



TWEED
SHIRE COUNCIL

Mayor: Cr B Longland

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

Agenda

Ordinary Council Meeting Thursday 18 September 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 on Thursday 21 August 2014 and Thursday 4 September 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 21 August 2014 are attached for information and adoption by Council.

Also, the Minutes of the Ordinary Council Meeting that follows the Planning Committee, which was held on Thursday 4 September 2014 are attached for information and adoption by Council.

RECOMMENDATION:

That:

1. **The Minutes of the Ordinary and Confidential Council Meetings held Thursday 21 August 2014 be adopted as a true and accurate record of proceedings of that meeting.**
2. **The Minutes of the Ordinary Meeting held Thursday 4 September be adopted as a true and accurate record of the proceedings of that meeting.**
- 3 **ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (f) **matters affecting the security of the council, councillors, council staff or council property.**

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.4.1.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au 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 21 August 2014 (ECM 3445975)

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 21 August 2014 (ECM 3445964).

Attachment 3 Minutes of the Ordinary Council Meeting held Thursday 4 September 2014 (ECM 3458961)

SCHEDULE OF OUTSTANDING RESOLUTIONS

2 [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.

19 SEPTEMBER 2013

ORDERS OF THE DAY

4 [NOM-Cr B Longland] Aboriginal Employment Strategy

NOTICE OF MOTION:

532

Cr B Longland
Cr K Milne

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

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

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.

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.

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

NOTICE OF MOTION:

16

Cr G Bagnall
Cr M Armstrong

RESOLVED that officers undertake a review of the planting guides that currently govern developments in this Shire, including Tweed Shire Council's own plantings, and a further report be brought back to Council that examines the appropriateness and feasibility of requiring an increased sourcing of local occurring plants.

Current Status: Workshop scheduled for 25 September 2014 and report will be submitted to Council following the workshop.

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 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Dear Sir

Camphor Laurel Harvesting for the Condong Cogeneration Plant

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

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

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

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

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

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

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

Yours faithfully

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

24 Jun 2014 3:50 PM

Troy Green
General Manager



Enclosure

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

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 to be scheduled.

33 [NOM] Tree Health Assessment Standards and Policy

NOTICE OF MOTION:

293

**Cr G Bagnall
Cr M Armstrong**

RESOLVED that Council undertakes a workshop to:

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

Current Status: Workshop to be scheduled.

34 [NOM] Promoting Culture in the Streets

NOTICE OF MOTION:

294

**Cr K Milne
Cr M Armstrong**

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

Current Status: In progress.

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.

56 [NOM] Receipt of Electronic Petitions

NOTICE OF MOTION:

373

**Cr M Armstrong
Cr K Milne**

RESOLVED that Council brings forward a report outlining options for the receipt of electronic petitions including, but not limited to, electronic alternatives to requirements for signatures and other methods to ensure the integrity of petitioners.

Current Status: Report to be prepared.

59 [NOM] Transforming Public Spaces into Social Living Rooms

NOTICE OF MOTION:

376

**Cr K Milne
Cr M Armstrong**

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

Current Status: Workshop to be scheduled.

17 JULY 2014

REPORT FROM THE DIRECTOR ENGINEERING

**25 [E-CM] Unnamed Lane Pottsville between Berkleys Lane and Eastern Sportsfield
Car Park Traffic Flow**

415

**Cr G Bagnall
Cr W Polglase**

RESOLVED that Council undertakes another community consultation in regards to a two way option prior to proceeding to a development application, with a further report to be submitted to the September 2014 Council meeting.

Current Status: Report unable to be submitted to the September Council meeting due to the extension of the consultation period at the request of the community and additional consultation necessary with the business community to ensure a greater understanding and acceptance of the recommended option.

ORDERS OF THE DAY

34 [NOM] Bruce Chick Conservation Park

NOTICE OF MOTION:

428

Cr G Bagnall
Cr P Youngblutt

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

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

Current Status: In progress.

21 AUGUST 2014

REPORTS FROM THE GENERAL MANAGER

7 [GM-CM] Advice on Art/Art Deco Festival, Murwillumbah

452

Cr K Milne

Cr M Armstrong

RESOLVED that Council organises, with Destination Tweed and Councillors, a walking tour of the Murwillumbah CBD to view the street front and discuss issues associated with an Arts/Art Deco Festival for Murwillumbah.

Current Status: Workshop and walk through Murwillumbah in conjunction with Destination Tweed is scheduled for 25 September 2014.

8 [GM-CM] Destination Tweed - Funding and Performance Contract Renewal

456

Cr P Youngblutt

Cr K Milne

RESOLVED that:

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

5. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Current Status: Awaiting confirmation from Destination Tweed in relation to its corporate governance arrangements.

REPORT FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

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

461

Cr K Milne
Cr G Bagnall

RESOLVED that Council:

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

Current Status: Report to be prepared.

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

465

Cr C Byrne
Cr M Armstrong

RESOLVED that Council:

1. Proceeds with detailed design work to extend the Tweed Heads Branch Library within the Tweed Heads Civic Centre building as recommended in this report and prepares a funding submission to the State Library of NSW for the next capital infrastructure funding round in 2014/15 to assist with funding the extension.
 2. Endorses the relocation of the Council Customer Contact Centre from the Tweed Heads Civic Centre to the former SCU building to make way for expansion of the library, when appropriate.
 3. Provides shared community and Council meeting and activity spaces within available existing rooms in the former SCU building, including providing for the existing uses of
-

the South Sea Islander Room by the South Sea Islander Community and the Emergency Operations Centre.

4. Determines that proposed community and cultural facilities in the former SCU building will be made available for general community use and not for exclusive use by individual organisations or groups.
5. Redesigns the lecture theatre (located at the western end of the middle level of the former SCU building) to provide a chamber for Council and Planning Committee Meetings, and a multipurpose theatre style meeting and activity space for performance and rehearsal, community meetings and events, and council training and activities.
6. Investigates options for community and/ or commercial activities to activate the public domain area between the Tweed Civic Centre building and the former SCU building.
7. Involves users of community and cultural facilities and relevant technical experts in the design of interim improvements for the Tweed Heads Branch Library and the Civic and Community Centre, as per the implementation and engagement requirements outlined in this report.
8. Receives a report in December 2014 on detailed design and costs for the interim improvements proposed in this report.

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

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: Investigations being undertaken.

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: Awaiting submission of report on the preferred option for the unnamed lane at Pottsville.

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.

a34 [E-CM] Request for Closure of Public Walkways Monterey Avenue, Honeymyrtle Drive and Golf View Court, Banora Point

490

Cr M Armstrong
Cr P Youngblutt

RESOLVED that the item be deferred to allow Council to:

1. Advertise the possibility of the closure of the public walkway.
 2. Seek community feedback from the affected residents.
 3. Bring forward a further report outlining the community response to the proposal.
-

Current Status: Advertisements have been placed for the proposed closure of the public walkways.

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.

45 [NOM] Beautification of Murwillumbah

NOTICE OF MOTION:

502

Cr G Bagnall
Cr M Armstrong

RESOLVED that officers present a workshop to:

1. Educate Councillors on the concepts contained in the Woods Bagot Study (undertaken several years ago for the renewal and beautification of the central business district of Murwillumbah)
 2. Explore possibilities for the decommissioned toilet block in Queens Street, Murwillumbah.
-

3. Discuss what beautification works could be immediately undertaken along Alma Street, South Murwillumbah, to create a better entrance into the town.

Current Status: Workshop scheduled for 9 October 2014.

47 [NOM] Future Strategies for Prospero Street, South Murwillumbah

NOTICE OF MOTION:

504

Cr G Bagnall
Cr M Armstrong

RESOLVED that Council officers present a workshop to discuss affordable, possible future strategies for the beautification of Prospero Street, South Murwillumbah, including, but not limited to:

Current Status: Workshop scheduled for 9 October 2014.

MAYORAL MINUTE

3 [MM-CM] Mayoral Minute for August 2014

SUBMITTED BY: Cr B Longland, 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

- 1 August - NOROC Meeting and Rail Trail cycle tour - Richmond Valley Council.
 - 13 August - Tweed Coastal Committee - Canvas and Kettle Meeting Room, Murwillumbah Civic Centre.
 - 14 August - General Manager's Review Committee (also attended by Crs Armstrong, Bagnall, Milne, Youngblutt).
 - 14 August - Tweed Regional Museum Advisory Committee, Coolamon Centre, Tumbulgum Road, Murwillumbah (as alternate for Cr Armstrong).
 - 20 August - Destination Tweed Board meeting - Mantra at Salt, Boardroom, Bells Boulevard, Kingscliff.
 - 20 August - Tweed Regional Gallery (TRAG) Foundation Meeting - TRAG, Mistral Road, Murwillumbah.
 - 21 August - Local Traffic Committee Meeting - Peter Border Meeting Room.
-

INVITATIONS / MAYORAL REPRESENTATION:

Attended by the Mayor

- 1 August - Murwillumbah Chamber Breakfast - Greenhills on Tweed, River Street, Murwillumbah.
-

- 1 August - Murwillumbah Rotary Trivia Night - Murwillumbah Soccer Club.
- 2 August - Opening of Dan Murphys - Minjungbal Drive, Tweed Heads.
- 2 August - Bangalow BBQ and Bluegrass Festival fundraiser for the Rail Trail - Bangalow Showgrounds, Market Street, Bangalow.
- 3 August - Octopus Garden Festival Opening - Tweed Marina, Cnr Brett Street and Wharf Street, Tweed Heads - Southern Boat Harbour - Crs Armstrong, Byrne and Polglase also attended.
- 4 August - Tweed/Byron Life Education Action Group, Media Event re \$6000 TSC Donation - Pottsville Primary School, Tweed Coast Road, Pottsville.
- 4 August - Tweed Hospital Auxiliary Annual General Meeting - Tweed Civic and Cultural Centre, Brett Street, Tweed Heads.
- 4 August - Country Women's Association (CWA) Afternoon Tea for the NSW State President - Murwillumbah CWA Rooms, Queen Street, Murwillumbah.
- 5 August - Renewable Energy Think Tank - Sustainable Living Centre, Crescent Road Chinderah - Cr Byrne also advised her attendance.
- 5 August - Murwillumbah Festival of Performing Arts Annual Awards Concert - Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah.
- 6 August - Aspire Career Market Day - Bogangar Public School, Tweed Coast Road, Cabarita Beach.
- 8 August - Tweed Valley Mountain Bike Club meeting re a facility at Uki Waste Water Treatment Plant - Smiths Creek Road, Uki.
- 8 August - Cabarita Beach/Pottsville Lions Club meeting re Dog and Family Fun Day Event - Cabarita Beach Surf Life Saving Club, Pandanus Parade, Cabarita Beach.
- 8 August - Tweed Regional Art Gallery (TRAG) Opening of new exhibitions - TRAG, Mistral Road, Murwillumbah.
- 9 August - Aquilla Marine Safety Boat Blessing and Naming Ceremony - Australian Navy Cadet Unit, TS Vampire, Dry Dock Road, South Tweed Heads.
- 11 August - Opening Ceremony for the 2014 Golden Nugget - Tweed Heads Bowls Club, Wharf Street, Tweed Heads.
- 11 August - Cabarita Beach/Bogangar Residents Association Meeting - Cabarita Sports and Bowls Club, Cabarita Road, Bogangar.
- 12 August - Visit by French Student and Mayor's Tour of Council Chambers - Tweed Shire Council, Murwillumbah Civic Centre, 10-14 Tumbulgum Road, Murwillumbah.
- 13 August - Beach Nesting Bird Day hosted by Tweed Shire Council - Fingal Head Public School, 100 Letitia Rd, Fingal.

- 13 August - Student Interview, school assignment about local leaders in the community - Mayor's Office, Murwillumbah Civic Centre.
- 14 August - Meeting with Senator John Williams - Kennedy Drive, West Tweed - also attended by Crs Byrne and Youngblutt.
- 14 August - Repsychlers' Salvage Shop - Stotts Creek Waste Management Centre.
- 15 August - Visit by the Small Business Commissioner, Robyn Hobbs OAM - Murwillumbah Civic Centre, 10-14 Tumbulgum Road.
- 16 August - "Dancing with the Stars" fundraising event for the Cancer Council - Tweed Heads Civic Centre, Corner Wharf and Brett Streets - Crs Armstrong and Byrne also attended.
- 18 August - Lunch Meeting at Bond University to meet Pro Vice-Chancellor - Bond University, 14 University Drive, Robina, QLD.
- 18 August - Cabarita Community Economic Development Committee meeting - Cabarita Sports Club, Cabarita Road, Bogangar.
- 19 August - Friends of Kingscliff Chamber, Business Networking Breakfast Invitation - Kingscliff Beach Bowls Club, Marine Parade, Kingscliff - Cr Byrne also attended.
- 20 August - Business Excellence Breakfast with Guest Speaker Dr Fritz Heckler - Tweed Heads Bowls Club, Florence Street, Tweed Heads.
- 21 August - Talk with Murwillumbah High School Geography Class re Coastal Zone Management - Riverview St, Murwillumbah - Cr Armstrong also attended.
- 22 August - Tweed Valley Banana Festival Fashion Show - Murwillumbah Civic Centre, Tumbulgum Road, Murwillumbah.
- 23 August - 'Living for the Future' Home Expo - Tweed Civic Centre, Corner Wharf and Brett Streets, Tweed Heads - Crs Bagnall, Byrne, Milne, Armstrong also advised their attendance.
- 23 August - Centre for Sustainability Leadership Rural Environmental Leaders Program Graduation - Byron Shire Council Chambers, 70-90 Station St, Mullumbimby.
- 24 August - Harvest Festival service to open the Banana Festival - All Saints Anglican Church, Murwillumbah.
- 25 August - Mayor's presentation to St Josephs Primary School students, Years 3 and 4 - St Josephs Primary School, Greville Street, Murwillumbah.
- 26 August - South Sea Islander Morning Tea - South Sea Islander Room, Tweed Heads Civic Centre.
- 26 August - Citizenship Ceremony, 50 new citizens - Tweed Heads Civic Centre Auditorium, Corner Wharf Street and Brett Street, Wollumbin Street, Tweed Heads.
- 26 August - Rotary Art Show Opening - Jesse McMillan Hall, Murwillumbah.

- 27 August - Melbourne Cup Tour event - Tweed Heads Hospital.
- 27 August - Melbourne Cup Tour Lunch event - Palm Court, Main St, Murwillumbah.
- 27 August - Melbourne Cup Tour Charity Cocktail Event hosted by Destination Tweed - Salt Bar, Kingscliff.
- 27 August - Icon Software International User Conference Welcome event - Poolside, Peppers Resort, Salt Village, Kingscliff.
- 28 August - Mayor's Tour of Council Chambers with students from Hare Krishna School, Murwillumbah - Murwillumbah Civic Centre, 10-14 Tumbulgum Road.
- 28 August - Wollumbin Dreaming Bushtucker lunch prepared by TAFE students - Kingscliff TAFE Caldera Restaurant.
- 28 August - Mayor's Guitar performance at Timescape for Positive Ageing Day - Banora Point Community Centre, Leisure Drive, Banora Point.
- 28 August - Icon Software International User Conference Gala Dinner - Salt Village, Kingscliff.
- 29 August - Northern Rivers Rail Trail AGM - Harvest Cafe, Newrybar.
- 29 August - Opening of new Canteen, Vulcans AFL Football Club - Rab Jones Oval, Murwillumbah.
- 29 August - Farewell dinner for the Chancellor of SCU, The Hon John Dowd AO QC - The Fountain Room, Lismore City Hall, Bounty Street, Lismore.
- 30 August - Official opening of the Tweed Regional Museum - Tweed Regional Museum, Murwillumbah - Crs Byrne and Armstrong also attended.
- 30 August - Tweed Valley Banana Festival Street Parade and Family Fun Day - Knox Park, Murwillumbah.
- 30 August - Opera Australia's performance of The Magic Flute - Murwillumbah Civic Centre Auditorium, Tumbulgum Road, Murwillumbah.
- 31 August - "Cycle for Life" a community awareness cycle to help raise awareness about organ donation - Salt Central Park, Bells Boulevard, Kingscliff.
- 31 August - Chillingham Voices Concert featuring the lineup for their upcoming Tasmanian Tour - The Autumn Club, 16 Tumbulgum Road, Murwillumbah - Cr Byrne also advised her attendance.

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

- 20 August - Tweed Heads Red Cross Celebration of 100 Years - Horizons Function Centre, South Tweed Sports Club, 4 Minjungbal Drive, Tweed Heads South - Cr Byrne attended.

Inability to Attend by or on behalf of the Mayor

- 8 August - Arts Northern Rivers Board Meeting - Arts Northern Rivers Office, 2/5 Bruxner Highway, Alstonville - Cr Armstrong unable to attend as alternate.
 - 14 August - Northern Rivers Housing Forum on homelessness -Ballina RSL Club - No Councillors accepted to attend.
 - 14 August - Aspire Career Market Day - Crystal Creek Public School - Executive Officer, Shane Davidson, attended in place of a Councillor.
-

REQUESTS FOR WORKSHOPS:

Date of Request	Requested by Councillor	Topic	Councillors For	Councillors Against	Proposed Workshop Date
	Cr K Milne	Potential for Passive Waterway Recreation Hub for Chinderah in combination with the proposed pontoon.	Milne Armstrong Bagnall Longland	3 remaining councillors	

CONFERENCES:

Conferences attended by the Mayor and/or Councillors

Councillors did not attend any conferences during August 2014.

Information on Conferences to be held

- 29-30 Nov - LGNSW Mayors' Weekend - Stamford Plaza, Corner of Robey and O'Riordan Streets, Mascot, Sydney Airport - *A Mayor has the responsibilities of a Councillor, plus additional opportunities to demonstrate civic and community leadership. Facilitators and expert presenters (Sarah Artist, Genia McCaffrey and Graham Sansom) will discuss contemporary issues for the NSW Local Government sector, as well as the special roles and responsibilities of NSW Mayors - Registration \$1,320, plus flights and 2 nights' accommodation. Refer www.lgnsw.org.au/events-training/mayors-weekend*
-

SIGNING OF DOCUMENTS BY THE MAYOR:

- 6 August - Request document for Crown Land, Pottsville.
 - 27 August - Transfer document - Sale of Duroby Quarry.
 - 27 August - Licence Agreement - Tweed Unlimited Arts Incorporated - Banora Point Reserve Trust.
-

- 29 August - Subdivision Works Security Deed - Da13/0692 Hydrox Nominees Pty Ltd.
-

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 August 2014 be received and noted.
 2. The attendance of Councillors at nominated Conferences be authorised.
-

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

RECEIPT OF PETITIONS

4 [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

5 [GM-CM] SINC Solutions Report Recommendations - Implementation Update

SUBMITTED BY: General Manager

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

This report provides an update on the implementation of the Recommendations from the SINC Solutions Report adopted by Council in October 2013.

It is noted that of the 19 recommendations contained within the report all but 2 have been actioned, with these outstanding recommendations having progressed towards being implemented.

RECOMMENDATION:

That Council receives and notes the update on the implementation of the recommendations of the SINC Solutions Final Report.

REPORT:

Council adopted the 19 recommendations of the SINC Solutions Report at its meeting of 17 October 2013 and it is noted that of the 19 recommendations contained within the report all but 2 have been actioned, with these outstanding recommendations having progressed towards being implemented.

Recommendations implemented to date:

Recommendation 1

The contents of the review report (Review of Documents with Findings) into the issues raised by LEDA in their August 2011, October 2011 and January 2013 reports, be received and noted by Council.

Council resolved to receive and note the report (Review of Documents with Findings) at the 17 October 2013 Council meeting.

Recommendation 2

The General Manager formally advise LEDA Developments Pty Ltd in due course as to the outcomes of the review by SINC Solutions in relation to matters LEDA have raised with Council in their reports dated August 2011, October 2011 and January 2013.

Leda was formally advised by written correspondence dated 18 October 2013 that the SINC Solutions Final Report was considered by Council at its 17 October 2013 meeting. A copy of the Council Report was attached to the correspondence and Leda was provided a Confidential Extract of the SINC Solutions Final Report and the Complaint Summary, as per the Council Resolution.

Recommendation 3

That any future complaints received by Council about Councillors relating to alleged inappropriate conduct that has occurred since the date of this report should be submitted in accordance with the Tweed Shire Council Procedures for the Administration of the Model Code of Conduct and completed in accordance with those Procedural requirements.

Leda was formally advised by written correspondence dated 22 October 2013 that any future complaints received by Council about Councillors relating to alleged inappropriate conduct that has occurred since the date of the SINC Solutions Final Report should be submitted in accordance with the Tweed Shire Council Procedure for the Administration of the Model Code of Conduct and completed in accordance with those Procedural requirements.

Copies of the current Model Code of Conduct Version 1.9 and the Administration of the Model Code of Conduct Procedure March 2013 adopted by Council on 21 March 2013 were also provided to Leda.

Attention was drawn to Parts 4 and 12 of the Administration of the Model Code of Conduct Procedure March 2013 which outlines - How may Code of Conduct Complaints be made? It was noted in the letter to Leda, as highlighted within Recommendations 3 and 4 of the SINC Solutions Report, it is this accepted method for lodging perceived Code of Conduct

Complaints that is to be followed in the future. Part 12 of the Procedure highlights the confidentiality and non public disclosure of the complaints.

Leda was then advised that complaints submitted in accordance with this Procedure will then be managed by Council in accordance with Parts 5 - 12 where applicable, of the Procedure.

Recommendation 4

That any future complaints received by Council about Council staff relating to alleged inappropriate conduct that has occurred since the date of this report should be submitted in accordance with the Tweed Shire Council Procedures for the Administration of the Model Code of Conduct and completed in accordance with the relevant Local Government Award provisions and best practice requirements for the conduct of staff investigations.

In the same letter of 22 October 2013 dealing with Recommendation 3, Leda were advised that any future complaints received by Council about Council staff relating to alleged inappropriate conduct that has occurred since the date of the SINC Solutions Final Report should be submitted in accordance with the Tweed Shire Council Procedure for the Administration of the Model Code of Conduct and completed in accordance with the relevant Local Government Award provisions and best practice requirements for the conduct of staff investigations.

Leda were also advised that complaints submitted in accordance with this Procedure will then be managed by Council in accordance with Parts 5 - 12 where applicable, of the Procedure.

Recommendation 5

That where appropriate, any future significant complaints concerning the conduct of senior staff would be better investigated by an external party rather than investigated internally, to ensure procedural fairness to all parties and independence in the investigation.

Recommendation implemented and adopted by management to also be utilised where appropriate when a third party continues to raise an issue / issues that they claim Council officers have not assessed objectively or fairly.

Recommendation 7

That Council's Communication Devices Policy be amended to ensure that the use of Council's corporate systems (including email system), for any personal submissions made by Staff or Councillors relating to Council activities including development applications, be prohibited. This includes the use of the staff members Council email address to lodge any such submission. The Policy is to be amended to preclude personal storage of the submission on Council's electronic storage systems, noting that the only storage permissible is as an official record along with all other submissions retained by the Council in the corporate record management system (where the submission is made to Council)

A new section of Council's Electronic Communications Devices (Use of) Protocol was adopted by Council's Executive Management Team on 4 December 2013 and

communicated to staff via a Staff Notice on 7 January 2014. The new section provides additional clarification about the use of Council's e-mail and other electronic systems for personal use. In particular it provides guidance on how to avoid any perception of a conflict of interest between personal and business use. Specifically it states:

"Whenever Council's IT systems are used for personal tasks, staff should be aware of the requirements of the Code of Conduct and must ensure that there can be no confusion as to whether the use is for personal or for council business. For example: Staff should not use their Council e-mail address to lodge personal submissions regarding development applications as this could cause confusion as to whether they were submitting in their personal or professional capacity.

.....

The above considerations would also apply whenever the staff person was operating in a personal capacity – i.e. making a submission to council under the Compliments and Complaints Policy, or joining an on-line petition using their Council e-mail address and user-id.

Staff should remember that their Council e-mail address and signature block identifies them as a Council representative and should not send e-mails for personal purposes where there is any possibility that the entity receiving the e-mail or seeing that e-mail address could believe that the staff member is acting in their professional capacity. This could lead to either a liability to Council or a violation of the code of conduct (staff must not use their council position for personal advantage). For example – sending e-mails on behalf of a sporting, community or political group; purchasing goods online where the seller may provide them with "preferred pricing" because of their Council address; or making personal posts on electronic bulletin boards or social media"

Recommendation 9

That Council provide regular briefings/training sessions with key development staff on dealing with Councillors; dealing with conflict of interests (including activities as a member of the public including activist groups or making submissions on developments); GIPA applications; and dealing with difficult persons.

On 6 and 7 May 2014 key staff members were provided with training on dealing with Councillors, dealing with conflict of interests (including activities as a member of the public including activist groups or making submissions on developments); GIPA applications and dealing with difficult persons. This training was provided by an external party (Prevention Partners) at arm's length to Council. Refresher training will be provided internally by Council's HR Training unit.

Recommendation 10

That Council should consider reviewing its current practice of providing considerably voluminous Council business papers to Councillors on a regular basis through adopting any or all or the following:

- 1. Scheduling more regular Council Meetings;**
- 2. Scheduling complex matters more effectively;**
- 3. Undertaking a Delegations Review; and/or**
- 4. Adoption of a Planning Committee (PC) or an Independent Hearing and Assessment Panel (IHAP).**

Council has resolved to meet as a Planning Committee on the first Thursday of the month and then to conduct a normal Council meeting on the third Thursday of the month. Further it resolved to amend its Code of Meeting Practice to require two Councillors to call up items to a Council agenda that would otherwise be determined under delegation.

Council resolved at 21 November 2013 Council Meeting the following:

"Item 69 [TCS-CM] Council Meeting Frequency

Cr W Polglase

Cr C Byrne

RESOLVED that Council:

1. *Adopts the following:*

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

2. *Amends the Code of Meeting Practice, Version 2.3 to include the following:*

"Development application requests for call up and determination by Council, which are under the current delegated authority of staff, be instigated by way of a request signed by two Councillors.

*The Motion was **Carried**"*

This new meeting schedule commenced 6 February 2014.

Recommendation 11

That an in depth planning review not be undertaken of Council's assessment of any of LEDA's submissions.

As per the report recommendations an in depth planning review is not being undertaken of Council's assessment of any of LEDA's submissions. It should be noted however that Council received a letter from Leda dated 11 November 2013 which stated the following in relation to this recommendation:

".... This stance, reflected in Recommendation 11 to the effect that an in-depth planning review not be undertaken of Council's assessments of Leda's submissions, suggests to us that perhaps Council and Sinc reached the decisions that the Review had gone far enough, possibly having time and budgetary considerations in mind."

The then Acting General Manager responded to this aspect of the letter in a response dated 28 November 2013 and stated the following:

"On Page 5 of your letter of 11 November 2013 you reflect on Recommendation 11 and suggest that perhaps Council and SINC had discussions in relation to this item. To the contrary, it was the Director Planning and Regulation's submission to the SINC review that a planning review would be beneficial. So despite the Executive's initial position that a planning review would be of benefit, we have conceded to Finding 107 and to Recommendation 11 and do not intend to alter that position."

Recommendations 12

That no formal facilitation process be undertaken between Council staff and LEDA representatives. Instead, it is recommended that an experienced and highly skilled Independent Chair be engaged to facilitate regular scheduled meetings between LEDA representatives and Council staff and determine matters as required. Both parties should agree on the Independent Chair selected; costs should be divided equally and explicit agreement completed committing each party to the process.

Following an extensive selection process an Independent Chair was appointed on 19 June 2014. Council Resolved as follows:

"Item 6 [GM-CM] Contract EC2014-068 Request for Independent Chair to facilitate dealings between Tweed Shire Council and Leda Holdings Pty Ltd

***Cr M Armstrong
Cr P Youngblutt***

RESOLVED that:

1. *In relation to Tender EC2014-068, for Independent Chair to facilitate dealings between Tweed Shire Council and Leda Holdings, Council accepts the submission from APP Corporation Pty Ltd, in particular the nominee Clare Brown.*
2. *Notwithstanding Section 11 of the Local Government Act 1993, Council provide Leda Holdings with a copy of the following Confidential documents for the purposes of reviewing the information as Leda Holdings have agreed to meet fifty percent (50%) of the costs associated with the Independent Chair:*
 - *Request for Tender (EC2014-068) Documentation;*
 - *Submissions received from Tenderers for Tender (EC2014-068); and*
 - *Confidential Attachment 1 to Council Report for Contract EC2014-068."*
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.

The Motion was **Carried**

FOR VOTE - Unanimous"

Importantly with respect to the Recommendation 12 of the Sinc Solutions Report, Leda advised Council in writing on 31 March 2014 the following:

"Leda agrees to the following:

- *That costs be shared equally.*
- *That the final procurement decision will rest with Council.*
- *That the Independent Chair selected by Council will be the agreed Independent Chair for the purposes of the Sinc Solutions recommendations.*

Leda commits to engaging in regular scheduled meetings with the Independent Chair as outlined in the proposed amendment to Clause 5.10."

A copy of the letter is provided below for reference.



Our ref: 1304-020

31 March 2014

Mr Troy Green
General Manager
Tweed Shire Council
PO Box 814
MURWILLUMBAH NSW 2484

By email: tgreen@tweed.nsw.gov.au

Dear Mr Green,

Independent Chair

I refer to your letter of 25 March 2014.

Leda agrees to the following:

- That costs be shared equally.
- That the final procurement decision will rest with Council.
- That the Independent Chair selected by Council will be the agreed Independent Chair for the purposes of the Sinc Solutions recommendations.

Leda commits to engaging in regular scheduled meetings with the Independent Chair as outlined in the proposed amendment to Clause 5.10.

Yours faithfully,
LEDA DEVELOPMENTS PTY LTD


Reg van Rij
Regional Manager - Residential

Key points of note in the selection and appointment of the Independent Chair are as follows:

- Actions on progressing this recommendation commenced with correspondence to Leda dated 18 October 2013, seeking their concurrence to an experienced and highly skilled Independent Chair being engaged to facilitate regular scheduled meetings-between LEDA representatives and Council staff.
- Various negotiations with Leda occurred leading up to the selection and appointment of the Chair, including meetings with the Executive Chairman Leda, Bob Ell, Mayor Barry Longland, Kath Roach of Sinc Solutions, Regional Manager – Residential (Leda), Reg van Rij and General Manager Tweed Shire Council, Troy Green.
- The Terms of Reference for the role of the Independent Chair was drafted and determined in consultation with Leda. Importantly with respect to the Sinc Solutions Recommendation 12, the Terms of Reference provide the following:

5.10 Meetings are to be scheduled on a regular basis, an initial three (3), four (4), three (3), four (4) weekly cycle, with dates and times set in advance by the Chair. The length of each meeting will be determined by the Chair depending upon the agenda set.

- Expression of Interest for the role of Independent Chair were received from five (5) Council nominated and three (3) Leda nominated prospective experienced and qualified individuals suitable to undertake the role.
 - Hon. David J. Bartlett (Council nominated) – former Premier Tasmania. Chaired the first ever multi party Cabinet in Australian democratic history, he established the Tasmanian Forestry Roundtable bringing together highly disparate interests from the forest industry and conservation sector that formed the highly durable forestry ‘peace deal’ now in effect in Tasmania. He held the portfolios of Minister for Local Government and Minister for Planning in the Tasmanian Government negotiating water and sewerage statewide reforms and a new statewide planning system. As Premier he presided over the development of a comprehensive 10-Year Infrastructure Plan for Tasmania and developed and implemented a 10-point integrity plan for Tasmanian Government including the establishment of the Tasmanian Integrity Commission and a comprehensive reform of freedom of information and whistleblower legislation. He is currently the independent Chairman of a high growth Australian technology company that has recently raised private capital investment and expanded operations into the US.
 - Richard Colley (Council nominated) – current Chair of the Local Govt Grants Commission; and current Chair of the Local Infrastructure Renewal Scheme. Former General Manager of Bankstown City Council, the 4th largest council in metro Sydney. He headed the Commission of Inquiry into Shellharbour City Council. He was also appointed as one of the Administrators at the Wollongong City Council, during their period under administration and has served on several NSW, Council Code of Conduct panels. Richard’s career experience also extends to the private sector with national and international companies including The Coca-Cola, Tooheys Breweries and National Foods.
 - Sarah Hill (Council nominated) - Director of Hill PDA. 15 years of international planning experience, Sarah is also the firm’s Principal Planner, specialising in the relationship between planning, economics and society. Sarah is the immediate past President of the NSW Division of the Planning Institute of Australia and a member of the Australian Institute of Company Directors. She has also been appointed as a member of: The NSW Affordable Housing Taskforce; The NSW Building Professionals Board; The NSW Department of Planning and Infrastructure Culture Change Working Group; and The University of Sydney Planning Research Centre. Related industry roles include: Independent Chair of Ministerial Review of Redfern Waterloo Redevelopment, Head of Major Projects for a Council in East London, Appointed as a board member by the Minister for Planning and Infrastructure Building Professionals Board in June 2013, Expert Advisor to the Minister for Planning and Infrastructure on Planning Reform White Paper 2012 / 2013, Member of the Westconnex Governance Working Group. Sarah has been the recipient of numerous awards including the Mayor of London’s Award for Planning Excellence (2005), the 2005 Royal Town Planning Institute Award for Planning (2005) and the UDIA NSW and Stockland Women in Development Leadership Award (2012).

- Kerry Nash (Council nominated) – Director KR Nash & Associates, Strategic and Town Planning, Local Government and Information Systems. Relevant past experience includes: worked on the Campbelltown-Camden new City Project at the State Planning Authority of New South Wales, now the Department of Planning, Appointed Senior Research Planner with Strategic Planning Branch, Planning and Building Department City of Sydney. Vice-President AURISA (Australian Urban & Regional Information System Association) 1981, President Aurisa 1982, Appointed Director of CA 4, Information Systems Department 1984, Manager Corporate Services Division 1991. Assistant General Manager of CA 111, Corporate and Business Services until 24 February 1995; and
- Sean O’Toole (Council nominated) – Managing Director Landcom (2002 – 2013), Chief General Manager Landcom (1996 – 2001), Assistant Director General NSW Department of Planning 1989 – 1996, Planning Administrator Leichardt Municipal Council 1990 – 1991, Director, Asthma Foundation of NSW 2008 – present, Member, UWS Strategy & Planning Committee 2010 – 2012. Sean has been the recipient of numerous relevant awards including Planner of the Year Planning Institute of Australia - NSW Division, Life Member Urban Development Institute of Australia, 2013 President’s Prize Australian Institute of Architects – NSW Chapter.
- Chris Bastic (Leda nominated). January 2010 – May 2013: Director Stakeholder Relations, NSW Department of Trade & Investment, Regional Infrastructure and Services; August 2005 – December 2009: General Manager Stakeholder Relations, World Youth Day Co-ordination Authority (WYDCA); 2000 – December 2005: Executive Officer, NSW Major Events Board, NSW Premiers Department & Tourism NSW; September 1997 – 2000: Senior Project Officer, NSW Government Olympics Business Group, NSW Department of Trade and Investment; 1993 – 1996: Mayor of Randwick City Council.
- Clare Brown (Leda nominated) - APP Corporation Pty Ltd. January 2011 – Current: APP Corporation Pty Limited, NSW Principal Planner, February 2008 – December 2010: JBA Planning Consultants, Associate and Director, 2006 – 2007: Contract Positions, 2003 – 2008: Planning Interface (Australia), 2001 – 2005: Corrs Chambers Westgarth Lawyers, 1997 – 2001: Wilshire Webb Lawyers, 1995 – 1997: Resident in Thailand, 1992 – 1995: ERM and Mitchell McCotter, 1985 – 1992: Local and State Government Appointments. Experience included Project Director/Manager/Advisor for the preparation of Part 3A Concept Plans and Project Applications and associated studies, Project Director/Manager/Advisor for the preparation or review of precinct plans, local environmental plans, development control plans and development contribution plans for rezoning and release of land, NSW Planning Reform – Project managing the implementation of the 2008 reforms to the Environmental Planning and Assessment Act 1979, Expert Witness – Preparation of Expert Witness Statements, Joint Statements and planning advice in relation to Land and Environment Court Appeals (class 1 and 3). Appearing as an expert witness in section 34 conferences and class 1 proceedings, attending directions hearings, attending joint conferencing associated with matters before the Land and Environment Court.
- Peter Shepherd (Leda nominated) - June 2005 - Current Business Development Hyder Weathered Howe, February 2003- June 2005 Executive Director, Weathered Howe Engineers, September 1995 – January 2003 Consultant and Joint Chief Executive Finance Facilities (Dosh) Pty Ltd, 1 July 1994 - July 1995

Director of Development, Albert Shire Council - Gold Coast City Council, November 1989-June 1994 Shire Engineer, Albert Shire Council, August 1982 - November 1989 City Engineer, Corporation of the City of Woodville. (now City of Charles Sturt), May 1976 Engineering Manager, West Lakes Limited (Delfin Management Services Pty Ltd), October 1971 Project Engineer Manager, A W Boulderstone Pty Ltd.

- A two - step selection process then occurred following legal advice. The first step provided Leda the opportunity to interview all Council nominated prospective Chairs. Council also reviewed the Leda nominated Chairs. This process led to Leda advising that Sarah Hill, Kerry Nash and Sean O'Toole as the Council nominated prospective Chairs were suitable to be invited to formally respond to a formal quotation process and Council advising that Clare Brown and Peter Sheppard as Leda nominated prospective Chairs were suitable to be invited to formally respond to a formal quotation process.
- The five (5) agreed suitable candidates for role of Independent Chair were subsequently invited to respond to Tender EC2014-068 with a closing date of 14 May 2014. All five (5) candidates responded to the tender brief.
- Tenders received were evaluated by an independent (to both Council and Leda) Tender Evaluation Panel comprising two NSW Public Works personnel experienced in tender selection and contracts and Kath Roach of SINC Solutions as the Tender Panel Chairperson.
- The Tender Panel Evaluation Report was presented to Council at its meeting of 19 June 2014. Council resolved as per the Tender Panel Evaluation Report recommendations, thereby appointing Clare Brown (in particular) of AAP Corporation Pty Ltd as the successful tenderer.
- On 23 June 2014 Leda were advised through Mr Reg van Rij of the resolution and appointment of the Independent Chair and were also provided copies of the Tender Evaluation Report and each of the tenders received as per the resolution of Council.

Recommendation 13

That in instances where there can be no agreement or decision on matters of dispute in the development after being through the meeting held by the Independent Chair, and particularly in cases where Council and LEDA have opposing legal advice, it is recommended that consideration be given to seeking independent legal advice from a third party in an endeavour to resolve the issue.

Noted – for consideration if the need arises.

Recommendation 14

That in order to ensure future success of the regular scheduled meetings between LEDA and Council, and the operations of the Independent Chair, it is recommended that the first meeting between the parties be attended by Ms Kath Roach (author of this report) in order to confirm agreement from both parties as to the proposed

system as detailed within this report. Council's Acting General Manager and the Executive Chairman of LEDA should be in attendance at this initial meeting.

First Meeting with the Independent Chair was conducted on 28 July 2014 with the following in attendance:

Ms Clare Brown
NSW Principal Planner, APP Corporation Pty Limited

Ms Kath Roach
Managing Director, Sinc Solutions

Mr Bob Ell
Executive Chairman, Leda

Mr Reg van Rij
Regional Manager - Residential, Leda

Cr Barry Longland
Mayor, Tweed Shire Council

Mr Troy Green
General Manager, Tweed Shire Council

Mr Vince Connell
Director Planning and Regulation, Tweed Shire Council

Recommendation 15

That Council should make more efficient use of its Policy and Procedures in any future dealings with LEDA including: the Compliments and Complaints Handling Policy and Procedure; Business Ethics Policy; Community Engagement Strategy and associated Integrated Planning and Reporting Policy documents; Correspondence – Response to Policy; Customer Service Charter; Dealing with Difficult People Policy; Vision Statement, Mission Statement, and Corporate Values.

Leda were formally advised by written correspondence dated 25 October 2013 that Council will apply the provisions of the following Policies and Strategies in future dealings with their organisation:

- Business Ethics Policy Version 1.2
- Community Engagement Strategy Version 1.1
- Compliments and Complaints Handling Policy Version 1.4
- Correspondence - Response to Policy Version 1.4
- Customer Service Charter Policy Version 1.2
- Dealing with Difficult People Policy Version 1.1
- Community Strategic Plan 2013/2023
- Code of Meeting Practice

A copy of each was enclosed for their information.

In particular, with respect to Council's *Correspondence - Response to Policy Version 1.4*, the need to utilise Council's corporate email address when official correspondence requiring a response is sent was highlighted to ensure the correspondence is appropriately registered within Council's record management system, tasked and actioned accordingly.

Further, Leda were advised that there have been instances where their office have emailed the General Manager directly with information that they wished to be tabled with Councillors prior to consideration of a business paper agenda item. In these instances it was suggested that in addition to emailing the corporate email address, that they also copy Councillors. This is appropriate given that the matter is to be considered by Councillors and the item is on the business paper agenda.

Leda was also reminded of the timeframes associated with the availability of Council Meeting Business Papers.

Recommendation 16

That a more structured approach be undertaken to the allocation of staff on all major projects such as the Kings Forest and Cobaki developments. That a set minimum core staff be allocated to work on the project with staff allocating a proportion of their weekly time to the project. The staff should not be required to be relocated within Council to work on the project. These core staff should be made known to the respective developer, and be used as a primary contact for the project (as part of the Communications Strategy), and be the focus of any required Department of Planning responses.

Leda were formally advised by written correspondence dated 7 November 2013 of the core staff allocated to the Cobaki and Kings Forest projects and advised of the methods of communication to be undertaken relating to the Cobaki and Kings Forest projects.

Recommendation 17

That Council streamline its internal referral process and develop Service Level Agreements (SLA) between Assessment Services and other relevant sections of Council. The Service Level Agreements should detail expected service standards in terms of quality, timeframes and priorities amongst other things.

A new system of performance monitoring and accountability for Council's development assessment processes has now been endorsed and implemented including a corporate Protocol, new KPIs for relevant staff and management, and a web-based, user friendly statistical reporting program for the monitoring of corporate, unit, and individual officer performance. The KPI web based tool was demonstrated to Councillors at a workshop on 31 July 2014.

Recommendation 18

That Council review internally the greater involvement of strategic planners and an economic strategist, throughout the pre-lodgement and assessment phases of any future development proposal for major developments.

Relevant staff will be invited to major pre-DA meetings where appropriate.

Recommendation 19

That given:

- a) the length of time that has passed;
- b) the format in which the allegations were made; and
- c) the public knowledge of the allegations which denied procedural fairness to parties;

that Council take no action against any Council staff member or Councillor mentioned in this review report for any alleged Code of Conduct breaches that may have been alleged up to the date of this report. This includes code of conduct matters raised by LEDA in the August 2011, October 2011 and January 2013 reports. Council should formally write to LEDA and advise them of this recommendation.

