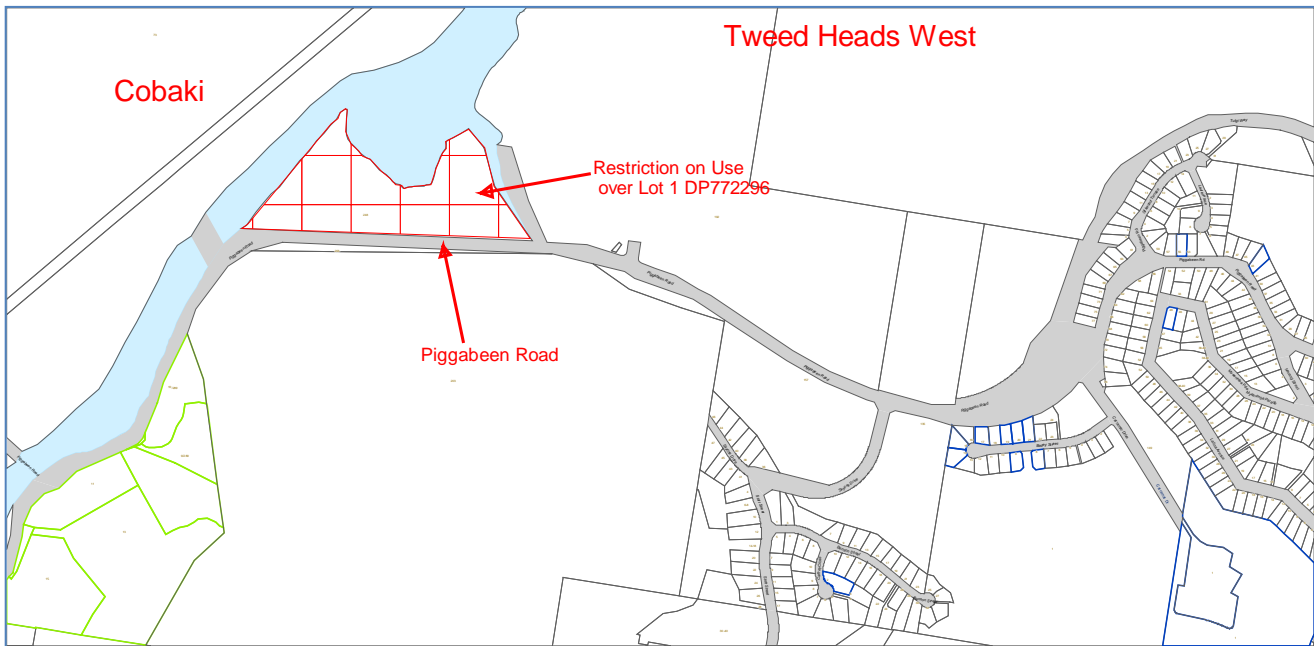


Diagram 2 - Plan highlighting the area over which the Restriction of Use will apply:



OPTIONS:

To ensure that no further development or clearing of the land occurs within the proposed infrastructure corridor, without Council consent it is necessary to execute the relevant S88B Instrument.

CONCLUSION:

As the prescribed authority, Council is required to execute the document under Common Seal to allow registration at LPI Sydney.

COUNCIL IMPLICATIONS:

a. Policy:

Easements to protect services.

b. Budget/Long Term Financial Plan:

No future budget implications.

c. Legal:

Creating legally enforceable 88B instrument.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

17 [E-CM] Road Closure Application - Urliup Road, Urliup

SUBMITTED BY: Design

FILE REFERENCE: GR3/12/4

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council has received a road closure application from the owner of Lot 7 in DP871861 for a section of Council road reserve known as Urliup Road at Urliup adjacent to his property.

A site inspection has been completed and it was noted that infrastructure exists in the immediate surrounds of the proposed area of closure which includes two culverts, a permanent survey marker and a power pole. The infrastructure is not to be included in the area of road proposed to be closed.

There is also an encroachment into the road reserve of an old shed and protruding awning belonging to the applicant. The encroachment does not appear to impede the current public use of the road reserve.

The owner of Lot 7 would like to construct a gated structure and upgraded entry to the property to ensure property security which will encroach into the proposed area to be closed. Due to the steep incline from the road to Lot 7 the only rational area for a gated structure and property entrance would be within the road reserve.

Councils Policy on Private Structures on Public Roads notes that Council will not enter into arrangements for leases within the road reserve to encompass existing or proposed structures. Council will however consider an application to close and purchase part of the public road having regard to the merits of each proposal, existing and future public utilities and roadwork's and public amenity and safety.

This application complies with Councils Policy on Road Closure and Private Purchase as noted under Exceptions which reads;

Terrain where topographical constraints argue strongly for a more logical boundary definition for the purposes of road verge maintenance, safety, fencing or private property access."

To enable the encroachment of the shed to be corrected and to allow for the construction of a gate for the property it is recommended that Council consents to the road closure and private purchase of approximately 300m² of Urliup Road adjoining Lot 7 DP871861.

RECOMMENDATION:

That:

- 1. Council approves the closure of a section of Urliup Road adjacent to Lot 7 in DP 871861**
- 2. The applicants bear all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer;**
- 3. The title of the closed road be consolidated with the adjacent land;**
- 4. Easements be created over public authority reticulation services, if any; and**
- 5. All necessary documentation be executed under Common Seal of Council.**

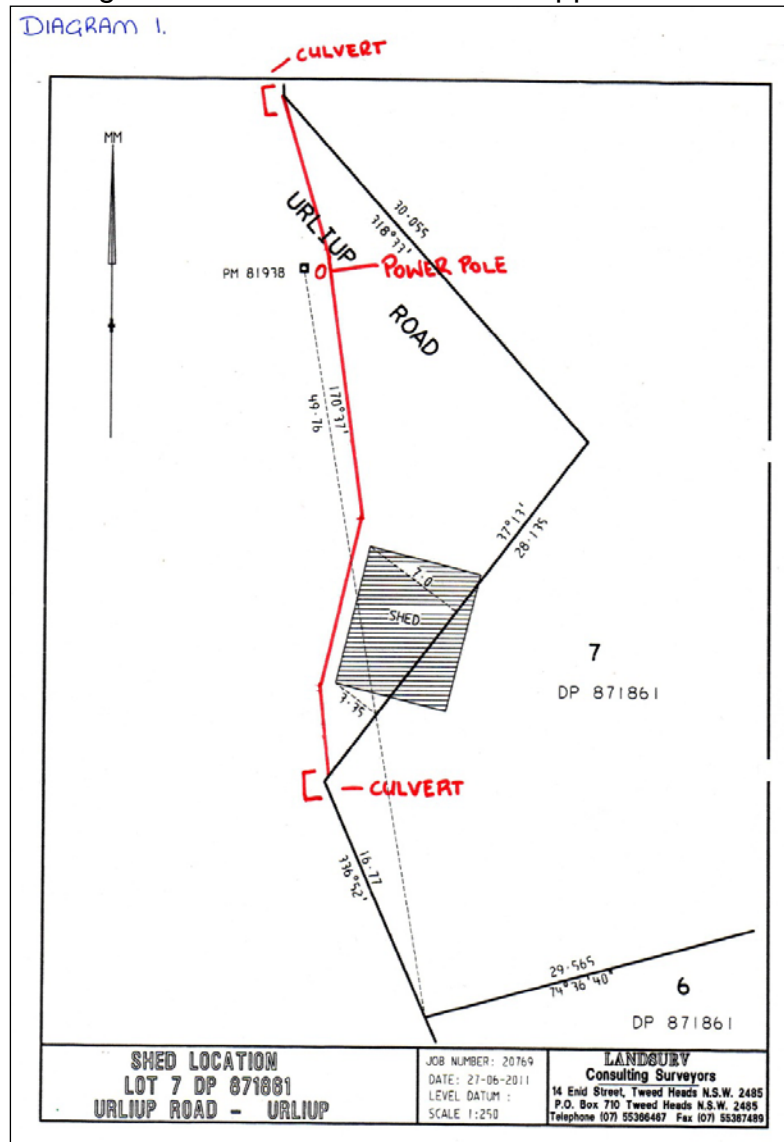
REPORT:

Council has received a road closure application from the owner of Lot 7 in DP871861 for a section of Council road reserve known as Uriup Road at Uriup adjacent to his property.

A site inspection has been completed and it was noted that infrastructure exists in the immediate surrounds of the proposed area of closure which includes two culverts, a permanent survey marker and a power pole. There is also an encroachment into the road reserve of an old shed and protruding awning belonging to the applicant. The encroachment does not appear to encroach the current public use of the road reserve.

The applicant originally requested a closure of an area of approximately 415m² which encompassed all of the infrastructure. Councils road safety engineer, after inspection of the area, advised that a closure may be considered but would not include the infrastructure. Further it would be a requirement that any closure enable a minimum 900mm setback from the road to the shed awning edge. The new area for proposed closure would equate to approximately 300m² with final determination being provided by a registered surveyor. Refer to Diagram 1.

Diagram 1 - Plan showing location of infrastructure and approximate area of road closure



The area proposed to be closed contains formation and asphalt seal for a small section and the balance runs down a steep incline and is completely unusable. The owner of Lot 7 would like to construct a gated structure and upgraded entry to the property to ensure property security which will encroach into the proposed area to be closed. Due to the steep incline from the road to Lot 7 the only rational area for a gated structure and property entrance would be within the road reserve. The applicant is also wishing to rectify the encroachment of the old shed into the road reserve by containing it wholly within his own land. Refer to Diagrams 2 and 3.

Diagram 2 - Photo showing the location of the shed in proximity to the road reserve



Diagram 3 - Photo showing steep incline from the road reserve to the property



OPTIONS:

1. Council consents to the closure of approximately 300m² of Uriup Road adjoining Lot 7 in DP871861 at the full cost of the applicant; or
2. Council does not consent to the closure of approximately 300m² of Uriup Road adjoining Lot 7 in DP871861.

CONCLUSION:

This application complies with Councils Policy on Road Closure and Private Purchase as noted under Exceptions which reads;

Terrain where topographical constraints argue strongly for a more logical boundary definition for the purposes of road verge maintenance, safety, fencing or private property access."

To enable the encroachment of the shed to be corrected and to allow for the construction of a gate for the property it is recommended that Council consents to the road closure and private purchase of approximately 300m² of Uriup Road adjoining Lot 7 DP871861.

COUNCIL IMPLICATIONS:

a. Policy:

Road Closures and Private Purchase v1.2.

b. Budget/Long Term Financial Plan:

Income from the sale of the road closure parcel will be budgeted towards the improvement of Councils road networks as determined under the Roads Act 1993.

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.

18 [E-CM] EC2014-161 - Disposal of Council Land at Burringbar - Lot 6 DP 868345

SUBMITTED BY: Infrastructure Delivery

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.3 Delivering the objectives of this plan
 - 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability
-

SUMMARY OF REPORT:

At its meeting held on 21 August 2014, Council resolved to dispose of the Burringbar Quarry by public tender.

Further, at a meeting held on 16 October, 2014 Council resolved to undertake a further tender process for the disposal of the subject land, the Burringbar Quarry.

