



**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 20 February 2014**

held at Banora Point Community 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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## Items for Consideration of Council:

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## CONFIRMATION OF MINUTES

- 1 [CONMIN-CM] Confirmation of Minutes of the Ordinary and Confidential Council Meeting held on Thursday 23 January 2014

SUBMITTED BY: Corporate Governance

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The Minutes of the Ordinary and Confidential Council Meeting held Thursday 23 January 2014 are attached for information and adoption by Council.

### RECOMMENDATION:

That:

1. The Minutes of the Ordinary and Confidential Council Meetings held Thursday 23 January 2014 be adopted as a true and accurate record of proceedings of that meeting.
- 2 ATTACHMENT 2 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
  - (f) matters affecting the security of the council, councillors, council staff or council property.

**REPORT:**

As per Summary.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.3.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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

Attachment 1 Minutes of the Ordinary Council Meeting held Thursday 23 January 2014 (ECM 3276849).

(Confidential) Attachment 2 Minutes of the Confidential Council Meeting held Thursday 23 January 2014 (ECM 3276796).

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## SCHEDULE OF OUTSTANDING RESOLUTIONS

### 2 [SOR] Schedule of Outstanding Resolutions

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### CODE OF MEETING PRACTICE:

#### **Section 2.8 Outstanding Resolutions**

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

**18 APRIL 2013**

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

#### NOTICE OF MOTION:

197

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

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

**Current Status:** Workshop conducted 12 September 2013 and will be dealt with through the Environmental Sustainability Strategy and a report to be prepared for Council's consideration outlining the process.

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**20 JUNE 2013**

**13 [NOM-Cr K Milne] Commercial Wakeboarding Operations**

**NOTICE OF MOTION:**

**367**

**Cr M Armstrong  
Cr K Milne**

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

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

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**19 SEPTEMBER 2013**

**ORDERS OF THE DAY**

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

**NOTICE OF MOTION:**

**532**

**Cr B Longland  
Cr K Milne**

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

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

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## 9 [NOM-Cr K Milne] Tweed River System - Recreational Use Strategy

### NOTICE OF MOTION:

538

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

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

This process to include:

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

**Current Status:** Officers currently reviewing project scope, cost and resource implications. Presentation made at Tweed River Committee Meeting on 9 October 2013.

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**17 OCTOBER 2013**

**ORDERS OF THE DAY**

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

**634**

**Cr M Armstrong  
Cr G Bagnall**

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

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

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

---

**21 NOVEMBER 2013**

**7 [NOM-Cr K Milne] Water Conservation in Greenfield Developments**

**NOTICE OF MOTION:**

**705**

**Cr K Milne  
Cr G Bagnall**

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

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

---

**12 DECEMBER 2013**

**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**22 [PR-CM] Update on Council's Animal Management Practices**

**824**

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that Council:

1. Defers consideration of the report until the March 2014 meeting.
2. Adopts the changes to fees listed in the '*The Companion Animals Amendment Act 2013*', and amend Item 77 of the Fees and Charges 2013/2014 Revenue Policy document accordingly and notes that these are fees set by legislation and do not require the 28 day advertising period.

**Current Status:** Report to be resubmitted to 20 March 2014 Council meeting.

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

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

**852**

**Cr M Armstrong  
Cr P Youngblutt**

**RESOLVED** that:

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

5. Subject to Council consideration of public comments and identified community infrastructure requirements:
- (a) seek further funding under Section 94 CP 15 for detailed planning, analysis and preliminary design work for community infrastructure site options and facilities in the Tweed Urban North region
  - (b) commence detailed planning and analysis for community infrastructure in the Tweed Urban North region including costing of facility options, site analysis, feasibility assessment and preliminary/concept design.

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

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## REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

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

866

Cr M Armstrong  
Cr G Bagnall

**RESOLVED** that:

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

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

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

**NOTICE OF MOTION:**

12

Cr C Byrne  
Cr P Youngblutt

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

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**Current Status:** Workshop conducted 12 September 2013 and will be dealt with through the Environmental Sustainability Strategy and a report to be prepared for Council's consideration outlining the process.

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

### NOTICE OF MOTION:

15

Cr W Polglase  
Cr M Armstrong

### RESOLVED that:

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

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

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

**Current Status:** Estimate to be prepared to address Item 2.

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

**NOTICE OF MOTION:**

16

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

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

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

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

**NOTICE OF MOTION:**

19

**Cr B Longland**  
**Cr M Armstrong**

**RESOLVED** that:

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

**Current Status:** In progress.

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**REPORTS FROM THE DIRECTOR PLANNING AND REGULATION**

**17 [PR-CM] Development Application DA13/0175 for an 83 Lot Residential Subdivision in Four Stages Comprising 79 Residential Lots with Dedication of Two Lots as Drainage Reserves, One Lot as Public Reserve and One Lot as Sewer Pump Station Site at Lot 332 DP 1158142 Silkpod Avenue, Murwillumbah**

**25**

**Cr G Bagnall  
Cr M Armstrong**

**RESOLVED** that the Development Application DA13/0175 for an 83 lot residential subdivision in four stages with dedication of two lots as drainage reserves, one lot as public reserve and one lot as sewer pump station site at Lot 332 DP 1158142 Silkpod Avenue, Murwillumbah be deferred for a Workshop.

**Current Status:** Workshop scheduled for 27 February 2014.

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**20 [PR-CM] Reforming the Aboriginal Cultural Heritage System in NSW**

**29**

**Cr K Milne  
Cr M Armstrong**

**RESOLVED** that this item be deferred to enable the Aboriginal Advisory Committee to provide further advice on Council's submission.

**Current Status:** Referred to Aboriginal Advisory Committee for consideration.

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## MAYORAL MINUTE

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

SUBMITTED BY: Cr B Longland, Mayor

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

## Councillors

### COMMITTEE MEETINGS

#### Attended by the Mayor

There were no Committee Meetings requiring the Mayor's attendance in January.

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### INVITATIONS:

#### Attended by the Mayor

- 15 January - Formal opening of Stage 1 Kirkwood Road interchange at Tweed Heads South (Crs Polglase and Byrne also attended).
- 15 January - Community Conversation to discuss the proposal to close the Tyalgum Transfer Station and options for the site's future use - Tyalgum Community Hall, Coolman Street, Tyalgum (Crs Milne and Bagnall also attended).
- 17 January - Economic Development Strategy, Breakfast Information Session - Lille and Loder Rooms, Peppers Resort, Salt Beach (Crs Byrne and Polglase also advised their attendance).
- 26 January - Australia Day Main Event and Citizenship Ceremony - Pottsville Hall, 1 Tweed Coast Road Road, Pottsville (Cr Byrne also attended).

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

There were no events attended by other Councillors on behalf of the Mayor during January.

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

The Mayor was able to accept all invitations to January events.

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### **REQUESTS FOR WORKSHOPS:**

Councillors did not request any additional workshops during January 2014.

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### **CONFERENCES:**

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

Councillors did not attend any conferences during January 2014.

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

- 20-23 May - Floodplain Management Conference 2014 - Deniliquin RSL Club, Deniliquin, NSW (close to VIC border) - *The theme is "Of Utes and Flooding Rains". The Conference will attract over 200 practitioners interested in or working within floodplain management* - Registration \$1025pp non-member early bird rate by 21 March, plus flights and accommodation - Refer [www.floodplainconference.com/](http://www.floodplainconference.com/).
- 

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

- 10 January - Lease Agreement - Tweed Heads Community Men's Shed - Recreation Park, Tweed Heads.
- 10 January - Request document - Acquisition of land for road purposes - Tweed Coast Road Pottsville.
- 13 January - Transfer - Road Closure parcels - Riverbend Way and Oakbank Terrace - Murwillumbah.
- 16 January - Request document - Compulsory Acquisition of land for road purposes - Cudgen.
- 30 January - Extinguishment of Easement document - Lot 30 DP 30043 - 25 Hastings Road, Bogangar.
- 31 January - Lease - Tweed Respite - Home and Community Care Centre - Tweed Heads South.
- 31 January - Licence Agreement - Crown Reserve 89237 - SES facility, Banora Point.

- 31 January - Compensation Offer - Easement over Council land - Lot 6 DP 237093 Holden Street - Tweed Heads South.
  - 31 January - Extinguishment of Easement document - Rising Main - Darlington Drive - Banora Point.
- 

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.3.

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

**UNDER SEPARATE COVER:**

Nil.

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## RECEIPT OF PETITIONS

4 [ROP] Receipt of Petitions

SUBMITTED BY: CORPORATE GOVERNANCE

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## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Under Section 1.5.4 Receipt of Petitions in the Code of Meeting Practice Version 2.3, *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 2.3:

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 2.3.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.3.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE GENERAL MANAGER

#### 5 [GM-CM] Organisational Structure

**SUBMITTED BY:** General Manager

Valid



### Civic Leadership

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

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

#### SUMMARY OF REPORT:

This report is submitted in accordance with Council's resolution of Thursday 15 August 2013 requiring that:

*"The organisational structure be reviewed within a reasonable timeframe after the appointment of the new General Manager and the restructuring completed prior to the next election of the full council."*

As a step towards achieving this resolution, and in acknowledgement of the urgent requirement to finalise the organisation's executive structure prior to the advertising of two vacant Director positions, it is proposed that this restructure be undertaken in two phases. Phase 1, detailed within this report, deals with the executive structure at divisional level defining the number of required directorates and their overall functions. Phase 2, which aims to address the structure below director level, will commence immediately on completion of Phase 1 with the aim being to submit the proposed Phase 2 structure to the May Council meeting.

This report recommends the retention of the existing executive structure of Council management with some minor amendments, along with the addition to the organisation structure of the new position of Executive Officer reporting directly to the General Manager.

**RECOMMENDATION:**

**That Council:**

1. In accordance with Sections 332 and 333 of the Local Government Act 1993 determines the executive and senior staff structure as outlined in the body of this report, effective Monday 24 February 2014, being:

**General Manager  
Director Corporate Services  
Director Engineering  
Director Planning and Regulation  
Director Community and Natural Resources**

2. Endorses the addition within the organisation structure of the new role of Executive Officer to report directly to the General Manager.

## **REPORT:**

This report is submitted in accordance with Council's resolution of Thursday 15 August 2013 that:

*"The organisational structure be reviewed within a reasonable timeframe after the appointment of the new General Manager and the restructuring completed prior to the next election of the full council."*

The appointment of the Director Technology and Corporate Services to the position of General Manager, along with the recent resignation of the Director Engineering and Operations has resulted in the urgent need to review and finalise the structure at the executive level of Council management prior to the advertising/filling of vacant positions.

It is proposed to approach the restructure in two phases; Phase 1, covered by this report, deals with the executive structure of the organisation to Director level, with Phase 2 to be presented to the May 2014 Council meeting to address the structure immediately below the director level.

## **Background**

The current organisational structure was adopted in May 2007, with minor modifications in July 2009 with the renaming of two units and the addition of the role of Manager Human Resources; and June 2010 to accommodate minor modifications to reporting arrangements in the Technology and Corporate Services Division. The existing structure was again confirmed by Council in August 2013 in accordance with the Local Government Act and noting advice from the Division of Local Government.

The adopted structure replaced the previous structure adopted August 1994, which was varied in minor ways only over its 12 years of existence. Both the 1994 and 2007 structures consisted of a four division model. The primary difference between the two structures being the change in title and composition of the divisions to allow for a shift in focus to:

1. Locate all of Council's planning, regulatory approval and licensing services within the one division.
2. Provide Natural Resource Management with a high profile consistent with the outcome of Tweed Futures and the Strategic Plan 2004-2024.
3. Co-locate the Water Unit and Natural Resource Management section within the one division.
4. Accommodate the establishment of a new unit focusing on Community and Cultural Services.
5. Shift the function of Business and Economic Development to report directly to the General Manager.

This structure served the organisation well and was appropriate given the priorities at the time, particularly, the focus on capital works infrastructure delivery of the 7 year Infrastructure and Services Plan.

## Review

With the approaching completion of this infrastructure development phase, it is considered appropriate to realign the organisation towards a more community services and infrastructure/asset maintenance focus, whilst ensuring the full breadth of Council's responsibilities and services are maintained. To achieve this outcome a modification of the divisional structure is recommended.

### Proposed Structure

The proposed executive structure remains that of a four division model with minor modifications only required at this level to realign the organisational focus and ensure appropriate organisational synergies. It is proposed to retain the four directors as senior staff positions in accordance with Section 332(1) of the Local Government Act 1993. Additional changes will be required below the level of director to ensure organisational goals can be fully realised, however, this will be the subject of Phase 2 of the restructure.

The two key changes within the divisional structure are for:

- The Water Unit to be relocated from the current Community and Natural Resources Division to what is currently known as the Engineering and Operations Division.
- The Recreation Services Unit to be relocated from the current Engineering and Operations Division to what is currently known as the Community and Natural Resources Division.

Recreation Services has numerous synergies with the units and programs within the Community and Natural Resources Division. These include, but are not limited to:

- The development and implementation of the Youth Strategy, where the actions were developed within the Community and Cultural Services Unit, through the Youth Development Program, with the implementation in many instances being the responsibility of the Recreation Services Unit through parks and asset embellishment.
- Recreation Services currently manage and maintain community buildings within their own Unit and also provide asset maintenance services to the Community and Cultural Services Unit for community buildings.
- The single coastal reserve is jointly managed by Recreation Services and Natural Resource Management.
- Recreation Services and Natural Resource Management have staff with similar qualifications and areas of expertise.
- Council's sustainability program will continue to have a focus on energy management reinforcing the relationships between Natural Resource Management and Recreation Services.

Water and Sewer being services reliant on engineered infrastructure have a strong connection and relationship with the units within the Engineering and Operations Division. Works, Design, Contracts, Planning and Infrastructure all provide services to the Water Unit

at various stages of the asset creation and management cycle. Works provide a construction and plant service, Design provide a design, survey, GIS, property, legal service, Contracts provide a contract management and administration service and Planning and Infrastructure provide a development standards service.

This proposed structure modification will have minimal impact on organisational balance with both units having similar staffing numbers (Water and Sewer Unit 128 current active employees; Recreation Services 115 current active employees).

No changes in SES salary level ranges are proposed for director positions in association with this restructure.

In summary, the realignment of divisional resources is designed to enhance Council's ability to deliver on the Community Strategic Plan 2013/2023 and associated Delivery Programs and Operational Plans. In particular, it:

- Retains Natural Resource Management as a high profile.
- Recognises the strategic and operational importance of Recreation Services to community and cultural development.
- Consolidates the asset management of facilities within one division.
- Brings together into one division all business units responsible for infrastructure service delivery, major contracts and engineering.

#### Divisional Titles

In association with the realignment of business units and to better reflect divisional responsibilities it is proposed to modify divisional titles as follows:

- Technology and Corporate Services - to become Corporate Services.
- Engineering and Operations - to become Engineering.
- Community and Natural Resources - No change.
- Planning and Regulation - No change.

#### Executive Officer

A key component of the proposed four (4) division structure is the establishment of an Executive Officer reporting directly to the General Manager. This position would function as an interface between the elected body and the executive and would support and represent the General Manager where multiple commitments exist on the same day. The Executive Officer would also serve to improve communication with elected members, community groups, external customers and clients. Importantly, the Executive Officer will permit the executive (General Manager and Directors) to better focus on strategic tasks and be available to their staff, whilst the Executive Officer undertakes councillor works and information requests as well as supporting the executive to enhance front line customer service. Although new to Council's structure, positions of this nature are common across Queensland councils where they have functioned effectively and are increasingly being introduced into many larger NSW councils and the private sector.

The introduction of this position would be funded from the vacant second internal auditor position, resulting in a nil increase in Council's establishment numbers and a small impact on the staffing budget. It is proposed that a formal position description be developed and graded for this role as a matter of priority, with the position to be advertised and filled as soon as practicable.

**OPTIONS:**

1. In accordance with Sections 332 and 333 of the Local Government Act and Council's resolution of Thursday 15 August 2013, that Council support the proposed two phase restructure process, endorsing the recommendations contained within this report; or
2. Reconfirm the current organisational structure.

**CONCLUSION:**

That minor structural changes only are required at the executive level in order to provide the required framework for ongoing operational efficiency and effectiveness, and to provide a structural platform for Phase 2 of the restructure. Phase 1 provides certainty and clarity as Council embarks on the 2014/2015 integrated planning and reporting framework and will ensure effective divisions for the ongoing delivery of the Community's Strategic Plan, Operational Plan and Works Program.

Phase 2 will proceed immediately on endorsement of Phase 1 with it being anticipated that recommendations be submitted to Council at the May 2014 Council meeting.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

Sections 332 and 333 of the Local Government Act 1993.

Recommendations are consistent with the requirements of the Local Government Act as they relate to senior staff.

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

Nil budget impact in relation to currently proposed divisional changes. Salary for the proposed role of Executive Officer is covered within the existing budget through the relinquishment of a second internal auditor position, with no increase required within the 2013/2014 budget. Once the job is graded any shortfall will be included in the 2014/2015 staffing budget.

**c. Legal:**

Yes, legal advice has been received from Local Government NSW.

**d. Communication/Engagement:**

Communication with the Corporate Management Team and Director direct reports has occurred. The Industrial Relations Sub-committee consisting of representatives of each union has also been consulted raising no issues of concern. A general staff communication

outlining the proposal tabled within this report has also taken place with a Consultative Committee scheduled for February. Councillor workshop on Phase 1 of the structure is scheduled for 13 February 2014.

Phase 2 of the structure will involve consultation input from all staff units.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**6 [GM-CM] Community Organisations on Council Land - Developer Contributions**

**SUBMITTED BY: General Manager**

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:

Council has been formally approached by two community organisations regarding developer contributions that are resulting from their recently approved developments.

This report recommends a draft policy be placed on exhibition that would allow for the deferral and progress payments to be made by community organisations developing on Council controlled land.

### RECOMMENDATION:

**That Council place the draft Policy “Developer Contributions – Community Organisations” on public exhibition for 28 days, inviting public submissions for 42 days, and the Policy, if adopted, will apply retrospectively to DA13/0362, Tweed Heads Community Men's Shed, and DA13/0025, Kingscliff Mini School.**

## REPORT:

### Background

At its meeting in December 2013 Council:

*"**RESOLVED** that officers bring forward a report outlining possible options for the proponent of the Development Application DA13/0362 to pay the developer contributions required under the consent conditions and options or a suggested policy position for like projects proposed by not for profit community organisations located on Council or Crown land."*

As a background to this resolution Council has been formally approached by two community organisations regarding developer contributions that are resulting from their recently approved developments. These developments are both located on Council controlled land and both organisations have lease arrangements with Council for the land their developments are located.

Through the development approval process, both developments have attracted developer contributions for both water / sewer (s.64) and all other contributions (s.94). Both organisations claim that these charges will not allow their developments to proceed as the charges are too high for community organisations to meet. Both developments cannot be issued with an occupancy certificate until all developer contributions that are due for the development are either payed or they enter into an agreement to meet these payments over a period of time through an instalment plan.

### Tweed Heads Community Men's Shed

Tweed Heads Community Men's Shed is a not for profit organisation and a registered charity. Tweed Heads Community Men's Shed received approval (DA13/0362) for the development of a men's shed located in the Council park at Florence Street / Recreation Street, Tweed Heads. This park is a Council owned park and is classified as 'community land'.

The developer contributions due by the Tweed Heads Community Men's Shed before they can receive an occupancy certificate are:

Water & Sewer (S.64)	\$2,163.80
Roads & Other (S.94)	\$6,310.94
<b>TOTAL DUE</b>	<b>\$8,474.74</b>

\* Discounts have already been applied to the roads contribution under the Tweed Road Contribution Plan.

Tweed Heads Community Men's Shed have made a formal request that these developer contributions be waived. Council is not in a position to waive developer contribution charges. If these charges are not levied on community organisations located on public land this would lead to a precedent which could be pursued by private developers.

## Kingscliff Mini School

Kingscliff Mini School is a not for profit pre-school which is currently operating at Pearl St, Kingscliff. They are operating on crown land, which is under the care, control and management of Tweed Shire Council. In 2010 they received a federal grant of \$200,000 to expand their operations. Last year they received development approval (DA13/0025) to for these expansion plans.

The developer contributions due by the Kingscliff Mini School before they can receive an occupancy certificate are:

Water & Sewer (S.64)	\$27,174.00
Roads & Other (S.94)	\$32,178.62
<b>TOTAL DUE</b>	<b>\$59,352.62</b>

- \* Discounts have already been applied to the roads contribution under the Tweed Road Contribution Plan.

The Kingscliff Mini School have already been granted a deferred payment option under the Business Investment Policy for the S.64 water and sewer contributions. That is for \$27,174 to be paid in two instalments over one year upon entering into an agreement with Council. This does not affect the other contributions due as a result of the approval. These other contributions need to be paid prior to an occupancy certificate being issued.

Kingscliff Mini School made a formal request that all the developer contributions relating to their approval be waived. Council is not in a position to waive developer contribution charges. If these charges are not levied on community organisations located on public land this would lead to a precedent which could be pursued by private developers.

## Draft Policy

The most appropriate mechanism for Council to consider requests to modify developer contributions by community organisations is through a policy of Council. Attached to this report is a draft Policy for Council to consider developer contributions due by community organisations for development approvals on Council controlled land.

Rather than waiving developer contributions it is considered more appropriate to allow these organisations to enter into a long-term deferred payment plan with annual repayments.

Total Value of Developer Contributions	Instalment Period	Instalments
<\$5,000	2 Years	1 equal instalment / year
\$5,001 - \$15,000	3 Years	1 equal instalment / year
\$15,001 – \$50,000	5 Years	1 equal instalment / year
>\$50,001	10 Years	1 equal instalment / year

The policy outlines that an eligible Community Organisation is a registered not-for-profit organisation with an annual turnover of less than \$500,000. The organisation must also:

- be registered for GST;
- have an active ABN;
- not have a permanent alcohol license over the area; and
- not have a gaming licence over the area.

**OPTIONS:**

The options available to Council are:

1. Place the draft policy “Developer Contributions – Community Organisations” on exhibition.
2. Not proceed with the consideration of developer contribution deferrals for community organisations.

**CONCLUSION:**

This report recommends that Council place the draft Policy “Developer Contributions – Community Organisations” on public exhibition.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- |               |  |
|---------------|--|
| Attachment 1. | Draft Policy - Developer Contributions - Community Organisations Version 1.0 (ECM 3285759)   |
| Attachment 2. | Tweed Heads Community Men’s Shed – Request for waiving of contribution charges (ECM 3285185) |
| Attachment 3. | Kingscliff Mini School – Request for waiving of contribution charges (ECM 3285186)           |
-

7 [GM-CM] Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel - October 2013 - Submission

SUBMITTED BY: General Manager

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
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

### SUMMARY OF REPORT:

The release of the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel - October 2013* represents the concluding recommendation of the Independent Review Panel's investigation/identification of appropriate governance models, structural arrangements and boundary changes for local government in NSW which commenced in April 2012.

The attached response documents Tweed Shire Council's position, suggestions and questions, where applicable, in relation to the final recommendations. Some aspects of the report have only been noted as they do not directly affect the Tweed Shire and its communities.

### RECOMMENDATION:

**That Council submits this report and attachment titled '*Tweed Shire Council response to the Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel - October 2013*' to the Division of Local Government.**

## REPORT:

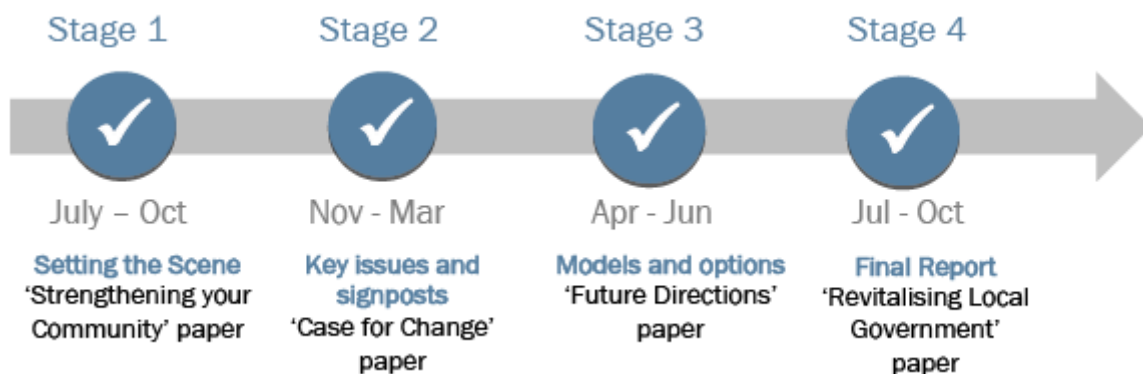
The following preamble, sourced from the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013, provides a summary of the Independent Review Panel's process to date:

The Independent Local Government Review Panel was appointed by the NSW Government in April 2012, following an approach by the then Local Government and Shires Associations (now combined as 'Local Government NSW'). Its task has been to formulate options for governance models, structures and boundary changes:

- To improve the strength and effectiveness of local government
- To help drive the key strategic directions set out in the Destination 2036 Action Plan, and to further the objectives of NSW 2021: A Plan to Make NSW Number One (the State Plan).

The Review was carried out in four stages to maximise opportunities for councils and local communities to have their say, and to canvass ideas and directions for change with the broadest possible range of stakeholders. The Panel looked at all aspects of the local government system – not just councils but also their regional organisations and associations, the statutory bodies that regulate them and the key state agencies with which they need to work to achieve desired outcomes for their local communities.

The Panel has aimed to conduct an open and transparent consultation process: all the information used to develop its reports has been made available on the website [www.localgovernmentreview.nsw.gov.au](http://www.localgovernmentreview.nsw.gov.au). The opportunity for everyone to Have Your Say has been available on the website throughout the review. Also the Panel issued a series of media releases; gave numerous press, radio and television interviews; and made presentations at conferences, seminars and other events. The Panel prepared and released for discussion three separate papers and held extensive consultations in all four stages.



The Review was conducted in parallel with several other important reviews looking at various aspects of local governance. Most important was the work of the Local Governments Acts Task Force, which has been paving the way for a major re-write of the Local Government Act and City of Sydney Act. The Panel and the Task Force maintained close liaison throughout, and the Panel provided the Task Force with

regular updates and interim advice on legislative issues likely to feature in this final report.

The Panel also established regular dialogue with the review of the NSW Planning System carried out by the Department of Planning and Infrastructure, and the Independent Pricing and Regulatory Tribunal (IPART) which has been investigating local government compliance and enforcement practices as one of the State government's 'Red Tape' reviews. The Panel is confident that its proposals align closely with those of other reviews.

The release of the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013 represents the concluding recommendation of the Independent Review Panel's investigation/identification of appropriate governance models, structural arrangements and boundary changes for local government in NSW which commenced in April 2012.

The attached response documents Tweed Shire Council's position, suggestions and questions, where applicable, in relation to the final recommendations. Some aspects of the report have only been noted as they do not directly affect the Tweed Shire and its communities.

The Executive Summary from the response document is reproduced below:

### **Executive Summary**

The *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013 represents the concluding recommendation of the Independent Review Panel's investigation/identification of appropriate governance models, structural arrangements and boundary changes for local government in NSW which commenced in April 2012.

In previous discussion papers Council's primary concern was the proposal that Tweed Shire Council become a member council in a multi-purpose council, to be known as the Northern Rivers County Council, with Lismore being the major regional centre and the home of the County Council, with the Mayor and General Manager of Lismore City Council taking up the roles of Chair and General Manager of the County Council, respectively.

It is clear that NSW Independent Local Government Review Panel (NSWILGRP) has responded to the submissions received from varying stakeholders and amended this proposal to a more acceptable Joint Organisation (JO) model:

*The Panel sees stronger regional cooperation as a central plank of local government reform. This will enhance the role of councils and facilitate more productive State-local relations, especially in strategic planning, economic development, infrastructure provision and service delivery. Thus the Panel's objective is to create a robust but flexible framework within which councils can negotiate the establishment of statutory regional organisations that will undertake strategic planning and other joint activities, and provide a platform for much more extensive and effective State-local dialogue and cooperation.*

*In 'Future Directions' the Panel proposed that the existing County Council provisions of the Local Government Act, suitably amended, could be used to establish the stronger regional entities it had in mind. Those proposals were not well received by local government, due largely to perceived problems with the current legal framework for County Councils. The Panel has therefore developed a substantially modified set of proposals for what it now terms 'Joint Organisations'.*

The Framework for Establishing New Joint Organisations includes:

- JOs would be regional bodies established under new provisions of the Local Government Act replacing those for County Councils
- Membership and ongoing active participation by councils would be mandatory
- Each JO would be established by a separate proclamation which would be negotiated amongst the member councils and with the Minister, with the assistance of expert facilitators provided by the State government
- The proclamation would set out the name, area, membership, functions, staffing and governance and financial arrangements (including payment of any 'dividends' to member councils)
- The governing body would comprise the mayor of each member council, but the proclamation could provide for additional council representatives and for 'participating observers' or advisers from outside local government
- Each JO would prepare a 10 year Strategic Business Plan and 4-year Delivery Program to guide (but not restrict) operations, both to be endorsed by member councils and updated as required
- JOs would be able to establish subsidiaries to undertake specific functions, and would incorporate existing County Councils (for which transitional provisions would apply)
- JOs would hold annual general meetings open to all councillors of member councils and to the public, at which they would report on and account for their activities, and at which priorities and strategies for the coming year could be discussed

Council supports this framework in principle, but is cautious in regard to the some elements surrounding a Joint Organisation.

It is imperative that the position of individual councils are protected and reflected in the voting rights and governance arrangements of the Joint Organisation. It is not acceptable that a shire of 9,000 residents will have the same voting rights as a shire of 90,000 residents. Equally, weighting voting rights to population numbers could see two councils dictate all outcomes (Tweed/Lismore - 56.27% of the vote; Tweed/Ballina - 56.24% of the vote; Tweed/Byron - 52.12% of the vote). Careful considerations and discussions will be needed to find an acceptable solution.



	2006	2011	2016	%	2021	2026	2031	2036
Ballina	40,300	43,000	45,800	17.63	48,500	51,300	53,800	56,200
Byron	30,700	32,900	35,100	13.51	37,400	39,800	42,100	44,300
Kyogle	9,700	9,500	9,400	3.62	9,200	9,100	8,900	8,800
Lismore	44,200	45,000	45,900	17.67	46,700	47,700	48,500	49,200
Richmond Valley	22,100	22,700	23,300	8.97	23,900	24,400	24,900	25,200
Tweed	83,100	91,800	100,300	38.61	108,700	116,900	124,800	132,000
<b>TOTAL</b>	<b>230,100</b>	<b>244,900</b>	<b>259,800</b>	<b>100.00</b>	<b>274,400</b>	<b>289,200</b>	<b>303,000</b>	<b>315,700</b>

Tweed Shire Council would be willing to participate in a pilot program that may advance and explore this issue.

In addition, the role of the Regional Water Alliance, as outlined in Recommendation 17, requires more clarity in regards to the practical consequences and determination of a suitable voting/decision making mechanism that is cognisant of representational voting and constituent member voting.

The recommendation for the popular election of mayors needs more consideration before it can be mandated. The process tends to favour candidates with more funds at their disposal and also those backed by a political party. This raises questions about whether this would be the right outcome for the community. It is also out of step with the operations of the other two tiers of government, whose leaders are not elected by voters.

Council further supports:

- The TCorp report that makes it clear that rate revenues need to grow to cover not only annual cost increases faced by councils, but also underlying costs of service delivery, including progressive elimination of operating deficits and funding infrastructure needs. This means that in most cases rates do need to rise by substantially more than the current annual peg if councils are to achieve long-term sustainability.
- The provision of up to 15% of the road component of FAG grants to be set aside for strategic regional projects provided that the funds are used on local roads/projects and not roads/projects that are the responsibility of the State government.
- A uniform set of performance indicators that would provide information to be used in a positive manner to increase the performance of the sector.

The reduction in regulatory burdens for business, council and the community and continual service review of Council operations.

#### OPTIONS:

1. Submit this report and the attached Tweed Shire Council response to the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013 to the Division of Local Government.

2. Amend the Tweed Shire Council response to the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013 and submit to the Division of Local Government.
3. Not respond to the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013.

**CONCLUSION:**

Council agrees that reform within the Local Government Sector is needed to supply a more sustainable approach to the infrastructure and services provided and agreed with respective NSW communities.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not applicable

**b. Budget/Long Term Finance 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.

**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:**

Attachment 1. Tweed Shire Council response to the *Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel* - October 2013 (ECM 3287084).

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**8 [GM-CM] Local Government Acts Taskforce - Response to October 2013 Report**

**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:**

The Local Government Acts Taskforce report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013 has been released. The Division of Local Government has invited comment on the report with written submissions closing on 7 March 2014.

The report to the Minister for Local Government outlines the recommendations of the Taskforce on a legislative and statutory framework to meet the current and future needs of the community and the local government sector.

This report outlines Council's responses to the report dated 16 October 2013.

### **RECOMMENDATION:**

**That the Council report and Attachment 1 be submitted to the Division of Local Government in response to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013.**

## REPORT:

This preamble, sourced from the report, provides a summary of the Acts Taskforce process to date:

In 2012, the Minister for Local Government, the Hon Don Page MP appointed the Local Government Acts Taskforce to rewrite the *Local Government Act 1993* (the Act) and review the *City of Sydney Act 1988* (CoSA). Under the terms of reference the Taskforce was required to consult widely and have regard to the outcomes of other reviews of the local government sector, including the findings of the Independent Local Government Review Panel and the review of the planning system in NSW.

The intention of rewrite of the Local Government Act was to develop principles-based, enabling legislation that is streamlined, easily understood, in a logical framework, eliminates unnecessary red tape and will provide a legislative and statutory framework to meet the current and future needs of the community and the local government sector.

In October 2012, the first round of general consultation was held following the release of the Taskforce *"Preliminary Ideas"* Paper. From 24 October to 4 December 2012 the Taskforce held workshops at 14 locations across NSW and extensively consulted with councillors and council staff on the questions posted in the *"Preliminary Ideas"* paper. The workshops were attended by a total of 380 people from 111 local government areas, 5 county councils, 4 regional organisations of councils and representatives from Local Government NSW.

Written submissions were also sought and the Taskforce received a total of 112 submissions in response to the *"Preliminary Ideas"* paper. A summary of the key themes identified from these submissions are contained in the Taskforce's Discussion Paper *"A New Local Government Act for NSW"* which was released in April 2013.

The second round of consultations was held following the release of the Taskforce's Discussion Paper. From 4 April to 26 June 2013, workshops open to all interested persons were held in 14 locations across NSW. They were attended by 416 participants including elected and staff representatives from councils, regional organisations of councils, county councils, professional and community groups, and members of the public. Written submissions were invited on the proposals contained in the Discussion Paper with 171 written submissions received.

The Local Government Acts Taskforce report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013 has been released. The Division of Local Government has invited comment on the report with written submissions closing on 7 March 2014.

The report to the Minister for Local Government outlines the recommendations of the Taskforce on a legislative and statutory framework to meet the current and future needs of the community and the local government sector.

A copy of Council's draft submission in response to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013 is attached.

**OPTIONS:**

1. Provide this report as a submission to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013.
2. Amend the draft submission in response to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013.
3. No submission is made in response to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013.

**CONCLUSION:**

Council comments and this report are submitted to the Division of Local Government in response to the report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Not Applicable.

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

Not Applicable.

**c. Legal:**

Local Government Act

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Council's submission in response to the Local Government Acts Taskforce report to the Minister for Local Government on *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988* dated 16 October 2013 (ECM 3287143)
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**9 [GM-CM] Tumbulgum Farmers Markets**

**SUBMITTED BY: General Manager**

Valid



## **Strengthening the Economy**

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

- 3 Strengthening the Economy
  - 3.2 Retain prime agricultural land, farm viability, manage rural subdivision and associated landscape impacts
  - 3.2.1 Foster a viable farming community
- 

### **SUMMARY OF REPORT:**

This report reviews the current operations and lease arrangements of the Farmers Markets located on Tweed Valley Way, Tumbulgum.

This report recommends that Council install water and sewerage facilities at the site in accordance with the conditions of development consent.

### **RECOMMENDATION:**

#### **That Council:**

- 1. Reinstall water and sewerage facilities at the Farmers Market site at Tweed Valley Way, Tumbulgum.**
- 2. ATTACHMENT 1 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:**

### **Background**

In December 2002 Council resolved that it:

- "1. Proceeds with the small scale Farmers Market proposal at Riverside Drive, Tumbulgum as outlined in this report.*
- 2. Proceeds with the preparation and lodgement of a Development Application.*
- 3. Votes Expenditure of \$10,000. Funding to be provided in the next Quarterly Budget Review."*

A development application (DA02/2078) was granted for a six month period. This approval since lapsed and the current approval (DA03/1448) was granted in 2003.

The original concept was that the Farmers Markets were to be temporary structures, such as market tents/annexes over the initial six month period after which its viability would be reviewed. The long term concept was to develop a more permanent structure which included, individual stalls, an office and public toilets. After the six month trial it was determined that there was not enough support to proceed to a more permanent development however, the temporary arrangements were working well. The latest development approval has allowed for these arrangements to continue.

### **Site Location**

The current site of the Farmers Markets was selected from numerous candidate sites. The constraints and opportunities of each site were reviewed through a comprehensive internal review process. The Tumbulgum site is currently part of the Tweed Valley Way road reserve, but at the time of approval this was the Pacific Highway.

### **Industry Support**

During Council's investigations in 2002 into the feasibility of a Farmers Market the Combined Tweed Rural Industries provided a formal letter commending Council on its initiative to providing an alternative to 'road side stalls'.

### **Consent Conditions**

Part of the consent conditions required that there be an onsite sewerage treatment/chemical closet facility and a potable water supply. Originally, a leased portable toilet was provided and maintained by a contractor. A water tank was also supplied on site and topped up on a regular basis by a water carrier.

It has been brought to Council's attention that these conditions are not currently being complied with. A review of the current site and internal records identify that this is the case and if operations are to continue lawfully on the current site, these facilities must be reinstated.

Previous advice from Stacks Law Firm has provided Council with a Deed of Licence document which has been used as a template for licences. A copy of this advice is a confidential attachment to this report.



## **Licensing**

When trading first commenced on the Farmers Market site in 2003 it was only possible to trade from the site if a deed of licence was issued. Evidence of public liability insurance cover to the value of not less than \$10 million had to be sighted before this licence was issued.

During the initial years of operations, these licences were regularly issued effective for a 12 month period. Investigations indicate that these licences are no longer issued. There are no planning conditions requiring the issuing of licences however it would be desirable if this practice could be resumed. However, how to do this in practice has not been finalised.

## **Future Operations**

The current site is limited in area and there are safety concerns with some of the traffic movements associated with entry and egress from the site. If there are better sites available improvements at the current Tumbulgum Road site should be limited until it is determined where the final permanent site should be.

The management options for the nearby Bruce Chick Park have been to Council and have been the subject of a public exhibition process. The report on submissions and recommendations is currently being compiled for presentation to Council at a future meeting. The use of this site for a Farmers Market operation was not one of the options previously considered by Council or placed on public exhibition. However this option could be canvassed in the report on Bruce Chick Park management options.

Regardless of the outcome of these considerations it will be necessary in the interim to ensure the current site complies with conditions of consent in regard to provision of water supply and sewerage.

## **OPTIONS:**

The following options are available to Council at this time:

1. Reinstall water and sewerage facilities at the Farmers Market site at Tweed Valley Way, Tumbulgum.
2. Reinstall water and sewerage facilities at the Farmers Market site at Tweed Valley Way, Tumbulgum and reinstate the requirement for operators to be licenced.
3. Close the facility at Tumbulgum and no longer provide a space for a Farmers Market to operate.

## **CONCLUSION:**

This report recommends that Council reinstall water and sewerage facilities at the Farmers Market site at Tweed Valley Way, Tumbulgum.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Compliance with conditions of development consent.

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

Funds will be required for installation of water and sewerage facilities and compliance.

**c. Legal:**

Previous legal advice attached.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. Previous legal advice regarding deed of lease for Farmers Market (ECM 717835).

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10 [GM-CM] Tweed Education and Industry Forum

SUBMITTED BY: Business and Economic Development

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

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### SUMMARY OF REPORT:

At its meeting on 23 January 2014 Council resolved that:

*"officers be requested to table a report which outlines the core objectives of the Tweed Education Industry Forum (TEIF), its members, how often they meet and the role or tasks assigned to Council to champion."*

The TEIF was established in 2012 with interested parties initially invited to attend an inception meeting to explore the opportunities which exist to improve the skills and opportunities for young people in the Shire. Following this in 2013 a Strategic Plan was developed and adopted by the forum which includes a Vision, Strategic Direction and Action Plan. The focus of the Strategy is the Health sector due to its relevance in the area. The major action item for Tweed Shire Council is the development of an annual Hothouse Workshop across TEIF and industry which is proposed for August 2014 and will be undertaken in partnership with Southern Cross University.

Members of TEIF include State Member for Tweed, Federal Member for Richmond, Australian Government Department of Education Employment and Workplace Relations, North Coast State Training Services, NSW Government Department of Education and Communities, Griffith University, Southern Cross University, Bond University, TAFE NSW - North Coast Institute, Murwillumbah High School, Banora Point High School, Kingscliff High School, Tweed River High School, Wollumbin High School, Lindisfarne Anglican Grammar, Mt St Patrick College, St Joseph's College, CONNECT Northern Rivers, R&S Muller Enterprise, Medicare Local, Destination Tweed, NSW Business Chamber, NSW Health - Health Education and Training Institute and Tweed Shire Council.

The meeting frequency is bimonthly with relevant staff attending as required.

**RECOMMENDATION:**

**That Council receives and notes the report on the core objectives of the Tweed Education Industry Forum (TEIF) and supports its continued involvement.**

**REPORT:**

The following summary has been prepared to provide an insight into the history and core objectives of the forum and Councils allocated actions.



**Background & Core Objectives**

The Tweed Education and Industry Forum (TEIF) came into being in 2012. The TEIF was established following the success of the Clarence Valley Education and Industry Forum (CVEIF) established some years ago. The CVEIF is considered a leading forum bringing significant outcomes to the students of Clarence Valley.

The TEIF is a collaborative network that focuses on being responsive and dynamic. It models a distributed leadership approach, where members are encouraged to take leadership on initiatives that are in their self-interest and are supported by other members in the network. Distributed leadership is focused on light governance. All activities, including hosting network meetings, are shared among members.

Investigations were undertaken mid-2012 to identify an opportunity that could be fast tracked with the backing, support and commitment of the TEIF members. Following a presentation regarding the economic situation of the Tweed-Richmond Priority Employment Area (PEA) by DEEWR representatives, the Forum made the decision to select the Health industry as it was showing sustained and projected employment demand for the Tweed. The strategic action plan is attached.

The Health Industry was selected due to the following:

1. Future predictions (locally, state, nationally and internationally) for growth in the demand for health services due to an ageing population,
2. An aging workforce across Australia, including in the health sector
3. The changing way of delivering health services into the future – allied health and health assistants (paraprofessional) allowing entrance into the health industry with VET qualifications such as Cert III and Cert IV
4. Health being an industry that is not subject to market volatility compared to other industries such as retail, tourism and manufacturing. This offers a longer and more stable lead-time for the Forum to achieve measurable outcomes

It was also agreed that whilst Health would be the initial area of focus, the Forum will remain open to other industry opportunities. Health is the starting point to focus and galvanize the group into action.