With respect to the alleged Code of Conduct breaches up to the date of the Sinc Solutions report, a response was provided to Leda on 30 October 2013 in accordance with the Sinc Solutions Recommendation. A further subsequent letter was provided to Leda on 5 November 2013 following advice received from the Office of Local Government which said "...the Division has completed its assessment of the matter and has determined that no action was warranted under the Council's Code of Conduct or the misconduct provisions of the *Local Government Act 1993* in relation to the matters raised by Leda"...

Recommendations still outstanding:

Recommendation 6

That Council develop a Communications Strategy which clearly details communications between LEDA and Council Officers; and LEDA and Councillors. The Strategy should include contact points for each party; contact method (verbal or written); and type of issues to be addressed. This strategy should be supported by an 'Interaction between Councillors and Staff Policy' which should be developed by Council.

The Development of a Communication Strategy is in progress.

Recommendation 8

That Council develop a Media Strategy to respond, when required, to issues raised in the media by LEDA, and which have, or may have, a negative impact on Council.

The Development of a Media Strategy to respond, when required, to issues raised in the media by Leda is also in progress.

Current situation

Whilst it is clear that on some matters there is still some ground to be made between Council and Leda, on many of the issues there is a mutual understanding and respect between the parties. The relationship is cordial and professional and the meetings and conversations have moved from the Review Findings and associated documents to focussing on progressing the developments at Cobaki and Kings Forest. This is pleasing and will hopefully enable both Council and Leda to move forward in a positive and cooperative manner to deliver good outcomes for both parties and the future residents of these suburbs. It should also be noted that following the first meeting convened by the Independent Chair that Leda have withdrawn their appeal before NCAT for the release of documents.

OPTIONS:

Council receive and note the progress on the implementation of the 19 recommendations contained with the SINC Solutions Final Report.

CONCLUSION:

Since the consideration of the SINC Solutions Final Report the relationship between Council and Leda has improved to the extent that Leda has withdrawn their NCAT appeal for the release of documents. The appointment of the Independent Chair and the convening of appropriate meetings has aided in this relationship.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Expenditure associated with the recommendations of the SINC Report has been adequately catered for within the budget process.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

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

(a) the provisions of:

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

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

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

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

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

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

- (2) Compliance with non-discretionary development standards-development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:
- (a) is not entitled to take those standards into further consideration in determining the development application, and
 - (b) must not refuse the application on the ground that the development does not comply with those standards, and
 - (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,
- and the discretion of the consent authority under this section and section 80 is limited accordingly.
- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
 - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.
- Note:** The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).
- (4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.
- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) Definitions In this section:
- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
 - (b) "non-discretionary development standards" means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

6 [PR-CM] Review of Environmental Factors PTV14/0019 for a Pontoon at Lot 2 DP 1080842 Nos. 139-151 Chinderah Bay Drive, Chinderah and Tweed River, Chinderah

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:

Council's Engineering and Operations Division has made application for approval under Part V of the Environmental Planning and Assessment Act, 1979, to undertake the construction of a public pontoon at Lot 2 DP 1080842, 139-151 Chinderah Bay Drive.

Council will be the owner and operator of the facility, which will be 30m long and connected to the foreshore by a 20m long gangway. The pontoon is to be located on the foreshore of the Tweed River, on Chinderah Bay Drive, immediately to the north of the Chinderah Tavern. It is intended to be used for recreational boating and the provision of improved access to the foreshore and Chinderah town centre.

The proposal involves various components on both RE1 Public Recreation and W2 Waterway zoned land. The site is a grassed river foreshore adjacent to Chinderah Bay Drive. The foreshore is separated from the road pavement by a line of bollards and is maintained by Council as parkland. Bank protection works have been installed in this location.

Development consent is not required by virtue of Clause 68 of State Environmental Planning Policy (Infrastructure) 2007 however the proposal is subject to environmental assessment under the Part V process.

There is considerable history to the proposal which was subject to discussion at multiple Council meetings. A previous application (PTV13/0015) was submitted for assessment however based on an objection raised by a local fishing association (in relation to impact on commercial fishing operations) this was withdrawn and a modified location investigated.

The pontoon will provide temporary mooring only (short term, up to 40 minutes and longer term, 2-4 hours). Overnight mooring will be prohibited. It is envisaged that the pontoon would also be used for recreational fishing and swimming.

The pontoon is comprised of a 20m long x 1.8m wide gangway, fastened to the shore with a concrete abutment. The pontoon itself will be 30m long x 3m wide and connected to four concrete piles driven into the river bed. A floating pile driver will be required and minor excavation will be required in order to construct the concrete abutment on the foreshore.

The proposed development is not considered to have a significant impact upon the environment including critical habitat or threatened species, populations or ecological communities, or their habitats. Accordingly, an Environmental Impact Statement or a Species Impact Statement is not required.

The application has been the subject of considerable community interest and is being reported to Council at the request of Councillors Milne and Bagnall, with a recommendation for approval.

RECOMMENDATION:

That:

- A. Following assessment of the Review of Environmental Factors for the Chinderah Pontoon it is determined that the activity is not likely to have a significant impact on the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats.**
- B. PTV14/0019 application for the Chinderah Pontoon at Lot 2 DP 1080842 Nos. 139-151 Chinderah Bay Drive, Chinderah and Tweed River, Chinderah be approved subject to the following conditions:**
- 1. The development shall be completed in general accordance with the Review of Environmental Factors ('REF') titled Part V and REF Chinderah Pontoon, (submitted to Council 30 June 2014) and recommendations made in Proposed Chinderah Pontoon - Environmental Assessment dated 27 May 2014 Rev. B prepared by Australian Wetlands Consulting Pty Ltd except where varied by these conditions.**
[PTV0010]
 - 2. Prior to commencement of work all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the General Manager or his delegate. Erosion and sedimentation control devices shall be installed in accordance with the publication, "Managing Urban Stormwater - Soil and Construction", prepared by the NSW Department of Housing. All erosion and sedimentation controls shall be maintained throughout the period of construction.**
[PTV0020]
 - 3. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.**
[PTV0030]
 - 4. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.**
[PTV0040]

5. **Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:**

Monday to Saturday from 7.00am to 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[PTV0050]

6. **All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:**

- A. Short Term Period - 4 weeks.**

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

- B. Long term period - the duration.**

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[PTV0060]

7. **Written notice shall be given to any affected residences at least two weeks prior to any works commencing.**

[PTV0070]

8. **Prior to commencement of construction, Council must endorse a Traffic Management Plan prepared by an Roads and Maritime Services accredited person in accordance with AS1742 and the RMS publication "Traffic Control at Work Sites" (current version).**

[PTV0080]

9. **The pontoon including the riverbank connection shall be designed and constructed to withstand without total dislodgement the Q100 flood event of 3.1m AHD at a velocity of 1m/s including flood debris impact loadings.**

10. **The applicant must obtain all relevant licences and permits from applicable agencies prior to commencement of works.**

11. **Vessels or floating plant associated with the proposed works display the shapes and lights as set out by the boating regulations.**

12. The gangway and riverside edge of the pontoon be fitted with silver or white reflectors (minimum size 250mm x 40mm), 5 metres apart and on the corners of the pontoon and piles, oriented so that they can be clearly seen from a vessel at night.
13. No outlying wires or obstructions of any kind shall project outside the extremities of the gangway and pontoon.
14. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the works.
15. Disturbed road pavement, road verge and property accesses shall be reinstated as required, in accordance with Councils Development Design and Construction Specifications.
16. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.
17. Prior to the use of the pontoon; a Structural Engineer's "Certificate of Adequacy" is to be submitted to Council's General Manager or delegate certifying that the jetty/pontoon installation; has been constructed in accordance with the approved details, will not cause any loading upon the existing revetment wall, and is structurally adequate to withstand the live and dead loads associated with its use and location.
18. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force at the time).
19. The issue of this approval does not certify compliance with the relevant provisions of the Building Code of Australia.
20. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
21. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to Council's General Manager or delegate prior or any works commencing.

The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

22. The applicant shall submit and if necessary undertake (where data and mapping product/s are unavailable from other government agencies) annual seagrass mapping of the study area (as shown in Figure 4.1 and 4.2 of the *Proposed Chinderah Pontoon - Environmental Assessment dated 27 May 2014 Rev. B prepared by Australian Wetlands Consulting Pty Ltd* report ('AWR')) to be conducted over a five year period using:
- a. Data used to prepare *Figure 1. Chinderah Seagrass Beds* in the AWR as baseline mapping
 - b. The most current spatial information available at the time; and
 - c. Methodology adopted by the Department of Primary Industries (or equivalent agency at the time) for the mapping of estuarine habitat.

Mapping is to be submitted to Council annually on the anniversary date of the consent.

23. The applicant shall establish three permanent seagrass monitoring transects at Oxley Cove Peninsula to be monitored annually for a period of five years. The three transects shall be aligned with any of the five transects used in the *Proposed Chinderah Pontoon - Environmental Assessment dated 27 May 2014 Rev. B prepared by Australian Wetlands Consulting Pty Ltd* report at Oxley Cove Peninsula and data used as baseline information. The methodology used to monitor shall be consistent with that relied on in the AWR. Results of the monitoring shall be submitted to Council annually on the anniversary date of the approval.
24. The applicant shall design and install a minimum of three interpretive/educational awareness signs proximate to the pontoon facility highlighting (but not limited to) responsible waste disposal, importance of protecting marine/riparian habitats, awareness of seagrass beds and responsible vessel operation.
25. The proposed footpath shown on *Dwg. No. MIS54-03 Sheet 03 Issue C Detail Plan dated 19 November 2013 prepared by TSC Design Unit* shall be realigned landward towards Chinderah Bay Drive (yet remaining on the north-western verge) to the greatest extent possible (maintaining pedestrian safety) in order to maximise the width of the Tweed River riparian buffer.
26. The applicant shall revegetate and manage the riparian buffer to the Tweed River to an average width of 2.5 m measured landward from the top bank (1.00 m contour as shown on *Dwg. No. MIS54-03 Sheet 03 Issue C*) in the following areas:
- a. For the entire length and parallel with the proposed footpath pursuant to Condition 25 above; and
 - b. Ten metres to the north-east of the gangway and associated abutment (as shown on the approved plans) extending along the foreshore.

The revegetation and associated works shall be completed and approved by Council prior to commencement of use of the pontoon structure and involve the following:

- a. Planting to achieve a density of one plant per square metre;
 - b. All plants shall be local native species proven to suit site conditions and positioned to avoid conflict with pedestrian movement;
 - c. Permanent edging shall be installed along the landward edge of the revegetation area (if determined necessary);
 - d. Plantings shall be undertaken in accordance with standard *Dwg. No. S.D.701-702 Tree & Shrub Planting Details and Standard Revegetation Detail* in *TSC Landscape Procedures and Style Manual Appendix H* (of DCP A5 Subdivision Manual - D14 Landscaping Public Space);
 - e. Installation of permanent post and rail fence (or similar design) in accordance with standard specification *Dwg. S.D.703 Log Barrier Fencing* *TSC Landscape Procedures and Style Manual Appendix H* (of DCP A5 Subdivision Manual - D14 Landscaping Public Space) to the landward edge of the revegetation area described above.
 - f. Complete a six month establishment period where 100% revegetation plant survival is achieved and the area remains free of environmental weeds.
27. The applicant shall establish temporary 'No Go Zones' during the construction phase around existing isolated seagrass beds occurring seaward of the Chinderah Bay Drive foreshore. The temporary 'No Go Zones' shall be established in a rectangular configuration measured approximately ten metres from the low tide mark seaward (width) and for a length of approximately 40 metres each side (parallel with the shoreline) of the gangway footprint as shown on the approved plans.
28. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.
29. Tweed Shire Council and successful contractors liaise with Roads and Maritime Services prior to commencement of any works to determine on water traffic management plans during construction if required.

REPORT:

Applicant: Tweed Shire Council
Owner: Tweed Shire Council
Location: Lot 2 DP 1080842 Nos. 139-151 Chinderah Bay Drive, Chinderah and Tweed River, Chinderah
Zoning: RE(1) Public Recreation and W2 Waterway
Cost: Not Applicable

Background:

Council's Engineering and Operations Division made application for approval under Part V of the Environmental Planning and Assessment Act, 1979, to undertake the construction of a public pontoon on 27 June 2014.

With reference to the LEP 2014, the Tweed River corridor is zoned 'W2 - Recreational Waterways' whilst the Council owned Lot 2 DP 1080842 and the adjoining foreshore section of the Chinderah Bay Drive road corridor is zoned 'RE1 - Public Recreation'. The proposed works are identified as permissible development without consent under the *SEPP Infrastructure 2007 - Division 13 Port, wharf or boating facilities Clause 68*, however in accordance with *Clause 5(2) (notes)* of the *SEPP Infrastructure*, environmental assessment and approval are required under Part 5 of the *EP&A Act*.

Council will be the owner and operator of the facility, which will be 30m long and connected to the foreshore by a 20m long gangway. The pontoon is to be located on the foreshore of the Tweed River, on Chinderah Bay Drive, immediately to the north of the Chinderah Tavern. It is intended to be used for recreational boating and the provision of improved access to the foreshore and Chinderah town centre.

The pontoon and pilings are to be installed using a barge operated from the river whilst it is understood the gangway is to be lifted into position by crane from Chinderah Bay Drive.

The pontoon will provide temporary mooring only (short term, up to 40 minutes and longer term 2-4 hours). Overnight mooring will be prohibited. It is envisaged that the pontoon would also be used for recreational fishing and swimming.

The application was reviewed by multiple Council staff, including traffic engineering, development engineering, environmental health, building, recreation services, flooding and natural resource management staff. Detailed comments supplied below (where relevant) however it is noted that all officers recommended support of the application, with conditions.

The application was publically exhibited from 16 July to 30 July 2014. During this time, two submissions (one objection and one letter of support) were received. The objection was received from a private resident in Terrace Street. The letter of support was from a local company. The application was also referred to the following external agencies:

- DPI (Fisheries)
- NSW Office of Water
- Roads and Maritime
- Crown Lands

Further detail on the above is provided later in this report.

This project was initiated by the Chinderah and Districts Residents Association who wrote to Council on **30 March 2012** requesting support in the approvals, funding and construction process for the establishment of a 40 metre pontoon on the Chinderah foreshore.

At its meeting on **17 April 2012** Council resolved:

"That with reference to the letter from Chinderah and Districts Residents Association Inc dated 30 March 2012 regarding a jetty at Chinderah, that:

- 1. Council supports the establishment of a pontoon jetty structure in Chinderah to properly service the boating fraternity and commences all necessary design and funding applications.*
- 2. Council officers to bring back a report on options for size and location of the proposed jetty."*

At its meeting on **17 July 2012**, Tweed Shire Council considered a more detailed report on the proposal and resolved as follows:

"That:

- 1. Council agrees to partner with Chinderah District Residents Association to fund and progress the establishment of a recreational boating pontoon at Chinderah.*
- 2. Council accepts the offer of the Chinderah District Residents Association to prepare a Development Application for the proposed pontoon and proceed with this phase of the project.*
- 3. The project be developed on the basis of the pontoon being 40m in length.*
- 4. The Tweed River community's advice be sought with regard to the proposal.*
- 5. An application for funding be submitted to NSW Roads and Maritime Services Better Boating Program for the proposed pontoon."*

At its meeting on **8 August 2012**, the Tweed River Committee considered the proposal and resolved to advise Council as follows:

- "1. The committee advises Council that it considers the proposed pontoon at 40m is too long and that 30m would be a more appropriate size.*
- 2. Council Officers hold workshops with proponents of the facility to discuss ongoing management issues (e.g.: overnight amenity and extended usage).*
- 3. Council considers the location taking into account the DPI Fisheries' concerns relating to the proximity to licensed premises, accessibility (eg. parking and traffic considerations)."*

At its meeting on **25 September 2012**, Council considered the Tweed River Committee's advice and resolved (at Minute No. 587) that:

"The Minutes of the Tweed River Committee Meeting held on 8 August 2012 be received and noted."

Council Officers worked with representatives of the Chinderah District Residents Association to prepare a Part V application for the proposed pontoon. The application was prepared by Darryl Anderson Consulting Pty Ltd, who were engaged by the Chinderah Tavern Fishing Club. Darryl Anderson Consulting Pty Ltd prepared a Part V application with Council as the applicant. This was lodged on 10 May (PTV13/0015) and advertised in the Tweed Link for 14 days from 29 May to 13 June.

Council received one submission on the proposed development. This was from the Tweed Estuary General Commercial Fishers. This submission requested that the proposed pontoon design be modified to reduce the potential impact of the pontoon on a net hauling area.

On **15 August 2013** Council resolved by way of a notice of motion that:

"Council holds a public meeting in Chinderah on the proposed Chinderah Pontoon to better inform the community and affected stakeholders."

A report was sent to the Council meeting on **19 September 2013** recommending that the original location of the proposed pontoon be amended to address concerns raised by commercial fishers.

It was resolved at this meeting that:

"This item be deferred until after the upcoming public meeting with Chinderah residents."

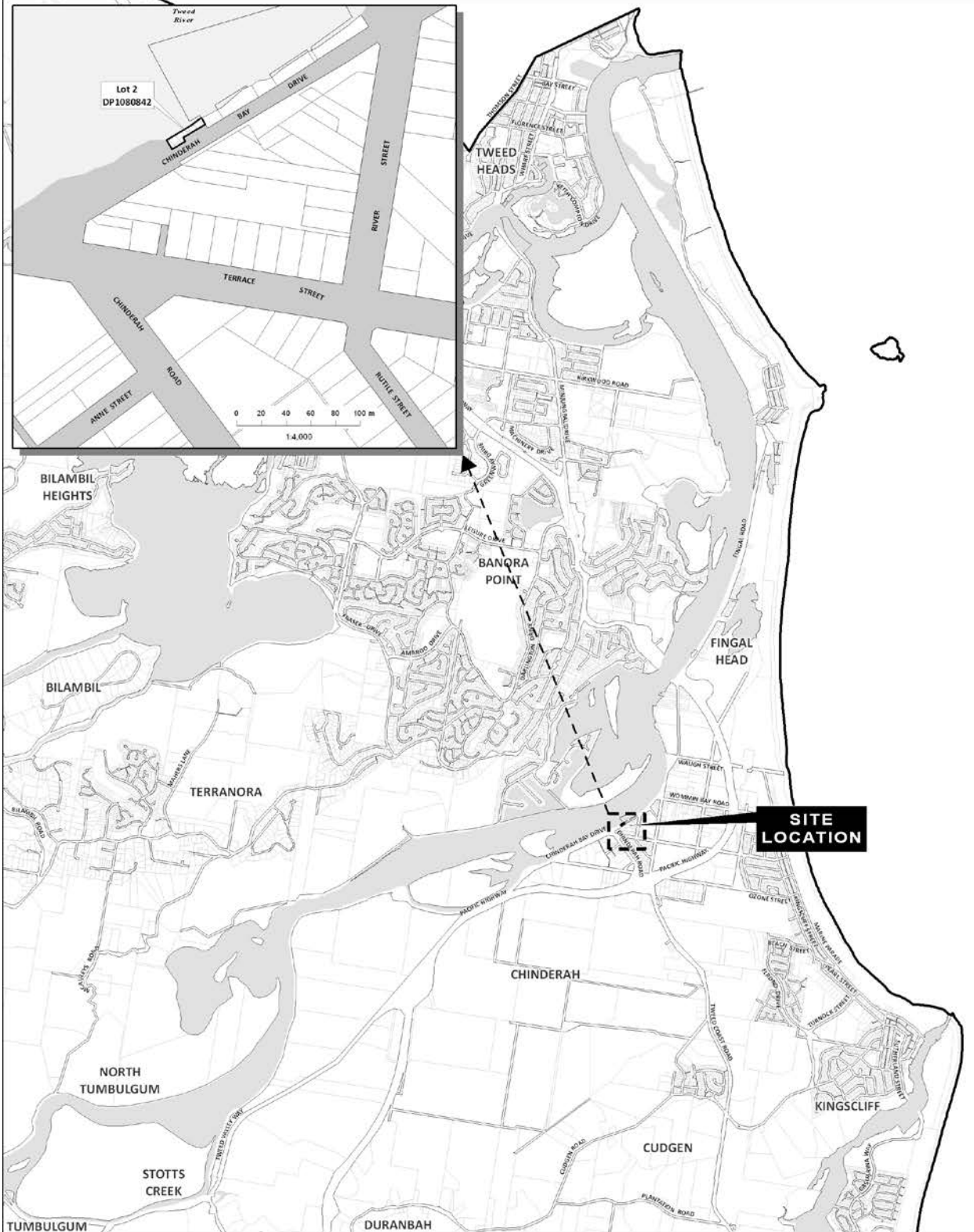
A public meeting was held at Chinderah on 15 October 2013. This meeting was attended by approximately 120 people and chaired by Councillor Barry Longland. Public feedback from the meeting was incorporated into a replacement report on the proposed pontoon location and size that was sent to the Council meeting on 17 October 2013.

At the meeting on **17 October 2013** it was resolved that Council:

- "1. Rescinds point 3 of the resolution at Minute No 455 of the meeting held 17 July 2012, being:*
- 2. The project be developed on the basis of the pontoon being 40 metres in length.*
- 3. Modifies the location and size of the pontoon, moving it 45 metres downstream and reducing its length by 10 metres to 30 metres.*
- 4. Prepares and lodges a new Part V development application for the structure."*

Due to there being a significant variation in the size and location of the proposed pontoon, the original Part V application (PTV13/0015) was withdrawn. The current application is now for a modified pontoon, in a modified location.

SITE DIAGRAM:



Locality Plan

Lot 2 DP1080842;
Tweed River, Chinderah

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Cadastral 28/08/2014
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Map Projection: Universal Transverse Mercator
Horizontal Datum: Geoid 86 Datum of Australia 1984
Grid: Map Grid of Australia, Zone 56

GDA

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CONSIDERATIONS UNDER PART V OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

The proposed activity requires an assessment under Part 5 of the Environmental Planning and Assessment Act.

Section 111 of the Act states that the determining authority must take into account a range of matters prescribed in Clause 228(2) of the Environmental Planning & Assessment Regulation 2000, in its decision to proceed with an 'activity' which does not require development consent. The matters raised under Clause 228(2) are addressed below.

Rating of Impact (for inclusion in Table below): 1 = Beneficial/Nil 2 = Minor 3 = Significant

Factors taken into consideration	Rating of Impact	Comments (if applicable)
a) Any environmental impact on a community	2	The proposal is considered to result in minor short term impacts through environmental disruption associated with construction. In the long term, subject to the proposed conditions of consent, the development will enable recreational use of the site whilst providing an improved ecological outcome in terms of riparian restoration (refer to ecological comments below). Subject to the recommended conditions, overall environmental impacts are expected to be negligible.
b) Any transformation of a locality	1	The development is considered to provide a beneficial long term impact to the locality as the proposed pontoon will improve recreational facilities within the locality.
c) Any environmental impact on the ecosystems of the locality	2	The proposed development would result in minor impacts upon the ecosystems on the site through disruption associated with construction. Notwithstanding, detailed ecological assessment has concluded that the proposed development is unlikely to have a significant impact on any ecosystem or fauna species. Further detail in this regard is provided further in this report.
d) Any reduction of the aesthetic, recreational, scientific, or other environmental quality or value of a locality	1	Some short term negative impacts associated with construction are anticipated in this regard. However, in the long term, there is considered to be a negligible impact as the facility will operate in a relatively benign manner and subject to the proposed conditions of consent, the development is not likely to adversely impact on the areas environmental qualities. Recreational values of the site will be improved by the activity.
e) Any effect on the locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	1	An AHIMS assessment and Due Diligence Assessment was carried out by the applicant and submitted as part of the application. No objects or areas of specific cultural heritage significance were identified within the site. As such the proposal is unlikely to impact on any locality, place or building having aesthetic, anthropological, archaeological, architectural, or historic value.

Factors taken into consideration	Rating of Impact	Comments (if applicable)
f) Any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974)	1	Minimal impacts are expected in relation to protected fauna as a result of the activity, subject to the recommended conditions.
g) Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air	2	Council's Ecologists are satisfied that the development would not adversely impact on any flora or fauna, subject to detailed conditions of approval.
h) Any long term effects on the environment	1	There are not considered to be any adverse long term effects on the environment as a result of the proposed development.
i) Any degradation of the quality of the environment	2	<p>There is likely to be some minor short term impact on the environment associated with the construction phase. Construction mitigation measures are proposed to minimise these impacts.</p> <p>Following completion of works and compliance with the proposed conditions, it is considered that the overall quality of environment in the locality will not be degraded by virtue of this activity. Conditions requiring riparian restoration have been applied and will ultimately result in beneficial ecological outcomes at the site.</p>
j) Any risk to the safety of the environment	2	There are some minor risks to the safety of the environment associated with the construction phase. A range of risk management measures would be used, including adherence to TSC Safe Operating Procedures and the proposed mitigation measures as outlined within the REF.
k) Any reduction in the range of beneficial uses of the environment	1	The proposed development is not considered to reduce the range of beneficial uses to the environment.
l) Any pollution of the environment	1	<p>Construction management measures (i.e. erosion and sediment control, dust management and waste management) would ensure the risk of pollution to the environment is minimised during construction.</p> <p>Following construction, the pontoon project is not considered to result in any additional pollution within the environment.</p>
m) Any environmental problems associated with the disposal of waste	1	Disposal of waste as a result of the activity is not expected to result in environmental problems. There will be some excess spoil, general site rubbish and construction material created as a result of the activity. Where material cannot be reused or recycled, waste material would be transported to a Council landfill site. No contaminating activities are known from the site.
n) Any increase demands on resources (natural or otherwise) that are, or are likely to become in short supply	1	The proposed development will not increase demands on natural resources.

Factors taken into consideration	Rating of Impact	Comments (if applicable)
o) Any cumulative environmental effect with other existing or likely future activities	1	The proposal is not likely to result in a significant negative cumulative environmental effect with other existing or likely future activities. Overall, the proposed activity is considered to be acceptable having regard to the need for recreational facilities in this area.
p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	1	The proposal is not likely to impact negatively on coastal processes or hazards.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

Section 111 of the Act also requires consideration of the following when determining the impact of an activity on the environment:

Section 111(2) - A determining authority shall consider the effect of an activity on:

- a. **any conservation agreement entered into under the National Parks and Wildlife Act 1974 and applying to the whole or part of the land to which the activity relates;**
- b. **any plan of management adopted under that Act for the conservation area to which the agreement relates;**
- c. **any joint management agreement entered into under the Threatened Species Conservation Act 1995;**
- d. **any bio-banking agreement entered into under Part 7A of the Threatened Species Conservation Act 1995 that applies to the whole or part of the land to which the activity relates.**

A conservation agreement or plan of management (*National Parks and Wildlife Act 1974*) does not apply to the land on which the activity would be undertaken. There is no joint management agreement pursuant to the *Threatened Species Conservation Act 1995*. Furthermore no bio-banking agreement applies to the site.

Section 111(3) - A determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.

There is no designated wilderness area, pursuant to the Wilderness Act 1987, in the locality of the proposed development.

Section 111(4) - A determining authority must consider the effect of an activity on:

- a. **critical habitat; and**

A review of NSW National Parks and Wildlife Service critical habitat declarations register did not identify any critical habitat and occurring within the locality of the proposed activity area.

- b. **in the case of threatened species, populations and ecological communities, and their habitats, whether there is likely to be a significant effect on those species, populations or ecological communities, or those habitats; and**

A pair of Eastern Osprey (listed as Vulnerable) was identified nesting within approximately 300 m of the proposed pontoon site within the submitted ecological report. In accordance with Part 5 of the *EP&A Act*, Council's Natural Resource Management Unit have considered the effect of the proposal on the listed species and are satisfied that the project would not be

considered to have a significant negative impact on the viability of the local population. The following elements were considered when conducting the assessment of significance:

- The proposal does not involve the direct removal of existing or potential roosting habitat.
 - The footprint of the proposal would not be considered to significantly remove foraging opportunities.
 - During construction a floating boom is to be installed around the area of piling to minimise turbidity. As such, foraging activity behaviour would not likely be affected due to reduced visibility during foraging.
 - Entanglement and ingestion of fish containing discarded tackle has been considered as an issue to be addressed through the installation of signage and waste facilities.
- c. *any other protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act 1974.***

There are no other protected fauna or native plants which are considered to be impacted adversely upon by the proposed development.

GENERAL COMMENTS

Construction

A condition has been included requiring that a structural engineer's certificate of structural adequacy be submitted prior to occupation.

Traffic Engineering

Council's Traffic Engineer has accepted that in the absence of boat ramp facilities within close proximity, additional parking beyond that currently provided on road is not required.

Whilst there may be an increase in vehicular traffic in the vicinity of the pontoon it is considered that the existing road network can more than adequately cater for this traffic and no further upgrades are required.

The proposed pedestrian facility (footpath link) is also considered appropriate.

Flood Engineering

A condition has been included requiring the pontoon (including the riverbank connection) to be designed and constructed to withstand without total dislodgement the Q100 flood event of 3.1m AHD at a velocity of 1m/s including flood debris impact loadings.

Acid Sulfate Soils (ASS)

The proposed works are to be undertaken on Class 1 (concrete piles – river bed) and Class 3 (concrete abutment - foreshore) land.

For the proposed works on Class 1 land, the REF advises that 'no excavation is required or proposed within the river bed as the piles will be driven which does not involve any significant disturbance'. As per the Tweed LEP 2014 Class 1 land requires an ASS Management Plan if there are any works. It is considered that the proposed works are not likely to result in environmental impacts from the disturbance of ASS and therefore does not require an ASS Management Plan.

As for the proposed works on Class 3 land, the REF states 'minor excavation will be required (estimated at 2.0m x 2.0m x 1m deep) on the foreshore to enable the concrete abutment to be constructed'. As per the Tweed LEP 2014 Class 3 land requires an ASS

Management Plan if the works are more than 1m below the natural ground surface or if works by which the water table is likely to be lowered more than 1m below the natural ground surface. It is considered that the proposed works do not require an ASS Management Plan.

No specific conditions are required in this regard.

Amenity

The proposed works have the potential to cause noise and dust impacts at adjacent premises during construction. However, it is considered that such potential impacts may be managed by applying appropriate standard conditions.

Sediment and Erosion Control

During the construction phase the proposal has the potential to cause sediment pollution of the Tweed River. Submitted with the Review of Environmental Factors (REF) was an Erosion and Sediment Control Plan (Appendix D) designed by Tweed Shire Council Design Unit. The plans submitted provide detailed controlled measures for sediment and erosion control.

As indicated on the plan where piles are required to be driven into river bank a turbidity barrier will be installed and placement of the barrier will be determined by the Design Unit Environmental Scientists. Regular inspections by an Environmental Scientist will be conducted to review and update control measures. It is considered that potential impacts can be managed by applying appropriate conditions.

Ecological Matters

Construction of the proposed pontoon has the following potential direct impacts (as provided by Council's Natural Resource Management Unit):

Flora and Fauna

- Negligible direct impact on breeding, foraging, roosting habitat of migratory species considering:
 - the small footprint of the pontoon structure; and
 - removal of terrestrial or marine vegetation is to be avoided.
- Existing seagrass would unlikely be directly removed/disturbed during pontoon construction. Shading of existing seagrass beds and restriction to longer term expansion/colonisation would be avoided through the incorporation of a mesh gangway into the design. The pontoon component would be positioned in deeper water removing the potential for propeller impact on seagrass.

Erosion as a result of boat wake

- Assumes that vessels approaching the pontoon structure would be travelling at slow speed reducing wake impact on the foreshore area opposite the facility.
- The structure has not been designed to encourage launching of water-skiers or wake-boarders using towing vessels. These activities have been recognised (SMEC 2012) as generating the most potentially damaging erosive waves due to wave height related and repetitive nature of the action.

Construction of the proposed pontoon has the following potential indirect impacts:

Boating/Fishing

- Increase in localised boat traffic within the stretch of the Tweed River proximate to the facility. It was considered that this may result in the disruption to foraging shorebird activity primarily from smaller vessels that are able to access shallow

sand banks. It would be expected that larger more imposing/disruptive vessels would remain in the channel (due to restricted keel clearance) allowing for adequate separation from suitable shorebird habitat limiting noise/boat wash.

- Due to the constrained nature of the nearby Chinderah Bay Drive boat launching facility favouring smaller vessels, it is more likely that the predominant vessel type using the pontoon structure (for picking up and setting down passengers only) would be those smaller craft (i.e. pleasure boats, 'tinnies'). Notwithstanding other larger craft such as yachts, waterskiing vessels, police/rescue service boats would not be prevented from using the facility however may be restricted due to the nature of the channel (depth) along this reach of the river and size of the pontoon structure.
- Of those vessels that may potentially use the pontoon structure it is suggested that only the smaller craft ('tinnies') may pose a risk to nearby seagrass beds (propeller impact) due to the shallow draft of these boats making the beds accessible. The level of seagrass bed traversal as a proportion of total vessel use of the facility would be considered relatively low.

Fishing

- Due to restricted larger vessel access to shallow waters supporting seagrass, mangroves and sandy soft substrates the level of activity (crabbing/bait collection) from vessels utilising the pontoon structure would not be expected to significantly increase within these areas.

Littering

- Littering is considered an established problem along the foreshore. It is proposed that adequate disposal facilities would be provided at the structure.

Detailed conditions have been applied in order to mitigate potential impacts and provide for revegetation of a riparian buffer. The proposed conditions are comprehensive and are considered sufficient to adequately mitigate any potential impacts from the pontoon whilst improving the environmental values of the site.

Submissions

The application was publically exhibited from 16 July to 30 July 2014. During this time, two submissions (one objection and one letter of support) were received. The objection was received from a private resident in Terrace Street. The letter of support was from a local company. The application was also referred to the following external agencies:

- DPI (Fisheries)
- NSW Office of Water
- Roads and Maritime
- Crown Lands

The applicant has responded to the matters raised in the public submission (objection) as follows:

Issue	Comment
<i>The pontoon should be located at Oxley Park where there is existing off street parking, park facilities, a public toilet and a boat ramp. The proposed location does not have public facilities.</i>	The proposed location is the one nominated by the Chinderah and District Residents Association in their original request to Council for a pontoon, and the resolution by Council to support the request is the basis of the project. There is a public toilet located within 100 m of the site, and the shore based facilities that it provides access to (toilets, park, shops), are all available to be used by the public. Parking has not been deemed to be a significant issue with respect to the pontoon's broader impacts.
<i>The present location would only serve to increase patronage at the Tavern. It seems that this proposal would coincide and benefit the hotel's development application. Council should not be seen to be spending ratepayers money on benefiting a commercial business.</i>	The pontoon is being constructed with funding from Council, the NSW Government and the Chinderah Community, who are being sponsored by the Chinderah Tavern. The pontoon will be freely available to all members of the public, for any legitimate activity that they wish to undertake on it.
<i>The current proposed location would see an increase in intoxicated boat operators on the Tweed River. This would require policing.</i>	This is a matter regulated by NSW Roads and Maritime Services (RMS)/NSW Police. It is noted that RMS have deemed the project fit for funding under their Better Boating Program.
<i>The current proposed location would increase the noise level for residents in Terrace Street who are already subject to houseboat party noise. These houseboats already moor in the vicinity of the proposed location and play loud music and display other antisocial behaviour late into the night. Allowing other boats to moor in this location will only increase the noise level.</i>	There will be no overnight mooring permitted on the pontoon.
<i>Policing of overnight stays would be difficult for Council. No details about how this is to occur have been included in the proposal.</i>	Noted. How Council's Regulatory Services Unit responds to public complaints is an operational matter and would not be expected to be documented in a Review of Environmental Factors or development application.
<i>The weekend skiing fraternity increases the level of noise on weekends due to the high volume of motorboat activity. These people set up day shelters and take over quite a bit of the foreshore at their present location. The proposed pontoon will likely be taken over by this group.</i>	The pontoon has been proposed to service the existing boating community.
<i>The volume of traffic requiring parking would increase, with tourists and social fishers. The amount of on street parking near the pontoon would be exceeded and the public would seek to park elsewhere, including on the Tavern grounds.</i>	The pontoon may generate parking, but it is not expected to be significant.
<i>The majority of residents in Chinderah along Terrace Street are elderly and the proposed development would not benefit them at all. A footpath along Terrace Street would be a better use of ratepayers money. Presently residents have to travel along the road.</i>	The respondent should contact Council's Engineering Division with any specific requests for footpath development in the locality.
<i>The proposed location would increase business for the Tavern but decrease the amenity of residents.</i>	The REF has assessed potential amenity impacts relating to noise and visual quality. An objective assessment has determined that impacts will be of a minor scale.

In addition to the above, a letter of support was received from a local business as follows:

"We would like to express our complete and enthusiastic support for the proposed pontoon. It is our opinion that a pontoon has been necessary for a long time and will

provide much needed stimulation to an area, providing safe mooring, enticing tourists and encouraging boat users to enjoy the river".

Council's planning staff generally concur with the above comments made by the applicant in relation to the submitted objection. None of the issues raised above are considered to present a valid reason for refusal of the application. The comments raised in the letter of support are supported by planning staff.

In relation to submissions from public authorities, the following has been provided:

DPI (Fisheries)

DPI (Fisheries) have reviewed the proposed development and raised no objection subject to standard conditions requiring permits to be obtained from all relevant agencies prior to commencement of works. An appropriate condition has been applied.

NSW Office of Water

NSW Officer of Water have reviewed the proposed development and raised no objection subject to standard conditions requiring permits to be obtained from all relevant agencies prior to commencement of works. An appropriate condition has been applied.

Roads and Maritime (RMS)

RMS were referred a copy of the application and repeated attempts were made by planning staff to obtain written comments. On 28 August, RMS advised verbally that they had no objections to the proposed development and required no specific conditions.

Notwithstanding, it is considered prudent to apply the following conditions which were requested by RMS for the earlier Chinderah Pontoon PTV13/0015 application:

- Vessels or floating plant associated with the proposed works display the shapes and lights as set out by the boating regulations;
- The gangway and riverside edge of the pontoon be fitted with silver or white reflectors (minimum size 250mm x 40mm), 5 metres apart and on the corners of the pontoon and piles, oriented so that they can be clearly seen from a vessel at night;
- No outlying wires or obstructions of any kind shall project outside the extremities of the gangway and pontoon.

RMS have provided late advice dated 4 September 2014 that the above conditions should be applied in addition to a further condition which reads as follows:

- Tweed Shire Council and successful contractors liaise with Roads and Maritime Services prior to commencement of any works to determine on water traffic management plans during construction if required.

Crown Lands

Crown Lands have reviewed the proposed development and raised no objections. A licence for occupation of this section of the river will be required from Crown Lands. An appropriate condition has been applied.

OPTIONS:

1. Approve the Review of Environmental Factors as per the recommendation; or
2. Determine that an Environmental Impact Statement and/or Species Impact Statement is required.

Council officers recommend Option 1.

CONCLUSION:

The proposed activity is not considered likely to significantly affect the environment including critical habitat or threatened species, populations or ecological communities, or their habitats.

This development will improve the recreational infrastructure of the area. Subject to the proposed conditions, the proposed development is considered to be in the public's interest.

Following a detailed assessment of the Part V application, it is concluded that the activity will not result in a significant impact on the environment. As such, neither an Environmental Impact Statement (EIS) or Species Impact Statement (SIS) is required.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE ACTING DIRECTOR COMMUNITY AND NATURAL RESOURCES

7 [CNR-CM] First Round Applications for Financial Assistance 2014/2015 - Donations Policy

SUBMITTED BY: Community and Cultural Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities

SUMMARY OF REPORT:

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

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

First Round applications for financial assistance were invited under Council's Donations Policy and closed on 31 July 2014. *Tweed Link* advertisement calling for applications appeared in Issue 866, 8 July 2014.

RECOMMENDATION:

That:

1. Council allocates the First Round Donations for 2014/2015 under the Donations Policy as follows:-

<u>Applicant</u>	<u>Amount</u>
Cabarita Beach Bogangar Residents Association	\$ 2000
Mother's Milk Bank Pty Ltd	\$ 1963
Neighbourhood Watch - Bray Park/Murwillumbah	\$ 800
Chillingham and Tyalgum Community Preschool	\$ 2000
The Scout Association NSW Branch Murwillumbah Group	\$ 2000

Stokers Siding/Dunbible Memorial Hall Inc	\$ 1500
Tweed Valley Jazz Club	\$ 2000
TOTAL	\$12,213

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

REPORT:

Council has \$26,522 allocated in the 2014/2015 budget for the Donations Policy. The total amount recommended for allocation in Round One is **\$12,213**. It is recommended that the balance of funds of **\$14,309** be allocated in Round Two.

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

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

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

Background

List of Applicants for First Round 2013/2014

Applicant	Amount	Summary
The Tweed Links Music Club	\$2000	One or two performances by a Tweed or Gold Coast based Big Band or Choral Group per year.
Cabarita Beach Bogangar Residents Association	\$2000	Purchase materials, receptacles and advertising material for Boomerang Bags Project.
'OASIS' Seniors Group	\$2000	Hall hire, materials for activities, outings, gifts for speakers at fortnightly meetings, photocopying and letterbox drop to attract new members.
Mother's Milk Bank Pty Ltd	\$1963	Purchase of computer and software.
Neighbourhood Watch - Bray Park / Murwillumbah	\$800	Newsletter printing and delivery.
Caldera Country Music Club Inc	\$2000	Purchase of music equipment.
Chillingham and Tyalgum Community Preschool	\$1950	Purchase of computer and colour printer.
The Scout Association NSW Branch Murwillumbah Group	\$2000	Purchase of lawnmower, gate, grate for windows, barbecue, folding tables and benches.
Murwillumbah Community Centre	\$1200	Harmony Day morning tea on 18 March 2015.
Northern Rivers Symphony Orchestra Inc	\$3000	"An Afternoon at the Proms" concert.
Tyalgum Community Hall	\$1500	Purchase of heating equipment for hall.
Stokers Siding/Dunbible Memorial Hall Inc	\$1500	Purchase of equipment for hall including chairs, heaters, lamps, pots, tablecloths and hall stand.
Multi Culti Society	\$1800	Fund entertainment and local foodies to provide meals and cultural experiences throughout event and purchase of equipment.