The public tender was advertised in the Sydney Morning Herald, the Gold Coast Bulletin, Northern Star and the Tweed Link, placed by Council in accordance with its obligations under the tender requirements of the Local Government Act and General Regulation.

OneAgency placed advertisements in local real estate inserts into local printed media, as well as on the internet, on realestate.com, domain.com.au and its own web site.

Tenders closed on 19 November 2014 and it is recommended that Council approve the recommendations made in the Tender Evaluation Report which is a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. Council approves the recommendations as made in the Tender Evaluation Report for EC2014-161 - Disposal of Lot 6 DP 868345, Burringbar; and**
- 2. All documentation to complete the sale of the land are executed under the Common Seal of Council.**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

REPORT:

At its meeting held on 21 August 2014, Council resolved to dispose of the Burringbar Quarry by public tender.

Further, at a meeting held on 16 October, 2014 Council resolved to undertake a further tender process for the disposal of the subject land, the Burringbar quarry.

The public tender was advertised in the Sydney Morning Herald, the Gold Coast Bulletin, Northern Star and the Tweed Link, placed by Council in accordance with its obligations under the tender requirements of the Local Government Act and General Regulation.

OneAgency placed advertisements in local real estate inserts into local printed media, as well as on the internet, on realestate.com, domain.com.au and its own web site.

Tenders closed on 19 November 2014 and it is recommended that Council approve the recommendations made in the Tender Evaluation Report which is a confidential attachment to this report.

OPTIONS:

1. Adopt the recommendations made in the Tender Evaluation Report dated 24 November, 2014; or
2. Not adopt the recommendations made in the Tender Evaluation Report dated 24 November, 2014.

CONCLUSION:

The second tender process has reinforced the conclusions of the report of 16 October, 2014, that there are interested buyers in the marketplace and that the tenders lodged reflect the current market and fall within the valuation range.

It is recommended that the Tender Evaluation Report recommendation be approved and adopted by Council.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land v1.1.

b. Budget/Long Term Financial Plan:

Proceeds to be transferred to plant reserve in accordance with a resolution made on 21 March 2013.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2014-161 Disposal of Council Land at Burringbar Lot 6 DP 868345 - Tender Evaluation Report dated 24 November, 2014 (ECM 3531148).

19 [E-CM] Coal Seam Gas - Legal Advice

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 has sought and obtained legal advice in relation to the planning and legal options available to Council to protect the Shire from Coal Seam Gas mining in response to a Notice of Motion dated 21 November 2013.

It is recommended that Council adopt the strategies detailed in Option 1 of this report.

RECOMMENDATION:

That :

- 1.1 Council identifies all Council owned land that is considered to be "protected" by section 72 of the *Petroleum (Onshore) Act 1991 (NSW)*, being
 - Land containing a dwelling house, garden, vineyard, or orchard;
 - Land containing 'improvements' such as substantial buildings, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work of structure.
- 1.2 Council will not consent to any prospecting or mining licences occurring on the land identified as 'protected'.
- 1.3 Council identifies all Council owned or controlled land which are 'exempted areas' under section 70 of the *Petroleum (Onshore) Act 1991* and adopts a position that Council opposes the Minister granting consent for exploration or production of CSG within these areas.
- 1.4 If an exploration licence is granted for CSG activities over Council owned land, Council seeks to negotiate an access arrangement which will limit the activities of the CSG Company.

- 1.5 Council prepares submissions to the NSW Department of Planning opposing development applications for CSG activities (where the development is State Significant Development) and to the Minister for Energy and Resources opposing the grant of petroleum titles.
 - 1.6 Council prepares a policy on CSG which Council may have regard to when considering likely impacts of CSG development pursuant to section 79C of the *Petroleum (Onshore) Act 1991* when Council is the consent authority for any CSG development. This policy must express that the policy will not fetter Council's discretion to assess any development application on its merits.
 - 1.7 Council notify the NSW State Government in writing of Council's opposition to CSG exploration and production.
2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

REPORT:

Council has sought and obtained legal advice in relation to the planning and legal options available to Council to protect the Shire from Coal Seam Gas mining in response to a Notice of Motion dated 21 November 2013. The legal advice is a confidential attachment to this report.

The Notice of Motion also sought advice regarding the use of or access to Council owned public land, public infrastructure or assets and ways that Council's policies could be enhanced so that the community could be afforded better consultation.

The advice provided by Maddocks is comprehensive and provides strategies available to Council as a landowner and consent authority, although the latter is qualified to the extent that generally Council is not the consent authority for CSG development.

Maddock's advice also includes discussion of actions Council can consider taking as a representative body of the residents of the Tweed Shire local government area.

It is strongly recommended that Maddocks' advice, attached to this report as a confidential attachment is read in full, this report is an overview only and does not include all background descriptions of the planning processes or information regarding licences and titles that inform the strategies set out in this report.

The purpose of this report is to discuss the actions that are available to Council in response to the Notice of Motion.

The separate roles that have been identified by Maddocks, and suggested strategies, are discussed separately below:

1. Council as a landowner

Council as a landowner, can review its landholdings and infrastructure, to determine whether it falls within "protected land" under section 72 of the *Petroleum (Onshore) Act 1991* (PO Act). This section provides that no prospecting or mining activities may occur without the written consent of the landowner. "Protected land" includes:

- (a) Land where a dwelling house, garden, vineyard or orchard is located;
- (b) Land upon which an improvement is located (being a substantial building, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work, other valuable work or structure), Maddocks note that public roads are likely to fall within the definition of 'valuable works'.

Section 70 of the PO Act specifies that no exploration activities can occur in an "exempted area" without the written consent of the Minister for Energy and Resources. "Exempted area" is defined as land:

- (a) That has been reserved, dedicated, appropriated, resumed or acquired for public purposes;
- (b) Held under a lease for water supply;

- (c) That has been transferred, granted or vested in trust by the Crown for the purpose of inter alia, a recreation reserve, park or permanent common or any public purpose.

Maddocks elaborate on this section in the context of Council land classified as community land, however, Council commonly acquires land for a public purpose which is classified as operational land. Such acquisitions include, but are not limited to, operational land for reservoirs, transpiration beds and roads and should be included as "exempted areas" under any policy developed by Council in this regard.

Clause 9 of SEPP (Mining, Petroleum Production and Extractive Industries) 2007 also provides at clause 9A that CSG development is prohibited in:

- Land within a coal seam gas exclusion zone;
- Land within a buffer zone.

A CSG exclusion zone is defined as:

- Land within a residential zone;
- Future residential growth area land
- Additional rural village land; and
- Critical industry cluster land

A 'buffer zone' is defined as an area of land within 2 kilometres of any of the exclusion zones listed above. Maddocks note that there is no land in Tweed Shire that falls within the definition of 'exclusion zone'.

It is to be noted that section 64 of the PO Act provides that the consent of the landowner is not required for a development application for the use of any land for the purpose of obtaining petroleum.

2. Council as a consent authority

As briefly mentioned above, Council is generally not the consent authority for CSG development, as proposals for CSG mining are categorised as State Significant Developments and are determined by the Minister for Planning or the Planning Assessment Commission (PAC).

3. Council as a representative body of the residents of Tweed Shire

Maddocks note that there are limited opportunities for members of the community to make submissions about proposed CSG activities within their local government area. Maddocks note that the NSW Trade and Investment, Division of Resources and Energy currently publish applications for exploration licences on its website, as well as weekly in the NSW Government Gazette. The NSW Government has a policy which allows the public an opportunity to comment, but only in relation to "*the effects of exploration*" and not in relation to the potential impacts of future CSG activities.

The NSW Government also publishes notices of application for production leases weekly in the NSW Government Gazette, however there is no legal right to public comment on whether such a lease should be approved, only in relation to the effects of exploration.

Maddocks suggest that Council may develop a policy whereby it notifies residents of the Tweed of the applications for exploration licences within the Tweed Shire local government area and encourages residents to write to the Minister in relation to the likely effects that the exploration will have.

A standard condition on exploration licences is a requirement for community consultation to be undertaken by the CSG Company, which requires the company to, within 28 days after obtaining the licence, to contact the local council/s within the area of the licence and advise their General Manager/s of:

- The existence and extent of the licence;
- The contact details of the licence holder to obtain further information
- Landholder's rights and other information regarding the licence, and
- Their proposed plans for the community consultation.

Council may seek to engage with the licence holder to ensure that the proposed community consultation will adequately provide proper and meaningful opportunities for the community to express concerns and provide feedback. Further, Council, if it is not satisfied with the proposed or actual consultation, may submit a complaint to the Office of Coal Seam Gas alleging a breach of the licence.

It is suggested that Council may develop a policy that will seek to protect the Council area from CSG exploration or production by:

- Writing to the NSW State Government expressing Council's opposition to CSG exploration and production and seeking further independent scientific investigations to be completed and released to the public; and
- Providing resources to members of the public, such as information guides on CSG and pro-forma letters to the Minister of Energy and Resources and the Minister for Planning and Environment, which more readily enables the community to voice their objections to CSG exploration and production with the NSW State Government.

In regard to the above suggestion it is considered that this would politicise council and officers and is a matter that individuals should do of their own accord directly with the State Government. This suggestion is not recommended by officers.

Since the provision of this advice, the Chief Scientist and Engineer published the "Final Report of the Independent Review of Coal Seam Gas Activities in NSW", dated September 2014. The Final Report is also attached to this report. There will be no commentary on the Final Report in this document.

Also attached is the NSW State Government response to the Final Report, the "NSW Gas Plan" which discusses the recommendations and responses to the Final Report.

OPTIONS:

- 1.1 Council identifies all Council owned land that is considered to be 'protected' by section 72 of the *Petroleum (Onshore) Act 1991* (NSW), being
 - Land containing a dwelling house, garden, vineyard, or orchard;
 - Land containing 'improvements' such as substantial buildings, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work of structure.

- 1.2 Council pass a resolution or adopt a policy that Council will not consent to any prospecting or mining licences occurring on the land identified as 'protected'.
- 1.3 Council identifies all Council owned or controlled land which are 'exempted areas' under section 70 of the *Petroleum (Onshore) Act 1991* and adopt a policy that Council opposes the Minister granting consent for exploration or production of CSG within these areas.
- 1.4 If an exploration licence is granted for CSG activities over Council owned land, Council seeks to negotiate an access arrangement which will limit the activities of the CSG Company.
- 1.5 Council prepares submissions to the NSW Department of Planning opposing development applications for CSG activities (where the development is State Significant Development) and to the Minister for Energy and Resources opposing the grant of petroleum titles.
- 1.6 Council prepares a policy on CSG which Council may have regard to when considering likely impacts of CSG development pursuant to section 79C of the *Petroleum (Onshore) Act 1991* when Council is the consent authority for any CSG development. This policy must express that the policy will not fetter Council's discretion to assess any development application on its merits.
- 1.7 Council notify the NSW State Government in writing of Council's opposition to CSG exploration and production.

Or

2. Take no action or a combination of actions in Item 1.

CONCLUSION:

The Maddocks advice sets down a process of direct actions for Council to express its position to both the State Government and members of the public, it is recommended that Council adopt Option 1.

Further to Item 1.8, it is recommended that the Chief Scientist's Report and NSW Gas Plan be made available to members of the public.