**Strategic Action Plan Framework**





### Membership

Membership includes the university sector, the school sector, the VET sector, industry, Local, State and Federal Government organisations.

The TEIF is a collaborative network that focuses on being responsive and dynamic. It models a distributed leadership approach, where members are encouraged to take leadership on initiatives that are in their self-interest and are supported by other members in the network.

Distributed leadership is focused on light governance. All activities, including hosting network meetings, are shared among members. Currently the secretariat role for the group is being provided by North Coast TAFE.

All the TEIF members are committed to

- Collaboration
- Consensus
- Inclusivity
- Positivity
- Individual and organisational strengths
- Demand driven, evidence based actions

Full membership list attached

### Meeting schedule for 2014

The group meets bi monthly. All meetings will be held on Tuesdays from **10:30am - 12:30pm**. Exact venue in the Tweed, to be advised, closer to the time.

**Tuesday 11th February 2014**  
**Tuesday 8th April 2014**  
**Tuesday 10th June 2014**  
**Tuesday 12th August 2014**  
**Tuesday 14th October 2014**  
**Tuesday 9th December 2014**



**Council's role in TEIF**

The Strategic action plan and full list of priorities agreed to at the October 2013 meeting are attached.

The following is a summary of Council's lead role in TEIF:

Strategy	Actions	Timeframe	Priority	Who
Increase collaboration as part of a commitment to continued improvement	<ul style="list-style-type: none"> <li>▪ Explore opportunities to host an annual Hothouse workshop (aligned to Pitch and Push) to reflect progress, monitor trends, capture research, debate outcomes and priorities actions. This would consist of speakers for across/beyond the region, and also across industry sectors.</li> <li>▪ Maintain a strong relationship with DEEWR and seek their participation in the Hothouse workshop to update the Forum on workforce trends, challenges and opportunities</li> <li>▪ Refine programs and processes in response to Hothouse outcomes and feedback.</li> </ul>	Annually – April and June meetings	high	<u>Lead: Tweed Council</u> All - Forum

**OPTIONS:**

That Council receive and note this report.

**CONCLUSION:**

Council has been a party to TEIF since its inception in 2012 with officers supporting the concept of a forum or network and a distributed leadership approach where all forum members share the responsibility for the delivery of actions.

A Strategic Plan has been developed to determine and implement actions to support the Vision to *Enhance education and training provision through collaboration in the Tweed Region.*

TEIF provides an excellent opportunity for Council to work with industry to collaboratively improve the opportunities and skills of young people within the Tweed and our continued involvement with the forum is supported.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

To date no funds have been committed to this forum. Contributions have been in the form of in kind staff resources.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**  
**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Draft TEIF Strategic Action Plan (ECM3279839)

Attachment 2. TEIF Action Plan and Priorities October 2013 (ECM3284908)

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## REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

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

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

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

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

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

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

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

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

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

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

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

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

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

**11 [PR-CM] Planning Reform Unit - Mid-Year Work Program Update and Review**

**SUBMITTED BY: Planning Reforms**

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## **Civic Leadership**

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

- 1 Civic Leadership
  - 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
  - 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community
- 

### **SUMMARY OF REPORT:**

Council resolved at its meetings of 16 May and 12 December 2013 to both bring forward a mid-year review report on the Planning Reform Unit's work program and to bring forward a report on options to clear the backlog of "*Strategic Planning Reforms*".

The report provides a discussion of the key pressures facing the work program and identifies some options to address these issues.

The report also notes that, in light of the appointment of a new General Manager and the pending review of the Organisation's structure and resourcing capabilities, that it would be premature to pre-empt options for how the Unit can be better resourced to match the rise in demand for strategic land-use planning services.

### **RECOMMENDATION:**

**That the Planning Reform Unit - Mid-Year Work Program Update and Review be received and noted.**

## REPORT:

The current Planning Reform Unit's (PRU) 'Works Program' (2013) was adopted at the Council meeting of 16 May 2013. The Report identified an estimated over-allocation of its resourcing for the 2013-14 period at 120.5%, representing an increase from the previous year's estimated commitment by 22%. In addition to the recorded increase, as of 16 May, Council further resolved through several notices of motion to commence and/or investigate further strategic land-use policies, including but not limited to:

- An LEP Amendment limiting building heights in Fingal Head to two-storey.
- A new development control plan (DCP) for Fingal Head.
- An LEP and/or other policy to address commercial wake-boarding activities on the Tweed River.
- Development of a new urban agriculture DCP.

Further, the Department of Infrastructure and Planning (DP&I) introduced an 'administrative' review process (pre-Gateway review) into the planning proposal framework in December 2012, which enables an applicant to seek review of a council's decision in relation to proceeding with a planning request. The process is explained in the DP&I's publication: *A Guide to Preparing Local Environmental Plan* [http://www.planning.nsw.gov.au/Portals/0/Guide\\_LEPs.pdf](http://www.planning.nsw.gov.au/Portals/0/Guide_LEPs.pdf) p15; in summary, it imposes a burden on councils to review and consider all planning proposal requests within 90 days.

The increased demand for planning proposal requests combined with additional requests of the Council is estimated to increase the demand on current PRU resourcing to about 155%, and extending that commitment over a longer period through to 2016. This assumes that demand will taper-off during 2014/15.

Prior to the Department's review procedure the Council was quite effective in utilising the adopted works program to regulate the level of planning proposals being assessed during a given period and correspondingly was better placed to manage the available resources. However, the new regime may be summarised as having two critical effects; a council may resolve not to proceed with a proposal and therefore accept that the DP&I may progress it independently, or alternatively, the council accepts the responsibility for progressing the proposal were it sees that role to be in the council's and public's best interest. This later approach will have direct and unavoidable impact on council resourcing.

The review process will have minimal impact for many councils across the State, but for growth councils like Tweed the impact will be significant. This correlates with the high demand for strategic projects, particularly LEP rezoning amendments, which larger developers are now pursuing in anticipation of a turnaround in the property market. This market, unlike others outside the Tweed, has been relatively buoyant despite the depressed state of the wider economy, and is showing early signs of recovery.

The question then, is how best to manage this increase in demand for the PRU's resources. This has four possible answers, where the fourth is a composite of the other three:

1. Redirect current resources from broader strategic policy work to manage predominantly planning proposals.
2. Provide a budget for the contract employment of short-term project based appointments.
3. Increase staffing levels within the Unit to match the demand for services.

At the Council meeting of 12 December 2013 it was resolved that:

*"Council brings forward a report on options to clear the backlog of Strategic Planning Reforms, some dating back 10 years, particularly in light of the impacts from the imminent release of Tweed's new Standard Local Environment Plan, and the pressure from NSW Planning to fast track planning Proposals and rezoning applications."*

The resolution further highlights the issues described above and within previous reports on the work program dating back to the meeting of 16 December 2008.

The first PRU work program in its current format was adopted at the meeting of 21 April 2009. The commitment to implementing the State Government's planning reforms, most noticeably the standard LEP, and the development of other broad strategic policies, including the *Tweed Urban and Employment Land Release Strategy* and *Tweed Heads Masterplan*, necessitated a strategy to curtail the demand on the Unit's resources, so that the broader policy work could be developed. One of the strategies of the work program was to limit the number of LEP amendments originating externally in any given year, the others targeting the long-term identification and resourcing of important shire-wide and locality based projects. These strategies, as mentioned above, worked reasonably well, until the introduction of the pre-Gateway review process in December 2012 and the resolution of new projects outside, and often following the adoption, of the work program.

Going forward it is clear that key decisions need to be made about the resourcing capabilities of the PRU and/or whether the Council is or is not prepared to allow planning proposals to be deferred to the DP&I and Joint Regional Planning Panel for review and making.

The appointment of a new General Manager and the impending review of the organisational structure will provide an opportunity for senior management to review staffing options for the Unit. Reporting on the more significant options for managing the resource demand would therefore be premature at this time.

There are also several projects that are on the cusp of being completed and others that are gaining traction in their progression. It is likewise too early to determine how these projects will impact on resourcing of projects for the 2014-15 year and beyond.

It is therefore recommended that the current adopted work program remain unchanged and that new projects be managed and reported on a case by case basis. The annual review of the work program for the 2014-2017 period is scheduled for the May business paper and would provide greater opportunity to evaluate options for progressing the Unit's significant work commitments. That meeting should be preceded with a Councillor Workshop.

#### **OPTIONS:**

That Council:

1. Receives and notes this report; or
2. Determines an alternative course of action.

#### **CONCLUSION:**

The changes in the current planning framework, the uncertainty of the impending new planning system, and apparent improvement in the local economy that is driving interest for strategic planning proposals, as well as those originating from within the Council, is

culminating in significant demand for resources. There is simply not enough resources within the Planning Reforms Unit to match the growth in demand.

Strategies employed since 2009 have worked with reasonable but declining effectiveness and recent Departmental changes to the planning processes have perhaps had the greatest impact on the Council's ability to regulate its strategic planning resource commitments.

Additional strategies for improving the responsiveness of the Planning Reform Unit to match the current and projected increase in demand for strategic land-use planning are currently under review. It requires an assessment of the Organisation's ability to further resource additional staffing levels and budget allocations. This is likely to be a key element of the new General Manager's review of the organisational structure, and as such it would be premature to pre-empt an outcome for the Unit's service delivery levels based on hypothetical staffing and budget scenarios.

It is recommended therefore, that the current Unit's adopted work program remain unchanged with project and resource commitments being further reported on with the next iteration of the work program, which is scheduled for May.

**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:**

Attachment 1.

Council Report "Planning Reform Unit Works Program 2013"  
(ECM 3266054)

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12 [PR-CM] Statutory Requirements for Roadside Stalls

SUBMITTED BY: Development Assessment



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

This report intends to clarify Council's role in assessing development applications and enforcing statutory legislation with regard to a *roadside stall* land use.

The assessment process for development applications and enforcement process regarding land use are governed by the Environmental Planning and Assessment (EP&A) Act 1979, the Environmental Planning and Assessment (EP&A) Regulation 2000 and a number of Environmental Planning Instruments (EPI's) inclusive of State Environmental Planning Policies (SEPP's), the Tweed Local Environmental Plan (TLEP) 2000 and the Draft Tweed Local Environmental Plan (TLEP) 2012.

The Tweed Local Environmental Plan (TLEP) 2000 defines a *roadside stall* land use. The zones (Clause 11) identify a *roadside stall* use as being allowed only with consent or prohibited.

The Draft Tweed Local Environmental Plan (TLEP) 2012 incorporates a new definition of *roadside stall* and generally broadens the scope of land where roadside stalls will be permitted. The Land Use Table identifies a *roadside stall* use as being permitted with consent or prohibited.

Consideration and assessment of a development application for a *roadside stall* use is based on its permissibility upon the subject site and compliance with the relevant definition.

Council's enforcement role entails investigation and resolution of individual complaints received with regard to unlawful land uses and non-compliance with development consent conditions.

The outcome of compliance action is varied but generally results in the removal of unlawful structures/ceasing of unlawful land uses and/or the lodgement of a development application to render a land use lawful. In some cases a Penalty Infringement Notice (PIN) may be issued and/or court action instigated.

Compliance action is complaint driven. Council is bound by legislation to pursue written complaints and investigate unlawful activities. Council's treatment of each complaint is specific and has regard to permissibility of the land use on the subject site which is consistent with the assessment of development applications.

**RECOMMENDATION:**

**That the report on Statutory Requirements for Roadside Stalls be received and noted.**



## REPORT:

### Policy Background

At its meeting of 17 April 2012, Council resolved to endorse a number of recommended actions aimed at improving public awareness of roadside stalls and the development approvals process.

To date, the following actions have been undertaken:

- A sustainable agriculture web page has been created on Council's website ([www.tweed.nsw.gov.au/Agriculture](http://www.tweed.nsw.gov.au/Agriculture));
- A Roadside Stalls Fact Sheet has been completed and is available to download from the sustainable agriculture web page (refer Attachment 1);
- GIS work is ongoing with regard to the creation of an interactive web-based tourist map to promote locations of, and produce sold at lawful roadside stalls; and
- The Rural Land Strategy is to include an associated policy approach.

The community has ready access to roadside stall guidelines that clarify:

- Safety and design standards;
- Definitions;
- Assistance from Council;
- Appropriate locations;
- Health standards;
- Development considerations; and
- Whether a development application is required.

### Tweed Local Environmental Plan 2000 (TLEP 2000)

*Definition:*

**roadside stall** *a building or place not exceeding 20m<sup>2</sup> in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.*

*Permissibility in zones 1(a) Rural, 1(b2) Agricultural Protection, 1(c) Rural Living:*

- Item 2 – *roadside stall* allowed only with consent
- Item 4 – *roadside stall* prohibited if requiring direct access to an RTA classified road (ie. Pacific Motorway)

*Permissibility in zone 2(c) Urban Expansion:*

- Item 3 - *roadside stall* allowed only with consent and must satisfy the provisions of Clause 8(2)

*Permissibility in zones 2(d) Village zone and 7(d) Environmental Protection (Scenic Escarpment):*

- Item 2 – *roadside stall* allowed only with consent

As such, a *roadside stall* is prohibited in the following zones:

- 2(a) Low Density Residential
- 2(b) Medium Density Residential
- 2(e) Residential Tourist
- 2(f) Tourism
- 3(a) Sub-regional Business
- 3(b) General Business
- 3(c) Commerce and Trade
- 3(d) Waterfront Enterprise
- 3(e) Special Tourist (Jack Evans Boatharbour)
- 4(a) Industrial
- 5(a) Special Uses
- 6(a) Open Space
- 6(b) Recreation
- 7(a) Environmental Protection (Wetlands and Littoral Rainforests)
- 7(f) Environmental Protection (Coastal Lands)
- 7(l) Environmental Protection (Habitat)
- 8(a) National Parks and Nature Reserves

#### **Draft Tweed Local Environmental Plan 2012 (TLEP 2012)**

*Definition:*

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises** - see the definition of that term in this Dictionary.

NB: retail premises are a type of commercial premises.

*Clause 5.4:*

#### **(8) Roadside stalls**

*If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.*

*Permissibility in draft zones RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential, RE1 Public Recreation, E3 Environmental Management:*

- Item 3 – roadside stall permitted with consent

*Permissibility in draft zones RU5 Village, B2 Local Centre, B3 Commercial Core, B4 Mixed Use:*

- Item 3 – commercial premises permitted with consent

As such, a roadside stall is prohibited in the following draft zones:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- B1 Neighbourhood Centre
- B5 Business Development
- B7 Business Park
- IN1 General Industrial
- IN4 Working Waterfront
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- RE2 Private Recreation
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- W1 Natural Waterways
- W2 Recreational Waterways
- W3 Working Waterways

#### *Development Applications*

Since 2005, eight development applications for roadside stalls within the Shire have been lodged with Council for assessment. Two Section 96 amendments to approved development consents were also assessed. There are also a number of development consents for roadside stalls that were issued prior to 2005.

Of the eight development applications lodged since 2005, all were granted development consent. Half of these development applications were determined by full Council, as SEPP 1 objections were required to justify variations to the 30m development standard contained within Clause 24 of the TLEP 2000 (setbacks to designated roads).

One Section 96 amendment was refused on the basis that the applicant had proposed to sell produce grown off-site. This proposal was not consistent with the *roadside stall* definition as contained within the TLEP 2000 and Council was not able to further assess the application.

In order for a development application proposal for a roadside stall to be considered for assessment, it must be consistent with the definition of *roadside stall* and be a permissible form of development in accordance with the TLEP 2000. If the development proposal is not permissible in the draft zone or inconsistent with the draft definition in the Draft TLEP 2012, the application must be referred to full Council for determination.

#### *Compliance Action*

Should Council receive a complaint regarding possible unlawful use of a site in order to operate a roadside stall, Council is compelled to investigate this matter in accordance with relevant legislation and take action accordingly.

Council has investigated the operation of two unauthorised roadside stalls in the past month: one at Tweed Valley Way, South Murwillumbah and the other at Col Wiley Park, Kyogle Road, Byangum as a direct result of complaints received.

In accordance with the current LEP in force, a roadside stall may not be operated from a site where the primary produce has not been grown. In this instance, the operator may elect to lodge a development application for a roadside stall located on the property upon which the primary produce is grown, or it may be possible for the produce to be sold lawfully at the Tumbulgum Farmers Market which has the benefit of a current development consent.

#### *Development Application Cost*

The following development application fee scenarios (current for 2013/2014 financial year) provide a guide for farmers or local producers who may wish to sell their product from a roadside stall:

Roadside Stall	Value \$100.00
DA fee	\$110.00
Environmental Enforcement Levy	\$0.10
DA Notification Fee	\$235.00
TOTAL	\$345.10

Table 1: Scenario 1 is based on a capital works cost of \$100.00 (eg. marquee)

Roadside Stall	Value \$5000.00
DA fee	\$110.00
Environmental Enforcement Levy	\$5.00
DA Notification Fee	\$235.00
TOTAL	\$350.00

Table 2: Scenario 2 is based on a capital works cost of \$5000.00 (eg. shed construction)

A DA scanning fee of \$52.50 may be payable in cases where the applicant has not provided an electronic copy of all documentation in accordance with Council's requirements.

#### **SUMMARY**

This report has been provided for information purposes and clarifies the development assessment and enforcement processes with regard to a *roadside stall* land use.

Council must act in accordance with legislative controls with regard to land use matters.

#### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

If the applicant is dissatisfied with the determination of a development application for a roadside stall, a right of appeal exists in the Land and Environment Court.

Council has a responsibility to enforce:

- Environmental Planning and Assessment (EP&A) Act 1979
- Roads Act 1993

- Environmental Planning and Assessment (EP&A) Regulation 2000
- Tweed Local Environmental Plan (TLEP) 2000
- Draft Tweed Local Environmental Plan (TLEP) 2012

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Roadside Stalls Fact Sheet (ECM 3281213)

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## REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

### 13 [CNR-CM] Placemaking and Public Art 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
  - 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
- 

### SUMMARY OF REPORT:

At its meeting of 21 November 2013, Council resolved to place the *Draft Placemaking and Public Art Policy Version 1.3* on exhibition for a period of 28 days and accept public submissions for a period of 42 days as per Section 160 of the Local Government Act. This period expired on Tuesday 21 January 2014 with no submissions received.

Prior to this, the *Placemaking and Public Art Policy* was last reviewed in November 2007.

In this review, the major focus and intent of the Policy has been retained from previous versions, with changes made to reflect the objectives and strategies of Council's *Community Strategic Plan 2013/2013* and *Delivery Plan 2013/2017* as well as related actions in the *Operational Plan 2013/2014*. Provision has also been made in the revised Policy for progressing proposals for new public artworks via a public Arts Reference Group (PARG).

### RECOMMENDATION:

**That Council adopts the Placemaking and Public Art Policy Version 1.3.**

## REPORT:

Council's *Placemaking and Public Art Policy* was last reviewed in November 2007 at which time the commissioning and/or purchasing of new art works for public places was processed via a Public Art Advisory Committee (PAAC) and an overarching Community Cultural Development Advisory Committee (CCDAC) prior to consideration and approval, or not, by Council.

In the absence of the PAAC and the CCDAC, the policy has been minimally reviewed to allow for an interim process by which proposals for public artworks can effectively be assessed until such time as a new Cultural Development Officer is appointed and the Policy can be reconsidered within the broader context of a new Cultural Policy, which is also due for review.

While the major focus and intent of the *Placemaking and Public Art Policy* has been retained from previous versions, changes have been made to reflect the objectives and strategies of Council's *Community Strategic Plan 2013/2023* and *Delivery Plan 2013/2017* as well as related actions in our *Operational Plan 2013/14*. Provision has been made for progressing proposals for new works via a Public Art Reference Group (PARG).

The revised Public Art initiation/acquisition process continues to require a detailed application based on an Integrated Cultural Opportunities Survey (ICOS) form to be assessed by the PARG. This Group will be convened in the longer term by the Cultural Development Officer and in the intermediate period by the Manager Community and Cultural Services. The PARG will include Council's Art Gallery Director, Landscape Architect, Civil Design Engineer and a representative of Arts Northern Rivers as well as specialists relevant to specific proposals. These specialists may include representatives from the community as well as staff.

Due to be developed during next calendar year in accord with Council's *Community Strategic Plan 2013/2023* and *Delivery Program 2013/2017*, the new Cultural Policy will need to reflect the significant achievements of Council's previous cultural development plan and activities as well as identifying the role of placemaking and public art as significant contributors to the area's recognition as a major cultural destination and home to a rich, active and diverse cultural community. As such, the new Cultural Development Policy will require extensive community engagement, unlike this review of the *Placemaking and Public Art Policy* which has sought to resolve administrative issues.

## OPTIONS:

1. That Council **adopts** the *Placemaking and Public Art Policy Version 1.3*. This will enable well defined interim processes to be followed for the commissioning and/or purchasing of new artworks for public places pending the opportunity for these process to be reconsidered within the broader context of a new Cultural Development Policy, which is also due for review.
2. That Council **not adopt** the *Placemaking and Public Art Policy Version 1.3*. This would leave Council without any policy or processes to which to refer in response to any issues and/or requests relating to public art.



**CONCLUSION:**

Prior to developing the current policy, Council's *Placemaking and Public Art Policy* was last reviewed in November 2007, at which time the commissioning and/or purchasing of new art works for public places was processed via a Public Art Advisory Committee (PAAC) and an overarching Community Cultural Development Advisory Committee (CCDAC) prior to consideration and approval, or not, by Council.

In the absence of the PAAC and the CCDAC, the policy has been minimally reviewed to allow for an interim process by which proposals for public artworks can effectively be assessed until such time as a new Cultural Development Officer is appointed and the Policy can be reconsidered within the broader context of a new Cultural Policy, which is also due for review.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Placemaking and Public Art Policy.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Placemaking and Public Art Policy Draft Version 1.3 (ECM 3283347)

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14 [CNR-CM] Community Membership on Aboriginal Advisory Committee

SUBMITTED BY: Community and Cultural Services

Valid



**Civic Leadership**

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

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

**SUMMARY OF REPORT:**

On 19 September 2013, the Terms of Reference for the Aboriginal Advisory Committee (AAC) was amended to include two alternate delegates from member organisations to assist the AAC achieve a regular quorum. Member organisations have completed new nomination forms and proposed delegates are presented for Council's endorsement.

**RECOMMENDATION:**

That Council makes the following appointments to the Aboriginal Advisory Committee:

Member Organisation	Nominated Delegate
Tweed Byron Local Aboriginal Land Council	Des Williams Gina Combo (alternate) Larrissa Smyth (alternate)
Tweed Wollumbin Aboriginal Education Consultative Group	Jackie McDonald Glenda Nalder (alternate) Marcia Browning (alternate)
Canowindra - Cedric House	Aunty Joyce Summers Victor Slockee (alternate) Veronese Burgess (alternate)
Bugalwena Aboriginal Health Service	Ronella Phillips Letitia Kelly (alternate) Dana Williams (alternate)
Tweed Aboriginal Corporation for Sport	Leweena Williams Larrissa Smyth (alternate) Kerry Lehmann (alternate)
Tweed Aboriginal Housing Co-op	Desrae Rotumah Russell Logan (alternate)

**REPORT:**

On 19 September 2013, the Terms of Reference for the Aboriginal Advisory Committee (AAC) was amended to include two alternate delegates from member organisations to assist the AAC achieve a regular quorum. The Terms of Reference prescribes that a quorum at any meeting of the Committee shall comprise five members. Most member organisations have completed new nomination forms and proposed delegates are presented for Council's endorsement as detailed in the table below:

<b>Member Organisation</b>	<b>Nominated Delegate</b>
Tweed Byron Local Aboriginal Land Council	Des Williams Gina Combo (alternate) Larrissa Smyth (alternate)
Tweed Wollumbin Aboriginal Education Consultative Group	Jackie McDonald Glenda Nalder (alternate) Marcia Browning (alternate)
Canowindra - Cedric House	Aunty Joyce Summers Victor Slockee (alternate) Veronese Burgess (alternate)
Bugalwena Aboriginal Health Service	Ronella Phillips Letitia Kelly (alternate) Dana Williams (alternate)
Tweed Aboriginal Corporation for Sport	Leweena Williams Larrissa Smyth (alternate) Kerry Lehmann (alternate)
Tweed Aboriginal Housing Co-op	Desrae Rotumah Russell Logan (alternate)

At this time, Bundjalung Aboriginal Home Care is unable to send a representative to the AAC due to staff shortages. However, it is the preference of the AAC that this group remains on the Terms of Reference as a member. It is hoped representatives will be nominated in the near future.

Councillors appointed to this Committee are Councillor Longland (Delegate), Councillor Armstrong (alternate) and Councillor Milne (alternate).

A quorum will be achieved at each meeting provided that either the nominated or an alternate representative of the member organisations and Council are in attendance.

**OPTIONS:**

1. Appoint delegates as nominated by member organisations.
2. Not appoint delegates as nominated by member organisations, and leave the composition of the Aboriginal Advisory Committee as is until further nominations are received.

**CONCLUSION:**

Changes to the Terms of Reference, adopted by Council on 19 September 2013 were introduced to reflect appropriate representation from Aboriginal community organisations and provide for additional alternate delegates in order to assist in meeting quorum requirements. It

is recommended that nominations from member organisations as presented be endorsed by Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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15 [CNR-CM] Donations (Financial Assistance) Policy Version 1.2

SUBMITTED BY: Community and Cultural Services

Valid



## Supporting Community Life

### 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:

At its meeting held on 21 November 2013, Council resolved to place the *Donations (Financial Assistance) Policy Version 1.2* on public exhibition. The exhibition and submission period closed on 21 January 2014. No submissions were received. The *Donations (Financial Assistance) Policy Version 1.2* is now submitted for adoption.

### RECOMMENDATION:

**That Council adopts the Donations (Financial Assistance) Policy Version 1.2.**

## REPORT:

At its meeting held on 21 November 2013, Council resolved to place the *Donations (Financial Assistance) Policy Version 1.2* on public exhibition for a period of 28 days and to accept public submissions for a period of 42 days as per Section 160 of the Local Government Act 1993. The exhibition and submission period closed on 21 January 2014. No submissions were received.

Tweed Shire Council recognises the importance of assisting not-for-profit community groups and organisations that are interested in and working towards the enhancement and the well being of its residents. The *Donations (Financial Assistance) Policy Version 1.2* ensures this objective is met in an equitable and transparent manner.

## OPTIONS:

1. That Council adopts the *Donations (Financial Assistance) Policy Version 1.2*.
2. That Council does not adopt the *Donations (Financial Assistance) Policy Version 1.2* and requests further information.

## CONCLUSION:

The *Donations (Financial Assistance) Policy Version 1.2* clarifies eligibility, funding guidelines and includes the relevant excerpt of legislation from the Local Government Act 1993 which ensures that funds are allocated in an equitable and transparent manner.

## COUNCIL IMPLICATIONS:

### a. Policy:

Donations (Financial Assistance) Policy Version 1.1

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

Council's *Community Strategic Plan 2013/2023* provides for an annual budget to be allocated for donations made in accordance with this Policy.

### 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. Donations (Financial Assistance) Policy Version 1.2 (ECM3282435)

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**16 [CNR-CM] Access and Inclusion Policy Version 1.1**

**SUBMITTED BY: Community and Cultural Services**

Valid



## Supporting Community Life

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

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

### **SUMMARY OF REPORT:**

The draft Access and Inclusion Policy was endorsed by Council for public exhibition at its 21 November 2013 meeting. The exhibition and public submission period closed on 20 January 2014 and one submission was received. The Access and Inclusion Policy is now submitted for adoption.

### **RECOMMENDATION:**

**That Council adopts the Access and Inclusion Policy Version 1.1.**

**REPORT:**

The Draft Access and Inclusion Policy was approved for public exhibition at the Council meeting on 21 November 2013. The exhibition and public submission period concluded on 20 January 2014. One submission was received. The submission confirms that the Access and Inclusion Policy is appropriate and conforms to the requirements of the Commonwealth Disability Discrimination Act 1992. Comments in the submission relate to the implementation of the Access and Inclusion Action Plan and suggest changes to Council consultation with the public.

**OPTIONS:**

1. That Council adopts the Access and Inclusion Policy.
2. That Council does not adopt the Access and Inclusion Policy and requests further information.

**CONCLUSION:**

The Access and Inclusion Policy is the policy framework guiding Council planning and design decisions and the implementation of the Access and Inclusion Action Plan, currently being finalised as a draft for Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Community Engagement Strategy Version 1.1.

**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:**

Attachment 1. Access and Inclusion Policy (ECM 3282150)

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17 [CNR-CM] Tweed Shire Coastal Hazards Assessment 2013

SUBMITTED BY: Natural Resource Management

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

Council commissioned BMT WBM to review and update a coastal hazards assessment for Tweed Shire in accordance with the NSW Government's *Guidelines for Preparing Coastal Zone Management Plans* (December 2010).

This hazard assessment provides the technical basis for Council to develop a Coastal Zone Management Plan (CZMP) for Kingscliff and subsequently, the Tweed Shire coastline. These plans will supersede the *Tweed Shire Coastline Management Plan*, adopted June 2005.

The report provides an analysis of coastal processes for the Tweed Shire coastline and identifies and quantifies the coastal hazards for each of the developed sections of the Tweed coast. A more detailed assessment was made of coastal processes and hazards at Kingscliff due to the recent erosion hazard experienced there and Council's desire to confirm the management options for this section of coastline.

In addition to the hazards assessment providing the basis for development of an updated CZMP, the updated coastal erosion hazard lines need to be incorporated into Tweed Development Control Plan (TDCP) section B25 – Coastal Hazards. This will require TDCP section B25 to be advertised with the amended maps and other relevant changes.

In the interim, if Council adopts the new hazard lines, there will be need to make development proponents and potential purchasers of the affected land parcels aware of this latest information. It is therefore proposed to amend the information on Council's Section 149(2) Planning Certificates to coincide with the upgrade of information required by the commencement of recent amendments to the Exempt and Complying State Environmental Planning Policy (known as the Codes SEPP) on 22 February 2014.

**RECOMMENDATION:**

**That:**

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

## REPORT:

Council commissioned BMT WBM to review and update a coastal hazards assessment for Tweed Shire in accordance with the NSW Government's *Guidelines for Preparing Coastal Zone Management Plans* (December 2010).

This hazard assessment provides the technical basis for Council to develop a Coastal Zone Management Plan for Kingscliff and subsequently, the Tweed Shire coastline. These plans will supersede the *Tweed Shire Coastline Management Plan*, adopted June 2005.

The Tweed Shire Coastal Hazards Assessment (2013) provides a revision of coastal hazard extents and updates the Tweed Coastline Hazard Definition Study (WBM Oceanics Australia 2001) in relation to:

- Changes to the *Coastal Protection Act 1979* and new *Guidelines for Preparing Coastal Zone Management Plans* made by the NSW Government in 2010;
- Adoption of sea level rise benchmarks for 2050 and 2100 by Council; and
- New and updated data on coastal processes and new analytical techniques for assessing coastal hazards.

The report provides an analysis of coastal processes (Chapter 2 of the report) within the regional context and provides a higher level of analysis and detail for the Tweed LGA coastline and in particular, Kingscliff Beach. The report identifies and quantifies the coastal hazards (Chapter 3) for each of the developed sections of the Tweed coast. A more detailed assessment was made of coastal processes and hazards at Kingscliff due to the recent erosion hazard experienced here and Council's desire to confirm the management options for this section of coastline.

**Coastal processes** (natural and human influenced) are the principle source of hazard in the coastal zone, and such hazards can generate significant risks to our use and development of coastal land and assets. The geologic framework of the coastline, waves and water levels interact to shape the morphology of beaches over various timescales, from days to many years.

**Coastal hazards** arise where coastal processes interact with our use and development of coastal land and assets, or where human development has impeded natural coastal processes. The major coastal hazards of note defined in this report include:

- **Beach Erosion**, relating to periods of intense storminess over seasons to years, and associated dune slope instability;
- **Long Term Recession**, relating to a long term sediment deficit and due to both prevailing sediment deficits and sea level rise in the future;
- **Coastal Inundation** associated with high tides combined with storms, wave run up and sea level rise that may overtop coastal barriers and inundate low lying land adjacent to the lower estuaries of creeks or rivers; and
- **Coastal Entrance Instability** and effects on immediately adjacent shorelines.

This report highlighted (and the recent coastal erosion experience at Kingscliff Beach and Fingal Head Beach have confirmed the findings) that recession is not uniform along the coastline, being less immediately up drift (south) of headlands and greater down drift (north).

## Coastal Erosion Hazard

The Immediate erosion hazard extent represents the zone that could be affected by erosion in the immediate near future (eg. over the next few years) in the event of one or more major storm events while the 2050 and 2100 extents incorporate a landward shift in the immediate hazard line in response to the shoreline recession.

The erosion hazard extent is thus assessed by taking account of the combined factors of:

- Storm bite extent.
- Natural short to medium term variability of the shoreline.
- Projection to the future, with hazard definition at years 2050 and 2100, of:
  - Any presently prevailing long term of shoreline recession, and
  - Shoreline recession caused directly by the effects of projected future climate change induced sea level rise.

The erosion hazards are thus determined and presented in terms of:

- The immediate erosion hazard which includes provision for the design storm bite with provision for the effects of wave climate variability over the next few years, determined on the basis of analysis of the available photogrammetry data for each location; and
- The future erosion hazards for which the immediate erosion hazard extent is projected to 2050 and 2100 respectively by incorporating the effects of underlying recession trends and sea level rise, with provision for uncertainties about those processes leading to hazard extent ranges from 'minimum' through 'best estimate' to 'maximum'.

The coastal processes and hazards for Kingscliff and Cudgen Creek are described in Chapter 4 of the report and are intended to inform management planning and future decisions about how the coastline is managed. Provisions for expected storm bite and future recession lead to erosion hazards that extend into developed areas to varying distances within the Kingscliff township area but are accommodated by the dune and undeveloped hind-dune areas further north.

The coastal hazards for other parts of Tweed Shire are described in Chapter 5. The erosion hazards extend into developed areas to varying distances in only some locations, particularly at Cabarita Beach, Casuarina and Fingal Head. Generally, future erosion to 2100 is expected to be accommodated by the dune and undeveloped hind-dune areas at other locations.

The **Kingscliff** erosion hazards are based on the seawalls not being in place. This does not presume that they would be removed but rather is intended to provide Tweed Council with advice on where the erosion could extend should they be removed, depending on consideration in subsequent management planning. Broadly, future erosion to 2100 will be accommodated within the undeveloped dune and parkland area seaward of development infrastructure north from the Bowls Club, with the Kingscliff North Holiday Park likely to be affected after 2050. South from the Bowls Club, the potential erosion hazard impact on existing development depends on location and the planning time-frame.

At **Pottsville**, development will not be affected by the erosion hazard to 2100, however the Pottsville South Holiday Park on the western shoreline of Mooball Creek is vulnerable to immediate and future storm tide inundation.

At **Hastings Point**, development is unlikely to be affected by the erosion hazard to 2100, although there is a possibility that erosion may extend into the northern properties due to the effects of sea level rise by that time. The spit at the mouth of Cudgera Creek is vulnerable to erosion by entrance instability and wave overtopping.

At **Cabarita Beach**, the maximum 2050 year hazard line just reaches the seaward property boundary, while the best estimate and maximum limits extend into the properties to varying extents at 2100. All existing structures are landward of the best estimate 2050 year line except for the surf pavilion building. The projected 2100 year hazard zone extends substantially into the seaward properties.

Further to the north along **Bogangar - Casuarina**, the 2050 year hazard zone does not extend into the seaward properties. The best estimate 2100 hazard extent is close to the seaward property boundaries, though generally slightly to the seaward side except adjacent to the southern end of Lorne Street where it encroaches into the properties. The maximum likely 2100 extent encroaches into the seaward parts of the properties along most of the developed length. It is noted that the current 7(f) zoning of this section of coastline has eliminated any construction within the proposed 2100 maximum hazard line.

At **Fingal Head**, the maximum likely 2050 hazard encroaches into the north-eastern parts of three allotments at the northern end of Marine Parade, affecting also the Fingal Rovers Surf Club and Fingal Head Holiday Park. The 2100 best estimate erosion hazard encroaches into eight residential allotments there and extends through the Surf Club and substantial parts of the Holiday Park. These hazard extents are highly dependent on the sea level rise component of recession, being assessed to be significantly greater here than that for the regional average because of its location immediately north of Fingal Head. There is considerable uncertainty about the projected amount of recession. Close monitoring of the future shoreline changes is important and strongly recommended for this location to provide continuing updated data for further erosion hazard assessments.

### **Implications**

The updated coastal erosion hazard lines need to be incorporated into Tweed Development Control Plan (TDCP) section B25 – Coastal Hazards. This will require TDCP section B25 to be advertised with the amended maps, currently provided as Appendix A of that section.

The inundation hazards for the lower Tweed coast estuaries, whilst required for the Coastal Zone Management Plan process, are better represented within the mapping and management process undertaken through the Flood Management Program of Council for the Tweed coast villages.

### **Section 149(2) Planning Certificate Information**

In the event that Council adopts the new coastal erosion hazard lines, there will be need in the interim to make development proponents and potential purchasers of the affected land parcels aware of this latest information. It is therefore proposed to amend the information on Council's Section 149(2) Planning Certificates to coincide with the upgrade of information required by the commencement of recent amendments to the Exempt and Complying State Environmental Planning Policy (known as the Codes SEPP) on 22 February 2014.

It should also be noted that the Department of Planning and Infrastructure and Planning has recently released a Draft Planning Circular for public comment, seeking views on a proposal to require Councils to revise coastal hazard notations on Section 149 Planning Certificates.

The submission period on this exhibition closes on 3 March 2014. Council may need to further update its coastal hazard information if these changes are introduced.

**OPTIONS:**

1. Council adopts the Tweed Shire Coastal Hazards Assessment dated November 2013 and adopts the Immediate Hazard Line, Maximum 2050 Hazard Line and Maximum 2100 Hazard Line as assessed and mapped by BMT WBM (November 2013) as the basis for planning and management of coastal erosion hazard in Tweed Shire.
2. Council adopts the Tweed Shire Coastal Hazards Assessment dated November 2013 and adopts either the Minimum or Best Estimate 2050 and 2100 Hazard Lines, as assessed and mapped by BMT WBM (November 2013), as the basis for planning and management of coastal erosion hazard in Tweed Shire.
3. Council does not adopt the Tweed Shire Coastal Hazards Assessment dated November 2013 and continues to use the previously adopted Tweed Coastline Hazard Definition Study (WBM Oceanics Australia, 2001).

One of the implications of Option 3 is that Council may no longer be afforded protection under section 733 of the *Local Government Act 1993* which provides an exemption from liability for certain management actions by councils and the State Government relating to flooding and coastal management, provided these actions were made in good faith. Under this section, councils and the State Government are considered to have acted in good faith if the actions were undertaken substantially in accordance with the principles contained in the specified manual (in this case the *Guidelines for Preparing Coastal Zone Management Plans*, NSW and Office of Environment and Heritage NSW, July 2013).

**CONCLUSION:**

It is recommended that Council adopts Option 1 whereby adopting the updated 2013 Hazards Assessment for the purpose of updating the Coastal Zone Management Plans for Tweed Shire and for the purposes of using the most current methodologies and data for the purpose of planning and management of coastal erosion hazard.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.  
Tweed Shire Coastline Management Plan 2005

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

The project was funded through the Coastal Management Program of Council. There are limited budget implications to this report, this assessment provides the basis for coastal zone management planning across the shire.

**c. Legal:**

No specific legal advice on this matter has been sought.

**d. Communication/Engagement:**

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



**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- Attachment 1. Report from BMT WBM (ECM 3283998)
  - Attachment 2. Appendix to Report (ECM 3284096)
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**18 [CNR-CM] Acceptance of Grant - NSW Department of Primary Industries Fisheries Habitat Action Grants**

**SUBMITTED BY: Natural Resource Management**

Valid



## **Caring for the Environment**

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

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

### **SUMMARY OF REPORT:**

Council has been notified of a successful grant application by the NSW Department of Primary Industries - Fisheries Habitat Action Grants 2014. The grant offer of \$26,000 has been made for a project on Bilambil Creek which will be delivered in partnership with Tweed Landcare Incorporated. This project will convert a 500m long camphor laurel dominated riparian zone to regenerating riparian rainforest.

### **RECOMMENDATION:**

**That Council accepts the grant of \$26,000 from the NSW Department of Primary Industries for implementation of the Bilambil Creek Riparian Restoration Project and votes the expenditure in the March 2014 quarterly budget review.**

## REPORT:

Council has been notified of a successful grant application to the NSW Department of Primary Industries (DPI) - Fisheries Habitat Action Grants 2014.

The grant offer of \$26,000 has been made for a project on unnamed road reserve adjacent to Bilambil Creek. The project will be implemented in partnership with Tweed Landcare Incorporated, and will convert a 500m long camphor laurel dominated riparian zone to regenerating rainforest. The site is located at the transition of the Bilambil Creek estuary and freshwater catchment, between Bilambil Road and Hogans Road. The project extends the outcome a significant riparian restoration partnership developed between Tweed Shire Council and volunteers from the Bilambil LandCare group, adding 500m to an existing total of 5km of creek bank that has been restored.

Mangroves extend to within approximately 150m of the site, however the reach is entirely fresh. Weeds, in particular camphor laurel, dominate the forest canopy. There is however excellent and diverse native regeneration occurring within the riparian area, which will flourish following removal of camphor.

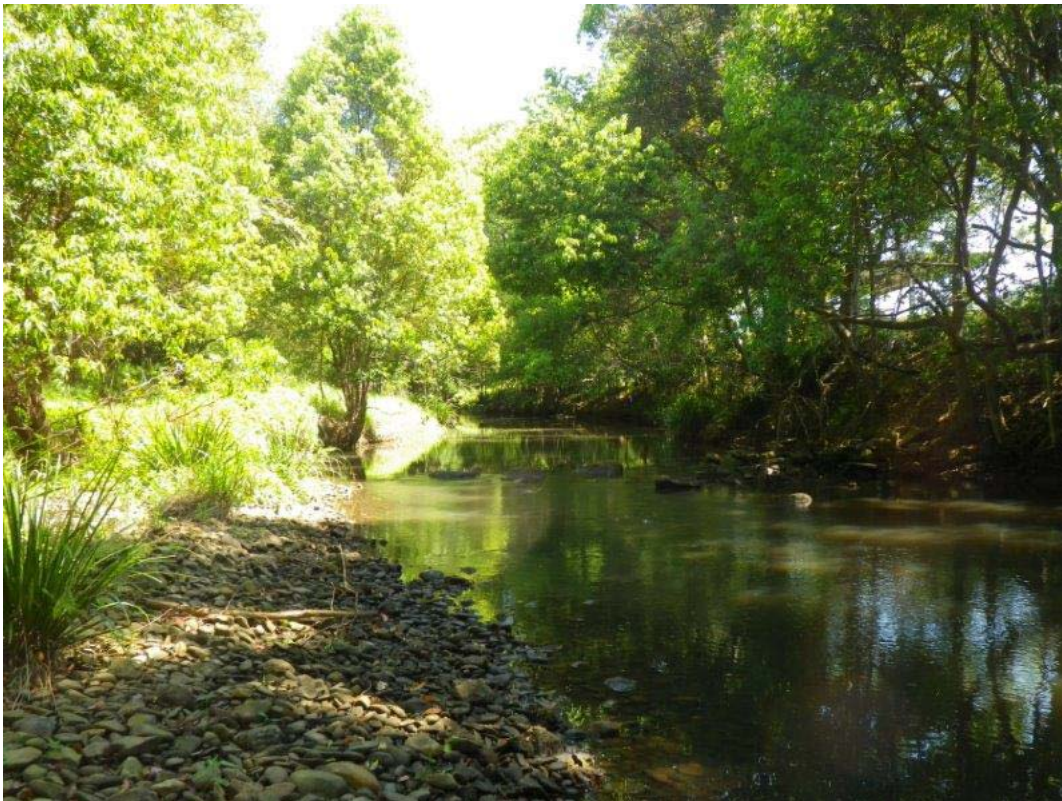


Figure 1. Site photo showing camphor dominated riparian vegetation.