Applicant	Amount	Summary
Ganggalah Training Centre	\$5000	Assist with local outreaches by supply of sound and electrical equipment for NAIDOC, Christmas spectacular and Easter Service.
Tweed Valley Jazz Club	\$2000	Jazz music workshops for primary and high school students.
Voice Weavers A Cappella Choir Inc	\$2000	"Australian Spectacular" concert.
Totals	\$32,713	

List of recipients for Second Round Donations 2013/2014 (Council resolution 10 April 2014)

Applicant	Amount	Summary
Tyalgum District Community Association Inc	\$1000	Update, rebuild and re-establish website, community newsletter printing and delivery and community revitalising meeting/ function.
Tweed Valley Early Childhood Intervention Service Inc (t/as Shaping Outcomes)	\$2000	Purchase of portable interactive smart-board.
Tweed Valley Woodcrafters Association Inc	\$1000	Improvement of existing dust extraction system to ensure adequate health and safety of members and visitors.
St Vincent de Paul Society NSW Lismore Central Council	\$2000	Support homeless or those at risk of being homeless through Fred's Place (Tweed Heads) Community Garden and Fred's Place Art Group.
1st Chinderah Scouts	\$1400	Purchase of one x three person canoe, paddles and life jackets (\$1400), safe for secure storage of camera and laptop (\$250), floor marking (\$600) and storage cupboards (\$420).
Tweed Valley Justice's Association Inc	\$500	Extensive advertising in local media to promote services and encourage new members, purchase of toner for photocopier, provide personal JP stamps as required by members.
Studio Aperio Incorporation	\$2000	Subsidising dance teachers' fees for weekly integrated dance classes and insurance costs.
Tweed Palliative Support Inc	\$2000	Purchase of electric pull-apart hospital bed for equipment pool to be loaned out free of charge to palliative patients.
Caba Creative	\$720	Design and production of a sculptural community noticeboard.
Tweed Theatre Company Inc	\$550	Rental of a storage shed.
Totals	\$13,170	

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

Applicant	Amount Requested	Summary
Rotary Club of Kingscliff Inc	\$1,500	Purchase and hire of equipment for annual Kingscliff Rotary Standup Paddleboard and Duck Race.
Friends of the Pound (Tweed) Inc	\$1,000	Cat and dog desexing voucher program.
Story Dogs Inc	\$1,500	Purchase of audio-visual equipment including microphone, small speaker, digital projector and screen.
Coolangatta Senior Citizens Centre Inc	\$1,000	Completion of kitchen refurbishment and replacement of office equipment.
Northern Rivers Symphony Orchestra Inc	\$2,000	Catering for patrons and musicians, advertising, postage and telephone, stationery, reimbursement to musicians and conductor of transport costs, insurance, equipment maintenance and venue hire (THCC).
Tyalgum Community Hall Association Inc	\$1,500	Replacement of electrical wiring and Supper Room including sub-board, six new power points and additional lighting.
Kunghur Community Preschool	\$1,380	Upgrade of playground including softfall, sand for sandpit and repair of shade sails in accordance with legislative requirements.
Tweed Shire Vacation Care Inc	\$1,500	Purchase of two computers and software for use by children attending OOSH and vacation care.
Uki Public School P&C After Hours School Care	\$1,200	Purchase of laptop and digital camera to fulfil student observation documentation requirements.
Totals	\$12,580	

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

Applicant	Amount	Summary
Neighbourhood Watch Area 14 Murwillumbah	\$200	Printing and distribution of Area 14 newsletter to 1600 residents
Twin Towns Friends Association Inc	\$1,500	Administration expenses including stationery, postage, consumables and insurance
Tweed River War Widows Association	\$500	Socialisation including bus trips and lunches and Christmas party for war widows
Northern Region SLSA Helicopter Rescue Service Pty Ltd	\$2,000	Rescue crewman to attend "Swiftwater" training in Cairns
Legacy Kingscliff Division	\$500	Luncheon for Widows of Legacy prior to Badge Week in August 2013
Riding for the Disabled (NSW) Tweed Valley Centre	\$2,000	Care of horses owned or on long term loan to Riding for the Disabled Tweed Valley.
Uki Public Hall & Recreation Reserve Trust	\$1,000	Various works to Hall including some which are essential to meet fire protection guidelines

Applicant	Amount	Summary
Tweed Heads Community Men's Shed on behalf of Celebrating Men	\$750	Hall hire, expenses for speakers and equipment, printing for Celebrating Men on 16 June 2013
The Compassionate Friends Tweed Heads Chapter	\$70	Candles, cards, supper and printing for annual candle-lighting for bereaved
Burringbar Hall Committee	\$1,000	Repair damage to Hall ceiling
Beachside Communicare	\$1,680	Purchase of fuel, packaging and storage of equipment, office furniture for Pottsville Community Pantry
Tyalgum Community Hall Association	\$1,000	Purchase of stainless steel kitchen appliances for the Hall
Totals	\$12,200	

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

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

Applicant	Amount	Summary
Joey's Pouch Educational Child Care Centre	\$1,500	Renovations to the outdoor learning area currently dark and in need of basic repairs and improvements.
Murwillumbah Potters Inc	\$650	For installation of a stainless steel sink for cleaning of pottery equipment and general use, in front of the tank stand.
Totals	\$12,800	

OPTIONS:

1. Allocate the funds in accordance with staff recommendations based on the criteria set out in the Donations (Financial Assistance) Policy Version 1.2.
2. Not allocate the funds in accordance with staff recommendations and reallocate the funds using a different methodology.

CONCLUSION:

The amount recommended for allocation in the First Round 2014/2015 is \$12,213. It is recommended that the balance of \$14,309 be distributed in the Second Round 2014/2015.

COUNCIL IMPLICATIONS:

a. Policy:

Donations (Financial Assistance) v1.2

b. Budget/Long Term Financial Plan:

The total budget available for 2014/2015 is \$26,522. It is recommended that the amount of \$12,213 be distributed in the First Round 2014/2015 and the balance of \$14,309 be distributed in the Second Round 2014/2015.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Assessment - Donations Policy Funding First Round 2014/2015 (ECM 3453738)

8 [CNR-CM] Waiving of Disposal Fees - 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 has an adopted policy which allows for the waiving of disposal fees at the Stotts Creek Resource Recovery Centre for community organisations that have been approved for waste levy exemption by the NSW EPA. This report provides an outline of the amount of those fees waived for the 2013/14 financial year.

RECOMMENDATION:

That Council receives and notes the report on Waiving of Disposal Fees - Stotts Creek Resource Recovery Centre.

REPORT:

At its meeting on 15 June 2010, Council adopted a policy for the waiving of disposal fees (*the policy*) at the Stotts Creek Resource Recovery Centre (*Stotts Creek RRC*) for certain types of charitable organisations. The purpose of the policy is to provide clear guidelines as to who will be able to access the disposal fee waiver.

A total of 250.14 tonnes of waste material was delivered to Stotts Creek RRC by community organisations for the 2013/14 financial year under the provision of the policy, with Council waiving a total of \$38,771.70 in disposal fees.

The NSW waste levy makes up a portion of the disposal charges at Stotts Creek RRC. The waste levy is not payable for community organisations captured under the policy. Of the \$38,771.70 of waived disposal fees, the NSW waste levy would have been a total of \$13,432.52. Therefore the total in-kind contribution from Council to community organisations under the policy for the 2013/14 financial year is \$25,339.18.

An outline of organisations that currently have landfill disposal fees waived under the policy are outlined in the table below including respective tonnes, number of transactions and waived disposal fees for the 2013/14 financial year.

2013/2014 Financial year – Disposal fees waived - Stotts Creek RRC

Not-for-profit organisation	Total tonnes	Total number of transactions	Total landfill fees waived
On-Track Community Programs	87.46	131	\$13,556.30
RSPCA	44.44	110	\$6,888.20
Salvation Army	20.38	65	\$3,158.90
Second Chance Opportunity Shop	8.48	22	\$1,314.40
St Vincent De Paul	25.06	115	\$3,884.30
Tweed Palliative Support	38.22	203	\$5,924.10
Tweed Valley Opportunity Shop	16.04	51	\$2,486.20
You Have a Friend	10.06	62	\$1,559.30
Total	250.14	759	\$38,771.70

OPTIONS:

That Council note the content of this report on financial support being provided to Tweed community organisations through the waiving of disposal fees at Stotts Creek RRC.

CONCLUSION:

Council has waived a total of \$38,771.70 in landfill disposal fees for community organisations at the Stotts Creek Resource Recovery Centre for the 2013/14 financial year.

COUNCIL IMPLICATIONS:

a. Policy:

Waiving of Disposal Fees - Waste Management v1.0

b. Budget/Long Term Financial Plan:

Costs associated with waiving disposal fees at Stotts Creek Resource Recovery Centre are funded from the waste management budget within Council.

The NSW State Government has waived the waste levy for not-for-profit organisations, however costs associated with handling, recovering and/or land filling waste is borne by Council.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

9 [CNR-CM] Tweed Coast Comprehensive Koala Plan of Management

SUBMITTED BY: Natural Resource Management

Valid



Civic Leadership



Caring for the Environment

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
- 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 on 19 January 2010 to prepare a Comprehensive Koala Plan of Management (CKPoM) for the Tweed Coast. The first stage of this process involved the preparation of the Tweed Coast Koala Habitat Study (TCKHS) which was completed in 2011 by Biolink Ecological Consultants with assistance from the Tweed Coast Koala Advisory Group (TCKAG).

The Tweed Coast Koala Habitat Study revealed that the Tweed Coast koala population had declined by approximately 50% within the last decade. The extent of the decline means that the remaining koala numbers are now so low (less than 150 animals) that mortalities due to fire, cars and domestic dog attack are no longer sustainable by the population over the long-term. If nothing is done, there is a very real risk that koalas could disappear from the Tweed Coast within the next 15-20 years. The study concluded that the Tweed Coast koala population is not viable without intervention and provided recommendations, many of which were designed to inform the preparation of the CKPOM.

The second stage of the process involved the preparation of the draft CKPoM which has been prepared based on extensive consultation with the community, key stakeholders, state agencies and the TCKAG, which recently recommended that Council place the draft Plan on public exhibition.

The draft Plan has been prepared in accordance with State Environmental Planning Policy 44 (Koala Habitat Protection; SEPP 44) which aims to "encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline".

Consistent with the SEPP 44 guidelines the draft Plan contains both regulatory and non-regulatory provisions. The regulatory provisions include development control and statutory planning functions of Council. The non-regulatory provisions rely on the voluntary participation of the community to contribute to koala recovery and conservation such as measures to increase and improve habitat, better management of fire and reducing road mortality and dog attack.

A workshop on the draft CKPoM was conducted with Councillors on 14 August 2014.

The purpose of this report is to recommend that Council places the draft Plan on public exhibition.

RECOMMENDATION:

That Council places the draft Tweed Coast Comprehensive Koala Plan of Management on public exhibition for 28 days with a further 14 days for acceptance of submissions.

REPORT:

Background

Council resolved on 19 January 2010 to prepare a Comprehensive Koala Plan of Management (CKPoM) for the Tweed Coast. The first stage of this process involved the preparation of the Tweed Coast Koala Habitat Study (TCKHS) which was completed by Biolink Ecological Consultants with assistance from the Tweed Coast Koala Advisory Group (TCKAG).

The TCKHS, adopted by Council in February 2011, provides the scientific background necessary to develop the CKPoM, specifically:

1. Survey and analysis of current (and past) koala distribution, population size and dynamics.
2. Analysis of preferred koala food trees.
3. Mapping of vegetation considered to be koala habitat.
4. Mapping and assessment of key threats to koalas and their habitat.
5. Investigation of regional and local habitat corridors.
6. Assessment of areas suitable for habitat restoration and revegetation.
7. Assessment of local population viability.

The Tweed Coast Koala Habitat Study revealed that the Tweed Coast koala population has declined by approximately 50% within the last decade. The extent of the decline means that the remaining koala numbers are now so low (less than 150 animals) that mortalities due to fire, cars and domestic dog attack are no longer sustainable by the population over the long-term. If nothing is done, there is a very real risk that koalas could disappear from the Tweed Coast within the next 15-20 years. The study concluded that the Tweed Coast koala population is not viable without intervention and provided recommendations, many of which were designed to inform the preparation of the CKPoM.

In consultation with the TCKAG, Council engaged the services of Biolink Ecological Consultants to prepare a Comprehensive Koala Plan of Management for the Tweed Coast. To this end, Biolink convened a number of workshops with key stakeholders and provided a draft of this plan which was subsequently refined by Council's Natural Resource Management (NRM) and Planning staff in close consultation with the TCKAG.

The preparation of the draft Plan (Attachment 1) has benefited from more than 20 years' experience planning for, and managing, koala friendly developments on the Tweed Coast and through extensive consultation with the community, key stakeholders and the Department of Planning and Environment (DPE). This has included detailed review by regional officers of DPE to ensure consistency with the relevant legislation - State Environmental Planning Policy 44 (Koala Habitat Protection; SEPP 44) which aims to:

encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

Development of the draft Plan has also benefited from engagement with other North Coast councils including Byron Shire and Lismore City who have recently prepared CKPoMs.

Consistent with the SEPP 44 guidelines the draft Plan contains both regulatory and non-regulatory provisions. The regulatory provisions include development control and statutory planning functions of Council. The non-regulatory provisions rely on the voluntary participation of the community to contribute to koala recovery and conservation such as measures to increase and improve habitat, better management of fire and reducing road mortality and dog attack.

Vision, Aims and Outcomes of the Plan

In accordance with the objectives of SEPP 44 and the approved NSW Koala Recovery Plan, the overarching vision of the draft Plan is that the Tweed Coast koala population will be recovered to more sustainable levels over the next two decades.

This vision is intended to be articulated by way of the following aims:

- 1. To recover the Tweed Coast population of the koala to at least 200 - 250 koalas over the next three koala generations (15 - 20 years).*
- 2. To increase the total area of preferred koala habitat to at least 2,600 ha in priority areas and linkages.*
- 3. To ensure that future development on the Tweed Coast takes place in a manner that encourages the proper conservation and management of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline consistent with SEPP 44 and other relevant development controls.*
- 4. To provide information on the status of Tweed Coast koalas and actions required of the community in a regular and accessible format over the life of the plan.*

The vision and aims of the draft Plan will be realised through the following outcomes.

A landscape scale management framework - to guide decision making and ensure that both the planning and management responses properly reflect priorities relevant to koalas and their ecology. Apart from influencing the nature of development, this framework will guide priorities for strategic habitat restoration, improvements in connectivity, and the reduction of threats from bush fire management, road mortality, dogs and disease.

Coordinated action across all areas of Council governance - including strategic planning, development control, compliance, operations, asset management and communications. Tweed Shire Council is the lead agency under this Plan and its provisions affect all areas of its responsibility.

Best practice planning controls - to ensure that any future development affecting koalas or their habitat mitigates any impacts and contributes positively to koala recovery.

The commitment and active participation of the entire community - Council is only one stakeholder and does not have the authority to compel all actions necessary for this Plan to be successful. Other key stakeholders include landholders, property developers, community interests and State agencies.

Resourcing - adequate resources need to be made available to accommodate the commitments made in this Plan. This includes resources, not only for Council to coordinate the implementation of the Plan and carry out many of its actions, but also human and other resources from landholders, land management agencies, property developers and the broader community. Ongoing financial assistance from the State and Commonwealth governments will also be essential.

A habitat restoration program - to increase the quality and extent of preferred koala habitat and improve connectivity between koala populations.

Measures to reduce koala mortalities from road strike and dog attack.

A coordinated approach to bush fire management - to ensure that the strategic and operational management of bush fire does not compromise koala populations.

Active koala welfare and care support - in partnership with Friends of the Koala Inc.

Education and communication strategies - to inform and engage all sectors of the community in the process of koala recovery.

Ongoing monitoring - of the Tweed Coast koala populations to determine the success (or otherwise) of our efforts.

Koala Management Framework

The draft Plan establishes a koala management framework based on the outcomes of the TCKHS. Two separate Koala Management Areas (KMAs) are recognised for the purposes of the plan; the Tweed Heads KMA representing the broader Tweed Heads area north of the Tweed River; and the Southern Tweed Coast KMA representing the rest of the Tweed Coast (Fig.1).

The future management of these two areas differ in their recovery potential. North of the Tweed River, the Habitat Study showed evidence of a highly depleted population on the brink of local extinction, the recovery of which does not appear possible due to lack of suitable habitat to support a long term population and ongoing urban intensification. On the other hand, the Habitat Study concluded that recovery was possible in the Southern Tweed Coast KMA provided an expeditious and assertive response was undertaken by the entire community.

This draft Plan further recognises a number of koala management precincts within the Southern Tweed Coast KMA. These precincts reflect, at the landscape-scale, priority areas for management and planning relevant to koalas and their ecology. Three types of precinct are recognised:

- Koala Activity Precincts (KAPs)
- Koala Linkage Precincts (KLPs)
- Individual Koala Plan of Management Precincts (IKPoMs)

Non precinct areas represent the balance of the Tweed Coast (including the Tweed Heads KMA).

A Koala Activity Precinct (KAP) is a mapped area associated with known significant koala activity. A KAP generally also includes the areas of Preferred Koala Habitat adjacent to

areas of significant koala activity. Together with the Koala Linkage Precincts and IKPoMs, KAPs define a sufficiently large and connected area of land to support a localised free-ranging koala population.

A Koala Linkage Precinct (KLP) is a mapped area adjacent to one or more KAPs that provide optimal opportunities for improved habitat management and connectivity. An Individual Koala Plan of Management (IKPoM) Precinct is a mapped area over which there is a pre-existing IKPoM approved under SEPP 44.

Within the Tweed Coast, IKPoMs are in place for the following:

- Kings Forest Estate
- Koala Beach Estate
- Black Rocks Estate

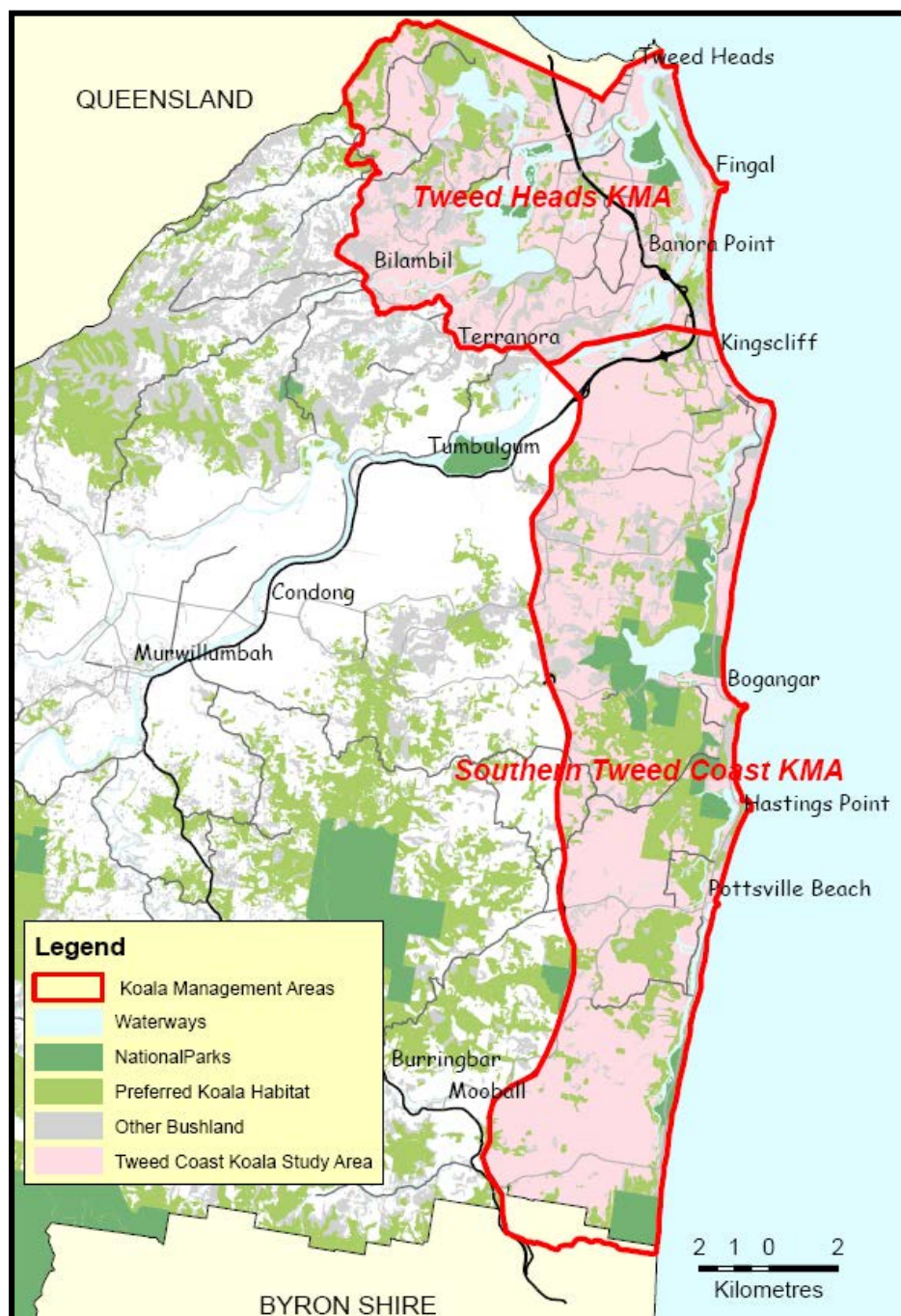


Figure 1 Koala Management Areas

For the purpose of the CKPoM, "core koala habitat" includes any preferred koala habitat within a Koala Activity Precinct or Koala Linkage Precinct, or any other areas on the Tweed Coast where koalas are present.

The vegetation communities of Tweed Shire have been mapped and classified based on the plant species that occur there. This has been combined with specific information about the tree species that are critical for koalas to create maps of primary and secondary habitat. These areas are collectively defined as "preferred koala habitat".

Development Controls

The development control provisions of the draft Plan are triggered when Council receives a development proposal on the Tweed Coast, however there are certain exclusions including:

- Exempt or complying development.
- Development affected by a pre-existing Individual Koala Plan of Management under SEPP 44 (Koala Beach, Black Rocks, Kings Forest).

Additionally, minor developments on small lots or within an existing development envelope such as individual dwellings will not generally be subject to the draft Plan's development controls (Table 1).

Conversely, the draft Plan applies rigorous development controls to larger scale development such as subdivisions that occur in KAPs, KLPs or other areas where koalas are present. For these larger scale developments, the development control provisions consist of:

- standards for assessment of koala habitat,
- requirements for koala habitat protection and restoration, and
- guidance on development layout and design.

The draft Plan contains special provisions for master planning larger-scale development in areas identified for future urban expansion, the purpose of which is to avoid piecemeal development and ensure that the provisions of the plan are applied holistically across the relevant future urban footprint area (as opposed to the specific development site).

The draft Plan also provides an offsets framework, however offsets are only considered when all options to avoid or mitigate impacts are considered and confirmed as unachievable. The offsetting provisions of the draft Plan are based on the Australian Government's *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy. However, because of inherent risks, time lags and administrative issues, it is anticipated that the use of offsets will rarely be cost effective especially where attempted offsite.

It is important to note that the development controls included in the draft Plan are based on more than 20 years of koala planning experience in Tweed Shire and reflect many of the conditions of approval and lessons learnt from developments such as Koala Beach, Black Rocks and Kings Forest which are covered by IKPOMs.

More generally the development controls are designed to:

- provide certainty and transparency so that proponents and the community are clear on what is expected to gain approval,
- recognise the future urban footprint but ensure that the needs of koalas are appropriately considered early in the planning process,

- provide for a focused and proportional response with little or no impact for small development,
- ensure that future development in priority areas (KAPs, KLPs or where koalas are present) actively contributes to koala recovery,
- allow for flexible and responsive development outcomes where a better outcome for koalas can be achieved, and
- reward developments that exceed the minimum development standards.

Table 1 Overview of development controls

Type of Development		Development controls													
		Habitat Assessment	Clearing of koala food trees*	Clearing of koala habitat*	Habitat Restoration	Long-term Management	Building envelopes	Fencing	Street Tree planting	Dogs	Koala proof pool fencing	Road Design	Construction Impacts	Community Education	Master Planning
Exclusions (Exempt and Complying, IKPoMs)		Development controls in accordance with exclusion e.g IKPoM													
Public Infrastructure		As per SEPP/LEP but must consider and justify any inconsistencies													
Minor Development		TPO style only	No*, unless used by koalas	NA	No	No	No	No	No	No	Yes	No	No	No	No
Development not in KAP/KLP and no koalas present		Yes	No*, unless used by koalas	No*	No	No	No	No	No	No	No	No	No	No	No
Development in KAP/KLP or koalas present	Koala Friendly Design	Yes	Yes* (larger trees must be retained)	Yes	Yes, (min 10% in KAP)	Yes	Yes	Koala Friendly	Yes	Yes	Yes	Yes	Yes	Yes	No
	Enclaved Design	Yes	Yes* (larger trees must be retained)	Yes	Yes, (min 10% in KAP)	Yes	No	Exclusion	No	No	No	Yes	Yes	Yes	No
Large Scale Development in Future Urban Footprint in KAP/KLP or koalas present		As above but in relation to relevant Future Urban Footprint area													Yes

* All clearing subject to offset provisions

Strategic Planning

The strategic planning provisions of the draft Plan seek to ensure that Council’s strategic planning processes integrate the need to protect, manage and enhance koala populations consistent with the vision and aims of the plan. This includes:

- the preparation and amendment of local strategies, policies, development controls plans and the like,
- the preparation of planning proposals to create or amend a Local Environmental Plan
- Council operations, such as the management of public lands, and
- input into regional planning processes.

Non Statutory Provisions

The draft Plan includes a wide range of non statutory provisions that rely on the voluntary participation of the community to contribute to koala recovery and conservation. These elements remain critical to the capacity to achieve the aims of the plan and are dependent on strong leadership from Council. Specifically, these provisions address:

- habitat restoration,
- reducing road mortality,

- reducing the risk of dog attack,
- fire management,
- koala care and welfare, and
- community engagement.

Monitoring and Evaluation

Regular review of the Plan is required to assess the effectiveness of each of the recommended actions in achieving its objective of facilitating population recovery.

The review process will enable the Plan to be a living document that is responsive to any changes in koala population status, any new management issues that arise and enable updates to the Plan where required to address any issues that arise in its implementation.

The key elements of the monitoring and evaluation aspects of the Plan are:

- five yearly performance review,
- initial koala activity and population reassessment (2015),
- subsequent ongoing population monitoring (three yearly), and
- reporting (after each review and monitoring event).

TCKAG Endorsement

As noted, the draft Plan has been prepared in close consultation with the Tweed Coast Koala Advisory Group. At its meeting of 29 July 2014 the TCKAG unanimously recommended that:

- 1 *Council resolves to place the draft Tweed Coast Koala Plan of Management on public exhibition for a period of 30 days;*
2. *Prior to placing the draft Tweed Coast Koala Plan of Management on public exhibition, the KAG presents the draft Plan to Council at a workshop.*

The workshop with Council was held on 14 August 2014.

Public Exhibition

The public exhibition period will provide a key opportunity for community input to the draft Plan. It is proposed to exhibit the draft in line with a consultation plan prepared for this purpose (Table 2).

Table 2 Community consultation

Target audience	Communication method	Distribution method
Residents	<ul style="list-style-type: none"> • Information sheet (general) • Information sheet (landholders) • Presentations • Information stands • Individual consultation 	<ul style="list-style-type: none"> • Media release • TSC web • Community organisation meetings • Markets (Pottsville & Kingscliff) • Appointments with staff
Council & staff	<ul style="list-style-type: none"> • Councillor briefing 	<ul style="list-style-type: none"> • Workshop
Key stakeholder groups	<ul style="list-style-type: none"> • Presentations 	<ul style="list-style-type: none"> • Stakeholder group meetings
Other stakeholders	<ul style="list-style-type: none"> • Notification of exhibition 	<ul style="list-style-type: none"> • Direct mail upon commencement

Finalisation and Implementation

On completion of the public exhibition Council officers, with the assistance of the TCKAG, will consider the submissions made, review the draft Plan and report back to Council on adoption of the Plan.

Once finalised and adopted by Council, the Tweed Coast Koala Plan of Management will represent an overarching strategy of Council and implementation will commence. This means that Council planners will need to assess any relevant development proposals against the development assessment provisions of Part 5 of the plan and NRM staff will commence other aspects of the plan's implementation.

Additionally, the final plan will be submitted to the Department of Planning and Environment for approval under SEPP 44. If the Department require any amendments to the plan for approval under SEPP 44, these will be reported back to Council with recommendations for any appropriate action.

OPTIONS:

1. Council places the draft CKPoM on public exhibition for a period of 28 days with a further 14 days for acceptance of submissions.
2. Council does not place the draft CKPoM on public exhibition and seeks further amendment or clarification of the plan.

COUNCIL IMPLICATIONS:

a. Policy:

Once finalised and adopted by Council, the Tweed Coast Koala Plan of Management will be a strategy of Council. Additionally the development controls contained in Part 5 of the Plan will be incorporated into Council's Development Control Plan.

b. Budget/Long Term Financial Plan:

Council currently allocates approximately \$160,000 per year under the long term financial plan to implement the Tweed Coast Koala Plan of Management. It is anticipated that this sum can be increased by obtaining grant funding, however it is expected that there will be a shortfall in funding availability for the full range of actions and projects recommended in the draft Plan.

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:

Attachment 1. Draft Tweed Coast Koala Plan of Management
(ECM 3456572)

10 [CNR-CM] 2014 'Living for the Future' Home Expo

SUBMITTED BY: Natural Resource Management

Valid



Civic Leadership



Strengthening the Economy



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.1 Ensure actions taken and decisions reached are based on the principles of sustainability
 - 1.1.2 Create a sustainable, socially and environmentally aware community through education

 - 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities.
 - 3.1.4 Assist employment generating business to establish or expand in the Tweed

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

SUMMARY OF REPORT:

The 2014 'Living for the Future' Home Expo was well attended and received positive feedback from visitors and stallholders alike. It was an engaging and cost-effective way for Council to partner with local businesses to help people with practical ways to improve the comfort, cost-effectiveness and environmental outcomes from their homes and lifestyles.

The event highlighted opportunities to:

- continue to share information about Council's planning provisions that enable sustainable housing design, land use and development in the Tweed,
- continue to showcase sustainable design examples in the Tweed,
- continue to work in-house to reduce Council's environmental impact, and
- repeat the event in 2015, exploring opportunities to improve and grow the event.

RECOMMENDATION:

That Council allocates the staff resources to explore opportunities and a \$6,000 budget to hold a 'Living for the Future' Home Expo in 2015.

REPORT:

The first 'Living for the Future' Home Expo and Community Summit was held in November 2013 at the Tweed Heads Civic Centre. Approximately 600 people attended the event, which was made up of 21 exhibitors (18 commercial, three community), and a program of speakers addressing a range of sustainability issues related to the urban built environment.

In December 2013 Council voted unanimously in favour of allocating the staff resource and budget of \$6,000 to develop the 'Living for the Future' Home Expo as a Council-run event to be next held between April and August 2014.

A Council staff working group articulated the following objectives for the 2014 Home Expo:

1. To share information to encourage sustainable living, sustainable housing design, and sustainable land use for better environmental outcomes in the Tweed
2. To promote local examples and expertise in sustainable living and sustainable development
3. To promote Tweed's existing policy and planning framework that encourages sustainable development
4. Incorporate new and innovative ways to use the event to secure community feedback about initiatives for sustainable housing and communities.

The 2014 'Living for the Future' Home Expo was held on Saturday 23 August from 9am to 2pm at the Tweed Heads Civic Centre. The event was made up of:

- 23 exhibitors (19 commercial including 12 Tweed Shire businesses, four community)
- six workshops from local environmental experts providing practical tips to reduce environmental impacts of homes and lifestyles
- celebrity workshops from Roman Spur, Brisbane-based home environmental project DIY advocate
- guest appearance and prize donation by Trevor Hendy, former World Ironman champion
- prize donations from stallholders, including at 1.5kw rooftop solar photovoltaic system and installation valued at \$3,500.

Despite heavy rain on the day, between 350-400 visitors attended the event, with 80% of visitors from the 2484, 2485, 2486, 2487 postcodes. Survey responses from over 250 visitors confirmed that they would like to attend a similar event in future. 25% of people who attended had also visited the 2013 Home Expo event.

Visitors were asked to name one thing they learned or will take away from the event. 65% of those surveyed commented on a range of topic groups:

- the importance of environmental/community values
- getting access to information
- finding out more about food gardens
- learning about home building design principles and materials
- backyard biodiversity and birds
- Council's role and programs
- green cleaning products
- awareness of local eco-friendly businesses.

COSTS AND BENEFITS:

Representatives of Council's Sustainability Program, Urban Design Program, Communications and Customer Service teams put the event together in just over half the time required to put the event together in 2013. The Business and Economic Development team, Building & Environmental Health Unit and Development Assessment Unit also contributed ideas to the development of the event.

\$2,000 in sponsorship from Stockland Hundred Hills covered print media costs of promoting the event, and \$1,500 was raised in stallholder fees (\$110+GST for commercial stalls, \$10+GST for community organisations) with a net impact of \$2,000 expenditure against the \$6,000 budget which Council had allocated for the event.

By sharing costs and benefits with commercial stallholders, Council was able to facilitate a useful service to the community while raising the profile of environmental opportunities. At a cost to Council of less than \$4.50 per visitor (compared to \$10 per visitor in 2013), the event was arguably very cost-effective.

The remaining Home Expo budget will be set aside for emerging opportunities that align with the intentions and objectives of the Home Expo. A continued budget allocation of \$6,000 for a 2015 Home Expo event is recommended to cover promotional and prize costs in case additional sponsors are not forthcoming.

The event continued to provide the range of benefits observed during the 2013 Home Expo:

- economic stimulus to local businesses through increased trade and market exposure
- individuals gained knowledge and specific information catered to their needs
- strengthened community connections by engaging together in discussions with each other, with speakers and indirectly with Council
- reconfirming the prevalent social norm that underpins community members' interest in sustainable development, as expressed in the Community Strategic Plan
- Council demonstrated to the public its commitment to sustainable housing and communities.

NEXT STEPS:

Investigate other opportunities to educate home builders in the Tweed

Embedding passive design principles early in the building design process has been identified as a significant opportunity to reduce greenhouse gas emissions in new dwellings. Council's existing suite of planning documents and supporting information, including the recently revised and adopted DCP A1 - Part A and associated '*Designing Your Home Factsheets*', provide a comprehensive framework to enable sustainable residential building design and renovation. In addition to having this information available on Council's website, there may be more active ways to promote this information, particularly to new owners of vacant allotments in residential estates.

Investigate opportunities to showcase sustainable design examples in the Tweed

The Home Expo working group explored options to share community members' stories about sustainable design, renovation and lifestyle initiatives at their place. An awards program was favoured as an effective mechanism, however there was not sufficient time to seek organisational endorsement and roll out a new awards program in time for the 2014 Home Expo. Consideration of an awards program as part of a subsequent Home Expo event is recommended in future.

Continue to work in-house to reduce Council's environmental impact

Current programs to reduce Council's environmental footprint are important to demonstrate Council 'walking the talk' such as:

- the development of Council's Environmental Sustainability Strategy
- energy efficiency and renewable energy initiatives at Council facilities
- embedding environmental considerations in sustainable procurement initiatives.

OPTIONS:

1. That Council notes this report and commits the resources to hold a 'Living for the Future' Home Expo in 2015.
2. That Council notes this report and does not commit to holding a 'Living for the Future' Home Expo in 2015.

CONCLUSION:

The second 'Living for the Future' Home Expo and Community Summit was well attended and received positive feedback from visitors and stallholders alike. It was a cost-effective way for Council to enable the community to take action to reduce their environmental impact, and a great way to partner with local businesses that can help people with practical ways to improve the comfort, cost-effectiveness and environmental outcomes their homes and lifestyles.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

\$6,000 in 2015/2016.

c. Legal:

Yes, legal advice has been received.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Communications Report (ECM 3457126)

11 [CNR-CM] Biodiversity Grants

SUBMITTED BY: Natural Resource Management

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

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

The purpose of this report is to seek Council's approval to fund restoration works on private land in accordance with the provisions of the Biodiversity Grant Program.

RECOMMENDATION:

That Council approves the proposed Biodiversity Grant listed below:

Name	Area	Estimate (\$)	Description
De Lacy	Terragon	5,000	Twelve person days of ecological restoration as an in-kind contribution to the Mid Tweed Environmental Trust project being managed by Tweed Landcare.
	Total	5,000	

REPORT:

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

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

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

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

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

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

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

Name	Area	Estimate (\$)	Description
De Lacy	Terragon	5,000	Twelve person days of ecological restoration as an in-kind contribution to the Mid Tweed Environmental Trust project being managed by Tweed Landcare.
	Total	5,000	

OPTIONS:

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

CONCLUSION:

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

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$5,000 from existing Biodiversity Program budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

12 [CNR-CM] Biodiversity Grant Program Implementation - Caldera Art 2014 Project

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

SUMMARY OF REPORT:

Each year since 2009 the community group Caldera Art has received \$5,000 under this program to assist with the Caldera Art Project. With the assistance of Council, the Caldera Art Project has become a major annual regional event aimed directly at promoting the region's biodiversity values. The purpose of this report is to seek Council's approval to grant Caldera Art Inc. \$5,000 to assist with the delivery of the Caldera Art 2014 project.

RECOMMENDATION:

That Council approves the expenditure of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2014 project.

REPORT:

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

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

1. Rehabilitation of degraded habitats
2. Restoration of previously cleared areas
3. Threatened species recovery
4. Management of threatening processes
5. Monitoring and research

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

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

Each year since 2009 the community group Caldera Art has received \$5000 under this program to assist them with the Caldera Art project. With the assistance of Tweed Shire Council, the Caldera Art project has become a major annual regional event.

The total budget estimate for Caldera Art 2014 is \$35,400. The purpose of this report is to seek Council's approval to grant Caldera Art \$5000 to fund, in part, the On-line Exhibition, the Finalist's Exhibition and the Schools Engagement Components of the Caldera Art 2014 project together with events promotion.

OPTIONS:

1. That Council approves the expenditure of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2014 project.
2. That Council does not approve the expenditure of \$5,000 under its Biodiversity Grant Program to assist Caldera Art Inc. to implement the Caldera Art 2014 project.

CONCLUSION:

The proposed grant will contribute to the Biodiversity Grant Program priorities 3 and 4 above and meets selection criteria 1, 2 and 3. Through art, this project will educate the community

on biodiversity protection and management. It will contribute significantly to Council's Environment Education and Capacity Building Program.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

\$5,000 to be allocated from existing Biodiversity Program budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

13 [CNR-CM] Draft Sports Field Strategy

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:

A Draft Sports Field Strategy has been prepared for Council managed sports fields and outdoor courts in Tweed Shire. The draft Strategy assesses the use and condition of the existing facilities, and provides recommendations to address management issues and the anticipated demand for additional fields and facilities over the next 15 years.

Following extensive consultation, the report makes several recommendations intended to improve the standard of service delivery to sporting clubs. The recommendations are in three broad categories, being:

- Provision for increased support to sporting clubs and associations,
- Provision of new sports field land and facilities to address current shortages where identified and anticipated population growth, and improved management of existing and new facilities,
- Recommendations for specific sports and facilities.

The report is now ready to undergo a public consultation period.

RECOMMENDATION:

That Council places the Draft Tweed Shire Council Sports Field Strategy on public exhibition for a period of 28 days, with a further 14 days for acceptance of submissions.

REPORT:

Background

A Sports Field Strategy has been prepared for Council managed sports fields, ovals and outdoor courts in Tweed Shire. The draft Strategy assesses the existing sports fields and the likely demand for additional fields and facilities over the next 15 years. The demand is determined through current and anticipated participation rates for each sport, current trends in use of sporting facilities, and the anticipated population growth for the Shire.

The sports considered are:

- AFL
- Athletics
- Cricket
- Football (soccer)
- Hockey
- Netball
- Rugby league
- Rugby union
- Softball
- Touch football
- Tennis

Consultation

Extensive consultation was undertaken with a range of stakeholders to identify future needs. Land supply options were determined following this consultation and with reference to industry and government planning guidelines. Groups consulted included:

- All the targeted local sports (clubs and associations) via surveys, workshops and individual interviews,
- Regional and state sporting organisations,
- Tweed Shire Council key staff,
- Neighbouring Local Government authorities,
- State Government Agencies,
- Regional school sport coordinators,
- Other Local Government Authorities for the purpose of benchmarking,

The draft report is now ready to undergo a general public consultation period. Pending Council endorsement of the draft Strategy, this period will be:

- Public exhibition period: 24 September to 21 October 2014,
- Additional period for comment or submissions: 22 October to 4 November 2014.

Following completion of this period and any amendments to the draft that may be required, the draft Strategy will be returned to Council for endorsement.

Recommendations

The Strategy provides recommendations in three broad areas, and these include:

- Provide increased support to sporting clubs and associations, such as:
 - The services of a Sports Development Officer,
 - Facilitate club education programs focussed on fund-raising, attraction of sponsors and grant-writing, and
 - Facilitate production of club development plans.

- Improved management and provision of new sportsfield land and facilities, including:
 - Address a deficit in sportsfield land available, particularly in the northern precinct. This would include purchase of land for future sporting facilities in the northern precinct, and could be a joint initiative with Gold Coast City Council,
 - Seek to provide larger sport precincts to accommodate multiple sports rather than smaller 2 field (4 ha) facilities. Such facilities in other Local Government areas can cover up to 80 ha,
 - Council's sports field provision rate of 1.7ha per 1,000 people is endorsed,
 - Review the sports field usage charges, with a view to increasing these from 20% to 25% cost recovery,
 - Review tenure arrangements with a view to giving longer term licenses,
 - Provide year round access to facilities for the majority of sports,
 - Liaise with the Office of Commonwealth Games Coordination (Queensland Government's Department of regarding opportunities for Tweed Shire Council sport facilities, and
 - Develop a detailed master plan for the Kingscliff Sportsfield Precinct.
- Specific sport and facility recommendations:
 - Cricket and soccer are particularly identified as requiring several new fields in the next 15 years. AFL and Rugby League are also expected to require one new field each,
 - Other sports are generally considered to have a sufficient supply of fields,
 - Improvements to clubhouses and other support facilities are required, and
 - Demand for sports field lighting is significant but this requires careful management.

OPTIONS:

1. That Council places the draft Tweed Shire Council Sports Field Strategy 2014 on public exhibition for a period of 28 days, with a further 14 days for acceptance of submissions.
2. That Council does not place the Tweed Sire Council Sports Field Strategy 2014 on public exhibition, and requests changes to the draft.

CONCLUSION:

The draft Sports Field Strategy has been extensively researched and consultation undertaken with key stakeholders. The draft strategy is now ready for broader public consultation.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

There are potentially significant budget implications to Council should the recommendations in this draft Strategy be implemented. These include purchase and development of up to 30 hectares of future sportsfield land, increased staff costs to provide support services to sporting clubs and costs to undertake recommended works projects additional to the current works program.

Some funding for purchase of land will come from S94 funds.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Sports Field Strategy (ECM 3460733)

14 [CNR-CM] River Health Grants**SUBMITTED BY: Natural Resource Management**

Valid

**Caring for the Environment****LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

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

SUMMARY OF REPORT:

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

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

RECOMMENDATION:

That Council approves the proposed River Health Grants listed below:

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Masters	Limpinwood	300	Bush regeneration and weed control to enhance riparian buffer along Worrendo Creek.	\$9,500
Cooper	Stokers Siding	100	Assist landowner with training in bush regeneration and environmental weed control.	\$1,500
Graham	Uki	150	Weed control and bush regeneration along tributary of the Tweed River.	\$3,000
Kleidon	Tyalgum	200	Provide material assistance in revegetation of waterway.	\$1,000
Warren and Poad	Mt Burrell	1200	Assist landowner with training in bush regeneration and environmental weed control.	\$3,000
Pellatt and Edwards	Tyalgum	765	Bush regeneration and weed control to enhance riparian buffer along the Oxley River.	\$4,000

Julien	Tyalgum	150	Extend riparian buffer with revegetation and undertake weed control/bush regeneration to stabilise slumping bank.	\$2,600
Daley	Tyalgum	440	Bush regeneration and weed control to enhance riparian buffer along North Pumpenbil Creek.	\$6,000

REPORT:

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

The River Health Grants Program has been successful in attracting a diverse range of landholders, from traditional farmers to rural lifestyle property owners and has made an immediate improvement in the riparian conditions of treated areas.