COUNCIL IMPLICATIONS:

a. Policy:

The potential to develop a policy or policies with regard to Council's position regarding CSG

b. Budget/Long Term Financial Plan:

Potential costs may be incurred in the implementation of strategies provided in the legal advice obtained. The cost of obtaining this advice was \$4,473.70 including GST.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

1. *(Confidential)* Attachment 1. Legal advice from Maddocks dated 2 September 2014 (ECM 3527620).
 2. Attachment 2: Final Report of the Independent Review of Coal Seam Gas Activities in NSW, September 2014; (ECM 3527643) and
 3. Attachment 3: NSW Gas Plan - Government Response to the Final Report of the Independent Review of Coal Seam Gas Activities in NSW by the NSW Chief Scientist and Engineer (ECM 3527665).
-

20 [E-CM] Variation of Restriction on Use in SP 79995 - Tweed Ultima, Wharf Street, Tweed Heads

SUBMITTED BY: Design

FILE REFERENCE: DA14/0510

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

SUMMARY OF REPORT:

Tweed Ultima in Wharf Street, Tweed Heads was originally approved as a mixed residential, tourist accommodation two 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. Council approved a variation and release of the restriction to reflect the change of use and car parking arrangements in April 2014.

A recent approval, DA14/0510, issued on 16 September 2014 approved the change of use of a further seven (7) units to dual use shop top housing and serviced apartments. This is a separate application and different lots to those of another report to be considered by Council.

The affected units are Lots 14, 20, 22, 39, 56, 102 and 125 in SP 79995.

The change of use is to be implemented by the variation of a Restriction on Use that was registered on SP 79995 on the lots specified, which limited the use of the lots burdened to tourist accommodation. Council has the right to vary, release or modify the restriction.

Condition 5(b) of DA14/0510 requires a clear nomination of the lawful development nature of each unit, and in accordance with the Restriction on Use, this must be varied to reflect the current approval.

The relevant documentation has been received and approved, and now requires execution by Council under the Common Seal.

RECOMMENDATION:

That Council:

- 1. Approves the Variation of Restriction on Use of Land ninthly referred to in SP 79995 affecting Lots 14, 20, 22, 39, 56, 102 and 125 in SP 79995; and**
- 2. Executes all documentation under the Common Seal of Council.**

REPORT:

Tweed Ultima in Wharf Street, Tweed Heads was originally approved as a mixed residential, tourist accommodation two tower development in 2004 by the Department of Planning. There have been multiple s96 applications and development applications lodged since that time, seeking to effect 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. Council approved a variation and release of the restriction to reflect the change of use and car parking arrangements in April 2014.

A recent approval, DA14/0510, issued on 16 September 2014 approved the change of use of a further seven (7) units to dual use shop top housing and serviced apartments.

The affected units are Lots 14, 20, 22, 39, 56, 102 and 125 in SP 79995.

The change of use is to be implemented by the variation of a Restriction on Use on the lots specified which was registered on SP 79995. The restriction limited the use of all of the lots burdened to tourist accommodation. Council has the right to vary, release or modify the restriction.

Condition 5(b) of DA14/0510 requires a clear nomination of the lawful development nature of each unit, and in accordance with the Restriction on Use, this must be varied to reflect the current approval.

The relevant documentation has been received and approved, and it is necessary for Council to sign the documentation under the Common Seal.

OPTIONS:

As the variation of the Restriction on Use is required to implement Council's condition of consent, there is no option but to approve the variation of the Restriction on Use and execute all documentation under the Common Seal.

CONCLUSION:

All documentation effecting the change of use has been approved, it is recommended that Council approves the variation of the Restriction on Use over Lots 14, 20, 22, 39, 56, 102 and 125 in SP 79995 and to execute all documentation under the Common Seal of Council.

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:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [E-CM] Variation of Restrictive Covenant in SP 79995 - Tweed Ultima, Wharf Street, Tweed Heads

SUBMITTED BY: Design

FILE REFERENCE: DA14/0158 Pt 1

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Tweed Ultima in Wharf Street, Tweed Heads was originally approved as a mixed residential, tourist accommodation two 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. Council approved a variation and release of the restriction to reflect the change of use and car parking arrangements in April 2014.

A recent approval, DA14/0158, was issued on 26 June 2014 approved the change of use of a further seven (7) units to dual use shop top housing and serviced apartments.

The affected units are Lots 24, 55, 112, 118, 119, 130 and 132 in SP 79995.

The change of use is to be implemented by the variation of a Restriction on Use that was registered on SP 79995 on the lots specified, which limited the use of the lots burdened to tourist accommodation. Council has the right to vary, release or modify the restriction.

Condition 4(b) of DA14/0158 requires a clear nomination of the lawful development nature of each unit, and in accordance with the Restriction on Use, this must be varied to reflect the current approval.

The relevant documentation has been received and approved, and now requires execution by Council under the Common Seal.

RECOMMENDATION:

That Council:

- 1. Approves the Variation of Restriction on Use of Land ninthly referred to in SP 79995 affecting Lots 24, 55, 112, 118, 119, 130 and 132 in SP 79995; and**
- 2. Executes all documentation under the Common Seal of Council.**

REPORT:

Tweed Ultima in Wharf Street, Tweed Heads was originally approved as a mixed residential, tourist accommodation two tower development in 2004 by the Department of Planning. There have been multiple s96 applications and development applications lodged since that time, seeking to effect 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. Council approved a variation and release of the restriction to reflect the change of use and car parking arrangements in April 2014.

DA 14/0158 was issued on 26 June 2014 and approved the change of use of a further seven (7) units to dual use shop top housing and serviced apartments.

The affected units are Lots 24, 55, 112, 118, 119, 130 and 132 in SP 79995.

The change of use is to be implemented by the variation of a Restriction on Use on the lots specified which was registered on SP 79995. The restriction limited the use of all of the lots burdened to tourist accommodation. Council has the right to vary, release or modify the restriction.

Condition 4(b) of DA14/0158 requires a clear nomination of the lawful development nature of each unit, and in accordance with the Restriction on Use, this must be varied to reflect the current approval.

The relevant documentation has been received and approved, and it is necessary for Council to sign the documentation under the Common Seal.

OPTIONS:

As the variation of the Restriction on Use is required to implement Council's condition of consent, there is no option but to approve the variation of the Restriction on Use and execute all documentation under the Common Seal.

CONCLUSION:

All documentation effecting the change of use has been approved, it is recommended that Council approves the variation of the Restriction on Use over Lots 24, 55, 112, 118, 119, 130 and 132 in 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:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

22 [E-CM] Assignment of Sub-Licence to Use Road Reserve - Riverside Drive, Tumbulgum

SUBMITTED BY: Design

FILE REFERENCE: PF4240/480

Valid



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

SUMMARY OF REPORT:

Council granted a licence for the use of road reserve for the purpose of operating a boat hire business, adjacent to a lease with the Crown for part of the Tweed River, in Riverside Drive, Tumbulgum.

The Licensee operates the general store in Tumbulgum and has sub-licensed the road reserve licence to the operators of the boat hire business.

At its meeting of 21 November 2013, Council approved the assignment of the licence to Frisson Pty Ltd, who then sub-licensed to Classic Picnic Boat Pty Ltd.

The Licensees have new sub-licensees and are seeking Council's approval to enter into a Sub-Licence Agreement with Frisson Pty Ltd and Cabacom Pty Ltd, the new sub-licensee.

It is recommended that Council approve entering in the Sub-Licence Agreement under the Common Seal of Council.

RECOMMENDATION:

That Council:

- 1. Approves entering into a Sub-Licence Agreement with Frisson Pty Ltd and Cabacom Pty Ltd for the non-exclusive occupation of Riverside Drive, Tumbulgum;**
- 2. Executes all necessary documentation under the Common Seal of Council.**

REPORT:

Council granted a licence for the use of road reserve for the purpose of operating a boat hire business, adjacent to a lease with the Crown for part of the Tweed River, in Riverside Drive, Tumbulgum. The licensed area has a width of 14 metres on the river bank, adjacent to the pontoons and jetties within the Crown lease, and extends 10 metres to the edge of the formed car parking space on the road reserve, and has an area of 140m².

At its meeting of 21 November 2013, Council approved the assignment of the licence to Frisson Pty Ltd, who purchased the general store and then sub-licensed to Classic Picnic Boat Pty Ltd.

The location of the licensed area is shown below:



The Licensees have new sub-licensees and are seeking Council's approval to enter into a Sub-Licence Agreement with Frisson Pty Ltd and Cabacom Pty Ltd, the new sub-licensee.

It is recommended that Council approve entering in the Sub-Licence Agreement under the Common Seal of Council.

OPTIONS:

1. To approve entering into the Sub-Licence agreement with Frisson Pty Ltd and Cabacom Pty Ltd; or
2. To not approve entering into the Sub-Licence agreement with Frisson Pty Ltd and Cabacom Pty Ltd.

CONCLUSION:

As the licence is in place, and the Licensee does not operate the boat hire business but sub-licences the area to allow the boat hire business to operate, with no impact on Council or its operations, it is recommended that Council approves entering into the Sub-Licence agreement with Frisson Pty Ltd and Cabacom Pty Ltd.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No financial implications in the assignment of the sub-licence. The licence fee is \$300 per annum.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

23 [E-CM] Disposal of Council Land - Lundberg Drive, South Murwillumbah

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.3 Delivering the objectives of this plan
 - 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability
-

SUMMARY OF REPORT:

At its meeting held on 16 October 2014, Council resolved to advertise its intentions to dispose of Lot 1 in DP 1139059 and Lot 1 in DP 1156966 at Lundberg Drive, South Murwillumbah in accordance with Council's Disposal of Land Policy.

A notice was published in the Tweed Link on 28 October 2014, requesting submissions for a period of 21 days. The submission period has expired and written submissions, in the form of pro-forma letters have been received supporting the sale to the Murwillumbah Pistol Club.

It is recommended that Council resolve to approve the disposal of the subject parcels to the Murwillumbah Pistol Club and approve the sale by private treaty in special circumstances in accordance with Council's Disposal of Land Policy.

RECOMMENDATION:

That :

- 1. Council approves the sale of Lot 1 in DP 1139059 and Lot 1 in DP 1156966 at Lundberg Drive, South Murwillumbah to the Murwillumbah Pistol Club by private treaty in special circumstances in accordance with Council's Disposal of Land Policy for the amount determined by valuation; and**
- 2. Execute all documentation under the Common Seal of Council.**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

At its meeting held on 16 October 2014, Council resolved to advertise its intentions to dispose of Lot 1 in DP 1139059 and Lot 1 in DP 1156966 at Lundberg Drive, South Murwillumbah in accordance with Council's Disposal of Land Policy.

A notice was published in the Tweed Link on 28 October 2014, requesting submissions for a period of 21 days. The submission period has expired and written submissions, in the form of pro-forma letters have been received supporting the sale to the Murwillumbah Pistol Club.

A total of 30 submissions have been received to the time of writing this report, copies of these submissions are attached to this report.

The submissions all support the activities of the Club and the sale of the land to the Club.