Replacement of camphor in this stream reach with a diverse suit of native riparian species will improve the fish habitat value of the reach. Research has shown that accumulation of camphor leaf litter in streams has an impact on the diversity and abundance of macro invertebrates which has implications for the aquatic food chain. Improving riparian ecosystem integrity will improve the structural value of the habitat by increasing bank stability, in-stream habitat structural diversity (snags and overhangs) and increasing the supply of fish food sources such as native fruits and terrestrial invertebrates. More and better quality fish habitat improves native fish breeding success and survival of fingerlings.

The project will include fencing, which will reduce cattle impact on the area, reducing the spread of weeds, decreasing trampling of stream banks and erosion and direct deposition of manure into the waterway.

As noted previously, a significant benefit of the project is that it extends and adds value to substantial works already undertaken by Tweed Shire Council, Bilambil Landcare and DPI Fisheries within the reach and the catchment.

Council's contribution to this project will be comprised of fencing the riparian zone and the supply of plants. The total estimated cost of this contribution will be \$12,000. Tweed LandCare volunteer hours also make a sizeable contribution to the total project value. It has been estimated that volunteer labour will account for over \$10,000 of labour input.

Council's contribution to the project will be taken from the Catchment Water Quality Fund.

**OPTIONS:**

1. Accept the grant offer from NSW DPI Fisheries.
2. Decline the grant offer from NSW DPI Fisheries.

**CONCLUSION:**

This grant offer represents an excellent opportunity to increase the quality of riparian forest adjacent to Bilambil Creek, improving a range of environmental values, in particular fish habitat. The project also extends on existing creek rehabilitation works in Bilambil, and strengthens Council's working relationship with the community. There is no reason that this grant should not be accepted by Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Council's contribution of \$12,000 to the project will be allocated from the Catchment Water Quality budget.

**c. Legal:**

Not applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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19 [CNR-CM] Stairs and Other Options to Access Beach at Chinderah

SUBMITTED BY: Natural Resource Management

Valid



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

At its meeting on 15 August 2013 Council resolved a notice of motion with the title, 'Stairs to Access Beach Area'. It was resolved that:

*"Council officers should bring forward a brief report outlining options to improve access to the small beach near the Chinderah Hotel."*

A further report was considered at the Council meeting of 21 November 2013. It was resolved that:

*"this item be deferred and a further report be brought back to Council which includes equal access options."*

An estimate of \$12,000 has been developed for construction of a wheel chair appropriate timber ramp accessing the beach. In view of the significant cost to achieve equal access at this location, it has been recommended that a decision on the matter be deferred until Council's whole of Shire access and inclusion plan has been completed and considered by Council. This will allow full consideration of the potential costs and benefits of this project in comparison with other identified priorities.

### RECOMMENDATION:

**That a decision on the construction of access to the small beach at Chinderah be deferred until Council's whole of Shire access and inclusion plan has been completed and considered.**

**REPORT:**

At its meeting on 15 August 2013 Council resolved a notice of motion with the title, 'Stairs to Access Beach Area'. It was resolved that:

*"Council officers should bring forward a brief report outlining options to improve access to the small beach near the Chinderah Hotel."*

A further report was considered at the Council meeting of 21 November 2013. It was resolved that:

*"this item be deferred and a further report be brought back to Council which includes equal access options."*

An estimate of \$12,000 has been developed for construction of a wheel chair appropriate timber ramp accessing the beach. In view of the significant cost to achieve equal access at this location, it has been recommended that a decision on the matter be deferred until Council's whole of Shire access and inclusion plan has been completed and considered by Council. This will allow full consideration of the potential costs and benefits of this project in comparison with other identified priorities.

The beach in question and its location relative to the Chinderah shops and foreshore area is shown in the figure below.



Figure 1:

Site plan showing beach and location of two possible access points.

Ease of access to the beach has been modified over the past several years due to erosion and the construction of a rock revetment wall. However, access is possible without climbing over the rock wall at the upstream corner of the beach, at a site shown in figure 2.



At low tide the beach provides good amenity with the presence of a sandy foreshore, however at high tide the beach is often submerged.

Options to improve access to the beach include:

- construction of a set of timber stairs (at site A),
- constructing a concrete surfaced ramp,
- constructing a timber walkway/ramp.

An assessment of equal access construction options has been undertaken on the basis of the structure providing ramp access for a wheelchair or mobility scooter. As such, a grade of 1:14 has been used to estimate of the dimensions of a complying structure.

The height difference between the open grassed park (point A on the plan above) and the beach in the vicinity of existing park seating is approximately 1.5 metres. This translates to a minimum ramp length of 21 metres. Access ramps may only span a length of 9 metres before including a horizontal landing of 3 metres, and therefore to traverse from the park seating area to the beach would require a structure with two landings and a total length of 27 metres. It would not be practical within the bounds of the existing park to build a structure of this size at point A.

An alternative location to construct a ramp is at the upstream corner of the beach in the site shown as point B. Here the total vertical difference is approximately 1 metre, and could be spanned with a total walkway length of approximately 17 metres. Creating an equal access facility at this location brings the additional requirement to create a disabled parking bay and footpath leading to the ramp. A ramp at site B can be easily connected to an appropriate car parking space.



Figure 2: Site of existing access and proposed timber walkway/ramp

The cost of a walkway down to the beach is estimated at approximately \$7,000. This includes hardwood timber construction and essential features such as a kick rail, hand rail, balustrade and landings. A concrete footpath from the car park to the walkway would be 25 metres long and cost approximately \$3,000. With survey, design and approval costs, it is estimated that the total cost of establishing an equal access ramp in this location would be approximately \$12,000.

As was advised in the previous Council report on this matter, it would be possible for the Waterways Management Program to fund construction of a set of stairs from budgets allocated to construction and maintenance of recreational waterways infrastructure. This is not the case for an equal access ramp project with the costs identified in this report.

Council's Community and Cultural Services Unit is currently developing a whole of Shire access and inclusion plan that includes consideration of waterways and other natural areas. This plan will consider priority sites to create equal access include recommendations for facilities such as the walkway described above.

As such, it is recommended that Council receives and considers the whole of Shire access and inclusion plan prior to making a decision on an equal access ramp or set of stairs at Chinderah.

**OPTIONS:**

1. Do nothing.
2. Construct a set of timber stairs at a cost of \$3,500.
3. Construct a equal access ramp at a cost of approximately \$12,000.
4. Defer making a decision on access at Chinderah until the whole of shire access and inclusion plan has been considered.

**CONCLUSION:**

Construction of a set of stairs at Chinderah is a small and achievable project that can be achieved in the short term. The construction of an equal access facility requires a significant financial commitment that cannot be provided from the Waterways Management Program. The site lends itself well to the orientation of a ramp and associated facilities. It would be prudent to ensure that any large scale commitment of resources at this location is based on an identified need for facilities of this nature, in relation to other priorities and potential sites.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

As per the body of the report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**20 [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 Kilometres of waterway improved through rehabilitation works

**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 following River Health Grant:**

<b>Property Owner</b>	<b>Locality</b>	<b>Stream frontage (m)</b>	<b>Objective of works</b>	<b>Council contribution</b>
<b>Goodall</b>	<b>Byangum</b>	<b>400</b>	<b>Revegetate and stabilise eroding river bank.</b>	<b>\$5,760</b>

## REPORT:

Since June 2006 TSC has worked with riparian landowners to initiate projects which protect and improve water quality and stream bank condition. The goal of this program is to enhance the environmental condition of Tweed waterways, improve the water quality of raw water extracted for treatment at Bray Park. At the March 2013 meeting, Council approved to amend the Water Supply Catchment Stream Bank Protection Version 1.2 to include subsidisation of riparian rehabilitation works in all natural waterways of the Shire, and renamed the River Health Grants policy.

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.

There is only one proposed River Health Grant included in this report. The project is Stage 3 of a large riparian restoration project along the lower Oxley at the confluence of the Tweed River, less than 2km from the drinking water extraction plant at Bray Park. The project proposal is to plant 300 trees along a naturally regenerating section of the Oxley where large gaps exist, plus maintenance of the site over the next 12 months to ensure native vegetation is successfully established. Future stages of the project are to increase the riparian revegetation along the full 1km frontage to the Oxley River on this property.

Property Owner	Locality	Stream frontage (m)	Objective of works	Council contribution
Goodall	Byangum	400	Revegetate and stabilise eroding river bank.	\$5,760

## CONCLUSION:

The landowner has committed extensive in-kind assistance to past projects and has committed similar in-kind assistance to the current proposal. The project will achieve the aims of the River Health Grants Scheme, and are in accord with the River Health Grants Policy.

## COUNCIL IMPLICATIONS:

### a. Policy:

Water Supply Catchment Stream Bank Protection Version 1.2  
River Health Grants

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

Not Applicable.

### c. Legal:

Not Applicable.

### d. Communication/Engagement:

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**21 [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 researcher to undertake projects that contribute to maintaining and improving biodiversity values within Tweed Shire.

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

**RECOMMENDATION:**

**That Council approves the following Biodiversity Grants to assist the private landowner to undertake the project listed in the table:**

Name	Area	Estimate (\$)	Description
Hickel	Doon Doon	4,500	Site Action Plan and six person days of ecological restoration
	<b>Total</b>	<b>\$4,500</b>	

## REPORT:

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

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

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

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

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

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

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

Name	Area	Estimate (\$)	Description
Hickel	Doon Doon	4,500	Site Action Plan and six person days of ecological restoration
	<b>Total</b>	<b>\$4,500</b>	



**OPTIONS:**

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

**CONCLUSION:**

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

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

\$4,500 from existing Biodiversity Program budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**22 [CNR-CM] Northern Rivers Fire and Biodiversity Consortium - Funding Management**

**SUBMITTED BY: Natural Resource Management**

Valid



## **Caring for the Environment**

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

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

### **SUMMARY OF REPORT:**

Council has been asked to assist the Northern Rivers Fire and Biodiversity Consortium by accepting and managing \$25,000 in funding received from Local Land Services (LLS) that will be used to develop a five year Strategic Plan for the Consortium; this work will be undertaken by the paid Consortium Coordinator, Ms Tara Patel from Northern Landcare Support Services.

The Consortium was formed in 2011 in response to an action in the Northern Rivers Regional Biodiversity Management Plan - to develop partnerships between land management agencies, fire management authorities, local government, research institutions and the Hotspots Project with the aim of promoting a consistent and coordinated approach to fire management for biodiversity across the region.

While the Consortium has recently become incorporated and elected a Public Officer, Chairman, Treasurer and other officers and developed a membership it has not had time to register an ABN or take out insurances and as a result the LLS has requested that another body be responsible for the funds.

### **RECOMMENDATION:**

**That Council:**

- 1. Accepts and administers the \$25,000 funding from Local Land Services on behalf of the Northern Rivers Fire and Biodiversity Consortium.**
- 2. Votes the expenditure in the March 2014 quarterly budget review.**

## **REPORT:**

The Northern Rivers Fire and Biodiversity Consortium (NRFBC) was formed in 2011 in response to an action of the Northern Rivers Regional Biodiversity Management Plan (NRRBMP) to develop partnerships between land management agencies, fire management authorities, local government, research institutions and the Hotspots Project with the aim of promoting a consistent and coordinated approach to fire management for biodiversity across the region.

Since that time a coordinator has been funded by Nature Conservation Council of NSW, Office of Environment and Heritage, Northern Rivers Catchment Management Authority and Tweed Shire Council. A workshop was held to identify Consortium aims, objectives and actions; participating members have met three times per year; and working groups have formed to progress issues of interest.

The main purpose of this funding is to allow the NRFBC to focus on developing a five year Strategic Plan. Secondary outcomes could be planning tasks to help progress NRFBC working groups and issues identified as priorities in the strategic planning. The NRFBC Strategic Plan is to be to final draft stage by 31 May 2014.

The process of plan preparation should:

- involve stakeholders in the strategic planning process,
- investigate options for NRFBC long-term viability
- identify NRFBC priorities and preferred timelines,
- provide detail on roles and responsibilities;
- identify implementation leaders for priority projects or actions where appropriate,
- identify potential resource and funding providers,
- develop project plans or planning tools for key NRFBC working group(s) and/or issue(s), and
- include planning-related activities that raise the profile of the NRFBC and contribute to the objectives of the NRFBC.

Under this proposal Council will be the contractor to the Local Land Service, in lieu of NRFBC, as that organisation does not have insurances or an ABN.

## **Project Outcomes**

The following Outcomes should be delivered within the project area, through implementation of the Project Work Plan - Schedule 6:

1. Engaging with communities, agencies and industries in NRM (NRCAP Strategic Direction 1.1).
2. Foster the ongoing development of NRM and conservation networks and alliances that support communities in their delivery of NRM in the Northern Rivers Region (NRCAP Priority Action 1.1.1).

## **OPTIONS:**

1. Accept and administer the \$25,000 funding from Local Land Services on behalf of the Northern Rivers Fire and Biodiversity Consortium.

2. Not accept and administer the \$25,000 funding from Local Land Services on behalf of the Northern Rivers Fire and Biodiversity Consortium.

**CONCLUSION:**

Council, as a represented member of the Northern Rivers Fire and Biodiversity Consortium, is in a position to support the Consortium through acceptance and administration of funds for the benefit of land holders and land managers across the Northern Rivers region.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

The grant income for this project is \$25,000. No funds are required by Council to undertake the project.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Northern Rivers Fire and Biodiversity Consortium Contract No. NR-IS-13-14-234.9(ECM 3277856)

Attachment 2. Final NRFBC information sheet (ECM 3278362)

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## 23 [CNR-CM] Water Demand Management Key Performance Indicators and Progress Report for 1 July 2012 to 31 December 2013

**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:

In April 2011 Council adopted Key Performance Indicators (KPIs) to monitor the overall performance of the Demand Management Strategy (DMS) together with performance indicators for the individual demand management programs outlined in the DMS Implementation Plan. Council resolved that staff report on the KPIs and individual performance indicators on an annual basis.

This report summarises the performance of the DMS and its programs against the adopted KPIs and other performance indicators from 1 July 2012 to 31 December 2013. It also summarises other related activities that were carried out during the same period and describes future programs and activities that are proposed for the 2014 calendar year.

The figures used to calculate the KPIs in this report are the same as those reported periodically to the NSW Office of Water. Figures used to calculate the performance indicators for individual programs, such as participation rates, estimated water savings and ongoing progress have been derived from in-house records and Council's property management database.

The table below shows the performance of the DMS against the overall KPIs.

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

**RECOMMENDATION:**

**That Council notes the:**

- 1. Performance of the Demand Management Strategy implementation against the adopted overall Key Performance Indicators.**
- 2. Performance indicators for individual programs.**



**REPORT:**

**Key Performance Indicators (KPIs)**

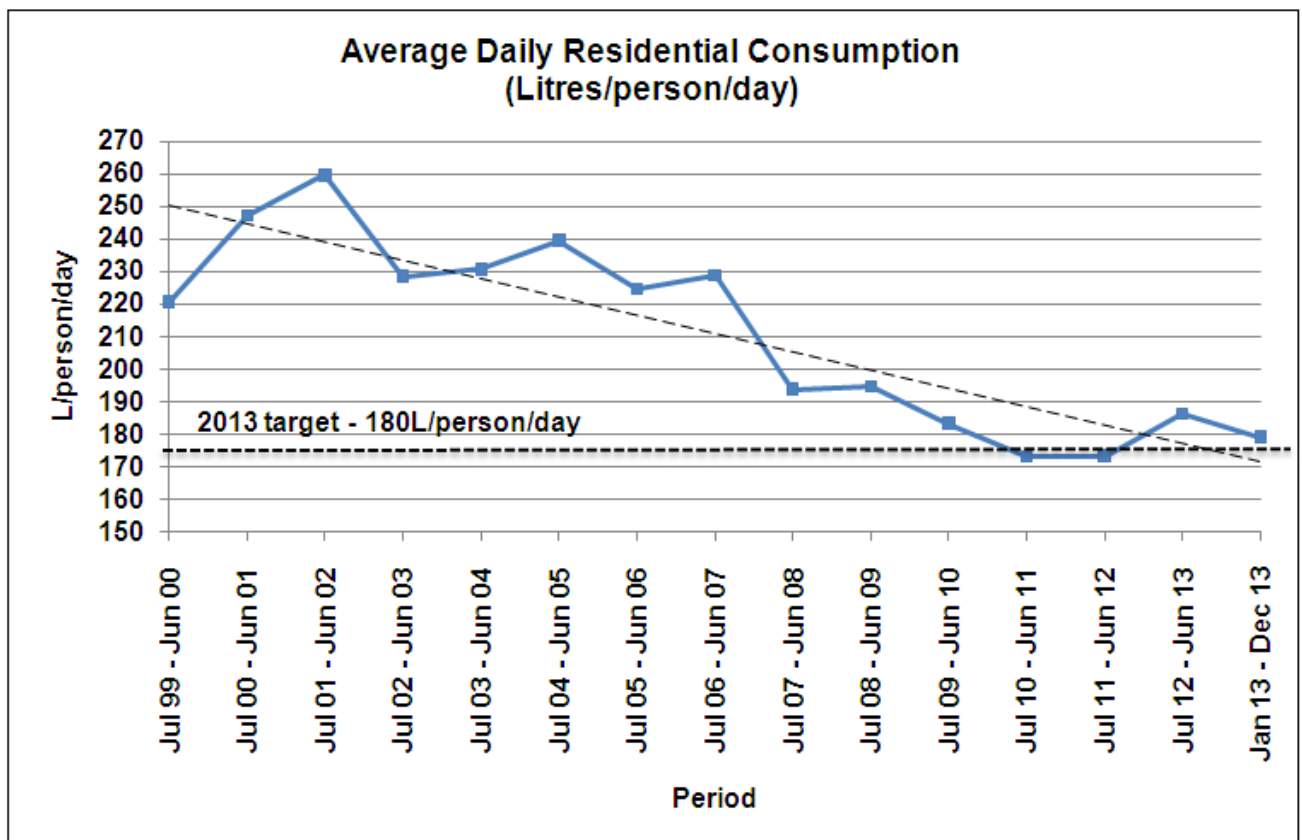
The overall KPIs for the Demand Management Strategy are reported in the following table.

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

**Discussion of Key Performance Indicators**

**Residential Demand**

The graph below shows the trend in average daily residential demand since 2000.

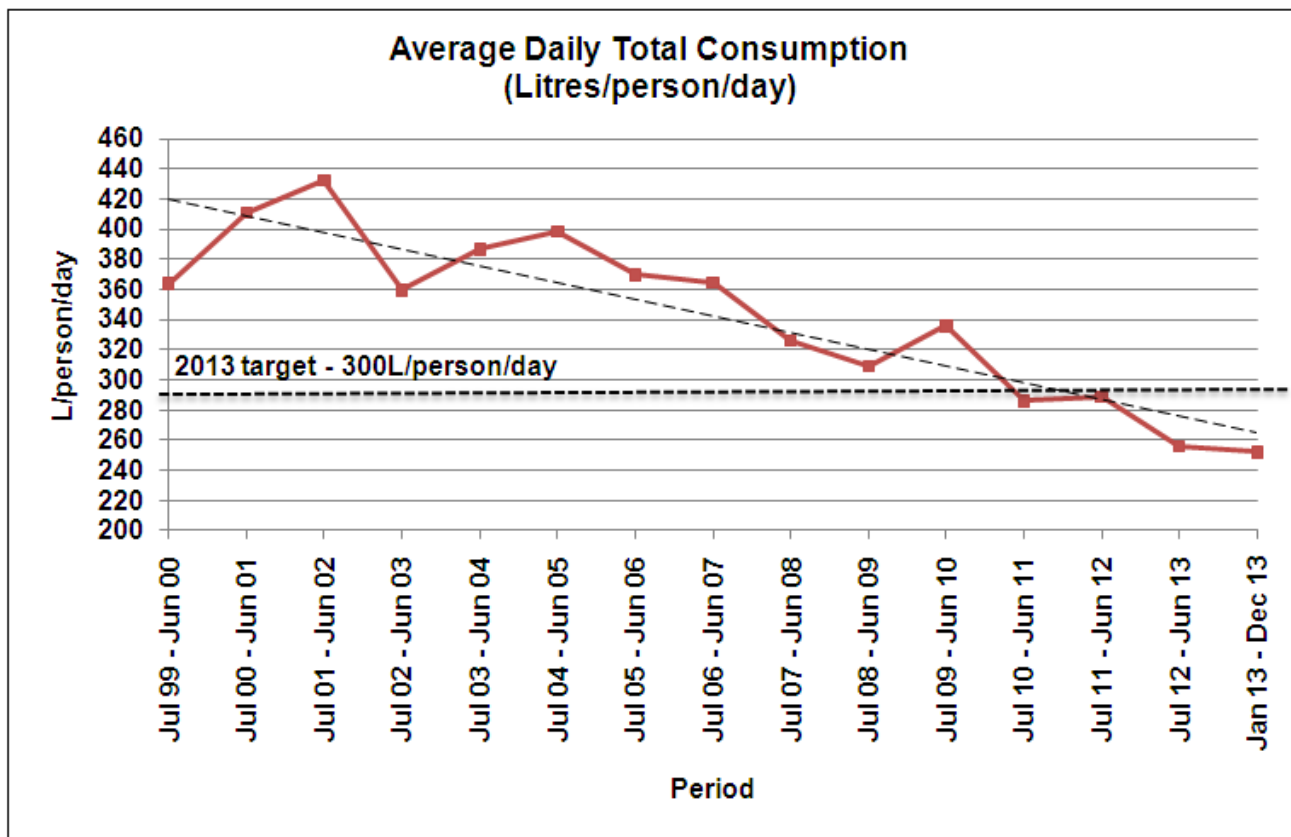


The raw figure of L/person/day is calculated by dividing the residential water consumption for that period by the average number of people connected to Council's water supply, estimated to be 79,238 in 2012-13. Note that the connected population figure was corrected as a consequence of the most recent census.

The most recent result for January 2013 to December 2013 is just under the 2013 target of 180 L/person/day. This is encouraging in terms of the DMS meeting its short and long term objectives. While the DMS cannot claim to be the only factor giving rise to this result, other factors such as water pricing and climate will also have an effect, it does suggest a growing awareness in the community about saving water.

### Whole of Shire Demand

The graph below shows the trend in whole of shire demand since 2000.



The raw figure of L/person/day is calculated by dividing the total shire-wide water consumption for that period by the average number of people connected to Council's water supply i.e. 79,238. Note that this consumption accounts for all water used in the shire including non-residential uses and non-revenue water.

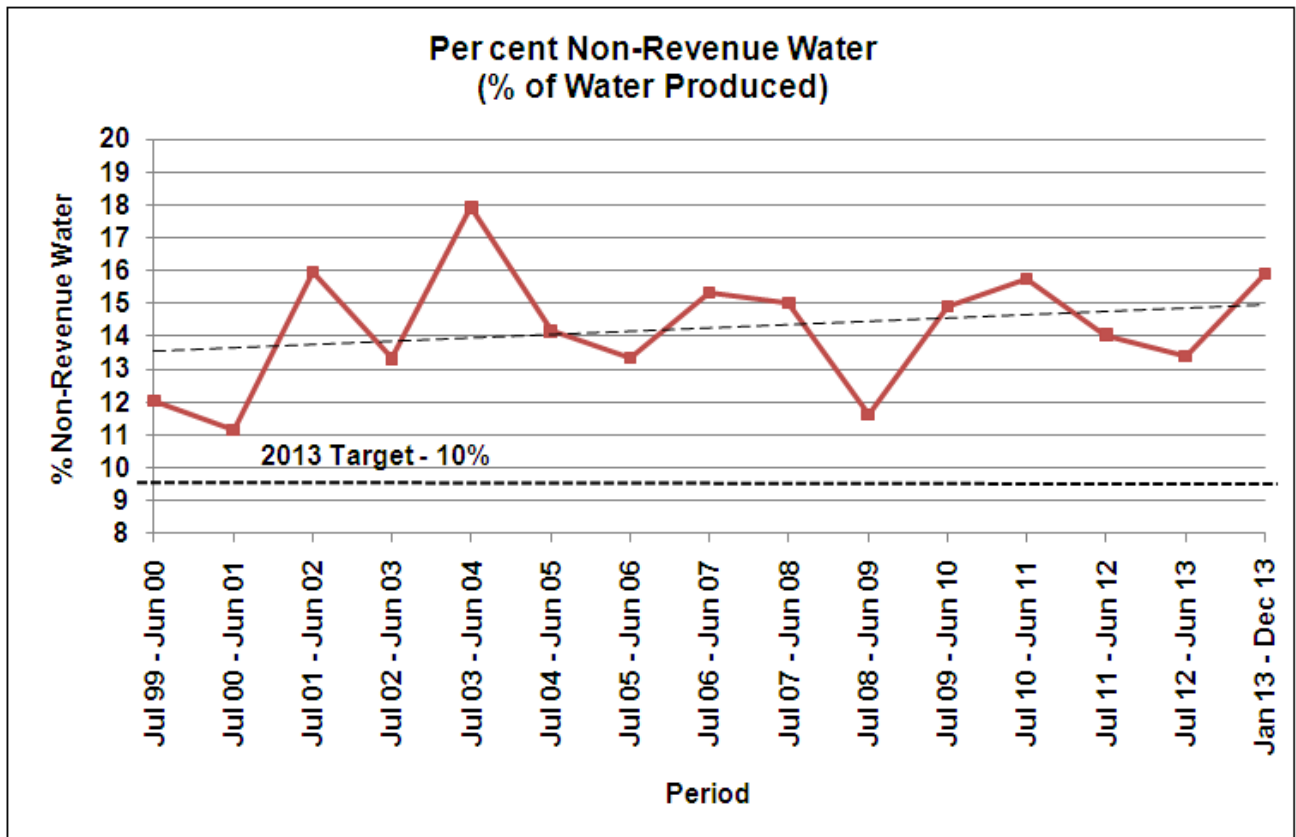
Since July 2010, the average daily total water consumption has consistently been lower than the 2013 target of 300 L/person/day.

### Non-Revenue Water

Non-revenue water is the water that is produced but does not end up raising revenue because it is lost from the system before it makes it to customer's meters. Some of these losses can be measured or estimated while some are unaccounted for until further

investigations are carried out. Non-revenue water includes water lost through leakage, meter inaccuracies, maintenance activities such as flushing of mains, main breaks and theft.

The graph below shows the trend in non-revenue water since 2000.



From January to December 2013, the per cent of non-revenue water was 15.9% compared with the 2013 target of 10%.

The percentage of non-revenue water is still consistently above the 2013 target of 10%. Reducing this figure is currently the focus of the DMS through its Water Loss Management and Unaccounted-For-Water programs.

Note that the result appears worse than it is. While the per cent of non-revenue water has fluctuated over the past few years, the actual volume of non-revenue water has decreased by almost 20% since 2009. This arises because the volume of water being produced has fallen by about 14% over the same period. Since the non-revenue water is expressed as a percentage of the total water production, the per cent change alone does not accurately describe the trend.

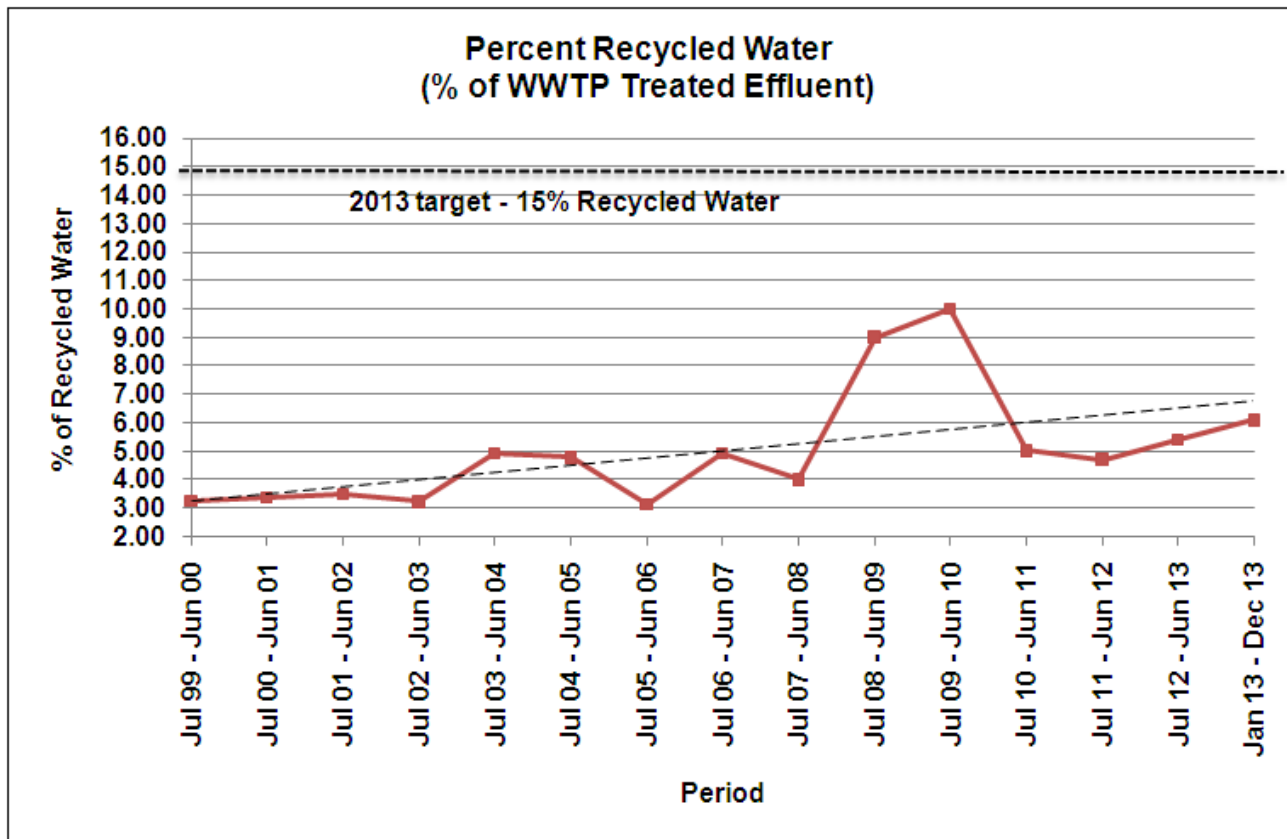
It is suspected that the observed increase in non-revenue water has also been due to a greater focus on operational maintenance activities by the Water Unit. These routine activities such as flushing the water mains and testing hydrants result in the release of water that is not metered. The Water Unit is developing a mechanism by which water lost during such activities is quantified and is therefore no longer 'unaccounted for'.

### Recycled Water

The graph below shows the trend in per cent of recycled water since 2000.

The per cent of recycled water decreased significantly after 2010 due to a much lower than expected use of treated effluent by the co-generation plant at Condong sugar mill. Since mid 2011 it appears that it has started to increase again but this is influenced by the fall in water production over the same period.

It is expected that the per cent of recycled water will increase as reuse projects, such as the one at Les Burger Field, come on line. New opportunities for effluent reuse are being investigated as they arise but the stringent NSW State guidelines are impacting on Council's ability to introduce new schemes in a timely manner.



From January to December 2013, the per cent of wastewater treatment plant (WWTP) effluent that was recycled was 6.1% compared with the 2013 target of 15%.

### Performance Indicators for Individual Programs

A summary of the Performance Indicators (PIs) for individual demand management programs is provided in the following table.

Program	Performance Indicator	2013 Target	Actual Performance to 31 December 2013
Residential Rebates – Showers	number of participants	2400	664
	cumulative water saving in ML/annum	36 ML/a	6.070 ML/a <sup>#</sup>
Residential Rebates – Toilets	number of participants	500	1626
	cumulative water saving in ML/annum	15 ML/a	48.720 ML/a <sup>#</sup>
Rainwater Tanks	TSC Rainwater Tank Policy revised	Updated Policy consistent with DMS adopted by Council	Adopted by Council 20 September 2011
	% of new dwellings with tank volume equal to or greater than 5000L	100% of single family residences	Average since 2005 is 6,500L. Results for new dwellings being monitored.
Top 20 Water Users (non-residential)	completed water audits	20	21
	individual water saving targets	50 ML/a (10% of total water use)	34.650 ML/a <sup>#</sup>
	commenced projects	20	21
	completed projects	20	21
Top 100 Water Users (non-residential)	completed water audits	40	34
	individual water saving targets	40 ML/a (5% of total water use)	13.500 ML/a <sup>#</sup>
	commenced projects	40	37
	completed projects	40	33
Council's Own Top 20	completed water audits	10	20
	% of TSC field staff trained	100%	10%
	% water saving	29 ML/a (15% of total water use)	10.485 ML/a <sup>#</sup>

<sup>#</sup> Conservative estimates based on industry accepted water saving volumes for individual installations.

### Residential Rebates – Showers and Water Saving Devices

The residential rebate program for water efficient showers and tapware has been running since 1 July 2011.

As at 31 December 2013, 664 households have participated and a total of \$39,834 has been provided by Council in rebates. Participating households have installed water efficient showerheads and a combination of other water saving devices. In total, 346 showerheads, 655 aerators, 289 spouts/mixers and 26 flow regulators have been installed. The average rebate is currently \$60.

Based on a 15kL/annum water saving for households replacing one or two showers and a 5kL/annum water saving for those installing other eligible devices, the total water saving to date is estimated to be 6.070 ML/annum.

The program has been well received but is tracking well short of the 2,400 participants targeted by 2013, despite regular promotion. The inclusion of a retrofit service will be investigated in future to target more households.

An audit of participating households is conducted every six months to ensure that products are being installed correctly and performing as expected. This information is used to improve the efficiency of the rebate program.

### **Residential Rebates – Toilets**

A residential rebate program for dual flush toilets was launched on 15 October 2012. The rebate was extremely well received and take up was much higher and more rapid than anticipated. Consequently, the rebate was closed on 7 December 2012 after just eight weeks.

In total, 1,624 households took advantage of the toilet rebate and almost \$500,000 of Council funding. A total of 2,553 toilets were updated and the average rebate was \$313.

Based on a 30kL/annum water saving for households replacing one or two toilets, the total water saving is estimated to be 48.720 ML/annum.

### **Meet Your Meter Campaign**

The aim of the Meet Your Meter campaign in November/December 2012 supported the residential water saving program. A competition was run to raise awareness of household water use by encouraging residents to monitor their own meter readings on an ongoing basis. Residents were encouraged to meet Target 180, Council's household target of 180 litres or less per person per day. The competition included links to online information about how to: locate and read the water meter, calculate the daily water use and work out the water use per person per day.

All of the Meet Your Meter information is now incorporated in Council's Corporate Knowledge Base.

### **Rainwater Tank Program**

Council's existing policy on rainwater tanks, "Rainwater Tanks in Urban Areas", is specifically written for residential installations. A separate policy for non-residential rainwater tanks or an amendment of the existing policy to cater for them is proposed in 2014.

BASIX is currently proposing to increase the water saving targets for new residential development. Council has made a submission to the BASIX Target Review which is unlikely to impact significantly on the DMS and water demand projections.

### **Rebate for Rainwater Tanks**

While the Demand Management Strategy did not support the introduction of a rebate on rainwater tanks, state and federal government rebates available at that time may have influenced this decision. Currently there is no funding assistance for the installation of residential rainwater tanks and a community survey conducted in May 2012 clearly indicated that a Council rebate for tanks would be well received and supported.

The feasibility, cost and governance implications of offering a rebate on rainwater tanks, for residential and non-residential uses, will be investigated in 2014.

### Web-based Register for Residential Rainwater Tanks

Generally, rainwater tanks under 10,000 litres do not require Council approval so there are no records of these installations. Council has no way of collecting information about the types, volumes and uses of tanks being installed on existing homes and businesses.

To assist with the gathering of relevant data and to check compliance with Council's Policy, a voluntary on-line register of rainwater tanks was first proposed in 2012-13. Resource limitations have meant that this project has been delayed to 2014.

### Tweed's Top 20 - Non-Residential Water Users

The Tweed's Top 20 program for the shire's non-residential water users wound up in mid 2013. One additional business was invited belatedly to participate, bringing the total number of participating businesses to 21. This final project has only recently been completed.

A final summary of the Top 20 program participants appears in the table below.

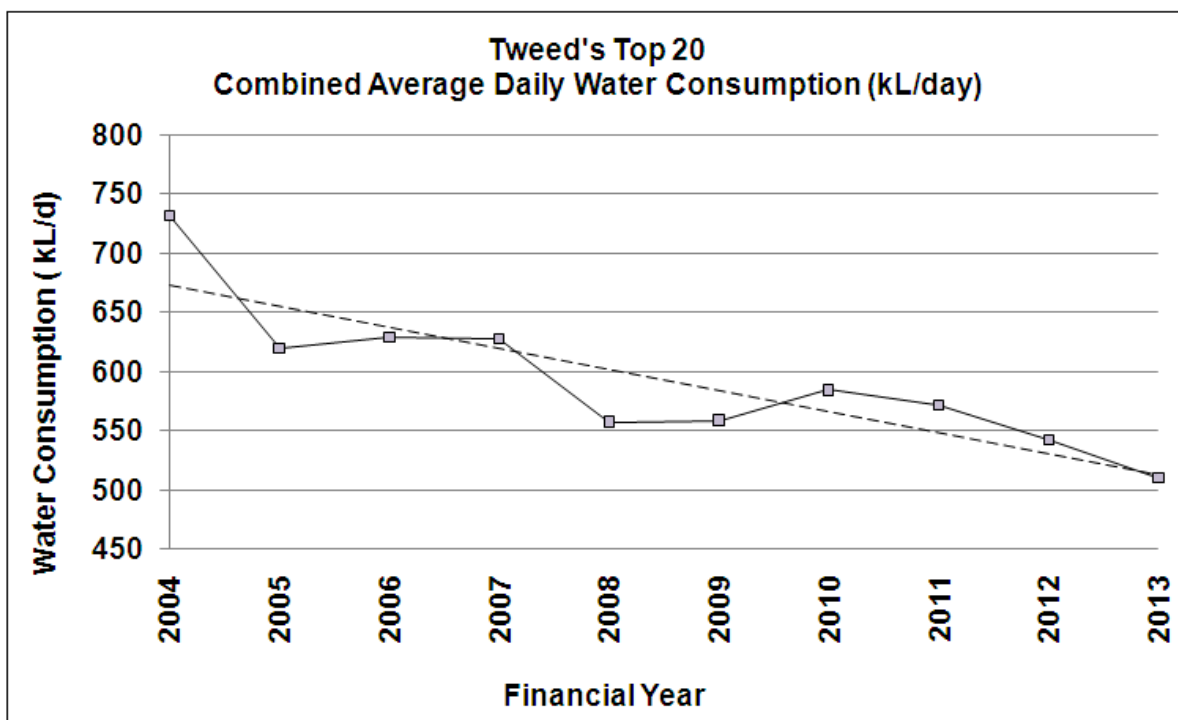
Name of Business	Approved Project	Estimated Water Saving (kL/a)	Total Cost of Project (ex GST)	Approved Council Funding (ex GST)
Twin Towns Services Club	Replacement of glass washer in main bar. New glass washer uses 2.2L per wash cycle compared with 7.5L per wash cycle for existing unit.	600	\$4,612.00	\$4,612.00
Condong Sugar Mill	Relocation and interlinking of process pipework to enable filling of evaporators with condensate (hot water originating from sugar cane) rather than town water. Expected water saving is about 300kL/wk during the crushing season (about 22wks)	6,600	\$19,910.00	\$5,000.00
Tweed City Shopping Centre	Installation of individual water meters to 12 major shops in the complex. Centre Management to commence charging individual shops for water use.	2,250	\$5,650.00	\$5,000.00
North Star Holiday Resort	Installation of 4 x 1500L rainwater tanks to provide water to top up swimming pool and spas. Installation of in-tap flow controllers and aerators.	100	\$6,066.50	\$5,000.00
Drifters Holiday Village	Replacement of 16 single flush toilet cisterns with 6L single flush cisterns (behind the wall type) in public amenities. Replacement of 2 single flush toilet suites with 3/4.5L dual flush toilets in cabins.	1,600	\$7,525.27	\$5,000.00

Name of Business	Approved Project	Estimated Water Saving (kL/a)	Total Cost of Project (ex GST)	Approved Council Funding (ex GST)
Club Banora	Replacement of single urinal sensor in main male toilet with new multiple sensor flushing system.	1,500	\$4,984.55	\$4,984.55
Tweed Heritage Park	Replacement of 19 single flush toilet cisterns, 16 showerheads and 12 aerators in public amenities and cabins.	2,600	\$4,431.33	\$4,431.33
Tweed District Hospital	Installation of in-line flow controllers and aerators in showers and basins in various areas of the hospital.	800	\$4,202.55	\$4,202.55
Homestead Holiday Park	Replacement of 15 single flush toilet cisterns (11L) with 3/4.5L dual flush cisterns. Installation of flow restrictors in 10 showers and aerators on 10 basins.	2,000	\$8,623.00	\$5,000.00
Pyramid Holiday Park	Replacement of 60 single flush toilet cisterns with 3/4.5L dual flush cisterns throughout park.	2,000	\$5,828.73	\$5,000.00
Tweed Billabong Holiday Park	Replacement of 9 single flush toilet suites (11L) with 3/4.5L toilets (behind the wall type) in public amenities.	800	\$6,413.53	\$5,000.00
Tweed River Hacienda Holiday Park	Replacement of 15 single flush toilet cisterns (11L) with 3/4.5L dual flush cisterns. Installation of flow restrictors in 10 showers and aerators on 10 basins.	2,000	\$8,623.00	\$5,000.00
Seagulls Club	Replacement of 2 glass washers in main bar. New glass washers use 2.5L compared with 8L per wash cycle. Total of about 500 washes/day.	1,000	\$4,620.00	\$4,620.00
Coolangatta Tweed Heads Golf Club	Replacement of 17 single flush toilet cisterns (11L) with 3/6L dual flush cisterns (to suit existing pans) and replacement of 8 basin sets.	1,650	\$5,000.00	\$5,000.00
Tweed Heads Bowls Club	Replacement of 5 x 4.5/9L dual flush toilet suites with 3/4.5L toilets (behind the wall type).	500	\$4,934.42	\$4,934.42
Specialised Chicken Services	Replacement of water defrost freezer evaporator with electric defrost cooler. New unit uses no water, only heating elements.	1,500	\$6,400.00	\$5,000.00



Name of Business	Approved Project	Estimated Water Saving (kL/a)	Total Cost of Project (ex GST)	Approved Council Funding (ex GST)
Kingscliff Gardens	Replacement of 4 toilets. Installation of flow aerators and flow regulators on showers, basins and sinks.	2,100	\$4,313.23	\$4,313.23
Chinderah Lake Caravan Park	Replacement of 13 toilet cisterns (4.5/9L) with 3/4.5L dual flush cisterns, 10 showerheads, 5 basin sets and installation of 5 aerators.	1,200	\$2,444.77	\$2,444.77
Winders Retirement Community	Installation of aerators, flow regulators and shower heads.	350	\$2,815.00	\$2,815.00
Darlington Retirement Community	Installation of flow regulators and aerators in showers, basins and sinks. New pre-rinse spray guns in kitchens.	3,000	\$8,531.50	\$5,000.00
Lord Linen Services	Installation of automatic water inflow monitoring and shutoff system to avoid leaks and water loss.	500	\$4,938.00	\$4,938.00
<b>Total</b>		<b>34,650</b>	<b>\$130,867.38</b>	<b>\$97,295.85</b>

The graph below shows the combined average daily water usage by the Top 21 since the 2003-04 financial year. The trend is very promising and indicates additional water saving gains since the Top 20 program commenced in October 2011. Due to the affects of climate, the economy and water pricing on the Top 20 businesses, given their nature, it is difficult to quantify the water savings accurately. Nevertheless, the raw data suggests a 10-11% reduction in water consumption since 2011 and a significant 30% reduction since 2004.