In each case of funding, an agreement with land holders will be signed that details Council's contribution to the project and the commitments and responsibilities of the land holder. Each grant is based on the agreement that the landholder will contribute significantly to the project.

There are eight projects included in this report. All of the projects include weed control as the primary activity in the longer term effort at regenerating native ecosystems, which ultimately provides improved water quality. In all cases, weed control is targeting environmental weeds that reduce the ability of native species to regenerate or weeds that have the capacity to transform riparian vegetation through smothering the canopy (such as cats claw creeper). Four landowners have been undertaking bush regeneration along the riparian zone on their properties and assistance through this round of River Health Grants will allow them to extend their works significantly. The other four landowners included in this report have agreed to work alongside qualified bush regenerators to learn the skills and techniques to maintain sites over time. In all cases, landowners are committed to providing a significant in-kind contribution to each project as well as follow up works in treated areas to ensure a successful project.

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Masters	Limpinwood	300	Bush regeneration and weed control to enhance riparian buffer along Worrendo Creek.	\$9,500
Cooper	Stokers Siding	100	Assist landowner with training in bush regeneration and environmental weed control.	\$1,500
Graham	Uki	150	Weed control and bush regeneration along tributary of the Tweed River.	\$3,000
Kleidon	Tyalgum	200	Provide material assistance in revegetation of waterway.	\$1,000
Warren and Poad	Mt Burrell	1200	Assist landowner with training in bush regeneration and environmental weed control.	\$3,000
Pellatt and Edwards	Tyalgum	765	Bush regeneration and weed control to enhance riparian buffer along the Oxley River.	\$4,000

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Julien	Tyalgum	150	Extend riparian buffer with revegetation and undertake weed control/bush regeneration to stabilise slumping bank.	\$2,600
Daley	Tyalgum	440	Bush regeneration and weed control to enhance riparian buffer along North Pumpenbil Creek.	\$6,000

OPTIONS:

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

CONCLUSION:

The projects nominated for approval in this round of river health grant agreements all include significant in-kind contributions from the property owners. All of the projects are in accordance with the River Health Grants Policy and will contribute to improved water quality.

COUNCIL IMPLICATIONS:

a. Policy:

River Health Grants v1.0.

b. Budget/Long Term Financial Plan:

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

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

REPORTS FROM THE DIRECTOR ENGINEERING

15 [E-CM] EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek

SUBMITTED BY: Works

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

This report outlines the tender for EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek. The works are to be funded from the 2014/2015 Regional Roads Block Grant Assistance funds.

Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. A summary of the Selection Criteria is also included in the body of this report.

RECOMMENDATION:

That:-

1. The tender from East Coast Asphalt & Concrete Edging Pty Ltd be accepted to the value of \$136,975 exclusive of GST for tender EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek.
2. The General Manager be given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000.00 and those variations be reported to Council following completion of the tendered works/services.
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 EC2014-118 invited responses for the supply and laying of a polymer modified asphalt wearing surface to Tweed Valley Way at Leddays Creek intersection, Stotts Creek.

The length of road to be surfaced is 420m.

Tenders Received

Four (4) tender submissions were recorded at the closing time and their details were as follows:

Tenderer	ABN
East Coast Asphalt & Concrete Edging Pty Ltd	51 755 877 285
RPQ Asphalt Pty Ltd	70 088 212 757
Fulton Hogan Pty Ltd	54 000 538 689
Boral Resources (Qld) Pty Ltd	46 009 671 809

Tender Evaluation

The following selection criteria and weightings were determined prior to the issuing of the Tender:

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Tender Price)	Schedule 2 & 3	50
Price Compared with TSC Estimate	Schedule 2 & 3	Yes
Financial Details and Capacity	Schedule 4	Yes
Previous and Current Works (Experience)	Schedule 4	10
Project Management (Key Personnel)	Schedule 5	Yes
Methodology and Work Program (Time)	Schedule 6	10
WHS and Risk Management	Schedule 7	10
Environmental Management	Schedule 7	5
Quality Management	Schedule 7	5
Proposed Subcontractors (Experience)	Schedule 8	Yes
Company Insurances	Schedule 9	Yes
Sustainable Procurement	Schedule 10	No
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	Schedule 11	10
Innovation	All Schedules	Yes
Maintenance and Running costs	All Schedules	No
Life of Proposed materials and equipment	All Schedules	Yes
Warranty Periods Offered	All Schedules	No
Council's Contract Administration Costs	Schedule 6	No
	Total	100

Tender Evaluation is included in **ATTACHMENTS 1 and 2** which are **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to

prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers rates to provide specific services. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Tender.

OPTIONS:

1. The tender from East Coast Asphalt & Concrete Edging Pty Ltd be accepted to the value of \$136,975 exclusive of GST for tender EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek; or
2. The tender from East Coast Asphalt & Concrete Edging Pty Ltd to the value of \$136,975 exclusive of GST for tender EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek is not accepted.

CONCLUSION:

Based on the Tender Evaluation, it is recommended that East Coast Asphalt & Concrete Edging Pty Ltd be awarded the contract for EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek.

Details of East Coast Asphalt & Concrete Edging Pty Ltd's relative competitiveness is shown in the Tender Evaluation Report **CONFIDENTIAL ATTACHMENTS 1 and 2.**

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.5.

b. Budget/Long Term Financial Plan:

Funding allocated from the 2014/2015 Regional Roads Block Grant.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek – Tender Evaluation Report (ECM3435572).

(Confidential) Attachment 2. EC2014-118 Asphalt Surfacing of Tweed Valley Way at Leddays Creek – Tender Evaluation Record (ECM3435573).

16 [E-CM] EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for Tweed Shire Council

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The tender EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for the Tweed Shire Council was called to engage suitably qualified and experienced contractors to a panel of providers for a wide range of minor construction services to be carried out for Council to service its operational requirements over a 12 month period.

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 04 April 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural centre, Murwillumbah NSW 2484.

It is recommended that Council accepts the list of providers for the tender EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for the Tweed Shire Council as included as a confidential attachment to this report.

RECOMMENDATION:

That:

- 1. Council accepts the list of providers for the tender EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for the Tweed Shire Council for a 12 month period as included as a confidential attachment to this report.**
- 2. ATTACHMENTS 1 AND 2 ARE CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
 - (d) commercial information of a confidential nature that would, if disclosed:**
 - (i) prejudice the commercial position of the person who supplied it, or**
 - (ii) confer a commercial advantage on a competitor of the council, or**
 - (iii) reveal a trade secret.**

REPORT:

Background

The tender EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for the Tweed Shire Council was called to engage suitably qualified and experienced contractors to a panel of providers for a wide range of minor construction services to be carried out for Council to service its operational requirements over a 12 month period.

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 04 April 2014 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural centre, Murwillumbah NSW 2484.

Tweed Shire Council is seeking to engage the services of one or more suitably qualified and experienced contractors under a Preferred Supplier Arrangement to provide various minor construction services, based on suitability, availability and economic advantage to Council for a period of 12 months.

Tenders were advised that submissions will be assessed by the Tender Schedules submitted by the Tenderer which will provide Council with a ranked preferred suppliers list (maximum top 3 ranked for each Item) offering the best competency and economical advantage, for various aspects of works as required. In addition, Tenderers were advised that tendered prices had to be within 20% of the number one (1) ranked Tender for each Item to earn a place on the Panel for that Item.

Council officers will from time to time request various aspects of work from the most suitably assessed contractor for that aspect of work in the first instance. If by reason of unavailability or inability to meet Council's time frame, Council officers will then approach the next suitably assessed contractor and so on until all requirements are achieved.

When these services are required the most suitably assessed contractor will provide a total quote for each job that will include the standardised components and their offered rates from this Contract and any other Items required to complete the works. The limit applicable to this Preferred Supplier Contract is \$10,000 (GST inclusive). In the event the value of the total quote exceeds \$10,000 (GST inclusive) then Council officers will seek three (3) quotes from the most suitably assessed contractors from the preferred supplier list, in the first instance, to provide a quotation of cost and availability for the work. Council gives no guarantee to any amount of works under this Contract. Work will be requested on a needs basis by the various Council Divisions.

Prospective providers and provided rates for the nominated services are listed in **CONFIDENTIAL ATACHMENT 2.**

Tenders Received

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 27 August 2014 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

A total of nine responses were recorded for EQ2014-109 at the Tender Box opening on 27 August 2014. They were as follows:

Tenderer
K&D Landscaping, Paving & Concreting
Rodney Smith
North Coast Grounds Care
Australian Commercial Fencing
Demacs Constructions (Aust) Pty Ltd
Fulton Hogan Industries Pty Ltd
Ontime Guardrail
East Coast Asphalt and Concrete Edging Pty Ltd
Tweed Summerland Kerbing Pty Ltd

Tender Evaluation

The Tender Evaluation was conducted by Council's Engineering Contract unit staff to examine the submissions as to meeting the requirements for the performance and capabilities required under this contract.

A copy of the Tender Evaluation Report forms **ATTACHMENT 1** which is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-

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

OPTIONS:

Not Applicable.

CONCLUSION:

In accordance with the rates submitted for each required service it is recommended that Council accepts the list of providers for the tender EQ2014-109 Panel of Providers for the Provision of Various Minor Construction Services for the Tweed Shire Council for a 12 month period as included as a confidential attachment to this report.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.5

b. Budget/Long Term Financial Plan:

As required for each individual project.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Not Applicable.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. Tender Evaluation Report (ECM 3455461).

(Confidential) Attachment 2. Prospective Providers and Rates (ECM 3455465).

17 [E-CM] Broadwater Parkway

SUBMITTED BY: Planning and Infrastructure

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

In order for the orderly development of the Area E Urban Release area to proceed in accordance with the strategic direction provided by Tweed Development Control Plan Section B24, the main connector road Broadwater Parkway is required.

While the State Government approval for the "Altitude Aspire" subdivision does not require construction of the Broadwater Parkway, any subsequent precinct scale development will require this road link in order to be properly serviced.

To date, only preliminary concept design has been undertaken, to identify a preferred alignment and identify obvious constraints. It is proposed to commence more detailed investigation and design for the road, as well as commencing the planning approval process. This will require consultation with all landholders along the route that will be directly or indirectly affected.

RECOMMENDATION:

That Council commences the planning approvals process for Broadwater Parkway, Area E Terranora, including detailed design, environmental assessment and community consultation.

REPORT:

In December 2011 Council adopted Tweed Development Control Plan Section B24 - Area E Urban Release Development Code (DCP-B24). This document provides the strategic framework for guiding the future development of the Area E Urban Release Area, Terranora. It aims to provide coordinated development and infrastructure provision to ensure integrated and efficient use of land.

One of the key pieces of infrastructure required by DCP-B24 is the Broadwater Parkway. It is the key neighbourhood connector road for Area E, linking Mahers Lane and Fraser Drive. Provision of trunk roads in Area E is problematic due to topographic and environmental constraints. DCP-B24 provides an intended alignment for Broadwater Parkway along the northern extent of urban development, primarily within the urban zone (Refer Figure 2.9(a) below). Each development precinct will be connected to the Broadwater Parkway, which also provides a logical public transport route. The road alignment is based on concept designs produced by Council's Design Unit, and DCP-B24 acknowledges that alternate routes may be considered, if planning and/or environmental benefits can be demonstrated. DCP-B24 states that alignment through environmentally zoned land is not supported unless it can be demonstrated that no other alignment can be feasibly provided.

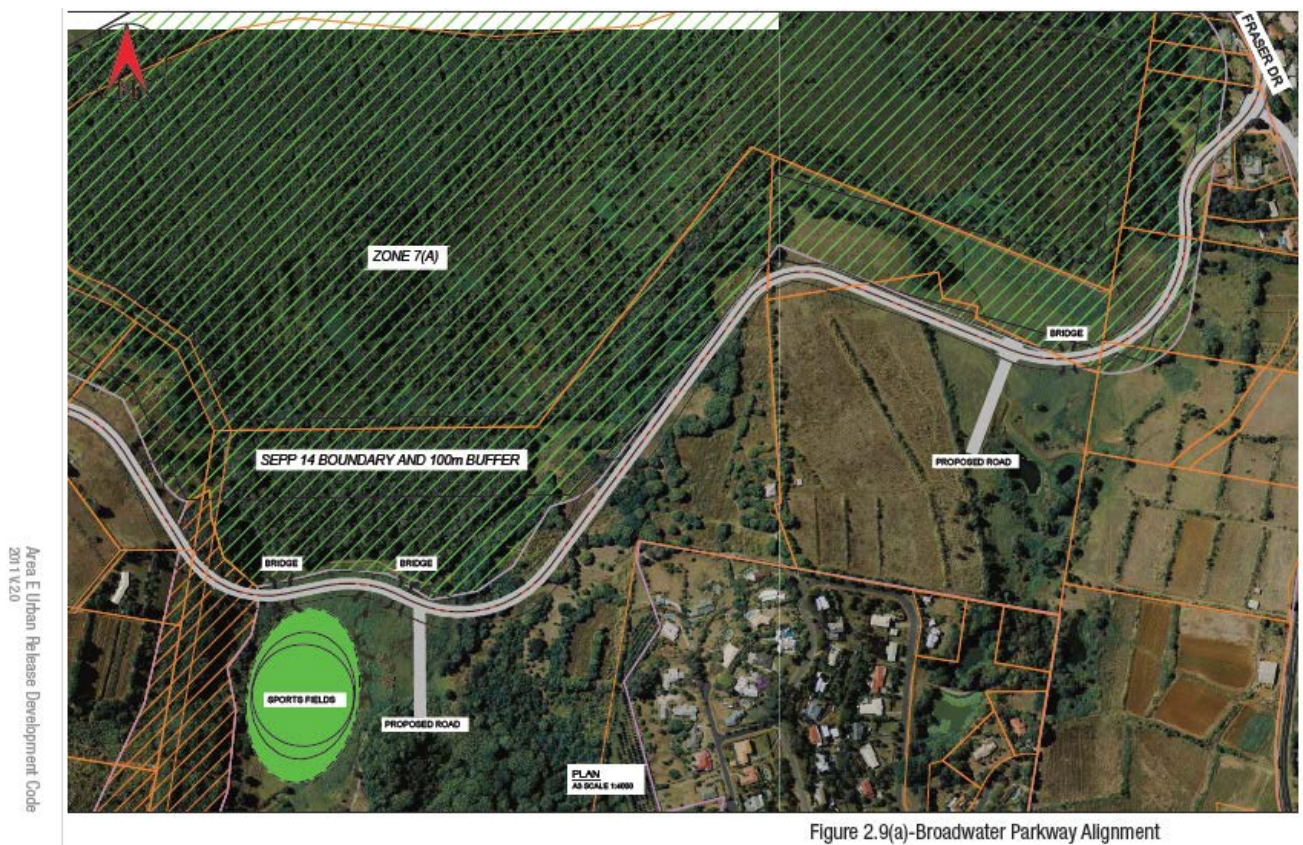


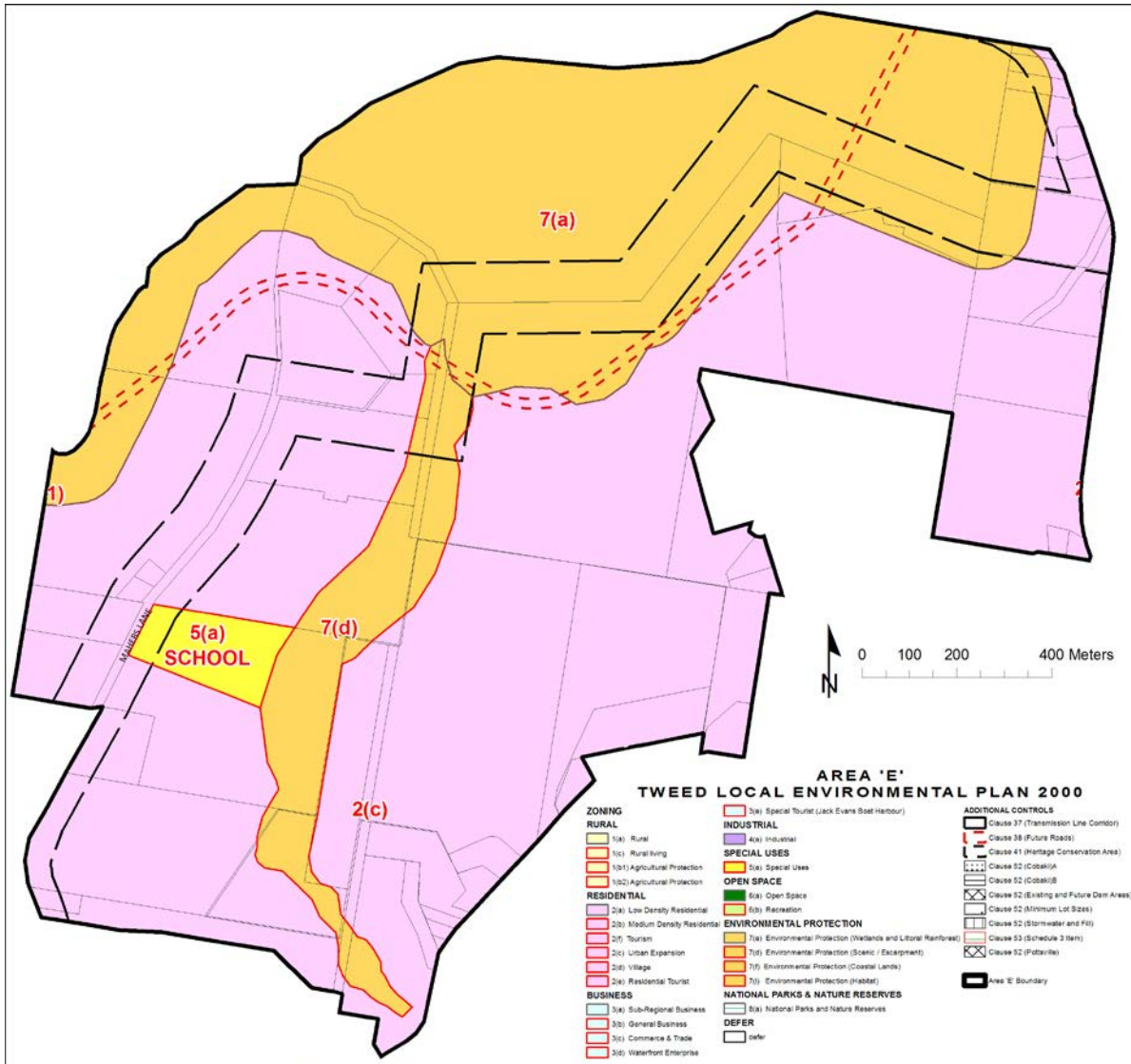
Figure 2.9(a)-Broadwater Parkway Alignment

Alternate Alignments

Adoption of DCP-B24 was the culmination of work spanning several decades, which has included consideration of various alternate alignments for Area E.

The need for the road link was identified and discussed in the Lower Tweed Transportation Study (1990) and the Tweed Road Development Strategy (1997). These studies proposed a link between Fraser Drive and Bilambil Road, and included a connection with Mahers Lane.

The Tweed Local Environment Plan 2000 (TLEP 2000) provided a road corridor from Fraser Drive to Bilambil Road. Prior to gazettal of Amendment No. 10 to TLEP-2000 in 2007, Area E and the road alignment was primarily zoned agricultural. However as a result of the 2004 Local Environmental Study (Parsons Brinckerhoff) zoning was amended. As such, the eastern section of this alignment passed through the 7(a) Environmental Zone to connect to Fraser Drive (see dashed corridor in figure below).



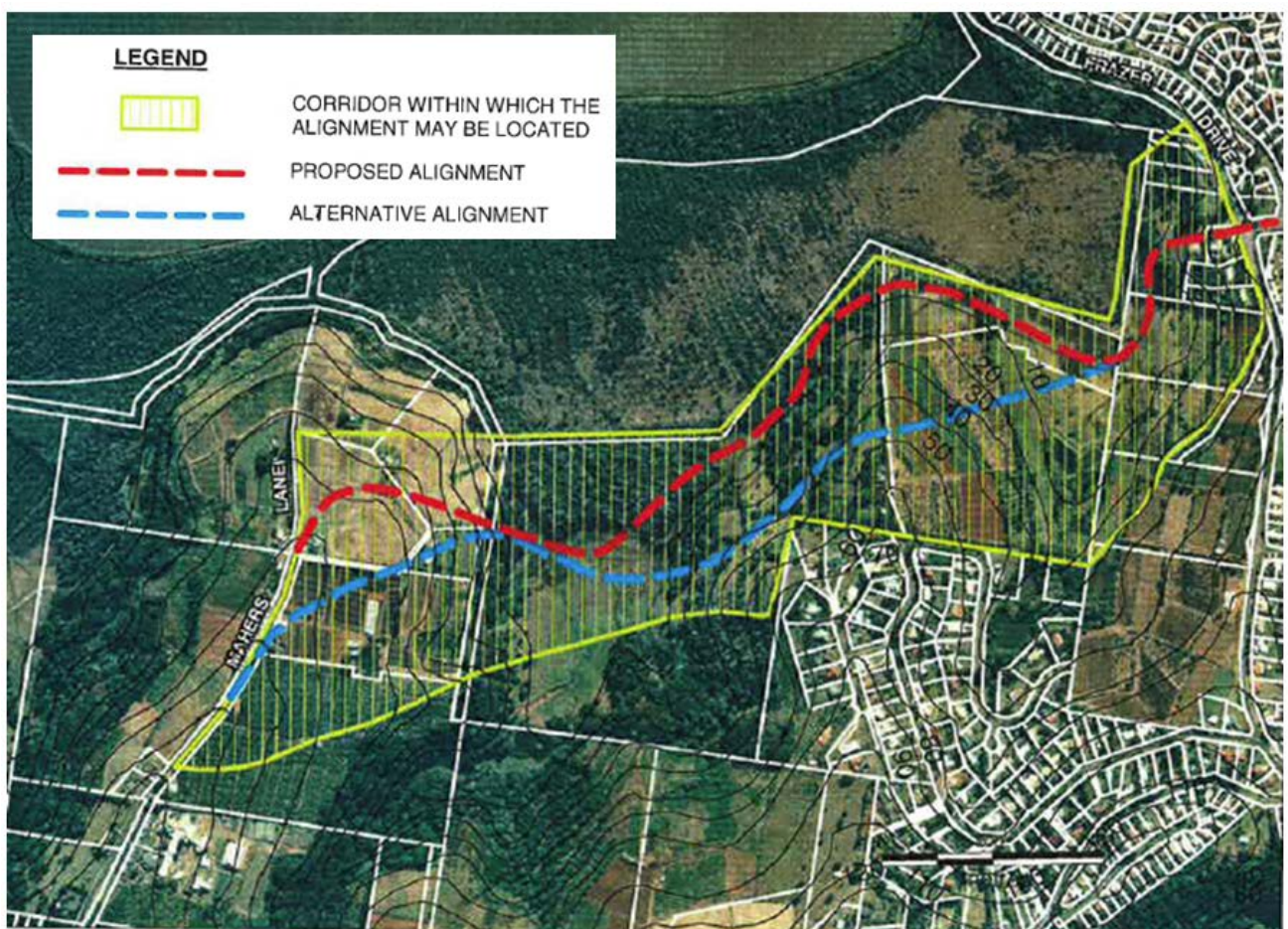
A "Preliminary Environmental Assessment" of a route similar to that adopted in DCP-B24 was undertaken by Halliburton KBR for Tweed Shire Council in March 2002. This study found that:

- The proposed alignment was not critically constrained by Commonwealth Environmental issues;
- Further detailed assessments to establish the presence, absence, distribution and potential impacts on protected flora and fauna species is required. However aligning the road to avoid or minimise impacts on these species should be possible;
- Further assessment should determine whether referral of the project to other agencies is required.

When Halliburton KBR assessed alternate routes, it identified the following key issues:

- The alignment should avoid any part of the SEPP14 wetland, and if possible provide a buffer;
- The alignment should minimise adverse direct (e.g. acquisition) and indirect (e.g. noise) impacts on properties;
- The alignment should aim to balance cut and fill, particularly in the eastern section, to avoid importation of fill;
- Consideration should be given to impacts on properties in Mahers Lane, particularly Lindisfarne School;

The report identified a corridor within which the alignment may be located given these constraints.

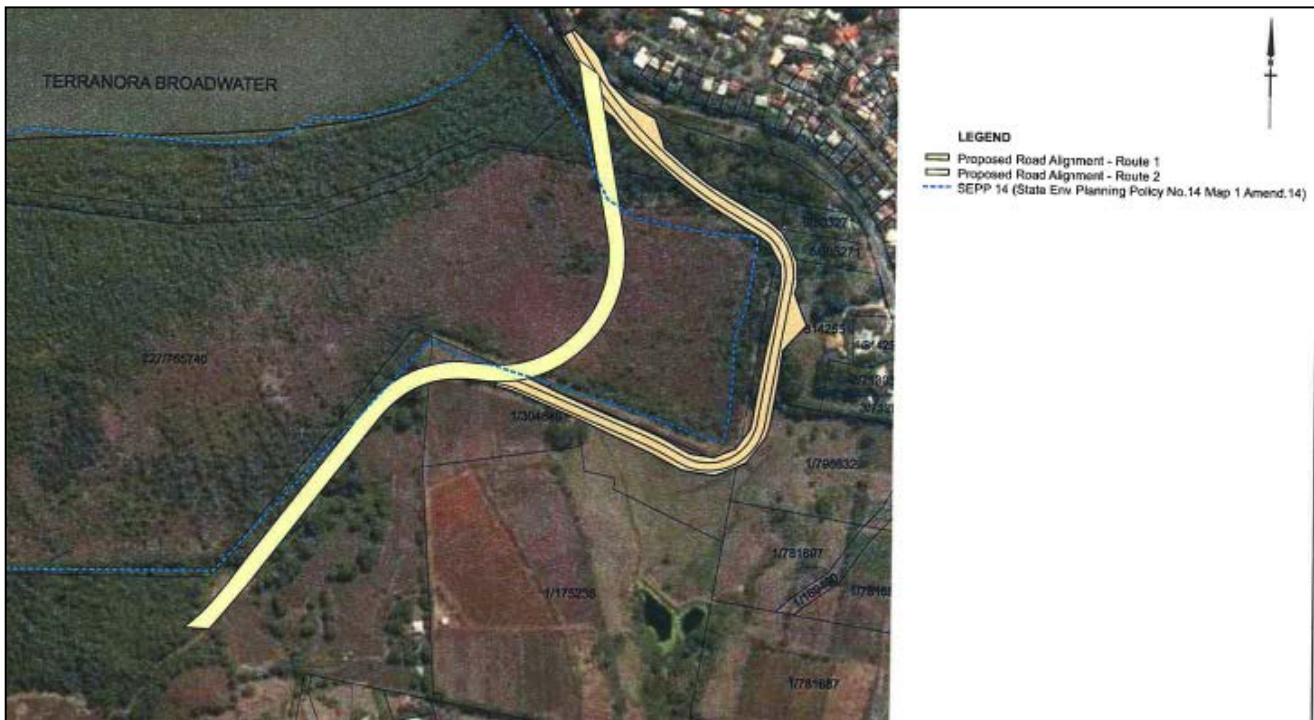


Extract from Figure 5.1 *Alternate Alignment*, Halliburton KBR, March 2002

In 2008, the Terranora Landholders Group, consisting of the majority of the then landholders in Area E, commissioned a draft development control plan that again examined the Broadwater Parkway alignment, and included a supporting vegetation assessment of the options (*Vegetation Assessment of "Area E" at Terranora NSW*, James Warren & Associates Pty Ltd, January 2008).

This report initially examined two options for the eastern connection to Fraser Drive: Route 1 diverting around the SEPP14 boundary, and Route 2 through the SEPP14 wetland similar to the TLEP 2000 corridor. Both routes intersect with Fraser Drive at a point that was considered to be suitable topographically while avoiding residential properties fronting Fraser Drive, and minimising possible "rat running" along other streets.

The report concluded that both options impacted significantly on endangered ecological communities.



**TABLE 7
OVERALL AFFECTS OF THE CONSTRUCTION OF PROPOSED ROAD ALIGNMENT
OPTION 1 & OPTION 2**

	IMPACT ON OPTION 1 (ha)	IMPACT ON OPTION 2 (ha)
Vegetation Communities to be lost.	2.6672	1.4026
EEC Swamp sclerophyll forest to be lost.	0.58	0.0812
EEC Lowland rainforest to be lost.	0.1423	-
EEC Freshwater wetlands to be lost.	0.3643	0.6469
Total EEC's to be lost.	1.0866	0.73
Threatened Species	No threatened flora species will be lost from proposed road alignment option 1.	No threatened flora species will be lost from proposed road alignment 2.
SEPP 14 Wetland	The Proposed road alignment 1 will only occur outside of the mapped SEPP 14 boundary. No vegetation within the mapped SEPP 14 wetland will be lost.	Loss of approximately 0.7 hectares of native vegetation from within the mapped SEPP 14 boundary

Extract from James Warren & Associates, January 2008

In consideration of these impacts, a third route was proposed in the draft DCP with the Fraser Drive intersection located in the vicinity of Amaroo Drive. This was considered to be

the least environmentally impacting alignment for the road corridor. This conclusion is similar to that in the Halliburton KBR report.

Current Concept Alignment

Development of a preferred concept alignment for Broadwater Parkway was necessitated by the lodgement of the "Altitude Aspire" Part 3A Major Project application by Metricon QLD with the Department of Planning. It was imperative that the feasibility of this connector road be determined, in order to properly consider this application, ensure its compatibility with the future alignment, and determine an appropriate funding model. The concept alignment was also a crucial input to the preparation of the draft DCP-B24, which was also under way at the time.

The concept design was prepared utilising the previous studies referred to above, Council's internal mapping of environmentally sensitive areas, Airborne Laser Scanning data, and preliminary design work prepared by consultants to Metricon. The concept alignment complies with Council's geometric standards and has the capacity to provide adequate service corridors for water, sewer, Telstra etc. The alignment avoids existing houses fronting Fraser Drive, and minimises environmental impact, although no onsite flora, fauna or heritage studies have been undertaken to date.

The concept design included assessment of options for the eastern intersection with Fraser Drive, to reprioritise traffic for safety and efficiency, while minimising the footpath and impacts on adjoining land.

Consultation on the concept design has occurred with Metricon, through the Part 3A process, as well as internal stakeholders, such as the Natural Resource Management and Planning Reforms Sections. This resulted in further refinement of the concept to remove the roadway wherever practical from the environmental zones and buffer areas. This impacted on the developable area available for Altitude Aspire. The current concept design is attached to this report.

Given the need to publicly consider the concept alignment for it to be incorporated into the Altitude Aspire development, in late 2010 letters were sent to affected landholders on the proposed alignment, notifying them of the concept design and seeking feedback. Consultation with concerned residents occurred as part of Area E Landholders Meetings held in February 2011 as part of the DCP-B24 process.

Current Status

The State Government approval for the Altitude Aspire subdivision does not require Metricon to construct any portion of Broadwater Parkway, as it relies on an alternate road connection to Fraser Drive. In accordance with the draft Planning Agreement between Council and Metricon (refer to separate report), Metricon will provide a monetary contribution for each lot in the development, which will go in part towards acquisition and construction of the Broadwater Parkway. Under the Planning Agreement, Metricon will also dedicate the section of the Broadwater Parkway road reserve that falls within their site.

Council has received various enquiries from landholders within Area E concerning the possibility of proceeding with further development within the urban release area. All other significant landholdings are considered to require Broadwater Parkway (at least in part) as a pre-requisite to their development, in order to achieve orderly development that is properly serviced by road infrastructure. However the process of obtaining planning approval for the Broadwater Parkway has not commenced, nor has the process of acquiring the road corridor, except for the Metricon road dedication described above.

As the Broadwater Parkway represents a significant constraint to achieving further development in the Area E Urban Release area in accordance with DCP-B24, it is proposed that Council commences the planning approval process. This includes initiating further design and environmental assessment work.

Should Council resolve to commence the planning approval process, consultation with affected landholders should also be undertaken.

Affected Landholders

Along the proposed route there are estimated to be nine allotments owned by five separate landholders that appear to be directly affected by the concept road corridor. As mentioned above, the concept alignment avoids existing houses, however other portions of these allotments will clearly be greatly affected by the proposed roadworks. As detailed design progresses to determine the true road footprint, other adjacent allotments could be impacted, while others will be subject to indirect impacts. Consultation will therefore be required with all landholders in the vicinity of the road corridor.

Approvals Pathway

The proposed Broadwater Parkway would be subject to the environmental assessment and approval requirements of Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Under Part 5 of the Act, a Review of Environmental Factors report would be prepared to assess environmental impacts associated with the proposal. In the event that the activity could significantly affect the environment, then an Environmental Impact Statement (EIS) is required and the Director General's requirements for an EIS would be sought from NSW Planning and Environment. Given the location of the proposal being adjacent to State significant wetlands (SEPP14 Wetlands), the design would need to avoid any impacts to land within the SEPP14 mapped boundary. Otherwise, the proposal would become Designated Development requiring a Development Application and supporting EIS under Part 4 of the EP&A Act.

For both Part 4 and Part 5 approvals, Council's Development Assessment Unit would be the determining authority. In the event that an EIS is required, NSW Planning and Environment would be the concurrence authority.

OPTIONS:

The purpose of this report is for Council's consideration of whether or not to pursue planning approvals for the Broadwater Parkway, which determines the need to consult directly with the affected property owners. Background on alignment development has been provided in this report to inform the Council, however it is outside the scope of this report to provide further evaluation of alignment options. As such, Council is requested to consider the following options:

Option 1: To authorise the commencement of the planning approvals process, including undertaking detailed design, environmental assessment and community consultation.

Option 2: To defer consideration of Broadwater Parkway.

Option 1 forms the basis of the recommendations of this report.

CONCLUSION:

Detailed design and investigation of the Broadwater Parkway is required in order to progress the planning approvals process for this essential piece of road infrastructure for the Area E Urban Release Area. Council's support to advance the project is requested.

COUNCIL IMPLICATIONS:

a. Policy:

Development Control Plan Section B24 - Area E Urban Release Development Code provides the strategy for development of Area E. Broadwater Parkway is essential road infrastructure to facilitate this development. Therefore the pursuit of planning approvals for the Broadwater Parkway is necessary to properly implement DCP-B24.

b. Budget/Long Term Financial Plan:

Budget for the detailed investigation and approvals for Broadwater Parkway is to come from the Tweed Road Contribution Plan (TRCP / CP4).

Version 6.0 of the TRCP (February 2012) deleted the Local Area Contribution for Area E, on the basis that infrastructure for Area E would be funded by a separate Section 94 Plan, or alternate contributions system. This eventually took the form of Planning Agreements with individual developers, such as the Metricon agreement.

Version 6.0 also revised the works program, to include at line item 51, the intersection of Broadwater Parkway and Fraser Drive, given that Fraser Drive is an arterial road subject to the TRCP. At a pre-indexation cost of approximately \$4.4 million, this works program item allows for the "urban land acquisition and construction of Broadwater Parkway Ch 0-250m, and planning approval for whole of Broadwater Parkway". The cost of obtaining planning approval will depend on the applicable planning pathway and assessment of environmental impacts.

The land acquisition and construction of the remaining 2160m of Broadwater Parkway is to be funded by contributions under Planning Agreements. Until the first allotments are released in Altitude Aspire, there is no current income from this source.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Area 'E' Terranora Preliminary Concept - Proposed Connector
Road Revised (ECM 3454465).

18 [E-CM] Altitude Aspire Planning Agreement

SUBMITTED BY: Planning and Infrastructure

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods

SUMMARY OF REPORT:

In accordance with Development Control Plan Section B24 - Area E Urban Release Development Code, a draft planning agreement has been negotiated with the developer of the State Government approved "Altitude Aspire" subdivision, in order to provide a framework for the developer to make additional development contributions for public infrastructure over and above normal Section 94 and Section 64 charges.

At the June 2014 meeting, Council resolved to publicly notify the draft planning agreement for a period of at least 42 days, as required by the Environmental Planning and Assessment Regulation 2000. The draft was notified from 9 July to 20 August 2014 inclusively. One public submission was received, as discussed in the report.

No amendments are proposed to the exhibited draft.

RECOMMENDATION:

That Council:-

- 1. Accepts the version of the Altitude Aspire Planning Agreement attached to this report.**
- 2. Executes the Altitude Aspire Planning Agreement under the Common Seal of Council.**

REPORT:

As detailed in previous reports to Council in May 2013 and June 2014, a draft Planning Agreement has been prepared to enable the State Government approved subdivision in Area E Terranora, known as "Altitude Aspire" to proceed. The requirement for the Planning Agreement satisfies Council's resolution from December 2011 in consideration of the draft Development Control Plan B24 - Area E Urban Release Development Code (DCP-B24).

At considerable time and cost, the draft Planning Agreement attached to this report has been prepared. It has been reviewed and endorsed by both parties, including legal representatives.

The objective of the Planning Agreement is to provide a mechanism by which monetary contributions and the dedication of land may be made by the developer towards the provision of public amenities, services and infrastructure, including:

- the construction of Broadwater Parkway and Mahers Lane;
- flood mitigation works;
- protection and restoration of environmental land;
- the provision of structured public open space;
- the dedication of land for the future route of the Broadwater Parkway;
- the dedication of land for a public reserve buffering environmental land.

Schedule 1 of the draft Planning Agreement sets out the monetary contributions payable. These are in addition to normal Section 94 and Section 64 charges.

The draft Planning Agreement has been publicly notified, as required by Regulation 25D of the Environmental Planning and Assessment Regulation 2000 and Section 93G of the Environmental Planning and Assessment Act 1979.

The draft was notified for the period 9 July - 20 August 2014, satisfying Council's resolution to exhibit for at least 42 days.

One public submission was received, from a landholder within Area E. This submission reads as follows:

"We object to this proposal as it presumes that the Broadwater Parkway is going to be routed through our property. Once again we object to the Broadwater Parkway being situated on our property, it has devalued our property where we have resided for 35 years and for many years has prevented us from selling or subdividing our land. This has caused much stress and anxiety and there has been a failure on councils behalf to provide any satisfactory alternatives or resolutions to the situation."

In consideration of this submission it is important to recognise that the structure of development and related infrastructure across Area E was identified in the adopted DCP-B24. This includes the concept alignment of the Broadwater Parkway. The draft Planning Agreement is the mechanism by which the developer of Altitude Aspire will make contributions towards infrastructure provision throughout the larger Area E Urban Release Area, including the Broadwater Parkway.

As such, it is DCP-B24 that impacts on the concerned landholder. The draft Planning Agreement is enacting DCP-B24 and the approval for the Altitude Aspire development.

Altitude Aspire does not require construction of Broadwater Parkway as part of its traffic management, so the Planning Agreement does not impact directly on the landholder. The submission therefore does not warrant any amendments to the exhibited draft Planning Agreement.

The submission does highlight that for the orderly development of Area E to proceed, Council needs to provide further consideration of the Broadwater Parkway, and pursue environmental approval and acquisition of the route. This is the subject of a separate report.

OPTIONS:

1. To accept the draft Planning Agreement as exhibited and authorise Council officers to finalise the Planning Agreement with the developer.
2. To proposed amendments to the draft Planning Agreement.

Depending on the nature of any amendments proposed under Option 2, the draft would likely have to be reconsidered by legal representatives of Council and the developer, and may need to be re-notified, delaying the finalisation of the Planning Agreement.

Option 1 is the recommendation of this report.

CONCLUSION:

The draft Planning Agreement attached to this report has been produced as a result of prolonged and detailed negotiations between Council representatives and the developer of "Altitude Aspire". The draft has been publicly notified to satisfy statutory requirements. No amendments are proposed as a result of the one submission received.

It is recommended that Council accepts the Planning Agreement and finalises the agreement with the developer, thereby allowing the State Government approved Altitude Aspire development to proceed.

COUNCIL IMPLICATIONS:

a. Policy:

The provision of a Planning Agreement is consistent with Development Control Plan Section B24 - Area E Urban Release Development Code, as it provides the necessary framework for developer contributions for public infrastructure.

b. Budget/Long Term Financial Plan:

The draft planning agreement sets out the framework for Council to collect infrastructure contributions in addition to normal Section 94 and Section 64 charges, in order to finance the additional public infrastructure required to develop Area E. The expenditure of collected funds on infrastructure projects depends on the timing and pattern of development within the release area, and associated demand. It is not proposed to forward fund any infrastructure works for Area E by loans.

c. Legal:

Yes, legal advice has been received and has been incorporated into the preparation of the draft planning agreement.

19 [E-CM] Adoption of Tweed Valley Floodplain Risk Management Study and Plan

SUBMITTED BY: Planning and Infrastructure

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

At the December 2013 meeting, Council resolved to re-exhibit the draft Tweed Valley Floodplain Risk Management Study and Plan (TVFRMS&P). The draft documents were exhibited in February and March 2014, with 10 submissions received. The draft documents have been amended by the consultants and were considered by the Floodplain Management Committee (FMC) in May 2014. The FMC recommended adoption of the TVFRMS&P subject to five (5) resolutions, which include four (4) proposed amendments, which are detailed in the report.

The draft documents as tabled to the FMC were reported to Council in June 2014 for consideration in light of the Committee recommendation. Decision on the drafts was deferred for a workshop, which was held 14 August 2014. Additional information from the consultant was provided to the workshop, with no changes proposed to the draft TVFRMS&P or the recommendations of the June report.

RECOMMENDATION:

That Council adopts the Tweed Valley Floodplain Risk Management Study and Plan subject to:

- 1. Additional information being added to Appendix A "Frequently Asked Questions", regarding the rejection of Byrrill Creek Dam as a flood mitigation option.**
- 2. Inclusion of a recommendation to review the definition of high hazard areas, including an extreme hazard definition, and the development controls that apply, in a future review of Development Control Plan Section A3 - Development of Flood Liable Land.**

3. **ATTACHMENT 3 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (g) **advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

REPORT:

At the June 2014 meeting, Council considered a report recommending adoption of the draft Tweed Valley Floodplain Risk Management Study and Plan (TVFRMS&P). Council resolved to defer the item for a workshop. A workshop was held 14 August 2014. The following report updates the June report with additional information and clarification of key issues.