OPTIONS:

1. To approve the sale of the subject parcels to the Murwillumbah Pistol Club, or
2. To not approve the sale of the subject parcels to the Murwillumbah Pistol Club.

CONCLUSION:

In light of the submissions received and the lack of objections, together with the financial efficacy of the disposal of the land to the Club, it is recommended that Council approve the sale of the subject parcel to the Club, at the price determined by valuation, and in special circumstances in accordance with the Disposal of Land Policy.

COUNCIL IMPLICATIONS:

a. Policy:

Disposal of Land v1.1

b. Budget/Long Term Financial Plan:

Sale proceeds to be directed to the land development reserve.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Confidential Attachment 1 Submissions received supporting the disposal of the land to the Murwillumbah Pistol Club (ECM 3520907).

24 [E-CM] Impact of Water Industry Competition Act on Servicing Development

SUBMITTED BY: Water and Wastewater

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

In preparing the Strategic Business Plan for Water and Sewerage Council must consider how services are to be provided to customers.

The *Water Industry Competition Act 2006* (WIC Act) permits developers to provide water and wastewater services to new developments.

The Act creates uncertainty for Council as to whether it will or will not provide water supply and wastewater services to developments. That uncertainty creates a financial risk to Council.

In general Council can manage that risk through the following measures.

- Development of a long term financial plan based on an affordable capital works program to service all developments.
- For land for which development consent has been granted, advise the developer that Council cannot continue to invest in planning for or construction of infrastructure to service the development without a commitment that the development will be serviced by Council and then seeking that commitment.
- For zoned land for which development consent has not been granted advising the developer/landowner of when Council could service the land. Further, within Conditions of Consent granted for the development, Council to include a requirement for a commitment from the developer/landowner on how the land is to be serviced, given the servicing options now available to them, as a prerequisite to any further investment by Council.
- For land to be rezoned advising the developer/landowner of when Council could service the land. Under existing instruments the developer/landowner must advise Council how the land is to be serviced. As part of the rezoning Council would require a binding commitment from the developer/landowner on how the land is to be serviced,

given the servicing options now available to them, as a prerequisite to any further investment by Council.

RECOMMENDATION:

That Council:

- 1. Develop a long term financial plan based on an affordable capital works program to service all development.**
- 2. Advise developers of land for which development consent has been granted, that Council cannot continue to invest in planning for or construction of infrastructure to service the development without a commitment that the development will be serviced by Council and then seeking that commitment.**
- 3. Advise the developer/landowner of zoned land for which development consent has not been granted:-**
 - a. When Council could service the land.**
 - b. That Council within Conditions of Consent granted for the development will include a requirement for a commitment from the developer/landowner on how the land is to be serviced as a prerequisite to any further investment by Council.**
- 4. Advise the developer/landowner of land to be rezoned:-**
 - a. When Council could service the land.**
 - b. That Council under existing instruments will require the developer/landowner to advise Council how the land is to be serviced.**
 - c. That Council as part of the rezoning will require a binding commitment from the developer/landowner on how the land is to be serviced as a prerequisite to any further investment by Council.**

REPORT:

Background

In preparing the Strategic Business Plan for Water and Sewerage Council must consider how services are to be provided to customers. The consideration is required so Council can accurately forecast the capital works required to service customers, the financial plan required to finance the capital works and ongoing operational costs and other items such as staffing levels.

NSW Government enacted the *Water Industry Competition Act 2006* (WIC Act) and the regulations supporting its implementation (the *Water Industry Competition (General) Regulation 2008* and the *Water Industry Competition (Access to Infrastructure Services) Regulation 2007*). The Act and regulations were developed to encourage competition in the water industry and foster efficiency in the provision of water and wastewater services. It is applicable to all lands, not only those presently or proposed to be zoned for urban purposes.

The WIC Act encourages competition and investment by:

- promoting new water recycling businesses
- establishing a comprehensive access regime to help new suppliers negotiate arrangements for the transportation and storage of water and sewerage using existing water networks
- ensuring private schemes and the public water utilities face similar obligations, where like services are provided
- providing equality between private and public water utilities for activities such as laying pipes in public roads and reading meters.

Implications for Council

The WIC Act has significant implications for Council in its provision of water supply and wastewater services to both existing and planned development. It creates a financial risk for Council in that Council has no certainty as to whether it will be servicing particular lands and as such whether it should invest in servicing those lands.

There is an inherent expectation by the community, if not legal obligation, that Council must provide supply services to land that is presently zoned for urban purposes. However, Council does not have a corresponding right to provide those supply services to that land. Whilst this does not pose a significant capital risk in those areas that are largely developed with residential, commercial or industrial development; it does however pose a significant risk for the large Greenfield release areas, such as; Bilambil Heights, Area E (Terranora), Cobaki, and Kings Forest.

For presently zoned land all that Council can presently rely on is:

- s 124 of the *Local Government Act 1993* (NSW), under which Council may require that existing properties be connected to a reticulated system, where those reticulated systems exist within a prescribed proximity and/or

- any relevant Conditions of Consent, if given, for land for which development consent has been granted.

For land that is proposed to be rezoned for urban purposes the developer/landowner may elect to provide their own services, wholly or in part, or alternatively they may seek Council to provide services. Council may also elect to/not to provide any or all of the supply services to those lands. As with zoned land Council has no certainty as to whether it will be servicing particular lands and as such as to whether it should invest in servicing those lands.

In essence, whilst the Government's policy has its benefits, such as free market competition and the ability of certain land to be serviced more timely than the public sector can deliver, it does create a significant level of uncertainty concerning the timing and appropriateness for capital investment by Council in new and augmented supply systems. This creates a significant financial risk to Council.

Summarising the risk, it could be said that a situation may occur where Council invests in the provision of services to land, but the developer then chooses to have the land serviced by the private sector. This would lead to a situation where Council has expended considerable funds without the ability for recoupment of those funds through 'Developer Charges' or 'User Charges'. As an example Council may invest some tens of millions in the upgrade of a wastewater treatment plant to provide wastewater services to a development area only to find that the developer has elected for a private network provider for that wastewater service.

Proposal to Mitigate Financial Risk

To mitigate the financial risk to Council it is proposed that, as a general principal, prior to Council making an investment in the provision of water supply and wastewater services, Council seeks a commitment from the developer/landowner that Council is to be the provider of those services.

Council must also plan for the long-term provision of these essential services to service the need of the growing population. Unlike the investment decision making discussed above, this level of strategic policy does not necessitate that the general principal of securing pre-commitment from developers/landowners will be required when investigating only the broad servicing strategies and options. However, the general principal should apply to any investigation associated with options for, the planning approval for, the detailed design of and the procurement and construction of assets that would not have otherwise been required in the time frame otherwise planned for the servicing of that land or development.

Application of Proposal

Categories of Land

At present the land within the shire can be grouped into three categories. Of these categories one has two sub categories. The categories and sub categories are

- Land for which Development Consent has been provided
 - Consent provided through Part 3A of the EP&A Act
 - Consent provided by Council

- Land which has been zoned but for which development consent has not been provided
- Land yet to be rezoned.

Instruments Available

Within the circumstances in which land development occurs there are two distinct practice areas that require separate consideration. They are the '*strategic planning*', which includes land rezoning as the primary policy facilitator for urban development through creation of the 'Greenfield site', and '*development control*', which is the area responding to the actual development of the land.

Strategic Planning Scenarios

The current practice in strategic planning, relating to the statutory 'planning proposal' process, is that the proponent must demonstrate that adequate water supply and wastewater services exist for the land, or alternatively must identify how the site will be serviced. In recent years since the WIC Act there has been a trend for proponents of unzoned land to elect to provide either or both private water and waste water services, particularly the latter.

As a general principal, and one that has proved to be reasonably manageable thus far, is that the proponent of a planning proposal is required to make a commitment about the water supply and wastewater serviced to be provided to the land. To-date, this 'commitment' has arisen only in connection with lands that are not presently serviced, as serviced lands have not previously been seen as potential risk areas. Securing a commitment that is legally binding has been made possible through amendments to the NSW *Environmental Planning and Assessment Act 1979* (EPAA) (and associated Acts and regulations), which took effect in 2005.

Development Control Scenarios

Clause 7.10 of the Tweed Local Environmental Plan 2014 requires that Development Consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

In satisfying the requirements of this Clause, a development may be conditioned that Council provide water supply and wastewater services or that services are provided by other parties and that Council will require a commitment to that effect (most probably a Voluntary Planning Agreement) that is legally binding, on both current and future owners of the land. As discussed above, developer commitments may now be provided through legally enforceable 'agreements', under s 93F of the EPAA.

These agreements can be used to provide certainty and further mitigate the financial risk to Council associated with the provision of supply services.

After Development Consent

There are no specific instruments available to impose a commitment on a developer to use or not use water supply and wastewater services provided by Council unless such use or non use is conditioned in Conditions of Consent. For developments granted consent under Part 3A of the Environmental Planning and Assessment Act Conditions of Consent may or may not have considered water supply and wastewater services. For developments granted consent by Council it is understood standard Conditions of Consent would have imposed requirement in relation to the adequate water supply and wastewater services.

In cases where the provision of water supply and wastewater services has not been addressed in the Conditions of Consent, Council is limited to the option of advising proponents of developments that due to the potential financial risk to Council, Council cannot continue to invest in planning for or construction of infrastructure to provide water supply and wastewater services to the development without certainty that the development will be serviced by Council.

To mitigate any risk associated with developments that have received development consent, the Conditions of Consent need to be reviewed to determine if they contain a condition in respect to water supply and wastewater services. If not it is recommended Council advise proponents of developments that due to financial risk to Council, Council cannot continue to invest in planning for or construction of infrastructure to service the development and seek a commitment that the development will be serviced by Council or that it will be serviced by the private sector.

Implementation of Proposal

Council through its Water and Sewerage Strategic Business Planning process will develop an affordable and staged capital works program to provide services to presently zoned land and land, that Council is aware, may be the subject of rezoning. In that context the implementation of the proposal to mitigate financial risk will be undertaken as detailed below.

Land to be re-zoned

For land which the proponent is seeking to be rezoned the proponent of the development can be required to inform Council of how water supply and wastewater services are to be provided. The developer/landowner may elect to have Council provide services in accordance with Council's capital works program or to provide services through the WIC Act. Council will require a commitment to that choice. To ensure that any commitment of the developer/landowner is binding upon them and any future owner they will need to rely on an appropriate legally enforceable instrument, typically a Voluntary Planning Agreement between them and the Council, detailing whether the water supply and/or wastewater services are to be provided by Council or otherwise.

Zoned Land for which no Development Consent has been granted

For zoned land for which development consent has not been granted, the landowner/developer is required to demonstrate that adequate water supply and wastewater services will be available to service the development. This would typically come about at the time a development application is made. The developer/ landowner may elect to have Council provide services in accordance with Council's capital works program or to provide services through WIC. Council will require a commitment to that choice.

It is in the interest of the landowner that a commitment be made as early as possible to the servicing arrangements, particularly if intending to rely on Council, so that adequate time exists for the planning, budgeting and construction. Again, in practical terms this can be readily achieved by the execution of a Voluntary Planning Agreement, embodying their commitment. Where no commitment exists Council will not proceed with activities to provide services.