### **Tweed's Top 100 - Non-Residential Water Users**

In July 2012, the shire's next top 80 non-residential water users were invited to participate in the Tweed's Top 100 water saving program.

While many businesses expressed an interest in the program at first, there were a number of challenges associated with the size and nature of the businesses in the Top 100. The \$1,000 funding offered by Council towards the cost of water saving projects/works was not enough to motivate some businesses. Mustering participation in the program proved to be more difficult than anticipated but perseverance yielded some good results.

The Tweed's Top 100 program is now due to wind up by 30 June 2014. Some 35 businesses were audited as part of the program and 27 of these businesses went on to carry out water saving projects and take advantage of Council's funding offer.

The total water savings are difficult to estimate for this program. It is too early to estimate the water savings from water consumption data but allowing a conservative average saving of 500kL/a/business, an overall saving of about 13.5 ML/a could be expected.

### **Council's Own Top 20 - Tweed Shire Council Properties**

Council's Top 20 water using properties/sites have all been audited and discussions are under way with the relevant Unit managers and staff to progress a range of identified water efficiency projects. The Tweed Civic Centre was added to the Council's Top 20 list in response to community feedback, making 21 properties/sites in total.

Based on the audit findings, a priority list of projects was prepared and this is currently under review. Once a revised and agreed project list has been developed, Council's Executive Management Team will be asked to endorse it and approve funding of selected projects from the Demand Management budget.

The Council's Own Top 21 properties/sites, listed in order of priority, are provided in the table below.

<b>Location Name</b>	<b>Responsible Unit/Area</b>
Murwillumbah Pool	Recreation Services
Irrigation Central Precinct	Recreation Services
Walter Peate Oval	Recreation Services
Salt Estate - Streetscaping	Recreation Services
Irrigation Adjacent to Peppers	Recreation Services
Bray Park Water Treatment Plant	Water Unit
Boyd Bay Caravan Park	Tweed Coast Holiday Parks
Murwillumbah Civic Centre	Recreation Services
Uki Waste Water Treatment Plant	Water Unit
Pottsville North Caravan Park	Tweed Coast Holiday Parks
Kingscliff Waste Water Treatment Plant	Water Unit
Kingscliff Beach Caravan Park	Tweed Coast Holiday Parks
Stan Sercombe Oval	Recreation Services
Hastings Point Caravan Park	Tweed Coast Holiday Parks
Kingscliff Pool	Recreation Services

Location Name	Responsible Unit/Area
Fingal Caravan Park	Tweed Coast Holiday Parks
Reg Dalton Cricket Oval	Recreation Services
Stotts Island Waste Depot	Waste Management Unit
Tweed Civic Centre	Recreation Services
Pottsville South Caravan Park	Tweed Coast Holiday Parks
Council Nursery	Recreation Services

Water audits carried out at the Council's Top 21 have identified potential water savings of about 10.5 ML/a. This estimate will be reviewed along with the list of priority projects/works that have been identified.

### **Water Loss Management Program (Leak Reduction)**

The three year schedule of flow tests (known as drop tests) for Council's water reservoirs is continuing, however some delays have been experienced due to limited staff resources and competing operational priorities. The drop tests are being incorporated in the Water Unit's maintenance schedules and will become a routine activity for its operational staff.

Further investigations are to be carried out at Uki and Fingal Head, based on the results of previous drop tests carried out in these water supply zones.

Flow meters are being installed throughout the water supply trunk system to enable an accurate water balance to be carried out on an ongoing basis. This will further assist with the identification and early notification of leaks to minimise water losses.

### **Unaccounted For Water Program**

This program commenced in mid 2013 with a review of Council's policies and procedures on drawing water from Council's mains and standpipe use by water carters, Council staff and private individuals. The project aims to reduce the amount of water that is 'lost' from the supply system and is therefore not 'accounted for'. In other words, Council is not able to determine how this water has been used and how much was used.

Unaccounted for water includes losses through undetected leaks but also theft, unauthorised use, unmeasured usage during maintenance activities and inaccurate meters and standpipes.

It is envisaged that a revised policy on standpipe use and a network of water filling stations or an alternative monitoring solution will be the key outcomes of this program. Investigations are currently underway to identify all of the possible alternatives. Considerable engagement with all bulk water users and in particular, the water carters is expected as part of this program. The DMS budget has allocated \$250,000 to funding the preferred solution/s.

### **Quarterly Water Billing**

Planning is well advanced to introduce quarterly water meter reading and water consumption billing for the majority of Council's water customers. A report relating to this project was considered by Council in December 2013. The proposal is to pro-rata the water consumption charges and change the way that the residential step charge is applied.

Following Council's preliminary endorsement of the proposed changes to water billing, an engagement program seeking community input to the changes is being rolled out in February 2014. All feedback obtained will be considered in the Water Unit's review of the Revenue Policy and Statement 2014/15. A report summarising the findings of the engagement process will be presented to Council in March 2014.

The water consumption bills are to be modified to reflect the proposed changes.

Full commitment to quarterly meter reading/billing cannot occur until Council has adopted the Revenue Policy and Statement 2014/15 in June 2014.

### **Regional Demand Management Plan**

In 2013, a project brief was developed by members of the Northern Rivers Water Group (NRWG) outlining the process towards development of a Regional Demand Management Plan. The first stage was completion of a scoping study that would provide a base level of information about the current status of demand management across the region and help identify commonalities that would enable members to achieve some resource efficiency.

With input from members, a draft scoping document was completed in December 2013. A meeting will follow in early 2014 where members will try to identify ways that they can work together on demand management and water efficiency projects.

### **Target 180 Campaign**

Overarching all of the DMS programs and activities is the Target 180 campaign which encourages residents and households to be water wise and achieve a certain litre target per person per day.

The campaign always features in conjunction with Tweed Shire Council's corporate brand and does not stand alone. The communication objective is to raise awareness of water consumption and set clear targets for residential water usage over a period of years. The following targets have been adopted:

- Target 180L by 2013
- Target 170L by 2016
- Target 160L by 2020

The overall KPIs for the DMS suggest that Target 180 was successfully achieved by December 2013. Future Water Unit promotions and advertising, including the water bills will now feature the Target 170 logo which encourages average residential water use of 170 L/person/d by the end of 2016.

### **Community Engagement**

The Top 120 non-residential water users and plumbers/plumbing retailers in the shire were invited to the launch of the Tweed's Top 100 water saving program in July 2012. About 40 people attended the launch and information session which was opened by Council's General Manager.

A survey was conducted in November 2012, seeking community feedback about the water consumption bills which were modified significantly in June 2012. The feedback obtained in the survey has been used to make further improvements to the water bills and will be taken

into account when the bills are tweaked again to accommodate quarterly billing and pro-rating.

From 1 December 2013 to 17 January 2014, Council partnered with the Savewater! Alliance to roll out a series of four water awareness television advertisements. The advertisements were aired on Network Ten to an audience of some 32,496 viewers in the Lismore media catchment (which includes the Tweed). The total investment by Council was just under \$1,500. The videos can be viewed at <http://www.savewater.com.au/member-resources/savewater-tvcs>. The television commercials featured the Tweed Shire Council logo at the end. Savewater! also ran a series of community service announcements from November 2013 - January 2014 at no cost to Council. This was part of a mass water awareness campaign being rolled out across NSW and supported Council's strategic focus on Demand Management.

As mentioned previously, an engagement program seeking community input to quarterly meter reading and billing is being carried out in February 2014. The comments obtained will be used to inform the Water Unit's review of the Revenue Policy and Statement 2014/15.

### **General Promotions**

Demand Management staff take advantage of promotional opportunities at community events and public venues throughout the year. Displays typically feature information about Council's water saving rebates, rainwater tanks, water efficient products, general water management and entertaining activities for children.

Events attended by Water Unit staff during this reporting period included:

- Tweed River Festival
- Living for the Future Home Expo and Community Summit
- Seniors Expo
- Shopping Centres
- Farmers' Markets
- Community Markets

### **OPTIONS:**

Council is not being requested to make any new decisions regarding the Demand Management Strategy at this time.

### **CONCLUSION:**

Implementation of the Demand Management Strategy is proceeding steadily and continues to be well received by the community. The overall program is well within the original budget approved by Council in early 2010. It is envisaged that the current implementation plan will be completed by the end of 2014.

Planning for ongoing demand management projects beyond 2014 has commenced and it is expected that a separate report detailing these will be put to Council for its consideration in October 2014. The exact make-up of an ongoing demand management program will be influenced significantly by the Integrated Water Cycle Management Strategy which is expected to be adopted by Council by then.

The table below shows the estimated water savings resulting from the programs that have been implemented to date.

<b>Program</b>	<b>Estimated Water Saving in ML/annum as at 31 December 2013</b>	<b>2013 Target (ML/a)</b>
Shower and Tapware Rebate	6.070	36
Toilet Rebate	48.720	15
Tweed's Top 20	34.650	50
Tweed's Top 100	13.500	40
Council's Own Top 20	10.485	29
<b>Total</b>	<b>102.940</b>	<b>170</b>

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Rainwater Tanks in Urban Areas Version 2.1.

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

All elements of the Demand Management Strategy are funded from the budget approved by Council on 15 March 2011. The original budget for the Implementation Plan, which was due to be completed by July 2014, was \$2,453,900. Expenditure to date is \$1,111,890 and all of the projects/programs included in the original Plan are now due to be completed by the end of 2014.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**24 [CNR-CM] Tyalgum Transfer Station - Consultation on Options for a Scenic Lookout and Transfer Station Closure**

**SUBMITTED BY: Waste Management**

Valid



## Supporting Community Life

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

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### SUMMARY OF REPORT:

At the September 2013 Council resolved as follows:

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

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

At the November meeting Council resolved that:

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

This report outlines the additional consultation process that was undertaken and the feedback provided.

### RECOMMENDATION:

**That Council considers the information in this report in determining an outcome for the Tyalgum Transfer Station and scenic lookout.**

## REPORT:

At the September 2013 Council resolved as follows:

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

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

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

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

Of the respondents, only a couple did not have access to the weekly bin based waste collection and the biannual kerbside bulk waste services, and Council is working with these residents to provide options that will allow access to waste services.

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

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

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

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



### **Legislative considerations**

Waste management is treated differently than other Council services by the Local Government Act for services that are provided as domestic waste management services. If the transfer station is seen as being provided as a domestic waste management service for residents of Tyalgum, Council needs to consider the implications of Section 504 of the Act. The conditions that would be relevant are:

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

If the service is determined as being a Domestic Waste Management service provided to residents of the shire, the payment for this service will need to come from the Domestic Waste Management Charge levied against the rates and not from the general fund. If the Tyalgum Transfer Station is deemed to be a commercial waste service provided by Council this would need to be funded from the general fund and no funds from the DWM can be used to fund the facility. Either way the financial performance of the operation needs to be evaluated.

### **Representations received post September**

A representation has been received from the aboriginal community highlighting the cultural value of the site. The site has been identified as being on one of the routes taken by the Aboriginal people when travelling from the Tweed Valley across the McPherson Ranges to Beaudesert in Queensland. The site is situated in a cultural landscape which contains a range of different landscape and anthropogenic features which bear significance to the local Aboriginal people.

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

There have also been a number of representations from organisations and people who recognise the value of providing an easily accessed viewing platform or scenic lookout in the area that is likely to attract tourism and visitors to the area.

There have also been representations that stress the importance of being able to dispose of their waste locally. Many of the respondents claim it is just too far to have to take large items to Stotts Creek Resource Recovery Centre.

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

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

### **Public Consultation meeting – Tyalgum Community Hall 15 January 2014**

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

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

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

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

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

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

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

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

### **OPTIONS:**

Council may wish to take the contents of this report and the latest consultation process into consideration in formulating a decision on the future closure of the Tyalgum Transfer Station, and in considering options for the establishment of a scenic lookout at the site.

**CONCLUSION:**

There is considerable support from residents living in the Tyalgum area to have the Tyalgum Transfer Station remain open on the current site, however an analysis of the last six months of use of the site shows that the site receives just under eight paying customers dropping off waste per weekend.

Whilst residents in the area claim that it is disposal charges for people using the site that is deterring patrons, patronage has fallen consistently for the last four years, and the site is costing Council over \$60,000 per year to keep open to service a relatively few customers.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Closure of the transfer station at Tyalgum would reduce the budget by approximately \$60,000 per annum.

**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. | Summary of questions/comments received and responses provided by Council officers (ECM 3284001) |
| Attachment 2. | Responses to community questions for people attending the public consultation (ECM 3284002)     |
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25 [CNR-CM] Waste Management - Strategic Directions for Tweed Shire Council

SUBMITTED BY: Waste Management

Valid



## Caring for the Environment

### 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:

In 2007 Council adopted a Domestic Waste Management Strategy which has been substantially implemented. In April 2013 Council engaged Hyder Consulting to review Council's Domestic Waste Management Strategy under Contract EC2013-047.

The Draft Integrated Waste Strategy for Tweed Shire Council has now been received and is presented for Councils consideration prior to the document being placed on public exhibition. The major recommendations in the strategy that have the potential to impact on current services include:

- The implementation of a full organics and household green waste collection service based on the EPA best practice model,
- Market investigations to provide processing options for organics generated from self hauled organic material and the household organics collection service,
- Investigation into the establishment of a sorting and processing facility at the Stotts Creek Resource Recovery facility to remove material from the comingled waste streams,
- The presentation of options to modify the current kerbside bulk waste collection service to address WH&S and environmental issues, and
- Options to refine the current services to improve Councils waste diversion performance to allow the narrowing of the gap between the current diversion rates and those required by the Waste and Resource Recovery (WARR) strategy established by the State Government.

### RECOMMENDATION:

That:

1. Council notes the Draft Integrated Waste Strategy as provided and places it on public exhibition for a minimum of 28 days.

2. **At the conclusion of the public exhibition period a further report be tabled for consideration by Council.**

## **REPORT:**

In 2007 Tweed Shire Council engaged A Prince Consulting Pty Ltd to prepare an integrated waste strategy that considered all aspects of the services provided by Council, and which provided significant consultation with residents of the community relating to services and costs. The strategy also considered the Waste and Resource Recovery (WARR) targets established by the NSW Government and developed an action plan to assist Council in reaching these targets.

During the intervening period Council has implemented the majority of the proposed actions in the 2007 strategy including:

### **Recommendation in the 2007 Strategy**

Recommendation 1: That Council continue to monitor the activities of the SE QLD Waste and Recycling Network Group and the NEWF. The strategy highlighted that Tweed Shire had more in common with the QLD group as their activities better reflect the immediate and long term goals of Council.

Action – Council has continued to work closely with North East NSW Councils and is pursuing regional cooperation on a raft of programs including regional waste strategy development, regional land filling and the development of infrastructure for regional and sub-regional purposes.

Recommendation 2: That Council request the waste contractor to have trained staff available at all times to receive and process Drum Muster containers.

Action – Completed

Recommendation 3: That the contractor use the services of the free Drum Muster training program.

Action – Completed

Recommendation 4: That Council continue to support the efforts of Drum Muster through community education and promotion of either continuous receipt of containers or one off collection programs.

Action – Advertised in Tweed link and this is continuously available.

Recommendation 5: Council to continue to promote that asbestos should be removed, handled and stored in accordance with the Work Cover Regulation.

Action – Council endorse the WorkCover procedure for asbestos handling and require that all loads presented for disposal are treated appropriately prior to acceptance at the Stotts Creek Resource Recovery Centre. The contractors on site are also required to adopt and apply procedures that ensure asbestos is handled as per the guidelines.

Recommendation 6: That all batteries received at Council waste depots are correctly stored.

Action – Car batteries are all stored and processed appropriately. New measures are being implemented to store and process smaller household batteries.

Recommendation 7: That Council include the correct disposal of gas cylinders and bottles in future community educational material and promote the drop-off of these materials at each waste disposal facility.

Action – Council waste disposal facilities are set up to accept gas cylinders and bottles.

Recommendation 8: That Council continue to support the operation of reuse facilities at all waste disposal facilities.

Action – Council has rationalised the number of disposal facilities during the term of the 2007 Strategy with Stotts Creek Resource Recovery Centre (SCRRC) being the only remaining landfill in the Shire and Tyalgum Transfer Station the only Transfer Station. The Tyalgum facility is currently under review. There is a salvage operator at the SCRRC who operates to ensure reusable items are captured for reuse.

Recommendation 9: Council ensures the community is informed about household hazardous collection programs.

Action – Council has now constructed and operate a hazardous waste drop-off centre at the SCRRC. Campaigns are undertaken periodically to advise the public of how to treat hazardous materials.

Recommendation 10: That Council continue to promote the current practice of source-separation and free delivery of recyclables at all waste facilities.

Action - Both Tyalgum Transfer Station and SCRRC currently accept recyclables for free.

Recommendation 11: That Council should introduce a new fully commingled recycling service in a 240-litre bin collected fortnightly to all of its residents.

Action – Completed

Recommendation 12: That Council should introduce a garden service in a 240-litre bin collected fortnightly to all single residential dwellings in townships.

Action – An optional service has been implemented with approximately 13,000 residential properties having signed up for the service. A full organics and green waste service is being investigated as part of the new strategy.

Recommendation 13: That Council offers an optional garden waste service to all medium-density and multiple-occupancy residential buildings.

Action – this service is now available.

Recommendation 14: That Tweed Council offer residents a 140-litre bin as the standard service with the option of a differential service rate for an 80-litre or 240-litre in the interests of social equity. The price differential for these service options will be assessed once the tender for domestic waste management services is completed.

Action – Completed



Recommendation 15: That new lids, in accordance with the Australian Standard 4123 Mobile Waste Container, be provided to all existing and new domestic waste, recycling and garden organics bins as part of the collection contract.

Action – Completed

Recommendation 16: Council should continue to monitor developments by other local governments which have introduced or are proposing to introduce organic waste collection programs, in particular, Coffs Coast and Hastings Councils, to learn from their experiences. Council should also assess new and emerging technologies and processes which have applicability for the area.

Action – A number of other Councils within the region have now implemented full household organics and garden waste recycling services to domestic properties on the basis of the best practice model, that is with a weekly organics/garden waste collection and fortnightly recycling and residual waste collections. This has been included as a recommendation in the new strategy for Tweed as it has been acknowledged as being likely the only way that Council will be able to achieve the State Government targets relating to the diversion of Municipal Solid Waste, which currently sits at 66%. There are clear experiences that can be taken from the roll out of the service in other areas and these will be incorporated into the introduction of the service for the Tweed.

Recommendation 17: That Council introduce dedicated collections for specific materials, that is, metals / whitegoods and continue with the bi-annual household cleanup service.

Action – Both services are currently offered however Council is experiencing difficulty in maintaining the household metals collection as a zero cost service due to world prices for light gauge scrap metal.

Recommendation 18: Should Council maintain its own MRF, then the future collection contract should specify a maximum compaction for the collection of recycling at 180 kg/m<sup>3</sup> and in accordance with best practice.

Action – Council no longer manages or operates a MRF.

Recommendation 19: That Council enter into discussions with third parties in relation to the acceptance of Tweed Shire Council recyclables.

Action – Completed. Recyclables are processed at a Material Recovery Facility at Chinderah under the collection service contract.

Recommendation 20: That a two-bin system – garbage and ‘containers only’ or alternate litter bin system be trialled in key strategic areas.

Action – Completed and moving toward a best practice model for household services.

Recommendation 21: That a performance review of the system be undertaken three months after the system is introduced.

Action – Completed.

Recommendation 22: Recycling stations should be provided in strategic visitor locations to reduce the incidence of visitors using private or commercial bins.

Action – Public place recycling has been introduced in all major areas and a number of parks.

Recommendation 23: That the existing blue litter bins should be replaced with green bins with red lids for rubbish and yellow lids for recycling.

Action – Completed

Recommendation 24: That Council develop a Waste Not DCP and place a notation or condition on all Development Approvals requiring the source separation and containerisation of all waste on building sites to minimise waste generation and prevent unintended pollution.

Action – Completed

Recommendation 25: That source-separation of loads prior to delivery is desirable due to the differential pricing policy to be applied to mixed loads at Stotts Creek and Murwillumbah landfills.

Action – Source separation is encouraged using differential pricing.

Recommendation 26: That Council undertakes a community education and industry information campaign to promote source-separation of all loads delivered to the Stotts Creek RRC.

Action – Completed. This is an ongoing requirement.

Recommendation 27: That Council directly approaches the significant users of its landfills on a personal basis to inform and educate them regarding the role of source separation and of Council's intention to introduce a substantial change to the future fee structure and charges for disposal of waste.

Action – Council is yet to implement this fully and will do so as part of the new strategy roll out.

Recommendation 28: That Council resolves to introduce differential landfill fees for sorted and unsorted loads and offer a significant price variation to create the necessary motivation for source separation within the community.

Action – This is the culmination of recommendations 25, 26 and 27. A differential fee structure currently exist however this has the potential to be increased over the coming years following consideration by Council.

Recommendation 29: That council introduces a significant differential pricing policy to encourage source separation by waste generators of building materials.

Action – Differential pricing for concrete, timber and clean fill has been establish that encourage source separation at the SCRRC

Recommendation 30: That the current education and communication program delivered by the contractor be reviewed to assess and evaluate the effectiveness and value for money prior to developing the new contract specification.

Action – this was taken away from the contractor and is now managed by an internal resource. The delivery is much better controlled with a much greater ability to respond to issues and to provide a much more diverse program of waste education.

Recommendation 31: Given the high proportion of visitors to the area, that the use of graphic images supported by the English words must be incorporated into all communication modes

Action – All signage has been modified to include pictorial guides.

Recommendation 32: That Council must commit sufficient and ongoing budgetary resources to continue the education of both residents and visitors.

Action – See 30. Completed

Recommendation 33: That the waste depots should be renamed as Resource Recovery Centres.

Action – Completed

Recommendation 34: That Council ensure that the new waste education centre is a demonstration site for green building and sustainable living and be called The Sustainable Living Centre.

Action – Facility is a shared facility with other departments of Council and is known as the Sustainable Living Centre.

Recommendation 35: That concurrently with developing plans for the local landfill, Council reviews other long-term disposal options for the Shire's waste as identified in the Strategy having regard to transport and disposal costs, method and number of vehicle movements to accurately assess traffic impact.

Action – Council is working closely with other Northern Rivers Councils on the development of regional options for disposal.

### **2013 Integrated Waste Strategy (IWS)**

In 2013 Council went to the market (EC2013-047) to obtain the services of suitably qualified and experienced firm to revise the existing strategy and to provide an integrated waste strategy that takes account of the progress made which will focus on the needs of the community and Council. Sixteen submissions were received by the tender closing date. These were evaluated by a Tender Evaluation Panel with the contract awarded to Hyder Consulting for a sum of \$90,000 (GST Exclusive).

The contract included a requirement to consider regional issues as well as shire focused considerations, and Hyder was well placed having worked on the Regional Waste Strategy for North East Waste, and on strategic planning in waste for the Gold Coast City Council. The North East Waste program in particular has significant relevance as it deals with the

issues of disposal options for both the short term and longer term as well as the feasibility of various technologies proposed for processing into the future.

The intent of an integrated waste strategy is to provide Council the overriding direction for the development of programs rather than providing a definitive action plan for all proposed actions proposed for the duration of the strategy. This will allow the development of business plans to support the proposed directions.

The Draft version of the revised strategy includes an evaluation of current commitments, a review of waste data, an assessment of current systems and infrastructure, opportunities to increase diversion and to pursue the State Government based WARR targets, a review of existing contracts, a review of regional opportunities, a review of Councils financial position and opportunities that present. A concise version of the Draft Strategy Document is appended to this report, and is proposed for use during the public exhibition phase.

### **Internal drivers and regional considerations**

Tweed Shire Council is responsible for providing waste services that are relevant to customers whilst pursuing the target sets by the NSW State Government in relation to Commercial and Industrial (C&I), Construction and Demolition (C&D) and Municipal waste. This requires a balance as the competing interests do not always coincide, with there currently being substantial economic advantage to council in pursuing disposal over processing.

With the advent of the Waste Levy in regional NSW in 2009 Council was incentivised to focus on the diversion of waste however as the levy in QLD has now been removed for the foreseeable future, waste processing options involving the disposal of waste to QLD Landfills that do not focus on diverting waste from landfill provide a substantial economic advantage to Council.

Additionally, Council has recently been successful in gaining a Part 3 Planning Approval to develop a new landfill and quarry, and to upgrade the infrastructure to provide for the foreseeable future.

The Regional Waste Strategy has also considered the development of a regional waste disposal facility for the long term and investigations are ongoing to determine the feasibility of a number of sites. Tweed is not currently one of the sites being considered.

The short term recommendation from the regional study was that Councils capitalise on the lack of a levy in South East QLD, and Tweed Shire Council is currently joined in a regional transport and disposal contract, as are both Ballina and Byron Shire Councils.

This provides Council with a number of significant opportunities that benefit the residents of the Tweed. Firstly the transport and disposal option reduces the pressure on Council's need to construct the new Eviron Road Landfill within what were very tight timeframes. If the South East QLD disposal option had not come to fruition it was likely that Council would have been investigating alternative options to dispose of putrescible waste by late 2014. On Current estimates, the new landfill at Eviron is unlikely to be available late 2015.

The avoidance of the levy also allows Council to reduce the disposal pressure cost on fees and charges at the site. The levy currently sits at \$53.70 per tonne and is increasing by \$10 plus CPI for the next two years. The 2014/15 levy cost approximately equates to the cost of

exporting and disposing of waste into SE QLD. By removing the upward pressure on fees and charges Council has an opportunity to reduce social and economic pressures on residents through the Domestic Waste Management Charge.

Finally the SEQ disposal option allows Council to preserve the current air space at Stotts Creek Resource Recovery Centre (SCRRC) as a contingency.

A negative aspect of exporting waste is that diversion targets are not realised and as such Council needs to formulate a position in order to respond to any inquiry presented from the NSW Government or concerned residents. It is noted that the Draft Integrated Waste Strategy places a strong focus on diversion as a key pillar of future planning and operations with the current list of programs established to try to narrow the gap and allow Council to meet the state based WARR targets.

The ability to dispose of materials off site has reduced pressure on Council to ensure viable short and long term disposal options were available. As part of the ongoing strategy development Council will also need to consider their long term position on disposal from both a regional and local perspective and to determine what will be the key drivers when adopting a strategic direction.

If Council wishes to focus on cost, environmental impacts and social benefits equally then the option to transport waste to South East QLD would appear to be the preferred option for the foreseeable future. If however self determination is seen as more important, the development of infrastructure as per our current planning approvals should be prioritised and expedited. If Council is considering regional cooperation as the most important factor, then the development of a regional facility may become the priority.

There are a number of political pressures that are indirectly being placed on Council at present that will also need to be considered in formulating disposal options. These include measures such as limiting Councils ability to access the Waste Less Recycle More (WLRM) grant funding currently being distributed by the NSW Environmental Trust.

It is recommended that an assessment be further developed using a multi criteria assessment following feedback from the community on the Draft Strategy.

### **Current Waste Data**

Over 88,000 people currently live in the Tweed Shire Region. The Tweed has 17 villages and covers an area of 1,300 square kilometres. Currently waste services include a weekly waste service, fortnightly recycling service and an optional fortnightly green waste service. These services are provided to approximately 34,000 residential properties made up of 21,893 single unit dwellings and 11,719 multi-unit dwellings with a service. Council also provides 11,620 green waste services to single unit dwellings and 5,430 green waste services to multi-unit dwellings. Over 95% of single unit dwellings are provided with a 140 litre waste and a 240 litre recycling bin.

In 2012/13 Council's kerbside waste collection services collected 17,632 tonnes of mixed waste, 4,850 of green waste and 9,888 tonnes of recycling. A further 2,340 tonnes of waste was collected in the bi-annual kerbside bulk waste collection, making the total waste collected in services provided to residential rated properties 34,710 tonne, or approximately one tonne per rateable property.

The current diversion target for municipal solid waste as outlined in the Waste and Resource Recovery (WARR) Strategy in 66% and Council is at present diverting 46% of the waste presented. The State is asking Councils to achieve this target by June 30 2014 however this is not achievable within the confines of our current collection contracts.

### **Existing Contracts**

Council's current collection service contracts with Solo Resource Recovery are due to expire on 30 November 2016. The Landfill Management contract has been awarded and is in place until the end of 2014 however there is provision within the contract for a one year optional extension. The Transport and Disposal Contract with Veolia is a three year contract that commenced on 1 January 2013 and which is due to expire on 31 December 2015.

### **Proposed programs under the 2014 Integrated Waste Strategy**

The 2014 IWS include six key recommendations in relation to areas where Council will need to focus and the direction to be taken. These priority programs are:

- Recovering food organic resources
- Developing new infrastructure
- Cleaning up the streets
- Providing alternative methods to drive resource recovery,
- Regional collaboration, and
- Education and promotion.

Each of these is in turn broken down into a number of discrete programs and activities that need to be pursued in order for Council to achieve the State based Waste and Resource Recovery (WARR) targets for diversion. Whilst there is an initial program of works proposed under these areas of focus, the program of actions itself is likely to expand within the duration of the current strategy with many of the actions to be developed as further investigations are completed. A more detailed breakdown of these is included in the supporting document appended to this report.

### **Highlights of the Strategy and the challenges Council faces**

#### **Recovery of food organics**

An analysis of the household waste stream shows that 47.4% of the current waste bin is made up of food organics (39.1%) and garden organics (8.3%) despite Council offering an optional garden waste collection service that is being utilised by approximately 50% of residents. This material is easily diverted in a three bin system however once the household organics are included in the green bin the cycle of servicing needs to change to allow this bin to be collected on a weekly basis.

Ideally this will coincide with the change of the residual waste bins collection to a fortnightly cycle as this bin should no longer have putrescibles in the bin. There will remain problem wastes such as nappies that will need to be dealt with however these issues have been successfully dealt with by a number of other Councils. If adopted this change would occur at the end of the current contracts in 2016.

It is highly unlikely that Council will be able to achieve the WARR targets without the introduction of a compulsory organics collection service provided to household that incorporates household organics.

### **Developing new infrastructure**

Council has approval and is in the process of developing the new Eviron Road Landfill and Quarry under a Part 3 approval.

In addition to this, new infrastructure will need to be sourced to allow the processing of organics that are collected at kerbside. The Strategy recommendation is to go to the market to determine the most efficient way of processing organics. There is also a need to determine the level of technology required based around the licensing and legislative requirements.

Whilst this would appear to be a relatively simple question to answer based on what is occurring at other sites within the region, practices that were licensed and approved previously may not be accepted today and with no historical right of use, council may be forced to adopt higher levels of technology and control over the processes. The level of technology and complexity of infrastructure will have an impact on the cost of establishing a new facility.

### **Cleaning up the streets**

Council's kerbside bulk waste collection service is very well patronised and increasing in quantity of waste being presented with approximately 2,750 tonnes of waste collected in 2013. There are however a number of negative aspects with the current service as the material is often presented well in advance of the service date leading to WH&S and environmental issues. Even when presented as per the advice of Council, the level of risk to Council is high.

As part of the review of the strategy this service was looked at with a view to developing options to address the current problems. The best options that were presented involve not having the waste presented at kerbside prior to the collection. Options that allow this to occur include the provision of vouchers to allow residents to use the landfill a fixed number of times, open days at the tip for residents and the provision of a dial up service.

The drop off type services provide a much higher level of control over the presentation and processing of the waste but in turn have disadvantages as not everybody has a car or trailer or live close to the disposal site. The dial up service is the most controllable and is likely to have the least impact on either the environment or WH&S as the waste can be left within the boundary of the property and the opportunity to divert material or to educate the person making the request is much greater.

### **Providing alternative methods to drive resource recovery**

The strategy canvasses the option of providing a pre-sorting facility at the SCRRC with the potential of recovering a further 5 – 10% of the residual domestic waste stream. This would boost the overall diversion by somewhere between 2.5 and 5%, and with the introduction of a full organics service the relative proportion of recoverable material would increase significantly and would be much easier to access. The cost and feasibility of proposed models has been developed at a preliminary level and should Council be provided an opportunity to access the Waste Less Recycle More (WLRM) grants being offered by the NSW State Government it would be worth pursuing this.

### **Regional Collaboration**

The strategy recognises the importance of maintaining strong regional links both in South East QLD and northern NSW given the proximity of Tweed to the border. Tweed has been

involved since the establishment of the North East Waste Forum (now NEWaste) with the other NSW Northern Rivers Councils in determining areas where Councils can work together to provide regional solutions. Should Council adopt the three bins system with the organics bins provided weekly, this will be even more important as the majority of the region will have the same types of kerbside waste services. This will present opportunities for joint regional initiatives relating to the provision of services.

Of equal importance is the ability to demonstrate how the region works cooperatively in responding to the discussions being held at a State level in relation to the provision of services and the sustainability of Local Government. Council will continue to bolster their claims of sustainability and good governance by showing strong regional cooperation in the development of solutions to waste related issues.

### **Education and promotion**

Education is a central pillar of all waste programs particularly where organisations are seeking to introduce services that require cultural change in the way waste is managed at home. With the introduction of new services Council will need to provide direction through promotion of the new services to the community. That direction will need to be targeted toward our demographically diverse community in such a way that allows all stakeholders to understand how the services work.

It is important that Council provides the community with the opportunity to have input and to understand the reasoning of Council during the process.

### **OPTIONS:**

1. That Council supports the Draft Integrated Waste Management Strategy and to placing this document on public exhibition.
2. That Council does not support the Draft Integrated Waste Management Strategy.

### **CONCLUSION:**

Hyder Consulting has now completed the review of the 2007 Integrated Waste Strategy and has prepared a document that provides measures to address the challenges of providing waste services for both the short and longer term. The draft Integrated Waste Strategy includes a number of changes to the way Council currently provide waste services with the changes programmed to occur at the end of the term of the current collection service contracts in 2016.

This time will be fully utilised preparing and letting collection contracts and providing for the processing requirements of the new organics service.

The Draft Strategy has also identified a number of ways to improve the diversions rates of waste to landfill that need to be further developed if Council is going to achieve the targets for waste diversion established by the State Government in the Waste and Resource Recovery Strategy.

This Draft Strategy now needs to be placed out on public exhibition prior to consideration by Council and adoption. A briefing document is provided for the public exhibition phase.



**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

All new items proposed in the waste strategy will have budget implications which will be brought back to Council for consideration.

**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.           Public Consultation Document - Integrated Waste Strategy (ECM  
3285100)

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## REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS

26 [EO-CM] EC2013-222 Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg

SUBMITTED BY: Works

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

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#### SUMMARY OF REPORT:

Tender EC2013-222 Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 27 November 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

This report outlines the tenders received.

#### RECOMMENDATION:

That:

1. Council awards the contract EC2013-222 - Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg to CJD Equipment for the amount of \$184,469 (exclusive of GST).
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A (2) of the Local Government Act 1993, because it contains:-
  - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

## REPORT:

### Tender Background

Tender EC2013-222 Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg, was called to supply Council operations with a replacement for an existing aged unit.

Tenders were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. Tender submissions closed at 4.00pm (local time) on 27 November 2013 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

The Excavator will be utilised across all units of the organisation, for civil and construction works projects.

### Tender Advertising

As per the requirements of the Local Government Regulation 2005, tenders were advertised for EC2013-222 Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg on 02 November 2013 in the following media groups:

**Sydney Morning Herald**  
**Brisbane Courier Mail**  
**Gold Coast Bulletin**  
**Tweed Link**  
**Councils Web Site**

### Tender Submissions

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

Tenderer	ABN	Tendered Amount (Incl GST)
Hyundai Construction Equipment	94150961934	Confidential Information
Hitachi Construction Equipment	62000080179	
CA Construction Equipment	42001654762	
JCB Construction Equipment	81008777348	
CJD Equipment	63008754523	
Westrac CAT	63009342572	
Semco Equipment Sales	063 999 842	

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

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

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

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

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

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

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

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

**Non-Compliant Responses:**

Two (2) responses were deemed non-compliant against Council's technical requirements of tender:

<b>Non-Compliant Responses</b>
JCB Construction Equipment
Semco Equipment Sales

**CONCLUSION:**

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

- **CJD Equipment is nominated for EC2013-222 for the Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg - Volvo EC140CL Unit to Tweed Shire Council.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Version 1.3.

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

2013/2014 Fleet Budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. EC2013-222 for the Supply of One (1) Tracked Excavator Complete with Attachments CCF Class 10: 13,500Kg>14,000Kg (ECM 3281053).

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**27 [EO-CM] EC2013-245 Expression of Interest for the Supply of Tyres and Tyre Services**

**SUBMITTED BY: Contracts**

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:**

Tender EC2013-245 Expressions of Interest for the Supply of Tyres and Tyre Services was called for the supply of Tyres and Tyres Services to service Council's plant and fleet vehicles.

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

### **RECOMMENDATION:**

**That:**

- 1. Council accepts the Tender for EC2013-245 as submitted for the supply of Tyres and Tyre Services under a Panel of Providers arrangement using the New South Wales Government Contract 367 and Ancillary Service Charges. The supply arrangement will be for a two year period from the date of determination with a possible twelve (12) month extension option.**
- 2. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2)of the Local Government Act 1993, because it contains:-**
  - (d) commercial information of a confidential nature that would, if disclosed:**
    - (i) prejudice the commercial position of the person who supplied it, or**
    - (ii) confer a commercial advantage on a competitor of the council, or**
    - (iii) reveal a trade secret.**

## REPORT:

### Tender Background

Tender EC2013-245 Expressions of Interest for the Supply of Tyres and Tyre Services was called to supply tyres and tyre services to Council's plant and fleet vehicles. The supply service will be under a Panel of Providers arrangement with tyres and tyre services to be supplied under the New South Wales Government Contract 367 and Ancillary Service Charges. The supply arrangement will be for a two (2) year period from the date of determination by Council with the provision for a further twelve (12) month extension option.

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

### Tender Advertising

As per the requirements of the Local Government Regulation 2005, Expressions of Interest documents were distributed to four (4) tyre outlets located in the Tweed Heads and Murwillumbah areas with established links to suppliers under the New South Wales Government Contract 367.

### Tender Submissions

As per the requirements of the Local Government Regulation 2005, tender submissions closed at 4.00pm (local time) on 22 January 2014 in the Tender box located in the foyer of the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484. Five (5) submissions were recorded at the Tender Box opening and their details are as follows:

<b>Tenderer</b>	<b>Location</b>
Ray Hall Tyres	Murwillumbah
Millards	Tweed Heads
Tyres 4U	Murwillumbah & Tweed Heads ( Franchises)
Bridgestone	Murwillumbah & Tweed Heads ( Franchises)
MNF4x4	Burleigh Heads – Non conforming

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

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



**OPTIONS:**

1. That Council accepts all tenders as submitted for inclusion in the Panel of Providers arrangement to provide Tyre and Tyre Services to Council plant and fleet vehicles.
2. That Council takes no action to establish a supply arrangement to provide Tyre and Tyre Services to Council's plant and fleet vehicles.

**CONCLUSION:**

That Council accepts all tenders as submitted for inclusion in the Panel of Providers arrangement to provide Tyre and Tyre Services to Council plant and fleet vehicles.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Version 1.5.

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

Funding is provided within the 2013/2014 Budget for the Supply of Tyres and Tyre Services.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*(Confidential)* Attachment 1. EC2013-245 Expressions of Interest for the Supply of Tyres and Tyre Services (ECM 3281955).

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28 [EO-CM] EC2013-217 Supply of Electricity Small Sites from 1 July 2014

SUBMITTED BY: Contracts

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Council operational properties and infrastructure that are classed as Small Sites are powered under Contract EC2011-005 Supply of Retail Electricity to Small Sites. The existing contract provider is Powerdirect Pty Ltd and the contract will expire on 30 June 2014.

Council has utilised the procurement service provided by Local Government Procurement (LGP) to ensure that a new contractual arrangement for supply of Small Site Electricity is in place prior to 1 July 2014. This action is as per the Council resolution for item [EO-CM] EC2013-217 Supply of Electricity Small Sites from 1 July 2014 tabled at the meeting of 21 November 2013.

LGP has now completed the tender process in accordance with the requirements of the Local Government (General) Regulations 2005. LGP advise that 62 NSW Councils and 3 Not-for-profit organisations have committed to the new bulk purchase arrangement. A full report of the tender process and evaluation completed by LGP is attached for reference.

Council staff have reviewed the LGP tender recommendation and the Retail Electricity Supply Agreement (RESA) subsequently offered by Powerdirect Pty Ltd. It is recommended that Council delegate the General Manager to sign the RESA to ensure power supply to Small Sites is provided under a new contract EC2013-217 commencing 1 July 2014.

### RECOMMENDATION:

**That in relation to [EO-CM] EC2013-217 Supply of Electricity Small Sites from 1 July 2014, Council:**

1. **In accordance with Section 55(3) of the Local Government Act 1993 and Clause 163(1A) of the Local Government (General) Regulation 2005 notes participation in the Local Government Procurement tender process for Small Site Electricity (for contracts in place prior to 1 July 2014).**

2. **Accepts the recommendation provided by Local Government Procurement and enters a Retail Electricity Supply Agreement (RESA) with Powerdirect Pty Ltd**
3. **Endorses the General Manager's execution of the Retail Electricity Supply Agreement (RESA) with Powerdirect Pty Ltd. The agreement will commence 1 July 2014 and conclude on 31 December 2016.**
4. **ATTACHMENTS 1-5 and 7-9 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**
  - (c) **information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business**
  - (d) **commercial information of a confidential nature that would, if disclosed:**
    - (i) **prejudice the commercial position of the person who supplied it, or**
    - (ii) **confer a commercial advantage on a competitor of the council, or**
    - (iii) **reveal a trade secret**

## **REPORT:**

### **Tender Background**

Council operational properties and infrastructure that are classed as Small Sites (Water/Sewer Pump Stations, BBQ facilities, Public Amenities, Community buildings) are powered under Contract EC2011-005 Supply of Retail Electricity to Small Sites. The existing contract provider is Powerdirect Pty Ltd and the contract will expire on 30 June 2014.