Background

At 12 December 2013 meeting, Council resolved to re-exhibit the draft TVFRMS&P. The draft documents were exhibited for four (4) weeks from 12 February to 12 March 2014. Ten (10) submissions were received from the following stakeholders:

- Banora Point and District Residents Association
- Oxley Cove Community Group
- Tweed Chamber of Commerce
- Club Banora
- Gales Holdings
- Individual submissions (x 5)

Council officers undertook additional meetings in March and April 2014 with representatives of the Banora Point and District Residents Association, Oxley Cove Community Group, Tweed Chamber of Commerce, Chinderah Districts Residents Association, Insurance Council of Australia, and the State Member for Tweed, to discuss a wide range of issues raised in the submissions.

In consideration of these submissions the draft TVFRMS&P was revised by the consultants, BMT WBM. These amendments were minor clarifications, and additions to the Frequently Asked Questions (FAQ) provided in Appendix A of the Study.

The amended draft TVFRMS&P was considered by the Floodplain Management Committee (FMC) on 7 May 2014. The matters raised in submissions were discussed in detail, as were the responses recommended by the consultants and Council officers.

The FMC recommended adoption of the TVFRMS&P subject to five (5) resolutions, which include four (4) proposed amendments, which are as follows:

RESOLUTION 1 - Proposed Amendment

"RESOLVED that additional information be added to the draft Tweed Valley Floodplain Risk Management Study Appendix A "Frequently Asked Questions", regarding the rejection of Byrill Creek Dam as a flood mitigation option."

Discussion

The potential use of a future dam at Byrill Creek for flood mitigation purposes was requested in a number of submissions throughout the TVFRMS&P process. The consultants reviewed a number of previous studies (Lipping 1956, Department of Public Works 1976, Soros-Longworth and McKenzie 1980) which all concluded that flood storage dams are of limited value for the Tweed Valley, and for this reason, this option was not revisited in detail in the draft TVFRMS&P.

While this is detailed in the study, and mentioned in the FAQ, the Committee felt that the rejection of Byrrill Creek dam as a flood mitigation option needed to be emphasised.

This amendment is supported, and makes no material difference to the TVFRMS&P.

RESOLUTION 2 - Proposed Amendment

"RESOLVED that the draft Tweed Valley Floodplain Risk Management Study and Plan be modified to limit the permissible site coverage for fill and other obstructions to flow in existing and proposed industrial areas of West Kingscliff to 50% coverage above RL 2.2m AHD."

Discussion

This resolution refers to the investigation of cumulative impacts of development in Sections 8.4.2 and 8.4.5 of the TVFRMS. Cumulative impact assessment is necessary due to the fact that individually developments may have a small (or even no) impact on flood behaviour, but collectively many development may have significant impacts, due to loss of flood storage and blockage of flood conveyance areas. The TVFRMS&P aims to identify an acceptable cumulative development scenario, for the 1% annual exceedance probability (AEP) flood event (1:100 year average recurrence interval/ARI flood). Acceptability is based on the following criteria, as nominated by the consultants:

Impact on 1% AEP peak flood levels in urban areas = 35mm or less

Impact on 1% AEP peak flood levels in rural areas = 100mm or less

Those developments that are accommodated by the preferred cumulative development scenario may proceed in the future without further broadscale flood assessment. Such developments would still be required to investigate and mitigate any potential local drainage impacts, as well as stormwater management and any necessary upgrades to downstream infrastructure. Those developments outside of the preferred scenario are not ruled out, but will have to undertake detailed flood impact assessment, including cumulative impact assessment as part of a development application.

Section 8.4.2 of the TVFRMS deals with development in West Kingscliff and Chinderah. The TVFRMS explores the acceptable limits of redevelopment of existing urban areas, expansion of the urban footprint into land that may already be zoned or could be considered for rezoning in the future, and the impacts of changing existing development controls such as fill limits. Assessment of potential development areas is based on Council's applicable DCPs and discussion with major landholders. The scope of these considerations is limited to flooding, and not other town planning, social, economic or environmental constraints.

Scenario 1 examines the potential impacts of filling of zoned urban land in the catchment under existing controls. This includes broad-scale filling of West Kingscliff residential areas, limited filling in the Chinderah industrial area (filling to RL 2.2m AHD, with 50% site coverage above RL 2.2m AHD) and no filling in Chinderah Village (between the motorway and the river). Modelling confirms that the impacts of this scenario are within acceptable limits.

Scenario 2 examines the potential to redevelop Chinderah Village, by allowing filling of residential zoned land to the 1% AEP / 100 year ARI level. This has long been an aspiration of the Chinderah Districts Residents Association, but has not been supported by Council

policy for some time. The TVFRMS&P remodelled various iterations for filling of the village, but found that when added to Scenario 1, there were unacceptable impacts on existing urban land. Filling of Chinderah Village was therefore ruled out and removed from the cumulative development scenario.

Scenario 3 examines the impact of expansion of urban zoned areas in West Kingscliff along Tweed Coast Road, and the filling of industrial land with increased site coverage. Initially this explored 100% site coverage of fill to the 1% AEP / 100 year ARI flood level. Modelling confirmed that when added to Scenario 1, there were unacceptable impacts on existing urban land. In response to subsequent submissions from Gales Holdings, who control a large percentage of developable land in the subject area, further iterations of the industrial fill coverage were run. At 75% coverage, the impacts were still unacceptable. However at 65% coverage, the modelling run confirmed acceptable impacts around West Kingscliff when combined with Scenario 1.

As such, the ultimate cumulative development scenario for West Kingscliff consists of Scenario 1 + Scenario 3 (65% industrial coverage).

Section 8.4.5 of the TVFRMS expands the scope of the cumulative development scenario to include potential rural land development. Two previously identified urban expansion areas in Kielvale and north of Wardrop Valley Road near Industry Central were included. The consultants also added the assumed filling of 1% of all "low flow" floodplain land in the rural area. This is considered quite conservative, with the intent being that rural landholders could lodge applications for relatively minor earthworks, fill pads, sheds, dwellings etc with footprints up to the 1% size threshold without having to undertake expensive flood modelling.

The "Rural Scenario" was then added to the "West Kingscliff Scenario" and modelled. Impacts were within the acceptable criteria, except for a minor exceedance in Tumbulgum village of 38mm at the peak of the 1% AEP flood (that is, 3mm greater than the 35mm limit).

It is the consultant's recommendation, which is supported by Council officers, that this exceedance is minor, and well within the margins of error for the modelling. An increase of 38mm does not present any contemporary development with significantly increased flood risk exposure, given 500mm freeboards are applied to minimum habitable floor levels. Older, substandard dwellings that already have flood damage risk remain at a similar level of risk.

The FMC did not support the consultant's preferred cumulative development scenario, instead recommending that it be reduced to limit filling in the West Kingscliff industrial area to 50% site coverage above RL 2.2m AHD. This reduces the cumulative impact to 34mm at Tumbulgum. While this does satisfy the acceptability criteria nominated in the study (<35mm), the 4mm difference in the flood peak would be imperceptible and make no material difference to flood risk in Tumbulgum or elsewhere in the floodplain. As such, this change is not considered necessary by Council officers.

The recommendation for this report does not include this amendment, however this is at the discretion of the council.

Cumulative Development Assessment - Further Information

The above assessment of the cumulative development scenario was an issue of concern for Council when the previous TVFRMS&P adoption report was considered in June 2014. Additional information was obtained from the consultant, which was discussed at a Councillor Workshop held 14 August 2014.

The consultant re-examined the cumulative development scenario for a range of flood intensities being: 1% AEP, 1% AEP with climate change, 5% AEP (1:20 year ARI) and 20% AEP (1:5 year ARI). It considered the impacts of 50% and 65% industrial coverage at Chinderah. Additional impact mapping for increased flood depth and duration were produced for each flood intensity and development scenario. The consultants also undertook GIS analysis of properties affected by the scenarios and categorised these based on urban/rural land use.

On review of the results the following conclusions are made:

- There are no significant differences between the 65% and 50% industrial coverage scenarios for the range of flood events. There is no increase in the number of properties affected, and changes in peak levels are less than 10mm. As such, adoption of the 65% industrial coverage scenario in the TVFRMS&P remains the recommendation of this report.
- Impact assessments are more sensitive to the limitations of Council's regional flood model in the smaller, more frequent events. The flood model is of limited resolution in representing changes in landform (40m x 40m grid) and only includes major drainage structures (channels, bridges etc). When examining smaller events such as the 20% AEP flood, the model forms small basins and shows increases in depth and duration. In reality these basins would be able to drain via minor drainage structures such as road culverts, agricultural drains and floodgates, which have not been included in the model. As such, in several locations, the impacts for these smaller events are overstated. Each development included in the ultimate scenario would be required to assess local drainage impacts, which may involve higher resolution modelling and engineering design. The modelling is considered to accurately represent the larger intensity floods, as the depths overwhelm local obstructions to flow, and minor drainage structures are no longer as significant.
- There are a large number of urban and rural properties affected by the cumulative development scenario, however these impacts are not significant. Average level increases across the various reporting points used by the consultants are generally less than 30mm, representing an increase in peak flood depth of less than 2%. Given the true nature of flood waters, with turbulent flow, wave action, debris etc, these impacts would be imperceptible. As described above, these impacts are shown to be slightly higher for the smaller flood events, however this is largely due to the limitations of the regional flood model, and regardless these impacts should not place high value property at significant additional risk.
- There are a number of properties that are shown to have impacts that exceed the nominated acceptability thresholds. As discussed above, a large number of these residential properties are located in Tumbulgum, where the impact exceeds the threshold by 3mm, and is therefore insignificant. Other properties, such as waterfront properties in Oxley Cove have impacts in excess of 35mm in the canal, however due to the elevation and slope of the land and freeboard to the dwellings, these impacts are again not significant. The investigation also revealed some anomalies in the modelling where properties around the edge of the model or in locations remote from the real areas of

impact were detected as having large impacts. These have been discounted from the overall impact assessment.

- The modelling indicates impacts on the flood immunity of Tweed Valley Way (north of the Cudgen Road intersection) for the 20% AEP flood, and the Pacific Highway north of the Tweed Valley Way interchange for the 5% AEP flood. These roads are not critical evacuation routes, and while this would cause some additional disruption, there are no increased threats to personal safety. Again, these impacts are likely to be overstated, due to the limited resolution and lack of road drainage structures in the model.

The consultants also reviewed Council's acceptability thresholds against other "best practice" approaches. Overall it was found that Tweed is quite progressive in trying to address the cumulative development issue, as few other Councils have tried to solve development problems of this scale.

Studies undertaken in Byron and Ballina have adopted thresholds for regional flood impact of 50mm to 100mm in classifying flood fringe areas suitable for development. This indicates that the 35mm threshold adopted for Tweed urban areas is relatively conservative. Further, The Office of Environment and Heritage recommends that hard number limits for impact thresholds should be avoided, and that merit assessment of impacts be considered as part of the flood risk management process. Ultimately it is Council who must determine the acceptability, or otherwise, of flood impact due to development.

The additional information provided by the consultants confirms that the impacts of the cumulative development scenario, incorporating the 65% industrial coverage allowance at Chinderah, are acceptable, and therefore supports the recommendation to adopt the draft TVFRMS&P without further amendment to this component of the study.

RESOLUTION 3 - No Amendment

"RESOLVED that the current controls for 100% filled site coverage for residential land in West Kingscliff be supported in accordance with the draft Tweed Valley Floodplain Risk Management Study."

Discussion

As detailed in the discussion of cumulative development scenarios above, filling of residential land in West Kingscliff has been demonstrated to have acceptable impacts on flooding behaviour. The approach to filling residential land to 1% AEP / 100 year ARI level has been included in Council's flooding DCP, and locality based West Kingscliff DCP for many years. This approach to development ensures that it maximises the protection of property up to the design flood event, as well as greatly assisting in evacuation planning, as access roads are also required to be filled.

The majority of the FMC supported this approach and resolved accordingly. This resolution supports the findings of the TVFRMS&P.

RESOLUTION 4 - Proposed Amendment

RESOLVED that due to the perceived risk to life, limited availability of essential services to at risk communities, and the availability of adequate existing residential zoned land for development:

- a) ***further rezoning for habitable purposes based on shelter in place provisions should not be supported, and***
- b) ***the existing policy of Council should remain, prohibiting rezoning for increased habitable purposes unless land is serviced by a permanent high level evacuation route, and***
- c) ***the draft Tweed Valley Floodplain Risk Management Study and Plan should be amended accordingly.***

Discussion

One of the key objectives of the TVFRMS&P was to review the policy position of Council with respect to shelter in place provisions for development, particularly broadscale redevelopment based upon amendments to the LEP. This was in light of the previous deferral of key redevelopment areas, namely Tweed Heads South and Prospero Street South Murwillumbah from the Tweed City Centre LEP and DCP, and the Murwillumbah Town Centre DCP, respectively, due to flooding constraints. Additional town planning and flood risk experts were engaged by the lead consultants to assist in this part of the study.

Shelter in place, is a principle whereby developments are designed with structurally sound areas above the worst flood extent (that is, the probable maximum flood / PMF) in which occupants who have not evacuated, and then lose that opportunity through inundation of evacuation routes, will move to the elevated refuge and wait out the event.

The NSW State Emergency Service is generally opposed to shelter in place as an emergency response measure. Their adopted policy of evacuation removes occupants from the flood risk. The SES considers occupants of refuges to be entrapped and cut off from usual lifelines, and thereby at increased risk of secondary emergencies, or more likely to enter flood waters should they change their minds. The only remaining response to these issues is rescue, which the SES does not consider a valid approach, or one that can be adequately resourced when required.

Council currently permits shelter in place for urban redevelopment and isolated rural dwellings. These controls recognise that planning laws allow these developments to occur and that by providing PMF refuges, existing flood risks can be reduced if appropriately designed and serviced.

However this does not currently extend to proposals that require LEP amendments, such as rezoning, that allow for increased habitable land use. The Flood Risk Management Policy prohibits consideration of applications for LEP amendments unless that land is serviced by a permanent high level evacuation route (above the 100 year ARI flood level and connecting to land above PMF). This policy has severely constrained past strategic planning work that has aimed to revitalise Tweed Heads South and South Murwillumbah by the introduction of mixed use residential and commercial development, as this evacuation access is not feasible.

The TVFRMS&P drew a number of conclusions in respect to shelter in place:

- Existing controls for shelter in place for redevelopment are generally supported.
- Evacuation remains the preferred emergency response measure.
- Shelter in place is not equivalent to evacuation in terms of flood risk.
- In Tweed Heads South, where floods have relatively low velocity and there is a large existing population with limited evacuation capability, alterations to the permissible

building form to provide critical mass in developments by achieving elevated, interconnecting buildings could provide a greater ability to provide safety to occupants, and could be reconsidered in a flood risk management context.

- In South Murwillumbah shelter in place is not supported due to the low flood immunity, very high hydraulic hazard, and unacceptable risks to occupants and emergency services personnel.

The TVFRMS&P advocates a review of the Flood Risk Management Policy to allow consideration of areas that have flooding constraints but are otherwise strategically important from a town planning and infrastructure perspective, on the basis of shelter in place provisions for people who do not evacuate in time. This conclusion is supported by Council officers. Further discussion on shelter in place is provided in Sections 8.4.1 and 8.4.3, and Appendix B of the study.

The FMC did not support this recommendation for the reasons cited in the resolution.

The recommendation for this report does not include this amendment, however this is at the discretion of the council.

RESOLUTION 5 - Proposed Amendment

RESOLVED that the draft Tweed Valley Floodplain Risk Management Study be amended to recommend a review of the definition of high hazard areas, including an extreme hazard definition, and the development controls that apply, in a future review of Development Control Plan Section A3 - Development of Flood Liable Land.

Discussion

The TVFRMS classifies the floodplain into five hazard categories, based on the flood velocity and depth characteristics of the land, as well as consideration of risk to personal safety and evacuation. Most of the rural floodplain is classified as "High Depth Hazard" in a 1% AEP / 100 year ARI flood event, as it exceeds the safe depth for pedestrians and vehicles (refer Section 3.3).

Consideration of floodplain development controls relating to the hazard categories is beyond the scope of the TVFRMS, and will be investigated in detail as part of a forthcoming review of Development Control Plan Section A3 - Development of Flood Liable Land. This will involve consultation with the FMC, as well as public exhibition.

The proposed amendment to the TVFRMS&P would involve an additional recommendation to explore hazard categorisation as part of the DCP review. This approach, and therefore this amendment, is supported by Council officers.

OPTIONS:

- 1 Adoption of the Tweed Valley Floodplain Risk Management Study and Plan as exhibited.
- 2 Adoption of the Tweed Valley Floodplain Risk Management Study and Plan with all Floodplain Management Committee amendments.
- 3 Adoption of the Tweed Valley Floodplain Risk Management Study and Plan with some of the Floodplain Management Committee amendments.

- 4 Adoption of the Tweed Valley Floodplain Risk Management Study and Plan with alternate amendments.
- 5 Reject the Tweed Valley Floodplain Risk Management Study and Plan.

Option 3 is the Council officer's recommendation, as detailed in the report.

CONCLUSION:

The Floodplain Management Committee recommended to Council:

"That subject to the four Committee amendments (above), the draft Tweed Valley Floodplain Risk Management Study and Plan be adopted."

As discussed above, three of the five resolutions result in no material change to the TVFRMS&P and are supported by Council officers. The other two resolutions require significant changes to the intent of the TVFRMS&P and require consideration by the council. The recommendation of this report has not included these two disputed Committee resolutions.

COUNCIL IMPLICATIONS:

a. Policy:

Flood Risk Management v1.0.

Development Control Plan Section A3 - Development of Flood Liable Land.

b. Budget/Long Term Financial Plan:

The adopted Long Term Financial Plan has made allowance for significant future funding to implement the various recommendations of the Study and Plan, assuming 2:1 grant funding from the State Government's Floodplain Program and/or the Natural Disaster Resilience Program.

Adoption of the drafts will allow completion of a long running consultancy with BMT WBM Pty Ltd, and finalisation of all contract payments and variations.

c. Legal:

The Floodplain Risk Management Study and Plan has been prepared in accordance with the process and principles contained in the NSW Floodplain Development Manual. By adhering to the Manual, Council's decisions in relation to floodplain management maintain indemnity under Section 733 of the Local Government Act.

Legal advice was sought and obtained from DLA Piper with regard to potential liability associated with the cumulative development scenario assessment. This advice describes Council's responsibilities with respect to actionable nuisance and negligence in ensuring that floodplain development does not result in significant adverse impacts on existing development. As the Study has been prepared in accordance with the Floodplain Development Manual, and the Study concludes that these impacts are not significant in increasing flood risk, there is limited basis for any future claim. This advice is attached to the report.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1. Draft Tweed Valley Floodplain Risk Management Study (ECM 3377955).

Attachment 2. Draft Tweed Valley Floodplain Risk Management Plan (ECM 3377952).

(Confidential) Attachment 3. *(Confidential)* Attachment DLA Piper legal advice (ECM 3439345).

20 [E-CM] Partial Release and Creation of Easement - Seaside City Development, Kingscliff

SUBMITTED BY: Design

FILE REFERENCE: DA13/0174

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:

Stages 7-10 of the "Seaside City" subdivision and development are underway and the plan of subdivision is currently being finalised, but is not as yet registered. It was identified during the construction of the development that it was necessary to alter the location of sewage infrastructure through two (2) lots within the development.

An easement for the sewerage infrastructure is in place, created in DP1162588 over Lots 368 and 383, which now needs to be amended to reflect the new position of the sewer infrastructure. Lots 368 and 383 in DP 1162588 will be changed in area in proposed plan and will be re-numbered to 108 and 122 respectively.

A Section 88B Instrument has been drawn up which effects the release of that part of the easement no longer required through proposed Lots 108 and 122 and creates the easement in the new location within those lots marked as (B) on Diagram 3 on the unregistered plan.

To enable the release of the unnecessary section of the current easement, shown as (D) on Diagram 3 in the new plan of subdivision, Council is required to sign the section 88B instrument under Common Seal, as the benefitting authority.

RECOMMENDATION:

That:

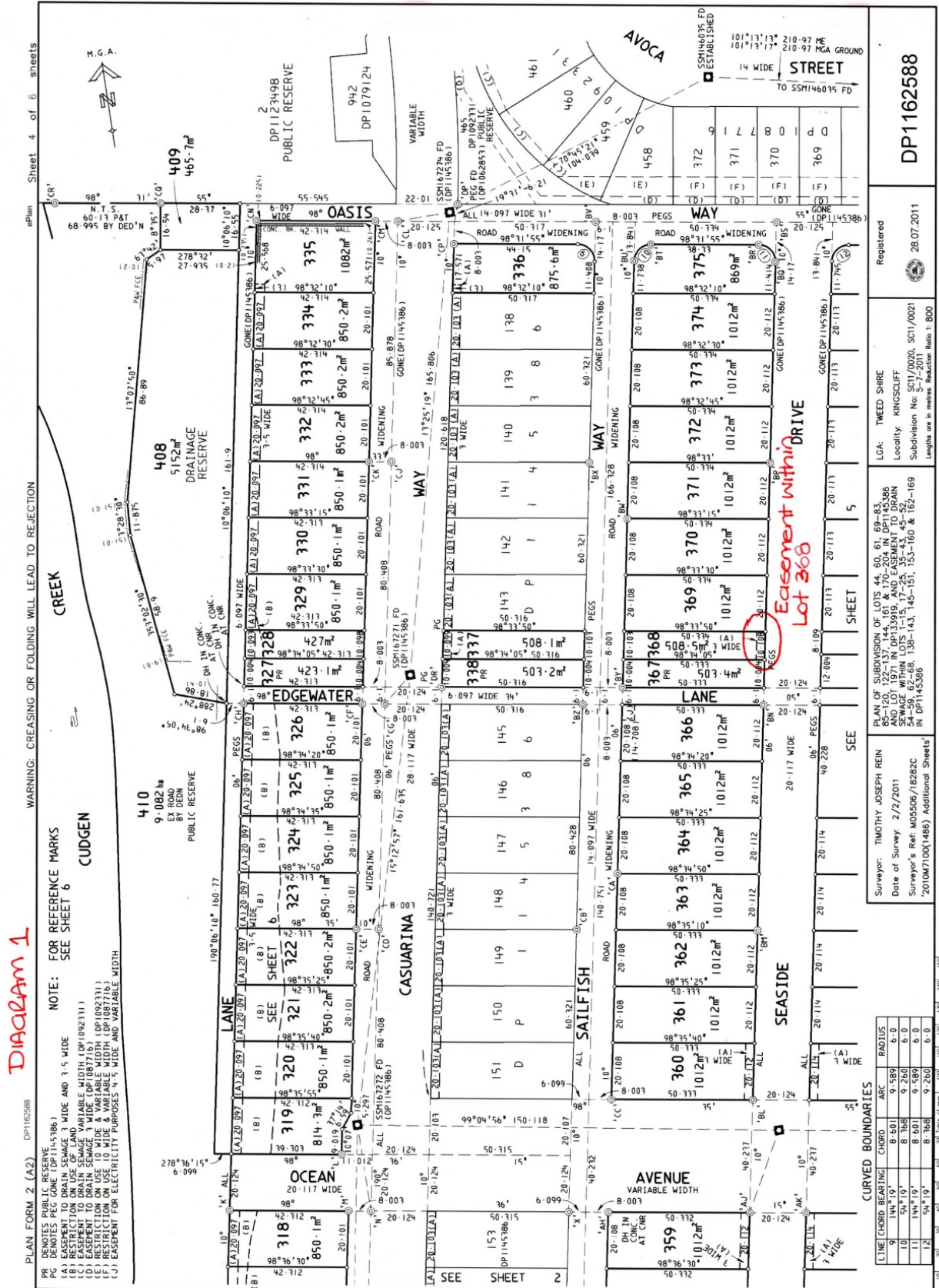
- 1. Council provides consent to the partial release of the Easement to Drain Sewage through Lots 368 and 383 in DP1162588 as shown marked (D) in the proposed plan of subdivision shown in the body of the report (Diagram 3); and**
- 2. All necessary documentation be executed under the Common Seal of Council.**

REPORT:

Stages 7-10 of the "Seaside City" subdivision and development are underway and the plan of subdivision is currently being finalised, but is not as yet registered. It was identified during the construction of the development that it was necessary to alter the location of sewage infrastructure through two (2) lots of the development.

An easement for the sewerage infrastructure is in place, created in DP1162588 (Refer to Diagram 1 and 2), which now needs to be amended to reflect the new position of the sewer infrastructure.

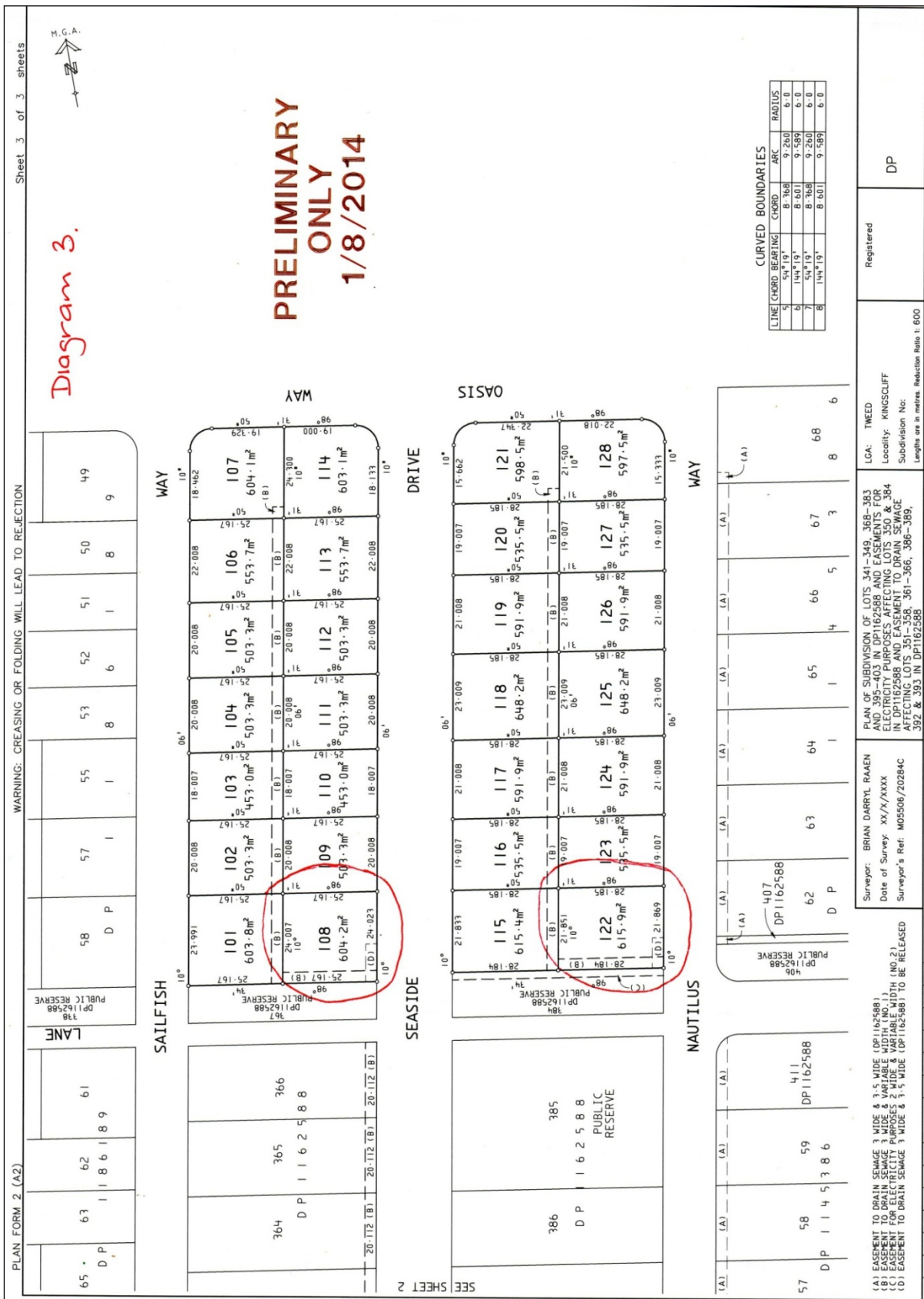
Diagram 1
DP1162588 showing Easement within Lot 368:



In the new plan of subdivision Lot 368 in DP 1162588 (Diagram 1) will become Lot 108 and Lot 383 in DP 1162588 (Diagram 2) will become Lot 122. Refer to Diagram 3.

Diagram 3

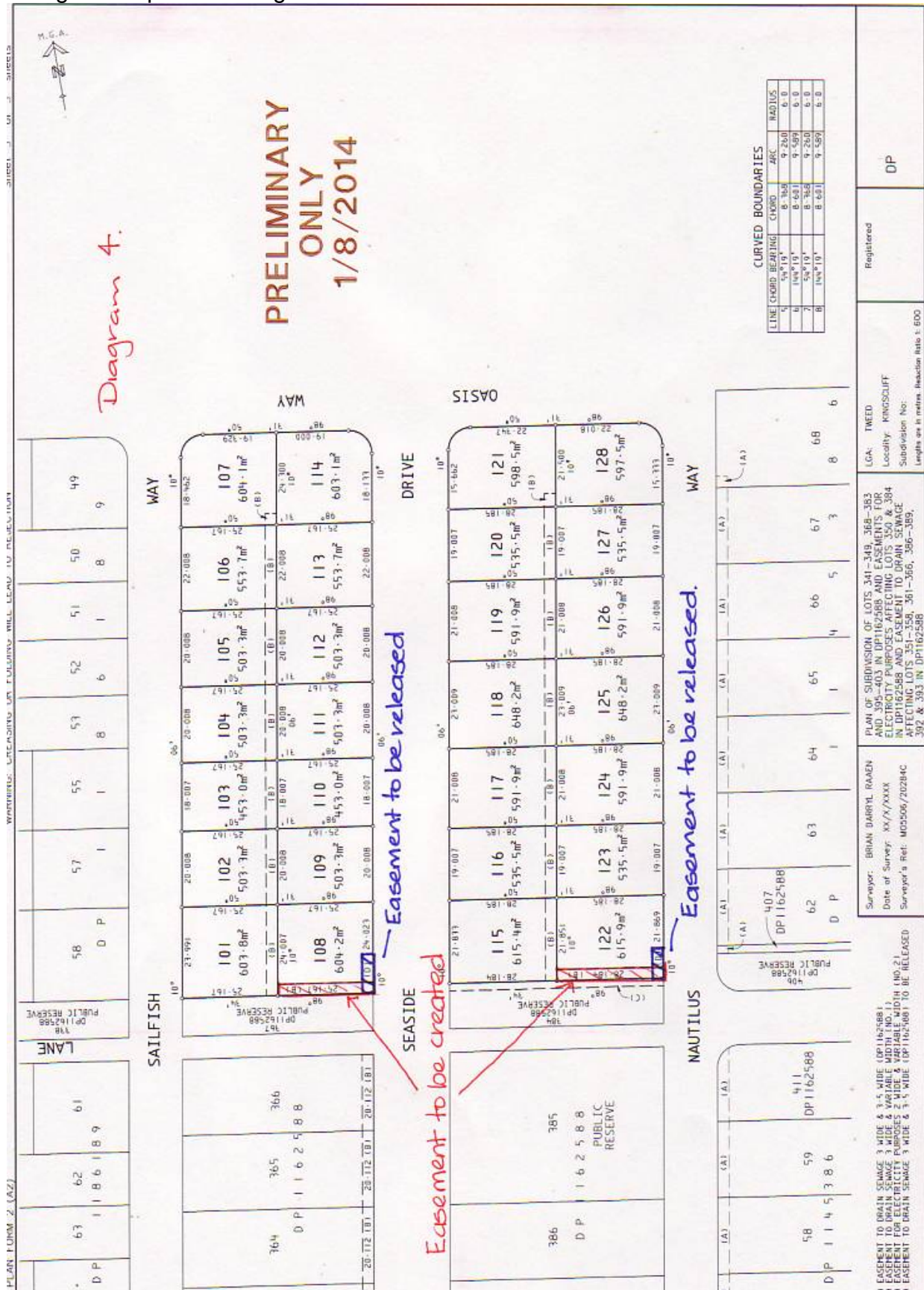
Unregistered Plan showing Lot 108 (previously 368/1162588) and Lot 122 (previously 383/1162588)



A Section 88B Instrument has been drawn up which effectively releases that part of the easement no longer required through proposed Lots 108 and 122 (shown as (D) on the unregistered plan) and creates the easement in the new location within those lots (shown as (B) on the unregistered plan). Refer to Diagram 4.

Diagram 4

Unregistered plan showing the Easements to be released and the Easements to be created:



This relocation of sewer infrastructure has the potential to alter the impact on the development potential of the affected lots, so it is necessary for the easements to correctly reflect the location of the infrastructure. On this basis, the amendment of the easement location is supported.

OPTIONS:

1. Council approves the release of that part of the Easement to Drain Sewage 3 and 3.5 Wide created within Lots 368 and 383 in DP1162588 and the creation of a new Easement to Drain Sewage 3 Wide and variable to reflect the actual location of the sewer infrastructure.
2. Council does not approve the release of that part of the Easement to Drain Sewage 3 and 3.5 Wide created within Lots 368 and 383 in DP1162588 and the creation of a new Easement to Drain Sewage 3 Wide and variable to show the actual location of the sewage infrastructure.

CONCLUSION:

As the infrastructure has been physically relocated as shown in the new plan of subdivision and identified as (B) it is unnecessary to retain that section of the Easement to Drain Sewage 3 and 3.5 Wide created in DP 1162588 shown as (D) in the new plan of subdivision.

To enable the release of the unnecessary section of the current easement, as created in DP1162588, Council is required to sign the section 88B instrument under Common Seal as the benefitting authority.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

No Future Budget implications.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

21 [E-CM] Hattons Road - Land Acquisition

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Council has allocated funds to upgrade Hattons Road in the interest of road safety. In the course of surveying the existing road boundaries it was discovered that there was an encroachment of the road onto Lot 11 in DP774661.

To correct this encroachment Council proposed to the landowner that the area in question (shown as Lot 2 in DP 1197190) be acquired by Council and dedicated as road reserve. It was also identified that to allow for future upgrade of the road and to improve sight distance and safety it would be beneficial to acquire additional land (shown as Lot 1 in DP 1197190).

The plan of land proposed to be acquired for Road under the *Roads Act* 1993 has been registered as DP 1197190 showing Lots 1 and 2 (Land in 11/774661) as the land to be acquired as public road. Lot 3 in DP 1197190 is public road proposed to be closed and transferred as compensation to the affected landowner. Refer to Diagram 1

In lieu of monetary compensation the landowner has agreed to accept the transfer of the road closure parcel, Lot 3 in DP1197190. The compensation payable in this instance falls within Section 64 of the *Land Acquisition (Just Terms Compensation) Act*, 1991.

RECOMMENDATION:

That:

1. Council approves the acquisition of Lots 1-2 in DP 1197190 for public road under the provisions of the *Land Acquisition (Just Terms Compensation) Act* 1991 for the purposes of the *Roads Act*, 1993 and the making of the necessary application to the Minister and/or Governor;

2. Council approves the acquisition of Lot 3 in DP 1197190 as compensation payable being the transfer to the adjoining landowner of the road closure parcel under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;
3. Lots 1-2 in DP 1197190 be dedicated as road following gazettal of the acquisition; and
4. All necessary documentation be executed under the Common Seal of Council.

REPORT:

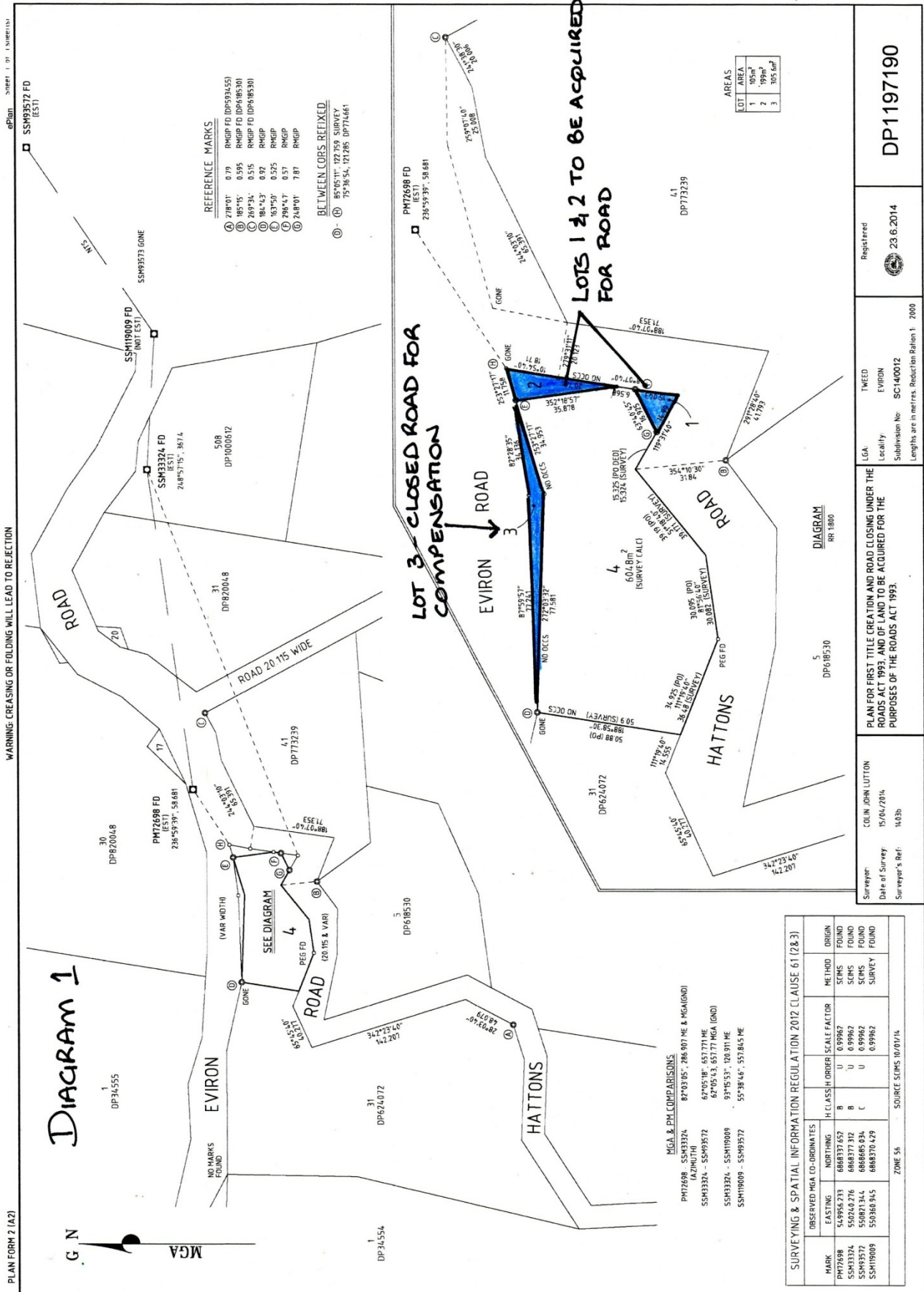
Council has allocated funds to upgrade Hattons Road in the interest of road safety. In the course of surveying the existing road boundaries it was discovered that there was an encroachment of the road onto Lot 11 in DP 774661.

To correct this encroachment Council proposed to the landowner that the area in question (shown as Lot 2 in DP 1197190) be acquired by Council and dedicated as road reserve. It was also identified that to allow for future upgrade of the road and to improve sight distance and safety it would be beneficial to acquire additional land (shown as Lot 1 in DP 1197190).

The plan of land proposed to be acquired for Road under the *Roads Act* 1993 has been registered as DP 1197190 showing Lots 1 and 2 (Land in 11/774661) as the land to be acquired as public road. Lot 3 in DP 1197190 is public road proposed to be closed and transferred as compensation to the affected landowner. Refer to Diagram 1

In lieu of monetary compensation the landowner has agreed to accept the transfer of the road closure parcel, Lot 3 in DP1197190. The compensation payable in this instance falls within Section 64 of the *Land Acquisition (Just Terms Compensation) Act*, 1991.

Diagram 1 - Copy of DP1197190.



DP1197190

Registered
23 G. 2014

PLAN FOR FIRST TITLE CREATION AND ROAD CLOSING UNDER THE ROADS ACT 1993, AND OF LAND TO BE ACQUIRED FOR THE PURPOSES OF THE ROADS ACT 1993.

Surveyor: COLIN JOHN LUTTON
Date of Survey: 15/04/2014
Surveyor's Ref: 14038

SURVEYING & SPATIAL INFORMATION REGULATION 2012 (CLAUSE 61 (28.3))

MARK	OBSERVED MGA (E)-ORDINATES	EASTING	NORTHING	H-CLASS	H-ORDER	SCALE FACTOR	METHOD	ORIGIN
PMT2698	548956.213	6888377.652	B	U	0.99962	SCIMS	FOUND	FOUND
SSM33324	550240.276	6888377.312	B	U	0.99962	SCIMS	FOUND	FOUND
SSM93572	550871.344	6888685.034	C	U	0.99962	SCIMS	FOUND	FOUND
SSM19009	550360.945	6888376.429	C	U	0.99962	SURVEY	FOUND	FOUND


ZONE 56 SOURCE SCIMS 10/07/14

MGA & EPH COMPARISONS

MARK	OBSERVED MGA (E)-ORDINATES	EASTING	NORTHING	H-CLASS	H-ORDER	SCALE FACTOR	METHOD	ORIGIN
PMT2698	548956.213	6888377.652	B	U	0.99962	SCIMS	FOUND	FOUND
SSM33324	550240.276	6888377.312	B	U	0.99962	SCIMS	FOUND	FOUND
SSM93572	550871.344	6888685.034	C	U	0.99962	SCIMS	FOUND	FOUND
SSM19009	550360.945	6888376.429	C	U	0.99962	SURVEY	FOUND	FOUND

Box:e-Dex /Doc:DP 1197190 P /Rev:24-Jun-2014 /Sta:SC OK /Prt:25-Jun-2014 01:43 /Pgs:AL /Seq:1 of 3

Box:e-DeX /Doc:DP 1197190 P /Rev:24-Jun-2014 /Sts:SC.OK /Prt:25-Jun-2014 01:43 /Pgs:ALL /Seq:2 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6 (2012)		WARNING: Creasing or folding will lead to rejection		ePlan	
DEPOSITED PLAN ADMINISTRATION SHEET				Sheet 1 of 2 sheet(s)	
Registered:  23.6.2014		Office Use Only		Office Use Only	
Title System: TORRENS		DP1197190			
Purpose: CROWN FOLIO CREATION		LGA: TWEED Locality: EVIRON Parish: CUDGEN County: ROUS			
PLAN FOR FIRST TITLE CREATION & ROAD CLOSING UNDER THE ROADS ACT 1993, AND OF LAND TO BE ACQUIRED FOR THE PURPOSES OF THE ROADS ACT 1993.		Crown Lands NSW/Western Lands Office Approval I, <u>Stephen Koulakos</u> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: <u>[Signature]</u> Date: <u>30 April 2014</u> File Number: <u>CF 0511212</u> Office: <u>Woolton</u>			
Subdivision Certificate I, Paul Morgan *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: <u>[Signature]</u> Accreditation number: Consent Authority: <u>TWEED SHIRE COUNCIL</u> Date of endorsement: <u>22.5.14</u> Subdivision Certificate number: <u>SC 14/0012</u> File number: *Strike through if inapplicable.		Survey Certificate I, Colin John Lutton of Tweed Shire Council a surveyor registered under the Surveying and Spatial Information Act 2002, certify that: *(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 15/04/2014 as regards lots 1-3 incl. *(b) The part of the land shown in the plan (*being/*excluding road widening) was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 31/05/13 and the part not surveyed was compiled in accordance with that Regulation. *(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012. Signature: <u>[Signature]</u> Dated: 15/04/2014.... Surveyor ID: 1510 Datum Line: PM72698 - SSM33324 (MGA) Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous. Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.			
Statements of intention to dedicate public roads, public reserves and drainage reserves. LOTS 1 & 2 (LAND IN 11/774661) ARE PROPOSED TO BE ACQUIRED AS PUBLIC ROAD. LOT 3 IS PUBLIC ROAD PROPOSED TO BE CLOSED (CROWN ROAD RESERVE - VIDE R5430-1603). (PREVIOUSLY LAND IN 10100 - 212)		Plans used in the preparation of survey/compilation. DP361211 DP593455 DP618530 DP773239 DP774661 DP820048 DP1000612 R7167-1759 R14395-1603 R5430-1603 If space is insufficient continue on PLAN FORM 6A			
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A		Surveyor's Reference: 1403b			

OPTIONS:

1. Council approves the acquisition of Lots 1-3 in DP 1197190 for public road and compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor; or
2. Council does not approve the acquisition of Lots 1-3 in DP 1197190 for public road and compensation purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 nor the making of the necessary application to the Minister and/or Governor.