Under the current situation, the onus to date has been on the developer to make provision for services, were they are not available, or to wait for the services to be provided in accordance with Council's servicing plan.

Whilst this has typically meant relying in-part on existing services, or contributing to new or upgraded services, under the new statutory 'WIC' Act scheme those services could be provided by the private sector. This latter option elevates the financial risk to the Council should Council proceed with any further capital investment on the assumption it will be the service provider. Consequently, the WIC Act scheme is forcing councils to approach their investment in new services on the same footing as would the private sector, by requiring a requisite degree of surety that a 'market' will exist for the services made available. Therefore, this policy approach is not premised on creating a monopoly for provision of services by either the public or private sector, but is instead a policy aimed at providing greater certainty about the 'preferred' servicing and mitigation of financial risk.

The efficient provision of services to approved development is essential. Requiring a prior commitment from the developer/landowner, given the servicing options now available to them, is therefore a necessary prerequisite to any further investment by Council to mitigate financial risk.

Zoned Land for which Development Consent has been granted under Part 3A

For presently zoned land for which development consent has been provided through Part 3A of the EPAA a review of the approval Conditions of Consent is required. Where there are no Conditions of Consent relating to the supply services that mitigate the risk to Council the proponents should be advised that Council cannot continue to invest in planning for or construction of infrastructure to service the development and seek a commitment that the development will be serviced by Council or otherwise.

Zoned Land for which Development Consent has been granted by Council

For presently zoned land for which development consent has been provided by Council, audit Conditions of Consent to ensure they contain Conditions of Consent relating to the supply services. Where they do not, Council to advise the proponents that Council cannot

continue to invest in planning for or construction of infrastructure to service the development and seek a commitment that the development will be serviced by Council or otherwise.

CONCLUSION:

In preparing the Strategic Business Plan for Water and Sewerage Council must consider how services are to be provided to customers and the land to be serviced. This consideration is required so that Council can accurately forecast the capital works required to service customers, the financial plan required to finance the capital works and ongoing operational costs and items such as staffing levels.

The *Water Industry Competition Act 2006* (WIC Act) permits developers to provide water and wastewater services to new developments.

The Act creates uncertainty to Council as to whether it will service developments. That uncertainty creates a financial risk to Council because Council may invest to service a development only to have the developer choosing to service the development through the private sector.

In general Council can manage that risk through the following measures.

- Development of a long term financial plan based on an affordable capital works program to service all developments.
- For land for which development consent has been granted, advise the developer that Council cannot continue to invest in planning for or construction of infrastructure to service the development without a commitment that the development will be serviced by Council and then seeking that commitment.
- For zoned land for which development consent has not been granted advising the developer/landowner of when Council could service the land. Further within Conditions of Consent granted for the development Council to include a requirement for a commitment from the developer/landowner on how the land is to be serviced, given the servicing options now available to them, as a prerequisite to any further investment by Council.
- For land to be rezoned advising the developer/landowner of when Council could service the land. Under existing instruments the developer/landowner must advise Council how the land is to be serviced. As part of the rezoning Council would require a binding commitment from the developer/landowner on how the land is to be serviced, given the servicing options now available to them, as a prerequisite to any further investment by Council.

COUNCIL IMPLICATIONS:

a. Policy:

This report seeks to amend corporate practice to seek commitment as to who will provide Water Supply and Wastewater service to development.

b. Budget/Long Term Financial Plan:

It is probable that with the development of a long term financial plan that is based on appropriate servicing strategies, the cost of the provision of services will fall.

The measures proposed also remove much of the financial risk carried by Council in respect to servicing development

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

25 [E-CM] EC2014-143 Supply of One (1) Tool Carrier Loader complete with Attachments, Operating Capacity 4,000Kg>5,000Kg.

SUBMITTED BY: Infrastructure Delivery

FILE REFERENCE: EC2014-143

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:

Tender EC2014-143 Supply of One (1) Tool Carrier Loader with attachments Operating Capacity 4,000Kg>5,000Kg was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 22 October 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

This report outlines the tenders received.

RECOMMENDATION:

- 1. That Council awards the contract for Supply of One (1) Tool Carrier Loader with Attachments – Operating Capacity 4,000Kg>5,000Kg as per Contract EC2014-143 to Komatsu Australia for the amount of \$241,014 (exclusive of GST).**
- 2. The General Manager be granted delegated authority to approve appropriately deemed variations and those variations be reported to Council at finalisation of the contract.**
- 3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Tender Background

Tender EC2014-143 Supply of One (1) Tool Carrier Loader with attachments Operating Capacity 4,000Kg>5,000Kg was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 22 October 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The Tool Carrier Loader will be utilised across all units of the organisation for civil and construction works projects.

Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were advertised for EC2014-143 Supply of One (1) Tool Carrier Loader with attachments Operating Capacity 4,000Kg>5,000Kg on 27 September 2014 in the following media groups:

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

OPTIONS:

Tender Submissions

Seven (7) Tenders were recorded at the Tender Box opening and their details are as follows:

Tenderer	ABN	Tendered Amount (Incl GST)
McDonald Murphy Machinery	69092663271	Confidential Information
Komatsu Australia	71143470626	
Lierherr Australia	65007970452	
JCB Australia	81008777348	
Hitachi Construction Machinery Australia	62000080179	
WesTrac Cat	63009342572	
CJD Equipment	63008754523	

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

Criterion
Compliance with technical specification
Whole of life costs- Capital, Maintenance
Technical features evaluation and comparison i.e. operational evaluation
Evaluation of equipment by qualified evaluation panel – Fleet Management, Maintenance, Operator
Local Content

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

Refer to **CONFIDENTIAL ATTACHMENT 1** for the detailed Tender Evaluation Report.

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

The following assessment criteria were used in the tender and equipment evaluation process:

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

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

Non-Compliant Responses:

There were no non-compliant responses

CONCLUSION:

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

- Komatsu Australia is nominated for EC2014-143 for the supply of One (1) Tool Carrier Loader with attachments Operating Capacity 4,000Kg>5,000Kg for Council operations.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.5.

b. Budget/Long Term Financial Plan:

2014/2015 Fleet Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Confidential Attachment EC2014-143 for the Supply of One (1) Tool Carrier Loader with attachments CCF Class 4 – Operating Capacity 4,000Kg>5,000Kg - Contract Extension (ECM 3527838).

26 [E-CM] EC2012-243 Supply of Manual Traffic Control Teams for Council Works - Contract Extension

SUBMITTED BY: Infrastructure Delivery

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The second twelve (12) month contract term for EC2012-243 Supply of Manual Traffic Control Teams for Council Works finishes on 31 December 2014. Provision exists under the terms of the contract for a possible further and final twelve (12) month extension option. The current contractor JHA Recruitment and Staff has applied to take up the final twelve (12) month extension of the contract and have submitted a schedule of rates that will apply for the period 1 January 2015 until 31 December 2015.

RECOMMENDATION:

That:-

- 1. Council accepts the revised contract rates from JHA Recruitment and Staff and approves the contract extension of EC2012-243 Supply of Manual Traffic Control Teams for Council Works for the period 1 January 2015 until 31 December 2015.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Tender Background

The second twelve (12) month contract term for EC2012-243 Supply of Manual Traffic Control Teams for Council Works finishes on 31 December 2014. Provision exists under the terms of the contract for a possible further and final twelve (12) month extension option with past performance and the contract rates to be applied for the period of the extension to be considered when determining whether to exercise any contract extension option.

The current contractor, JHA Recruitment and Staff, has applied to take up the final twelve (12) month extension of the contract and has submitted a schedule of rates that will apply for the extension period of 1 January 2015 until 31 December 2015.

Tender Evaluation

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

OPTIONS:

Council rejects the revised rates as submitted and goes back out to open tender for the provision of Manual Traffic Control Services.

Accept the revised rates as submitted.

CONCLUSION:

That Council accepts the revised Traffic Control rates as submitted.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Version 1.3.

b. Budget/Long Term Financial Plan:

All works requiring Traffic Control personnel are programmed and pre budgeted maintenance or construction activities. Revised rates will be used in establishing project cost estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2012-243 Supply of Manual Traffic Control Teams for Council Works - Contract Extension (ECM 3530668).

REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES

27 [CS-CM] Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 1.8

SUBMITTED BY: Corporate Governance

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council at its meeting held on Thursday 16 October 2014 resolved that:

"under the provisions of Section 253(1) of the Local Government Act 1993, places on public exhibition for at least 28 days the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 1.8."

The Policy, Version 1.8, which contains no amendments from the previously adopted version, was placed on public exhibition from Tuesday 21 October to Tuesday 18 November 2014 and during this period Council received no written submissions.

It is recommended that the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.8 be adopted.

RECOMMENDATION:

That Council in accordance with Section 252(1) of the Local Government Act 1993 adopts the Councillors - Payment of Expenses and provision of Facilities for Mayor and Councillors Policy, Version 1.8.

REPORT:

Council at its meeting held on Thursday 16 October 2014 resolved that:

"under the provisions of Section 253(1) of the Local Government Act 1993, places on public exhibition for at least 28 days the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy - Version 1.8."

The Policy, Version 1.8, which contains no amendments from the previously adopted version, was placed on public exhibition from Tuesday 21 October to Tuesday 18 November 2014 and during this period Council received no written submissions.

It is recommended that the Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy Version 1.8 be adopted.

OPTIONS:

Council is required to adopt a Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy.

CONCLUSION:

That Council in accordance with Section 252(1) of the Local Government Act 1993 adopts the Councillors - Payment of Expenses and provision of Facilities for Mayor and Councillors Policy, Version 1.8.

COUNCIL IMPLICATIONS:

a. Policy:

Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Version 1.8.

b. Budget/Long Term Financial Plan:

Expenses are allowed within the current budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Councillors - Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy, Version 1.8 (ECM 3472277)

**28 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report
for Period Ending 30 November 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 11 December 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.

ORDERS OF THE DAY

29 [NOM] Review of Cemeteries and Burials Policy

NOTICE OF MOTION:

Councillor M Armstrong moves that Council reviews the Cemeteries and Burials Policy to ensure that the existing children's sections within the cemeteries are retained as children's sections in perpetuity and are managed with a heightened level of empathy reflecting the needs of grieving families.

Councillor's Background Notes

Nil.

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

The Cemeteries and Burials Policy requires a review in general terms and it is timely and appropriate to include the elements of the notice of motion in the review.

Delivery Program:

Valid



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 |

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Review of the Cemeteries and Burials Policy.

30 [NOM] Public Meeting - One Way Section of Marine Parade, Kingscliff

NOTICE OF MOTION:

Councillor G Bagnall moves that Council hold a public meeting to discuss the one way section of Marine Parade, with the view to informing the public and exploring options for improvement.

Councillor's Background Notes

Nil.

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

The current design and constructed infrastructure is the result of representations from the community followed by extensive community consultation and support for the proposal.

Public meetings are not a recognised engagement tool under Council's Community Engagement Strategy. These forums can lead to the vocal minority dominating the process. An alternative which is consistent with the Community Engagement Strategy would be drop in information sessions.

Delivery Program:

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

The calling of a public meeting will have limited impacts on Council budget and resources. Options to modify the existing design and infrastructure will have an impact on Budget.