Council has utilised the procurement service provided by Local Government Procurement (LGP) to ensure that a new contractual arrangement for supply of Small Site Electricity is in place prior to 1 July 2014. This action is as per the Council resolution for item [EO-CM] EC2013-217 Supply of Electricity Small Sites from 1 July 2014 tabled at the meeting of 21 November 2013.

LGP has now completed the tender process in accordance with the requirements of the Local Government (General) Regulations 2005. LGP advise that 62 NSW Councils and 3 Not-for-profit organisations have committed to the new bulk purchase arrangement. A full report of the tender process and evaluation completed by LGP is attached for reference.

Council staff have reviewed the LGP tender recommendation. It is recommended that Council endorses the General Manager's actions to sign the Retail Electricity Supply Agreement (RESA) to ensure power supply to Small Sites is provided under a new contract EC2013-217 commencing 1 July 2014.

### **Tender Process and Timeline**

15 August 2013 - LGP issued Letter 1 - Invitation to Council to enter the new bulk purchase arrangement. The letter included a General Manager Authorisation Form to formally enter the arrangement.

4 October 2013 - Council General Manager signed the General Manager Authorisation Form and emailed back to LGP.

10 October 2013 - LGP issued Letter 2 - Benchmark Pricing Acceptance statement identifying the maximum price that Councils were willing to accept. LGP noted that they expected significantly better offers than the maximum price.

17 October 2013 - LGP issued Letter 3 - Supplementary advice on the intent of the Maximum Price declaration to be used as a guide only (not a target price). A number of questions on the intent of the maximum price figure were answered in detail. The return form close time was extended to 23 October 2013.

25 October 2013 - Council General Manager signed the Maximum Price Acceptance Declaration and emailed back to LGP.

21 November 2013 - Report to Council tabled at meeting and Council endorses the General Manager's actions to participate in the LGP tender process thus far.

12 December 2013 - LGP issued Letter 4 - Recommendation for Acceptance of bids (Confidential Document). This Confidential letter included a summary analysis and the tender evaluation report.

17 January 2014 - LGP issued formal contract documents as issued by AGL/Powerdirect. The notice advised that Council is required to respond by 31 January 2014. The offer provides a set discount of 16% off the regulated retail tariffs (consumption component only). The daily service charge is detailed in the RESA and is not subject to the 16% discount.

28 January 2014 - Council Electricity Procurement Officer sought an extension to the offer to allow Council to review the offer at the next Council meeting of 20 February 2014.

4 February 2014 - LGP advised the Council Electricity Procurement Officer that Council has already committed to the RESA as per acceptance of LGP letter 2 (Benchmark Acceptance) therefore the General Manager or delegated officer can sign without the need for further approval by Council.

5 February 2014 - The Tweed Shire Council General Manager signed the RESA document and forwarded to LGP.

### **Tender Evaluation**

The tender evaluation was completed by Local Government Procurement and officially presented to Council staff on 12 December 2013. A copy of the Tender Evaluation Report is included in **ATTACHMENT 7** which is **CONFIDENTIAL** in accordance with Section 10A(2)(c) or 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-

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

### **Tender Recommendation**

Based on the Tender Evaluation Report, it is recommended that Council:

1. In accordance with Section 55(3) of the Local Government Act 1993 and Clause 163(1A) of the Local Government (General) Regulation 2005 notes participation in the Local Government Procurement tender process for Small Site Electricity (for contracts in place prior to 1 July 2014).
2. Accepts the recommendation provided by Local Government Procurement and enter a Retail Electricity Supply Agreement (RESA) with Powerdirect Pty Ltd
3. Endorses the General Manager's execution of the Retail Electricity Supply Agreement (RESA) with Powerdirect Pty Ltd. The agreement will commence 1 July 2014 and conclude on 31 December 2016.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Procurement Version 1.6.

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

All Divisions of Council will be affected by Contract EC2013-217.

The existing contract EC2011-005 incurs a monthly expense of just over \$100,000.00 incl GST. The cost is spread across all divisions of Council with the Water Unit and Recreation Services being the largest consumers.

The rate for electricity consumption under Contract EC2011-005 is currently 32.04c/kWh. It is anticipated that the rate for electricity under Contract EC2013-217 would be 30.24c/kWh assuming no increase in Regulated Retail Tariffs (RESA Clause 5 and Terms and Conditions Clause 12 set out the rules for tariff adjustments).

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

- (Confidential)* Attachment 1. EC2013-217 - LGP Letter 1 (Invitation to Participate) (15 August 2013) (ECM 3284241).
  - (Confidential)* Attachment 2. EC2013-217 - Council response to LGP Letter 1 (4 October 2013) (ECM 3284256).
  - (Confidential)* Attachment 3. EC2013-217 - LGP Letter 2 (Benchmark Acceptance) (10 October 2013) (ECM 3284277).
  - (Confidential)* Attachment 4. EC2013-217 - LGP Letter 3 (MDP Supplementary Advice) (17 October 2013) (ECM 3284281).
  - (Confidential)* Attachment 5. EC2013-217 - Council response to LGP Letter 2 (25 October 2013) (ECM 3284288).
  - Attachment 6. EC2013-217 3284288 Minute from Council meeting held 21 November 2013 (ECM 3284235).
  - (Confidential)* Attachment 7. EC2013-217 - LGP Letter 4 (Tender Recommendation) (12 December 2013) (ECM 3284308).
  - (Confidential)* Attachment 8. EC2013-217 - Powerdirect Multisite Agreement offer to Tweed Shire Council (17 January 2014) (ECM 3284316).
  - (Confidential)* Attachment 9. EC2013-217 - Signed and dated Multisite Agreement (as amended by Tweed Shire Council) (5 February 2014) (ECM 3284350).
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**29 [EO-CM] Update of Development Control Plan A2 - Site Access and Parking Code**

**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
2.4.3	Ensure local streets, footpaths and cycleways are provided, interconnected and maintained

**SUMMARY OF REPORT:**

The current version of Development Control Plan Section A2 - Site Access and Parking Code was adopted on 12 April 2007. The imminent Tweed Standard Instrument Local Environment Plan involves a change in standard land use terms and definitions. Once the new LEP is adopted the land uses in DCP Section A2 will no longer match.

A recent review has identified various issues and opportunities related to the existing Section A2. An update of this section of the Development Control Plan is needed to address these.

An update of the existing Development Control Plan Section A2 - Site Access and Parking Code is proposed which aims to:

1. Bring the document into line with the Standard Instrument LEP
2. Where reasonable, reduce the parking provision burden on development
3. Restructure the Section to match contemporary DCP format
4. Further support alternatives to private motor vehicle transport
5. Rectify various minor issues

The proposed revision of Development Control Plan Section A2 - Site Access and Parking Code brings the document into line with other Council plans, reduces parking provision barriers to development where justified and addresses various minor issues identified by Council officers. This report concludes that the proposed revised DCP Section is suitable for public exhibition.

The revised Section A2 is not to be adopted until the new Standard Instrument LEP is gazetted. Advice from Council's Planning and Regulation division indicates that the LEP is imminent and it is hoped that, post exhibition of the revised Section A2, the adoption of these two plans will coincide.

**RECOMMENDATION:**

**That:**

- 1. The public exhibition of draft Tweed Development Control Plan, Section A2 – Site Access and Parking Code, be undertaken for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979.**
- 2. At the conclusion of the public exhibition period a further report be submitted to Council.**

## **REPORT:**

### **Background**

The current version of Development Control Plan Section A2 - Site Access and Parking Code (hereafter referred to as 'Section A2') was adopted on 12 April 2007. The upcoming Tweed Standard Instrument Local Environment Plan involves a change in standard land use terms and definitions. Once the new LEP is adopted the land uses in Section A2 will no longer match the Tweed LEP.

The current Section A2 is structured in a format that does not match Council's more recently developed DCP Sections.

Since adoption, multiple Council Units have identified various minor issues relating to specific aspects of the current Section A2.

### **Issues**

The issues identified with the current Section A2 include:

1. The land uses specified in Table 4.9 (now Table 2) will not match the new LEP.
2. A complicated text component makes the document difficult to read and understand.
3. The current format does not match contemporary DCP structure.
4. No flexibility is available for parking in Rural Villages where demand is reduced.
5. Ecologically sustainable development reductions are automatically awarded and therefore ineffective.
6. Certain parking rates are too conservative and not consistent with industry practice.
7. Certain bicycle parking rates are too conservative.
8. No class of bicycle storage is specified.
9. Document is silent on end-of-trip facilities for active transport.
10. The storage facility rate is not appropriate for multi storey 'park and trolley' type facilities.
11. There are some discrepancies between certain similar land use parking rates.
12. Confusion regarding existing use credits and how/where they are to be applied.
13. The inclusion of DA submission requirements is no longer needed due to the introduction of the Development Application Preparation Guide.
14. Locality specific customer parking concession area maps are of poor legibility.

### **Actions**

The following actions have been incorporated into the revised Section A2 to address the abovementioned issues:

1. The land uses specified in Table 4.9 (now Table 2) will not match the new LEP.

The land uses in table 4.9 (now table 2), which specifies the numerical requirements for access and parking measures, will be incompatible once the new Tweed Standard Instrument LEP is gazetted.

The land uses in table 2 (formerly table 4.9) have been converted to the new LEP land use terms and definitions. Parent groups have been kept to the LEP format as much as possible, however, some changes were necessary to ensure the revised Section A2 remains succinct and legible.

Where a new LEP land use did not have an equivalent in the previous Section A2, rates have been set based on appropriate comparable reference documents of state policies and neighbouring local government policies. Some land uses from the existing Section A2 that did not have an equivalent in the new LEP have been left in to avoid losing any capacity from the document. However, it is specified that the use of these rates will be at Council's discretion to ensure that they are only applied where appropriate.

**Action 1: The land uses in table 2 (formerly table 4.9) have been converted to the new Standard Instrument LEP land use terms and definitions.**

2. A complicated text component makes the document difficult to read and understand.

The Planning Reforms Section has assisted in reviewing the text component of the Section. The text component of the Section has been simplified to improve the readability of the document. Unnecessary portions and repeated clauses have been deleted.

**Action 2: The text component of Section A2 has been simplified to increase the readability of the document.**

3. The current format does not match contemporary DCP structure.

Action 2 also involved a restructure of the document to bring it into line with the contemporary DCP format.

**Action 3: The text component of Section A2 has been restructured to match contemporary DCP format.**

4. No flexibility is available for parking in Rural Villages where demand is reduced.

Reportedly, customer parking requirements have been unnecessarily prohibitive to development in rural villages where ample on street car parking exists. To rectify this, the rural villages of Uki, Burringbar, Mooball, Tyalgum, Chillingham, Stokers Siding and Kunghur have been included in the areas entitled to locality specific customer parking concessions (see section A2.2.3 and Table 1). A 50% reduction in the required customer parking provision was deemed appropriate.

The village of Tumbulgum has been left out of this group due to known existing shortages of on and off street parking.

**Action 4: Commercial or Health related development in the rural villages of Uki, Burringbar, Mooball, Tyalgum, Chillingham, Stokers Siding and Kunghur are now entitled to a 50% reduction in onsite customer car parking requirement.**

5. Ecologically sustainable development reductions are automatically awarded and therefore ineffective.

In the current Section A2, a 20% reduction in parking requirements is awarded when a proposal adopts ecologically sustainable development and reduced car dependence principles. Applicants are required to demonstrate that the aims and objectives of the Section have been met before this reduction is awarded. This involves providing pedestrian, cycling and public transport infrastructure. Reportedly, this reduction is claimed, and awarded, without demonstration of compliance with the aims and objectives of the Section and is therefore ineffective. In keeping with the intent of the ESD provisions, all carparking rates have been reduced by 20% to encourage reduced car dependency.

This simplifies the DA preparation and assessment process. Proposals are still required to comply with the aims and objectives of Section A2 and will therefore still be required to provide pedestrian, cyclist and public transport facilities.

**Action 5: Ecologically sustainable development car parking reductions that have been ineffective have been removed. All car parking rates in table 2 (formerly table 4.9) have been reduced by 20% accordingly.**

6. Certain parking rates are too conservative and not consistent with industry practice.

Rates that have been identified as conservative have been reviewed and compared with rates from state and neighbouring local government's policies. Where a discrepancy was found new rates have been proposed based on what was deemed to be industry best practice. For example, the current Section A2 specifies a rate for Hotels of 1 space per 3.5m<sup>2</sup> of licensed floor area. This was reported to be too conservative and an issue of contention in recent DA's. Recent applications have provided parking surveys to justify that a rate of 1 space per 10m<sup>2</sup> of licensed floor area is adequate. The rate has now been changed to 1 space per 10m<sup>2</sup> which was suggested by the Development Assessment Unit and is in line with Gold Coast City Council policy.

**Action 6: Parking rates that have been identified as conservative have been brought into line with industry best practice.**

7. Certain bicycle parking rates are too conservative.

Bicycle parking rates have been compared with industry rates. Where a discrepancy was found new rates have been proposed based on what was deemed to be industry best practice.

**Action 7: Bicycle parking rates that have been identified as conservative have been brought into line with industry best practice.**

8. No class of bicycle storage is specified.

The current Section A2 table 4.9 (now table 2) specifies the number of bicycle parking spaces required but does not specify the class of parking facility. There are 3 types of bicycle parking facility which are outlined in Table 1.1 of AS2890.3 Bicycle Parking Facilities.

**TABLE 1.1  
CLASSIFICATION OF BICYCLE PARKING FACILITIES**

Class	Security level	Description
1	High	Fully enclosed individual lockers
2	Medium	Locked compounds with communal access using duplicate keys
3	Low	Facilities to which the bicycle frame and wheels can be locked

The acceptable class of bicycle storage has been included with the numerical requirements in Table 2. This will support cycling through provision of better parking facilities.

**Action 8: The acceptable class of bicycle storage is now specified in Table 2**

9. Document is silent on end-of-trip facilities for active transport.

The current Section A2 does not mention provision of end of trip walking and cycling facilities such as change rooms, showers, lockers etc. Absence of these facilities is a major barrier to the adoption of active transport.

**Action 9: The revised Section A2 specifies that any development requiring 5 or more employee bicycle parking spaces must provide appropriate consideration and provision of change rooms, showers and lockers.**

This will ensure that larger developments will need to provide end-of-trip facilities on a case specific merits basis.

10. Storage facility rates are not appropriate for 'park and trolley' type facilities.

The current Section A2 specifies parking rates for 'Ranch' style storage facilities where all units are at ground level and have direct vehicle access.

I16	Mini storage units				as above		0.5/staff, min 2	Parking to be provided adjacent to each unit, aisle widths to be sufficient to accommodate parking plus through traffic
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This rate is not appropriate for storage facilities where not all units have direct vehicle access or may not be at ground level. These facilities may be described as 'Park and Trolley' type storage facilities.

Credible evidence is available from the Self Storage Industry body (Parking Study by Aurecon, July 2009) to justify the need for a separate land use specification and rate for Multi Storey 'Park and Trolley' type storage facilities.

D14	Storage Units - Multi storey or without direct vehicle access to each unit	Where parking is in a central location and units are accessed on foot		2(3)	HRV		2	1/750m2 GLFA (max 10)
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**Action 10: An additional land use and rate has been included to cater for multi storey or 'Park and Trolley' type storage facilities.**

11. There are some discrepancies between certain similar land use parking rates.

Some confusion was reported by the Development Assessment Unit regarding the use of various similar land uses/rates. For example: General Store/Convenience Store/Shop and what rate to apply to Take Away Food Premises: Shop or Restaurant? These issues, for the most part, have been solved by the conversion to new Standard Instrument LEP land use terms. Where confusion may still exist, notes have been introduced to Table 2 or the LEP dictionary definitions have been referred to.

**Action 11: Most similar land use discrepancies have been resolved by Action 1. Remaining potential points of confusion have been clarified using explanatory notes in table 2 or references to the Standard Instrument LEP Dictionary.**

12. Confusion regarding existing use credits and how/where they are to be applied.

Some confusion was reported by the Development Assessment Unit on how and where to apply existing use credits (see existing section A2.4.1). Existing use credits are now referred to as 'site credits' and a revised description of existing use credits has been included to clarify where and how site credits are applied (see proposed Section A2.2.2).

To ease the parking provision burden, development in CBD areas will now have the option to base their site credits on either the existing approval or the current Section A2 parking generation rates.

**Action 12: A revised description of site credits (formerly 'existing use credits') has been included to clarify how and where site credits are applied.**

13. The inclusion of DA submission requirements is no longer needed due to the introduction of the DA guide.

The Planning and Regulation Division has released the Development Application Preparation Guide. This document specifies all the necessary information/documentation required to be submitted with a DA, including access and parking. Therefore, this information is no longer required to be specified in Section A2 (see existing Section A2.2.2). These requirements have been removed from the Section and reference to the Development Application Preparation Guide made. Appropriate updates will be made to the Development Application Preparation Guide to ensure no requirements are lost.

**Action 13: DA submission requirements have been replaced by reference to the Development Application Preparation Guide.**

14. Locality specific customer parking concession area maps are of poor legibility.

The current maps that specify where locality specific parking concessions apply (see Maps 1, 2 and 3 of existing Section A2) are not ideal and are not to the standard of more recent DCP figures. These maps have been updated to higher standard, colour maps. Map 1, Tweed Heads, has also had additional information added to clarify where DCP B2 Tweed Heads City Centre takes precedence over Section A2.

**Action 14: Maps 1, 2 and 3 have been replaced with higher standard, colour maps.**

**OPTIONS:**

1. Endorse the public exhibition of the draft DCP Section; or
2. Endorse the public exhibition of the draft DCP Section with further amendments; or
3. Defer public exhibition for a Councillor workshop.

Council officers recommend Option 1.

**CONCLUSION:**

The proposed revision of Development Control Plan Section A2 - Site Access and Parking Code:

1. Brings the document into line with the new LEP
2. Reduces the parking provision burden on development where appropriate
3. Restructures the DCP to match contemporary DCP format
4. Further supports alternatives to private motor vehicle transport
5. Rectifies various minor issues

The draft DCP is suitable for public exhibition.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

The draft DCP is being prepared in accordance with all required statutory requirements under the *Environmental Planning and Assessment Act 1979*.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1: Draft Tweed Development Control Plan - Section A2 - Site Access and Parking Code. Version 2. (ECM 3280529).

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**30      WITHDRAWN**

**THIS ITEM WAS WITHDRAWN  
AND WILL BE SUBMITTED FOR CONSIDERATION  
AT A FUTURE COUNCIL MEETING**

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AT A FUTURE COUNCIL MEETING**

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31 [EO-CM] Sealing of Gravel Roads

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

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### SUMMARY OF REPORT:

At its meeting on Thursday 17 October 2013, Council resolved that it would:

- "1. Prioritise each of the gravel roads in the Shire that are in need of sealing in the future.*
- 2. Seals the dangerous gravel road at Round Mountain and any gravel roads travelled by school buses as a matter of priority."*

This report responds to that resolution and provides information regarding:

- The capital and on-going cost of road upgrading.
- The essential cyclical road treatments required to preserve and renew the structure of the road to minimise future costs.
- The assessment of relative priority of road projects and programs competing for funding allocations.
- An assessment of the merits of sealing of the 1.4km gravel section of Round Mountain Road.
- A critical review of the 2005 – 2012 Sealing School Bus Routes Program.
- A recommended multi-criteria analysis for the assessment of priority for upgrading gravel roads.

**RECOMMENDATION:**

**That:**

- 1. The remaining 1.4km of gravel pavement of Round Mountain Road be included in the Infrastructure Program, commencing with alignment and concept design; and initiation of environmental assessment and property acquisition negotiations in 2014/2015 leading to the upgrading and sealing.**
- 2. The priority for upgrading gravel roads be assessed by a multi-criteria analysis, including:**
  - Traffic count – only consider roads with a traffic count greater than 100 vehicles per day, and give higher priority to higher traffic.**
  - Network hierarchy – give higher priority for higher functional class. Give higher priority to network linkages that provide connectivity around the Tweed Valley, and lower priority to no-through roads.**
  - Road alignment and width– give higher priority to roads where the alignment or width is below standard and/or inappropriate for the road function.**
  - Road safety – give higher priority to roads with a poor accident history.**
  - Transport task – give higher priority to roads that provide for the movement of traffic in support of the economy, or that are bus routes.**
- 3. Prioritised recommendations for sealing of gravel roads be included in the Infrastructure Program when it is reported to Council as part of its budget deliberations.**

**REPORT:**

**The Cost of Road Upgrading**

The Local Road network in Tweed Shire is comprised of:

	<b>Length (km)</b>
Sealed Roads	928
Unsealed Roads	159
Total	1,087

On average, the cost to maintain each type of road in perpetuity is:

	<b>\$/km/Year</b>
Sealed Roads	\$16,800
Unsealed Roads	\$7,600

The above table shows that in addition to the capital cost of construction and sealing, every additional kilometre of sealed road adds to the maintenance account as well. And, based on the 1,600 customer requests for road maintenance that are received per year, the community is indicating that the current level of maintenance is barely adequate. Accordingly, Council needs to be very careful in allocating its scarce resources to upgrading projects to ensure the maximum benefits for the additional costs incurred.

**Essential Cyclical Road Treatments and Road Upgrading Options**

Essential cyclical road treatments are those required to preserve and renew the structure of the road and include:

<b>Treatment</b>	<b>Description</b>	<b>Benefits</b>
Gravel resheeting	Add gravel to unsealed roads to replace losses.	Restore all-weather surface and improved safety.
Resealing	Reseal existing sprayed seal surfaces.	Maintains waterproof seal and prevents potholes and cracking. Restores tyre traction.
Asphalt rejuvenation	Apply rejuvenation oil to existing asphalt surfaces.	Maintains waterproof seal, prevents cracking, and extends life of the asphalt.
Asphalt resheeting	Apply new asphalt surface to existing asphalt surfaces.	Maintains waterproof seal and prevents delamination and ravelling. Improved road user and resident amenity.
Rehabilitation	Strengthen or renew pavement at the end of its usable life.	Reduced maintenance costs. Improved road user and resident amenity. Reduced vehicle operating costs.

It is important to note that neglect of cyclical treatments will result in premature deterioration of the road surface and pavement, resulting in increased future costs to rectify this accelerated deterioration. (Refer to "Asset Management Lifecycles" below.)

Possible road upgrades and the relevant benefits can be categorised as:

<b>Upgrade Type</b>	<b>Examples</b>	<b>Benefits</b>
Traffic capacity	Adding extra lanes.	Relieve traffic congestion. Reduce travel times/cost.
Structural capacity	Strengthening the pavement.	Reduced maintenance costs. Carry more or heavier loads.
Realignment	Improve the horizontal or vertical alignment.	Improved safety.
Seal unsealed road	Construct and seal unsealed road.	Improved road user and resident amenity. Reduced vehicle operating costs.

Some projects can include elements of both upgrading and cyclical treatments. For example, the 2011/2012 Kennedy Drive project provided traffic capacity and structural capacity improvements as well as rehabilitation of the existing failed pavement.

### **Assessing the Relative Priority of Competing Cyclical Treatment and Upgrading Projects**

Council's Road Asset Management System provides the tool to assess the relative priority of candidate road segments for cyclical treatments. To do this, the Road Asset Management System compares the benefits and costs of every relevant treatment applied to every distressed road segment to arrive at an optimised program of road segments treatment that maximises the benefits for the available budget.

With regard to upgrading projects, while it can be a relatively simple exercise to compare the relative priority of like projects (for example, adding extra lanes to Leisure Drive would have higher priority than adding extra lanes to Cane Road) it is much more difficult to assess the relative priority of competing projects from different categories (for example, compare adding lanes to Leisure Drive with sealing Round Mountain Road).

The systematic assessment of relative priority becomes extremely difficult when all possible projects, including both cyclical and upgrading projects, are included for consideration. However, there are a number of factors that can assist in this process:

- Setting threshold limits before projects are considered.
- Setting priority assessment criteria.
- Asset management lifecycles.
- Consideration of the historical allocation of resources between competing project categories, and the impact of these allocations on road network condition.

### **Setting Threshold Limits**

Council's resolution states, to "Prioritise each of the gravel roads in the Shire that are in need of sealing in the future". It is recommended that gravel roads only be considered for sealing when their traffic count exceeds 100 vehicles per day. Based on the average traffic generation per dwelling of about 8-10 movements per day, this means that such roads would service 10-12 occupied properties.

## Setting Priority Assessment Criteria

Setting criteria can assist in the assessment of priority – primarily within treatments. Some recommended criteria are:

- Traffic count.
- Network hierarchy – give higher priority for higher functional class. For example, when considering sealing gravel roads, give higher priority to network linkages that provide connectivity around the Tweed Valley, and lower priority to no-through roads.
- Road alignment and width– give higher priority to roads where the alignment or width is below standard and/or inappropriate for the road function.
- Road safety – give higher priority to roads with a poor accident history.
- Transport task – give higher priority to roads that provide for the movement of traffic in support of the economy, or that are bus routes.

## Asset Management Lifecycles

Exposure to air and sunlight causes deterioration of bituminous products. In the case of a bitumen seal, this deterioration results in the seal becoming brittle which leads to cracking. These cracks allow the ingress of moisture and when combined with traffic result in the formation of potholes. This deterioration generally takes about ten years, therefore it is essential to reseal roads every ten years.

Similar processes are involved in the deterioration of asphalt, with the accepted lifecycle of asphalt surfacing being fifteen years. Physical signs of this deterioration are ravelling of the surface (the appearance of rough surface texture as aggregate is lost from the surface), cracking and de-lamination. This deterioration can be postponed by asphalt rejuvenation every eight years (this is the spraying of a bituminous oil to maintain the flexibility of the asphalt). Nevertheless, resurfacing with asphalt will eventually be required.

The cost of repair of premature failure due to neglect of cyclical treatments is between six to ten times the cost of the treatments. Therefore it is poor management and a waste of the community's funds to delete or defer these essential cyclical treatments.

## Historical Allocation of Resources

During the past eight years the allocation of funds has been skewed towards three major projects: Kyogle Road, Piggabeen Road and Kennedy Drive. Expenditure on these projects during the period 2005 – 2012 averaged 42% of the total road budget for cyclical treatments, rehabilitation and upgrading. This significant draw on resources has been offset by a reduction in other road treatment categories, in particular on rehabilitation of failed pavements. This has impacted on the overall condition of the road network, and many roads that were due for renewal had to be deferred, resulting in a high level of complaints.

The Sealing School Bus Routes Program was initially funded by a special rate rise from 2004/2005 to 2010/2011. However the Program was over-promised and that source of funding had to be supplemented from other programs to meet community expectations. The Program delivered 24.86km of sealed road for a total expenditure of \$4,041,426 (see Attachment 1 for details). On average, this is 7% of the annual budget allocated to upgrading a category of roads that provide for less than 4% of the daily travel task.

## Round Mountain Road

Considering Round Mountain Road against the above criteria and discussion, it shows that it does qualify on most grounds:

- It is a through road providing linkage around the Shire.
- It carries approximately 200 vehicles per day.
- Its alignment and width is sub-standard for its function.
- At last survey it was not a bus route.

Accordingly, the upgrading and sealing of the remaining 1.4km of gravel pavement of Round Mountain Road is a worthy candidate for inclusion on the Infrastructure Program.

It must be noted that this section of Round Mountain Road is located in steep country. Because of the nature of the terrain, significant property acquisition will be required, and may lead to delays while negotiations with property owners are completed. The cost of the acquisitions may also be significant.

Similarly, the road is lined with mature trees and the road upgrading will not be without environmental cost. The assessment of this impact and approval process will also contribute to a significant lead time and cost.

Therefore the project does carry a number of significant risks: financial, time, environmental and social. Dealing with these risks in a careful and considered manner will take time, and a realistic timetable might be:

2014/15	Alignment and concept design; commence environmental assessment and property negotiations.
2015/16	Property acquisition and environmental approval.
2016 – 2018	Construction in stages.

## School Bus Routes

As noted above, the previous Sealing School Bus Routes Program ran from 2005 to 2012 and was funded primarily by the 2004/05 Special Rate Rise. It delivered 24.86km of sealed road. The Program ended when the Rate Rise lapsed.

In the final years of the Program the candidate roads were from the lower end of the priority scale, and it became apparent that the Program was not delivering value to the community when compared with alternative road programs and projects. The reasons for this are the ephemeral nature of school bus routes, and the greater community benefit from alternate programs and projects.

School bus routes change over time. Travel on a non-through road by a school bus requires that there are school age children living on the road. Of course, over time the demographics change, the children grow up, families move, and the need for a school bus may cease. If being a school bus route was the only criteria for sealing of the road, and that need no longer exists, then the project no longer has relevance.



Some of the final projects completed under the Program did not compare well with alternate road projects and programs. It is difficult to conclude that the community benefit from sealing a no-through road that carries 60 vehicles per day is greater than that derived from the upgrading of Kennedy Drive (20,000vpd) or the rehabilitation of Dry Dock Road (9,000vpd).

Therefore it is strongly recommended that the priority for upgrading gravel roads be assessed by a multi-criteria analysis, including being a bus route. As discussed above the recommended criteria are:

- Traffic count – only consider roads with a traffic count greater than 100 vehicles per day, and give higher priority to higher traffic.
- Network hierarchy – give higher priority for higher functional class. Give higher priority to network linkages that provide connectivity around the Tweed Valley, and lower priority to no-through roads.
- Road alignment and width– give higher priority to roads where the alignment or width is below standard and/or inappropriate for the road function.
- Road safety – give higher priority to roads with a poor accident history.
- Transport task – give higher priority to roads that provide for the movement of traffic in support of the economy, or that are bus routes.

### **Future Program for Sealing Gravel Roads**

Subject to Council's resolution after consideration of this report, prioritised recommendations for sealing of gravel roads will be included in the Infrastructure Program when it is reported to Council as part of its budget deliberations.

### **OPTIONS:**

Nil.

### **CONCLUSION:**

- Sealed roads cost more to maintain than unsealed roads, and along with the once only capital cost of the upgrade, provision needs to be made for on-going annual maintenance costs.
- Neglect of essential cyclical treatments will cause premature deterioration of the road surface and pavement, resulting in increased future costs to rectify this accelerated deterioration. It is important to maintain funding for these cyclical treatment programs.
- The systematic assessment of relative priority becomes extremely difficult when all possible projects, including both cyclical and upgrading projects, are included for consideration.
- The upgrading and sealing of the remaining 1.4km of gravel pavement of Round Mountain Road is a worthy candidate for inclusion on the Infrastructure Program. However it does carry significant financial, environmental and social risks that will take time to address properly.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Asset Management Policy.

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

Refer for consideration along with other priorities for inclusion in the 2014/2015 Infrastructure Program.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Sealing School Bus Routes Program 2004 - 2010  
(ECM 3282171).

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**32 [EO-CM] Naming of Avenue of Pines, Terranora the "Terranora Memorial Avenue of Pines"**

**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:

Council has received a request from the Friends of Terranora to name the avenue of pines located adjacent to Nassau Avenue within the Azure Estate the "Terranora Memorial Avenue of Pines".

Friends of Terranora (The Friends) were instrumental through lobbying at the time the Azure sub division was created to have this avenue transferred into public ownership in recognition of both the significant landscape value of the trees and the historic reference. The Friends have long proposed that these trees become a memorial avenue to honour those from Terranora that served their country.

### RECOMMENDATION:

**That Council calls for comment regarding the naming of the avenue of pines located adjacent to Nassau Avenue within the Azure Estate the "Terranora Memorial Avenue of Pines" in accordance with Council's Policy for the Naming of Public Parks.**

## REPORT:

Council has received a request from the Friends of Terranora to name the avenue of pines located adjacent to Nassau Avenue within the Azure Estate the "Terranora Memorial Avenue of Pines".

Friends of Terranora (The Friends) were instrumental through lobbying at the time the Azure sub division was created to have this avenue transferred into public ownership in recognition of both the significant landscape value of the trees and the historic reference. The Friends have long proposed that these trees become a memorial avenue to honour those from Terranora that served their country.

A recent proposal to name this walkway after an individual highlighted the fact that The Friends had never approached Council to formally name the avenue and are seeking to remedy this situation. Refer to email below.

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**From:** [lburgis](#)  
**To:** [Corporate Email](#)  
**Subject:** Email from J Burgis, Friends of Terranora - Naming Terranora Memoiral Avenue of Pines Nassau Close - submission  
**Date:** Monday, 23 December 2013 9:34:59 AM

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To: General Manager TSC

From: Greg Burgis Friends of Terranora

Re: Naming Terranora Memorial Avenue of Pines Nassau Cl. Terranora

Dear Sir,

It is now some time since a discussion between your Stewart Brawley and myself on the above matter. I apologise for the delay in putting the community case in writing as promised.

We strongly object to the Terranora Memorial Avenue of Pines being named after an individual as has been requested. The reasons are:

1. Friends of Terranora lobbied and won the battle to have the Avenue, a former farm driveway on what is now Azure Estate, preserved as a public park. The trees are iconic in the Terranora landscape and required protection. This was a significant issue in our community during the exhibition period for Azure Subdivision.
2. We argued that the trees should be permitted to carry plaques with the names of armed services persons whose names are on the Roll of Honour located in Terranora Memorial Hall at Terranora School. We have written permission from Council in this regard.
3. Friends of Terranora have some funds for this purpose. We propose to commence the work during 2014 and will seek a Government grant for any shortfall to complete the work.
4. We will seek assistance from Twin Towns Services Club regarding protocol in ways to verify any additional names of Terranora Residents worthy of inclusion.
5. Over several years, we have made verbal and written submissions to Council at budget time to have the Memorial Avenue included as part of a footpath/walking track from the Terranora Village to Banora Point.

It is totally inappropriate to rename the Avenue which has had an informal name now since the Azure Estate was made.

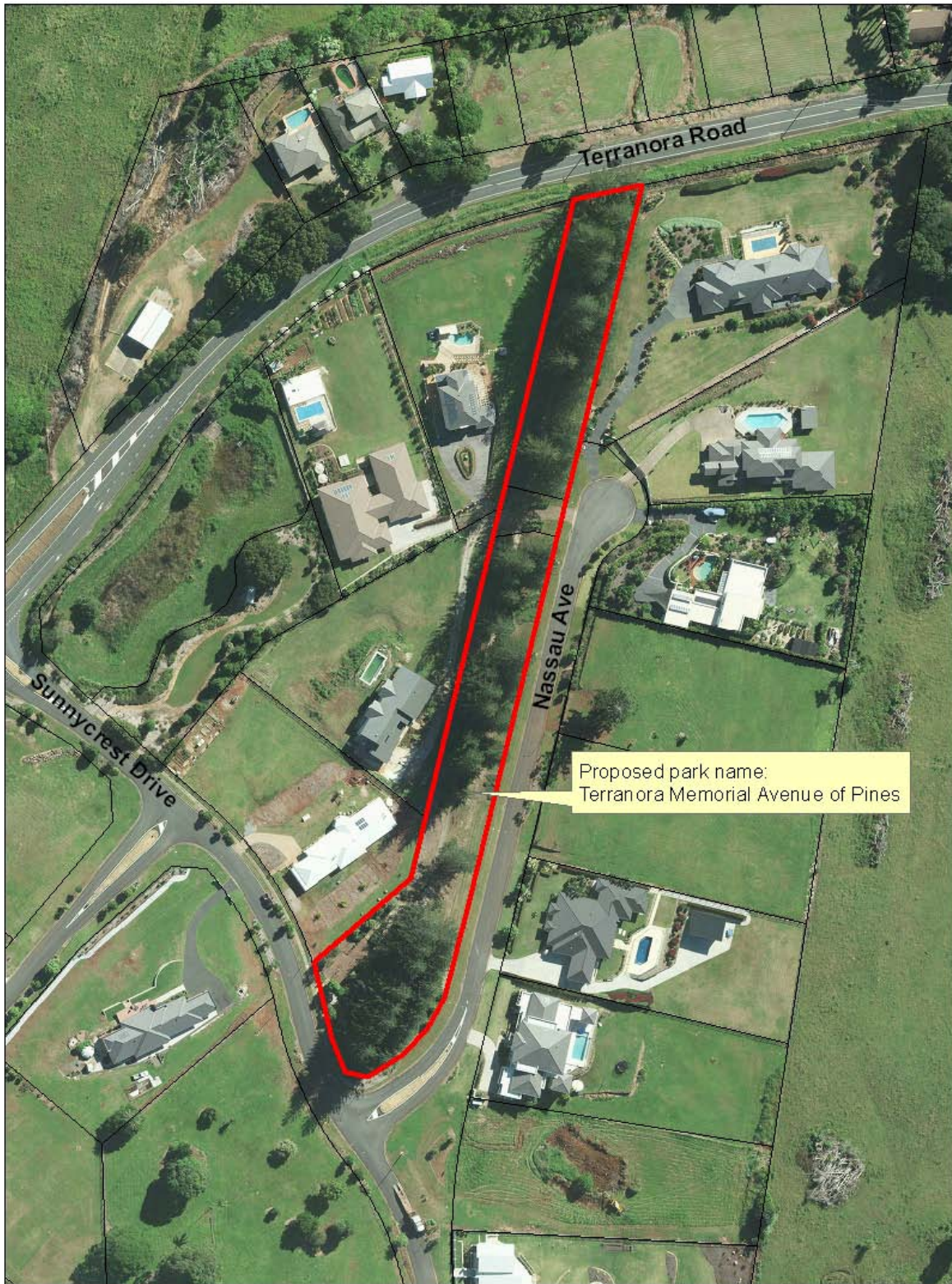
We submit the Avenue be formally named by Council "Terranora Memorial Avenue of Pines" as a matter of priority.

Council's Naming of Public Parks Policy Selection Criteria states:

- (a) Council will not consider the names of living persons in accordance with the guidelines of the Geographical Names Board;
- (b) No duplication of names within the Tweed Shire local government area;
- (c) The person after whom the naming is sought should have made a significant and long term contribution to the Tweed Shire community;
- (d) The person after whom the naming is sought must be widely known and respected within the community;
- (e) The person after whom the naming is sought must have a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting or cultural development of the community;
- (f) The person after whom the naming is sought must have been a resident of the Tweed Shire;
- (g) Names of Aboriginal origin associated with the locality or associated with the historical background of the locality will be highly regarded, but must be accompanied by written approval of the name from the Local Aboriginal Land Council existing in the locality of public reserve to be named;
- (h) Prior ownership of the land is not sufficient reason to apply the owner's name, personal or corporate, to the public park;
- (i) The proposed descriptive name refers to flora, fauna or other descriptive elements refers to local indigenous species and relates directly to the Tweed Shire area.

If the application meets the criteria listed above and Council resolves to support the proposal, the proposal is to be advertised in the Tweed Link or any other local newspaper inviting submissions from the public for a twenty eight (28) day submission period. Any submissions received will be considered in a further report to Council with a recommendation for approval or otherwise.

The nomination meets the selection criteria and accordingly it is recommended Council call for comment regarding the proposed naming for 28 days as per the guidelines.



0 50 100 Meters

Proposed Park Name:  
Terranora Memorial Avenue of Pines  
Nassau Ave, Terranora

January 2014

**OPTIONS:**

1. That Council calls for comment regarding the naming of the avenue of pines located adjacent to Nassau Avenue within the Azure Estate the "Terranora Memorial Avenue of Pines" in accordance with Council's Policy for the Naming of Public Parks; or
2. Council declines the request and notifies the nominator of the decision.

**CONCLUSION:**

The submission meets the selection criteria in Council's Policy for Naming of Public Parks and accordingly it is recommended that the proposal be advertised in accordance with the policy.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**33 [EO-CM] Acquisition of Land for Sewer Pump Station - Cox Drive Tweed Heads South**

**SUBMITTED BY: Design**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

A Council Sewer Pump Station has been constructed on Lot 1 in DP516010 at Cox Drive, Tweed Heads South. During recent upgrades to the pump station it was noted that the infrastructure encroached onto the adjoining parcel, Lot 2 in DP516010.

To rectify the encroachment Council proposes to acquire, by plan of subdivision for boundary adjustment, a small area of land from Lot 2 in DP516010 and provide monetary compensation to the landowner.

The land owner has agreed to the acquisition of the land and the amount of compensation payable.

Council is, as land owner, required to sign the plan of subdivision under Common Seal to allow registration at Land and Property Information, Sydney.

### **RECOMMENDATION:**

**That:**

- 1. Council approves the acquisition of approximately 7.5m<sup>2</sup> of land from Lot 2 in DP516010 for Sewer Pump Station.**
- 2. Council approves the amount of compensation payable to the landowner as shown in the body of the report.**
- 3. All necessary documentation be executed under the Common Seal of Council.**

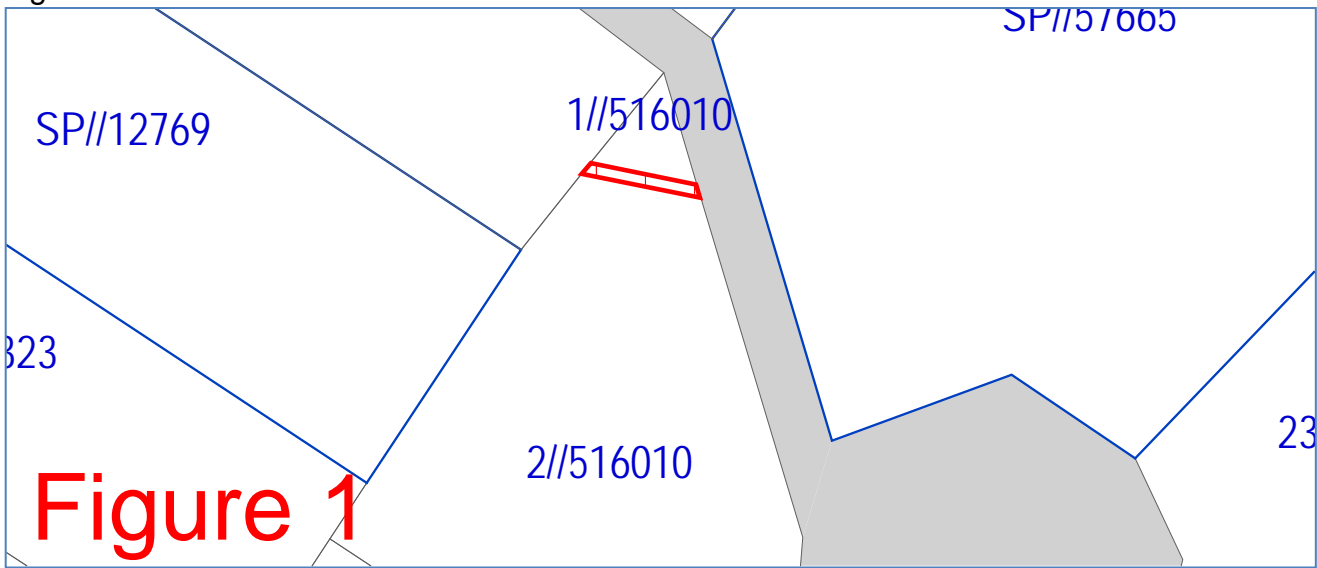
**REPORT:**

A Council sewer pump station has been constructed on Lot 1 in DP516010 at Cox Drive, Tweed Heads South. During recent upgrades to the pump station it was noted that the infrastructure encroached onto the adjoining parcel, Lot 2 in DP516010.

To rectify the encroachment it is proposed to acquire, by plan of subdivision for boundary adjustment, a small area of land from Lot 2 in DP516010 and provide monetary compensation to the landowner.