CONCLUSION:

It is recommended that Council approves the acquisition of Lots 1-3 in DP 1197190 for public road and the compensation payable as the transfer of road closure parcels being Lot 3 in DP 1197190 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor and that Lots 1-2 in DP 1197190 be dedicated as road following gazettal of the acquisition.

COUNCIL IMPLICATIONS:

a. Policy:

Land to be acquired and road closed for compensation purposes under the Land Acquisition (Just Terms Compensation) Act 1991.

b. Budget/Long Term Financial Plan:

To be included in future Works budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

22 [E-CM] Drinking Water Management System

SUBMITTED BY: Water

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Public Health Act 2010 and the Public Health Regulation 2012 require a Drinking Water Management System to meet the requirements of the Australian Drinking Water Guidelines and the NSW Guidelines for Drinking Water Management Systems. A Drinking Water Management System (DWMS) has been developed to comply with all requirements of legislation and guidelines.

RECOMMENDATION:

That Council adopts the Drinking Water Management System Version 6 attached to this report.

REPORT:

The Public Health Act 2010 and the Public Health Regulation 2012 require drinking water suppliers to develop and adhere to a Drinking Water Management System (DWMS) that meets the requirements of the Australian Drinking Water Guidelines and the NSW Guidelines for Drinking Water Management Systems. A DWMS has been developed and implemented that complies with all requirements.

Purpose

The Australian Drinking Water Guidelines (ADWG) set out a holistic approach to the management of the quality and safety of drinking water. Chapters 2 and 3 of the ADWG constitute the Framework for the Management of Drinking Water Quality. The ADWG Framework is centred on understanding how contamination of water may arise and implementing reliable, preventive strategies to protect the consumer from adverse consequences.

The Framework was developed to guide the design of a structured and systematic approach for the management of drinking water. The Framework is effectively a quality management system that has been developed specifically for the water industry. It incorporates a preventive risk management approach from catchment to consumer.

The appropriate implementation of the Framework is required to conform to the *Public Health Act 2010* which commenced operation on 1 September 2012 when the *Public Health Regulation 2012* came into effect. The Act sets out the need for a Quality Assurance Program (QAP) which the Regulation refers to as a risk-based Drinking Water Management System (DWMS) that should be consistent with the ADWG Framework.

DWMS structure

This DWMS details how Council addresses and or intends to address the elements of the Framework. The DWMS follows the structure of the Framework with 12 Elements, 32 Components and 76 Actions. The DWMS has also been developed in accordance with the *NSW Guidelines for Drinking Water Management Systems 2013*.

The DWMS was developed using the following steps:

- System description, water quality data analysis, risk assessment workshop, risk management workshop and water quality data review in order to address Elements 2 to 5 of the Framework. These processes were carried out separately for each water supply system: Bray Park, Uki and Tyalgum.
- A Gap Analysis of the current state of conformity with the Framework and developed actions to fill those gaps.
- Documentation of how Council addresses the elements of the Framework through this DWMS, partly by referencing other existing documents and systems, and identifying actions required to further improve compliance.

Critical Control Points

The Critical Control Points (CCPs) and their associated monitoring and response procedures constitute the core of the DWMS. All operators are trained in the CCPs and the CCPs are displayed prominently at treatment plants. Operators retain records of system

performance against the CCP requirements and record the actions taken in response to excursions outside operational and critical limit criteria.

OPTIONS:

There are no other options available.

CONCLUSION:

The DWMS has been developed in accordance with the relevant legislation and guidelines and are ready for adoption by Council.

COUNCIL IMPLICATIONS:

a. Policy:

Drinking Water Policy version 1.1

b. Budget/Long Term Financial Plan:

The costs associated with the implementation of the DWMS are within the adopted budget and Long Term Financial Plan.

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:

Attachment 1. Drinking Water Management System Version 6
(ECM 3453872).

REPORTS FROM THE ACTING DIRECTOR CORPORATE SERVICES

23 [CS-CM] In Kind and Real Donations - April to June 2014

SUBMITTED BY: Financial Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

Details of in kind and real donations for the period April to June 2014 are reproduced in this report for Council's information.

RECOMMENDATION:

That Council notes the total in kind and real donations of \$64,702.20 for the period April to June 2014.

REPORT:

Council maintains a register of in kind and real donations. Details of these donations for the period April to June 2014 are reproduced as follows:

Financial Assistance

Amount	Recipient	Donated Item	Date
\$8,880.00	Tennis Terranora Incorporated	Donation - Royalty for Quarry Materials	01/04/2014
\$767.59	Rotary Club of Murwillumbah Inc	Donation - Rotary Dream Cricket Day	02/04/2014
\$750.00	YWCA NSW	Donation - Belly to Big School and Beyond	28/04/2014
\$720.00	Caba Creative	Second Round Donations 2013/2014	30/04/2014
\$2,000.00	Tweed Palliative Support Inc	Second Round Donations 2013/2014	30/04/2014
\$2,000.00	Studio Aperio Incorporated	Second Round Donations 2013/2014	30/04/2014
\$500.00	Tweed Valley Justices Association	Second Round Donations 2013/2014	30/04/2014
\$1,400.00	1st Chinderah Scouts	Second Round Donations 2013/2014	30/04/2014
\$2,000.00	St Vincent de Paul Society NSW Central Council	Second Round Donations 2013/2014	30/04/2014
\$1,000.00	Tweed Valley Woodcrafters Association	Second Round Donations 2013/2014	30/04/2014
\$2,000.00	Tweed Valley Early Childhood Intervention Service Inc	Second Round Donations 2013/2014	30/04/2014
\$550.00	Tweed Theatre Company Inc	Second Round Donations 2013/2014	30/04/2014
\$1,000.00	Tyalgum District Community Association Inc	Second Round Donations 2013/2014	30/04/2014
\$5,000.00	Starfish Enterprise Network Limited	Sponsorship - North Coast Energy Forum 2014	06/05/2014
\$12,876.00	Marine Rescue Point Danger	Budget Allocation	14/05/2014
\$11,473.00	Careflight(QLD) Ltd	Budget Allocation	25/06/2014
\$2,510.00	Tweed NAIDOC Committee	Donation - NAIDOC Week Celebrations (Council Resolution)	25/06/2014
\$1,726.93	International River Foundation	Budget Allocation	26/06/2014
\$800.00	Police Citizens Youth Clubs NSW Ltd	Donation - Youth Boxing Equipment	30/06/2014
\$57,953.52			

Goods and/or Materials

Amount	Recipient	Donated Item	Date
\$90.00	Mt Warning Pre-School	20 Shrub	May
\$43.20	Tweed Land Care Committee	Printing	April/May
\$188.80	Murwillumbah Historical Society	Printing	April/May
\$21.00	Studio Aperio	Printing	April/May/June
\$32.00	Friends of Tweed Regional Museum	Printing	April/May/June
\$67.00	Stokers Siding Markets	Printing	April/May/June
\$37.00	Blind Citizens Australia	Printing	April/May/June
\$4.00	Tweed NAIDOC Committee	Printing	April/May/June
\$60.00	Tweed Foodie Friday	Printing	April/May/June
\$543.00			

Provision of Labour and/or Plant and Equipment

Amount	Recipient	Donated Item	Date
\$2,585.12	Life Education Van Relocation	Provision of Labour & Council Plant	April/May/June
\$215.91	Anzac Day	Provision of Labour & Council Plant	April/May
\$2,801.03			

Rates

Amount	Recipient	Donated Item	Date
\$477.00	Twin Towns Police and Community Youth Club	Water Usage	10/06/2014
\$187.85	Twin Towns Police and Community Youth Club	Sewer Usage	10/06/2014
\$664.85			

Tweed Link Advertising

Amount	Recipient	Donated Item	Date
\$105.30	Various Community Notices	Advertising	01/04/2014
\$45.90	Various Community Notices	Advertising	15/04/2014
\$67.50	Various Community Notices	Advertising	22/04/2014
\$145.80	Various Community Notices	Advertising	29/04/2014
\$70.20	Various Community Notices	Advertising	06/05/2014
\$51.30	Various Community Notices	Advertising	13/05/2014
\$86.40	Various Community Notices	Advertising	20/05/2014
\$172.80	Various Community Notices	Advertising	27/05/2014
\$67.50	Various Community Notices	Advertising	03/06/2014
\$67.50	Various Community Notices	Advertising	10/06/2014
\$188.20	Various Community Notices	Advertising	17/06/2014
\$126.90	Various Community Notices	Advertising	24/06/2014
\$1,195.30			

Room Hire

Amount	Recipient	Donated Item	Date
\$26.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	07/04/2014
\$26.00	Banora Point Rate Payers Association	Room Hire - Coolamon Room Banora Pt Com Centre	05/05/2014
\$122.50	Twin Towns Friends	Hall Hire - South Tweed Heads Community Hall	26/04/2014
\$45.00	Twin Towns Friends	Room Hire - South Tweed HACC	09/04/2014
\$45.00	Twin Towns Friends	Room Hire - South Tweed HACC	14/05/2014
\$59.50	Red Cross Australia	Room Hire - South Tweed HACC	26/05/2014
\$30.00	Red Cross Australia	Room Hire - South Tweed HACC	29/05/2014
\$82.00	Red Cross Australia	Room Hire - South Tweed HACC	05/06/2014
\$45.00	Twin Towns Friends	Room Hire - South Tweed HACC	11/06/2014
\$232.50	Tweed Heads Hospital Auxillary	Room Hire - Tweed Heads Civic Centre	29/05/2014
\$400.00	Tweed Heads Hospital Auxillary	Room Hire - Tweed Heads Civic Centre	30/05/2014
\$115.00	Tweed Heads Hospital Auxillary	Room Hire - Tweed Heads Civic Centre	02/06/2014
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room	12/04/2014
\$79.00	Tweed Heads Hospital Auxillary	Room Hire - South Sea Islander Room	05/05/2014
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room	10/05/2014
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room	14/06/2014
\$1,544.50			

\$64,702.20 Total Donations 4th Quarter (April, May, June 2014)

OPTIONS:

Not Applicable.

CONCLUSION:

For Councillor's Information and the details will also be included in the 2013/2014 Annual Report.

COUNCIL IMPLICATIONS:

a. Policy:

Donations and Subsidies Version 1.2.

b. Budget/Long Term Financial Plan:

As per Budget estimates.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

**24 [CS-CM] Monthly Investment and Section 94 Developer Contribution Report
for Period Ending 31 August 2014**

SUBMITTED BY: Financial Services

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government (General) Regulations and Council policies. Council had **\$194,231,954** invested as at **31 August 2014** and the accrued net return on these funds was **\$602,039** or **3.72%** annualised for the month.

RECOMMENDATION:

That in accordance with Section 625 of the Local Government Act 1993 the monthly investment report as at period ending 31 August 2014 totalling \$194,231,954 be received and noted.

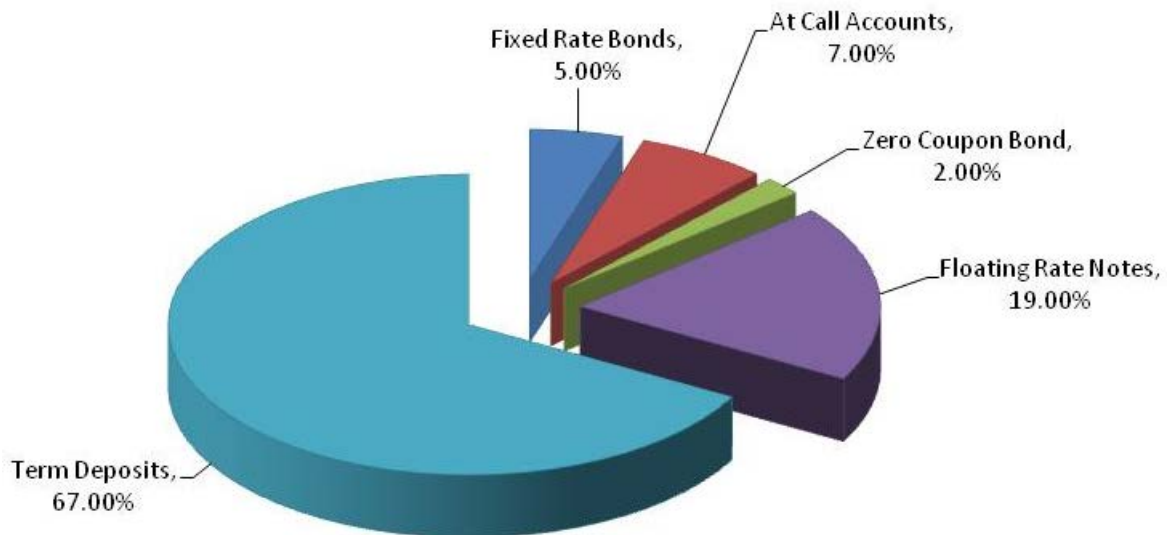
REPORT:

1. Restricted Funds as at 1 July 2013

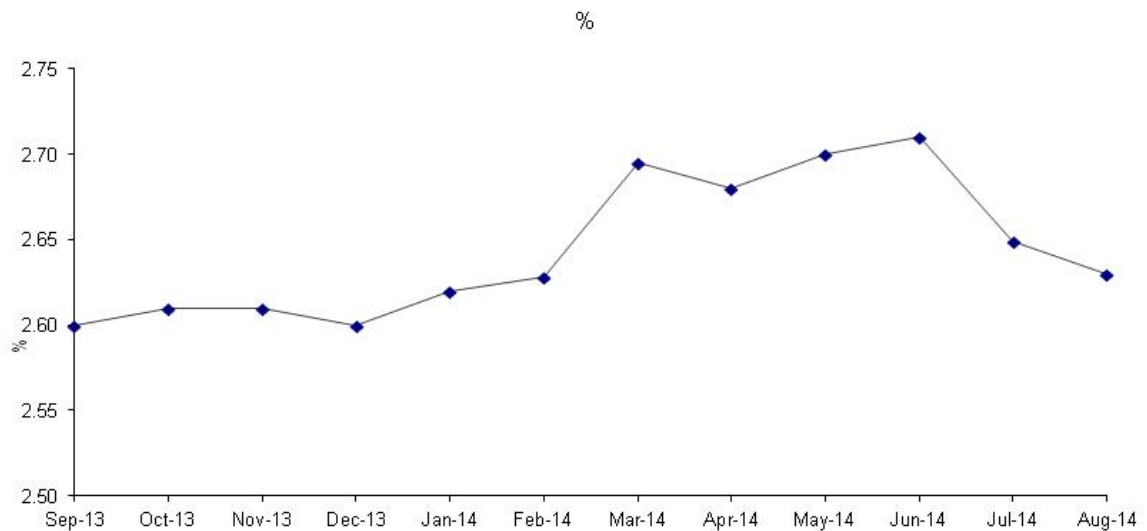
Description	(\$'000)			Total
	General Fund	Water Fund	Sewer Fund	
Externally Restricted	1,126	18,785	39,653	59,564
Crown Caravan Parks	15,926			15,926
Developer Contributions	25,917	3,916		29,833
Domestic Waste Management	10,075			10,075
Grants	4,975			4,975
Internally Restricted	26,122			26,122
Employee Leave Entitlements	5,123			5,123
Grants	5,930			5,930
Unexpended Loans	10,328			10,328
Total	105,522	22,701	39,653	167,876

Note: Restricted Funds Summary updated September 2013, corresponding with the Annual Financial Statements as at 30 June 2013

2. Investment Portfolio by Category



3. Investment Rates - 90 Day Bank Bill Rate



4. Bond and Floating Rate Note Securities

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
AMP (6/18)	1,000,000.00	1,014,540.00	3.56	FRN	06/06/2018
AMP (RIM) (05/17)	2,500,000.00	2,537,300.00	3.73	FRN	29/05/2017
ANZ (11/18)	1,000,000.00	1,013,460.00	3.52	FRN	06/11/2018
Bendigo (FIIG) (11/15) +1.25%	1,000,000.00	1,013,330.00	4.09	FRN	02/11/2015
Bendigo (RBS) (05/17)	3,000,000.00	3,043,050.00	3.88	FRN	17/05/2017
Bendigo (RBS) (11/18)	1,000,000.00	1,020,620.00	3.91	FRN	14/11/2018
BOQ (06/18)	1,000,000.00	1,016,730.00	3.70	FRN	12/06/2018
BOQ (ANZ) (05/16)	1,000,000.00	1,013,730.00	3.98	FRN	30/05/2016
BOQ (RBS) (05/16)	1,000,000.00	1,013,730.00	3.98	FRN	30/05/2016
BOQ Bond (06/18)	1,000,000.00	1,014,600.00	4.00	Fixed Rate Bond	12/06/2018
CBA (04/19)	1,000,000.00	1,013,700.00	3.52	FRN	24/04/2019
CBA (08/16) 1.17%	3,000,000.00	3,055,800.00	3.81	FRN	02/08/2016
CBA (10/19)	2,000,000.00	2,019,200.00	3.49	FRN	18/10/2019
CBA Bond (04/19)	1,000,000.00	1,034,260.00	4.25	Fixed Rate Bond	24/04/2019
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	3,345,200.00	7.17	Fixed Rate Bond	22/01/2018
CUA (Mar 2017) (CBA)	1,000,000.00	1,010,630.00	3.98	FRN	20/03/2017
CUA (Mar 2017) (Morgans)	2,000,000.00	2,021,260.00	3.98	FRN	20/03/2017
Heritage (RBS) (06/17)	1,000,000.00	1,090,000.00	7.25	Fixed Rate Bond	20/06/2017
ING Bond (RBS) (09/15)	2,000,000.00	2,101,040.00	5.50	Fixed Rate Bond	03/09/2015
ING Bond (RBS) (09/15)	2,000,000.00	2,101,040.00	5.50	Fixed Rate Bond	03/09/2015
ING Bond(RBS) (08/16)	1,000,000.00	1,017,830.00	4.25	Fixed Rate Bond	23/08/2016
ME Bank (CBA) (09/15)	1,400,000.00	1,420,244.00	3.87	FRN	03/09/2015
ME Bank (CBA) (11/16)	1,000,000.00	1,009,370.00	3.95	FRN	28/11/2016
ME Bank (Morgans) (11/16)	1,000,000.00	1,009,370.00	3.88	FRN	28/11/2016
NAB (06/16)	2,000,000.00	2,044,640.00	3.88	FRN	21/06/2016
Rabo (RBS) (09/18)	1,000,000.00	1,023,140.00	3.86	FRN	25/09/2018
Suncorp (04/19)	2,000,000.00	2,033,880.00	3.74	FRN	23/04/2019
Suncorp (CBA)	1,000,000.00	1,002,640.00	3.58	Fixed Rate Bond	20/08/2019

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
08/2019 Suncorp (WBC) (04/15)	2,000,000.00	2,023,460.00	4.14	FRN	23/04/2015
Suncorp Covered (RIMSEC) (12/16) WBC (Morgans) (02/19)	2,000,000.00	2,091,480.00	4.75	Fixed Rate Bond	06/12/2016
WBC (RBS) (02/17)	2,000,000.00	2,030,520.00	3.64	FRN	25/02/2019
	1,000,000.00	1,032,160.00	4.27	FRN	20/02/2017
	49,900,000.00	50,231,954.00	4.21		
LEGEND	ABS = Asset Backed Security				
Investment Type	Bond = Fixed Rate Bond FRN = Floating Rate Note				
Counterparty	BB = Bendigo Bank		ME = Members Equity Bank		
AMP = AMP Bank	Heritage = Heritage Bank		RaboDirect = Rabo Bank		
ANZ = ANZ Bank	ING = ING Bank		Rural = Rural Bank (previously Elders Bank)		
BOQ = Bank of Queensland	Investec = Investec Bank		Suncorp = Suncorp Metway Bank		
CBA = Commonwealth Bank	Macquarie = Macquarie Bank		WBC = WBC Banking Corporation		
	NAB = National Australia Bank				

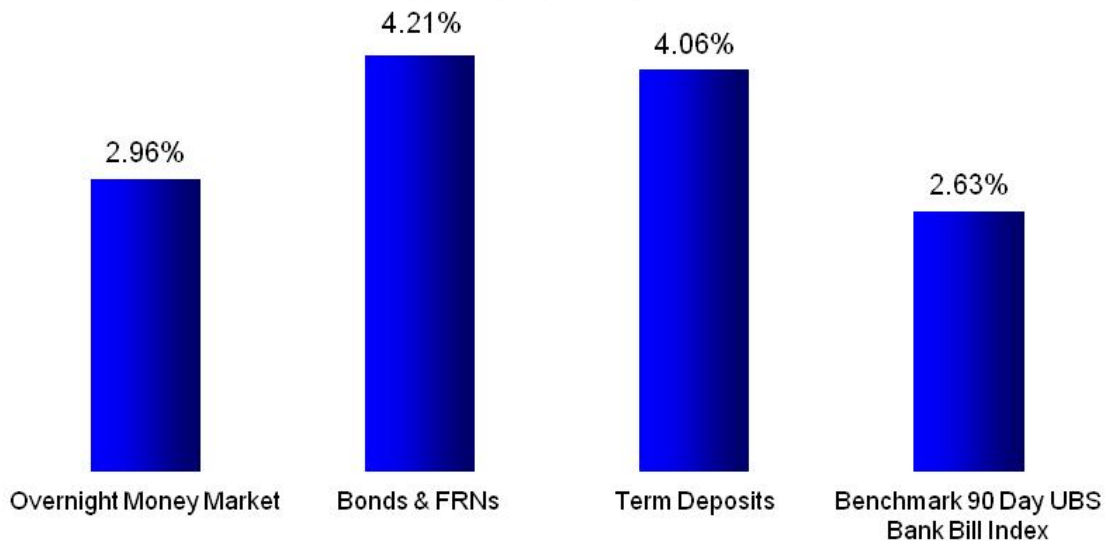
5. Term Deposits

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
30-Jul-14	27-Jan-15	AMP (Curve) annual interest (Jul 2014)	1,000,000.00	181	3.50
03-Jun-14	02-Dec-14	BCCU	2,000,000.00	182	3.85
28-May-14	26-May-15	Bendigo (May 2015)	2,000,000.00	363	3.63
10-Jun-14	09-Dec-14	Bendigo Bank	2,000,000.00	182	3.65
03-Jun-14	09-Dec-14	Bendigo Bank (Dec 2014)	2,000,000.00	189	3.65
13-May-14	11-Nov-14	Bendigo Bank (Nov 2014)	2,000,000.00	182	3.66
25-Aug-14	24-Nov-14	BOQ (Feb 2016)	1,000,000.00	94	4.29
25-Feb-14	23-Feb-15	BOQ (Feb 2016)	3,000,000.00	365	4.05
03-Sep-13	03-Sep-14	BOQ (Mar 2016)	3,000,000.00	365	4.05
20-Sep-13	20-Sep-14	BOQ (Sept 2015) annual interest	2,000,000.00	365	4.20
20-Jun-14	22-Sep-14	BOQ (Sept 2016) quarterly interest	2,000,000.00	92	3.98
11-Oct-13	11-Oct-14	CBA (Oct 2015) annual interest	1,000,000.00	365	4.85

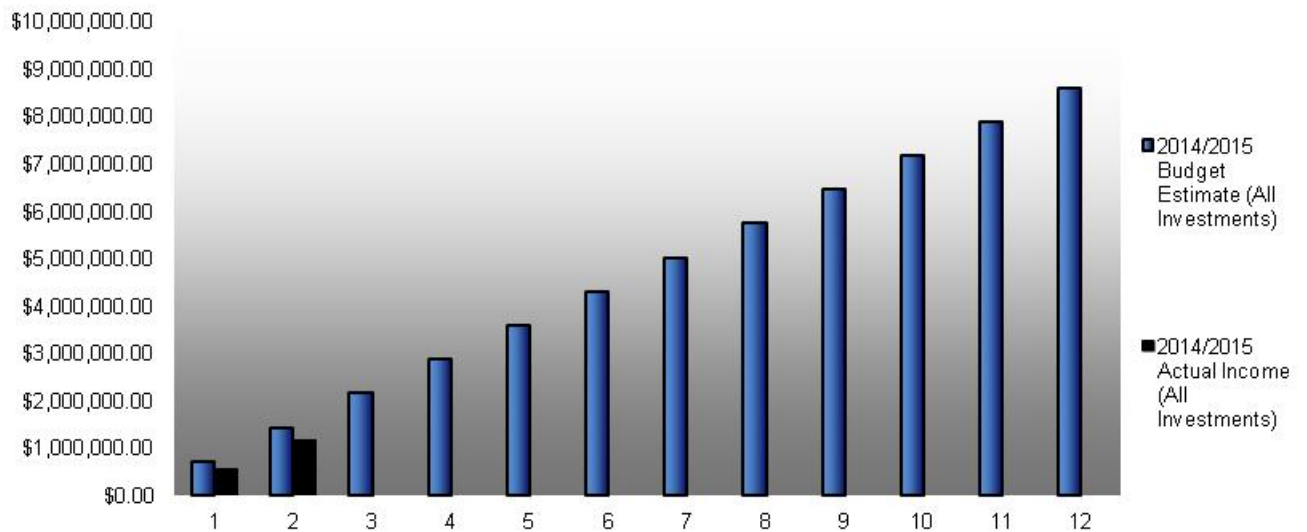
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
17-Jun-14	16-Sep-14	Cominvest	2,000,000.00	91	3.50
04-Mar-14	03-Mar-15	CUA (Mar 2015) (Curve)	2,000,000.00	364	3.80
19-Aug-14	16-Dec-14	Heritage (Dec 2014)	2,000,000.00	119	3.35
03-Jun-14	16-Dec-14	Heritage (Dec 2014)	2,000,000.00	196	3.80
08-Jul-14	05-Nov-14	IMB (Nov 2014)	2,000,000.00	120	3.50
12-Aug-14	10-Feb-15	ING (Curve) (Feb 2015)	1,000,000.00	182	3.55
15-Oct-13	15-Oct-14	ING (Curve) (March 2013)	2,000,000.00	365	4.01
19-Aug-14	17-Feb-15	ING (FIIG) (Feb 2015)	1,000,000.00	182	3.75
12-Aug-14	17-Feb-15	ING (RIMSEC) (Feb 2015)	1,000,000.00	189	3.55
20-Aug-14	20-Nov-14	ING (RIMSEC) (Feb 2015)	1,000,000.00	92	4.02
28-Jul-14	27-Oct-14	ING (RIMSEC) (Jan 2015)	2,000,000.00	90	3.65
03-Sep-13	02-Sep-14	ING (RIMSEC) (Sept 2013)	1,000,000.00	364	4.14
24-Jul-16	24-Oct-14	Investec (July 2016)	2,000,000.00	92	3.74
06-Aug-14	06-Nov-14	Investec (RIMSEC) (Aug 2015)	1,000,000.00	92	4.22
10-Jun-14	10-Sep-14	Investec (RIMSEC) (Jun 2014)	1,000,000.00	90	3.78
03-Sep-13	03-Sep-14	Investec (RIMSEC) (Sept 2015) annual interest	1,000,000.00	365	4.14
11-Sep-13	11-Sep-14	Investec (Sept 2015) annual interest	2,000,000.00	365	4.37
13-May-14	11-Nov-14	MEB	2,000,000.00	182	3.90
15-Apr-14	14-Apr-15	MEB (Jul 2013)	2,000,000.00	364	3.90
25-Feb-14	25-Feb-15	MEB (Mar 2016)	2,000,000.00	365	4.07
29-Jul-14	29-Oct-14	MEB annual interest (Jul 2014)	2,000,000.00	91	3.75
15-Aug-14	15-Nov-14	NAB (Aug 2015)	1,000,000.00	92	3.65
06-Aug-14	04-Aug-15	NAB (Curve)	2,000,000.00	364	4.10
04-Mar-14	03-Feb-15	NAB (Feb 2015)	3,000,000.00	336	3.75
18-Feb-14	17-Feb-15	NAB (Feb 2015)	2,000,000.00	364	3.80
12-Aug-14	12-Feb-15	NAB (Feb 2015) annual	2,000,000.00	92	4.03

Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
		interest			
23-Jul-14	23-Oct-14	NAB (July 2015) annual interest	2,000,000.00	91	3.98
20-May-14	20-May-15	NAB (May 2016)	3,000,000.00	365	4.00
27-Aug-14	27-Nov-14	NAB (RBS) (Aug 2015)	2,000,000.00	92	3.83
11-Aug-14	11-Nov-14	NAB (RBS) (Aug 2015) quarterly interest	2,000,000.00	92	4.59
03-Sep-13	03-Sep-14	NAB (Sept 2015) annual interest	4,000,000.00	365	4.05
04-Sep-13	04-Sep-14	NAB (Sept 2016)	4,000,000.00	1098	4.25
03-Jun-14	07-Oct-14	NPBS	2,000,000.00	126	3.50
20-Aug-14	20-Aug-15	Rabo Bank (Curve) (Aug 2018)	2,000,000.00	1462	4.10
04-Mar-14	07-Mar-17	Rabo Bank (Mar 2017) (RIMSEC)	2,000,000.00	370	4.15
07-Aug-14	07-Aug-15	RaboDirect (Curve) Aug 2019	2,000,000.00	365	4.30
07-Feb-14	10-Feb-15	RaboDirect (Curve) (Feb 2015) annual interest	1,000,000.00	366	6.00
11-Jul-14	13-Jan-15	RaboDirect (Curve) (Jan 2015)	1,000,000.00	185	4.20
26-Jul-14	27-Jul-15	RaboDirect (Curve) (Jul 2015)	1,000,000.00	365	5.20
26-Jul-14	28-Jul-15	RaboDirect (Curve) (Jul 2016)	1,000,000.00	365	5.40
11-Nov-13	11-Nov-14	RaboDirect (Curve) (Nov 2016) annual interest	1,000,000.00	366	6.30
22-Mar-14	22-Mar-15	RaboDirect (RIMSEC) (Mar 2016) annual interest	1,000,000.00	364	7.15
24-Jul-14	27-Jul-15	RaboDirect (RIMSEC) annual interest	2,000,000.00	364	4.25
27-May-14	25-Nov-14	Rural (Curve) (Nov 2014)	2,000,000.00	182	3.65

Performance by Category Compared with Benchmark



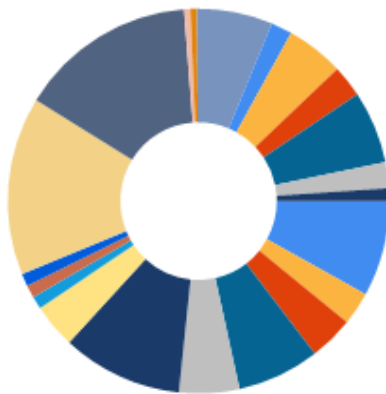
7. Total Portfolio Income v Budget



8. Investment Policy Diversification and Credit Risk

Total Portfolio Credit Limits Compared to Policy Limits					
Long-Term Credit Ratings	Investment Policy Limit	Actual Portfolio	Short-Term Credit Ratings	Investment Policy Limit	Actual Portfolio
AAA Category	100%	1.12%	A-1+	100%	14.95%
AA Category	100%	33.44%	A-1	100%	4.27%
A Category or below	60%	17.61%	A-2	60%	19.23%
BBB Category or below	20%	6.13%	A-3	0%	0.00%
Unrated	10%	0.00%	Unrated	10%	3.25%

Market Value by Issuer



- Bank of Queensland Ltd
- ING Bank NV, Sydney Branch
- Investec Bank Australia Limited
- Bendigo & Adelaide Bank Ltd
- AMP Bank Ltd
- Commonwealth Bank of Australia Ltd
- ING Bank Australia Limited
- IMB Ltd
- Newcastle Permanent Building Society Ltd
- Rural Bank Ltd
- National Australia Bank Ltd
- Westpac Banking Corporation Ltd
- ANZ Banking Group Ltd
- Rabobank Nederland Australia Branch

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9. Term to Maturity

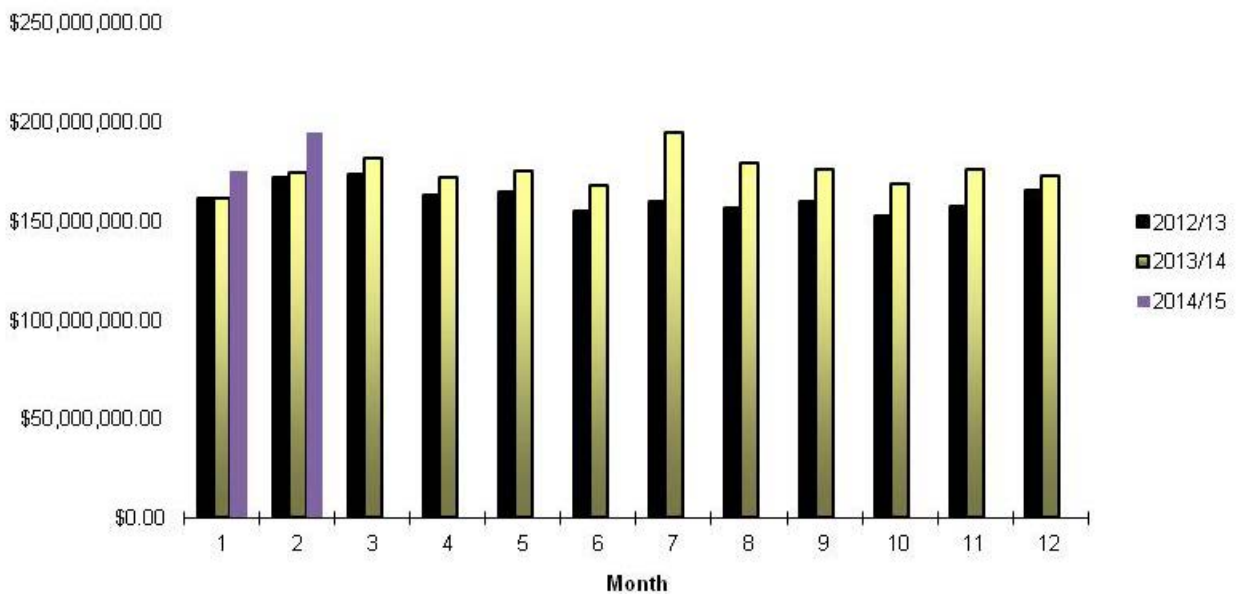
Maturity Profile	Actual % Portfolio	Policy Limits
Less than 365 days	43.27%	Minimum 40% of portfolio
More than 365 days and less than 3 years	45.73%	Maximum 60%
3 years and less than 5 years	11.00%	Maximum 35%
Total	100.00%	

10. Investment Alternatives Explained

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
Floating Rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
Fixed Rate/Bond	1 - 5 years	Greater than 3 years	Can accrue capital gain if sold before maturity and market interest rates have fallen	Can incur capital losses if sold before maturity and market interest rates have risen
			Fixed return - semi annual coupons	Credit exposure to company issuing paper
			Generally liquid	
			Can be government or corporate issuer	

11. Monthly Comparison of Total Funds Invested



12. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
1	DCP3 Open Space	4,093,534	
2	Western Drainage	586,151	
3	DCP3 Community Facilities	1,596	
4	TRCP Road Contributions	8,320,249	295,423
5	Open Space	642,063	
6	Street Trees	170,389	
7	West Kingscliff	447,272	
10	Cobaki Lakes	-1,320	
11	Libraries	1,835,148	1,258
12	Bus Shelters	66,431	96
13	Cemeteries	24,783	184
14	Mebbin Springs	88,225	
15	Community Facilities	710,846	2,084
16	Surf Lifesaving	377,319	
18	Council Administration/Technical Support	966,544	2,790
19	Kings Beach	595,642	
20	Seabreeze Estate	736	
21	Terranora Village	30,205	
22	Cycleways Shirewide	142,238	
23	Carparking Shirewide	1,407,663	
25	SALT	1,114,864	
26	Open Space Shire wide	1,431,660	3,691
27	Tweed Heads Masterplan	171,862	
28	Seaside City	114,369	6,284
91	DCP14	105,582	
92	Public Reserve Contributions	132,421	
95	Bilambil Heights	516,302	
	Total	24,092,776	311,810

13. Economic Commentary

Australian and World Economy and Cash Rate

The Reserve Bank of Australia (RBA) met on 2 September 2014 and the cash rate again remained unchanged at 2.50%.

RBA Governor Glenn Stevens stated that growth in the global economy is continuing at a moderate pace. China's growth remains generally in line with policymakers' objectives, with weakening property markets a challenge in the near term. Commodity prices in historical terms remain high, but some of those important to Australia have declined this year.

Financial conditions overall remain very accommodative. Long-term interest rates and risk spreads remain very low. Volatility in many financial prices is currently unusually low. Markets appear to be attaching a very low probability to any rise in global interest rates or other adverse event over the period ahead.

In Australia, the most recent survey data indicate gradually improving business conditions and some recovery in household sentiment after a weaker period around mid year, suggesting moderate growth in the economy is occurring. Resources sector investment spending is starting to decline significantly. Investment intentions in some other sectors continue to improve, though these areas of capital spending are expected to see only moderate growth in the near term. Public spending is scheduled to be subdued. Overall, the Bank still expects growth to be a little below trend over the year ahead.

The recorded rate of unemployment has increased recently, despite some improvement in most other indicators for the labour market this year. The Bank's assessment remains that the labour market has a degree of spare capacity and that it will probably be some time yet before unemployment declines consistently. Growth in wages has declined noticeably and is expected to remain relatively modest over the period ahead, which should keep inflation consistent with the target even with lower levels of the exchange rate.

Monetary policy remains accommodative. Interest rates are very low and have continued to edge lower over recent months as competition to lend has increased. Investors continue to look for higher returns in response to low rates on safe instruments. Credit growth has picked up a little, including most recently to businesses. The increase in dwelling prices continues. The exchange rate, on the other hand, remains above most estimates of its fundamental value, particularly given the declines in key commodity prices. It is offering less assistance than would normally be expected in achieving balanced growth in the economy.

Looking ahead, continued accommodative monetary policy should provide support to demand and help growth to strengthen over time. Inflation is expected to be consistent with the 2–3 per cent target over the next two years.

Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Office of Local Government guidelines with 74% of the portfolio held in cash and term deposits. Term deposits and bonds are still paying above average margins over the 90 day bank bill rate but these margins are contracting.

The historic low cash rate is still translating to lower total investment yields. This situation continues to present difficulties obtaining reasonable investment income without risking capital.

All investment categories including cash at call out-performed the UBS 90 day bank bill benchmark this month. Overall, the investment portfolio has returned an average 1.11% pa above the 90 day UBS bank bill index for the last month.

Source: RBA Monetary Policy Decision

14. Investment Summary

GENERAL FUND

CORPORATE FIXED RATE BONDS	13,795,450.00
FLOATING RATE NOTES	36,436,504.00
TERM DEPOSITS	46,000,000.00

WATER FUND CALL ACCOUNT 14,000,000.00 **110,231,954.00**

SEWERAGE FUND TERM DEPOSITS 25,000,000.00
FUND MANAGERS 0.00 **25,000,000.00**

TERM DEPOSITS	59,000,000.00
FUND MANAGERS	<u>0.00</u> 59,000,000.00

TOTAL INVESTMENTS **194,231,954.00**

It should be noted that the General Fund investments of **\$110 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

All Water and Sewerage Fund investments can only be expended in accordance with Government regulation and Council resolution.

Statutory Statement - Local Government (General) Regulation 2005 Clause 212

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulations and Council's investment policies.



Responsible Accounting Officer
Manager Financial Services
Tweed Shire Council

OPTIONS:

Not Applicable.

CONCLUSION:

Not Applicable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Not Applicable.

c. Legal:

Local Government (General) Regulations 2005 - Section 212 - Reports on council investments

"(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting."

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

ORDERS OF THE DAY



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

25 [NOM] Promotion of Touring Productions

NOTICE OF MOTION:

Councillor M Armstrong moves that Council:

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

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

Valid



Strengthening the Economy

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

Budget/Long Term Financial Plan:

Minimal budget implications in seeking advice, some resource implications in preparing report based on this advice and potential future budget implications for activities to support options considered.

Legal Implications:

No legal implications anticipated.

Policy Implications:

Any options provided will need to be considered in the context of development of a contemporary Tweed Shire Council Cultural Plan, the Community Infrastructure Framework or Cultural Facility Business Plans.

26 [NOM] Welcome to Tweed Shire Signs

NOTICE OF MOTION:

Councillor K Milne moves 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.

Councillor's Background Notes

Recommended Priority:

Nil.

Description of Project:

Nil.

Management Comments:

Delivery Program:

Valid



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

4	Caring for the Environment
4.2	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:

Delivery of this proposal will have a small impact on the Budget and Long Term Financial Plan.

Legal Implications:

Nil

Policy Implications:

At its meeting of 24 January 2014 Council previously resolved as follows:

"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."*

The Notice of Motion should have regard for this previous resolution which is yet to be completed.

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

27 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 29 July 2014

SUBMITTED BY: Natural Resource Management



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:

The Minutes of the Tweed Coast Koala Advisory Group Meeting held Tuesday 29 July 2014 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 29 July 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA1. Black Rocks Sports Field entry gate

That Council notes the request of the Koala Advisory Group Committee, being that the koala and dog-proof gate, when installed, remain locked at all times except when being used by sporting organisations, but that the resolution of 10 April 2014 stands.

A4. Tweed Coast Koala Plan of Management

This recommendation is the subject of a separate report to Council. Council officers presented the draft plan to Council at a workshop held 14 August 2014.