Legal Implications:

Nil.

Policy Implications:

Nil.

31 [NOM] Rail Trail

NOTICE OF MOTION:

Councillor G Bagnall moves that the Mayor writes to the state members, Thomas George and Geoff Provest requesting, in lieu of the pre 2010 promise of \$100,000,000 to bring back the trains, and in the lead up to the 2015 state election, these members give specific, iron clad funding commitments in support of the commencement of building the rail trail in the Tweed.

Councillor's Background Notes

Nil.

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

In June 2014 the Member for Ballina and former Local Government Minister and Member for North Coast, Don Page, announced that the NSW Government had allocated \$110 million for a Regional Tourism Fund some of which could be utilised for Rail Trails such as the Casino to Murwillumbah project. This announcement came after the release of the Feasibility Report into the Casino to Murwillumbah Rail Trail study.

Delivery Program:

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

Nil.

Legal Implications:

Nil.

Policy Implications:

Nil.

32 [NOM] Mayoral Mentor

NOTICE OF MOTION:

Councillor C Byrne moves that Council engages as early as possible in 2015, an educator and approved 'mayoral mentor' from Local Government NSW or a similar appropriate service provider to attend Tweed Shire Council to refresh the knowledge of all councillors with respect to the expected behaviour and role of a Councillor and Mayor under the Local Government Act, and applicable Tweed Shire Council policies and procedures.

Councillor's Background Notes

The suggestion of a mayoral mentor is not targeted at any one individual however it has been included as a resource that could benefit all councillors in a training refresher session.

The Mayoral Mentoring service is available to the Mayors of all NSW member councils, Chairs of member County Councils and the Chairperson of the NSWALC. The service is free and confidential - refer to Local Government NSW's website:

<http://www.lgnsw.org.au/member-services/mayoral-mentor-program>

Local Government NSW provides information and resources for NSW Local Government councillors to guide and support them throughout their term - refer to Local Government NSW's website:

<http://www.lgnsw.org.au/member-services/councillor-support>

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Training would accord with KPIs of senior staff to facilitate training to councillors.

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

Budget/Long Term Financial Plan:

Council has a dedicated training budget that this session could be funded from.

Legal Implications:

Nil.

Policy Implications:

Fit for the Future Recommendation 26 - Political Leadership and Good Governance supports the provision of training to elected members:

"Ensuring new mayors and first time councillors undergo induction training. The Government believes in addition to this that councils should encourage all councillors, mayors and candidates to undergo training to ensure they have the necessary information and skills to decide to stand for council and perform their role effectively."

33 [NOM] Future of Fossil Fuels - Workshop

NOTICE OF MOTION:

Councillor K Milne moves that Council invites Dr Simon Michaux, Senior Research Fellow at the University of Queensland, to address a workshop with Councillors, the executive Management Team and relevant staff on:

- a) The future of fossil fuels;
- b) Potential impacts for Council and the Shire; and
- c) Recommendations for Council.

Councillor's Background Notes

Dr Simon Michaux, Senior Research Fellow at the University of Queensland, spoke at the University of NSW Fenner Conference. Dr Michaux's talk was one of the best received talks at the conference. Dr Michaux lives relatively locally and advised he would be happy to address Council for an appropriate fee.

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

It would be timely to have a speaker on this issue.

It fits in with the general body of work Council is doing about climate change mitigation, and also fits with the Sustainable Industries direction in the Economic Development Strategy.

Addressing peak oil in the next iteration of the Climate Action Plan had been a recommendation of the 2010 Sustainability Gap Analysis.

Delivery Program:

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

Should Council resolve to conduct the proposed workshop, an appropriate speakers fee will have to be negotiated, which is currently not budgeted.

Legal Implications:

Nil.

Policy Implications:

Nil.

34 [NOM] Forestry in the Tweed Shire

NOTICE OF MOTION:

Councillor K Milne moves that Council brings forward a report on the situation of Private Native Forestry and State Forestry in the Tweed Shire, including but not limited to:

- a) Areas already having gained Forestry approval in the Shire and any applications currently in process;**
- b) Any concerns about the current approvals processes such as inadequate or outdated mapping, lack of on ground assessments, or consultation etc;**
- c) Potential impacts on environmental values and wildlife corridors, and Aboriginal or World Heritage values;**
- d) The appropriateness of Forestry for this Shire; and**
- e) Options that Council could recommend to the State Government in regard to Forestry in the Tweed Shire.**

Councillor's Background Notes

Nil.

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Nil.

Delivery Program:

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

The above report would require extensive staff resources over several months to research and prepare.

Legal Implications:

Private Native Forestry (PNF) and State Forestry legislation is a state responsibility. At a meeting held between Tweed Councillors, Council staff the State Member for Tweed and the Minister for the Environment at Cudgen Surf Club on 28 November, 2014, the Minister acknowledged concerns raised by Council in respect to the adequacy of approvals and compliance of PNF, and advised that he would make investigations with the NSW Environment Protection Authority, and provide Council with a further response to these concerns.

Policy Implications:

Nil.

QUESTIONS ON NOTICE

35 [QoN-Cr Milne] Pottsville Men's Shed

QUESTION ON NOTICE:

Councillor K Milne asked:

Can Council advise, since it resolved to support further investigation of alternative sites:

- a) What actions have been taken in regard to investigation of alternative sites for the Pottsville Men's Shed?
 - b) The potential and suitability of a Men's Shed at the Barry Sheppard Sportsfield?
-

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

36 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2014

SUBMITTED BY: Natural Resource Management



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.3	Maintain and enhance Tweed's waterways and its catchments
4.3.1	Manage water resources sustainably and minimise impact on the environment by achieving more integration of water supply, wastewater and stormwater services

SUMMARY OF REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2014 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
 - A4. Seagrass Beds at Lilies Island
 1. *That:*
 1. *The health of the Lilies Island seagrass beds be used as a case study in the proposed Coastal Zone Management Plan.*
 2. *The issue of the health of seagrass beds at Chinderah be raised with the Water Unit and officers responsible for stormwater management within Council's Engineering Division.*
 2. *That the Tweed River Committee be advised of the current status of the Murwillumbah Wastewater Treatment Plant and the potential to improve quality of effluent from this facility, as well as the potential impacts of effluent discharge from this facility on estuary water quality.*

A5. Duroby Creek

That Council writes to the Minister for Fisheries requesting that marine vegetation on private land be protected under legislation from grazing and similar activities. This letter should include the example of the Duroby Creek site, with photos and explain works undertaken and offers made by Council.

REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 8 October 2014 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.00am

Present:

Cr Katie Milne; Cr Gary Bagnall; Pat Dwyer (Department of Primary Industries - Fisheries NSW); Rhonda James (Restoration Industry); Carl Cormack (Roads and Maritime Services); Claire Masters (Tweed Landcare Inc); Scott Petersen (Tweed River Charter Operators); Sam Dawson (Caldera Environment Centre); Max Boyd (Community Representative); Bob Modystack (Community Representative); Lindy Smith (Community Representative); Jane Lofthouse, Tom Alletson, Scott Hetherington, (Tweed Shire Council).

Apologies:

Robert Quirk (NSW Cane Growers' Association); Ben Fitzgibbon (Office of Environment and Heritage); Eddie Norris (Community Representative).

Tom opened the meeting and acknowledged the traditional owners of the Tweed and elders past and present. He also introduced Scott Hetherington to the Committee.

The first item of business was the election of the chairperson for the next 12 months.

One prior nomination was received for Robert Quirk, seconded by Max Boyd.

Rhonda James was nominated by Cr Milne, seconded by Sam Dawson.

A show of hands was requested with Robert receiving four votes and Rhonda seven.

Rhonda was thereby appointed Chair.

Ronda expressed her thanks to the Committee.

The Committee also recorded their thanks to Robert for his work as Chair for the past three years.

As no other nominations were received, Robert was appointed as Deputy Chair which he had subsequently accepted if elected.

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Cr Milne

RESOLVED that the Minutes of the Tweed River Committee meeting held 13 August be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Correspondence to Owners of Land at Windmill Corner
Council has again (for the third time) forwarded letters to owners of the land. Max requested that a plan of the area be brought to the next meeting.

BA2. 10/50 Vegetation Clearing Code
Scott Hetherington presented an update on Council's response to issues arising from the 10/50 Vegetation Clearing Code.

BA3. Upper Catchment Management Plans
Claire requested a status update.

Tom advised progress with respect to meetings with Council's Water Unit. First steps are in finalising the scope of the works for necessary preliminary investigations.

Agenda Items:

A1. Seagrass Education Signs
Tom provided draft sign designs.

Signs have been developed specifically for boat ramps, and as general education.

Cr Milne requested that signs be specifically tailored for each area. Tom advised that aerial imagery was selected for the signs shown so far based on its quality.

Cr Milne requested advice on whether or not buoys could be placed in the river identifying seagrass beds.

Carl advised that this is expensive to maintain.

Seagrass is shown on Roads and Maritime Services Tweed River boating maps.

Pat described initiatives being run by NSW Fisheries to educate people about seagrass.

Information about penalties for damaging seagrass should be included on educational signage being developed by Council.

Council's education program should develop brochures and posters to be available in boating and fishing shops (BCF etc.)

Tom committed to bringing revised signs and draft brochure/posters to the December meeting.

A2. Tweed River Festival
The classic boat regatta was discussed and the program distributed. It was noted that the Catchment Catch Up was on Friday 7 November and a cruise on the Captain Bill on Terranora Creek.

The main event is to be held at Jack Evans Boat Harbour on Saturday 8 November 2014.

A3. Oxley River Bank Erosion

A slide show on the work carried out was presented.

A4. Seagrass Beds at Lilies Island

Cr Milne's request regarding discussion of seagrass beds at Lilies Island was tabled. Cr Milne noted that turbidity needs to be considered a major threat/impact on seagrass, as well as the high levels of epiphytic algae growth detected through monitoring.

Tom noted that as part of the conditions of consent for the pontoon, seagrass will be monitored in the area for five years post establishment.

Possibilities to protect seagrass include - monitoring, upper catchment management and education. There are projects being implemented to address these opportunities.

The only other possibility is exclusion or awareness raising through buoys. This should be considered in the context of the proposed estuary Coastal Zone Management Plan.

Cr Milne advised that the issue of poor water quality at Chinderah needs to be raised within Council, and that Wastewater Treatment Plant upgrades and stormwater retrofit projects should be considered.

RECOMMENDATION:

Moved: Cr Milne

Second: Sam Dawson

That:

1. The health of the Lilies Island seagrass beds be used as a case study in the proposed Coastal Zone Management Plan.
2. The issue of the health of seagrass beds at Chinderah be raised with the Water Unit and officers responsible for stormwater management within Council's Engineering Division.

RECOMMENDATION:

Moved: Cr Milne

Second: Sam Dawson

That the Tweed River Committee be advised of the current status of the Murwillumbah Wastewater Treatment Plant and the potential to improve quality of effluent from this facility, as well as the potential impacts of effluent discharge from this facility on estuary water quality.