Figure 1 is showing the area (hatched - not to scale) that encroaches onto Lot 2 in DP516010.

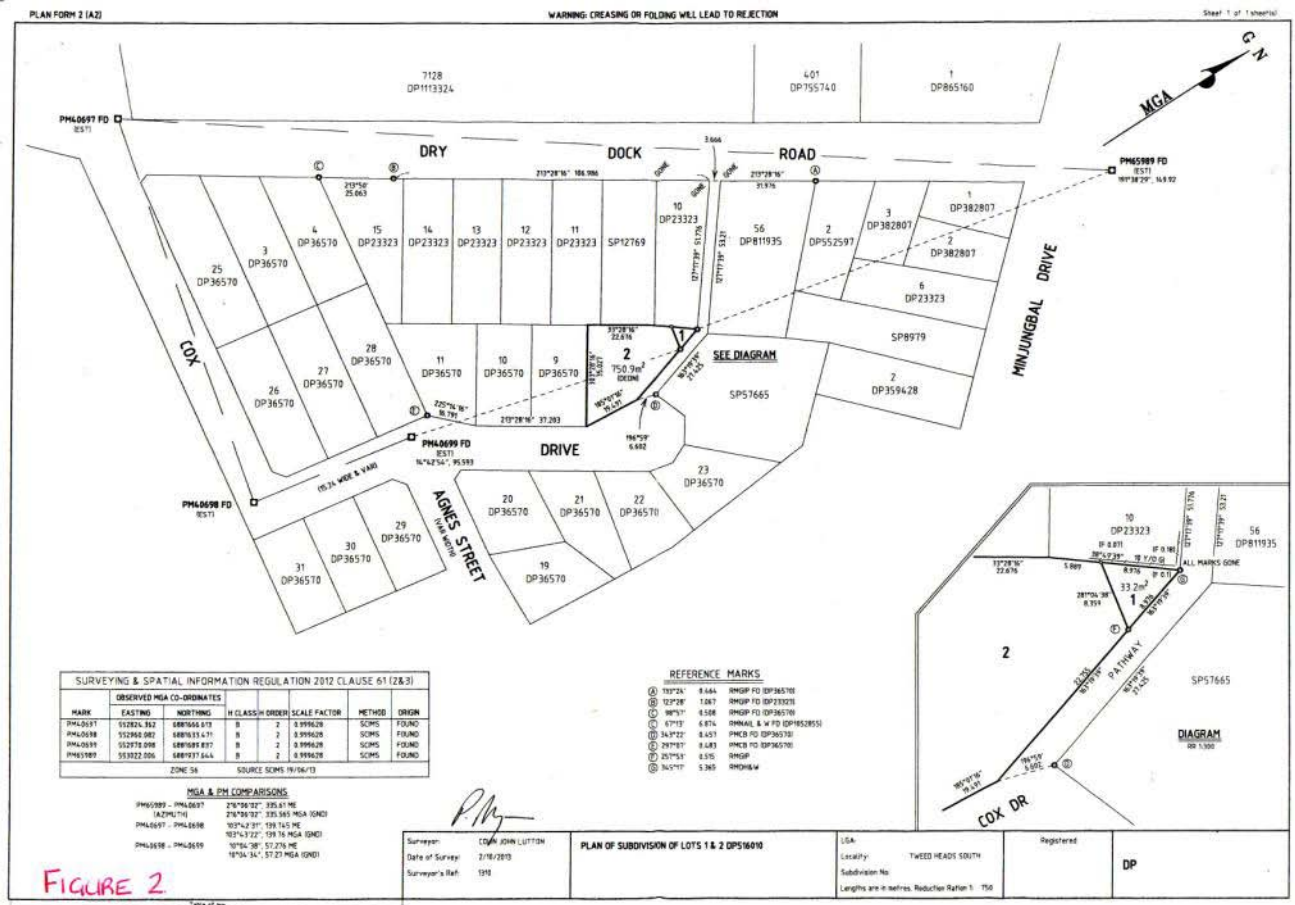
Figure 1:



The land owner has agreed to the acquisition of the land and the amount of \$6,000 being the total compensation payable.

Figure 2 is a copy of the unregistered plan of Subdivision showing the new area of Lot 1 as proposed Lot 1 and the new area of Lot 2 as proposed Lot 2.

Figure 2:



**OPTIONS:**

- Council agrees to the acquisition of 7.5m<sup>2</sup> of land from Lot 2 in DP516010 together with the monetary compensation payable to the land owner, as noted in the body of the report, for the purposes of Sewer Pump Station; or
- Council does not agree to the acquisition of 7.5m<sup>2</sup> of land from Lot 2 in DP516010 or the monetary compensation payable to the land owner, as noted in the body of the report, for the purposes of Sewer Pump Station.

**CONCLUSION:**

To enable this matter to proceed and resolve the sewer pump station encroachment onto privately owned land, Council is, as land owner, required to sign the plan of subdivision under Common Seal to allow registration at Land and Property Information, Sydney. It is further recommended that Council provides its consent to the amount of monetary compensation payable to the land owner for the acquisition of the land.

**COUNCIL IMPLICATIONS:**

- Policy:**  
Corporate Policy Not Applicable.

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

Associated costs covered under allocated budget of the Water Unit.

**c. Legal:**

Council will have legal title to all the land that accommodates the pump station.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**34 [EO-CM] Road Closure - Piggabeen Road, Tweed Heads West**

**SUBMITTED BY: Design**

**FILE REFERENCE: GR3/12/7**

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:**

An application has been received for the closure and purchase of a section of Piggabeen Road, Tweed Heads West adjacent to Lot 80 in DP 32023 for driveway access purposes.

Due to the physical constraints of Lot 80 the only option for gaining access to the block is to construct a driveway and concrete slab carport within an area of the road reserve.

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

The road closure would not impact in any way on the properties either side of Lot 80, nor would it interfere with the pedestrian access currently available along the front boundary of the property.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near this part of the road reserve that would have a detrimental impact.

This application complies with Council's policy on "Road Closures & Private Purchase" in that there are topographical constraints that argue strongly for a more logical boundary definition for the purposes of private property access. It is on this basis that a recommendation is made for the approval to the closure and purchase of a section of road reserve adjacent to Lot 80 in DP 32023 at Piggabeen Road, Tweed Heads West.

**RECOMMENDATION:**

**That:**

- 1. Council approves the closure of part of the road reserve adjacent to Lot 80 in DP 32023, Piggabeen Road, Tweed Heads West;**
- 2. The applicant bears all the survey and legal costs and purchases the subject land as determined in value by a local registered Valuer;**
- 3. The title of the closed road is consolidated with the adjacent land;**
- 4. Easements be created over public authority reticulation services, if any; and**
- 5. All necessary documentation be executed under the Common Seal of Council.**

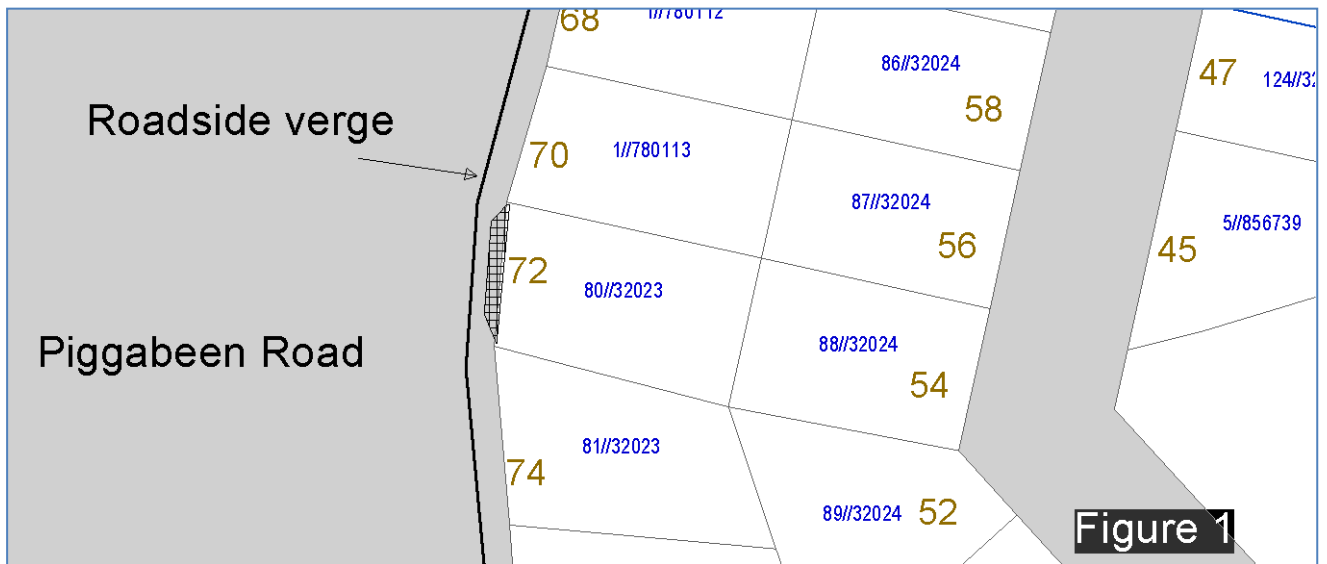
**REPORT:**

An application has been received for the closure and purchase of a section of Piggabeen Road, Tweed Heads West adjacent to Lot 80 in DP 32023 for driveway access purposes.

Due to the physical constraints of Lot 80, being a slope of higher than 18 degrees, the only option for gaining access to the block is to construct a driveway and concrete slab carport within an area of the road reserve.

The applicant is to engage the services of a Registered Surveyor to define the area of road reserve required for this purpose. This area is subject to Council negotiation and approval. To minimise the financial impact on the applicant these services are to be engaged after and pending the outcome of this report.

Figure 1 below shows the approximate area of the proposed road closure:



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

The road closure would not impact in any way on the properties either side of Lot 80, nor would it interfere with the pedestrian access currently available along the front boundary of the property. Council's works Manager and Water and Sewer Engineer further confirm that this proposed road closure will have no impact on any future road or services upgrades within this section of Piggabeen Road.

An inspection of the site has been conducted and it was determined that no Council or other service infrastructure was apparent within or near this part of the road reserve that would have a detrimental impact.

**OPTIONS:**

1. Council approves the closure and purchase of a section of the road reserve adjacent to Lot 80 in DP 32023 at full cost to the applicant; or
2. Council does not approve the closure and purchase of a section of the road reserve adjacent to Lot 80 in DP 32023.

**CONCLUSION:**

This application complies with Council's policy on "Road Closures & Private Purchase" in that there are topographical constraints that argue strongly for a more logical boundary definition for the purposes of private property access. It is on this basis that a recommendation is made for the approval to the closure and purchase of a section of road reserve adjacent to Lot 80 in DP 32023 at Piggabeen Road, Tweed Heads West.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Road Closures and Private Purchase Version 1.3.

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

All costs to be borne by applicant.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---



**35 [EO-CM] Consolidation of Council Land - 33 Tumbulgum Road, Murwillumbah**

**SUBMITTED BY: Design**

Valid



## **Civic Leadership**

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

- 1 Civic Leadership
  - 1.3 Delivering the objectives of this plan
  - 1.3.1 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 Murwillumbah Rowing Club is attending to the consolidation of two parcels, Lots 16 and 17 in DP 9487, to satisfy consent condition 13 of K99/232 for the development of the clubhouse at 33 Tumbulgum Road, Murwillumbah.

The clubhouse is located on Council owned land and to facilitate the registration of the consolidation plan, Council must sign the plan as landowner under Common Seal.

It is recommended that Council resolve to execute the plan documentation under the Common Seal of Council.

### **RECOMMENDATION:**

**That Council:**

- 1. Approves the consolidation of Lots 16 and 17 in DP 9487 to satisfy the requirements of consent condition 13 of K99/232; and**
- 2. Executes all documentation under the Common Seal of Council.**

**REPORT:**

The Murwillumbah Rowing Club ("the Club") is attending to the consolidation of two parcels, to satisfy a consent condition for the development of the clubhouse at 33 Tumbulgum Road, Murwillumbah.

Figure 1 below shows the subject parcels, Lots 16 and 17 DP 9487, hatched on the clubhouse site.

**Figure 1:**



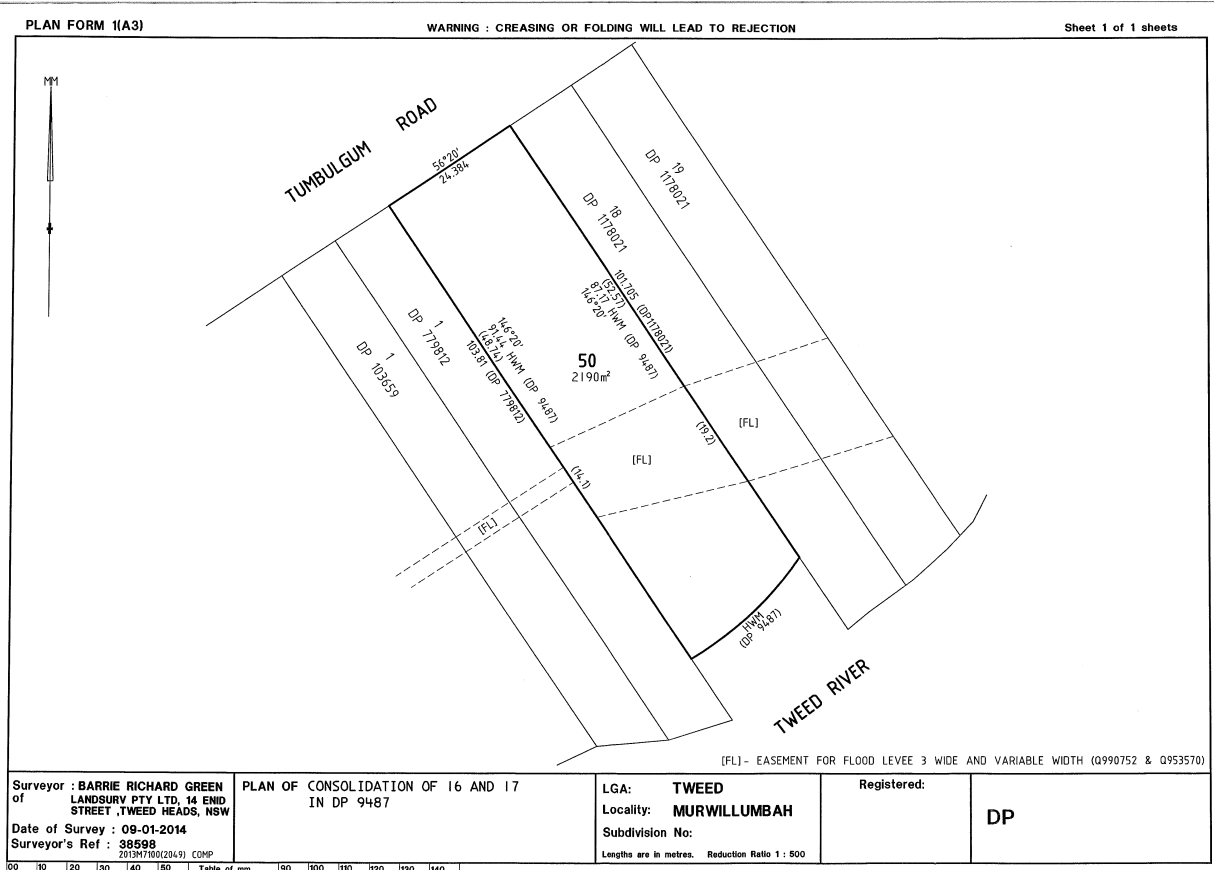
Consent condition 13 of K99/232 (the clubhouse development) states:

*"The lots are to be consolidated into one (1) lot under one (1) title. The plan of consolidation shall be registered with the Land Titles Office prior to use or occupation of the development pursuant to this approval."*

The Club is seeking to obtain the occupation certificate for the clubhouse.

The proposed plan of consolidation has been prepared and is shown below at Figure 2:

**Figure 2:**



The subject parcels are Council owned land, classified as operational, and to facilitate the registration of the consolidation plan, Council must sign the plan as landowner under Common Seal.

It is recommended that Council resolve to execute the plan documentation under the Common Seal of Council.

**OPTIONS:**

1. To approve the consolidation of Lots 16 and 17 in DP 9487 to satisfy the requirements of consent condition 13 of K99/232 and execute the plan under Common Seal; or
2. To not approve the consolidation of Lots 16 and 17 in DP 9487 to satisfy the requirements of consent condition 13 of K99/232.

**CONCLUSION:**

As the plan is required to enable the Club to satisfy a consent condition and to also facilitate the granting of an occupation certificate for the clubhouse, it is recommended that Council approve the plan and resolve to execute it under the Common Seal of Council.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Cost of registration of plan to be borne by Council in the sum of \$2,210.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

### 36 [TCS-CM] Corporate Quarterly Report - 1 October to 31 December 2013

SUBMITTED BY: Corporate Governance

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The Corporate Quarterly Report for the period 1 October to 31 December 2013 is present to Council for consideration.

This report and accompanying attachments detail the progress of the 2013/2014 Operational Plan activities up to 31 December 2013.

### RECOMMENDATION:

**That Council endorses the Corporate Quarterly Report as at 31 December 2013**

## REPORT:

At the Council meeting held Tuesday 20 June 2013 the Operational Plan 2013/2014 was adopted by Council and a reporting structure has been developed which is based upon four themes identified below:



**Civic Leadership** - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



**Supporting Community Life** - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.



**Strengthening the Economy**- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



**Caring for the Environment** - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

Some highlights for the quarter 1 October to 31 December 2013 are as follows:

**P1.3.1.1 Communications and Customer Services Residents Kit/Community Handbook project**

New resident information on Council's corporate website, A new resident's kit includes a welcome letter from the Mayor, electoral enrolment form, contact information for elected members, information about Council's smartphone application, a Tweed Link magnifier, bookmark and sunscreen sachet.

**P1.3.1.3 Human Resources Implementation Work Health and Safety Act 2011 (NSW)**

Complete.

**CP2.3.2.44 Water Mains: Minor Replacement at various locations**

Complete.

**CP2.3.3.45 Sewerage Pumping Stations: SPS 4030 Point Break Circuit Kingscliff - Mechanical and Electrical upgrade.**

Complete.

**CP2.4.3.1 Sealed road resurfacing**

9.6km of sprayed surface reseals and completes a total of 22.4km resealed.

**CP2.4.3.12 Beryl Street Tweed Heads**

Complete.

**CP2.4.3.12 Frances Street Tweed Heads**

Complete.

## OPTIONS:

Not applicable.

**CONCLUSION:**

An undertaking given through the overarching Community Strategic Plan was that the General Manager will report quarterly to Council on the progress in meeting activities and targets of the Operational Plan. This is the first quarterly report on the progress of the 2013/2014 plan and following adoption by Council will be made available via the Integrated Planning and Reporting Framework page on Council's website.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

Being reported in accordance with requirements associated with Integrated Planning and Reporting Framework.

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

Not Applicable.

**c. Legal:**

In line with the impacts of the adopted Operational Plan.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Corporate Quarterly Report - 1 October to 31 December 2013  
(ECM 3284108)

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**37 [TCS-CM] Delivery Program Six Monthly Exception Report - 1 July to 31 December 2013**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

As a requirement of section 404(5) of the Local Government Act 1993 (NSW) and the Integrated Planning and Reporting Framework, council must highlight in a six monthly progress report all principle activities identified in the Delivery Program that are not meeting expected performance targets. The Quarterly Corporate Report, which is reported separately, highlights progress across all activities.

The delivery of key actions in the 2013/2017 Delivery Program are monitored by performance indicators that ensure principle activities are completed within the planned timeframe and allocated budgets. Performance outcomes are reported to Council on a six monthly basis in the form of an exception report.

### **RECOMMENDATION:**

**That Council receives and notes the Delivery Program Exception Report for the six months from 1 July to 31 December 2013.**

## REPORT:

At the Council meeting held Thursday 20 June 2013 the Operational Plan 2013/2014 was adopted and a reporting structure developed which is based upon four themes identified below:



**Civic Leadership** - Aim: To set the overall direction and long-term goals for the Tweed in accordance with community aspirations.



**Supporting Community Life** - Aim: To create a place where people are healthy, safe, connected and in harmony with the natural environment, to retain and improve the quality of community life.






**Strengthening the Economy**- Aim: To strengthen and diversify the region's economic base in a way that complements the environmental and social values of the Tweed.



**Caring for the Environment** - Aim: For Council and the community to value, respect and actively participate in the care and management of our natural environment for current and future generations.

In establishing the Community Strategic Plan, Council gave an undertaking to provide six-monthly progress reports (July-December and January-June) detailing achievements and progress in meeting stated targets and objectives in the Delivery Program.

The Delivery Program Six Monthly Progress attachments are presented as an exception report which outlines only those key actions and activities that are not meeting the key performance indicators (KPI) and targets as at 31 December 2013 and are represented as follows:

-  No activity
-  Partial target achieved
-  Target not achieved

## OPTIONS:

Not Applicable.

## CONCLUSION:

Council will provide an Annual Report (July-June) including audited financial reports to the community. In addition Council will provide six-monthly progress reports (July-December and January-June) detailing achievements and progress in meeting stated targets and objectives in the Delivery Program.

## COUNCIL IMPLICATIONS:

### a. Policy:

In accordance with requirements of the Integrated Planning and Reporting Framework.

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

As per the impacts of the Delivery Program.

**c. Legal:**

Section 404(5) of the Local Government Act 1993 requires council to highlight in a six monthly progress report all principle activities identified in the Delivery Program that are not meeting expected performance targets.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Delivery Program Six Monthly Progress Report - 1 July to 31  
December 2013 (ECM 3284109)

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## 38 [TCS-CM] Quarterly Budget Review - December 2013

SUBMITTED BY: Financial Services

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

This is the second quarter statutory budget review for this financial year and summarises the estimated expenditure and income changes to the 2013/2014 Budget.

This statutory report is prepared in accordance with the Local Government (General) Regulations 2005, sections 202 and 203. Council will have a balanced budget as at 31 December 2013 in all Funds.

That the:

1. Quarterly Budget Review Statement as at 31 December 2013 be adopted.
2. Expenditure and income, as summarised below and detailed within the report, be voted and adjusted in accordance with the revised total expenditure and income for the year ending 30 June 2014.

Description	Change to Vote	
	Deficit	Surplus
<b>General Fund</b>		
<b><u>Expenses</u></b>		
Employee costs	296,172	0
Materials & Contracts	18,359,765	0
Interest	0	0
Other Operating costs	80,000	0
Capital	18,566,339	0
Loan Repayments	0	0
Transfers to Reserves	756,900	0
	<b>38,059,176</b>	<b>0</b>
<b><u>Income</u></b>		
Rates and Annual Charges	0	0
Interest revenue	0	100,000
Operating Grants & Conts	0	978,806
Capital Grants & Conts	0	0

User Charges & Fees	41,000	0
Other Operating Revenue	4,000	0
Loan Funds	0	9,346,148
Recoupments	0	4,600,187
Transfers from Reserves	0	21,429,035
Asset Sales	0	1,650,000
	<u>45,000</u>	<u>38,104,176</u>

Net Surplus/(Deficit) 0

	Deficit	Surplus
<b>Sewer Fund</b>		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	424,870	0
Interest	0	0
Other Operating costs	0	0
Capital	0	1,445,639
Loan Repayments	0	0
Transfers to Reserves	0	2,965,672
	<u>424,870</u>	<u>4,411,311</u>
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	688,338	0
Operating Grants & Conts	17,533	0
Capital Grants & Conts	543,418	0
User Charges & Fees	0	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	1,969,270	0
Transfers from Reserves	767,882	0
Asset Sales	0	0
	<u>3,986,441</u>	<u>0</u>

Net Surplus/(Deficit) 0

<b>Water Fund</b>		
<u>Expenses</u>		
Employee costs	0	0
Materials & Contracts	140,485	0
Interest	0	0
Other Operating costs	0	0
Capital	0	266,108
Loan Repayments	0	0
Transfers to Reserves	0	1,241,221
	<u>140,485</u>	<u>1,507,329</u>
<u>Income</u>		
Rates and Annual Charges	0	0
Interest revenue	397,340	0
Operating Grants & Conts	116,950	0
Capital Grants & Conts	638,246	0
User Charges & Fees	315,318	0
Other Operating Revenue	0	0
Loan Funds	0	0
Recoupments	155,050	0

Transfers from Reserves	0	256,060
Asset Sales	0	0
	<u>1,622,904</u>	<u>256,060</u>
Net Surplus/(Deficit)		<u>0</u>

## **REPORT:**

### **Budget Review 31 December 2013 (Quarterly Budget Review)**

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

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

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

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

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

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

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

This information is presented in the following reports:

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



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

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

Description	\$	\$
	<b>Net Effect on 2013/2014 Budget</b>	<b>Net Effect on LTFP</b>
<b>General Fund</b>		
Extra Charges income	(100,000)	
Cobaki Environmental Management Plans	25,000	
Art Gallery salaries		99,872
Art gallery electricity	30,000	77,000
Art Gallery cleaning	11,000	27,000
Strengthening Communities grant	7,744	23,590
Tweed Valley Cemetery income		39,000
Tweed Heads Cemeteries income		17,000
Crematorium income		100,000
Pottsville canal condition assessment	10,000	
Community Satisfaction Survey	10,000	5,000
Tweed Link printing costs	16,000	24,000
Legal expenses - Development assessment	50,000	
Emergency Services Levy	23,756	23,756
Development Assessment Income	(86,000)	(100,000)
Section 603 certificate income	(29,000)	(29,000)
Seabreeze water feature	27,500	
Donation - Twin Towns Friends Inc	2,000	
Donation - Northern Regions SLSA Rescue Helicopter	2,000	
	0	307,218

## Detailed list of changes

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
<b>1. Proposed Variations</b>						
<b>General</b>						
Ex	1	Ex-Capital	Library Asset Expenses		<b>30,000</b>	Kingscliff Library roof replacement
Ex	1	Ex-Op	Community Buildings Maintenance	173,663	<b>-30,000</b>	Funding for above
Ex	2	Ex-Op	Art Gallery lighting		<b>205,000</b>	Install energy efficient lighting
In	2	In-OG&C	Waste & Sustainability Improvement Program		<b>-155,000</b>	Funding for above
In	2	In-OG&C	TRAG Foundation		<b>-50,000</b>	Funding for above
In	3	In-Interest	Extra Charges income	0	<b>-100,000</b>	Increase in forecast income
Ex	4	Ex-Op	Margaret Olley Art Centre		<b>30,000</b>	Project finalisation
Ex	4	Ex-Op	Saleyards upgrade	65,995	<b>-30,000</b>	Funding for above
Ex	5	Ex-Op	Biological Farming on the Cudgen Plateau		<b>19,025</b>	Sustainability project
In	5	In-OG&C	Catchment Management Authority grant		<b>-17,150</b>	Funding for above
Ex	5	Ex-Op	Catchment Water Quality Cobaki Environmental Management Plans	261,053	<b>-1,875</b>	Funding for above
Ex	5	Ex-Op	Art Gallery salaries	494,440	<b>39,000</b>	New project
Ex	6	Ex-OpEmp	Art Gallery salaries	494,440	<b>39,000</b>	Olley Centre curator
Ex	6	Ex-OpEmp	Aboriginal Community Development	242,991	<b>-39,000</b>	Funding for above
Ex	6	Ex-OpOther	Art gallery electricity	167,031	<b>30,000</b>	Olley Centre electricity
Ex	6	Ex-OpEmp	Art Gallery cleaning	36,424	<b>11,000</b>	Olley Centre cleaning
In	7	In-OG&C	Strengthening Communities grant	<b>-22,958</b>	<b>7,744</b>	Cessation of grant
Ex	8	Ex-Op	Beach nesting bird education program	0	<b>5,000</b>	New project
Ex	8	Ex-Op	Lower Tweed Management Plan	1,219,741	<b>-5,000</b>	Funding for above
In	9	In-Operating	Tweed Valley Cemetery income	<b>-386,026</b>	<b>39,000</b>	Reduction in forecast income
In	9	In-Operating	Tweed Heads Cemeteries income	<b>-83,079</b>	<b>17,000</b>	Reduction in forecast income
In	9	In-Operating	Crematorium income	<b>-171,500</b>	<b>100,000</b>	Reduction in forecast income
Ex	9	Ex-Op	Eviron Gardens Visitor Centre	30,000	<b>-30,000</b>	Funding for above
Ex	9	Ex-Op	Eviron Gardens recurring costs	75,000	<b>-75,000</b>	Funding for above
Ex	9	Ex-Op	Passive Rec. Asset Management	368,610	<b>-51,000</b>	Funding for above
Ex	10	Ex-Capital	Replace heating systems - Tweed Pool	200,000	<b>105,000</b>	Replace heating systems - Tweed Pool
Ex	10	Ex-Op	Active Rec. Asset Management	376,571	<b>-105,000</b>	Funding for above
Ex	11	Ex-Op	Pottsville Canal		<b>10,000</b>	Condition assessment
Ex	12	Ex-OpEmp	General Managers Section	218,050	<b>60,000</b>	Executive Officer
Ex	12	Ex-OpEmp	Internal auditor (7 Year Plan)	290,965	<b>-60,000</b>	Funding for above
Ex	13	Ex-Op	Community Satisfaction Survey		<b>10,000</b>	\$10,000 biennially
Ex	14	Ex-Op	Tweed Link printing costs	180,000	<b>16,000</b>	Additional council meetings
Ex	15	Ex-OpOther	Legal expenses - Development assessment	250,000	<b>50,000</b>	Legal costs
Ex	16	Ex-Op	NSW Fire & Rescue	380,752	<b>-19,305</b>	Assessment notice received
Ex	16	Ex-Op	Rural Fires Service	213,096	<b>5,296</b>	Assessment notice received
Ex	16	Ex-Op	State Emergency Service	71,865	<b>37,765</b>	Assessment notice received
In	17	In-Operating	Development Assessment Income	<b>-545,225</b>	<b>-86,000</b>	Increase in forecast income
In	18	In-Operating	Section 603 certificate income	<b>-104,989</b>	<b>-29,000</b>	Increase in forecast income
Ex	19	Ex-Capital	Tweed Heads Streetscape	50,000	<b>1,550,000</b>	Project costs
Ex	19	Ex-Capital	Simpson Drive roadworks (rollovers)	394,193	<b>-360,000</b>	Funding for above
Ex	19	Ex-Capital	Bay Street roadworks	840,000	<b>-840,000</b>	Funding for above
In	19	In-Sales	Sale of Darlington Drive property	0	<b>-350,000</b>	Funding for above
					<b>-31,500</b>	

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
<b>Sewer Fund</b>						
Ex	20	Ex-Op	Operations		424,870	Operational adjustments
Ex	20	Ex-Capital	Various Capital Works		-1,445,639	Deferrals & adjustments
In	20	In-OG&C	Grant income		17,533	Budget reassessment
In	20	In-Interest	Interest		688,338	Funding adjustment
In	20	In-CG&C	Contributions income		543,418	Funding adjustment
Ex	20	Ex-TTR	Transfers to Capital Contribution Res.		391,425	Funding adjustment - restricted asset
Ex	20	Ex-TTR	Transfers to Asset Replacement Res.		-1,217,789	Funding adjustment - restricted asset
Ex	20	Ex-TTR	Transfers to Asset Replacement Res.		-2,139,308	Funding adjustment
In	20	In-Recoup	Res.		1,969,270	Funding adjustment
In	20	In-TFR	Transfers from Asset Replacement Res.		767,882	Funding adjustment
					<u>0</u>	
<b>Water Fund</b>						
Ex	21	Ex-Op	Operations		140,485	Operational adjustments
In	21	In-Interest	Interest		397,340	Funding adjustment
In	21	In-				
In	21	Operating	Operating income		315,318	Funding adjustment
Ex	21	Ex-Capital	Various Capital Works		-266,108	Deferrals & adjustments
In	21	In-OG&C	Grant income		116,950	Funding adjustment
In	21	In-CG&C	Contributions income		638,246	Budget reassessment
Ex	21	Ex-TTR	Transfers to Asset Replacement Res.		-1,241,221	Funding adjustment
In	21	In-TFR	Transfers from Asset Replacement Res.		-256,060	Funding adjustment
In	21	In-TFR	Transfers from Capital Contributions Res.			
In	21	In-Recoup	Res.		155,050	Funding adjustment
					<u>0</u>	
<b>2. Variations Arising from Council Resolutions</b>						
Ex	22	Ex-Op	Seabreeze water feature drainage works		35,000	Council meeting 19/9/2013
In	22	In-OG&C	Contribution from developer		-7,500	Council meeting 19/9/2013
Ex	23	In-OG&C	RMS payments Sexton Hill Drive		-756,900	Council meeting 18/10/2013
Ex	23	Ex-TTR	Reserve for future maintenance		756,900	Council meeting 18/10/2013
Ex	24	In-OpOther	Donation - Twin Towns Friends Inc		2,000	Council meeting 18/4/2013
Ex	24	In-OpOther	Donation - Northern Regions SLSA Rescue Helicopter		2,000	Council meeting 18/4/2013
Ex	25	Ex-Op	Pedestrian Access Mobility Plan		10,200	Council meeting 12/12/2013
In	25	In-TFR	Access Reserve		-10,200	Council meeting 12/12/2013
Ex	26	Ex-Op	International Day for People with a Disability		10,000	Council meeting 18/4/2013
In	26	In-TFR	Access Reserve		-10,000	Council meeting 18/4/2013
Ex	27	Ex-OpEmp	2012/13 Carry Over Works		285,172	Council meeting 21/11/2013
Ex	27	Ex-Op	2012/13 Carry Over Works		18,288,659	Council meeting 21/11/2013
Ex	27	Ex-Capital	2012/13 Carry Over Works		18,081,339	Council meeting 21/11/2013
In	27	In-Sales	2012/13 Carry Over Works		-1,300,000	Council meeting 21/11/2013
In	27	In-TFR	2012/13 Carry Over Works		-21,408,835	Council meeting 21/11/2013
In	27	In-Recoup	2012/13 Carry Over Works		-4,600,187	Council meeting 21/11/2013
In	27	In-Loan	2012/13 Carry Over Works		-9,346,148	Council meeting 21/11/2013
					<u>31,500</u>	
<b>Summary of Votes by Type</b>						
					-31,500	
					31,500	
					<u>0</u>	
<b>Key to Category codes</b>						
Ex-OpEmp			Employee costs			
Ex-Op			Materials & contracts			
Ex-Interest			Interest on loans			
Ex-OpOther			Other operating expenses			
Ex-Capital			Capital works			
Ex-Loan Reps			Repayment on principal on loans			
Ex-TTR			Transfers to reserves			
In-Rates			Rates & annual charges			
In-Interest			Interest income			

In/Ex	Item	Category	Description	Current Vote	Change to Vote	Details / Comments
	In-OG&C		Operating grants & contributions			
	In-CG&C		Capital grants & contributions			
	In-Operating		User charges & fees			
	In-OpOther		Other operating income			
	In-Loan		Loan funds			
	In-Recoup		Recoupment from s64 & s94 funds			
	In-TFR		Transfers from reserves			
	In-Sales		Proceeds from sale of assets			
			<u>Expenses</u>			
			Employee costs		296,172	
			Materials & Contracts		18,925,120	
			Interest		0	
			Other Operating costs		80,000	
			Capital		16,854,592	
			Loan Repayments		0	
			Transfers to Reserves		-3,449,993	
					<u>32,705,891</u>	
			<u>Income</u>			
			Rates and Annual Charges		0	
			Interest revenue		985,678	
			Operating Grants & Conts		-844,323	
			Capital Grants & Conts		1,181,664	
			User Charges & Fees		356,318	
			Other Operating Revenue		4,000	
			Loan Funds		-9,346,148	
			Recoupments		-2,475,867	
			Transfers from Reserves		-20,917,213	
			Asset Sales		-1,650,000	
					<u>-32,705,891</u>	
			Net		<u>0</u>	
			<b>Summary of Votes - by Division</b>			
			Technology & Corporate Services		-189,000	
			Planning & Regulation		-12,244	
			Community & Natural Resources		103,544	
			Engineering & Operations		37,700	
			General Manager		60,000	
					<u>0</u>	

**Results by fund:**

**General Fund**

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

**Water Fund**

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

**Sewer Fund**

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

## Quarterly Budget Review Statements

### Income and Expense - Consolidated Budget Review Statement for the quarter ended 31 December 2013

Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's) *	Revised Budget (000's)			

#### Income

Rates and Annual Charges	90,063	-	-	90,063	-	90,063	45,675
User Charges and Fees	36,296	10	-	36,306	(356)	35,950	17,779
Interest and Investment Revenue	6,266	2,792	-	9,058	(985)	8,073	4,144
Other Revenues	2,030	10	-	2,040	(4)	2,036	826
Grants & Contributions - Operating	15,065	343	-	15,408	843	16,251	6,985
Grants and Contributions - Capital	8,629	3,554	-	12,183	-	12,183	3,442
- Contributions (S94)	6,749	-	-	6,749	(1,181)	5,568	4,178
Net gain from the disposal of assets	-	-	-	-	-	-	-
<b>Total Income</b>	<b>165,098</b>	<b>6,709</b>	<b>-</b>	<b>171,807</b>	<b>(1,683)</b>	<b>170,124</b>	<b>83,029</b>

#### Expense

Employee costs	44,740	(50)	-	44,690	296	44,986	22,405
Borrowing Costs	13,419	-	-	13,419	-	13,419	6,247
Materials & Contracts	44,840	855	-	45,695	18,926	64,621	23,104
Depreciation	40,809	-	-	40,809	-	40,809	20,405
Legal Costs	387	-	-	387	-	387	404
Consultants	352	29	-	381	-	381	236
Other Expenses	13,847	85	-	13,932	80	14,012	5,146
Net Loss from Disposal of Assets	-	-	-	-	-	-	80
<b>Total Expenses</b>	<b>158,394</b>	<b>919</b>	<b>-</b>	<b>159,313</b>	<b>19,302</b>	<b>178,615</b>	<b>78,027</b>

#### Net Operating Result

	6,704	5,790	-	12,494	(20,985)	(8,491)	5,002
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#### Net Operating Result before capital items

	(1,925)	2,236	-	311	(20,985)	(20,674)	1,560
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### Funding Statement - Consolidated - Source & Application of Funds

Operating Result (Income Statement)	6,704	5,790	-	12,494	(20,985)	(8,491)
<b>Add Back non-funded items:</b>						
Depreciation	40,809	-	-	40,809	-	40,809
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	19,325	(1,425)	-	17,900	2,476	20,376
Transfers from Internally Restricted Cash	10,858	2,308	-	13,166	20,917	34,083
Proceeds from sale of assets	2,806	-	-	2,806	1,650	4,456
Loan Funds Utilised	2,076	260	-	2,336	9,346	11,682
Repayments from Deferred Debtors	-	-	-	-	-	-
<b>Funds Available</b>	<b>82,578</b>	<b>6,933</b>	<b>-</b>	<b>89,511</b>	<b>13,404</b>	<b>102,915</b>

	Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's) *	Revised Budget (000's)			
<b>Funds were applied to:</b>							
Purchase and construction of assets	51,593	1,943	-	53,536	16,854	70,390	
Repayment of principal on loans	7,655	-	-	7,655	-	7,655	
Transfers to Externally Restricted Cash	6,749	-	-	6,749	-	6,749	
Transfers to Internally Restricted Cash	16,581	4,990	-	21,571	(3,450)	18,121	
<b>Funds Used</b>	<b>82,578</b>	<b>6,933</b>	<b>-</b>	<b>89,511</b>	<b>13,404</b>	<b>102,915</b>	
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

**Income and Expense- General Fund Budget Review Statement for the quarter ended 31 December 2013**

	Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's) *	Revised Budget (000's)			
<b>Income</b>							
Rates and Annual Charges	63,551	-		63,551		63,551	32,054
User Charges and Fees	17,703	10		17,713	(41)	17,672	9,667
Interest and Investment Revenue	3,112	-		3,112	100	3,212	1,913
Other Revenues	1,797	10		1,807	(4)	1,803	580
Grants & Contributions - Operating	14,105	343		14,448	979	15,427	6,593
Grants and Contributions - Capital	6,348	3,554		9,902		9,902	2,947
- Contributions (S64/S94)	2,330			2,330		2,330	1,918
Net gain from the disposal of assets				-		-	
<b>Total Income</b>	<b>108,946</b>	<b>3,917</b>	<b>-</b>	<b>112,863</b>	<b>1,034</b>	<b>113,897</b>	<b>55,672</b>
<b>Expense</b>							
Employee costs	34,949	(50)		34,899	296	35,195	17,456
Borrowing Costs	6,199	-		6,199		6,199	2,669
Materials & Contracts	35,854	822		36,676	18,360	55,036	18,862
Depreciation	24,837			24,837		24,837	12,419
Legal Costs	387			387		387	404
Consultants	99	29		128		128	206
Other Expenses	9,980	85		10,065	80	10,145	3,171
Net Loss from Disposal of Assets				-		-	80
<b>Total Expenses</b>	<b>112,305</b>	<b>886</b>	<b>-</b>	<b>113,191</b>	<b>18,736</b>	<b>131,927</b>	<b>55,267</b>
<b>Net Operating Result</b>	<b>(3,359)</b>	<b>3,031</b>	<b>-</b>	<b>(328)</b>	<b>(17,702)</b>	<b>(18,030)</b>	<b>405</b>

Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's) *	Revised Budget (000's)			
<b>Net Operating Result before capital items</b>	(12,037)	(523)	-	(10,230)	(17,702)	(27,932)
						(2,542)

**Funding Statement - General Fund - Source & Application of Funds**

Operating Result (Income Statement)	(3,359)	3,031	-	(328)	(17,702)	(18,030)
<b>Add Back non-funded items:</b>						
Depreciation	24,837			24,837	-	24,837
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	4,312	145		4,457	4,600	9,057
Transfers from Internally Restricted Cash	2,168	590		2,758	21,429	24,187
Proceeds from sale of assets	2,806	-		2,806	1,650	4,456
Loan Funds Utilised	2,076	260		2,336	9,346	11,682
Internal charges	7,551			7,551		7,551
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	<b>40,391</b>	<b>4,026</b>	<b>-</b>	<b>44,417</b>	<b>19,323</b>	<b>63,740</b>
<b>Funds were applied to:</b>						
Purchase and construction of assets	28,854	4,026		32,880	18,216	51,096
Repayment of principal on loans	3,485	-		3,485		3,485
Transfers to Externally Restricted Cash	2,330			2,330		2,330
Transfers to Internally Restricted Cash	5,722	-		5,722	757	6,479
<b>Funds Used</b>	<b>40,391</b>	<b>4,026</b>	<b>-</b>	<b>44,417</b>	<b>19,323</b>	<b>63,740</b>
<b>Increase/(Decrease) in Available Working Capital</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Income and Expense- Sewer Fund Budget Review Statement for the quarter ended 31 December 2013**

Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's) *	Revised Budget (000's)			

**Income**

Rates and Annual Charges	22,138		22,138		22,138	11,421
User Charges and Fees	1,274		1,274		1,274	1,073
Interest and Investment Revenue	2,183	1,831	4,014	(688)	3,326	1,836
Other Revenues	20		20		20	65
Grants & Contributions - Operating	468		468	(18)	450	65
Grants and Contributions - Capital	1,149		1,149		1,149	
- Contributions (S64/S94)	753		753	(543)	210	720
Net gain from the disposal of assets			-		-	
<b>Total Income</b>	<b>27,985</b>	<b>1,831</b>	<b>29,816</b>	<b>(1,249)</b>	<b>28,567</b>	<b>15,180</b>

**Expense**

Employee costs	5,811	-	5,811		5,811	2,958
Borrowing Costs	2,494	-	2,494		2,494	1,196
Materials & Contracts	3,942	26	3,968	426	4,394	2,012
Depreciation	9,160		9,160		9,160	4,580
Legal Costs			-		-	
Consultants	50		50		50	7
Other Expenses	2,119	-	2,119	-	2,119	1,055
Net Loss from Disposal of Assets			-		-	
<b>Total Expenses</b>	<b>23,576</b>	<b>26</b>	<b>23,602</b>	<b>426</b>	<b>24,028</b>	<b>11,808</b>

**Net Operating Result**

4,409	1,805	-	6,214	(1,675)	4,539	3,372
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**Net Operating Result before capital items**

3,260	1,805	-	5,065	(1,675)	3,390	3,372
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**Funding Statement - Sewer Fund - Source & Application of Funds**

Operating Result (Income Statement)	4,409	1,805	-	6,214	(1,675)	4,539
<b>Add Back non-funded items:</b>						
Depreciation	9,160	-	-	9,160	-	9,160
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	7,556	(280)		7,276	(1,969)	5,307
Transfers from Internally Restricted Cash	5,563	1,217		6,780	(768)	6,012
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-



	Original Budget (000's)	Approved Changes		Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's) *				
<b>Funds Available</b>	26,688	2,742	-	29,430	(4,412)	25,018	
<b>Funds were applied to:</b>							
Purchase and construction of assets	12,905	(1,787)		11,118	(1,446)	9,672	
Repayment of principal on loans	3,102	-		3,102		3,102	
Transfers to Externally Restricted Cash	753			753		753	
Transfers to Internally Restricted Cash	6,139	4,529		10,668	(2,966)	7,702	
Internal charges	3,789			3,789		3,789	
<b>Funds Used</b>	26,688	2,742	-	29,430	(4,412)	25,018	
<b>Increase/(Decrease) in Available Working Capital</b>	-	-	-	-	-	-	

**Income and Expense- Water Fund Budget Review Statement for the quarter ended 31 December 2013**

	Original Budget (000's)	Approved Changes		Revised Budget (000's)	Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
		Sep Review (000's)	Dec Review (000's) *				
<b>Income</b>							
Rates and Annual Charges	4,374			4,374		4,374	2,200
User Charges and Fees	17,319			17,319	(315)	17,004	7,039
Interest and Investment Revenue	971	961		1,932	(397)	1,535	395
Other Revenues	213			213		213	181
Grants & Contributions - Operating	492			492	(118)	374	327
Grants and Contributions - Capital	1,132			1,132		1,132	495
- Contributions (S64/S94)	3,666			3,666	(638)	3,028	1,540
Net gain from the disposal of assets				-		-	
<b>Total Income</b>	28,167	961	-	29,128	(1,468)	27,660	12,177
<b>Expense</b>							
Employee costs	3,980			3,980		3,980	1,991
Borrowing Costs	4,726			4,726		4,726	2,382
Materials & Contracts	5,044	7		5,051	140	5,191	2,230
Depreciation	6,812			6,812		6,812	3,406
Legal Costs				-		-	
Consultants	203			203		203	23
Other Expenses	1,748			1,748		1,748	920
Net Loss from Disposal of Assets				-		-	
<b>Total Expenses</b>	22,513	7	-	22,520	140	22,660	10,952

	Original Budget  (000's)	Approved Changes			Recommended changes for Council Resolution  (000's)	Projected year end result  (000's)	Actual YTD  (000's)
		Sep Review  (000's)	Dec Review (000's) *	Revised Budget  (000's)			
		<b>Net Operating Result</b>	5,654	954			
<b>Net Operating Result before capital items</b>	4,522	954	-	5,476	(1,608)	3,868	730

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

Operating Result (Income Statement)	5,654	954	-	6,608	(1,608)	5,000
<b>Add Back non-funded items:</b>						
Depreciation	6,812	-	-	6,812	-	6,812
<b>Add non-operating funding sources</b>						
Transfers from Externally Restricted Cash	7,457	(1,290)		6,167	(155)	6,012
Transfers from Internally Restricted Cash	3,127	501		3,628	256	3,884
Proceeds from sale of assets				-		-
Loan Funds Utilised				-	-	-
Repayments from Deferred Debtors				-		-
<b>Funds Available</b>	23,050	165	-	23,215	(1,507)	21,708
<b>Funds were applied to:</b>						
Purchase and construction of assets	9,834	(296)		9,538	(266)	9,272
Repayment of principal on loans	1,068	-		1,068		1,068
Transfers to Externally Restricted Cash	3,666			3,666		3,666
Transfers to Internally Restricted Cash	4,720	461		5,181	(1,241)	3,940
Internal charges	3,762			3,762		3,762
<b>Funds Used</b>	23,050	165	-	23,215	(1,507)	21,708
<b>Increase/(Decrease) in Available Working Capital</b>	-	-	-	-	-	-

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 December 2013 and should be read in conjunction with other documents in the QBRS.