REPORT:

The Minutes of the Tweed Coast Koala Advisory Committee Meeting held Tuesday 29 July 2014 are reproduced as follows for the information of Councillors.

Venue:

Canvas and Kettle – Murwillumbah Civic Centre

Time:

1.00 pm

Present:

Cr Katie Milne (TSC), Mark Kingston (TSC), Scott Hetherington (TSC), Rhonda James (community rep), Lorraine Vass (Friends of the Koala Inc.), Marama Hopkins (TSC), Jennifer Hayes (Team Koala Inc.), Iain Lonsdale (TSC), Steve Jensen (DP&E), Anita Mudge (community rep).

Apologies:

John Turbill (OEH), Ralph Kraemer (community rep).

Minutes of Previous Meeting:

Moved: Lorraine Vass

Seconded: Jennifer Hayes

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held Tuesday 11 February 2014 be accepted as a true and accurate record of the proceedings of that meeting (subject to adoption at next Council meeting).

BUSINESS ARISING:

General Business item 1 was dealt with as Business Arising.

1. Black Rocks Sports Field entry gate

Committee members expressed concern that the intent of the recommendation arising from the previous KAG Committee meeting did not follow through into Council resolution. The expectation from some members was that the new koala and dog proof gate would remain closed at all times, rather than being open during the day and closed at dusk.

RECOMMENDATION:

Moved: Lorraine Vass

Seconded: Katie Milne

That given the lack of sufficient compliance resources, the koala and dog-proof gate, when installed, remain locked at all times except when being used by sporting organisations.

AGENDA ITEMS:

1. Update on current status of draft plan

Following a number of rounds of consultation and a face to face meeting with the Department of Planning and Environment, a number of modifications have been made to the draft Plan in order to address and clarify points made by the Department. Amendments have primarily involved the Development Assessment and Strategic Planning sections and the addition of explanatory information to the initial sections of the Plan.

Mark advised that the next stages of the process are presentation of the Plan to a Councillor Workshop and seeking approval from Council to place the Plan on public exhibition.

2. Summary of changes since last version

Mark and Marama provided a detailed summary of the key updates that had been made to the Plan since last reviewed by the Advisory Group.

There was some discussion around various points which included:

The quantum of contribution to habitat creation associated with development in activity and linkage precincts.

The importance of including detailed provisions for monitoring and reporting, and data management to enable effective review and reporting on the success of the Plan.

The need for an ongoing budget for implementation of the Plan.

Hard copies of the draft Plan were distributed to Committee members, with a request to provide any further comment or edits within 7 days (by Tuesday 5 August).

The draft Plan was well received by the Committee.

3. Draft consultation framework

Scott tabled a draft delivery framework for guiding consultation during the public exhibition stage. Feedback was requested from Committee members particularly with regard to any particular target audience and effective methods of communication. Proposed communication methods include Councillor Workshop, FAQ information sheets, presentations at community group meetings and presence at community markets.

Two draft FAQ sheets were tabled, with a request for Committee members to review these and provide feedback where necessary. It will be the intent to finalise these prior to presentation of the draft Plan at a Councillor workshop.

Scott will produce a timetable of events to be held during the public exhibition period, which KAG members will assist with where possible.

Mark has requested that an opportunity to present the draft Plan at a Councillor workshop be provided during August. It is expected that KAG members will attend this workshop. Further details will be provided when the workshop has been scheduled.

4. Recommendation to Council

In order to progress with the next stages of the Plan:

RECOMMENDATION:

Moved: Mark Kingston

Seconded: Jennifer Hayes

That:

1. Council places the draft Tweed Coast Koala Plan of Management on public exhibition for a period of 30 days.
2. Prior to placing the draft Tweed Coast Koala Plan of Management on public exhibition, the KAG presents the draft Plan to Council at a workshop.

5. Koala Connections update

Scott Hetherington, Koala Connections Project Manager, provided the following update on the progress of the project:

On-ground works

- 36 sites currently active
- Plantings range between 40 - 5000 trees per site over a total works area of 19.2 ha.
- Project is running largely in line with timeframes, currently completing Stage 4 works in Palmvale and Farrants Hill.
- Project total now at 40,000 trees planted across Tweed and Byron shires, with the 20,000th tree due to be planted in Tweed in early August.
- Planning, including site prioritisation and assessments is now underway for 2014/15.
- Intent to bring forward all remaining project planting (21,000) trees to the current year to maximise maintenance capacity through to June 2016.
- Regeneration also underway at 34 sites covering 69.3 ha.
- Koala use has recently been recorded at Cudgen NR in 3 year old planting (previous works completed by NPWS).

Clothiers Creek Koala Road

- Community engagement, pavement treatments and electronic koala warning signs planned for a 3 km section of road through Cudgen NR.
- All works have been planned, costed and quotations received and ready for implementation.
- These works are consistent with the relevant provisions of the draft CKPoM.

Fire and koalas project

- Additional fire trails with BFMC for approval
- Living with fire and koalas workshop Saturday 16 August at Cabarita Sports Club - to be presented by Nature Conservation Council with involvement of Council, Rural Fire Service and NPWS.
- Fire and koalas in the Tweed fact sheet has been completed by Nature Conservation Council in conjunction with TSC and approved by RFS for release.
- NPWS Pony Club burn still in preparation. Council team conducted a pre-burn survey and submitted a report and recommendations to NPWS.

UQ koala habitat study

- Includes the sampling of 30 SAT sites west of Pacific Highway to Tweed Valley Way, including Mooball NP and numerous Koala Connections sites.

Next Meeting
To be advised.

The meeting closed at 4.00pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

BA1. Black Rocks Sports Field entry gate

Council resolved at meeting held 10 April 2014 that:

- 1. That:**

- a) Council installs a lockable koala and dog-proof gate and additional fencing, in order to form a continuous exclusion zone, at the entrance to the sports field in accord with the Notice of Motion and previously recommended conditions of consent for the Tennis Court Part V Application.
 - b) the lockable gate will be closed at dusk daily.
 - c) the lockable gate will be funded from the Koala Management Plan budget.
2. Sporting organisations that use the sports field are advised of the regulations pertaining to sports field use.
 3. The Terms of Reference for the Sports Field Strategy include review of the use of the Black Rocks sports field in light of ecological issues.

A4. Tweed Coast Koala Plan of Management

This recommendation is the subject of a separate report to Council. Council officers presented the draft plan to Council at a workshop held 14 August 2014.

Executive Management Team's Recommendations:

BA1. Black Rocks Sports Field entry gate

That Council notes the request of the KAG Committee, being that the koala and dog-proof gate, when installed, remain locked at all times except when being used by sporting organisations, but that the resolution of 10 April 2014 stands.

A4. Tweed Coast Koala Plan of Management

This recommendation is the subject of a separate report to Council. Council officers presented the draft plan to Council at a workshop held 14 August 2014.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - Adopted 31 March 2010 (ECM2258077)

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.

28 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 13 August 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 13 August 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 13 August 2014 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

A6. Rural Fires Act Amendment

That Council:

- 1. Notes the actions taken by officers with respect to the 10/50 rule including formulation of a response and recommendations that were forwarded to the State Member for Tweed, Geoff Provest MP and to the NSW Rural Fire Services Commissioner.***
- 2. That this matter be put forward for consideration at the Local Government NSW (LGNSW) Annual Conference in October 2014, and endeavours to gain support of LGNSW to achieve an improved outcome for biodiversity, in view of the potential problems raised by the new legislation.***

GB2. Giant Devil's Fig

That Council approaches Far North Coast Weeds to request that Giant Devil's Fig be preferentially included as a emerging weed threat through the Cross Border Invasive Species Taskforce.

REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 13 August 2014 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

9.10am

Present:

Robert Quirk (NSW Cane Growers' Association) (Chair); Cr Katie Milne; Pat Dwyer (Department of Primary Industries - Fisheries NSW); Claire Masters (Tweed Landcare Inc); Sam Dawson (Caldera Environment Centre); Eddie Norris (Community Representative); Rhonda James (Restoration Industry); Max Boyd (Community Representative); Lindy Smith (Community Representative); Jane Lofthouse, Tom Alletson, (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Gary Bagnall; Ben Fitzgibbon (Office of Environment and Heritage); Bob Modystack (Community Representative); Scott Petersen (Tweed River Charter Operators); Carl Cormack (Roads and Maritime Services); Mark Kingston, Eli Szandala, Matt Bloor (Tweed Shire Council).

Minutes of Previous Meeting:

Moved: Max Boyd

Seconded: Cr Milne

RESOLVED that the Minutes of the Tweed River Committee meeting held Wednesday 11 June 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Bank Slip into Rous River

Tom provided an update and advised some trees have been removed. A few trees have been left visible as a safety issue.

Max expressed concerns about the trees being left in the river.

Jane attended at 9.18am

BA2. Floodgates at Chinderah

Tom provided an update and advised that he has spoken to the maintenance staff who stated that the gates get checked regularly. Tom will discuss with Eli regarding fish gates and the potential to seek a fish habitat action grant to install a fish gate on the flood gate, if appropriate.

Committee to be kept up to date.

BA3. Correspondence regarding Boormans Road Earthworks (Hopping Dicks Creek)
Letter drafted as per the Committee's recommendation to Council to forward a letter to the relevant Minister requesting advice on action taken by State Government agencies on issue. Letter being finalised and will be sent in the near future.

BA4. Correspondence regarding Tweed River Sand Extraction
Tom advised it is not appropriate to act on previous recommendation at this time as an application to extend the duration of the sand extraction operation is before Council.

BA5. Revegetation of Riparian Land at Windmill Corner
Tom advised that Council has not written to land owners at Windmill Corner for a second time.

Agenda Items:

A1. Seagrass Monitoring at Jack Evans Boat Harbour

Sally Cooper attended for this item

Sally Cooper, Council's Environmental Scientist, attended the meeting and provided information to the Committee regarding seagrass monitoring at Jack Evans Boat Harbour.

Sally responded to various questions from the Committee.

A2. Coastal Zone Management Plan for the Tweed Estuary
Tom provided information to the Committee including:

- Project Objectives
- Inputs and Outputs Phase
- Consultation
- Documentation
- Budget

Discussion took place after each point.

Action Item:

Invite representative from Condong Sugar Mill to address a future meeting to describe the acid sulfate soil audit management process undertaken by the cane industry.

Rhonda attended at 10.20am

A3. Upper Catchment Management Plan and Sub-Catchment Management Plans
Tom outlined a proposed methodology for preparation of a catchment management strategy for the upper catchment of the Tweed River. Tom detailed several benefits of having a plan, and the process and resources that may be required to proceed with such a project.

A similar presentation was made on the process of developing sub-catchment plans, which were identified as being more resource intensive (up to \$30k per plan) and having more detailed and specific recommendations to implement.

There was a general discussion on how to proceed with this plan/strategy.

Moved: Claire Masters

Seconded: Cr Milne

RESOLVED that Tweed River Committee allocates \$100,000 from its existing budget to the development of sub-catchment plans for use in prioritised areas.

Rhonda emphasised the difficulty in implementing plans without community/landholder support.

A4. Condong Boat Ramp/Lizzio Park Erosion Stabilisation

Tom provided information on the current state of erosion of the Tweed Riverbank near Condong Boat Ramp, and proposed plans to stabilise banks whilst improving recreational amenity and enhancing environmental condition.

Tom noted that balancing these objectives is a challenge and that a number of innovative ideas have been included in the draft plan, and that these need further discussion in the field and practical assessment.

Eddie and Tom to meet with consultants on site to go through design in detail

A5. RMS Regional Boating Plan

Tom provided information on the Draft Regional Boating Plan currently being consulted on by Roads and Maritime Authority and advised that he had made a submission.

Cr Milne requested that Tom circulate copies of his submission to members.

A6. Rural Fires Act Amendment

Mark Kingston and Michael Banks attended for this item

Michael explained to the Committee the impacts of the new 10/50 regulations relating to tree/shrub removal adjacent to dwellings.

The main items of concern are:

- Mapping of area in which clause applies includes a 350m buffer to mapped, fire-prone vegetation.
- Overrides state legislation eg. Tweed Shire Council Act/Native Vegetation Act.
- Changes have broad implications for biodiversity, particularly in urban areas.
- Administered through a code of practice which could be modified.

A general discussion was held with members asking various questions.

The Committee expressed its concerns regarding the potential scope and impacts of the 10/50 Vegetation Clearing Code of Practice.

RECOMMENDATION:

Moved: Max Boyd

Seconded: Sam Dawson

That:

1. Council staff prepare a report on the implications of the 10/50 rule, with recommendations on how best to proceed.

2. Expresses its concerns to Local Government NSW (LGNSW), and endeavours to gain support of LGNSW to achieve an improved outcome for biodiversity, in view of the potential problems raised by the new legislation.
-

General Business:

GB1. Senior Program Leader - Biodiversity

Jane advised Mark Kingston will be working exclusively on the policy component of the Biodiversity Program for two years and that Scott Hetherington will be taking over the other aspects of the role. Scott will be attending future Tweed River Committee meetings.

GB2. Giant Devil's Fig

Cr Milne raised concerns about the need to consider cross-border issues in relation to management of Giant Devil's Fig weed.

RECOMMENDATION:

Moved: Cr Milne

Seconded: Sam Dawson

That Council writes to Gold Coast City Council encouraging them to take steps to eradicate Giant Devil's Fig.

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 8 October 2014.

The meeting closed at 12.45pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

A6. Rural Fires Act Amendment

Nil.

GB2. Giant Devil's Fig

Giant Devil's Fig is not a declared noxious weed in Queensland and therefore there is no legislative requirement to control it.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

A6. Rural Fires Act Amendment

That Council:

1. *Staff prepare a report on the implications of the 10/50 rule, with recommendations on how best to proceed.*
-

2. *Expresses its concerns to Local Government NSW (LGNSW), and endeavours to gain support of LGNSW to achieve an improved outcome for biodiversity, in view of the potential problems raised by the new legislation.*

GB2.Giant Devil's Fig

That Council approaches Far North Coast Weeds to request that Giant Devil's Fig be preferentially included as a emerging weed threat through the Cross Border Invasive Species Taskforce.

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.

29 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2014

SUBMITTED BY: Natural Resource Management



Caring for the Environment

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2014 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2014 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:

BA3. Hastings Point Rocky Shore (Marine Science Reserve)

That Council writes to the appropriate Ministers (Lands / Fisheries) and the local State Member, to request that urgent progress be made on developing a Management Plan for the Hastings Point Marine Reserve following its gazettal in February 2007.

A3. Rural Fires Act Amendment

Previously considered by Council in the minutes of the Tweed River Committee meeting of 13 August 2014.

REPORT:

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 13 August 2014 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Meeting Room

Time:

1.20pm

Present:

Cr Barry Longland (Chair); Rhonda James (Restoration Industry); John Harbison (Mooball); Terry Kane (Cabarita Beach-Bogangar); Jason Pearson (Kingscliff); Peter Sloan (Hastings Point); Roger Graf (Fingal Head); Jane Lofthouse, (Tweed Shire Council).

Informal:

Cathey Philip (Minutes Secretary).

Apologies:

Cr Gary Bagnall; Pat Dwyer (Department of Primary Industries - Fisheries NSW); Ben Fitzgibbon (Office of Environment and Heritage); Michael Munday (Bogangar); Tim Jack Adams (Kingscliff); David Cranwell (Pottsville); Tom Alletson, Marama Hopkins, Stewart Brawley (Tweed Shire Council).

Minutes of Previous Meeting:

Moved: Cr Longland

Seconded: Terry Kane

RESOLVED that the Minutes of the Tweed Coastal Committee meeting held Wednesday 11 June 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Cr Longland advised that earlier in the day he attended the launch of the "Save Our Shorebirds (SOS)" program at Fingal Head Public School. Signs were displayed that had been made by incorporating posters made by children from the school.

There was a general discussion on known shorebirds nesting sites and where the signs should be erected to raise awareness of the fragility and vulnerability of shorebird nests.

Business Arising:

BA1. Tweed Shire Development Control Plan - Section B25

Jane advised that the DCP - Section 25 had been placed on public exhibition and that no submissions had been received. The amended DCP took effect on 30 July 2014.

BA2. Vandalism of Dune Vegetation at Kingscliff

Jane advised that the Draft Policy - *Vegetation Vandalism on Public Land* is currently on public exhibition with submissions being invited until Friday 12 September 2014.

At this stage the area is being maintained with new vegetation of various heights being planted.

A copy of the draft policy can be obtained from Council's website.

BA3. Hastings Point Rocky Shore (Marine Science Reserve)

Jane advised that no further advice from NSW Trade and Investment (Crown Lands) available to date. Long Reef Aquatic Reserve is reserved under the *Fisheries Management Act 1994* through gazettal of an Aquatic Reserves Notification. The Hastings Point Marine Reserve was reserved under the *Crown Lands Act 1989*.

RECOMMENDATION:

Moved: Roger Graf

Seconded: Jason Pearson

That Council writes to the appropriate Ministers (Lands / Fisheries) and the local State Member, to request that urgent progress be made on developing a Management Plan for the Hastings Point Marine Reserve following its gazettal in February 2007.

BA4. Tide Gauge - Cudgen Creek Bridge

Jane advised that the Manly Hydraulics Laboratory has agreed to move the gauge to another location on the bridge. This will reduce the potential risk identified.

Agenda Items:

A1. Coastal Program Update

Jane provided an update on various items within the program.

A2. Tweed DuneCare Coordinating Committee

There was general discussion on the items discussed at the meeting held 31 July 2014. Items of particular note are:

Future introduction of an organic waste system which may assist with reducing garden dumping into bushland.

Erosion at Fingal Headland; Council assisting the community to apply for grants to construct walkways.

Erosion at Pottsville near the bridge

Fingal Head Public School won the National Clean Beaches Young Legends Award.

Care Group Training Manual has been updated and circulated to groups.

John asked if there is planting of Pandanus being considered as due to the recent dry weather there has been a lot of die back. Jane will discuss with Rod Keever.

A3. Rural Fires Act Amendment

Mark Kingston and Michael Banks attended for this item

Michael explained to the Committee the impacts of the new 10/50 regulations relating to tree/shrub removal adjacent to dwellings.

The main items of concern are:

Mapping of area in which clause applies includes a 350m buffer to mapped, fire-prone vegetation.

Overrides state legislation eg. Tweed Shire Council Act/Native Vegetation Act.
Changes have broad implications for biodiversity, particularly in urban areas.
Administered through a code of practice which could be modified.

A general discussion was held with members asking various questions.

The Committee expressed its concerns regarding the potential scope and impacts of the 10/50 Vegetation Clearing Code of Practice.

RECOMMENDATION:

Moved: Rhonda James

Seconded: Peter Sloan

That:

1. Council staff prepare a report on the implications of the 10/50 rule, with recommendations on how best to proceed.
2. Expresses its concerns to Local Government NSW (LGNSW), and endeavours to gain support of LGNSW to achieve an improved outcome for biodiversity, in view of the potential problems raised by the new legislation.

General Business:

GB1. IRB National Titles in Kingscliff

Jason passed on congratulations and thanks to Kingscliff Beach Holiday Park and Council for the support provided during the titles. Jason and John both commented that it had been a good promotion for the Tweed.

GB2. Bollards at Hastings Point

Peter congratulated Council on the new bollards at Hastings Point and also raised concern about the concrete junction boxes for the water pipes under the creek - they are dangerous and unsightly. Jane to discuss with Water Unit staff.

GB3. Bogangar Subdivision Proposal

Terry raised concerns about the proposal for dedication to Council of waterways on the Hansen proposed development site. Jane to communicate LEP zoning for those waterways to Terry. Terry felt there was potential for increased flooding if not maintained efficiently.

Next Meeting:

The next meeting of the Tweed Coastal Committee will be held Wednesday 8 October 2014.

The meeting closed at 2.40pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

BA3. Hastings Point Rocky Shore (Marine Science Reserve)

Nil.

A3. Rural Fires Act Amendment

Same as recommendation from Tweed River Committee meeting held 13 August 2014.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

BA3. Hastings Point Rocky Shore (Marine Science Reserve)

That Council writes to the appropriate Ministers (Lands / Fisheries) and the local State Member, to request that urgent progress be made on developing a Management Plan for the Hastings Point Marine Reserve following its gazettal in February 2007.

A3. Rural Fires Act Amendment

Previously considered by Council in the minutes of the Tweed River Committee meeting of 13 August 2014.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012 (ECM2947539)

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.

30 [SUB-TRMAC] Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 14 August 2014

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 14 August 2014 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 14 August 2014 be received and noted.

REPORT:

The Minutes of the Tweed Regional Museum Advisory Committee Meeting held Thursday 14 August 2014 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Centre

Time:

2:00pm

Present:

Cr Barry Longland (Tweed Shire Councillor); Stewart Brawley (Acting Director Community & Natural Resources); Robyn Grigg (Manager Community & Cultural Services); Gary Fidler (Community); Sandra Flannery (Community); Fay O'Keeffe (Community); Janet Swift (Community); Peter Budd (Community); Joan Smith (Tweed Heads Historical Society); Denise Garrick (Tweed Heads Historical Society); Helena Duckworth (Uki & South Arm Historical Society); Jayne Parrott (Uki & South Arm Historical Society); Max Boyd (Murwillumbah Historical Society); Tony Clark (Murwillumbah Historical Society).

Apologies:

Cr Michael Armstrong; Judy Kean

Chairperson, Max Boyd, welcomed new members Jayne Parrott (Uki & South Arm Historical Society) and Tony Clark (Murwillumbah Historical Society).

Chairperson, Max Boyd, suspended standing orders in order for the Mayor, Cr Barry Longland, to speak.

Max Boyd advised that he had had a conversation with Cr Longland that morning to talk about the RSL Hall at Tweed Regional Museum, Tweed Heads, and he now asked Cr Longland to outline Council's solution to the issues there.

Cr Longland advised that when Council discovered the extent of the asbestos and other building issues at Tweed Heads they were very concerned, and closed it immediately as a safety issue.

He stated that the building report commissioned by Tweed Heads Historical Society (THHS) put the cost of repairing the building at over \$170,000.

He advised that Council is proposing that the RSL Hall be demolished and a temporary building be placed on the site. If a permanent building were to be installed, it would most likely incur rental costs as the site is owned by Crown Lands.

Cr Longland advised that no decisions have been made yet on what will be transferred to the Tweed Heads Civic Centre and former SCU building at Tweed Heads.

Cr Longland suggested that it may be time to review the Memorandum of Understanding (MoU), as the proposed new museum at Flagstaff Hill is now not achievable and the original figures of the 7 year plan are vastly different now. Cr Longland also advised that some

original planning, such as allowing for 1500m² of space for the Tweed Heads branch, were no longer applicable due to the new Museum Collection Store being built.

Stewart Brawley showed THHS representatives an image of a removable building that could be placed on the site, and advised that it would have a kitchen, toilet and open plan area.

Cr Longland advised that this building could be erected for \$130,000 including demolition of the RSL Hall.

THHS President, Joan Smith, enquired as to whether the new building would house Museum objects and was advised by Stewart Brawley that it would be for the Society's use only.

THHS President, Joan Smith, enquired as to whether the proposed new Museum at Flagstaff Hill would be going ahead, and was advised by Cr Longland that it would not be proceeding at that site.

THHS representative, Denise Garrick, advised that when the MoU was signed, there was no plan to put a Museum specifically on Flagstaff Hill; only that one would be built somewhere at Tweed Heads.

THHS President, Joan Smith, advised that it was originally planned that a large area of the proposed museum be allocated to travelling exhibitions, and that they had put their hand up to receive travelling exhibitions but were not considered because of the museum being in wooden buildings.

Cr Longland asked if it was time to review the MoU, as it needs to accurately reflect the priorities of the Museum. THHS representatives indicated they did not want a review of the MoU.

THHS representatives advised that even with a new temporary building at Tweed Heads, the space will still be inadequate, and they hoped that a permanent site elsewhere would be found for them.

THHS President, Joan Smith, enquired about the time frame for the demolitions and installation of the temporary building. Stewart Brawley advised that it would probably occur this year, and submission of a DA would be necessary.

THHS President, Joan Smith, advised that they were aware that the demolition of the RSL Hall would be happening, and asked that the floorboards from the building be carefully removed and retained for use at the site.

Cr Longland summarised the discussion of the meeting as follows: that the demolition of the RSL Hall and erection of a temporary building will meet the immediate needs of the THHS, but a permanent solution is still sought by THHS.

Cr Longland left the meeting at 2:30pm.

Chairperson, Max Boyd, resumed standing orders.

Minutes of Previous Meeting:

Moved: Joan Smith

Seconded: Janet Swift

RESOLVED that the Minutes of the Tweed Regional Museum Advisory Committee meeting held Thursday 8 May 2014 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

Nil

Agenda Items:

1. Museum Director's Report

Museum redevelopment

Work is on track for opening on 30 August. Key activities during July and August:

Fit out of offices and receptions areas completed

Installation of new lighting in existing building completed

On site inductions for front of house volunteers completed

Object preparation (cleaning, condition reports, preparation of mounts) completed

Showcases delivered and installed 4-6 August

Object installation underway from 28 July. We have enlisted specialist assistance to help with this, particularly in relation to installation of the 'cedar wall'. The Tweed Valley Woodcrafters and Pottsville Forge provided invaluable help.

Video segments for inclusions in displays and updates to the website are also almost complete

Joinery tender for showcase elements and display plinths awarded and work underway from mid July.

Invitations to opening on morning of Saturday 30 August mailed during week. beginning 4 August. Number restricted due to site and capacity of Museum.

NSW Governor was unavailable to officially open the Museum. NSW Minister for the Arts and TSC Mayor to jointly officially open. Max Boyd as Chair of MAC and President of the Murwillumbah Historical Society will also speak at the opening. The opening will be an outdoor event - guests in front of the Museum in Queensland Road with official party on Museum 'porch'.

Opening hours 31 August - 30 November confirmed as follows:

Monday - Friday 10am - 4pm

Saturday and Sunday 11am - 3pm

A temporary contract position has been approved to provide support for weekend opening.

Opening hours during December and January will most likely be week days only.

The Murwillumbah branch will be closed 24 December - 1 January inclusive.

Ongoing opening hours will be established from beginning February and are to be confirmed.

Murwillumbah Historical Society is in the process of packing up at Bray Park and will be established in the Museum in the lead up to opening on 30 August.

A number of promotional strategies are in place in consultation with Council's Communications and Customer Service staff, including:

A new Museum brochure

Promotional post cards for wide distribution

Media Releases and content in the Tweed Link

Banners

Rebranding of heritage signs in Murwillumbah town centre, and associated brochure. Guided walks led by the Murwillumbah Historical Society members also planned.

Collection Store, Collection Management

The contribution of volunteers who assisted with object preparation at the store has been crucial and is now largely completed. I would like to once again thank that small and dedicated band for their invaluable assistance. They have been hard to keep up with!

Nadia McDougall has now embarked on specialist preparation of paper works for display and will also assist with display installation.

TRM Tweed Heads

Due to the condition of the RSL Hall the building was closed to the public on 2 June and to all staff and volunteers from 27 June.

A number of meetings have been held between Council staff and Historical Society members regarding the building and the impact on Museum and Historical Society operations. Council has also prepared detailed costs and options for the Hall including the quotation for repairs and renovations to the RSL Hall provided by the Historical Society.

During June Museum staff and conservator Nadia McDougall undertook an assessment of items on display in the RSL Hall to identify those that were vulnerable due to the nature of materials, and exposure (dust, mould). Based on this assessment, on significance and in light of time and space restrictions at the collection store, a number of items have been rehoused at the store. Information regarding these has been provided to the Society.

Remaining items will be rehoused at the store during October.

Museum programs

A grant application has been submitted to Arts NSW for assistance with a range of potential Museum projects during 2015 and 2016.

An application has also been submitted in relation to volunteer programs across the Community and Cultural Services unit of Council. Outcomes of applications will not be known until later in the year.

Catherine Gordon, specialist Museum Education consultant has commenced work on curriculum based education resources in consultation with the Museum Education Reference Group. The first meeting between Catherine and the Reference Group was held in Murwillumbah on 19 June. Materials will be available for schools from 2015.

Extensive visitor surveys will be conducted at TRM Murwillumbah in the 6-8 weeks after opening. This is part of a state-wide project also involving Museums and Galleries NSW, the Newcastle Museum and the Museum of the Riverina Wagga Wagga. A comprehensive report based on data will be produced by the end of 2014 and will be invaluable for future planning and resourcing.

Council computer leases renewed at the end of June 2014. This involved the swap out of computers at Tweed Heads, Uki, Museum store and the Coolamon office. This caused some disruptions and also involved upgrading of software licenses and in some cases new Windows7 operating system.

De-accessions and Acquisitions

None are proposed for this meeting

Staff

Trish Budd's contract has been extended to the end of August. Due to other commitments Trish is not available beyond this date.

I would like to thank Trish for the outstanding job she has done in setting up the Front of House Volunteer program and her work with those volunteers who will be part of the program. It will prove invaluable to the operations of the Museum and the Murwillumbah Historical Society.

The full time position of Curator Collections and Programs has been assessed and approved and will move to recruitment and appointment during August and September.

Discussion arising from Museum Director's Report:

Denise Garrick, THHS, advised that with the closure of the RSL Hall, the number of computers at the Tweed Heads branch had reduced from 5 to 2.

Joan Smith, THHS, enquired about where Vernon fits in. Robyn Grigg advised that Council is committed to Vernon as the Collection Management System for its cultural facilities and there would be a full program of training and implementation in the new year.

Jayne Parrott, Uki & South Arm Historical Society representative, advised that members were having access issues after the Windows 8 rollout.

Moved: Max Boyd

Seconded: Sandra Flannery

RESOLVED that the Museum Director's Report be accepted by the Committee.

2. Historical Society and Friends Reports

Murwillumbah Historical Society Report

Report was taken as read as it was previously circulated with the Agenda.

Moved: Max Boyd

Seconded: Tony Clark

RESOLVED that the Murwillumbah Historical Society's Report be noted by the Committee.

Tweed Heads Historical Society Report

Report was taken as read as it was previously circulated with the Agenda.

Moved: Joan Smith

Seconded: Denise Garrick

RESOLVED that the Tweed Heads Historical Society's Report be noted by the Committee.

Uki & South Arm Historical Society Report

Report was taken as read as it was previously circulated with the Agenda. President, Helena Duckworth, added that the Society was having problems with the technology necessary to be able to link to the internet to show the Nightcap Track documentary created by Ian Fox.

Stewart Brawley offered to talk to Council's IT department to source a solution to the problem.

Uki & South Arm representative, Jayne Parrot, advised that the Uki Primary School was now bringing classes over to the Museum for historical sessions, especially for the anniversary of WWI.

Moved: Helena Duckworth

Seconded: Jayne Parrott

RESOLVED that the Uki & South Arm Historical Society report be noted by the Committee.

President of the Friends of TRM, Gary Fidler, apologised for not having a Report to present to the Committee.

He verbally advised the Committee that the Friends were working on a banner and brochure, and that the Friends calendars would be ready for the Museum opening.

General Business:

3. Website

Denise Garrick advised the Committee that names of Committee members needed updating on the website.

4. Working with Children check

Fay O'Keeffe asked if volunteers at TRM Murwillumbah would be required to undergo a Working with Children Check to obtain a Blue Card.

Stewart Brawley advised that this was not required at this site due to the low level of contact with children and the fact that teachers were present at all times.

Next Meeting:

The next meeting of the Tweed Regional Museum Advisory Committee will be held Thursday 13 November 2014.

The meeting closed at 3:15pm.

DIRECTOR'S COMMENTS:

Nil.

DIRECTOR'S RECOMMENDATIONS:

Nil.

COUNCIL IMPLICATIONS:

Code of Meeting Practice.

Terms of Reference - reviewed 21 August 2012 (ECM3283132).

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.

31 [SUB-EAC] Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 August 2014

SUBMITTED BY: Community and Cultural Services

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:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 August 2014 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 August 2014 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

GB1. Membership

That Wendy Gilbertt be appointed to the Equal Access Advisory Committee.

REPORT:

The Minutes of the Equal Access Advisory Committee Meeting held Wednesday 20 August 2014 are reproduced as follows for the information of Councillors.

Venue:

Coolamon Centre

Time:

10.00am

Present:

Milena Morrow (Chair), Michael Kenny, Lee Clark, Bev Kelso, Suzanne Hudson, Una Cowdroy, Faye Druett, Chris Vannucci.

Apologies:

Karen Collins, Cr Michael Armstrong, Cr Phil Youngblutt, Robert Noakes.

Minutes of Previous Meeting:

Moved: Chris Vannucci

Seconded: Milena Morrow

RESOLVED that the Minutes of the Equal Access Advisory Committee meeting held Wednesday 18 June 2014 be accepted as a true and accurate record of the proceedings of that meeting.

1. Milena welcomed Faye Druett, new committee member to the meeting and all members introduced themselves.

Outstanding Matters Report

1. Affordable entry to Murwillumbah, Kingscliff and South Tweed Aquatic Centres for people with permanent or temporary disabilities

The second trial will conclude at the end of November. A further update will be provided to the committee at the December 2014 meeting.

2. Accessible toilet with adult change facility at Tweed City Shopping Centre
An update will be provided when a decision has been made by the developers. There has been no confirmation from the developers as yet.

The possibility for inclusion of such a facility in a Council public toilet has been included in the Access and Inclusion Plan going to Council for adoption at 21 August 2014 Council meeting. The committee agreed that Council should build an accessible toilet with adult change facilities as part of the Access and Inclusion Plan.

3. Culvert on Tree Street, Murwillumbah
The 'No Stopping' sign was installed in July 2014.
Action: This item is now closed.

4. Tweed Heads swimming pool access hoist
Aquatic Centres Management has updated information on all the accessible facilities at the Tweed Aquatic Centres on the website. This information will also be included on brochures.

Karen has advised the Pools Manager that any additional information on how to book hoists and when they are available needs to be included.

5. Footpath and kerb ramps on Powell Street, Tweed Heads
This area has been included in the draft Pedestrian and Mobility Plan (PAMP).

Michael advised that footpaths and kerbs ramps have been budgeted for and prioritised. The PAMP is a more strategic document (5 year plan) that looks at priorities and safety issues and grades them on that basis. It is Michael's responsibility to ensure the Powell Street footpath and kerb ramps are included in the PAMP. The PAMP is not too far away from completion. The cost of the job at Powell Street is approximately \$30,000.

6. Lift from multi storey car park in Murwillumbah
The recommendation from the April Committee meeting: that Council explores options for installing additional accessible parking bays (replacing those on the top floor free parking zone) on other levels of the car park or other locations in Murwillumbah was approved by Council at the May Council meeting.

Stewart Brawley, Acting Director Community and Natural Resources has advised that it would cost over \$80,000 to repair the lift so the option of locking after hours is not possible because it is too expensive to repair. The solution proposed is that additional accessible car parking will be included on the Queen Street level and the ground floor pool level.

A major project in the Access and Inclusion Plan is to undertake a review of all accessible car parking spaces on Council managed land, with recommendations to follow to remove those that don't meet standards and install new spaces where needed.

No further recommendation was made on this matter.

7. Pedestrian access on Megan Street, Tweed Heads
A recommendation that the Traffic Committee investigates traffic and pedestrian issues on Megan Street between Kirkwood Road and Sandra Street intersections and reports back on options for a solution to the Equal Access Advisory Committee was approved at the May 2014 Council meeting. Michael Kenny advised that Regulatory Services has a role in regulating caravan parking on footpath or verge area.

Michael advised this is a two pronged issue because of some businesses which have Minjungbal Road frontage but rear access from Megan Street, They park on the road reserve and footpath which causes issues for people who wish to use the road reserve or footpath. If the matter is referred to the Traffic Committee, it won't be able to action the item and will refer it to the PAMP. Michael has included the issue as a priority in the PAMP without it going to the Traffic Committee.

Michael advised a yellow line can't be placed in that area as there is only 100m to the corner which includes the driveway of the business and there is also an access issue. The footpath build that has been included in the PAMP is 300m footpath made up of 100m off Kirkwood Road and 200m to Sandra Street, and is costed at \$30,000.

Action: Request Regulatory Services to do proactive patrols of the area and issue notices to business owners and residents who are parked illegally. Responsibility: Karen Collins

Agenda Items:

1. Access and Inclusion Policy and Action Plan

The Plan was adjusted following submissions received during the public exhibition period. The Plan is due for formal adoption at Council on 21 August 2014. Copies of the final Plan has been provided to the Committee.

2. All Access Playground update

Nothing to update.

3. Tweed Link monthly access news

Due to cost of including two columns per month, *Access All Areas* and *Healthy Ageing Info* and available budget, there will be only one column per month in the 2014-2015 financial year. The columns are currently funded from the Community Services Aged and Disability Project budget. This means *Access All Areas* will appear every second month.

The committee expressed its disappointment that *Access All Areas* will only appear every second month as it has played a very important role raising awareness in the community.

Lee advised that at the Regional Access Meeting they were advised that Northcott has new fundability grants available providing small grants for ideas to make the community more accessible. Georgina Gold of Northcott will be attending the next Regional Access meeting and Lee will find out whether this project would be eligible for funding.

Action: Lee to liaise with Northcott regarding whether the *Access All Areas* column would be a suitable project for funding through the fundability grants, and to report to next meeting.

4. 2014 Access and Inclusion Awards

Nominations are starting to come in for the 2014 Access and Inclusion Awards. EAAC members are encouraged to make nominations and also promote the nomination process in the community. Pamphlets were distributed to members.

5. Access Funds

Need to revisit discussion about a more effective way of allocating the operational budget. Suggest recommendation that a protocol be developed similar to Council's Donations Policy where an amount is allocated per year with two opportunities to apply for small grants. This will allow the committee to assess applications against each other and make decisions about which requests meet our criteria and help improve access where it is needed most. Item to be discussed at October meeting.

General Business:

1. Membership

Following the resignation of Angela Collins and advertising for a new member in the Tweed Link, applications have been received from Wendy Gilbert and Stewart Bark. The two applications have been fully assessed and were considered by the Committee. Both applicants were considered suitable for membership on the Committee. Wendy Gilbert was chosen as the preferred applicant.

Moved: Lee Clark

Seconded: Milena Morrow

RECOMMENDATION that Wendy Gilbertt be appointed to the Equal Access Advisory Committee.

2. Pedestrian Access Mobility Plan update

Michael provided an update that submissions have now closed with a further 159 online surveys being completed, 25 hard copies handed in (making 184 total) and 11 written submissions. The information has been provided to the consultant, GHD which will add the information into the existing PAMP for finalisation. The Plan will be provided to Councillors, General Manager and Directors before being presented to Council for adoption. It is hoped that it will be completed by late October 2014.

A hard copy of the document will be provided to Karen and electronic copies will be provided to committee members.

Michael noted that Roads and Maritime Services contributed \$20,000 and Council funded the balance of \$36,000 to the project.

3. Ability Links program update

Two Ability Linkers have been appointed for the Tweed Shire, Mina Hunt and Wendy Gilbertt, who are based at Murwillumbah Community Centre. Milena suggested inviting them to a Committee meeting in 2015 to provide a presentation on the program. Committee agreed to invite them to a meeting in 2015.

Action: Karen to arrange to invite newly appointed Ability Linkers, Mina Hunt and Wendy Gilbertt to an EAAC meeting in 2015.

4. Beach wheelchairs - all terrain wheel chair

Following endorsement by Council at the Council meeting on 21 August 2014, the new wheel chair will be ordered. A new pamphlet has been produced to advertise the beach wheelchairs. The pamphlet was distributed to committee members.

5. Hi-Lo Change Table for Hydro Therapy Pool at Murwillumbah Aquatic Centre

The hi-lo change table previously in place belonged to Lifebridge and has been re-located to Tweed. A request has been submitted to EAAC to purchase a replacement. There are a lot of people with high needs who won't be able to participate in programs if the table is not replaced. Information and quotes provided to Committee for discussion. The cost of purchasing a new table is approximately \$12,000. There may be opportunities for funding through Council or Northcott fundability grants otherwise through the donations policy protocol once it has been put in place. This item also fits into the discussion on allocating the EAAC's small budget. The committee requested that further avenues for funding be investigated before a recommendation is made.

Action: Karen to investigate other funding possibilities for replacement of the hi-lo change table.

6. Access matter 144 Main Street, Murwillumbah, Queensland Dental Group

There is a ramp access to this dental business but it is not to accessible standard causing an elderly frail person using a mobility aid great difficulty accessing the dentist. It should also be noted that the other dentist in Murwillumbah on Queen Street is on the first floor and can only be accessed by stairs. There is a section in the Access and Inclusion Plan on working with businesses to improve access. The current *Providing Good Access in Retail*

Outlets pamphlet is aimed at shops and may not be specific enough for other kinds of businesses.

Action: Karen to arrange for Council to inspect the premises to see whether the ramp meets the standards. If not, Council to write to the business and provide information on improving access including what is required for ramps etc. and the importance of providing access.

7. Regional Access Committees forum 8 September 2014

Suzi, Una, Faye, Lee and Milena confirmed they will be attending the forum. Community Transport has been booked for Una and Suzi. Faye has arranged her own transport. Bev and Chris will be apologies for the forum.

8. On Exhibition *Community Infrastructure Framework*

The *Community Infrastructure Framework* comes from a Notice of Motion to Council last year about the need for improved community and cultural facilities especially in the Tweed area. The recommendation was that a report be developed that looks at the needs of the Tweed overall and recommends a way forward. This framework is the result. The *Community Infrastructure Framework* has been circulated for information and discussion, with comments from the Committee welcomed.

Action: Milena to email a copy of *Community Infrastructure Framework* document to committee members.

9. Accessible Playground

Bev advised that there was an article a couple of weeks ago advising that Brisbane City Council is making an effort to ensure all of its playgrounds are accessible. The committee agreed this is a very positive initiative by Brisbane City Council.

Next Meeting:

The next meeting of the Equal Access Advisory Committee will be held on Wednesday 15 October 2014 at Banora Point Community Centre.

The meeting closed at 11.15am.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

GB1.Membership

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

GB1.Membership

That Wendy Gilbett be appointed to the Equal Access Advisory Committee.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 12 December 2014 (ECM2847116)

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.

32 [SUB-LTC] Minutes of the Local Traffic Committee Meeting held 21 August 2014

SUBMITTED BY: Planning and Infrastructure

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

SUMMARY OF REPORT:

The Minutes of the Local Traffic Committee Meeting held 21 August 2014 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

- 1. The Minutes of the Local Traffic Committee Meeting held 21 August 2014 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1 [LTC] Casuarina Way, Casuarina

That subject to consultation with the Body Corporate of Cotton Beach, provision of 'No Stopping' zones by the application of yellow linemarking be supported approximately 6m north of the Cotton Beach apartments driveway and approximately 15m between the apartment driveway and the service vehicle exit on Casuarina Way.

A2 [LTC] McLeod Street, Condong

That the request to modify 'No Stopping' zones in McLeod Street Condong is not supported.

A3 [LTC] Tree - 18 Elizabeth Street, and Philip Street, Pottsville

That the disabled parking space in Philip Street Pottsville be relocated to be clear of the fig tree, subject to consultation with Council's Equal Access Advisory Committee, and any other on site constraints.