A5. Duroby Creek

Tom advised that work to fence the road reserve and protect the immediate riparian environment from cattle damage would commence soon. Constraints on the ability to enforce fencing to prevent cattle damage of mangroves and salt marsh on private land were noted, ie. there is no legislative protection of marine vegetation from grazing on private land, except possibly via development assessment approval conditions.

Moved: Max Boyd

Seconded: Lindy Smith

RESOLVED that Tom continue to try and look for opportunities to work with the landowner to increase protection of marine vegetation.

RECOMMENDATION:

Moved: Max Boyd

Seconded: Lindy Smith

That Council writes to the Minister for Fisheries requesting that marine vegetation on private land be protected under legislation from grazing and similar activities. This letter should include the example of the Duroby Creek site, with photos and explain works undertaken and offers made by Council.

A6. Condong Boat Ramp

Major earth works to create a beach or reduce bank gradient are not possible at the site due to the presence of acid sulfate soils.

Geotextile bags are being considered as an option to make a softer bank that will provide better recreational amenity and not damage boats.

A7. Tyngalga Revegetation

Tom outlined the site and its inclusion as a priority revegetation area in the Tweed River Bank Erosion Management Plan. The Committee resolved to proceed with works at the area, as resources allow.

Moved: Scott Petersen

Seconded: Claire Masters

RESOLVED that works should proceed to revegetate the riverbank at Tyngalga at the site identified as a priority in the Riverbank Erosion Management Plan 2014, as resources allow.

General Business:

GB1. Transport for NSW Workshop on Tweed River Vessel Management

Tom is attending a workshop on this topic as Council's representative. The findings of Council investigations on relevant issues would be presented. Other important issues noted by the Committee include:

- Use of Tweed by QLD vessels
- Conflict between power and passive craft in certain areas
- Financial cost to council in managing river bank erosion
- Flexibility in the better boating program to allow attention to impacts of boating

Moved: Lindy Smith

Seconded: Scott Petersen

RESOLVED that Tom forward the Committee's appreciation to Transport for NSW on its initiative to undertake consultation on this matter.

GB2. Land Slip at Dulguigan

Max raised the matter of the large land slip at Dulguigan, stressing his position that the stumps and associated sediment should be removed from the river in its entirety. Max

queried Patrick Dwyer on his view as to whether or not Fisheries would allow the material to be removed. Pat advised that he had recently re-inspected the site, and that Fisheries would probably authorise removal, pending submission of an application to do so. It was noted by Tom that Council has not approached Fisheries with an application to remove the debris.

GB3. Cobaki Saltmarsh Flooding

Lindy Smith asked whether or not the issue of salt marsh flooding at Cobaki has been resolved. Tom advised that at this stage it had not.

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 10 December 2014 in the Canvas & Kettle Meeting Room.

The meeting closed at 12.40pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A4. *Seagrass Beds at Lilies Island*

Nil.

A5. *Duroby Creek*

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

A4. *Seagrass Beds at Lilies Island*

1. That:

1. The health of the Lilies Island seagrass beds be used as a case study in the proposed Coastal Zone Management Plan.
2. The issue of the health of seagrass beds at Chinderah be raised with the Water Unit and officers responsible for stormwater management within Council's Engineering Division.

2. That the Tweed River Committee be advised of the current status of the Murwillumbah Wastewater Treatment Plant and the potential to improve quality of effluent from this facility, as well as the potential impacts of effluent discharge from this facility on estuary water quality.

A5. *Duroby Creek*

That Council writes to the Minister for Fisheries requesting that marine vegetation on private land be protected under legislation from grazing and similar activities. This letter should include the example of the Duroby Creek site, with photos and explain works undertaken and offers made by Council.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Terms of Reference - Adopted by Council 24 January 2013
(ECM2939677)

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.

37 [SUB-ACC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 2014

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 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 10 October 2014 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**
 - A2. *Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)***

That Council notes the Aboriginal Advisory Committee request for a co-funded identified Aboriginal Environmental Health Officer position within Council's Building and Environment Health Unit, and takes no action.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 October 2014 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum and Cultural Centre

Time:

9.27am

Present:

Victor Slockee (Canowindra representative); Leweena Williams (Tweed Aboriginal Corporation for Sport representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Des Williams (Tweed Byron Local Aboriginal Land Council representative), Cr Katie Milne (Tweed Shire Council).

Ex-officio:

Anne McLean, Rob Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes)

Guests (in order of arrival):

Mark Longbottom (Tweed Shire Council) (arrived at 9.25am), Tim Robins (Everick) (arrived at 12.05pm)

Apologies:

Mayor Gary Bagnall (Tweed Shire Council), Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Joyce Summers (Canowindra representative)

Chair: Des Williams

Moved: Desrae Rotumah

Seconded: Victor Slockee

RESOLVED that the Chair was declared vacant and nominations were called. Des Williams was nominated and was unanimously elected to Chair the meeting.

Des Williams opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Leweena Williams

Seconded: Des Williams

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 July 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Agenda Items:

Agenda Item 1 suspended for Agenda Item 2.

A2. Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)

An opportunity exists for a jointly funded Environmental Health Officer (EHO) position within Council which would be an identified Aboriginal position. There currently isn't any opportunity for a Cultural Heritage Officer position within Council, as it would be a new position.

Mark Longbottom advised that cultural heritage falls outside of the EHO position. The EHO role would include:

- environmental assessment of DA's to ensure there are no environmental impacts.
- public health component including food premises, public swimming pools, private potable water supplies, on-site sewage management inspections for private dwellings (public health and environmental impact), air pollution, water pollution and illegal clearing.

The position would be jointly funded between NSW Health and Council. The position would be co-located with components of work being carried out at Council and NSW Public Health in Lismore. A work schedule would need to be negotiated regarding how often the position would work in each location and logistics regarding travel to Lismore and accommodation.

Mark advised that once the restructure of the Building and Environmental Health Unit has been completed and a new Manager appointed, the position will be able to be revisited. Funding is not available at this moment - communication will need to be through the elected body and General Manager to secure funding.

Sustainability is ensured as the position would commence as a cadetship for 1 or 2 years where the officer would gain qualifications, training and skills which would allow the officer to obtain work either within Council or elsewhere.

Timeframe would possibly be mid-year 2015 to coincide with the intake into University.

Moved: Desrae Rotumah

Seconded: Victor Slockee

RECOMMENDATION that the Aboriginal Advisory Committee requests Council to proceed with a co-funded identified Aboriginal Environmental Health Officer position within Council's Building and Environment Health Unit.

Mark Longbottom left meeting at 9.55am

The Committee noted that whilst it accepts the EHO position, it is not forfeiting the Aboriginal Cultural Heritage Officer position in the future. The Aboriginal Cultural Heritage position should be considered/appointed by Council during the process of development of the Aboriginal Cultural Heritage Management Plan.

Resumption of Agenda Item 1.

A1(a) Appointed Delegates - Cr Bagnall (Delegate), Cr Milne (Alternate), Cr Armstrong (Alternate)

The Committee noted the change to delegates following the Mayoral election on 18 September 2014 of Cr Bagnall (Delegate), Cr Milne (Alternate), Cr Armstrong (Alternate).

A1(b) Business Arising from Meeting held on 2 May 2014 and 7 July 2014.

GB3. Ed Parker Rotary Park, Cudgen Creek

Robert Appo advised that in accordance with discussions at the meeting held on 7 July 2014, a response has been provided to Rotary. It is expected that the signage will be erected without Aboriginal input. Council's Waterways Officer has provided information about Ospreys and Terns.

Business Arising from Meeting held on 6 June 2014 and 7 July 2014

A3. Everick Heritage - Due Diligence Reports being marked as "Draft"

Council will be sending formal notification to Everick regarding requirement to mark Due Diligence Reports as 'Draft'.

Action: CDO-Aboriginal to prepare letter to Everick regarding requirement to mark Due Diligence Reports as 'Draft'.

TBLALC advised it is experiencing some issues with Everick which has engaged TBLALC on many issues and has accrued a large debt. On a technicality Everick has advised that the applicants have engaged TBLALC and are responsible for the debt rather than Everick.

Everick has requested that through the AAC, Council distribute reports. Robyn Grigg has advised that Council will supply reports to the AAC on behalf of Everick. The AAC noted that Everick already has the names and addresses of the organisations which should be provided with the reports and should be able to provide the reports directly to those organisations without requiring Council to on-forward them or provide private addresses for the AAC members.

Action: CDO-Aboriginal to forward list of organisation addresses to Everick for reference.

Business Arising from Meeting held on 2 May 2014

A2(c) Cultural Awareness Training

Robert provided an update of Council's resolution from its meeting held on 18 September 2014 where Council adopted the AAC's recommendations from its meeting held on 6 June 2014.

Following on from the Aboriginal Cultural Awareness training for Councillors and EMT, the next step is for Managers and Coordinators to attend training. Cultural Awareness training for Managers and Coordinators has been included in the Reconciliation Action Plan (RAP). Consideration also needs to be given regarding roll-out and management of Cultural Heritage inductions for outdoor staff.

Desrae acknowledged the progress already made with the success of the Councillor and EMT Aboriginal Cultural Awareness Training and the Reconciliation Week event.

Cr Milne suggested that a video presentation by the AAC be created as part of a package that could be rolled out to staff. Legislation requirements must be incorporated into the training to ensure staff are aware of their legislative obligations under the Act. It would be beneficial if a local person or organisation provided the training. Desrae advised that Coral Lena of Department of Human Services recently produced a video presentation on Aboriginal issues. A similar format could be used for the Council presentation.

Business Arising from Meeting held on 4 July 2014

BA2 Pottsville South Caravan Park

Robert provided an update of Council's resolution from its meeting held on 18 September 2014 where Council adopted the AAC's recommendations from its meeting held on 6 June 2014.

Business Arising from Meeting held on 4 July 2014

BA1 Kenmar Farms Bogangar No. 2 Project

Robert provided an update of Council's resolution from its meeting held on 18 September 2014 where Council adopted the AAC's recommendations from its meeting held on 6 June 2014.

Agenda Items:

A2. Northern Rivers Rail Trail proposal - Murwillumbah to Casino - David Oxenham and Leon McLean (Tweed Shire Council)

This item postponed to November meeting.

A3. Robert Appo (Tweed Shire Council)

(a) Aboriginal Peoples of the Tweed Valley - Notice of Motion by Cr Bagnall

At the Council meeting held on 17 July 2014, Council resolved to receive and note the recommendation of the AAC and to develop a process for naming sites of significance at future AAC meetings. The AAC now needs to consider how it wishes for a process to be put in place for the naming of sites of significance in the Shire. It may be necessary to hold a workshop.

(b) Park Naming - Bogangar Norries Headland -Dual Naming

At the Council meeting held on 17 July 2014, Council resolved to name the northern section of the park at Norries Headland, Bogangar as 'Johansen Park', to install appropriate signage and that the location is included in the area for dual naming.

(c) Local Government Aboriginal Network Conference 2016

Robert provided an update on the Local Government Aboriginal Network conference held in Narrandera which he attended with Des Williams. Council was successful in its bid to host the 2016 Local Government Aboriginal Network Conference. Paris Robinson was named as the 'Young Achiever of the Year'.

Action: That CDO-Aboriginal sends a letter of congratulations to Paris Robinson for being named the 'Young Achiever of the Year' at the Local Government Aboriginal Network Conference, on behalf of the Committee.