**Capital Budget Review Statement - Consolidated - for the quarter ended 31 December 2013**

Original Budget  (000's)	Approved Changes			Recommended changes for Council Resolution  (000's)	Projected year end result  (000's)	Actual YTD  (000's)
	Sep Review  (000's)	Dec Review  (000's)	Revised Budget  (000's)			

**Capital Funding \***

Rates and other untied funding	26,927	27		26,954	(991)	25,963	8,261
Capital Grants & Contributions	9,309	3,554		12,863		12,863	4,847
Internal Restrictions (Reserves)	10,237	300		10,537	2,551	13,088	6,479
External Restrictions							
- s64 & s94 funds	8,035	(1,938)		6,097	4,299	10,396	4,510
Other Capital Funding Sources							
- loans	1,976			1,976	9,346	11,322	4,267
Income from sale of assets							
- plant and equipment	2,406			2,406		2,406	907
- Land, Buildings, Furniture, Fittings					1,650	1,650	
<b>Total Capital Funding</b>	<b>58,890</b>	<b>1,943</b>		<b>60,833</b>	<b>16,855</b>	<b>77,688</b>	<b>29,271</b>

**Capital Expenditure**

New Assets

- Plant and Equipment	448			448	342	790	51
- Land, Buildings, Furniture, Fittings	246	325		571	4,828	5,399	4,192
- Roads, Bridges, Footpaths	322			322	2,839	3,161	5,510
- Drainage							
- Water & Sewer Infrastructure	6,874	(296)		6,578	(2,405)	4,173	974
- Other	9,350			9,350	672	10,022	361
<u>Renewals (Replacement)</u>							
- Plant and Equipment	5,958			5,958	105	6,063	1,780
- Land, Buildings, Furniture, Fittings	168			168	702	870	14
- Roads, Bridges, Footpaths	8,854			8,854	5,292	14,146	3,310
- Drainage					1,635	1,635	364
- Water & Sewer Infrastructure	2,540			2,540	(915)	1,625	287
- Other	350			350		350	212
- Plant and Equipment							10
- Land, Buildings, Furniture, Fittings	124	2,789		2,913	1	2,914	98
- Roads, Bridges, Footpaths	1,276	765		2,041	1,438	3,479	1,087
- Drainage	1,100	120		1,220	230	1,450	244
- Water & Sewer Infrastructure	13,325	(1,787)		11,538	1,609	13,147	5,841
- Other	300	27		327	482	809	418
Loan Repayments (principal)	7,655			7,655		7,655	4,518
<b>Total Capital Expenditure</b>	<b>58,890</b>	<b>1,943</b>		<b>60,833</b>	<b>16,855</b>	<b>77,688</b>	<b>29,271</b>

**Capital Budget Review Statement - General Fund - for the quarter ended 31 December 2013**

Original Budget  (000's)	Approved Changes			Recommended changes for Council Resolution  (000's)	Projected year end result  (000's)	Actual YTD  (000's)
	Sep Review  (000's)	Dec Review  (000's)	Revised Budget  (000's)			

**Capital Funding \***

Rates and other untied funding	13,014	27		13,041		13,041	4,222
Capital Grants & Contributions	9,309	3,554		12,863		12,863	4,847
Internal Restrictions (Reserves)	2,000	300		2,300	2,970	5,270	1,986
External Restrictions							
- s64 & s94 funds	3,276	145		3,421	4,600	8,021	3,023
Other Capital Funding Sources							
- loans	1,976			1,976	9,346	11,322	4,267
Income from sale of assets							
- plant and equipment	2,406			2,406		2,406	907
- Land,Buildings,Furniture,Fittings					1,650	1,650	
<b>Total Capital Funding</b>	<b>31,981</b>	<b>4,026</b>		<b>36,007</b>	<b>18,566</b>	<b>54,573</b>	<b>19,252</b>

**Capital Expenditure**

New Assets

- Plant and Equipment	448			448	342	790	28
- Land,Buildings,Furniture,Fittings	246	325		571	4,828	5,399	4,183
- Roads, Bridges, Footpaths	322			322	2,839	3,161	5,510
- Drainage							
- Other	9,350			9,350	672	10,022	361
<u>Renewals (Replacement)</u>							
- Plant and Equipment	5,958			5,958	105	6,063	1,780
- Land,Buildings,Furniture,Fittings	168			168	702	870	14
- Roads, Bridges, Footpaths	8,854			8,854	5,292	14,146	3,310
- Drainage					1,635	1,635	364
- Other	350			350		350	212
<u>Upgrades</u>							
- Plant and Equipment							10
- Land,Buildings,Furniture,Fittings	124	2,789		2,913	1	2,914	98
- Roads, Bridges, Footpaths	1,276	765		2,041	1,438	3,479	1,087
- Drainage	1,100	120		1,220	230	1,450	244
- Other	300	27		327	482	809	418
Loan Repayments (principal)	3,485			3,485		3,485	1,633
<b>Total Capital Expenditure</b>	<b>31,981</b>	<b>4,026</b>		<b>36,007</b>	<b>18,566</b>	<b>54,573</b>	<b>19,252</b>

**Capital Budget Review Statement - Sewer Fund - for the quarter ended 31 December 2013**

Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
<b>Capital Funding *</b>						
Rates and other untied funding	11,152		11,152	(991)	10,161	2,947
Capital Grants & Contributions						
Internal Restrictions (Reserves)	2,836		2,836	(419)	2,417	1,009
External Restrictions						
- s64 & s94 funds	2,019	(1,787)	232	(35)	197	82
Other Capital Funding Sources						
- loans						
Income from sale of assets						
- plant and equipment						
- Land,Buildings,Furniture,Fittings						
<b>Total Capital Funding</b>	<b>16,007</b>	<b>(1,787)</b>	<b>14,220</b>	<b>(1,445)</b>	<b>12,775</b>	<b>4,038</b>

**Capital Expenditure**

New Assets

- Plant and Equipment						23
- Land,Buildings,Furniture,Fittings						9
- Water & Sewer Infrastructure	3,197		3,197	(1,519)	1,678	319
- Other						

Renewals (Replacement)

- Plant and Equipment						
- Land,Buildings,Furniture,Fittings						
- Water & Sewer Infrastructure	1,292		1,292	119	1,411	142
- Other						

Upgrades

- Plant and Equipment						
- Land,Buildings,Furniture,Fittings						
- Water & Sewer Infrastructure	8,416	(1,787)	6,629	(45)	6,584	1,165
- Other						
Loan Repayments (principal)	3,102		3,102		3,102	2,380
<b>Total Capital Expenditure</b>	<b>16,007</b>	<b>(1,787)</b>	<b>14,220</b>	<b>(1,445)</b>	<b>12,775</b>	<b>4,038</b>

**Capital Budget Review Statement - Water Fund - for the quarter ended 31 December 2013**

Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			

**Capital Funding \***

Rates and other untied funding	2,761			2,761		2,761	1,092
Capital Grants & Contributions							
Internal Restrictions (Reserves)	5,401			5,401		5,401	3,484
External Restrictions							
- s64 & s94 funds	2,740	(296)		2,444	(266)	2,178	1,405
Other Capital Funding Sources							
- loans							
Income from sale of assets							
- plant and equipment							
- Land,Buildings,Furniture,Fittings							
<b>Total Capital Funding</b>	<b>10,902</b>	<b>(296)</b>		<b>10,606</b>	<b>(266)</b>	<b>10,340</b>	<b>5,981</b>

**Capital Expenditure**

New Assets

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	3,677	(296)		3,381	(886)	2,495	655
- Other							

Renewals (Replacement)

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	1,248			1,248	(1,034)	214	145
- Other							

Upgrades

- Plant and Equipment							
- Land,Buildings,Furniture,Fittings							
- Water & Sewer Infrastructure	4,909			4,909	1,654	6,563	4,676
- Other							
Loan Repayments (principal)	1,068			1,068		1,068	505
<b>Total Capital Expenditure</b>	<b>10,902</b>	<b>(296)</b>		<b>10,606</b>	<b>(266)</b>	<b>10,340</b>	<b>5,981</b>

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 December 2013 and should be read in conjunction with other documents in the QBRS.

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

Cash and Investments Budget Review Statement for the quarter ended 31 December 2013

Original Budget (000's)	Approved Changes			Recommended changes for Council Resolution (000's)	Projected year end result (000's)	Actual * YTD (000's)
	Sep Review (000's)	Dec Review (000's)	Revised Budget (000's)			
<b>Unrestricted</b>	3,483	735		4,218		16,180
<b>Externally restricted</b>						
RTA Contributions	390		390		390	390
Developer contributions	25,917	(145)	21,172		21,172	25,255
Domestic waste management	10,075		10,075		10,075	10,075
Special Rates	230		230		230	230
Special purpose grants	4,975		0		0	0
Water Supplies	22,701		21,359		21,359	19,874
Sewerage Services	48,915		48,687		48,687	53,719
Other	17,582		17,582		17,582	17,000
<b>Total Externally restricted</b>	130,785	(145)	119,495	0	119,495	126,543
<b>Internally restricted</b>						
Employee Leave entitlements	5,123		5,123		5,123	5,123
Unexpended loans	10,328		982		982	982
Unexpended grants	5,930		2,070		2,070	2,070
7 Year Plan	4,340		4,340		4,340	4,340
Works Carried Forward	8,762		0		0	0
Replacement of Plant and Vehicles	1,528		1,528		1,528	1,528
Tip improvements	7,105		7,105		7,105	7,105
Asset renewals	1,538		1,538		1,538	1,538
Other	2,849	(590)	3,016		3,016	3,016
<b>Total Internally restricted</b>	47,503	(590)	25,702	0	25,702	25,702
<b>Total Restricted</b>	178,288	(735)	145,197	0	145,197	152,245
<b>Total cash and investments</b>	181,771	0	149,415	0	149,415	168,425
<b>Available cash</b>	3,483	735	4,218	0	4,218	16,180

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

**Notes:**

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

**Statement of compliance with investment policy:**

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

**Reconciliation of restricted funds with current investment report:**

**Reconciliation of restricted funds with current investment report:**

	(000's)
Total restricted funds	152,245
Total invested funds as per September Investment Report	168,154
Note, some restricted funds are held as cash as they will be utilised in the current period.	

**Statement of bank reconciliation:**

Cash has been reconciled with the bank statement. The last bank reconciliation was completed to 23 January 2014.

**Reconciliation of cash and investments:**

	(000's)
Cash and investments as per above	168,425
<b>Cash on hand and at bank</b>	271
<b>Investments</b>	168,154
	<hr/> 168,425

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 December 2013 and should be read in conjunction with other documents in the QBRs.

**Key Performance Indicators Budget Review Statement for the quarter ended 31 December 2013**

Note that KPIs will be distorted by the short reporting period (6 months), and by the fact that detailed calculations are only prepared on an annual basis.

These ratios should therefore be viewed with caution.

	Amounts	Indicator
<b>1. Unrestricted Current Ratio</b>		
	(000's)	
<u>Current assets less all external restrictions</u>	<u>75,801</u>	4.8:1
Current liabilities	15,633	

**Purpose:**

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



**Comment:**

Higher than it would be for the annual calculation, as expenditure throughout the year will run down cash and receivables.

	Amounts	Indicator
<b>2. Debt Service Ratio</b>		
	(000's)	
Debt Service Cost	10,765	13.59%
Selected operating income	79,195	

**Purpose:**

To assess the impact of loan principal and interest repayments on the discretionary revenue of Council.

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 December 2013 and should be read in conjunction with other documents in the QBRS.

**Budget Review Contracts and Other Expenses for the quarter ended 31 December 2013**

PART A-Contracts Listing		Contract value	Commencement Date	Duration of Contract	Budgeted (Y/N)
<b>Contractor</b>	<b>Contract detail &amp; purpose</b>	<b>\$</b>			
Guardrail Installations Aust. P/L	EC2013-203 Guardrail Installation Pottsville Road	\$138,430	04/11/2013	12 weeks	Y
Pan Civil Lanskey	EC2013-171 Soil Nail Slope Stabilisation Works	\$440,180	10/10/2013	16 weeks	Y
Constructions P/L	EC2013-091 Arkinstall Park Netball New Clubhouse & Amenities Block	\$739,730	21/10/2013	28 weeks	Y
Satin Touch	Hospital Hill Reservoir No. 2 Rehabilitation - Coating Work	\$201,335	21/10/2013	20 weeks	Y
Thomas and Coffey Ltd	EC2013-159 Hospital Hill Reservoir No.2 Rehabilitation Structural Work	\$192,704	08/10/2013	20 weeks	Y
<b>PART B - Consultancy and Legal expenses</b>				<b>Expenditure</b>	<b>Budgeted</b>
<b>Expense</b>				<b>YTD \$</b>	<b>(Y/N)</b>
Consultancies				280,721	Y
Legal expenses				406,745	Y

This document forms part of Tweed Shire Council's Quarterly Budget Review Statement for the quarter ended 31 December 2013 and should be read in conjunction with other documents in the QBRS.

**Statutory Statement – Local Government (General) Regulations 2005  
(Sections 202 & 203) by “Responsible Accounting Officer”**

**202 Responsible accounting officer to maintain system for budgetary control**

*The responsible accounting officer of a council must:*

- (a) establish and maintain a system of budgetary control that will enable the council’s actual income and expenditure to be monitored each month and to be compared with the estimate of the council’s income and expenditure, and*
- (b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

**203 Budget review statements and revision of estimates**

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Statement of the council’s revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:*
  - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) if that position is unsatisfactory, recommendations for remedial action.*
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.*

**Statutory Statement**

It is my opinion that the Quarterly Budget Review Statement for Tweed Shire Council for the quarter ended 30/9/2013 indicates that Council’s projected financial position at 30/6/2014 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



M A Chorlton  
“Responsible Accounting Officer”  
Acting Director Technology & Corporate Services  
Tweed Shire Council

**OPTIONS:**

Not applicable

**CONCLUSION:**

Refer to Statutory Statement above.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

As detailed in the report.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**39 [TCS-CM] Code of Meeting Practice Version 2.4**

**SUBMITTED BY: Corporate Governance**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

Council considered a report on the proposed Code of Meeting Practice Version 2.4 at the December 2013 meeting. The proposed Code was advertised from 6 January 2014 with submissions closing on 17 February 2014. At the date of preparing this report, no submissions have been received. Should any submissions be subsequently received, they will be provided for consideration at the February Council Meeting.

This report proposes the adoption of the Code of Meeting Practice Version 2.4 as advertised.

### **RECOMMENDATION:**

**That the Code of Meeting Practice Version 2.4 be adopted.**

## REPORT:

Council considered a report on the proposed Code of Meeting Practice Version 2.4 at the December 2013 meeting. The proposed Code was advertised from 6 January 2014 with submissions closing on 17 February 2014. At the date of preparing this report, no submissions have been received. Should any submissions be subsequently received, they will be provided for consideration at the February Council Meeting.

The following changes will be updated within the Code:

### 1.1.2 Where are council meetings held?

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

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

*Council will meet in the following format:*

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

*(Adopted by Council 20 February 2014)*

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

*The Act Sec 367*

### 1.4.2 Business Papers for Council and Committee Meetings

*The General Manager must ensure that the business paper for a meeting of the Council or Committee states:*

- (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council or Committee; and*
- (b) any business that the Chairperson may decide to put before the meeting without notice; and*

(c) *any business of which due notice has been given.*

*The Regulation Clause 240(1)*

*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.*

*(Adopted by Council 20 February 2014)*

*The General Manager must cause the business paper for a meeting of the Council or a Committee of the Council to be distributed on the Tuesday of the week preceding the Council meeting.*

*The Regulation Clause 240(3)*

*The General Manager must ensure that the details of any item of business to which Section 10(2A) of the Act applies are included in a business paper for the meeting concerned.*

*The Regulation Clause 240(4)*

*In preparation for the meeting, Councillors are expected to have read and familiarised themselves with the Business Paper Reports.*

*Adopted by Council November 2012*

## **1.5 Order of Business**

*At a meeting of the Council or Committee (other than an extraordinary meeting), the general order of business will be as follows such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, as follows:*

*The Regulation Clause 239(1)*

### **The order of business for Planning Committee:**

1. *Aboriginal Statement*
2. *Prayer*
3. *Confirmation of Minutes of the last Planning Committee Meeting*
4. *Apologies*
5. *Disclosure of Interest*
6. *Items to be Moved from Confidential to Ordinary/Ordinary to Confidential*
7. *Reports through the General Manager*  
*Reports from the Director Planning & Regulation*
8. *Confidential Items for Consideration*
9. *Resolve into Council Meeting to adopt Minutes of Planning Committee*

*The order of business fixed as above may be altered if a motion to that effect is carried, such a motion can be moved without notice.*

*The Regulation Clause 239(2)*

***The order of business at Ordinary Meetings shall be:***

1. *Aboriginal Statement*
2. *Prayer*
3. *Confirmation of Minutes*
4. *Apologies*
5. *Disclosure of Interest*
6. *Items to be Moved from Confidential to Ordinary/Ordinary to Confidential*
7. *Schedule of Outstanding Resolutions*
8. *Mayoral Minute*
9. *Receipt of Petitions*
10. *Reports through the General Manager*

*Reports from the General Manager*

*Reports from the Director Planning & Regulation (Planning matters deferred from Planning Committee and other Divisional matters)*

*Reports from the Director Community & Natural Resources*

*Reports from the Director Engineering*

*Reports from the Director Corporate Services*

11. *Delegate Reports*
12. *Reports from Sub-Committees/Working Groups*
13. *Orders of the Day*
14. *Questions on Notice*
15. *Confidential Items for Consideration*

*The order of business fixed as above may be altered if a motion to that effect is carried, such a motion can be moved without notice.*

*The Regulation Clause 239(2)*



*Please note the revised Order of Business with Orders of the Day and Questions on Notice to be considered after directorate reports, which also includes Notices of Motion restricted to five (5) per Councillor.*

#### 4.1.2 Time Limits on Council Meetings

- (a) *An Ordinary, Extraordinary, Special Meeting or Planning Committee which commences at 5.00pm, will be scheduled to conclude at 10.00pm (with a meal break between 6.30pm and 7.15pm).*

### **PART 5 – MOTIONS AND AMENDMENTS**

#### **5.1 Notice of Motion**

*Notice of motion must be provided to the General Manager, in the appropriate format, before 2.00pm on the Wednesday of the week preceding the Tuesday electronic upload of Council meeting agenda so as to be listed on the Orders of the Day Agenda.*

*(Adopted by Council 20 February 2014)*

*Notices of motion shall be limited to five (5) per Councillor per Council meeting and are to be in the format of the Notice of Motion form.*

### **PART 11 – QUESTIONS ON NOTICE**

#### **11.1 Questions on Notice**

*Questions on Notice must be provided to the General Manager, in the appropriate format, before 2.00pm on the Wednesday of the week preceding the Tuesday electronic upload of Council meeting agenda so as to be listed on the Questions on Notice Agenda.*

### **PART 12 - WORKSHOPS**

#### **12.1 Frequency**

- a) *Workshops will be conducted as required.*
- b) *A programmed Councillor Only discussion session will be conducted as required.*

### **PART 13 – COMMUNITY ACCESS**

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

#### **13.1 Community Access**

1. *Community Access is the public's opportunity to informally address Councillors on items for consideration of Council.*

2. *People who have been deemed a Difficult Person in accordance with one of the categories as defined in Council's Dealing with Difficult People Policy may be excluded from being eligible to address Council during Community Access.*
3. *A Community Access session will be held at the venue of the appropriate Planning Committee or Council Meeting.*

**OPTIONS:**

1. That the proposed Code of Meeting Practice Version 2.4 be adopted as exhibited.
2. That the proposed Code of Meeting Practice Version 2.4 be adopted with amendments.

**CONCLUSION:**

Following the public exhibition period and with no submissions being received, the Code of Meeting practice Version 2.4 as exhibited be adopted.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice Version 2.3.

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

Costs associated with the conducting of council and committee meetings are included within the 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:**

Attachment 1. Code of Meeting Practice Version 2.4 (ECM 3232770).

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**40 [TCS-CM] Legal Services Register as at 31 December 2013**

**SUBMITTED BY: Corporate Governance**

Valid



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

The Legal Services Report as at 31 December 2013 monitors the status on legal instructions, for current or recently completed matters which have been issued to panel legal providers. The report includes payments to the various legal providers, but also payments for barristers and consultants where applicable.

The net amount for legal instructions for the period 1 October to 31 December 2013 is \$243,725 as compared to \$107,314 for the previous quarter.

The legal instructions that principally relate to the December quarter expenditure are:

• 2689 Hacienda and Homestead Caravan Parks	\$14,478
• 2698 Oakvale Capital	\$24,231
• 2736 K99/1124 Cobaki earthworks	\$12,403
• 2742/2746 Noble Lakeside	\$112,958
• 2752 Causarina Beach Holdings Pty Ltd	\$20,571
• 2753 Tricare (Hastings) Ltd	\$5,440
• 2758 IGA / Seagulls Gollan Drive Tweed Heads West	\$3,512
• SINC Solutions Report	\$9,471

### RECOMMENDATION:

**That the Legal Services Register as at 31 December 2013 be received and noted.**

**REPORT:**

Expenditure incurred on legal instructions for the period 1 October to 31 December 2013 follows:

<b>Category 1 Planning, Environmental and Local Government Law</b>	<b>Category 2 Commercial/Property Law</b>	<b>District/Local Court</b>	<b>Other</b>
\$176,815		\$29,848	\$37,062

A summary of payments to each of the Legal Service Providers including barristers and consultants where applicable, for current or recently completed matters is as follows:

<b>Legal Service Provider Category 1 Planning, Environmental, Local Government Law</b>	<b>Year to Date</b>	<b>Current Period 1 October to 31 December 2013</b>
HWL Ebsworth Lawyers	\$184,644	\$112,958
Lindsay Taylor Lawyers	\$3,795	\$3,795
Maddocks Lawyers	\$26,964	\$23,761
Marsdens Law Group	\$28,232	\$28,232
Sparke Helmore Lawyers	\$12,331	\$7,333
Stacks – The Law Firm	0	0
Wilshire Webb Staunton Beattie	\$9,146	\$736

<b>Legal Service Provider Category 2 Commercial/Property Law</b>	<b>Year to Date</b>	<b>Current Period 1 October to 31 December 2013</b>
HWL Ebsworth Lawyers	\$0	\$0
Lindsay Taylor Lawyers	\$0	\$0
Maddocks Lawyers	\$0	\$0
Marsdens Law Group	\$0	\$0
Stacks – The Law Firm	\$0	\$0
Wilshire Webb Staunton Beattie	\$0	\$0

<b>Legal Service Provider District/Local Court</b>	<b>Year to Date</b>	<b>Current Period 1 October to 31 December 2013</b>
Stacks – The Law Firm	\$45,237	\$29,848

<b>Other Provider District/Local Court</b>	<b>Year to Date</b>	<b>Current Period 1 October to 31 December 2013</b>
Piper Alderman	\$24,231	\$24,231
Russell J Baxter	\$3,360	\$3,360
DLA Piper	\$9,471	\$9,471

## LEGAL SERVICES REGISTER as at 31 December 2013

Provider (Reference)	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
Piper Alderman (2689)		Appeal against Oakvale Capital Ltd ACN 009 070 884	Commence proceedings in Federal Court in claim against security bond.	<i>bfd</i> \$30,324 <b>13/14</b> <b>\$24,231.97</b> <i>Total</i> \$54,555.97	In progress. Appeal currently under investigation.
HWL Ebsworth (2697)	1	DA08/0966 refusal and other issues connected with onsite sewerage management. 49 Upper Crystal Creek Road Crystal Creek.	Council resolved on 20 July 2010 to defend Class 4 Appeal in the Land and Environment Court.	<i>bfd</i> \$98,317 <b>13/14</b> <b>\$0</b> <i>Total</i> \$98,317	In progress. LEC dismissed case with costs awarded to Council. Appeal dismissed with \$7,106.53 security costs awarded to Council. Recovery of outstanding costs in progress.
Stacks (2698)		Hacienda and Homestead Caravan Park compliance matters.	Council resolved on 24 January 2012 to seek legal advice on breach of legislation to operate the Homestead Caravan Parks.	<i>bfd</i> \$5,100 <b>13/14</b> <b>\$14,478.73</b> <i>Total</i> \$19578.73	In progress. Local court held in Councils favour. Appealed to Land and Environment Court. Matter yet to be heard.
HWL Ebsworth (2721)	1	Viviateene v Tweed Shire Council.	Defend Appeal Supreme Court on issues of originating Local Court orders.	<i>bfd</i> \$31,676 <b>13/14</b> <b>\$3,360</b> <i>Total</i> \$35,036	Council response to court orders; 1 Notice of appeal to stand 2 Set aside order 3 from Barr AJ 28/6/13 decision 3 Dismiss appeal with no cost order.
Lindsay Taylor (2735)	1	Voluntary Planning Agreement, Area E Altitude Aspire.	Council resolved on 19 September 2013 to prepare a planning proposal for Lots 2-8 DP 28597 Terranora Road, Terranora, and submit the planning proposal for a Gateway determination.	<i>bfd</i> \$17,423 <b>13/14</b> <b>\$3,795</b> <i>Total</i> \$21,218	In progress. Draft completed for consideration by Planning Assessment Commission.
Maddocks (2736)		K99/1124 Cobaki development unapproved earthworks legal advice.	Legal advice.	<i>bfd</i> \$0 <b>13/14</b> <b>\$12,403.50</b> <i>Total</i> \$12,403.50	In progress.

Provider (Reference)	Cat.	Description Matter	of	General Instructions	Costs to Date	Comments
HWL Ebsworth (2742) (2746)		DA11/0456 Noble Lakeside		Council resolved on 21 March 2013 to defend Class 1 Appeal.	<i>bfd</i> \$51,325 <b>13/14</b> <b>\$112,958.30</b> <i>Total</i> \$164,283.30	Appeal dismissed December 2013.
Wilshire Webb / Stacks (2749)	1	DA 10/0300, 29 Oyster Point Rd Banora Point		Defend Class 1 Appeal to the Land and Environment Court.	<i>bfd</i> \$0 <b>13/14</b> <b>\$8,760.27</b> <i>Total</i> \$8,760.27	Complete. Modified consent orders issued 8/8/13.
Spark Helmore (2750)	1	DA12/0419 Everest, 63 Kingscliff Street.		Defend Class 1 Appeal to the Land and Environment Court.	<i>bfd</i> \$0 <b>13/14</b> <b>\$6,427.80</b> <i>Total</i> \$6,427.80	Complete. Consent orders made 3/9/13.
Marsdens (2752)		Cauarina Beach Holdings Pty Ltd.		Defend Class 1 Appeal to the Land and Environment Court.	<i>bfd</i> \$0 <b>13/14</b> <b>\$20,551.57</b> <i>Total</i> \$20,551.57	Completed. Appeal upheld, 4/10/13.
Marsdens (2753)		Tricare(Hastings) Ltd 87-89 Tweed Coast Road Hastings Point DA06/0413 Senior Living Development.		Council resolved on 19 September 2013 to submit an appearance only in the Class 4 Appeal.	<i>bfd</i> \$0 <b>13/14</b> <b>\$5,204.04</b> <i>Total</i> \$5,204.04	Complete. Appeal resolved.
Maddocks (2755) (739963)	1	Provide advice regarding listening devices.		Appropriate advice.	<i>bfd</i> \$0 <b>13/14</b> <b>\$3,202.50</b> <i>Total</i> \$301.50	Complete.
Sparke Helmore (2758)		DA12/0527 Gollan Drive Tweed Heads.(IGA / Seagulls)		Council resolved on 12 December 2013 to defend Class 1 Appeal.	<i>bfd</i> \$0 <b>13/14</b> <b>\$3,512</b> <i>Total</i> \$3,512	In progress.

Provider (Reference)	Cat.	Description of Matter	General Instructions	Costs to Date	Comments
Stacks (RMW 130457) (130457)		Prosecute illegal development at 29 Oyster Point Road.	Defend matter in Local Court.	<i>bfd</i> \$0 <b>13/14</b> <b>\$2,600</b> <i>Total</i> \$2,600	On 20/11/13 the Local Court ordered the defendant to pay \$1800 in fines and costs fee within 28 days. Defendant had 28 days to lodge an appeal. Council is not aware that an appeal has been lodged.
HWL Ebsworth (372209) (383654)	1	Business Investment Policy.	Review of Policy.	<i>bfd</i> \$2,610 <b>13/14</b> <b>\$366</b> <i>Total</i> \$2,976	Complete.
Marsdens	1	7 Year Special Rate Variation.	Class 4 Appeal Land and Environment Court.	<i>bfd</i> \$493,120 <b>13/14</b> <b>\$0</b> <i>Total</i> \$493,120	In progress. Dismissed by LEC 30/12/08. Appeal dismissed 5/2/10 part costs awarded. Application to High Court for special leave dismissed with cost. Recovery of costs being pursued.
DLA Piper	Other	Advice regarding SINC Solutions report	General advice	<b>13/14</b> <b>\$9,471</b> <i>Total</i> \$9,471	Complete.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Legal expenses for the quarter related primarily to actions instigated in previous periods.

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

Corporate Policy Not Applicable.

Tender AC2009/073 Provision of Legal Services.

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

As reported with legal expenses allowed for in appropriate areas of Council's budget.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**  
**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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41 [TCS-CM] In Kind and Real Donations - October to December 2013

SUBMITTED BY: Financial Services

Valid



## Civic Leadership

### 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 October to December 2013 are reproduced in this report for Council's information.

### RECOMMENDATION:

That Council notes the total in kind and real donations of \$45,968.73 for the period October to December 2013.

**REPORT:**

Council maintains a register of in kind and real donations. Details of these donations for the period October to December 2013 are reproduced as follows:

**Financial Assistance**

Amount	Recipient	Donated Item
\$5,000.00	Tweed Valley Wildlife Carers Inc	Donation
\$1,500.00	Rotary Club of Kingscliff Inc	First Round Donation-2013/2014
\$1,000.00	Friends of the Pound (Tweed) Inc	First Round Donation-2013/2014
\$1,500.00	Story Dogs Inc	First Round Donation-2013/2014
\$1,000.00	Coolangatta Senior Citizens Centre Inc	First Round Donation-2013/2014
\$2,000.00	Northern rivers Symphony Orchestra Inc	First Round Donation-2013/2014
\$1,500.00	Tyalgum Community Hall Assoc Inc	First Round Donation-2013/2014
\$1,380.00	Kunghur Community Preschool	First Round Donation-2013/2014
\$1,500.00	Tweed Shire Vacation Care inc	First Round Donation-2013/2014
\$1,200.00	Uki Public School P&C After Hours Care	First Round Donation-2013/2014
\$1,000.00	Kids in Community Inc	Donation - (Council Resolution 41a) 17/10/2013
\$12,000.00	International River Foundation	Budget Allocation
\$2,450.00	Tweed Shire Senior Citizen Committee	Budget Allocation
\$30.00	Uki Public School	Donation - Annual Presentation Day
\$3,000.00	Tweed Byron Life Education Action Group	Budget Allocation
<b>\$36,060.00</b>		

**Goods and/or Materials**

Amount	Recipient	Donated Item
\$30.00	Murwillumbah Historical Society	Printing
\$21.60	Tweed Land Care Committee	Printing
\$17.50	Stokers Craft Market	Printing
\$73.00	St James Primary School Banora Point	15 Shrubs & 5 Tube Stock
\$18.00	Uki Historical Society	Printing
\$25.20	Tweed Land Care Committee	Printing
\$87.60	Tweed Valley Wildlife Carers Inc	Printing
\$25.20	Tweed Land Care Committee	Printing
<b>\$298.10</b>		

**Provision of Labour and/or Plant and Equipment**

Amount	Recipient	Donated Item
\$2,053.19	Murwillumbah Rotary Club	Provision of Labour & Council Plant
\$527.81	Street Christmas Decorations	Provision of Labour & Council Plant
\$374.30	Murwillumbah Food Festival	Provision of Labour & Council Plant
\$730.71	Kingscliff Triathlon Multisport Weekend	Provision of Labour & Council Plant
\$1,107.24	Tyalgum Diggers Sports	Provision of Labour & Council Plant
<b>\$4,793.25</b>		

**Rates**

Amount	Recipient	Donated Item
\$100.49	Twin Towns Police & Community Youth Club	Sewer Usage
\$456.75	Twin Towns Police & Community Youth Club	Water Usage
<b>\$557.24</b>		

**Tweed Link Advertising**

Amount	Recipient	Donated Item
\$213.30	Various Community Notices	Advertising
\$51.30	Various Community Notices	Advertising
\$83.70	Various Community Notices	Advertising
\$173.34	Various Community Notices	Advertising
\$310.50	Various Community Notices	Advertising
\$51.30	Various Community Notices	Advertising
\$89.10	Various Community Notices	Advertising
\$91.80	Various Community Notices	Advertising
\$167.40	Various Community Notices	Advertising
\$45.90	Various Community Notices	Advertising
<b>\$1,277.64</b>		

**Room Hire**

Amount	Recipient	Donated Item
\$1,430.50	Murwillumbah Theatre Company	Room Hire - Murwillumbah Civic Centre
\$760.00	Tweed Heads Hospital (Fete)	Room Hire - Tweed Heads Civic Centre
\$52.00	Blind & Vison Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre
\$52.00	Blind & Vison Impaired Support Group	Room Hire - Coolamon Room Banora Pt Com Centre
\$45.00	Twin Towns Friends	Room Hire - South Tweed HACC
\$45.00	Twin Towns Friends	Room Hire - South Tweed HACC
\$45.00	Twin Towns Friends	Room Hire - South Tweed HACC
\$79.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - South Sea Islander Room
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room
\$79.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - South Sea Islander Room
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room
\$79.00	Tweed Heads Hospital Ladies Auxiliary	Room Hire - South Sea Islander Room
\$79.00	South Sea Islanders Meeting	Room Hire - South Sea Islander Room
<b>\$2,982.50</b>		

**\$45,968.73** Total Donations 2nd Quarter (October, November, December 2013)

**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.

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42 [TCS-CM] Investment Policy, Version 1.8

SUBMITTED BY: Financial Services

Valid



## Civic Leadership

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### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

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

### SUMMARY OF REPORT:

Council is required to review the Investment Policy annually and report any amendments to Council for adoption. Version 1.7 was last reviewed 20 June 2013.

Amendments to the Investment Policy text are indicated by bold, underline and strikethrough.

It is recommended that Council update its Investment Policy in accordance with the amendments.

### RECOMMENDATION:

**That Council:**

- 1. Adopts the amended Investment Policy (Version 1.8) in accordance with Section 161(1)(a) of the Local Government Act 1993.**
- 2. In accordance with Section 161(2) of the Local Government Act 1993 considers that the amendments to the Investment Policy Version 1.8 are not substantial and therefore no public exhibition of the policy is required.**

**REPORT:**

Council is required to review the Investment Policy annually and report any amendments to Council for adoption. Version 1.7 was last reviewed 20 June 2013.

The 2013/2014 review has resulted in several proposed amendments. A summary of these amendments are:

1. Alignment of long-term and short-term credit ratings for total portfolio.
2. Alignment of long-term and short-term credit ratings for individual counterparties.
3. Simplification of term to maturity limits.

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Investment, Version 1.7. To be updated to Version 1.8 when adopted.