REPORT:

The Minutes of the Local Traffic Committee Meeting held 21 August 2014 are reproduced as follows for the information of Councillors.

VENUE:

Peter Border Meeting Room

TIME:

Commencing at 10.00am

PRESENT:

Committee Members: Cr Barry Longland, Mr Greg Sciffer, Roads and Maritime Services of NSW, Snr Constable Chris Davis, NSW Police, Mr Col Brooks on behalf of Mr Thomas George MP, Member for Lismore, Mr Geoff Provest MP, Member for Tweed.

Informal: Mr Danny Rose on behalf of Mr Ray Clark (Chairman), Mr Michael Kenny, Mr Greg Aigken (RMS), Ms Judith Finch (Minutes Secretary).

APOLOGIES:

Mr Thomas George MP, Member for Lismore, Mr Ray Clark, Mr Nick Tzannes.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Local Traffic Committee Meeting held 12 June 2014 be adopted as a true and accurate record of proceedings of that meeting.

FOR VOTE - Unanimous

BUSINESS ARISING

1. At the Local Traffic Committee meeting held 12 June 2014 it was incorrectly recorded that the Minutes of the 12 June 2014 be adopted as a true and accurate record of proceedings of that meeting. In fact the date of the Minutes for adoption should have read 1 May 2014. Col Brooks advised the meeting that his apologies were not shown for the 12 June 2014.
2. At the meeting held 1 May 2014 Item B1 Tweed Valley Triathletes Season 20 September 2014 to 7 March 2015 requested endorsement by 'Bicycle NSW'. Council has since been advised that endorsement of these type of events should reference 'Triathlon Australia' which encompasses the State Associations.

FOR VOTE - Unanimous

SCHEDULE OF OUTSTANDING RESOLUTIONS

[LTC - SOR] Schedule of Outstanding Resolutions - August 2014

From Meeting held 12 June 2014

1. [LTC] Fraser Drive, Banora Point (B1)

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 3194837; Traffic; Committee; Speed Zones; Safety; Fraser Drive

SUMMARY OF REPORT:

Request received for a reduction in the 80km/h speed zone on Fraser Drive Banora Point/Terranora based on the following:

"The matters to take in consideration are:

1. *There are no footpaths to speak of, forcing the many people, including children, having to walk on the road verge because of the rough nature either side of the bitumen. Many bike riders walk their bikes up the steep hill.*
2. *At night there is no street lighting in the areas of the road that are currently 80km/h particularly in the vicinity of the sporting fields. In a dark rainy night this danger is further advanced especially because of the bends in the road.*
3. *The volume of traffic that now uses Fraser Drive, to and from Terranora Road, has increased enormously since its completion of The Sexton Hill. Vehicles turning from Terranora Road down the hill accelerate, exceeding the 60km/h prior to reaching 80km/h areas, making exiting driveways hazardous. Many of them are using mobile phones too.*
4. *In the afternoon traffic sometimes queues 300 metres trying to turn into Terranora Road.*
5. *Large numbers of bike riders use Fraser Drive.*
6. *Whether we like it or not young people use the downhill for skateboard riding."*

The Committee advice from the meeting on 8 August 2013 in relation to the speed limit on Fraser Drive between Vintage Lakes Drive and south of Acacia Street was to remain at 80 km/h as per the following:

"That the speed limit on Fraser Drive is considered appropriate and no changes are warranted.

The existing 80km/h speed limit on Fraser Drive extends south of Botanical Circuit to north of Glen Ayr Drive, a length of approximately 1.3km. Accident data shows 2 casualty and 1 injury crash in this area and additional crashes at the intersection of Amaroo and Fraser Drive. No speed surveys are available for the area. There are only 3 houses with direct access to Fraser Drive within the area.

Traffic volumes on Fraser Drive south of Terranora Road have reduced from 5556 in 2011 to 5063 in 2013.

ADVICE TO COMMITTEE:

That the 80 km/h speed limit on Fraser Drive remain.

COMMITTEE ADVICE:

That:

- 1. This item be referred to the Roads & Maritime Services for a review of the speed limit on Fraser Drive, Banora Point.*
- 2. The Banora Point Residents Association be advised that a review of the speed limit on Fraser Drive (by the RMS) has been requested."*

Current Status: (This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 June 2014).

(That Item B1 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 5 December 2013 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 7 November 2013 (Item B1).

2. [LTC] Tyalgum Road, Murwillumbah (B4)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3282718; Traffic - Committee; Traffic - Speed Zones; Traffic - Safety; Bus - Stops; Bus - Routes; Tyalgum Road; Old Lismore Road; Kyogle Road

SUMMARY OF REPORT:

Request received for a reduction in the speed limit on Tyalgum Road, Murwillumbah.

"....I would like I strongly believe it is a matter of pedestrian and motorists safety. I also asked that this limit be reduced as young children are regularly waiting for their school bus on this road next to an electric fence and waterway having to keep safe from traffic travelling at 100klms per hour and are also having to cross this road. This road directly passes a residential estate and street facing houses. Another concern is the location of a childrens park which is not much more than 100metres away from this road. From this estate there is no path for pedestrians to walk along if wishing to access local shops meaning that pedestrians have to walk along a 100 km per hour road. There is also no public bus that comes through this estate, only bus available is on Tyalgum road. I have spoken to bus company requesting they pick up school children on Sovereign heights estate, they say this is not possible as there is nowhere to turn and the only other road they can exit Sovereign Heights estate is Old Lismore Road which is even more dangerous as not only does it come out onto Tyalgum Road

(100km per hour road) but at this point there is no visibility for the bus to safely pull out. I have spoken to other residents who would also like the road speed reduced from the Old Lismore Road to the Tyalgum/Kyogle road intersection, reasons being for pedestrian safety, their childrens safety, motorists safety. I do not believe that a reduction in speed to a residential area speed should affect motorists speed in which they get to their destination as it is only an area of less than 1km. On this stretch of road if travelling from Old Lismore road to Tyalgum/Kyogle road intersection you have to slow down towards the intersection so I don't believe it will delay travellers by more than 1 minute, but the safety to me far out ways how fast someone gets to work, home or to the shops. Perhaps drivers should allow 1 extra minute in their daily drive along this road."

Sovereign Heights Estate is a comparatively new subdivision where access off Tyalgum Road has been constructed to the appropriate standard for a 100kph road. Sight distance for motorists exiting the estate is approximately 200 metres to the west. It is not unusual for children to wait for a bus on rural roads, however this is a decision for parents and bus operators. Reducing the speed limit on Tyalgum Road in this vicinity is unlikely to result in a change in driver operating speeds unless the reduced speed limit is heavily enforced.

A number of driveways directly access Tyalgum Road west of Sovereign Way. Speed surveys should be undertaken in this vicinity and forwarded to the RMS for speed zone reviews.

COMMITTEE ADVICE:

That the speed limit on Tyalgum Road be considered for a review by the Roads and Maritime Services according to the speed zoning guidelines.

Current Status: *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 June 2014).*

(That Item B4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 13 February 2014 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 13 February 2014 (Item B4).

3. [LTC] Kennedy Drive, Tweed Heads (A6)

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 75456361; Traffic - Committee; Traffic - Pedestrian Crossings; Traffic - Safety; Kennedy Drive

SUMMARY OF REPORT:

This item is brought forward from the Local Traffic Committee meeting held 5 December 2013 for further review after pedestrian surveys have been undertaken.

The Item from 5 December 2013 meeting is reproduced below:

"Request received for the installation of a pedestrian crossing outside the "Scales" fish shop on Kennedy Drive.

"Quite a few of us in "Endless Summer" area agree that it would keep people a lot safer if we had a pedestrian crossing outside "Scales" fish shop on Kennedy Drive. We see customers, ourselves included, trying to cross in front of that shop at risk of life and limb.

Kennedy Drive is such a busy Street now, in both directions, it is extremely difficult to cross safely. As quite a few residents in this area are elderly and some rely on "Scales" for their evening meal, it would be a real asset for you to paint a few stripes!!"

Creation of a marked pedestrian crossing in this vicinity would severely impact on kerbside parking due to the requirement of a 20 metre approach and 10 metre departure 'No Stopping' zone. This in itself would impact on the seafood business.

The Committee noted that a speed zone survey is currently being undertaken by the RMS.

COMMITTEE ADVICE:

That new pedestrian surveys be undertaken on Kennedy Drive, Tweed Heads near "Scales" fish shop to ascertain compliance with Roads and Maritime Services warrants for a marked pedestrian crossing."

From meeting held 10 April 2014:

Pedestrian counts were undertaken on a busy week day and a weekend during fine weather as follows:

Friday 14/3/14 12.15pm - 1.15pm P 47 x V 747 = PV 35,109

Normal Warrant:

A pedestrian crossing should be considered for approval where:

- a) The product of the measured pedestrian flow per hour (P) and the measured vehicles traffic flow per hour (V) is equal to or greater than 60,000 and
- b) The measured flows, P and V are equal to or greater than 30 and 500 respectively
- c) The measured flows apply for three periods of one hour in any day.

Special Warrant:

Not applicable - not school, not aged or physically impaired (50% of pedestrians counted).

Whilst the warrants are met for a marked pedestrian crossing in one of three counts there are concerns that the installation of a marked pedestrian crossing on Kennedy Drive may lead to undesirable safety outcomes, such as rear end crashes and pedestrians forcing their right of way in unsafe situations.

The Chairman requested that this item be moved to the A section of the meeting.

COMMITTEE ADVICE:

That a concept design be brought forward to the Local Traffic Committee with the placement of a pedestrian refuge in the centre of Kennedy Drive adjacent to the "Scales" fish shop.

RECOMMENDATION TO COUNCIL:

That:

1. A concept design be brought forward to the Local Traffic Committee with the placement of a pedestrian refuge in the centre of Kennedy Drive adjacent to the "Scales" fish shop and consultation be held with the affected business owners.
2. A "No Right Turn" sign be installed on Kennedy Drive for westbound traffic opposite McDonald Street

Current Status: *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 June 2014).*

(That Item 3 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 1 May 2014 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 10 April 2014 (Item A6).

From meeting held 21 August 2014:

The concept design was tabled to the June meeting and accepted by the Committee. Council officers have discussed the concept design with the shop owners. The 'No Right Turn' sign on Kennedy Drive has also been completed.

This item can be removed from Schedule of Outstanding Resolutions.

-
4. [LTC] Wooyung Road, Pottsville (A4)

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3353132; Traffic - Committee; Speed - Zones; Wooyung Road; Kellehers Road Pottsville

SUMMARY OF REPORT:

From meeting held 12 June 2014.

The RMS have received correspondence from a Pottsville resident requesting a further review of the speed limit on Wooyung Road near Kellehers Road Pottsville. The RMS have advised that it is recommending a reduction in the speed limit to 80km/h from approximately 200m south of Kellehers Road continuing to the 50km/h posted speed limit at the Pottsville Cudgera Creek Bridge.

COMMITTEE ADVICE:

That the Committee supports the recommendation for a reduction in the speed limit to 80km/h on Wooyung Road from approximately 200m south of Kellehers Road continuing to the 50km/h posted speed limit at the Pottsville Cudgera Creek Bridge and an article be placed in the Tweed Link outlining the reasoning behind the speed reduction.

RECOMMENDATION TO COUNCIL:

That this item be sent to RMS requesting a review of the speed limit on Wooyung Road between Kellehers Road and Pottsville.

Current Status: *(This item remain on the Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 June 2014).*

(That Item A4 Schedule of Outstanding Resolutions from Local Traffic Committee meeting held 12 June 2014 remain on the list of Outstanding Resolutions.

(This item was originally listed as an Outstanding Resolution at the Local Traffic Committee Meeting held 12 June 2014 (Item A4).

From meeting held 21 August 2014:

The Committee requested that the Pottsville Residents Association be informed of the outcome of the speed zone review results. RMS advised that the field work has been completed.

A. FORMAL ITEMS SECTION

DELEGATIONS FOR REGULATORY DEVICES

A1 [LTC] Casuarina Way, Casuarina

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3410024; Traffic - Committee; Traffic - Parking Zones; Traffic - Safety;
Casuarina Way

SUMMARY OF REPORT:

Request received in relation to parking on Casuarina Way, Casuarina near the Cotton Beach apartments.

"We live in Cotton beach apartments and when exiting the car park onto Casuarina way feel that the cars parked along the Eastern side make it impossible to see oncoming traffic. On exiting the Cotton Beach carpark it is impossible to see approaching traffic due to the number of cars parked. I believe it would be an easy fix to make it a no stopping zone as there is ample parking space available on the Nth side and Sth side of Cotton Beach apartments."

Council officers will make an assessment of sight distance when exiting the car park and will provide further advice to the Committee.

Council officers inspected the site and observed parked vehicles in the vicinity of the driveways which did impact on sight lines and included pedestrian safety and therefore the restriction of parking in this area is justified.

RECOMMENDATION TO COUNCIL:

That subject to consultation with the Body Corporate of Cotton Beach, provision of 'No Stopping' zones by the application of yellow linemarking be supported approximately 6m north of the Cotton Beach apartments driveway and approximately 15m between the apartment driveway and the service vehicle exit on Casuarina Way.

FOR VOTE - Greg Sciffer, Mr G Provest, Cr B Longland

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr C Brooks

A2 [LTC] McLeod Street, Condong

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3394485; Traffic - Committee; Traffic - School Zones; Traffic - Parking Zones; School - Condong Public; McLeod Street, Condong

SUMMARY OF REPORT:

Request received to convert some of the "No Stopping" zones to legal parking zones:

"I am writing to you to discuss my concerns pertaining to parking outside Condong Public School. Parking availability is quite poor out the front of our school. A considerable amount of parking out the front on both sides of the road are "NO STOPPING" zones and then further down on the southern side of the school is where the staff park."

I would like to enquire about the possibility of some of the "NO STOPPING" zones being converted to legal parking zones to allow families to drop off and pick up their children. Many of these young children have quite a distance to walk either to or from school when being dropped off or picked up. More so, we now have a young student with a diagnosed disability (he has a disabled parking sticker) who regularly has difficulty in walking due to the severity of his disability. There are no disabled parking zones and on occasions, his parents have had to park quite a distance from the school and carry him into school."

The installation of a disabled parking space on McLeod Street should not be supported as these facilities should be provided on site.

Council officers will liaise with the Acting Principal in consideration of the request.

Council's Road Safety Officer has met with the Acting Principal who has agreed to investigate alternate measures for the school to cater for the disabled student.

RECOMMENDATION TO COUNCIL:

That the request to modify 'No Stopping' zones in McLeod Street Condong is not supported.

FOR VOTE - Greg Sciffer, Mr Geoff Provest, Cr B Longland

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr C Brooks

A3 [LTC] Tree - 18 Elizabeth Street, and Philip Street, Pottsville

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3296559; Traffic - Committee; Traffic - Safety; Tree - Removal/Lopping; Elizabeth Street, Pottsville; Pty: 5550

SUMMARY OF REPORT:

Request received for the removal of a tree in front of 18 Elizabeth Street, Pottsville (along the Philip Street frontage). This is for safety reasons due to a dental patient slipping and children also using the tree for climbing whilst parents are shopping.

Photographs will be available at the meeting.

There are two disabled parking spaces currently marked in this section of Philip Street. Removal of one of these spaces could be considered. Alternately, the disabled space under the tree could be relocated to the south where there is another footpath access ramp.

RECOMMENDATION TO COUNCIL:

That the disabled parking space in Philip Street Pottsville be relocated to be clear of the fig tree, subject to consultation with Council's Equal Access Advisory Committee, and any other on site constraints.

FOR VOTE - Greg Sciffer, Mr G Provest, Cr B Longland

AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Mr Col Brooks

B. INFORMAL ITEMS SECTION

GENERAL TRAFFIC ADVICE

B1 [LTC] Melbourne Cup Tour Traffic Plan - 27 August 2014

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3436965; Traffic Committee; Traffic - Local Area Traffic Management; Road Closures - Temporary; Festivals - Tweed Valley Banana Festival; Festivals/Events - Other; Murwillumbah Street; Queen Street; Wollumbin Street; Commercial Road; Queensland Road; Brisbane Street

SUMMARY OF REPORT:

The Melbourne Cup Tour is proposed for 27 August 2014 commencing at the Staging Area at Palm Court, corner of Queen and Murwillumbah Streets at 12.30pm with speeches, community activities and presentation of the Melbourne Cup.

The Cup will then be transported by the Banana Festival Float to commence a circuit through the streets on the way to the new Murwillumbah Museum then returning to Palm Court at approximately 1.45pm.

No road closures are proposed and no traffic control plan is necessary. The organisers will erect signage in the lead up to the event to advise of possible disruption to normal traffic. The organisers have been advised to speak to NSW Police and other Emergency Service providers to advise them of the event.

COMMITTEE ADVICE:

That the Melbourne Cup Tour be supported subject to liaison with NSW Police and other Emergency Service providers.

B2 [LTC] School Zone Flashing Lights Rollout 2014 to 2015

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3427679; Traffic - Committee; School Zones; Traffic Lights; Schools - General

SUMMARY OF REPORT:

Request received to advise LTC of the program schedule for the RMS School Zone Flashing Lights Rollout 2014 - 2015 commencing July 2014.

In the latest Newsletter from the Centre for Road Safety, July 2014 the roll out of School Zone Flashing Lights will be completed for all schools within NSW by the end of December 2015 and that any enquiries regarding a particular school's installation can be found on the Centre for Road Safety website.

For further information please see the CRS website and the School Flashing Lights section at:

<http://roadsafety.transport.nsw.gov.au/stayingsafe/schools/flashinglights/index.html>

RMS advised that prior to the installation of School Zone Flashing Lights an audit of school zone signage and linemarking will be undertaken in consultation with Council.

COMMITTEE ADVICE:

For the information of the Committee.

B3 [LTC] Kingscliff Triathlon 2014 and 2015

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3423429; Traffic - Committee; Traffic - Safety; Bicycle Matters General; Community Events on Council Administered Land; Parks - Lions Park - Kingscliff; Parks - Faulks Park - Kingscliff; Parks - Jack Julius Park; Festivals/Events - Other; Road Closures - Temporary

SUMMARY OF REPORT:

Request received for approval for the Kingscliff Triathlon Multisport Weekend to be held on Saturday 22 and Sunday 23 November 2014 (KT10) and Saturday 14 and Sunday 15 February 2015 (KT11).

"We understand that sporting events cause disruption to the normal flow of traffic and we are confident that our research and project planning will eliminate any problems to the satisfaction of all parties. Please note that as the event keeps growing, we must be able to start course set up and registration days in advance to ensure optimal safety and risk management processes are in place. This is why we request approval for setup access from Friday, in particular on the car park located in front of the Surf Club which is expected to be blocked on the Saturday around 2pm.

Given the expected amount of entries and loading on the bike course, we wish to continue using part of Pearl Street between Seaview and Turnock Streets for the safety of participants.

The Saturday activities will attract close to 100 participants and the Sunday Triathlon is expected to attract 1,200 competitors, plus an estimated 2,000 supporters. Most

competitors come from Queensland, the Tweed, Sydney and regional areas and we expect the number of entries from across to Australia to increase significantly given the reputation of the event.

The Kingscliff Tri has experienced incremental growth since its first edition in 2010 and is becoming a "must do Tri" on the National calendar.

Event Program

Friday AM

- Setup of bike/transition cage in Faulks Park
- Delivery of crowd control fences in front of shops on Marine Pde

Saturday AM

- Setup in the Faulks Park AM and racking of bikes in transition Saturday PM
- Installation of crowd control fences on courses

Sunday AM

- 5.00am registration open
- 6.15am all roads closed
- 6.45am racing starts
- 1.00pm racing finishes
- 3.00pm pack-up completed

Roads and Public Ways Closed (south to north)

SWIM - CUDGEN CREEK

The local fishermen will not be allowed to access the boat ramp and will be notified of the event mid-July.

RUN AFFECTED ZONES

- Casuarina Way along Sutherland Street - 6.00am to 1.00pm
 - START/FINISH:- Salt roundabout (Point Break St & Casuarina Way) to Seaview Street
 - Diversions:- Viking/Hungerford/Orient
- Sutherland Point Road to creek rockwall - 6.00am to 1.00pm
- Salt Walkway - closed from Salt (last house) to Cudgen Creek bridge
- Jack Julius Park - swim start, restricted public access
- Cudgen Creek Walkway - closed from Cudgen Creek bridge to boat ramp 5.00pm (Saturday) to 2.00pm (Sunday)
- Boat Ramp Cudgen Creek - closed from 5.00pm (Saturday) to 2.00pm (Sunday)
- Access road to VMR Tower (boat ramp) * restricted access from 5.00pm (Saturday) to 1.00pm (Sunday)
- Moss Street - 6.00am to 1.00pm
- Faulks Park - car parks - restricted access from 3.00pm Saturday until 3.00pm Sunday

BIKE AFFECTED ZONES

- Marine Parade north - 5.00am to 1.00pm
 - START/FINISH:- Boat ramp Cudgen Creek, Southern End Marine Pde
 - Surf Club car park - 9pm (Saturday) to 2.00pm (Sunday)
 - Surf Club car park - cut in the middle 4.00pm Saturday * access from either end on/off Marine Parade
 - Pearl Street - 5.00am to 11.30am
 - START/FINISH:- Seaview Street to Turnock Street
-

- e) *Marine Parade north - 5.00am to 11.30am*
 - *START/FINISH:- Roundabout fig tree north to corner of Wommin Bay Rd*
- f) *Wommin Bay Road - 6.00am to 12noon*
 - *Along Wommin Bay road to Jenner's corner/Chinderah Bay Road>left along Chinderah Bay Road to dead-end*
- g) *Chinderah Bay drive from Wommin Bay Road to the dead end - 7.00am to 12noon*

TRAFFIC DIVERSIONS

The above roads are not accessible due to the race route (as above) being closed.

Traffic to be diverted as follows:

(starting south to north)

- *SALT - divert traffic northbound along Casuarina Way at roundabout of Point Break Drive*
- *VIKING - divert traffic inbound from TAFE into Turnock Street*
- *SEAVIEW - divert traffic outbound from Kingscliff to Turnock and to Boomerang*
- *KINGSCLIFF STREET - divert outbound traffic from Pearl Street to Turnock Street*
- *WAUGH - divert southbound to Fingal access ramp to freeway*
- *WAUGH - divert north bound traffic back onto freeway*
- *CHINDERAH BAY DRIVE - divert southbound traffic to Waugh freeway access or back to Fingal freeway access*
- *FINGAL ROUNDABOUT NEAR BRIDGE - divert south bound traffic to freeway*
- *CHINDERAH RD NEAR ROUNDABOUT UNDER FREEWAY - divert river bound traffic back to freeway."*

Triathlon events of this nature have been run several times now in the Kingscliff area. There were few issues raised following the previous event.

COMMITTEE ADVICE:

That the proposed Kingscliff Triathlon Multisport Weekend on Saturday 22 and Sunday 23 November 2014 as well as Saturday 14 and Sunday 15 February 2015 be supported subject to:

1. NSW Police approval being obtained
2. Endorsement of the event by Triathlon Australia
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
4. Community and affected business consultation
5. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
7. Adequate public liability insurance being held by the event organiser
8. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event

9. Consultation with emergency services particularly Kingscliff Police, Kingscliff Fire brigade and Kingscliff Ambulance
 10. Arrangements made for private property access and egress affected by the event
- B4 [LTC] Singing up Tyalgum - Temporary Road Closure Application - Coolman Street, Tyalgum

ORIGIN:
Planning & Infrastructure

FILE NO: ECM 3411675; Festivals - Tyalgum Music; Community Events on Council Administered Land; Traffic - Committee; Roads - Closures - Temporary including Traffic; Coolman Street

SUMMARY OF REPORT:

Request received to temporarily close Coolman Street, Tyalgum between the hours of 8.00am to 5.00pm on Saturday 12 September 2015 for Tyalgum Music Festival's "Singing up Tyalgum" event. The closed section of road would commence on the corner of Coolman Street and Carraboi Terrace and extend to just before the corner of Coolman Street and Cudrigan Street.

"In the section within the Traffic Management Plan area between Carraboi St and Cudrigan St, this part of the road, although "closed", may still be used for local residents access and for parking areas as advised by Les Roberts of 'Lock-it-Down' traffic management."

An approval has already been issued for the 2014 event and a review of its operation should be conducted post event to determine whether any changes are required.

COMMITTEE ADVICE:

That the proposed Singing Up Tyalgum Festival on Saturday 12 September 2015 be supported subject to:

1. NSW Police approval being obtained
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
3. Consultation with affected residents, businesses and the Tyalgum Community Association
4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
5. Provision of a copy of the event organiser's renewed public liability insurance certificate prior to the event
6. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
7. Consultation with emergency services particularly Police, Fire brigade and Ambulance
8. Arrangements made for private property access and egress affected by the event

B5 [LTC] Cane Road and Tumbulgum Road Intersection, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3417690; Traffic - Committee; Traffic - Safety; Traffic - Roundabouts; Signs - Traffic Issues; Cane Road; Tumbulgum Road

SUMMARY OF REPORT:

Request received for improved safety at the intersection of Cane Road and Tumbulgum Road, Murwillumbah:

"I would like to highlight a safety issue at the intersection of Cane Road and Tumbulgum Road.

First a bit of history regarding this intersection. The road junction was upgraded in 1996 with concrete substructure raising the intersection and providing some safety improvements in the form of better visibility and greater offset angle in the event of a vehicular collision. Although I'm not an engineer I believe it would have been an opportunity in 1996 to also install a "pancake" style roundabout at the intersection to slow traffic on both Cane Road and Tumbulgum Road and provide a considerable improvement in safety for road users. In my view this type of roundabout would not impede the movement of heavy vehicles and would further increase vehicle offset angles in the event of a collision. I recollect that provision of a roundabout was possibly ruled out at the time due to:

- *Heavy vehicles (i.e. cane trucks) could have difficulty negotiating a roundabout*
- *encroachment of cane drains in the vicinity of the intersection and the requirement for Council to acquire additional land and in turn some fairly major earthworks.*

I have observed a definite increase in the volume of traffic on both Cane Road and Tumbulgum Road in recent years. Although I do not know the traffic accident statistics for this particular intersection, "T" junctions and "X" intersections without any form of traffic control other than give-way signs, particularly in relatively high speed, high volume traffic areas must represent a considerable risk to road users."

INVESTIGATION

See marked attachments for:

1. Tumbulgum Road photos - heading north
2. Tumbulgum Road photos - heading south
3. Cane Road / Tumbulgum Road Intersection - crash history
4. Cane Road / Tumbulgum Road median alteration
5. Cane Road - Accident History / Speed Limits

An investigation of the intersection has been undertaken and relevant comments follow:

- Prime concern at this intersection is the uneven angle of vision for vehicles turning east on to Cane Road from Tumbulgum Road (northbound). This is caused by the acute angle of the western leg of the intersection. Also the angle of the afternoon sun can hamper westbound sight lines. Improvement is warranted.

The acute angle looking west can be improved by directing motorists to approach the stop line at a perpendicular angle. Modification of the existing median island and associated linemarking would facilitate this and is recommended. See attachment marked 4.

- Sight distances at the intersection are seasonally variable (due to sugar cane growth in adjacent fields), however even at current peak growth times they are considered reasonable. ASD and SISD calculations have not been performed. See attachments marked 1 and 2.

(Note that traffic counts are currently underway that will enable accurate ASD and SISD determinations if required.)

- Two crashes have occurred at the intersection since 2008 with two other crashes in close proximity (one not recorded yet very recent). No fatalities have occurred. See attachment marked 3.
- Traffic counts for westbound traffic on Cane Road approaching the intersection have steadily risen from 3,859 in 2007 to 4,845 in 2013. For the same period and location the 85th percentile speed has dropped from 89 km/h to 86 km/h.

Current traffic counts for Cane Road will be supplied at the meeting for areas as follows:

- Westbound approach 2,686 (7 day daily average)
- Westbound departure 720 "
- Eastbound approach 710 "
- Eastbound departure 2,482 "

Current 85th percentile speed readings will be supplied at the meeting for areas as follows:

- Westbound approach: 88
- Westbound departure: 91
- Eastbound approach: 98
- Eastbound departure: 82

- Determination of whether the sugar cane is being grown beyond private property boundaries and obscuring vision is pending: *(awaiting boundary pegging by Surveyors. Significant encroachment is unlikely, but advice should be available for the LTC meeting).*
- Carriageway widening for Cane Road to facilitate improved Basic Left Turn (BAL) movements (per *Austroads* Figure 4.1) are not considered necessary.
- Construction of a roundabout is not considered warranted.
- A reduction of the existing speed limit on Cane Road from 100 km/h to 80 km/h could be considered in a review mechanism by the RMS, for the section from the existing 60 km/h sign near Tumbulgum Bridge (approximately 600m east of the intersection) to (say) 100m west of the intersection.
- Should the preceding matter be supported for consideration, then opportunity is available to also consider extending the 80 km/h speed limit further west to cover the Racecourse Road intersection. Previous safety concerns have been raised regarding this intersection where horses regularly cross the roads. A detracting factor for this consideration is a 1.4

km straight section of Cane Road between these two intersections, which is not conducive to a reduced speed limit. See attachment marked 5.

RMS suggested that Council should also consider changes to signage at the intersection to reflect the major traffic movements by providing priority to Tumbulgum Road, rather than Cane Road.

COMMITTEE ADVICE:

That consideration be given to:

1. Increasing the size and shape of the existing median island at the intersection of Cane Road and Tumbulgum Road to better direct motorists to stop perpendicular to the 'Stop' line. This entails widening of the northern end of the concrete island to a triangular shape and re-apply linemarking accordingly.
2. That RMS conduct a speed zone review of Cane Road Condong from the intersection of Tweed Valley Way to the intersection of Racecourse Road.

B6 [LTC] Tweed Regional Museum Opening - Temporary Road Closure Application - Queensland Road and Bent Street, Murwillumbah

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3412274; Traffic - Committee; Museum - Murwillumbah; Roads - Closures - Temporary including Traffic; Queensland Road; Bent Street

SUMMARY OF REPORT:

Request received for temporary closure of a section of Queensland Road and Bent Street for the purpose of the opening of the Tweed Regional Museum at Murwillumbah on Saturday 30 August 2014.

"We need a section of Queensland Road and Bent Street (immediately surrounding the Tweed Regional Museum Murwillumbah) closed off for the official opening on Saturday 30 August, from 9am - 11.30am.

Proposed Location:

From beginning of Queensland Rd at Murwillumbah Street end to end of Museum boundary (before private houses), and Bent Street from Queensland Rd to top of Museum Boundary - allowing for cars at the top of Bent Street to be able to access Murwillumbah Street through Church Street.

There are approximately 23 public car spaces within this zone that would need to be barricaded to prevent cars parking, as these areas will be used for people to stand and view the ceremony taking place on the front landing of the Museum."

The organisers have submitted a traffic control plan, and have liaised with the organisers of the Banana Festival parade, which is scheduled for later the same day.

COMMITTEE ADVICE:

That the application for temporary road closure of Queensland Road and Bent Street on Saturday 30 August be supported, subject to the following conditions:

1. The temporary road closure shall operate in accordance with the submitted Traffic Control Plan.
2. Consultation occurs with affected residents in Bent Street, and the organisers of the "Banana Festival".
3. Emergency services are notified of the temporary road closure.

B7 [LTC] Twin Towns Triathlon Club Season 2014 to 2015

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3405177; Traffic - Committee; Traffic - Local Area Traffic Management - LATM; Bicycle Matters - General; Leisure Drive; Fraser Drive; Glen Ayr Drive; Ash Drive; Amaroo Drive; Botanical Circuit; Woodlands Drive; Darlington Drive

SUMMARY OF REPORT:

Request received for permission for the use of roads for the cycle leg (14.5km) course with members on the road at intervals between 6.15am and 7.15am during the Twin Towns Triathlon Club 2014 to 2015 season.

"Dates of Competition"

<i>September</i>	<i>6, 13, 20, 27</i>
<i>October</i>	<i>4, 11, 18, 25</i>
<i>November</i>	<i>1, 8, 15, 22, 29</i>
<i>December</i>	<i>6, 13, 20, 27</i>
<i>January</i>	<i>3, 10, 17, 24, 31</i>
<i>February</i>	<i>7, 14, 21, 28</i>
<i>March</i>	<i>7, 14, 21, 28*</i>

** Police supervised Club Championship race*

Cycle Management Plan

Cycle leg of TTTC Saturday morning triathlon event comprises 14.5 km course with members on the road at intervals between 6.15am and 7.15am.

- *TTTC program starts on 6 September, 2014 and concludes on 28 March, 2015 (a total of 30 weeks).*
- *All members must adhere strictly to NSW road rules.*
- *Bikes must meet strict standard of maintenance. Lights (front & rear) are compulsory for all competitors.*
- *Helmets must be worn at all times.*
- *Drafting is illegal (bunches should not form).*
- *Road signs are displayed at strategic points to alert motorists of the presence of cyclists*
 1. *Amaroo Drive prior to turning right onto Fraser Drive*
 2. *Fraser Drive prior to roundabout at South Tweed Leagues Club playing fields*

3. *Greenway Drive prior to roundabout at Leisure Drive*
- *All registered persons are numbered allowing identification of any breaches of road rules. Breach of road rules and not complying with the Traffic Act will result in:*
 1. *First offence - two week suspension*
 2. *Second offence – one month suspension*
 3. *Third offence – suspension for rest of season*
- *Events will be cancelled when weather conditions are dangerous, as the club has a duty of care to all members.*
- *All members understand their obligation to be part of the road traffic flow and at no time to take precedence over normal traffic flow.*
- *Volunteer Traffic Marshalls are posted on the intersection of Fraser and Amaroo Drive and Leisure Drive and Woodlands Drive (marked on map below with a red M). They wear fluorescent safety vests and carry mobile phones. In case of an emergency, they ring 000. For small incidents (e.g. flat tyre), they ring the registration desk on 0438 785 659.*
- *Club Championship day will be March 22nd, 2012. The club pays for police supervision of the traffic lights at Winders Place, Eucalyptus Drive and the Fraser Drive & Amaroo Drive intersection.*

Course Details

- *The cycle leg begins at Club Banora (side adjacent to tennis courts) then turn left onto Leisure Drive. Continue straight until traffic lights at Fraser Drive and turn left. Continue up Fraser Drive and turn left at Glen Ayr Drive and then left at Ash Drive, then left onto Amaroo Drive. Proceed to Fraser Drive and turn right. Turn left at Botanical Circuit and continue the loop until left at Leisure Drive and left at Fraser Drive. Continue to roundabout at Vintage Lakes and turn right 180° until travelling south on Fraser Drive. Turn left at the traffic lights then turn right at roundabout into Woodlands Drive and right at roundabout into Darlington Drive. Continue around loop until left at roundabout into Leisure Drive and then left back into Club Banora."*

COMMITTEE ADVICE:

That the Twin Towns Triathlon Club Season 2014 to 2015 be approved subject to the following conditions:

1. NSW Police approval being obtained
2. Endorsement of the event by Triathlon Australia
3. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
4. Community and affected business consultation be conducted
5. The event organiser notifies Tweed residents of the impact of their events by advertising in the Tweed Link at their expense a minimum of one week prior to the first event taking place. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
6. Adequate public liability insurance being held by the event organiser
7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
8. Consultation with emergency services particularly Tweed Heads Police, Tweed Heads Fire brigade and Tweed Heads Ambulance
9. Arrangements made for private property access and egress affected by the event

B8 [LTC] Cycle for Life - 31 August 2014

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3394060; Community Events on Council Administered Land; Parks - Bookings; Parks - Central Park / Salt Reserves; Traffic - Committee; Traffic - Control; Bells Boulevard; Casuarina Way; Tweed Coast Road; Rosewood Avenue; Clothiers Creek Road; Duranbah Road; Plantation Road

SUMMARY OF REPORT:

Request received to conduct Cycle for Life event:

"Last year the inaugural Cycle for Life was facilitated from Kingscliff. This was a social ride that aimed to help raise awareness within the community about organ donation.

I would like to apply for permission to conduct this social event again. I have tentatively booked Salt Central Park for 31/08/2014, and have attached the required application for small to medium community events which includes the requested map, a risk assessment matrix, the cycle route and a copy of public liability.

There will also be a lead vehicle and a backup vehicle with appropriate signage and a medical practitioner, road signage every 1-1.5 km identifying cycling route and warning motorists of the presence of cyclist's on the road.

I will also contact the Tweed Heads Police to seek approval to conduct the social ride.

There will be two cycle options. (1) 45km road race, or (2) a 5kmn cycle along the cycle path to Cotton Beach and return.

This activity is a community awareness cycle. It is not a race."

Consistent with similar on road events, it is proposed to apply standard conditions to an approval for the event including conformance with traffic management plans and advertising.

It is noted that for the inaugural event in 2013 that the on road component was considered by Council's Traffic Engineer to be a "social ride" and therefore was not referred to this Committee and these standard conditions were not applied. Application of these conditions to the 2014 event may cause some hardship to the applicant.

COMMITTEE ADVICE:

That the proposed Cycle for Life event at SALT on 31 August 2014 be supported subject to:

1. NSW Police approval being obtained
2. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
3. Community and affected business consultation

4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
5. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event, if required
6. Adequate public liability insurance being held by the event organiser
7. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
8. Consultation with emergency services particularly Kingscliff Police, Kingscliff Fire brigade and Kingscliff Ambulance

B9 [LTC] East Banora Point - Traffic Issues

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3386338; Traffic - Committee; Traffic - Speed Zones; Traffic - bus Zones; Signs - Traffic Issues; Traffic - Lights; Local Area Traffic Management; Laura Street; Oyster Point Road; Seaview Road; Anderson Street; Anthony Avenue; Sexton Hill; Parks - Wilson Park

SUMMARY OF REPORT:

Request received from East Banora Residents Association via NSW Police, for Local Traffic Committee assistance with the following matters:

1. Excessive speeding. This matter has been referred to NSW Police Force to assist with enforcement of the 50km/h speed limit.
2. Traffic light phasing at Laura Street and Sexton Hill Drive - RMS TMC (Traffic Management Centre) indicate that the phases are correct for the traffic volumes travelling on both roads and will monitor and change the phasing if necessary.
3. Additional 50 km/h signs requested in Oyster Point Road. No additional signs are required to be erected in the 'built up area' as the State speed limit in built up areas is 50km/h unless otherwise signposted. However, 50km/h road stencils will be painted onto the road, near the intersection of Anderson Street and near the intersection of Anthony Avenue (near the corner shop) to reinforce the posted speed limit in this higher pedestrian activity area. (Road stencilling has been actioned).
4. Request for "Give Way" or "Stop" signs at the T-intersection of Anderson Street and Oyster Point Road are not supported. T (terminated street) intersections are addressed under Australian Road Rules where an overriding "Give Way" at the terminated street is required. This is referred to the LTC to consider and review the current linemarking which has been recently renewed.

Recent additions to linemarking in the area including additional '50' stencils are considered to have addressed the issues raised.

COMMITTEE ADVICE:

That:

1. No action be taken regarding the request for a 'Give Way' sign on Anderson Street at the intersection with Oyster Point Road, Banora Point.
2. A review of right turn signal phasing at the intersection of Laura Street and Sexton Hill Drive be undertaken by RMS.

Michael Kenny left the meeting at 11.30am

B10 [LTC-LATE] Rainbow Ride Cycle Challenge - Sunday 26 October 2014

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3414364; Traffic - Committee; Traffic - Safety; Traffic - Local Area Traffic Management; Festivals/Events - Other

SUMMARY OF REPORT:

Application received from the Rainbow Ride Cycle Challenge event to be held on Sunday 26 October from Byron Bay to Byron Bay.

Roads utilised in Tweed Shire are the same as last year:

- Tweed Valley Way, Yelgun / Mooball / Stokers Siding
- Stokers Road
- Mistral Road
- Bakers Road
- Kyogle Road
- Smiths Creek Road
- Pottsville Road
- Cudgera Creek Road
- Coronation Avenue
- Tweed Coast Road
- Wooyung Road

"This event will start in Byron bay at the Lighthouse and finish at the Ewingsdale hall (Just toutside Byron).

The course this year in Tweed shire is the same as last year."

COMMITTEE ADVICE:

That the proposed Rainbow Ride Challenge on Sunday 26 October 2014 be supported, subject to:

1. NSW Police approval being obtained

2. Conformance with a Traffic Management Plan and associated Traffic Control Plans installed and controlled by approved persons
3. Community and affected business consultation
4. The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
5. Adequate public liability insurance being held by the event organiser

6. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
7. Consultation with applicable emergency services particularly Police, Fire Brigade and Ambulance.

B11 [LTC-LATE] Boyd Street, Tweed Heads

ORIGIN:

Planning & Infrastructure

FILE NO: ECM 3442743; Traffic - Committee; Traffic - Parking Zones; Boyd Street, Tweed Heads

SUMMARY OF REPORT:

Request received regarding parking for staff at the Tweed Day Surgery on Boyd Street, Tweed Heads.

"I am quite concerned re my staff safety on arriving in the dark and leaving the facility in the dark, and that they potentially have to park in the back streets surrounding Boyd Street due to the restriction in place for 2 hour parking.

We realistically would be happy with at least 6 or 7 exemptions to the 2 hour parking to secure safe passage for our staff."

Inspection shows that out of 56 on-site parking spaces there are:

- 26 'doctor only' parking spaces
- 27 'open' parking spaces
- 2 'disabled' parking spaces
- 1 'cafe operator' parking space

On Boyd Street there is 2 hour parking from 9.00am to 5.00pm Monday to Friday and 9.00am to 12.00 Saturday.

COMMITTEE ADVICE:

That the request for exemptions to 2 hour parking limits not be supported and further history on the development approval for the Tweed Day Surgery and parking restrictions in Boyd Street Tweed Heads be reported to the next Local Traffic Committee meeting.

Cr Longland left the meeting at 11.40am

NEXT MEETING:

The next meeting of the Local Traffic Committee will be held 25 September 2014 in the Mt Warning Meeting Room commencing at 10.00am.

There being no further business the Meeting terminated at 11.55am.

EXECUTIVE MANAGEMENT TEAMS COMMENTS:

SECTION A - FORMAL ITEMS SECTION - DELEGATIONS FOR REGULATORY DEVICES FOR ENDORSEMENT BY COUNCIL:

A1 [LTC] Casuarina Way, Casuarina

That subject to consultation with the Body Corporate of Cotton Beach, provision of 'No Stopping' zones by the application of yellow linemarking be supported approximately 6m north of the Cotton Beach apartments driveway and approximately 15m between the apartment driveway and the service vehicle exit on Casuarina Way.

A2 [LTC] McLeod Street, Condong

That the request to modify 'No Stopping' zones in McLeod Street Condong is not supported.

A3 [LTC] Tree - 18 Elizabeth Street, and Philip Street, Pottsville

That the disabled parking space in Philip Street Pottsville be relocated to be clear of the fig tree, subject to consultation with Council's Equal Access Advisory Committee, and any other on site constraints.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.

CONFIDENTIAL ITEMS FOR CONSIDERATION

Nil.