(d) Memorandum of Understanding (MOU)

Robert tabled the updated draft MOU and worked through the document with the AAC.

Introduction - A new paragraph has been added to the end of the Introduction. Desrae requested the following amendment: 'Tweed Aboriginal Housing Cooperative Society'.

Undertakings - Cultural Heritage - Following sentence to be added: 'That whilst it is the Aboriginal community's duty to preserve Aboriginal Cultural Heritage, it is a cultural asset that can be appreciated by the wider community'.

An updated MOU will be presented to the next AAC meeting.

(e) Reconciliation Action Plan (RAP)

Robert tabled the updated draft RAP and worked through the document with the AAC.

- Item 7 of the RAP includes the suggestions from the Mayor regarding variations to the Aboriginal Statement. All variations would need to be included in the Aboriginal Statement Policy. Discussion regarding difference between Welcome/Acknowledgement of Country and the Aboriginal Statement.

Des Williams left meeting at 12.00pm

No Quorum.

- Item 17 - Discussion in relation to "On Country/Off Country" recruitment selection criteria. Council acknowledges for positions such as the Cultural Development Officer-Aboriginal and Aboriginal Cultural Heritage Officer, it is imperative that the person be from "On Country".

Des Williams returned to meeting at 12.02pm

Quorum Achieved.

AAC members were requested to take draft RAP to their organisations and provide feedback to Robert, ready for discussion at the next AAC meeting.

The RAP will go on public exhibition in plain text however the published version will be the copy adopted by Council. There will be the opportunity for an Aboriginal artist, photographer or community organisation to be engaged to provide artwork for the RAP.

Cr Milne suggested that an item be included in the RAP that Aboriginal artwork be included in public spaces for greater reflection of the Aboriginal community.

(f) Outstanding Matters Report (as required)

Item held over to next meeting.

(g) Kirkwood Road Scarred Tree - Update

Robert provided an update in relation to the Kirkwood Road Scarred Tree and advised he has been liaising with Andrea Harman regarding locating the Scarred Tree in Arkinstall Park as a landscape feature. Andrea is leaving Council and has referred the project back to Robert Appo and Jason Young. The proposed Arkinstall Park site is approximately 50 metres from the tree's original location. Robert tabled photographs of the steel casings which may be wrapped around the tree. He advised that the Scarred Tree will break down over the years; the process may take 100 years.

Dan Plummer, landscaping contractor will provide some drawings which will be tabled at the next AAC meeting.

Tim Robins arrived at 12.05pm

A4. Tim Robins (Everick)

(a) River Heights

Tim Robins tabled and provided members with copies of the revised plans for River Heights.

Tim advised that the applicant is still planning to do significant cut and fill on the site however the ridgeline will no longer be impacted apart from a proposed walking path. The ridgeline will largely stay however the dotted cut and fill line of approximately 15 metres on the point of the ridge (red dotted line on plan) is the area of the ridge that will be impacted, however it tapers away. Tim advised that the stone arrangement identified by the Aboriginal community is outside of the cut and fill area however he will have it geo-referenced.

Tim was requested to provide engineering plans and aerial photograph showing the side view site profile to enable the AAC to compare it to the previous proposal. Leweena requested that Everick identify on the map the particular areas of where the Aboriginal-found artefacts were located, the location of the tree and test pits, together with GPS positioning of where the stone artefacts were found. Leweena requested that the AAC be provided with a timeframe. Tim advised he will make the request.

Leweena asked whether, in line with discussions at the JRRP, the developer was reconsidering the amount of time that people could stay at the site.

Tim advised that next time Everick provides reports to Council to distribute to the AAC, it will provide Council with stamped envelopes. Everick requested that Council provide a list of names of AAC members to enable it to also place a label on each envelope.

(b) Walmsley Road subdivision

The Walmsley Road Aboriginal Cultural Heritage Assessment Draft Report prepared by Everick was tabled.

Tim advised that Adrian Piper did the walkover however TBLALC were not present at the walkover. Tim advised that this is the first time that Everick has conducted a site visit in the Tweed without a TBLALC officer present and it isn't the preferred option for Everick. The AAC noted that the reason that TBLALC were not in attendance was due to the issues discussed earlier at today's meeting. In this regard, TBLALC will stonewall any application that Everick puts forward because Everick could state that TBLALC did not attend.

The ground soil of the Walmsley Road subdivision area is very poor. It has high grass cover, and is very steep except for a small flat area where the house is located. There are possible Aboriginal cultural heritage sites in the higher areas however generally they are very occasional because it was a rainforest site. Everick's conclusion is there is low potential for Aboriginal cultural heritage sites on that particular block. Everick advised 300 pits were dug along the road area and five artefacts were found.

Des advised that the ridge has a high potential for camp sites and spiritual activity in the high ground near the trees. Archaeologists won't pick up on spiritual activity. Des noted that Jason doesn't have the spiritual connection to the land that Warren has. Des agreed that Tim could include this information in the report.

Des confirmed that resolution in relation to this matter will be confirmed following discussions with the TBLALC.

Tim advised that Everick will lodge a BMP for the site straight away.

(c) 1006 Clothiers Creek Road, Condong - new cabins

Tim tabled the draft Cultural Heritage Due Diligence Assessment for 1006 Clothiers Creek Road, Condong.

Tim advised that he informed the developer of the AAC requirements (ie. walking over the site) however because the development will be a 'light footprint', the developer requested a desktop instead. Desktop includes AHIMS, environmental assessment and parish mapping. Des advised that the Aboriginal mapping project identified double the number of significant sites and it is no longer appropriate to rely on AHIMS. Tim was advised that TBLALC has a copy of the Aboriginal mapping system.

Tim noted that the potential for axes to be on the site is very real. Everick will lodge a BMP for the site straight away.

(d) Cobaki Lakes

Tim advised that Council has requested a briefing on the Aboriginal Cultural Heritage of Cobaki Lakes and has requested copies of result of excavations and relevant management plans to date. The briefing will be held in about a fortnight. The workshop was requested by Cr Milne.

Vince Connell advised he would speak to Leda and Everick to find out whether Everick was prepared to attend the workshop. Tim advised that Everick do wish to attend the workshop and will not be charging for its attendance so will not be attending on behalf of Leda.

Tim advised that Leda is still proposing to place fill over the sand ridge. Tim recalled that TBLALC was going to obtain legal advice. The Aboriginal community needs to advise whether or not it is appropriate for the fill to be placed over the sand ridge and provide a case.

Cr Milne declared an interest due to a Court case with the Director of Leda, which is currently until appeal.

Tim noted that it is now highly important that the profile of the sand ridge is raised as it is relevant to other areas most notably the Airport.

Des enquired whether the sand taken from the sandpile has been retained? Tim advised that it had not been retained.

Cr Milne asked whether any AAC members would like to attend the Councillor Workshop regarding Cobaki Lakes with Leda and Everick. TBLALC advised it would like to send a representative and it is expected that Jackie McDonald would also like to attend. A date has not yet been set for the workshop.

Action: CDO-Aboriginal to request that AAC members be invited to attend the Councillor workshop regarding Cobaki Lakes with Leda and Everick.

Action: Cr Milne to request a Councillor workshop regarding the Aboriginal MOU.

Tim Everick left the meeting at 1.06pm.

General Business:

GB1. Items from the Mayor:

(a) Recognition Statement

The Mayor is proposing variations to the Aboriginal Statement Policy that could be read interchangeably and that Aboriginal people read the Statement at Council meetings from time to time. The AAC noted that an Aboriginal person wouldn't read the Statement "verbatim"; that they would provide their own statement. The AAC advised that it could provide some suggestions on changes to the Statement and also provide advice on formulating a Statement.

The section of the Mayoral Minute from the meeting held on 18 September 2014 regarding the Aboriginal Statement was read out to the AAC.

(b) Glossy Black Cockatoo

The Mayor has requested that the Glossy Black Cockatoo Foundation and Council Officers not use the term 'black birding' when referring to the Glossy Black Cockatoo counting as this may cause offense to the Aboriginal and Torres Strait communities.

(c) Naming of Bogong Road

Robert advised that a new road at Altitude, Terranora has been named 'Bogong Road'. The Mayor is concerned that 'Bogong' is an Aboriginal name from another area and it wasn't referred to the AAC. It was noted that once the Geographical Names Board has approved a name in the State, it can be used and doesn't need to be referred to the AAC.

Action: CDO-Aboriginal to invite Vanessa Barr or appropriate Council Officer to attend the next AAC meeting re Road Naming.

(d) Paris Robinson

Robert advised that the Mayor has invited Paris Robinson and her partner to the Indigenous Gala night at Bond Uni in recognition of her recent achievement.

GB2. Tweed River Committee

Cr Milne advised that Council's Natural Resource Management Unit is working on the Coastal Zone Management Plan. Cr Milne suggested that AAC members should consider becoming a member of the Tweed River Committee.

Action: CDO-Aboriginal to invite Tom Alletson, Waterways Program Leader to next AAC meeting.

Inwards Correspondence

IC1. Aurecon dated 24 September 2014 - Telecommunications Tower at 868 Piggabeen Road, Piggabeen

Correspondence received from Aurecon has been referred to the AAC. Robert advised that the site has been identified in the Tweed Aboriginal mapping project. A response will need

to be sent to Aurceon regarding the proposal before the submission closing date of 13 October 2014.

Action: CDO-Aboriginal to email copy of proposal to AAC members noting the closing date of Monday 13 October 2014.

IC2. Inwards correspondence from Jackie McDonald

Robert advised that Jackie McDonald has requested the following items be discussed:

(a) Faux Park

Two site monitors are to be appointed to attend the site assessment of the midden at Faux Park on 27 October 2014. Due to her ancestral connection, Jackie would like to be one of the monitors. It was noted that the AHIP won't allow for test pits but will allow for a site assessment of the midden. Two TBLALC representatives to attend the Faux Park site assessment in accordance with the resolution of the AAC of 5 August 2013.

(b) Environmental Health Officer position

Jackie has concerns that the Aboriginal Cultural Heritage Officer position isn't being progressed.

(c) Paulson Park, Bogangar

Item to be placed on Agenda for discussion at next AAC meeting.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 7 November 2014.

The meeting closed at 1.41pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

A2. Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

A2. Proposed Aboriginal Environmental Health Officer position - Mark Longbottom (Tweed Shire Council)

That Council notes the Aboriginal Advisory Committee request for a co-funded identified Aboriginal Environmental Health Officer position within Council's Building and Environment Health Unit, and takes no action.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR ENGINEERING IN COMMITTEE

C1 [E-CM] Council Land Review

REASON FOR CONFIDENTIALITY:

This report deals with the management and disposal of Council land that may have commercial implications

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
 - 1.3.3 Existing and future community assets will be properly managed and maintained based on principles of equity and sustainability
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C2 [E-CM] S64 Developer Charges and Lord Linen Service

REASON FOR CONFIDENTIALITY:

Commercial matters between Council and a proponent.

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: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.3 Provide well serviced neighbourhoods
 - 2.3.3 Provision of high quality and reliable wastewater services which meets health and environmental requirements and projected demand
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