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

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Investment Policy, Version 1.8 (ECM 3284867)

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**43 [TCS-CM] Monthly Investment Report for Period Ending 31 January 2014**

**SUBMITTED BY: Financial Services**

Valid



## **Civic Leadership**

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

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

### **SUMMARY OF REPORT:**

The "Responsible Accounting Officer" must report monthly to Council, setting out details of all the funds Council has invested. The Manager Financial Services, being the Responsible Accounting Officer, certifies that investments have been made in accordance with Section 625 of the Local Government Act (1993), Cl. 212 of the Local Government (General) Regulations and Council policies. Council had **\$172,333,991** invested as at **31 January 2014** and the accrued net return on these funds was **\$535,843** or **3.73%** 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 January 2014 totalling \$172,333,991 be received and noted.**

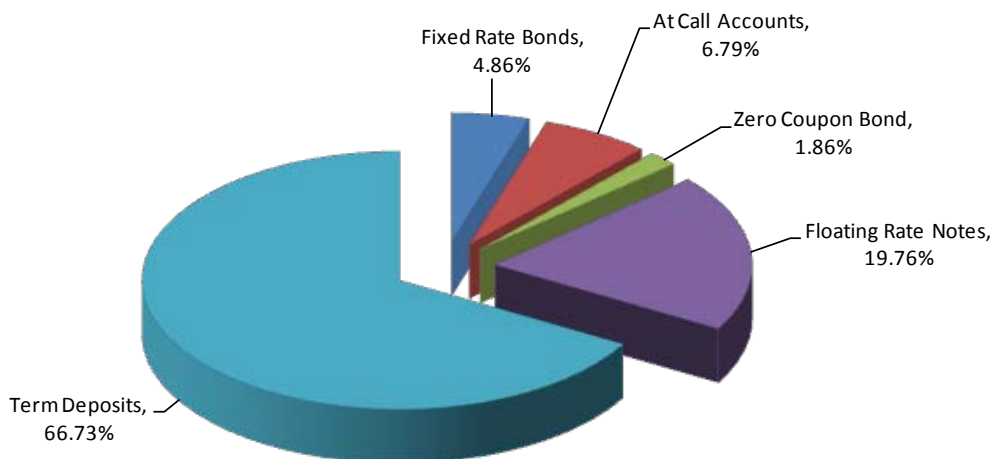
**REPORT:**

**Restricted Funds as at 1 July 2013**

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

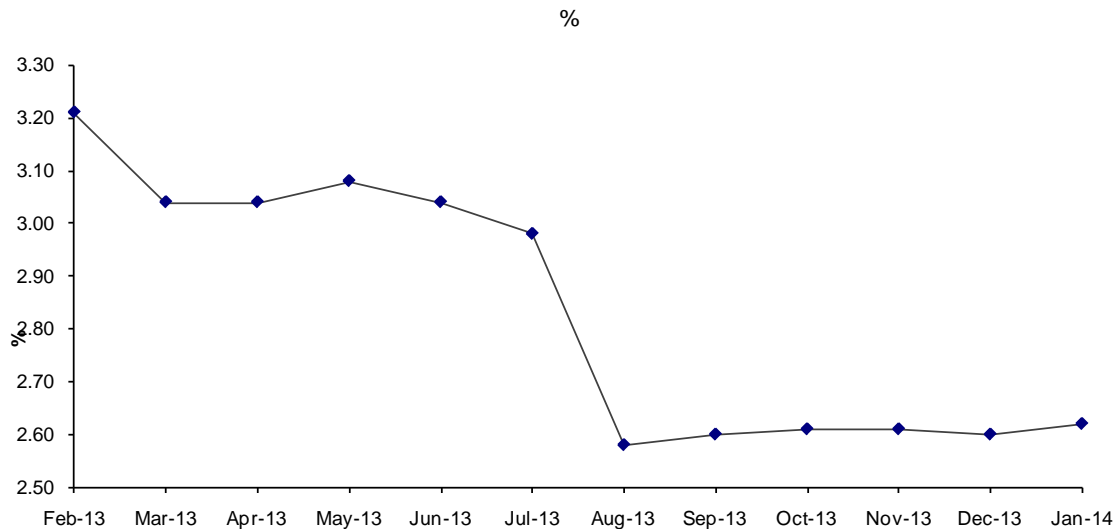
*Note: Restricted Funds Summary updated September 2013, corresponding with the Annual Financial Statements as at 30 June 2013*

**1. Investment Portfolio by Category**





## 2. Investment Rates - 90 Day Bank Bill Rate



## 3. Bond and Floating Rate Note Securities

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
AMP (ANZ) (03/16)	1,700,000.00	<b>1,721,250.00</b>	3.67	FRN	14/03/2016
AMP (RBS) (06/14)	2,000,000.00	<b>2,016,620.00</b>	3.80	FRN	06/06/2014
AMP (RIM) (05/17)	2,500,000.00	<b>2,533,775.00</b>	3.71	FRN	29/05/2017
ANZ (11/18)	1,000,000.00	<b>1,007,750.00</b>	3.51	FRN	06/11/2018
Bendigo (FIIG) (11/15) +1.25%	1,000,000.00	<b>1,020,890.00</b>	3.85	FRN	02/11/2015
Bendigo (RBS) (05/17)	3,000,000.00	<b>3,034,920.00</b>	3.78	FRN	17/05/2017
Bendigo (RBS) (11/18)	1,000,000.00	<b>1,009,530.00</b>	3.86	FRN	14/11/2018
BOQ (ANZ) (05/16)	1,000,000.00	<b>1,014,120.00</b>	3.96	FRN	30/05/2016
BOQ (RBS) (05/16)	1,000,000.00	<b>1,014,120.00</b>	3.96	FRN	30/05/2016
CBA (08/16) 1.17%	3,000,000.00	<b>3,074,400.00</b>	3.78	FRN	02/08/2016
CBA Retail Bond (12/15)	2,000,000.00	<b>1,998,000.00</b>	3.70	FRN	24/12/2015
CBA/Merrill Lynch Zero Coupon Bond (01/18)	4,000,000.00	<b>3,210,400.00</b>	7.17	Fixed Rate Bond	22/01/2018
Heritage (RBS) (06/17)	1,000,000.00	<b>1,067,000.00</b>	7.25	Fixed Rate Bond	20/06/2017
ING (RBS) (08/16)	1,000,000.00	<b>1,025,520.00</b>	4.25	Fixed Rate Bond	23/08/2016
ING (RBS) (09/15)	2,000,000.00	<b>2,105,420.00</b>	5.50	Fixed Rate Bond	03/09/2015
ING (RBS) (09/15)	2,000,000.00	<b>2,105,420.00</b>	5.50	Fixed Rate Bond	03/09/2015
Macquarie (RIMSEC) (03/14)	1,000,000.00	<b>1,007,560.00</b>	4.52	FRN	13/03/2014
ME Bank (CBA) (09/15)	1,400,000.00	<b>1,411,186.00</b>	3.83	FRN	03/09/2015
ME Bank (CBA) (11/16)	1,000,000.00	<b>1,007,290.00</b>	3.86	FRN	28/11/2016
ME Bank (Morgans) (11/16)	1,000,000.00	<b>1,007,290.00</b>	3.86	FRN	28/11/2016
NAB (06/16)	2,000,000.00	<b>2,037,700.00</b>	3.79	FRN	21/06/2016
NAB (11/15)	1,000,000.00	<b>1,022,950.00</b>	3.83	FRN	05/11/2015
NAB Direct (12/14)	1,000,000.00	<b>1,014,370.00</b>	3.91	FRN	19/12/2014
Rabo (RBS) (09/18)	1,000,000.00	<b>1,011,140.00</b>	3.76	FRN	25/09/2018
Suncorp (05/14)	2,000,000.00	<b>2,017,400.00</b>	3.69	FRN	26/05/2014
Suncorp (Westpac) (04/15)	2,000,000.00	<b>2,024,040.00</b>	4.13	FRN	23/04/2015
Suncorp Covered	2,000,000.00	<b>2,074,820.00</b>	4.75	Fixed Rate	06/12/2016

Counterparty	Face Value	Market Value	% Return on Face Value	Investment Type	Maturity Date
(RIMSEC) (12/16)				Bond	
Westpac (RBS) (02/17)	1,000,000.00	<b>1,039,110.00</b>	4.22	FRN	20/02/2017
	45,600,000.00	45,633,991.00	4.26		
LEGEND	<b>Investment Type</b> ABS = Asset Backed Security Bond = Fixed Rate Bond CDO = Collateralised Debt Obligation FRN = Floating Rate Note BB = Bendigo Bank ME = Members Equity Bank Bank Heritage = Heritage Bank RaboDirect = Rabo Bank ING = ING Bank Rural = Rural Bank Investec = Investec Bank Suncorp = Suncorp Metway Bank Macquarie = Macquarie Bank WBC = Westpac Banking Corporation NAB = National Australia Bank CBA = Commonwealth Bank				
<b>Counterparty</b>					
AMP = AMP Bank					
ANZ = ANZ Bank					
BOQ = Bank of Queensland					
CBA = Commonwealth Bank					

#### 4. Term Deposits

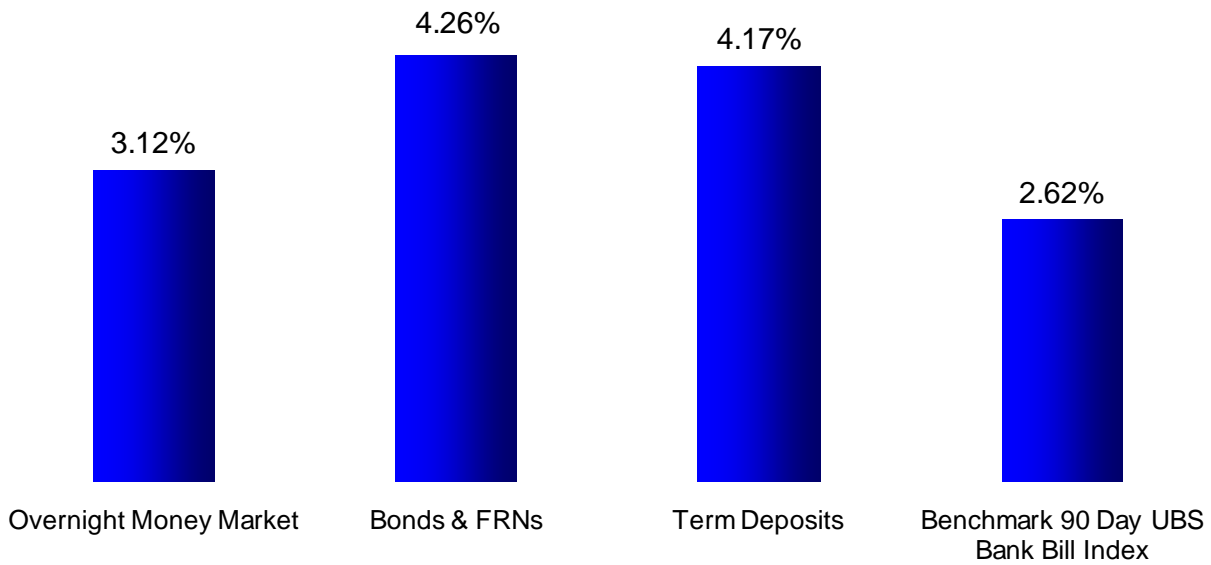
Lodged or Rolled	DUE	Counterparty	PRINCIPAL	TERM	% Yield
02-Aug-13	<b>29-Apr-14</b>	AMP (Apr 2014)	4,000,000.00	270	4.00
03-Sep-13	<b>11-Mar-14</b>	AMP (CURVE) (Sept 2013) annual interest	500,000.00	189	3.80
10-Sep-13	<b>10-Jun-14</b>	AMP (CURVE) (Sept 2013) annual interest	500,000.00	273	3.80
30-Jul-13	<b>30-Jul-14</b>	AMP (Curve) annual interest	1,000,000.00	365	4.00
03-Dec-13	<b>03-Jun-14</b>	Bendigo Bank	2,000,000.00	182	3.70
21-Aug-13	<b>18-Feb-14</b>	Beyond Bank	1,000,000.00	181	3.85
08-Jan-14	<b>08-Apr-14</b>	BOQ (Apr 2014)	2,000,000.00	90	4.13
25-Nov-13	<b>24-Feb-14</b>	BOQ (Feb 2016)	1,000,000.00	94	4.19
22-Mar-11	<b>25-Mar-14</b>	BOQ (Mar 2014) annual interest	1,000,000.00	1099	6.75
03-Sep-13	<b>03-Sep-14</b>	BOQ (Mar 2016)	3,000,000.00	365	4.05
20-Sep-13	<b>20-Sep-14</b>	BOQ (Sept 2015) annual interest	2,000,000.00	365	4.20
20-Dec-13	<b>20-Mar-14</b>	BOQ (Sept 2016) quarterly interest	2,000,000.00	91	3.92
11-Oct-13	<b>11-Oct-14</b>	CBA (Oct 2015) annual interest	1,000,000.00	365	4.85
20-Feb-13	<b>18-Feb-14</b>	Heritage Bank (Feb 2014)	2,000,000.00	363	4.40
03-Dec-13	<b>11-Mar-14</b>	IMB (Mar 2014)	2,000,000.00	98	3.60
15-Oct-13	<b>15-Oct-14</b>	ING (Curve) (March 2013)	2,000,000.00	365	4.01
20-Nov-13	<b>20-Feb-14</b>	ING (FIIG) (Feb 2014)	1,000,000.00	92	3.97
24-Jan-14	<b>24-Apr-14</b>	ING (FIIG) (Jul 2014)	3,000,000.00	90	4.07
28-Jan-14	<b>27-Jan-15</b>	ING (RIMSEC)	2,000,000.00	90	0.00
20-Nov-13	<b>20-Feb-14</b>	ING (RIMSEC) (Feb 2015)	1,000,000.00	92	3.97
09-Jan-14	<b>09-Apr-14</b>	ING (RIMSEC) (Jul 2014)	2,000,000.00	90	4.09
03-Sep-13	<b>02-Sep-15</b>	ING (RIMSEC) (Sept 2013)	1,000,000.00	365	4.14
06-Nov-13	<b>06-Feb-14</b>	Investec (RIMSEC) (Aug 2013)	1,000,000.00	92	4.14
10-Dec-13	<b>10-Mar-14</b>	Investec (RIMSEC) (Jun 2014)	1,000,000.00	91	4.55
03-Sep-13	<b>03-Sep-14</b>	Investec (RIMSEC) (Sept 2015) annual interest	1,000,000.00	365	4.14
11-Sep-13	<b>11-Sep-14</b>	Investec (Sept 2015) annual interest	2,000,000.00	365	4.37
03-Dec-13	<b>10-Jun-14</b>	ME Bank	2,000,000.00	189	3.83
15-Aug-13	<b>13-May-14</b>	MEB (Apr 2014)	3,000,000.00	271	4.05
15-Oct-13	<b>15-Apr-14</b>	MEB (Jul 2013)	4,000,000.00	182	3.85
11-Jun-13	<b>17-Jun-14</b>	MEB (RIMSEC) (June 2014)	4,000,000.00	371	4.15
30-Jul-13	<b>29-Jul-14</b>	MEB annual interest	4,000,000.00	364	4.15
06-Aug-13	<b>04-Aug-15</b>	NAB (Curve) (Aug 2015)	2,000,000.00	728	4.10
12-Nov-13	<b>12-Feb-14</b>	NAB (Feb 2015) annual interest	2,000,000.00	92	3.99
23-Jan-14	<b>23-Apr-14</b>	NAB (July 2013) annual interest	2,000,000.00	90	3.92



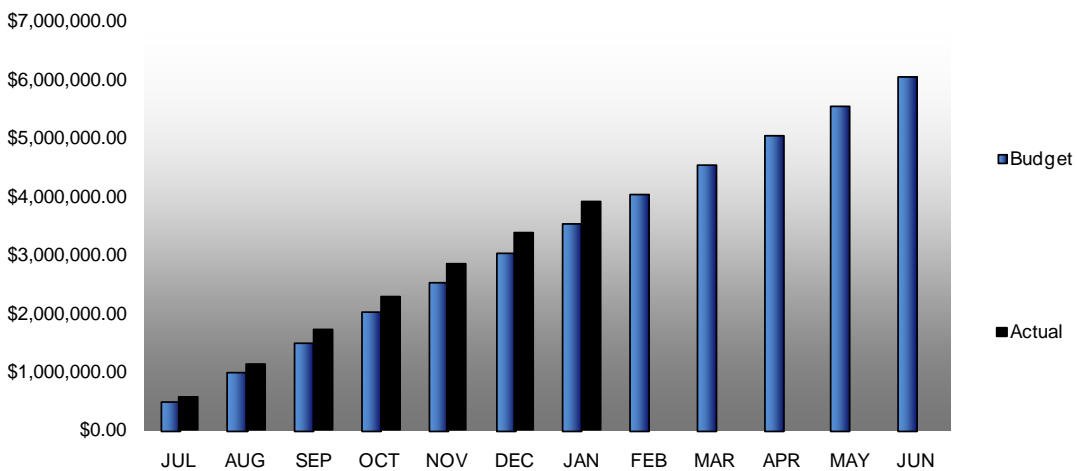
**5. Performance by Category**

Category	Face Value	Market Value	Average Return	Above or (Below) 90 day BBSW Benchmark
Overnight Money Market	11,700,000.00	11,700,000.00	3.12%	0.50%
Bonds & FRNs	45,600,000.00	45,633,991.00	4.26%	1.64%
Term Deposits	115,000,000.00	115,000,000.00	4.17%	1.55%
Benchmark 90 Day UBS Bank Bill Index	172,300,000.00	172,333,991.00	2.62%	

**Performance by Category Compared with Benchmark**



**6. Total Portfolio Income v Budget**



**7. Investment Policy Diversification and Credit Risk**

<b>Total Portfolio Credit Limits Compared to Policy Limits</b>					
<b>Long-Term Credit Ratings</b>	<b>Investment Policy Limit</b>	<b>Actual Portfolio</b>	<b>Short-Term Credit Ratings</b>	<b>Investment Policy Limit</b>	<b>Actual Portfolio</b>
AAA Category	100%	<b>1.23%</b>	A-1+	100%	<b>8.00%</b>
AA Category	100%	<b>29.51%</b>	A-1	100%	<b>10.78%</b>
A Category or below	60%	<b>16.43%</b>	A-2	60%	<b>17.48%</b>
BBB Category or below	20%	<b>3.27%</b>	A-3	0%	<b>0.00%</b>
Unrated	10%	<b>13.30%</b>	Unrated	10%	<b>0.00%</b>

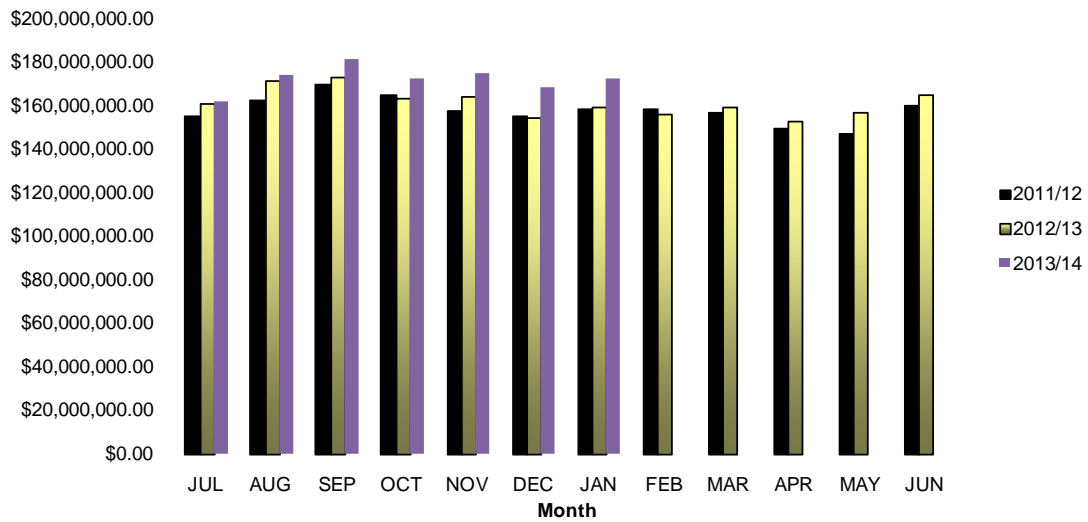
**8. Term to Maturity**

<b>Maturity Profile</b>	<b>Actual % Portfolio</b>	<b>Policy Limits</b>
Less than 365 days	41.07%	Minimum 40% of portfolio
More than 365 days and less than 3 years	50.67%	Maximum 60%
3 years and less than 5 years	8.26%	Maximum 35%
Total	100.00%	

**9. Investment Alternatives Explained**

Investment Product	Maturity Range	Usual term to maturity	Major Benefits	Major risks
At Call Cash	At Call	Immediate to a few months	Highly liquid - same day access to funds with no impact on capital	Not a capital growth asset
			Highly secure as a bank deposit	Underperforms other asset classes in the long term
Bank Bill	1 - 180 days	Less than 1 year	Highly liquid - same day access to funds, usually with no or minimal impact on capital	Not a growth asset
			Highly secure (bank risk)	Underperforms other asset classes in the long term
				May incur a small loss for early redemption
Term Deposit	Up to 5 years	Less than 2 years	Liquid - same day access to funds	Will incur a small capital loss for early termination
			Highly secure as a bank deposit	Underperforms growth assets in the longer term
Floating rate Note Bond	1 - 5 years	Greater than 2 years	Increased yield over bank bills	Not a growth asset
			Can accrue capital gain if sold ahead of maturity and market interest rates have fallen	Can incur capital losses if sold ahead of maturity and market interest rates have risen
			Coupon interest rate resets quarterly based on 90 day bank bill swap rate	Credit exposure to company issuing the paper
			Relatively liquid	May not be bank guaranteed
			Less administration than bank bills	Underperforms other asset classes in the long term
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	

### 10. Monthly Comparison of Total Funds Invested



### 11. Section 94 Developer Contributions - Monthly Balances & Receipts

Contribution Plan	Plan Description	End of Month Balance	Contributions Received for Month
1	DCP3 Open Space	3,946,862	
2	Western Drainage	564,193	
3	DCP3 Community Facilities	4,901	
4	TRCP Road Contributions	11,062,926	576,422
5	Open Space	845,912	
6	Street Trees	138,860	
7	West Kingscliff	423,586	
10	Cobaki Lakes	-1,270	
11	Libraries	1,607,928	55,082
12	Bus Shelters	73,393	4,207
13	Cemeteries	-7,972	8,086
14	Mebbin Springs	84,920	
15	Community Facilities	559,718	1,014
16	Surf Lifesaving	347,768	
18	Council Administration/Technical Support	894,397	122,280
19	Kings Beach	425,693	228,865
20	Seabreeze Estate	708	
21	Terranora Village	29,074	
22	Cycleways Shirewide	117,077	31,090
23	Carparking Shirewide	1,467,810	
25	SALT	1,024,521	
26	Open Space Shire wide	1,907,751	323,461
27	Tweed Heads Masterplan	97,874	
28	Seaside City	104,344	
91	DCP14	101,626	
92	Public Reserve Contributions	127,460	
95	Bilambil Heights	496,960	
	<i>Total</i>	<i>26,447,019</i>	<i>1,350,507</i>

## 12. Economic Commentary

### Australian Economy and Cash Rate

The Reserve Bank of Australia (RBA) met on 4 February 2014 and the cash rate remained unchanged at 2.50%.

The RBA signalled its shift to a neutral policy stance after the 4 February Board meeting. The general tone in the RBA's commentary is that they are a little more relaxed about growth prospects (at home and abroad) and a little less comfortable with the inflation outlook. The RBA's comments that the March 2014 CPI may "surprise" and indicate less spare capacity in the economy than previously thought or widening margins are particularly telling.

Inflation risks are a prime driver of the shift in RBA sentiment. A consistent theme over the years is that the best contribution the RBA can make to the longer run health and welfare of the Australian economy is to keep inflation consistent with the 2-3% target range. Near-term inflation forecasts have been revised higher. The revisions represent the first significant uplift since mid-2011. And the new forecast ranges (2¼-3¼%) envisage a period in 2014/15 when inflation may run above the top of the band.

Therefore, the probability of another cut this year from the RBA continues to fade with only a 1 in 4 chance currently priced in by mid-year. The market now has a hike fully priced in by March of 2015, suggesting that the bottom of this interest rate cycle may have been reached.

### Council's Investment Portfolio

Council's investment portfolio is conservatively structured in accordance with Division of Local Government guidelines with 73.5% of the portfolio held in cash and term deposits. Term deposit and bonds are still paying above average margins over the 90 day bank bill rate.

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 1.23% pa above the 90 day UBS bank bill index for the last month.

*Source: RBA Commentary*



**13. Investment Summary**

<b>GENERAL FUND</b>			
	CORPORATE FIXED RATE BONDS	11,588,580.00	
	FLOATING RATE NOTES	34,045,411.00	
	TERM DEPOSITS	47,000,000.00	
<b>WATER FUND</b>	CALL ACCOUNT	11,700,000.00	<b>104,333,991.00</b>
<hr/>			
	TERM DEPOSITS FUND MANAGERS	28,000,000.00	
<b>SEWERAGE FUND</b>		0.00	<b>28,000,000.00</b>
<hr/>			
	TERM DEPOSITS FUND MANAGERS	40,000,000.00	
		0.00	<b>40,000,000.00</b>
<hr/>			
<b>TOTAL INVESTMENTS</b>			<b>172,333,991.00</b>

It should be noted that the General Fund investments of **\$104 million** are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

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

**Statutory Statement - Local Government (General) Regulation 2005 Cl. 212**

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



**Responsible Accounting Officer**  
Acting Director Technology and Corporate Services  
Tweed Shire Council

**OPTIONS:**

Not Applicable.

**CONCLUSION:**

Not Applicable.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

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

Not Applicable.

**c. Legal:**

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

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

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

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

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

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

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

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## ORDERS OF THE DAY

### 44 [NOR-Cr W Polglase, Cr G Bagnall, Cr C Byrne] Environmental Levy 2015/2016

#### NOTICE OF RESCISSION:

Councillor W Polglase, G Bagnall and C Byrne move that the resolution at Minute Number 50 of the Ordinary Council meeting held 23 January 2014 at Item b35 [TCS-CM] Environmental Levy 2015/2016 being:

*" that Council:*

1. *Proceeds to include information on a proposed 2015/2016 Environmental Levy in the 2014/2015 Integrated Planning and Reporting process based on the Tweed River Bank Management Project, funded by an ordinary rate increase of 1% for a period of 10 years.*
2. *Consults with the community on the alternatives as detailed within this report."*

**be rescinded**

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### 45 [NOM-Cr W Polglase] Environmental Levy 2015/16

#### NOTICE OF MOTION:

Councillor W Polglase moves that:

1. Council proceeds to include information on a proposed 2015/16 Environmental Levy in the 2014/15 Integrated Planning and Reporting process based on the following projects (2 below) or a combination of projects and time frames, funded by an Ordinary Rate increase of 1% for a period of 10 years.
  2. The following identified Environmental Projects (Existing and Proposed) should be considered and would benefit the community should additional funding be provided.
    - Biodiversity and Council Bushland Management
    - Vertebrate Pest Management
    - Sustainable Agriculture Program
    - Sustainability Programs
    - Integrated Water Cycle Management
    - River Bank Management
-

**46 [NOM-Cr B Longland] Tweed Roads Contribution Plan**

**NOTICE OF MOTION:**

Currently, within the Tweed Roads Contribution Plan, Part 3 (TRCP), a concession exists for employment generating development. However, this currently excludes the South Kingscliff / Casuarina area. This exclusion emanates from NSW Government assistance some 20 years ago to partly fund the creation/upgrade of the Tweed Coast and Old Bogangar Roads. Continuation of this exclusion after such a long period of time is not in the interests of obtaining employment creation development and should be reviewed.

The exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the TRCP be reviewed by Council officers and a report brought back to a future Council meeting.

Councillor B Longland moves that the exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the Tweed Roads Contribution Program be reviewed by Council officers and a report brought back to a future Council meeting.

---

**47 [NOM-Cr M Armstrong] Community Markets**

**NOTICE OF MOTION:**

Councillor M Armstrong moves that Council:

1. Prepares a review of the Tweed Shire Council Market Management Plan Guidelines and related planning controls and considers methods to promote financial sustainable local community markets and to promote local food and produce; and
2. To better inform the review, enters into negotiations with a suitable existing market manager to commence a six month trial at an existing market to allow up to ten (10) food vendors to trade at these markets and consults with local and nearby retail facilities to obtain their feedback as to the economic impact of the additional food vendors in the authorised markets.

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

**NOTICE OF MOTION:**

Councillor M Armstrong moves that Council officers bring forward a report regarding public open spaces outlining:

- i) The state of existing public open spaces focusing on, but not limited to, public facilities;
  - ii) The state of current Section 94 contributions plan for open spaces; and
  - iii) Identify future funding opportunities to increase the provision of public open space.
- 

**49 [NOM-Cr M Armstrong] Sustainable Building Showcase**

**NOTICE OF MOTION:**

Councillor M Armstrong moves that Council notes the experience and expertise of the local building industry in developing innovative and sustainable designs and, to showcase the skills of the local community:

1. Develops design criteria for a new public toilet facility to showcase various aspects of sustainable design including, but not limited to, living walls and roofs, water reclamation, water use minimisation, energy efficiency, energy production, passive solar design and financial affordability.
  2. Determines where such a building could be constructed or which existing building could be retrofitted.
  3. Seeks tenders from architectural and design firms situated in the Tweed Shire to find a design for a public toilet facility for construction in accordance with the design criteria in the 2015-16 financial year; and
  4. Seeks tenders from local building and construction businesses to construct the successful design to be constructed by 30 June 2016.
- 

**50 [NOM-Cr M Armstrong] Minjungbal Drive Streetscaping**

**NOTICE OF MOTION:**

Councillor M Armstrong moves that Council undertakes a review of the current streetscape of Minjungbal Drive between the interchange with the Pacific Highway and the Kennedy Drive exit.

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**51 [NOM-Cr G Bagnall] Wildlife Carers**

**NOTICE OF MOTION:**

Councillor G Bagnall moves that the General Manager arranges a briefing session for relevant staff, by suitably licensed and trained wildlife carers, to improve Council's workforce awareness of injured wildlife and to build working relationships with wildlife carers.

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**52 [NOM-Cr G Bagnall] Council Committees**

**NOTICE OF MOTION:**

Councillor G Bagnall moves that the Council Committees, which have not stipulated the length of appointment of the Chairperson, shall annually elect a Chairperson, beginning at the end of the current twelve month period (Sept, 2014)

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**53 [NOM-Cr G Bagnall] Tweed Life Education Committee**

**NOTICE OF MOTION:**

Councillor G Bagnall moves that, in view of the need to support the work of the Tweed Life Education Committee with the funding required to ensure that as many of the Tweed's primary school children as possible are able to attend the sessions provided by this important organisation, Council:

1. Supports the following principle of our charter, which states "To promote and provide and plan for the needs of children", by increasing its annual contribution in the 2014/2015 draft budget to Tweed Life Education Committee.
  2. Writes to the Education Minister, Hon Adrian Piccoli, and request that public schools provide a base level of funding to support Education for Life in the public school system.
-

**54 [NOM-Cr K Milne] Large Scale Solar Investment**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council

1. Notes the investment by the Sunshine Coast Council to create a solar farm which is expected to provide \$10 million in savings to the Council over 30 years.
2. Includes options for various levels of investment in large scale solar energy in the future report on Council's Climate Action Plan, including consideration of a Council owned solar farm.

**UNDER SEPARATE COVER:**

Attachment 1: Supporting Article relating to Large Scale Solar Investment  
(ECM 3284688)

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**55 [NOM-Cr K Milne] Wildlife Nesting Boxes**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report on the possibility of coordinating with the Men's Sheds, or other organisations or businesses, to provide wildlife nesting boxes for sale through the Council Civic Centres, and the potential to include wildlife nesting boxes and/or hollow logs as a requirement in appropriate development approvals.

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

**NOTICE OF MOTION:**

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

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**57 [NOM-Cr K Milne] Industrial Waste Inspections**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council brings forward a report on the potential to instigate six monthly or annual compliance inspections for industrial style businesses which deal with toxic wastes, similar to the Health and Food Safety inspections required for restaurants and other food outlets.

---

**58 [NOM-Cr K Milne] Great Barrier Reef**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council writes to the Federal Minister for the Environment in regard to the recent approval for the dumping of dredge spoil in the Great Barrier Reef Marine Park to express our concerns about the potential impact to the marine environment, including the likely negative flow on impacts to tourism, including in our northern rivers region, and to request the government review this decision.

---

**59 [NOM-Cr K Milne] Lillies Island Seagrass**

**NOTICE OF MOTION:**

Councillor K Milne moves that Council writes to the NSW Minister for Trade and investment to:

1. Advise the Minister of the significant impacts that are occurring to the Lillies Island and other seagrass beds in the Chinderah reach from boat scarring and supply aerial photographic evidence.
  2. Seek advice on any recent actions that have been undertaken by the Department to address this issue.
  3. Request the Minister review the Department's advice that they would not be implementing signage at this area to protect these significant seagrass beds.
-



**QUESTIONS ON NOTICE**

**60 [QON-Cr K Milne] Tweed Shire Comprehensive Coastal Assessment Report**

**QUESTION ON NOTICE:**

Councillor K Milne asked:

1. What areas of the Tweed estuary were at, or near, carrying capacity for safe boating distances, according to the Tweed Shire Comprehensive Coastal Assessment Report, and what was the carrying capacity for the Chinderah reach at the time of this study?
  2. Has there been any new studies to determine if boating levels have changed since the Comprehensive Coastal Assessment Report?
- 

**61 [QON-Cr K Milne] Renew Australia**

**QUESTION ON NOTICE:**

Councillor K Milne asked:

Could Council invite Renew Australia to be involved in a Renew program for the Tweed Shire and what would such a process involve?

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## REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

62 [SUB-TCC] Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2013

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 11 December 2013 are reproduced in the body of this report for the information of Councillors.

#### RECOMMENDATION:

**That the Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2013 be received and noted.**

**REPORT:**

The Minutes of the Tweed Coastal Committee Meeting held Wednesday 11 December 2013 are reproduced as follows for the information of Councillors.

**Venue:**

Cudgen Headland SLSC

**Time:**

1.00pm

**Present:**

Cr Barry Longland (Chair); Ben Fitzgibbon (Office of Environment and Heritage); Rhonda James (Restoration Industry); John Harbison (Mooball); Terry Kane (Cabarita Beach-Bogangar); Michael Munday (Bogangar); Jason Pearson (Kingscliff); Peter Sloan (Hastings Point); Tim Jack Adams (Kingscliff); David Cranwell (Pottsville); Roger Graf (Fingal Head); Jane Lofthouse, Tom Alletson, Marama Hopkins, Stewart Brawley (Tweed Shire Council).

**Apologies:**

Cr Gary Bagnall; Pat Dwyer (Department of Primary Industries - Fisheries NSW).

**Minutes of Previous Meeting:**

**Moved: John Harbison**

**Seconded: David Cranwell**

**RESOLVED** that the Minutes of the Tweed Coastal Committee meeting held Wednesday 9 October 2013 be accepted as a true and accurate record of the proceedings of that meeting.

**Business Arising:**

**BA1. Coastal Zone Management Plan for Estuaries**

Tom advised the Coastal Zone Management Plan (CZMP) was submitted to Council's December meeting for adoption and implementation.

**BA2 Lot 490 at Kingscliff**

Following Council's meeting with the Department of Lands regarding Lot 490, Cr Longland advised that no course of action had yet been determined but noted that the Department of Lands is potentially looking for expressions of interest to purchase the land.

Council has resolved to consult with the community over options for the land and conduct a meeting.

Council has noted to Department of Lands that any funds from sale of this land should go to the local community, and that

Council may consider the option of purchasing the land.

An Aboriginal land claim has been made over the lot which will take about six months to resolve. It was also noted that the Department of Lands has no objection to Dune Care volunteers working on restoration of the site.

**BA3. Beach and Shore Nesting Birds**

Marama advised that there had been several instances of successful breeding of bush stone curlews in caravan parks around the Shire. Noted that park residents have been useful guardians of the nesting birds and young.

**BA4. Tweed River Festival**

Jane provided an update of the success of the Tweed River Festival, held at Budd Park, Murwillumbah.

**BA5. Fingal Rover Surf Club**

Jane noted that following the erosion events of mid-2013 at Fingal Head, the beach was rebuilding and erosion was no longer an immediate threat to the Surf Lifesaving Clubhouse. There is yet to be discussions commenced with the club regarding relocation of the clubhouse. The opportunity for this would be in conjunction with the development of an updated Coastal Zone Management Plan for the Tweed Coast.

Also noted that Council staff would be working on providing improved vehicular and public access to the beach prior to Christmas.

---

**Agenda Items:**

**A1. 2014 Projects**

The major projects for the Tweed Coastal Committee in 2014 will be adoption of the Coastal Hazards Assessment; development of the Kingscliff Coastal Zone Management Plan (CZMP); implementation of the Tweed Coast Estuaries CZMP, the main project being the Acid Sulfate Soil identification and remediation project in the coast estuaries catchments.

**A2. Tweed Shire Coastal Hazards Assessment**

Copies of the finalised Tweed Shire Coastal Hazards Assessment 2013 were distributed to the Committee. A Council workshop and report will be held early 2014 for adoption of the assessment and updated hazard lines.

Jane provided an overview of the methodology and findings.

*Tom left at 2.55pm*

**A3. Kingscliff Coastal Zone Management Plan**

Brief discussion on the development of the CZMP for Kingscliff to commence early 2014 following adoption of the Hazards Assessment.

The CZMP will be based on consideration of a limited number of management options, the previous Coastline Management Plan having eliminated some options and recent reports commissioned by Council have eliminated others (groyne field). The main options to be considered are:

- Do nothing
- Planned retreat
- Seawall and sand nourishment (various options)

Noted that the steering group formed as part of the Cost Benefit Assessment undertaken for the project represented a wide range of stakeholders and it is anticipated that this group will be involved in the further development of options for the CZMP.

**A4. Tweed DuneCare Coordinating Committee**

Marama provided details of the meeting held 5 December 2013. There were no outstanding items from this meeting.

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**General Business:**

**GB1. Items from Pottsville Community**

- Cas24 beach sign fallen down - referred to Recreation Services.
- Pedestrian access 20m north of beach vehicle access at Hastings Point requires attention - referred to Rod Keevers.

**GB2. Platypus Watch Posters**

Copies of the poster were made available to members.

**GB3. Ed Parker Rotary Park**

Michael asked if there were any plans for further revegetation of the creek bank. To be discussed with Tom.

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**Next Meeting:**

The next meeting of the Tweed Coastal Committee will be held Wednesday 12 February 2014..

The meeting closed at 3.30pm.

**DIRECTOR'S COMMENTS:**

Nil.

**DIRECTOR'S RECOMMENDATIONS:**

Nil.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Reviewed 21 August 2012.

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

Not applicable.

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**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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**63 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2013**

**SUBMITTED BY: Natural Resource Management**

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## **Caring for the Environment**

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

- 4 Caring for the Environment
  - 4.3 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 11 December 2013 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 11 December 2013 be received and noted; and**
- 2. The Executive Management Team's recommendations be adopted as follows:**

#### **BA2. Stocking of Fish in Clarrie Hall Dam**

***That Council writes to the research body, Southern Cross University, noting that Council has a strong interest in the stocking of fish in Clarrie Hall Dam project and requests regular updates and collaboration on the progress of the project.***

## REPORT:

The Minutes of the Tweed River Committee Meeting held Wednesday 11 December 2013 are reproduced as follows for the information of Councillors.

Venue:

Cudgen Headland SLSC

Time:

9.10am

Present:

Rhonda James (Restoration Industry) (Chair until 10.30am); Robert Quirk (NSW Cane Growers' Association) (Chair from 10.30am); Cr Katie Milne; Ben Fitzgibbon (Office of Environment and Heritage); Pat Dwyer (Department of Industry & Investment NSW); Claire Masters (Tweed Landcare Inc); Sam Dawson (Caldera Environment Centre); Lindy Smith (Community Representative); Eddie Norris (Community Representative); Bob Modystack (Community Representative); Jane Lofthouse, Tom Alletson, Mark Kingston (Tweed Shire Council).

Informal:

Matt Bloor; Tim Mackney (from 10.50am).

Apologies:

Cr Gary Bagnall; Carl Cormack (Roads and Maritime Services); Scott Petersen (Tweed River Charter Operators); Max Boyd (Community Representative).

Minutes of Previous Meeting:

Moved: Claire Masters

Seconded: Eddie Norris

RESOLVED that the Minutes of the Tweed River Committee meeting held Thursday 9 October 2013 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Appointment of New Representatives

The new members, Bob Modystack (nominated by Murwillumbah Rowing Club) and Lindy Smith (environmental issues) were welcomed to the Committee.

Tom noted that both representatives have long term associations with the Tweed River.

BA2. Stocking of Fish in Clarrie Hall Dam

Pat provided information on proposal to stock Mangrove Jack into Clarrie Hall Dam.

The proposal is currently at investigation stage with work being undertaken to examine impacts and management of stocking.

Instigated by Southern Cross University Marine Centre at Coffs Harbour with an objective of improving stocks for recreational fishing.

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Pat will bring further updates and it was decided to invite researchers to a future meeting.

**RECOMMENDATION:**

Moved: Cr Milne

Seconded: Eddie Norris

That Council writes to the research body, Southern Cross University, noting that Council has a strong interest in the project and should be liaised with and kept up to date with progress of the project.

**BA3. Council Resolution 17 October 2013 - Wake Impact**

Tom advised there were seven recommendations in the wake management report. A number of letters have been sent to relevant state government agencies actioning items within the report.

- Letters to Ministers regarding funding for bank erosion management
- Letters to Office of Environment and Heritage (OEH) regarding restriction of towing adjacent to Stott's Island

Road and Maritime Services will be requested to provide a copy of the terms of reference for the Boating Plan Review.

**BA4. Proposed Chinderah Pontoon**

The committee was advised of the resolution of Council regarding Notice of Motion on 17 November 2013:

*RESOLVED that Council brings forward a report on seeking advice on ecological impacts of the Chinderah Pontoon particularly on the Lillies Island and other seagrass beds. This advice to include:*

- 1. A brief literature review of relevant documents, including but not limited to, The Tweed River Wake Study, the Land and Environment Court judgement on the Chinderah Marina, recent Council reports on commercial wakeboarding applications.*
- 2. Likely ecological impacts from the pontoon, including construction, and associated boat and wake activity in the Chinderah Bay region and surrounds, including on seagrass or other marine ecology, particularly the Lillies Island seagrass bed.*
- 3. Potential for increased erosion from associated boating activity.*
- 4. Visual impacts including on World Heritage vistas and vistas of High Conservation Value areas.*
- 5. Options to reduce environmental impacts including fish friendly / eco friendly design that could blend into the landscape.*
- 6. Recommendations for appropriately located signage to protect the high conservation areas in this region from boat traffic and inappropriate visitation.*

7. *Recommendations for monitoring and evaluation of ecological impacts, including options for evaluation via a staged construction approach.*
8. *Recommendations for further studies if required, including but not limited, to consideration of a pollution disaster management plan, a flood disaster management plan, and a debris removal management plan.*

*Robert attended at 10.30am*

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Agenda Items:

A1. NRCMA - Catchment Management Plan - 2013-2023

Claire provided an overview of the Catchment Management Plan (CAP). Copies were provided to community representatives.

Focus on building resilience in the landscape/ecosystems.

Mapping of "health" rankings for various criteria.

Goals, strategies, actions. Discussion on reduced State Government input and continued reliance on local implementation of CAP.

*Tim Mackney attended at 10.50am*

A2. Integrated Water Cycle Management

Tim provided an update on content and status of document. The draft will be on public exhibition from January to February 2014.

The committee thanked Tim for his involvement in river management and participation and presentations to the Tweed River Committee.

Action item for February meeting:

Members to familiarise themselves with the document (executive summary and actions) and to allocate one hour for discussion.

Tom to circulate document, minus the appendices, to the Committee and email the link to the document.

A3. Objectives for 2014

Tom provided an update on projects for 2014:

- Crossthwaite property works - revegetation
- Finalise Riverbank Management Plan
- Finalise Chinderah Pontoon
- High priority Riverbank Management Projects - bio-engineering

- Cobaki-Terranora Broadwaters Coastal Zone Management Plan - number of small projects
- State of the Tweed River report

*Pat Dwyer left at 12.05pm*

A4. Project Updates:

Platypus Project

- Platypus Watch Project launched
- Project update
- Platypus weaving; education and awareness

River Health Grants Update

2012/13 - \$200k; 40 landholders; 13 kilometres of riverbank

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General Business:

GB1. Office of Environment and Heritage Grants

Open February 2014.

---

Next Meeting:

The next meeting of the Tweed River Committee will be held Wednesday 12 February 2014.

The meeting closed at 12.30pm.

**EXECUTIVE MANAGEMENT TEAM COMMENTS:**

**BA2. Stocking of Fish in Clarrie Hall Dam**

**Nil.**

**EXECUTIVE MANAGEMENT TEAM RECOMMENDATIONS:**

**BA2. Stocking of Fish in Clarrie Hall Dam**

**That Council writes to the research body, Southern Cross University, noting that Council has a strong interest in the project and should be liaised with and kept up to date with progress of the project.**

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Adopted by Council 24 January 2013.

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

Not applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

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

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

### REPORTS FROM THE GENERAL MANAGER IN COMMITTEE

#### C1 [GM-CM] Organisational Structure

#### REASON FOR CONFIDENTIALITY:

##### Local Government Act

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

- (a) personnel matters concerning particular individuals (other than councillors).

Valid



## 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
- 
-

## REPORTS FROM THE DIRECTOR ENGINEERING AND OPERATIONS IN COMMITTEE

### C2 [EO-CM] Park Naming - Terranora

#### REASON FOR CONFIDENTIALITY:

##### Local Government Act

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

- (a) personnel matters concerning particular individuals (other than councillors).

Valid

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## Supporting Community Life

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

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

### C3 [EO-CM] Lease to Telstra - Depot Road, Kings Forest

#### REASON FOR CONFIDENTIALITY:

This reports relates a commercial lease transaction between Council and Telstra.

##### Local Government Act

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

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

Valid

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## Civic Leadership

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

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



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